



# REPORT

To: Chair and Directors

Report Number: DS-BRD-393

From: Ashley Murphey, RPP, MCIP, GM of Development Services

Date: April 4, 2024

**Subject: Section 57 Notice on Title - PID 013-138-898**

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## **RECOMMENDATION: [Corporate Unweighted]**

That the Regional Board authorize the Corporate Officer to place a Notice on Title of the property identified as PID 013-138-898 regarding construction and alterations of structures on the property without building permits and contrary to PRRD Building Bylaw No. 2131, 2014 pursuant to Section 57 of the *Community Charter* and Section 302 of the *Local Government Act*.

## **BACKGROUND/RATIONALE:**

The Notice on Title is being recommended by the Building Official as the structures were built, additions were added and renovated; all without building permits required per PRRD Building Bylaw No. 2131, 2014.

**Owner:** Tanya Clary

**Area:** D

**Location:** Dawson Creek

**Legal:** Lot 1, Section 4, Township 78, W6M, PRD, Plan 19989, Except Plan 26457.

**PID:** 013-138-898

**Civic Address:** 13033 219 Road

Section 57 of the *Community Charter* provides a local government with the authority to place a Notation on Title to a property when the local government is aware that a building has been constructed without a permit, or contrary to the *BC Building Code* or Building Bylaw regulations. This is done primarily as a 'warning' to future property owners who may otherwise not be made aware of the situation, and also to protect the local government from liability for negligent misrepresentation claims regarding the permitting history of a property.

This property is located within the Mandatory Building Permit Area and prospective purchasers may therefore assume that the construction was inspected and completed in compliance with the prevailing construction standards and bylaws.

The Building Official has provided the attached recommendation, in accordance with the *Community Charter* S.57, that a notice be registered on the title to the property [PID 013-138-898] advising that no building permits were obtained for the structures on the property.

The Corporate Officer has provided Notice to the property owner, according to Section 57 of the *Community Charter*, of the Board's intent to consider placing a Notice on Title and has provided the

property owner the opportunity to address the Board prior to the Board making a decision to place the Notice on the Title.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board receive the report titled "Section 57 PID 013-138-898 dated February 22 or March 7, 2024" and decline to authorize the Corporate Officer to place a Notice on Title of the property.
2. That the Regional Board provide further direction.

**STRATEGIC PLAN RELEVANCE:**

- Not Applicable to Strategic Plan

**FINANCIAL CONSIDERATION(S):**

In addition to the legal fees in the approximate amount of \$143.00 per property, a filing fee of \$75.00 is paid to the Land Title and Survey Authority for registration of the notice on the title.

**COMMUNICATIONS CONSIDERATION(S):**

As required by the *Local Government Act*, a letter was sent to the owner of the property via registered mail, advising that the Board would consider placement of a Section 57 Notice on Title of the property. The property owner was offered an opportunity to address the Board at the February 22 or March 7, 2024, meeting.

**OTHER CONSIDERATION(S):**

None at this time.

**Attachments:**

1. Memo from Building Official - Notice on Title for PID 013-138-898