



# REPORT

To: Chair and Directors

Report Number: DS-BRD-336

From: Tyra Henderson, Corporate Officer

Date: October 26, 2023

**Subject: Section 57 Notice for PID 003-915-336**

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

That the Regional Board authorize the Corporate Officer to place a notice on title of the property identified as PID 003-915-336 regarding construction of 7 self-storage buildings, without a building permit and contrary to the PRRD Building Bylaw No. 1996, 2011 and No. 2131, 2014 pursuant to Section 57 of the *Community Charter* and Section 302 of the *Local Government Act*.

## **BACKGROUND/RATIONALE:**

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 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 may protect the local government from liability for negligent misrepresentation claims regarding the permitting history of a property.

The Memo attached to this report outlines the history of the property and actions taken by the PRRD to correct the building code deficiencies to date.

On October 12, 2023, the PRRD received a letter from the property owner’s legal counsel, Giesbrecht Law Corporation, regarding the proposed Section 57 Notice on Title.

According to their own correspondence the construction commenced in 2014 and lasted until 2016.

Records indicate that Development Permit No. 187/2014 was issued for the construction of a 35,000ft<sup>2</sup> mini storage building on the subject property on September 17, 2014. This Development Permit clearly indicates that it is not a Building Permit in addition to stating that the Development Permit is subject to compliance with all applicable Peace River Regional District bylaws, which would have included Building Bylaw No. 1996, 2011 (see attachment No. 2 Development Permit No. 187/2014) at that time.

Section 6.1 of Building Bylaw No. 1996, 2011 which was in force until November 27, 2014 would have required a building permit for these buildings. Section 2.5.1 of Building Bylaw No. 2131, 2014 adopted in 2014 also required a building permit for these structures. The smallest of the buildings is 294 m<sup>2</sup>, therefore none of the buildings were ever exempt from the building permit requirements under either building bylaw.

December 2, 2013      Building Bylaw No. 1996, 2011 was adopted

November 27, 2014      Building Bylaw No. 2131, 2014 was adopted

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 Inspector 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 003-915-336) advising that no building permits were obtained for the construction of 7 separate self-storage buildings on the property.

The Corporate Officer 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 provided the property owner the opportunity to address the Board prior to the Board making a decision to place a notice on the title. This notice was sent only after a structural condition assessment was completed by McElhanney February 8, 2023 with concerns in regards to the buildings critical life safety features. The Building Inspector advised the landowners on February 17, 2023 of the deficiencies and provided the requirements to bring the buildings into compliance with the *BC Building Code* along with the process that would need to be followed. The landowners were given time to obtain Engineering and Architectural certification that the building is fit and suitable for the intended use.

#### **ALTERNATIVE OPTIONS:**

1. That the Regional Board receive the report titled DS-BRD-336 - Section 57 Notice for PID 003-915-336" dated September 14, 2023 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 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 owners of the properties via registered mail and hand delivered to the property, advising that the Board would consider placement of a Section 57 notice on the title to the property. The property owner was provided an opportunity to address the Board and has indicated their intent to do so on October 26, 2023.

#### **OTHER CONSIDERATION(S):**

None at this time.

#### **Attachments:**

1. Memo From Building Inspector - Notice on Title for PID 003-915-336
2. Development Permit No. 187/2014
3. Letter from Giesbrecht Law Corporation dated October 10, 2023
4. Site Plan dated January 25, 2023