



# REPORT

To: Chair and Directors

Report Number: ADM-BRD-012

From: Tyra Henderson, Corporate Officer

Date: June 4, 2020

**Subject: Section 57 Notices: PID 024-899-283 and PID 012-097-624**

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## **RECOMMENDATION #1: [Corporate Unweighted]**

That whereas the Building Inspector has provided a recommendation to the Corporate Officer according to Section 57(1)(b) of the *Community Charter* that a notice be placed on the title of the property identified as PID 024-899-283 regarding construction of 3 dwellings, 2 additions to an accessory building and 20 storage containers without building permits and contrary to the PRRD Building Bylaw; and

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; therefore be it resolved

That the Board require the Corporate Officer, as authorized by Section 57 of the *Community Charter* and Section 302 of the *Local Government Act*, to place a notice on title to the property identified as PID 024-899-283 regarding construction of 3 dwellings, 2 additions to an accessory building and 20 storage containers without building permits and contrary to the PRRD Building Bylaw.

## **RECOMMENDATION #2: [Corporate Unweighted]**

That whereas the Building Inspector has provided a recommendation to the Corporate Officer according to Section 57(1)(b) of the *Community Charter* that a notice be placed on the title of the property identified as PID 012-097-624 regarding construction of a dwelling and accessory buildings without a building permit and contrary to the PRRD building bylaw regulations; and

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; therefore be it resolved

That the Board require the Corporate Officer, as authorized by Section 57 of the *Community Charter* and Section 302 of the *Local Government Act*, to place a notice on title to the property identified as PID 012-097-624 regarding construction of a dwelling and accessory buildings without a building permit and contrary to PRRD Building Bylaw.

**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 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.

These properties are located in 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 separate background information in the attached memos summarizing the history of the construction/placement of the structures on each of these properties.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board receive the report titled "Section 57 Notice on Title- PID 024-899-283 and PID 012-097-624" dated June 4, 2020 for information.
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 \$74.87 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 advising that the Board would consider placement of a Section 57 notice on the title to the property on June 25, 2020 and providing the owners with the opportunity to address the Board prior to its decision.

None of the property owners expressed a desire to speak to the Board prior to the Board considering placement of notices on the titles to their properties.

**OTHER CONSIDERATION(S):**

None at this time.

**Attachments:**

1. Memo from Building Inspector titled "Notice on Title- PID 024-899-283".
2. Memo from Building Inspector titled "Notice on Title- PID 012-097-624".