



# REPORT

To: Chair and Directors

Report Number: DS-BRD-420

From: Corporate Administration

Date: September 12, 2024

**Subject: Section 57 Notice - PID 029-166-748**

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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 029-166-748 regarding construction of a detached accessory building, without a building permit and contrary to the PRRD Building Bylaw No. 2131, 2014 pursuant to Section 57 of the *Community Charter* and Section 302 of the *Local Government Act*.

## **BACKGROUND/RATIONALE:**

Based on a complaint that was received in early January 2024, a site inspection confirmed that an accessory building had been constructed without the required permits. The landowners were advised of the permit requirements during the visit.

On March 6, 2024, a registered letter was sent advising the landowners that a notice on title would be recommended. In response, the owner spoke with staff and a development variance application was submitted, seeking to allow the additional size of the building as a first step toward bringing the structure into compliance.

On May 30, 2024, the Regional Board passed the following resolution:

*MOVED, SECONDED and CARRIED,  
That the Regional Board respectfully refuse to issue Development Variance Permit No. 24-005 to increase the maximum accessory building floor area from 300.0m<sup>2</sup> to 681.5m<sup>2</sup> (a difference of 381.5m<sup>2</sup>) on the property identified as PID: 029-166-748, as the proposal is not consistent with zoning.*

On June 24, 2024, a registered letter was sent to the landowner advising that as the variance to allow the additional square footage was not approved, the excess floor area would need to be removed for the property to be compliant with the PRRD Zoning Bylaw. The next step would be to seek a qualified, professional accredited engineer to review, inspect and provide a report complete with a BC Professional stamp, verifying the completed structure is compliant with the BC Building Code. Without the proper design review and required inspections, the building cannot be proven safe for its intended lifetime. For these reasons the Building Official is recommending a Notice on Title be placed on the subject property.

## **File Details**

**Owner:** David and Dailyn Huggins

**Agent:** N/A

**Area:** C

**Location:** Charlie Lake

**Legal:** LOT 1, SECTION 22, TOWNSHIP 84, RANGE 20, WEST OF THE 6TH MERIDIAN, PEACE RIVER DISTRICT, PLAN EPP32380

**PID:** 029-166-748

**Civic Address:** 13398 281 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 PRRD 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 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 Inspector has provided the recommendation in accordance with the *Community Charter* s.57, that a notice be registered on the title to the property (PID 029-166-748) advising that no building permits were obtained for the construction of a detached accessory building 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 regarding this matter.

#### **ALTERNATIVE OPTIONS:**

1. 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 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 offered an opportunity to address the Board at the August 15, 2024, meeting. The owner requested that consideration of the file be deferred to the September meeting as he did not collect the registered notice immediately and did not have time to submit presentation materials by the agenda deadline for August 15.

**OTHER CONSIDERATION(S):**

None at this time.

**Attachments:**

1. Memo from Building Inspector July 15, 2024 Re: Notice on Title PID 029-166-748\_281 Rd

Deferred from September 12, 2024 Regional Board