



REPORT

To: Chair and Directors

Report Number: DS-BRD-397

From: Tyra Henderson, Corporate Officer

Date: April 18, 2024

Subject: Section 57 Notice for PID 024-883-212

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board authorize the Corporate Officer to place a Notice on Title of the property identified as PID 024-883-212 regarding construction of a Detached Accessory Building, without a Building Permit 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 after a complaint was received. A site visit was conducted, and it was found that an Accessory Building was constructed without a Building Permit. The owner was notified about the permit requirements via registered mail and followed up with a meeting in the Fort St John office. Without a compliant Principal Use established on the property, the Accessory building is in contravention of Peace River Regional District Zoning Bylaw No. 1343, 2001.

Owner: Kevin Aitchison

Agent: N/A

Area: C

Location: Charlie Lake

Legal: LOT A EXCEPT PART IN PLAN BCP2745, SECTION 29, TOWNSHIP 84, RANGE 19, W6M, PRD, PLAN PGP46064

PID: 024-883-212

Civic Address: 12744 Aitchison Road

Section 57 of the *Community Charter* provides a local government with the authority to place a Notice 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.

This property is located within the mandatory Building Permit Area, and prospective purchasers may 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 024-883-212) advising that no

building permits were obtained for the construction of an 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 decision regarding placement of a notice on the title.

ALTERNATIVE OPTIONS:

1. That the Regional Board receive the report titled "Section 57 Notice for PID 024-883-212 dated April 18, 2024" and decline to authorize the Corporate Officer to place a Notice on Title of the Property identified as PID 024-883-212.
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 Title of the property. The property owner was offered an opportunity to address the Board at the April 18, 2024, meeting.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Memo from Building Inspector - S.57 Memo 12744 Aitchison Road