

# FRASER VALLEY REGIONAL DISTRICT



## ELECTORAL AREA SERVICES COMMITTEE

### MERGED OPEN MEETING AGENDA AND ADDENDUM

Tuesday, July 10, 2018

1:30 pm

FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

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Pages

1. CALL TO ORDER

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

**MOTION FOR CONSIDERATION**

**THAT** the Agenda, Addenda and Late Items for the Electoral Area Services Committee Open Meeting of July 10, 2018 be approved;

**AND THAT** all delegations, reports, correspondence and other information set to the Agenda be received for information.

3. SHOW CAUSE HEARING(S)

3.1 **Section 57 Show Cause Hearing – Building Contraventions at 48977 Riverbend Drive; EA E, Lot 7 District Lot 500 Group 2 New Westminster District Plan LMP18665 pid 002-428-971**

9 - 45

***[ OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO BE HEARD ]***

- Corporate report dated July 10, 2018 from Louise Hinton, Bylaw Compliance and Enforcement Officer
- Letter dated March 15, 2018 to Serge Lavoie and Christin Marcotte, Property Owners
- Letter dated April 6, 2018 to Serge Lavoie and Christin Marcotte, Property Owners
- Letter dated to April 27, 2018 to Christin Marcotte and Dale Pedersen
- Letter dated June 13 to Christin Marcotte and Dale Pederson
- Title Search
- Property Information Map

**MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the Fraser Valley Regional District Building Bylaw No. 1188, 2013, at 48977 Riverbend Drive, Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as: Lot 7 District Lot 500 Group 2 New Westminster District Plan LMP 18665; and Parcel Identifier 018-925-332).

**3.2 Building Bylaw & BC Building Code Contraventions at 42935 Athey Rd, EA G, in part legally desc. as the whole of the Island in the east half of Section 4 Twp. 24, 1893 New Westminster District, PID 002-428-971**

46 - 56

***[ OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO BE HEARD ]***

- Corporate report dated July 10, 2018 from Louise Hinton, Bylaw Compliance and Enforcement Officer
- Letter dated June 1, 2018 to Edward Forber, Property Owner
- Title Search
- Property Location Map

**MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, at 42935 Athey Road Electoral Area G, Fraser Valley Regional District, British Columbia; legally described as the whole of the Island in the east half of section 4 township 24 which is situated in Zait Scullachan Slough containing 6.25 acres more or less as shown on the plan of said Township dated the 18th day of September, 1893 New Westminster District. Parcel Identifier: 002-428-971.

**3.3 Building Bylaw & BC Building Code Contraventions at 4164 Slesse Rd, EA E, legally desc. as Lot 25 Except: Part within Heavy outline taken by Hwy Stat. ROW Plan 64013, Sect.33 Twp.1 Range 29 West of the Sixth Meridian NW Dist.Plan 24078, PID 009-301-780**

57 - 104

***[ OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO BE HEARD ]***

- Corporate report dated July 10, 2018 from Louise Hinton, Bylaw Compliance and Enforcement Officer
- Letter dated January 24, 2018 to Marcel and Bernice Champigny, Property Owners
- Letter dated June 1, 2018 to Marcel and Bernice Champigny
- Title Search
- Property Information Map

**MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, at 4164 Slesse Road Electoral Area E, Fraser Valley Regional District, British Columbia (as Lot 25 Except: Part within Heavy outline taken by Highway Statutory Right of Way Plan 64013, Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24078; Parcel Identifier: 009-301-780.

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| 3.4 | <p><b><u>Building Bylaw &amp; BC Building Code Contraventions at 4150 Slesse Rd, EA E, legally desc. as Lot 23 Except: Part within Heavy Outline taken by Hwy SRW Plan 64013; Section 33 Township 1 Range 29 West of the sixth Meridian NW Dist. Plan PID 002-053-578</u></b></p> | 105 - 133 |
|-----|---|-----------|

***[ OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO BE HEARD ]***

- Corporate report dated July 10, 2018 from Louise Hinton, Bylaw Compliance and Enforcement Officer
- Letter dated March 16, 2018 to Karl and Wendy Herrington, Property Owners
- Letter dated June 1, 2018 to Karl and Wendy Herrington, Property Owners
- Title Search
- Property Information Map

**MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, at 4150 Slesse Road Electoral Area E, Fraser Valley Regional District, British Columbia; legally described as (Lot 23 Except: Part within Heavy Outline taken by Highway SRW Plan 64013; Section 33 Township 1 Range 29 West of the sixth Meridian New Westminster District Plan 24078. Parcel Identifier: 002-053-578.

**4. DELEGATIONS AND PRESENTATIONS**

None

**5. MINUTES/MATTERS ARISING**

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|-----|---|-----------|
| 5.1 | <p><b><u>Minutes of the Electoral Area Services Committee Meeting - June 12, 2018</u></b></p> | 134 - 145 |
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**MOTION FOR CONSIDERATION**

**THAT** the Minutes of the Electoral Area Services Committee Open Meeting of June 12, 2018 be adopted.

## 6. CORPORATE ADMINISTRATION

### 6.1 Elections Update

146 - 147

#### ***FOR INFORMATION ONLY***

- Corporate report dated July 10, 2018 from Jaime Schween, Manager of Corporate Administration

## 7. FINANCE

### 7.1 Grant-In-Aid Request – Fraser Valley Bald Eagle Festival Society, Electoral Area “C”

148 - 150

- Corporate report dated July 10, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - FV Bald Eagle Festival Society

#### **MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,000 to the Fraser Valley Bald Eagle Festival Society, funded from Electoral Area “C”, to assist in the funding of their annual Fraser Valley Bald Eagle Festival.

### 7.2 Grant-In-Aid Request – Hemlock Valley Homeowners Association, Electoral Area “C”

151 - 154

- Corporate report dated July 10, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Hemlock Valley Homeowners Association

#### **MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board approve a grant-in-aid to the Hemlock Valley Homeowners Association (HVHA) in the amount of \$3,000, to be funded from the 2018 Electoral Area “C” grant-in-aid budget to help offset the costs associated with purchasing a storage locker for their equipment along with the hosting of several community events used to encourage family participation to increase community awareness.

### 7.3 Grant-In-Aid Request – Sts’ailes Community School, Electoral Area “C”

155 - 157

- Corporate report dated July 10, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Sts’ailes Community School

#### **MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,000 to the Sts’ailes Community School, funded from the Electoral



Area “C” grant-in-aid budget to help offset the costs of operating the secondary athletics program run through the Community School.

**7.4      Grant-In-Aid Request – McConnell Creek Farmers Institute, Electoral Area “F”      158 - 161**

- Corporate report dated July 10, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - McConnell Creek Farmers Institute

**MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board approve a Grant-in-Aid to the McConnell Creek Farmers Institute (community hall) in the amount of \$5,000 to be funded from the 2018 Electoral Area “F” grant-in-aid budget to assist with the costs of completing building improvements that will provide for an expanded covered area for community hall events.

**7.5      Grant-In-Aid Request - Lake Errock Community Association, Electoral Area C      162 - 164**

- Corporate report dated July 10, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Lake Errock Community Association

**MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board approve a grant-in-aid to the Lake Errock Community Association in the amount of \$2,500 to be funded from the 2018 Electoral Area “C” grant-in-aid budget to help offset the costs associated with the hosting of several events that encourage community inclusiveness.

**7.6      Grant-In-Aid Request - Deroche and District Community Association, Electoral Area C      165 - 167**

- Corporate report dated July 10, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Deroche and District Community Association

**MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board authorizes a grant-in-aid in the amount of \$2,000 to the Deroche & District Community Association, funded from the 2018 Electoral Area “C” grant-in-aid budget, to provide funds for cement picnic tables adjacent to their community tennis courts.

**7.7      Grant-In-Aid Request - Deroche Elementary School PAC, Electoral Area C      168 - 175**

- Corporate report dated July 10, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Deroche Elementary School PAC

### **MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,500 to Deroche Elementary School, funded from the Electoral Area “C” grant-in-aid budget, to help offset the costs of constructing a shelter structure for year round enjoyment.

#### **7.8      Grant-In-Aid Request - Deroche Elementary School PAC, Electoral Areas C and G** 176 - 180

- Corporate report dated July 10, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Deroche Elementary School PAC

### **MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$5,000 to the Deroche Elementary School PAC, funded from the 2018 Electoral Area “C” grant-in-aid budget in the amount of \$2,000 and from the 2018 Electoral Area “G” grant-in-aid budget in the amount of \$3,000, to help offset the costs of field trips, hot lunches, Christmas hampers, tables, emergency items and outdoor education programs.

#### **7.9      Grant-In-Aid Request - Columbia Valley Ratepayers Association, Electoral Area H** 181 - 183

- Corporate report dated July 10, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Columbia Valley Ratepayers Association

### **MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid to the Columbia Valley Ratepayers Association in the amount of \$4,000 to be funded from the 2018 Electoral Area “H” grant-in-aid budget to help offset the costs of community hall improvements.

#### **7.10    Grant-In-Aid Request – Dewdney Elementary School PAC, Electoral Area “G”** 184 - 187

- Corporate report dated July 10, 2018 from Kristy Hodson, Manager of Financial Operations
- GIA Application - Dewdney Elementary School PAC

### **MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$3,000 to the Dewdney Elementary School PAC, funded from the 2018 Electoral Area “G” grant-in-aid budget to help offset the costs of accessibility additions to the playground and a community sign.

## **8.      ENGINEERING & UTILITIES**

- Corporate Report dated July 10, 2018 from Sterling Chan, Manager of Engineering & Infrastructure

**MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board direct staff to submit grant applications under the Investing in Canada Infrastructure Program – Green Infrastructure – Environmental Quality Sub-Stream intake for the following projects:

Electoral Area A: Canyon Alpine Water System Upgrades

Electoral Area B: Dogwood Valley Water System Upgrades

Electoral Area C: Electoral Area C Transfer Station Upgrades

Electoral Area D: Electoral Area D Integrated Water System Upgrades

Electoral Area F: Hatzic Prairie Water System Stream Flow Monitoring Gauges

Electoral Area G: Hatzic East Water System

Electoral Area H: Cultus Lake Sewer System Upgrades

**9. PLANNING, BUILDING INSPECTION AND BYLAW ENFORCEMENT**

**9.1 Application for Development Variance Permit 2018-24 to reduce the parcel size and increase the gross floor area for an Accessory Cottage Industry Use at 35406 Durieu Road, Electoral Area F**

192 - 207

- Corporate report dated July 10, 2018 from Andrea Antifaeff, Planning Technician
- DVP Application
- Draft DVP 2018-24

**MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2018-24 to reduce the parcel size required for an accessory cottage industry use from 2.0 hectares (4.94 acres) to 1.9 hectares (4.69 acres) and to increase the gross floor area for an Accessory Cottage Industry Use from 80m<sup>2</sup> (861 ft<sup>2</sup>) to 140m<sup>2</sup> (1500 ft<sup>2</sup>) at 35406 Durieu Road, Area “F”, subject to consideration of any comments or concerns raised by the public.

**9.2 Application for Development Variance Permit 2018-25 to reduce the interior side lot line setback to permit the construction of a dairy barn at 9518 Catherwood Road, Area G**

208 - 221

- Corporate report dated July 10, 2018 from Andrea Antifaeff, Planning Technician

- DVP Application
- Draft DVP 2018-25

**MOTION FOR CONSIDERATION**

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2018-25 for the property located at 9518 Catherwood Road, Electoral Area G, to reduce the interior side lot line setback from 30.0 metres (98.4 feet) to 15 metres (49.2 feet), clear to sky, to facilitate the construction of a cattle barn, subject to consideration of any comments or concerns raised by the public.

**10. ELECTORAL AREA EMERGENCY SERVICES**

No Items.

**11. ADDENDA ITEMS/LATE ITEMS**

**12. REPORTS BY STAFF**

**13. REPORTS BY ELECTORAL AREA DIRECTORS**

**14. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA**

**15. RESOLUTION TO CLOSE MEETING**

**MOTION FOR CONSIDERATION**

**THAT** the meeting be closed to the public, except for Senior Staff and the Executive Assistant, for the purpose of receiving and adopting Closed Meeting minutes convened in accordance with Section 90 of the *Community Charter* and to consider matters pursuant to:

- Section 90(1)(c) of the *Community Charter* - labour relations or other employee relations.

**16. RECONVENE OPEN MEETING**

**17. RISE AND REPORT OUT OF CLOSED MEETING**

**18. ADJOURNMENT**

**MOTION FOR CONSIDERATION**

**THAT** the Electoral Area Services Committee Open Meeting of July 10, 2018 be adjourned.

To: Electoral Area Services Committee

Date: 2018-07-10

From: Louise Hinton, Bylaw Compliance and Enforcement Officer

File No: E01271.221/2

**Subject: Section 57 Show Cause Hearing – Building Contraventions at 48977 Riverbend Drive; Lot 7 District Lot 500 Group 2 New Westminster District Plan LMP18665 and PID 018-925-332**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the Fraser Valley Regional District Building Bylaw No. 1188, 2013, at 48977 Riverbend Drive Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as; Lot 7 District Lot 500 Group 2 New Westminster District Plan LMP18665; and Parcel Identifier 018-925-332)

### STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship

Provide Responsive & Effective Public Services

### BACKGROUND

**November 1, 2011** – Regional District Bylaw Staff received correspondence from the Royal Canadian Mounted Police (RCMP) by email regarding the subject property at 48977 Riverbend Drive. The RCMP removed a medicinal Marijuana Grow Operation from the Single Family Dwelling at 48977 Riverbend Drive on October 28, 2011.



**November 2, 2011** – One of the Property Owners of 48977 Riverbend Drive Mr. Serge Lavoie and his son, Andre Lavoie, came to the front counter at the Chilliwack Regional District Office and spoke with FVRD Bylaw Staff. Mr. Lavoie stated that he had a Marijuana Grow on this property, but his Federal Health Canada Licence had expired two weeks ago. Mr. Lavoie stated that the RCMP recently removed the Marijuana Grow Operation from his property and he wanted to find out what he needed to do to re-start his grow operations again. Mr. Lavoie told FVRD Staff that he had done construction works to both the Single Family Dwelling and the workshop to accommodate the Marijuana Grow Operations in both structures. FVRD Bylaw Staff explained to Mr. Lavoie that he would need to apply for a Building Permit to decommission the Marijuana Grow Operation from the Single Family Dwelling to return it to a residential use; and that the workshop would also require a Building Permit (for the change of use from a workshop to a Marijuana Grow Operation). Regional District Bylaw Staff provided Mr. Lavoie contact information for the BC Safety Authority, and Building Permit applications for the works done without Building Permits. Mr. Lavoie stated that he would not apply today, but would be in touch and he provided contact information to staff.

**November 18, 2011** - RCMP contacted Regional District Bylaw Staff by telephone and provided photographs and the RCMP File (No. 2011-33718) for the grow operation that they removed at 48977 Riverbend Drive on October 28, 2011.

**November 24, 2011** – Regional District Bylaw Staff created a bylaw enforcement file for the subject property at 48977 Riverbend Drive. FVRD Bylaw Staff conducted background file research and found partial construction drawings for the workshop in the Original Building Permit file for the workshop, (BP97085), completed in 1998. The construction drawings illustrate the workshop had an open plan concept. Staff compared the original construction drawings of the workshop to the RCMP inspection photographs and it appears that there have been significant alternations made to the workshop.

**June 7, 2012 16:20hrs** – Regional District Bylaw staff attempted to contact the Property Owner Mr. Serge Lavoie by telephone, however there was no answer, so FVRD Staff left a voicemail message for Mr. Lavoie requesting a return call back.

**June 8, 2012 15:52hrs** - Regional District Bylaw staff attempted to contact the Property Owner Mr. Serge Lavoie by telephone, however there was no answer, so FVRD Staff left a voicemail message for Mr. Lavoie requesting a return call back.

**June 29, 2012** –Regional District Bylaw Staff attempted to contact the RCMP regarding the subject property however there was no answer, so FVRD staff left a voicemail message requesting that RCMP Staff attend the subject property with Regional District Staff on their upcoming site inspection to keep the peace.

**July 13, 2012 16:00hrs** - Regional District Bylaw staff attempted to contact the Property Owner Mr. Serge Lavoie by telephone, however there was no answer, so FVRD Staff left a voicemail message was for Mr. Lavoie requesting a return call back.

**July 18, 2012** – Regional District Bylaw and Building Inspection Staff attended the subject property at 48977 Riverbend drive for a site inspection. The Property Owner Mr. Serge Lavoie and his son



Andre Lavoie were on site, and RCMP Staff were in attendance to keep the peace. FVRD Staff conducted a full site inspection of both the Single Family Dwelling and the detached workshop. FVRD Staff discovered extensive construction alterations had been done to both structures without Building Permits to house Marijuana Grow Operations. FVRD Building Inspection Staff posted Stop Work and No Occupancy Notices on both the Single Family Dwelling and the detached workshop. Inspection photographs were taken.

Inspection Photos dated **July 18, 2012** of Single Family Dwelling :



Inspection Photos dated **July 18, 2012** of Accessory Workshop:



**August 22, 2012** - Regional District Bylaw Staff met with one of the Property Owners, Ms. Christin Marcotte, at the FVRD Chilliwack Office. Ms. Marcotte applied for two Building Permits (BP012809) for remediation and change of use for the Single Family Dwelling; and (BP012810) for the change of use from a detached workshop to a medical Marijuana Grow facility.

**November 21, 2012** – Two separate letters are sent by regular mail to the Property Owners Ms. Christin Marcotte, and Mr. Serge Lavoie listing the required outstanding items to complete their two Building Permits (Bo12809) for the remediation and change of use for the Single Family Dwelling; and (BP012810) for the change of use from a detached workshop to a medical Marijuana Grow facility.

**March 27, 2013** – A second set of two separate letters are sent by regular mail to the Property Owners Ms. Christin Marcotte, and Mr. Serge Lavoie listing the required outstanding items to complete their two Building Permits (Bo12809) for the remediation and change of use for the Single Family Dwelling; and (BP012810) for the change of use from a detached workshop to a medical Marijuana Grow facility.

**October 20, 2014** – A third set of two separate letters are sent by regular mail to the Property Owners Ms. Christin Marcotte, and Mr. Serge Lavoie listing the required outstanding items to complete their two Building Permits (Bo12809) for the remediation and change of use for the Single Family Dwelling; and (BP012810) for the change of use from a detached workshop to a medical Marijuana Grow facility.

**February 11, 2015** - A fourth set of two separate letters was sent by regular mail to the Property Owners Ms. Christin Marcotte, and Mr. Serge Lavoie to notify them that both of their two Building Permit Applications (Bo12809), (Bo12810) have now been closed due to inactivity. The letters each also advise the Property Owners that their files have now been referred back to the Regional District Bylaw Enforcement Department for follow-up.

**March 17, 2015** – A letter is sent to the Property Owners Ms. Christin Marcotte and Mr. Serge Lavoie by regular mail advising them that their file was referred back to the Bylaw Enforcement Department for follow-up. This letter requests compliance or contact with the Regional District Bylaw or Building Department prior to April 17, 2015.

**April 1, 2015** – Regional District Bylaw Staff received a telephone from a complainant regarding the subject property at 48977 Riverbend Drive alleging that the property is unsightly with garbage bags laying around in the front yard.

**September 24, 2015** – Regional District Bylaw and Management Staff attended the subject property at 49877 Riverbend Drive for a scheduled follow-up site inspection. The Property Owners Mr. Serge Lavoie and Ms. Christin Marcotte were both on site and RCMP Staff were in attendance to keep the peace. FVRD Staff conducted a full site inspection of the property, including the Single Family Dwelling and the detached workshop. The property is not in contravention of the Unsightly and Unwholesome Bylaw at this time. The Single Family Dwelling no longer contains a Marijuana Grow Operation and is currently once again being used for residential purposes. The detached workshop continues to contain an active Marijuana Grow Operation. Regional District Bylaw Staff spoke with the Property Owners regarding their closed Building Permits, and the bylaw enforcement history on their property before providing them with a package that included copies of the correspondence from both the Bylaw Enforcement and the Building Department files and a section 57 Notice on Title information sheet. The Property Owners said they would contact FVRD



Bylaw Staff once they had a reviewed the package, but stated that were unable to complete the Building Permit due to the associated costs.

**January 18, 2016** – Regional District Bylaw Staff contacted the Property Owner Ms. Christin Marcotte by telephone. FVRD staff asked Ms. Marcotte if she had a chance to review the package provided to her at the last inspection four months ago. FVRD Bylaw Staff asked Ms. Marcotte if she had any questions or concerns with the Regional District moving forward to start a process of registering a section 57 notice on the title of her property. Ms. Marcotte informed FVRD Bylaw Staff that she had not reviewed the package, so FVRD Staff requested she review the package and then contact Regional District Bylaw Staff within ten days to discuss it.

**January 20, 2016** - Regional District Bylaw Staff contacted the property the Property Owner Ms. Christin Marcotte by telephone. Ms. Marcotte stated that she has reviewed the information package, but has misplaced it and would like it if FVRD Staff could forward the information to her again by email. Regional District Bylaw Staff sent the information package to the Property Owner Ms. Christin Marcotte by email as she requested.

**February 3, 2016** – Property Owner Ms. Christin Marcotte contacted Regional District Bylaw Staff by email with an attached letter that appeared to be in some kind of draft addressed to Director of Planning and Development from Mr. Pederson. Regional District Bylaw Staff consulted with the Director and there was no knowledge of this draft letter. Regional District Bylaw Staff replied to Ms. Marcotte stating that Regional District Bylaw Staff did not receive any alleged correspondence.

**February 10, 2016** – Mr. Dale R. Pedersen, counsel for the Property Owners Ms. Christin Marcotte, and Mr. Serge Lavoie contacted the Director of Planning and Development for the Fraser Valley Regional District by email stating that he will be the contact for the bylaw file for 48977 Riverbend Drive moving forward. Mr. Pederson stated that the Property Owners are requesting a meeting with the FVRD to discuss their property as they have concerns regarding the impact a Section 57 notice would have on them and their property value. Mr. Pederson outlined that Ms. Marcotte and Mr. Lavoie are very stressed; they have privacy concerns over inspections with marked police vehicles, and therefore requested a delay in taking any steps toward filing a notice on the title of the property.

**February 18, 2016** – Regional District Bylaw Staff received a new complaint by email that alleges that the subject property at 48977 Riverbend Drive is in an unsightly and untidy condition, and causing a nuisance to neighbours because of the smell from the Marijuana Grow Operation.

**February 23, 2016** - Regional District Bylaw Staff received an email from the Property Owners legal counsel Mr. Dale Pederson who requested that the FVRD contact him by telephone directly. FVRD Bylaw Staff attempted to contact Mr. Pederson directly by telephone however Mr. Pederson was not available. FVRD Bylaw Staff left a message with Mr. Pederson's Assistant who assured Regional District Staff that he would return the call.

**February 25, 2016** - Regional District Bylaw Staff spoke with Mr. Dale Pedersen, counsel for the Property Owners Ms. Marcotte and Mr. Lavoie. Mr. Pederson requested a summary of bylaw enforcement file events to date which was subsequently provided to him by FVRD Bylaw Staff. Mr.

Pedersen informed Regional District Bylaw Staff that he was going on vacation, but upon his return he would speak to Property Owners and follow-up with the Regional District.

**March 15, 2018** - Regional District Bylaw Staff sent a letter to both the Property Owners Ms. Christin Marcotte and Mr. Serge Lavoie and their counsel Mr. Dale Pederson by email and regular mail advising them of staff's recommendation to proceed with the process of registering a Section 57 *Community Charter* notice on the title of their property at 48977 Riverbend Drive. This letter gave the owners a final opportunity to achieve voluntary compliance by the deadline of April 6, 2018. FVRD Staff has not received a response or any Building Permit Applications from the Property Owners Ms. Christin Marcotte and Mr. Serge Lavoie or their counsel Mr. Dale Pederson to date.

**March 29, 2018** – Regional District Bylaw and Building Inspection Staff spoke with a Real Estate Agent who was considering listing the subject property at 48977 Riverbend Drive for sale.

**April 26, 2018** – Regional District Bylaw and Management Staff received a letter by facsimile from Mr. Dale Pederson, legal counsel for the Property Owners Mr. Serge Lavoie and Ms. Christin Marcotte that Mr. Serge Lavoie was recently deceased, and requested that the FVRD re-schedule the Show Cause Hearing until June 2018.

**April 27, 2018** – Regional District Staff sent a letter by both email and regular mail to Mr. Dale Pederson and the Property Owner Ms. Christin Marcotte offering condolences and providing legal notification that the show cause hearing would be re-scheduled to the next EASC meeting on June 12, 2018 at 1:30pm.

**June 12, 2018** – Regional District Management Staff met Property Owner Ms. Christin Marcotte at the Chilliwack Regional District Office before and unrelated to the scheduled Show of Cause Hearing. Ms. Marcotte requested another adjournment to re-schedule the date of the show cause hearing on compassionate grounds.

**June 14, 2018** - Regional District Staff sent a letter by both email and regular mail to Mr. Dale Pederson and the Property Owner Ms. Christin Marcotte. The letter offered condolences and provided legal notification that the show cause hearing would be re-scheduled to the next EASC meeting on July 10, 2018 at 1:30pm.

**June 14, 2018** – Regional District Bylaw Staff received contact from the Property Owner's legal counsel, Mr. Dale Pederson's Office by telephone. A voicemail was left for staff providing information that the Property Owner Ms. Christin Marcotte was no longer a client of Mr. Pederson's Office.

**June 2018** - The property is currently listed for sale (MLS #R2275681) by Nick Van, HomeLife Glenayre Realty Chilliwack Ltd.

## DISCUSSION

Section 57 of the *Community Charter* allows a Building Inspector to recommend a resolution to place a Notice on the Title of a property if a contravention of a bylaw or another enactment that

related to the construction or safety of a building is observed. A Notice on Title serves as notice to anyone searching the title that the property may be in breach of local government bylaws or other enactments; provide disclosure to future owners; and protects against potential claims with regard to the contraventions.

Staff requests that the Electoral Services Committee consider the following information:

#### Building Bylaw

Staff is authorized to regulate minimum construction standards within electoral areas via the *Fraser Valley Regional District Building Bylaw No. 1188, 2013* (Building Bylaw) for health, safety and the protection of persons and property. The bylaw provides that no person shall commence any construction, alternation, reconstruction, demolition, removal, relocation or change the occupancy of any building.

The alteration works to the Single Family Dwelling, and the accessory workshop were all constructed without required Building Permits.

In November of 2011 it was discovered that the Single Family Dwelling was converted to a Marijuana Grow Operation. Any residential structure that houses a Marijuana Grow Operation requires a Building Permit to remediate the building for health purposes once the Grow Operation has been removed.

Any structure that has a change of use from its initial intended use is required to obtain a Building Permit to authorize the new use in order to comply with Bylaw and *BC Building Code* Regulations. The initial use of the Single Family Dwelling was for residential use, so a permit is required for the change of use to a Marijuana Grow Operation. The initial use of the accessory workshop was for storage use, so a permit is required for the change of use to a Marijuana Grow Operation.

**Multiple Building Permits are required for the works undertaken by the Property Owner; or a demolition Building Permit is required to remove all construction completed without permits.**

#### Zoning Bylaw

This property is in Electoral Area E, and is zoned *Multi-Use Residential* (RS-2) under the *Zoning Bylaw No. 66, 1979 of the Regional District of Fraser-Cheam* (Bylaw 66). The primary purpose of this zone is to provide opportunity for the establishment of mobile homes, as well as convention homes, on individually owned lots.

The Single Family Dwelling and the accessory workshop both had construction works to operate Marijuana Grow Operations. A Marijuana Grow Operation Use is not listed as a permitted use in the RS-2 zone.

**A successful re-zoning of the property would be required to authorize the unpermitted use of a Marijuana Grow Operation.**

## **COST**

Land Titles Office filing fee of approximately \$55.

The owner will be required to pay a removal fee of \$500 in accordance with the *Fraser Valley Regional Building Bylaw 1188, 2013*, after the unpermitted construction works on Single Family Dwelling, and the accessory workshop are either:

1. Demolished with Building Permits issued by the FVRD with a successful final inspections; or
2. Two fully completed Building Permits for the construction works to the Single Family Dwelling, and the accessory workshop are issued by the FVRD and both receive successful final inspections. The applications require the rezoning of the property to permit a Marijuana Grow Operation Use.

## **CONCLUSION**

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the construction works in the single family home and the accessory workshop that were done without Building Permits and the construction without a Development Permit violate multiple Regional District Bylaws, and the *British Columbia Building Code*. Staff further notes that full compliance will only be achieved with the successful completion of two fully completed Building Permits for the construction works to the Single Family Dwelling, and the workshop.

Regrettably, but in the interest of full public disclosure and as incentive to achieving voluntary compliance, I, as an Appointed Building Inspector, believe that the filing of Notice is appropriate in this instance and submit the above recommendation in accordance with Section 57 of the *Community Charter*.

Electoral Area Services Committee (EASC) approval and Regional District Board resolution is required to assess Section 57 notices.

The process of filing a Section 57 notice on property title is conducted in accordance with the *Community Charter* and the *Local Government Act*.

Regional District requirements for Building Permit works are being administered in accordance with related *Fraser Valley Regional District Bylaws*, Policies, and the *BC Building Code*.

## **COMMENTS BY:**

**Margaret Thornton, Director of Planning & Development**

Reviewed and Supported.

**Mike Veenbaas, Director of Financial Services**

No further financial comment.

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported

March 15, 2018

Via Email: [info@dalepederson.com](mailto:info@dalepederson.com)

Via Email: [marcotte.law@gmail.com](mailto:marcotte.law@gmail.com)

Mr. Serge Lavoie  
Ms. Christin Marcotte  
48977 Riverbend Drive  
Chilliwack BC V4Z 1H5

**FILE: 4010-20-E01271.221/2**

**CIVIC: 48977 Riverbend Drive**

**PID: 018-925-332**

**LEGAL: Lot 7 District Lot 500 Group 2 New Westminster District Plan LMP18665**

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Dear Mr. Lavoie and Ms. Marcotte:

**Re: Final Warning – Construction without a Building without a Permit – 48977 Riverbend Drive; Alterations to Single Family Dwelling and Accessory Workshop**

Further to our previous correspondence dated March 17, 2015 the Fraser Valley Regional District staff has confirmed that your property at 48977 Riverbend Drive (the “property”) continues to remain in breach of Regional District bylaws despite our previous requests for compliance. Staff verified that the unauthorized construction work for alterations to the single family dwelling and the accessory workshop on the property were done without any of the required permits. (see photos below)

Photos dated **July 18, 2012** of Single Family Dwelling:





Photos dated **July 18, 2012** of Accessory Workshop:



Fraser Valley Regional District's Building Bylaw No. 1188, 2013 (Bylaw 1188) section 6 states:

*No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including excavation or other work related to construction until a building official has issued a valid and subsisting permit for the work.*

The Regional District continues to have an open bylaw enforcement file with regards to the illegal construction on your property. It has now been almost seven years since the Regional District first discovered the unauthorized construction on your property. Regional District Bylaw and Building Staff have made numerous attempts though out that time to work with you to help you bring the property into compliance with all current bylaws and building regulations.

You have not been able to satisfy the building permit requirements and both your previous building permit applications (B012809), (B012809) were cancelled in February of 2015 due to inactivity. The Regional District does recognize there may be some circumstances that may have affected your ability to complete the required permits; however, it has now been over a year since your last contact with the Regional District and in that time you have not taken any steps towards achieving compliance. Therefore, the Regional District is going to proceed with the process of registering a notice on the title of your property with the Land Titles Office as outlined in Section 57 of the *Community Charter*. Please see the enclosed information sheet that provides further details on the process.

If you do wish to take steps towards gaining compliance in the above stated matter please ensure that by **April 6, 2018** two fully completed building permit applications are submitted for the above noted construction to the Fraser Valley Regional District's Building Department.



Alternatively you may choose to demolish the unpermitted construction. If you choose to proceed with building permits, please ensure that each of the two completed application forms include the following items:

- a) Detailed to scale drawings for the structure including the uses for each space;
- b) An initial application fee in the amount of \$150.00 for the permit; and
- c) A single development permit application for all the works (please refer to planning department for further information on how to apply for a Development Permit).

Following the receipt of your application, the Building Department will advise you on any additional information needed. Should you have any questions with regard to your applications, please contact one of our Building Inspectors at 604-702-5000. Building Permit Application forms are available online for your convenience on the Regional District's website at:

<http://www.fvrd.ca/EN/main/services/building-permits-inspection/forms.html>

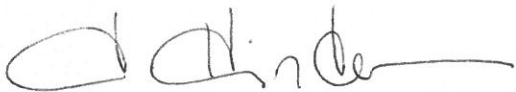
The Regional District wishes to continue to work with you to achieve compliance in this matter, however if you fail to meet the above stated deadline of **April 6, 2018** we will move forward to begin the process of registering a notice on the title of your property with the Land Titles Office as outlined in section 57, of the *Community Charter*.

The primary purpose of an owner obtaining their Building Permit is for the safety of its occupants. Having a non-approved building puts the occupants at risk and should an unfortunate incident occur the owner may be held more liable. We encourage you to read the BC Occupiers Liability Act regarding property safety and negligence, available online at:

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96337\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96337_01)

If you have any questions or wish to discuss this matter further, you may contact me by calling toll-free at 1-800-528-0061, directly at 604-702-5015 or by email at [lhinton@fvrd.ca](mailto:lhinton@fvrd.ca). Our office hours are Monday through Friday from 8:30am to 4:30pm.

Yours truly,



Louise Hinton,  
Bylaw, Compliance and Enforcement Officer

Attach: Copy of Letter dated March 17, 2015  
Copy of Building Department Letters dated February 11, 2015  
Copy of Building Department Letters dated October 20, 2014  
Section 57 Information Sheet

cc: Orion Engar, Director of Electoral Area E  
Margaret-Ann Thornton, Director of Planning & Development  
Greg Price, Bylaw & Compliance Coordinator



Fraser Valley Regional District  
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6  
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)  
Fax: 604-792-9684 website: [www.fvrd.bc.ca](http://www.fvrd.bc.ca)

March 17, 2015

File Number: 4010-20-E01271.221/2

Christin Marcotte  
Serge Lavoie  
2749 Lucern Cres  
Abbotsford BC V3G 1C2

**COPY**

Dear Ms. Marcotte and Mr. Lavoie,

**Re: Lapsed Building Permit Applications BP012809 and BP012810 at 48977 Riverbend Drive; legally described as Lot 7, District Lot 500, New Westminster District, Plan LMP18665 Group 2.**

As you are aware from our letter dated February 11, 2015 the following building permit applications have now been closed:

- BP012809 for the purpose of remediating back to a single family dwelling.
- BP012810 for the purpose of constructing a medical grow facility.

Your project remains incomplete and is not covered by a valid building permit as required by the [Fraser Valley Regional District Building Bylaw No.1188, 2013](#). Therefore, your file has been referred back to Bylaw Enforcement.

The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this, we ask that you contact the Regional District immediately and advise us of your intentions with respect to this matter. Further, we request that you re-apply for a building permit or remove the illegal construction no later than **April 17, 2015**. Should you fail to comply with this request, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement. More information regarding the building permit process and downloadable application forms are available at the following web address: <http://www.fvrd.bc.ca/Services/BuildingPermitInspection/Pages/InformationandForms.aspx>

You may reach the Building Department at the toll-free number above, Monday through Friday from 8:30am to 4:30pm, to discuss this issue further. You may also contact me directly at 604-702-5017 or by email at [asnashall@fvrd.bc.ca](mailto:asnashall@fvrd.bc.ca). Thank you in advance for your co-operation.

Yours truly,

Adriana Snashall  
Bylaw, Permits, and Licenses Technician

cc: Orion Engar, Director of Electoral Area E  
Margaret Thornton, Director of Planning and Development





**Fraser Valley Regional District**

**Fraser Valley Regional District**  
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6  
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)  
Fax: 604-792-9684 website: www.fvrd.bc.ca

File Number: 3800-30-BP012809E

February 11, 2015

**COPY**

Marcotte, Christin  
Lavoie, Serge A  
2749 Lucern Cres  
Abbotsford BC V3G 1C2

Dear Christin & Serge:

**Re: Building Permit Application No. BP012809 for the purpose of constructing a remediate back to SFD on property legally described as Lot 7, District Lot 500, New Westminster District, Plan LMP18665 Group 2. known as 48977 Riverbend Dr.**

Further to the attached final letter of requirements sent on October 20, 2014, please be advised that the required items to fulfill the building permit application process remain outstanding and the above noted building permit application has now been closed. Your project remains incomplete and is not covered by a valid building permit as required by "Fraser Valley Regional District Building Bylaw No.1188, 2013". Therefore, your file has been referred back to Bylaw Enforcement.

The Regional District is becoming increasingly aware of difficulties encountered by owners of property when they do not avail themselves of the full service offered by the Building Department. Apart from matters of law and safety, Occupancy Permits have value to property owners because they are frequently requested by prospective purchasers, mortgage lenders and others.

Should you wish to bring your property into compliance with all current bylaws, it will be necessary for you to contact Jennifer Wells, Bylaw and Permits & Licences Technician, with reference to you Bylaw Enforcement file E01271.221/2 to review your options.

In the interim, you are reminded that any construction undertaken in contravention of the Building Bylaw is unauthorized and is an offence contrary to the provisions of the Bylaw.

Please feel free to contact me at 604-702-5016 should you require any further information or assistance.

Yours sincerely,

Monica Stuart  
Building & Bylaw Clerk

cc: Orion Engar, Director of Electoral Area E  
Margaret Thomson, Director of Planning & Development  
✓ Bylaw Enforcement file E01271.221/2



Fraser Valley Regional District  
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6  
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)  
Fax: 604-792-9684 website: www.fvrd.bc.ca

File Number: 3800-30-BP012810E

February 11, 2015

**COPY**

Marcotte, Christin  
Lavoie, Serge A  
2749 Lucern Cres  
Abbotsford BC V3G 1C2

Dear Christin & Serge:

**Re: Building Permit Application No. BP012810 for the purpose of constructing a medical grow facility on property legally described as Lot 7, District Lot 500, New Westminster District, Plan LMP18665 Group 2. known as 48977 Riverbend Dr.**

Further to the attached final letter of requirements sent on October 20, 2014, please be advised that the required items to fulfill the building permit application process remain outstanding and the above noted building permit application has now been closed. Your project remains incomplete and is not covered by a valid building permit as required by "Fraser Valley Regional District Building Bylaw No.1188, 2013". Therefore, your file has been referred back to Bylaw Enforcement.

The Regional District is becoming increasingly aware of difficulties encountered by owners of property when they do not avail themselves of the full service offered by the Building Department. Apart from matters of law and safety, Occupancy Permits have value to property owners because they are frequently requested by prospective purchasers, mortgage lenders and others.

Should you wish to bring your property into compliance with all current bylaws, it will be necessary for you to contact Jennifer Wells, Bylaw and Permits & Licences Technician, with reference to you Bylaw Enforcement file E01271.221/2 to review your options.

In the interim, you are reminded that any construction undertaken in contravention of the Building Bylaw is unauthorized and is an offence contrary to the provisions of the Bylaw.

Please feel free to contact me at 604-702-5016 should you require any further information or assistance.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'MS' or similar initials, followed by a period.

Monica Stuart  
Building & Bylaw Clerk

cc: Orion Engar, Director of Electoral Area E  
Margaret Thornton, Director of Planning & Development  
✓ Bylaw Enforcement file E01271.221/22





Fraser Valley Regional District  
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6  
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)  
Fax: 604-792-9684 website: [www.fvrd.bc.ca](http://www.fvrd.bc.ca)

File Number: 3800-30-BP012809E

October 20, 2014

**COPY**

Marcotte, Christin  
Lavoie, Serge A  
2749 Lucern Cres  
Abbotsford BC V3G 1C2

Dear Christin & Serge:

**Re: Building Permit Application No. BP012809 to Remediate Back to Single Family Dwelling on Property Legally Described as Lot 7, District Lot 500, New Westminster District, Plan LMP18665 Group 2. Known as 48977 Riverbend Dr.**

I am writing to you in connection with your building permit application dated Aug 22, 2012. Please be advised this is the Final Notice that your application is not approvable in its present form. The following items are necessary in order to complete your application and issue your Building Permit:

1. A report from a certified occupational industrial hygienist which specifies the remedial measures to be undertaken to ensure the residence is free from any pesticides, fertilizers, toxic chemicals, moulds or fungi. Please note, no remedial work is to be undertaken until a building permit has been issued.
2. Sealed documentation from an authorized person (as defined by the Provincial Sewage System Regulation) for the re-use of your existing sewage disposal system. The sealed report must confirm that the existing system is operating correctly and that the marijuana grow operation did not compromise same. The proposal must meet all Provincial Sewage System Regulations. For a list of authorized persons please call 604-585-2788 or go online to [owrp.asttbc.org](http://owrp.asttbc.org).
3. Complete and submit the previously attached Site Profile application forms.

Your permit application will be held in abeyance until November 20, 2014 pending receipt of this documentation or other information. In the event that the file remains incomplete after this date, I shall be obliged to take steps to close the file.

As you are aware, a building permit is required to legalize the unauthorized construction noted above. Should you allow the application to close, you may be subject to further bylaw enforcement action.

Yours sincerely,

Monica Stuart  
Building & Bylaw Clerk

cc: David Lamson, Director of Electoral Area E  
Margaret Thornton, Director of Planning & Development



Fraser Valley Regional District  
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6  
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)  
Fax: 604-792-9684 website: www.fvrd.bc.ca

File Number: 3800-30-BP012810E

October 20, 2014

**COPY**

Marcotte, Christin  
Lavoie, Serge A  
2749 Lucern Cres  
Abbotsford BC V3G 1C2

Dear Christin & Serge:

**Re: Building Permit Application No. BP012810 for the Purpose of Constructing a Medical Grow Facility on Property Legally Described as Lot 7, District Lot 500, New Westminster District, Plan LMP18665 Group 2. Known as 48977 Riverbend Dr.**

I am writing to you in connection with your building permit application dated Aug 24, 2012. Please be advised this is the Final Notice that your application is not approvable in its present form. The following items are necessary in order to complete your application and issue your Building Permit:

1. Schedule A from a *coordinating registered professional* accompanied by a sealed letter confirming that the anticipated extreme internal environmental conditions have been considered in the design and material specifications for the proposed use of the building.
2. The following information is required from a *Registered Professional of Record*:
  - a. Schedule B and 3 sets of sealed architectural drawings, which must address among other things, Part 5 of the BCBC 2006 and existing and future indoor air quality,
  - b. Schedule B and 3 sets of sealed drawings for all structural aspects of the project,
  - c. Schedule B and 3 sets of sealed mechanical drawings pertaining to Part 6 of the BCBC 2006.
3. Complete and submit the previously attached Electrical Installation contractor certification form.
4. Complete and submit the previously attached Plumber installation contractor certification form
5. Complete the Plumbing and Ancillary Heating sections of the previously attached copy of your Building Permit Application and return it to this office including any existing and proposed systems.
6. 3 complete sets of detailed floor plans for the medical grow facility including locations and descriptions of all equipment.
7. Sealed documentation from an authorized person (as defined by the Provincial Sewerage System Regulation) for the continued use of your existing sewage disposal system. The sealed report must



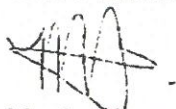
confirm that the existing system is operating correctly and the grow op has had no affect on the designed performance. For a list of authorized persons please call 604-585-2788 or go online to [owrp.asttbc.org](http://owrp.asttbc.org)

6. Submit copies of any federal/provincial licenses for the medical grow facility.

Your permit application will be held in abeyance until November 20, 2014 pending receipt of this documentation or other information. In the event that the file remains incomplete after this date, I shall be obliged to take steps to close the file.

As you are aware, a building permit is required to legalize the unauthorized construction noted above. Should you allow the application to close, you may be subject to further bylaw enforcement action.

Yours sincerely,



Monica Stuart  
Building & Bylaw Clerk

cc: David Lamson, Director of Electoral Area E  
Margaret Thornton, Director of Planning & Development

## NOTICE ON TITLE INFORMATION SHEET

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### WHAT IS A NOTICE ON TITLE?

A *Notice on Title*, note against land title, or Section 57 of the *Community Charter*, was provided to local governments by the Province of British Columbia as a tool to administer and enforce the *BC Building Code* and local building bylaws. It involves the registration of a *Notice* on a property title at the Land Title Office, which, once in place, is documented on the title search under the "Legal Notations" section.

A *Notice on Title* serves as notification to anyone searching a property title that the property may be in breach of bylaws or regulations. The *Notice* itself does not disclose details of the breach but specifies that further information may be obtained from the local government office.

### WHAT IS THE PURPOSE OF A NOTICE ON TITLE?

The purpose of a *Notice on Title* is to provide information to potential owners and stakeholders of a breach of bylaws or regulations. It also encourages voluntary compliance to reduce risk to the local government. The filing of a *Notice* is not intended to be a punitive action; rather, it is a method to protect future owners and others with an interest in the property.

### WHEN CAN A NOTICE ON TITLE BE FILED?

A *Notice on Title* may be filed by a local government where there is a breach of bylaws or regulations in respect to a property. Specifically, a *Notice on Title* may be filed where a Building Inspector is made aware of any of the following:

- a) construction has occurred without a valid building permit;
- b) construction deficiencies noted have not been corrected;
- c) covering construction without required inspections;
- d) a permit has expired and the owner refuses to reapply for a new permit;
- e) construction that is in contravention of the *BC Building Code* or Building Bylaw; or
- f) any such circumstances as the Building Inspector may deem necessary.

### HOW IS A NOTICE ON TITLE FILED?

Step 1: When the Building Inspector is made aware of a breach, a letter is mailed to the registered owner of the property advising of the breach and the required remedial action. The owner is provided approximately thirty (30) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.

Step 2: If no action to contact staff and resolve the issue, a second letter is mailed to the owner advising of the breach and the required remedial action. The owner is provided approximately fourteen (14) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.



- Step 3: If no action to contact staff and resolve the issue, the Building Inspector may forward a report to the Corporate Officer and a "Show Cause Hearing" is scheduled. A Show Cause Hearing is held during an Electoral Area Services Committee (EASC) meeting. An invitation is mailed to the registered owner of the property advising the specific date and time they are to attend the Show Cause Hearing. A copy of the report produced by the Building Inspector will be included.
- Step 4: On the day of the EASC meeting, the Show Cause Hearing will be announced. The owner of the property, or their agent, will be asked if they would like to make representation to the Committee. The Committee shall listen objectively to the owner as well as the Building Inspector. Please note that **attendance is not required** if the owner does not wish to challenge the recommendation.
- Step 5: After hearing from the registered owner of the property and Building Inspector, the committee will then resolve to:
- a) direct the staff to file a *Notice* in the Land Title Office;
  - b) direct staff not to file a *Notice* in the Land Title Office; or
  - c) defer filing a *Notice* to allow the registered owner more time to comply.

#### **HOW IS A NOTICE ON TITLE CANCELLED?**

Once a *Notice on Title* is filed, it may be cancelled from the title of a property by way of:

- a) the local government after a Building Inspector has provided a report confirming that the condition which caused the *Notice* to be filed has been rectified; or
- b) an Order obtained by the registered owner from the *British Columbia Supreme Court*.

#### **WHAT IS THE COST OF PLACING OR CANCELLING THE NOTICE ON TITLE?**

The Fraser Valley Regional District does not charge the registered owner of the property when a *Notice on Title* is filed at the Land Title Office. However, there is a \$500.00 administrative fee payable to the Fraser Valley Regional District by the property owner when the *Notice* is removed from the Title. The property owner will also be responsible for their legal costs to have a *Notice* removed at the Land Title Office.

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Properties with a *Notice on Title* may be sold at any time; however, the presence of the *Notice* may negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a *Notice* is registered or is recommended to be registered upon the title of your property, you are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future.

**If you have any questions regarding this process, please email staff at [enforcement@fvrd.bc.ca](mailto:enforcement@fvrd.bc.ca) or phone directly at 1-800-528-0061.**

*This document is provided for informational purposes and does not constitute legal advice. The Fraser Valley Regional District makes no representations or warranties about the accuracy of the information contained in this document. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of Sections 57 and 58 of the Community Charter and seek your own independent legal advice.*

Excerpts from the *Community Charter*:

**NOTE AGAINST LAND TITLE THAT BUILDING REGULATIONS CONTRAVENED**

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
    - (i) results from the contravention of, or is in contravention of,
      - (A) a municipal bylaw,
      - (B) a Provincial building regulation, or
      - (C) any other enactmentthat relates to the construction or safety of buildings or other structures, and
    - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
  - (b) discovers that
    - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
    - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
- (a) give notice to the registered owner of the land to which recommendation relates, and
  - (b) after notice under paragraph (a), place the matter before the council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
  - (b) further information about it may be inspected at the municipal hall.
- (4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).
- (5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.
- (6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.
- (7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,
- (a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,



- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the Land Title Act, and
  - (b) the assurance fund or the minister charged with the administration of the Land Title Act as a nominal defendant is not liable under Part 20 of the Land Title Act.
- (8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.
- (9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

### **CANCELLATION OF NOTE AGAINST LAND TITLE**

- 58
- (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
  - (2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.
  - (3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.
  - (4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
  - (5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.
  - (6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.

April 6, 2018

**REGISTERED MAIL**

Mr. Serge Lavoie  
Ms. Christin Marcotte  
48977 Riverbend Drive  
Chilliwack BC V4Z 1H5

**FILE: 4010-20-E01271.221/2**

CIVIC: 48977 Riverbend Drive

PID: 018-925-332

LEGAL: Lot 7 District Lot 500 Group 2 New Westminster District Plan LMP18665

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Dear Mr. Lavoie and Ms. Marcotte:

**Re: SHOW CAUSE HEARING SCHEDULED – Section 57 Notice on Tile  
Contraventions of Building Bylaw No. 1188, 2013 - Construction without a Building  
without a Permit, Single Family Dwelling and Accessory Workshop – 48977 Riverbend  
Drive Electoral Area E**

Further to the final warning letter dated March 15, 2018 that was sent to you on the same day, please be advised you are hereby notified that your opportunity to be heard by the Regional District Electoral Services Committee is scheduled. The meeting is to show cause why the Regional District Board of Directors should not direct staff to file a Notice against the title of your property at 48977 Riverbend Drive in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1133, 2018* pursuant to Section 57 of the *Community Charter*.

The **show cause** hearing is scheduled for **May 8, 2018 at 1:30pm**, in the Boardroom on the fourth floor of the Regional District Office at 45950 Cheam Avenue, Chilliwack, British Columbia.

The Electoral Area Services Committee will consider registration of the Section 57 Notice on the title of your property at 48977 Riverbend Drive whether or not you are in attendance. For your convenience, I have attached relevant extracts from the *Community Charter* and a copy of the staff report which will be considered by the Committee.

If you require further information or clarification on this matter please contact the Louise Hinton, with our Bylaw Enforcement Department at 604-702-5015 or [lhinton@fvrd.ca](mailto:lhinton@fvrd.ca) in advance of this meeting.

Sincerely,



Digitally signed by Paul Gipps  
Date: 2018.04.05 08:19:10  
-07'00'

Paul Gipps  
Chief Administrative Officer

cc: Mr. Dale Peterson, Legal Counsel for the property owner  
Orion Engar, Director of Electoral Area E  
Margaret-Ann Thornton, Director of Planning & Development  
Greg Price, Bylaw & Compliance Coordinator  
Review of Registered Property Title – Organizations with interest in property  
The Toronto-Dominion Bank – Mortgage #BB788807, Judgements #CA4212657  
#CA5788451, #CA5788455, #CA4365560, and #CA5953741.  
The Law Society of British Columbia – Judgements #CA6023416, and #CA4975682  
Tri City Capital Corp. Incorporation No.BC0256952 - Judgement #CA3258363, and  
#CA6128326  
Royal Bank of Canada - Judgement #CA6477973  
Canadian Imperial Bank of Commerce - Judgement #CA6624360, and Certificate of  
Pending Litigation #BB4080781  
Bank of Montreal – Judgement #CA5752451

Attach: March 15, 2018 Copy of Final Warning Letter to Property Owner  
May 8, 2018 Staff Report from Bylaw and Appointed Building Inspector  
March 13, 2018 Land Title Search Results  
March 13, 2018 Property Information Report  
March 13, 2018 Property Information Map  
Notice on Title Information Sheet Including Community Charter, Section 57 and 58

April 27, 2018

**Via Email: [info@dalepederson.com](mailto:info@dalepederson.com)**

Ms. Christin Marcotte  
48977 Riverbend Drive  
Chilliwack BC V4Z 1H5

Mr. Dale Pederson  
7105 Vedder Road  
Chilliwack BC V2R 4G3

**FILE: 4010-20-E01271.221/2**

CIVIC: 48977 Riverbend Drive

PID: 018-925-332

LEGAL: Lot 7 District Lot 500 Group 2 New Westminster District Plan LMP18665

---

Dear Ms. Marcotte and Mr. Pederson:

**Re: SHOW CAUSE HEARING DEFERRED – Section 57 Notice on Tile  
Contraventions of Building Bylaw No. 1188, 2013 - Construction without a Building  
without a Permit, Single Family Dwelling and Accessory Workshop – 48977  
Riverbend Drive Electoral Area E**

In response to the letter from your legal counsel Mr. Dale Pederson dated April 26, 2018; I extend condolences on the recent passing of Mr. Serge Lavoie. On compassionate grounds the Fraser Valley Regional District will accommodate your counsel's request to have the date of the Show Cause Hearing for 48977 Riverbend Drive differed to a later date.

The show cause hearing is re-scheduled for **June 12, 2018 at 1:30pm**, in the Boardroom on the fourth floor of the Regional District Office at 45950 Cheam Avenue, Chilliwack, British Columbia.

The meeting is to show cause why the Regional District Board of Directors should not direct staff to file a Notice against the title of your property at 48977 Riverbend Drive in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1133, 2018* pursuant to Section 57 of the *Community Charter*.

If you require further information or clarification on this matter please contact the Louise Hinton, with our Bylaw Enforcement Department at 604-702-5015 or [lhinton@fvrd.ca](mailto:lhinton@fvrd.ca) in advance of this meeting.



Sincerely,



Margaret-Ann Thornton  
Director of Planning & Development

Attach: Copy of Legal Notification Letter dated April 6, 2018

cc: Orion Engar, Director of Electoral Area E  
Paul Gipps, Chief Administrative Officer  
Greg Price, Bylaw & Compliance Coordinator  
Louise Hinton, Bylaw, Compliance & Enforcement Officer  
Review of Registered Property Title – Organizations with interest in property  
The Toronto-Dominion Bank – Mortgage #BB788807, Judgements #CA4212657  
#CA5788451, #CA5788455, #CA4365560, and #CA5953741.  
The Law Society of British Columbia – Judgements #CA6023416, and  
#CA4975682  
Tri City Capital Corp. Incorporation No.BC0256952 - Judgement #CA3258363,  
and #CA6128326  
Royal Bank of Canada - Judgement #CA6477973  
Canadian Imperial Bank of Commerce - Judgement #CA6624360, and  
Certificate of Pending Litigation #BB4080781  
Bank of Montreal – Judgement #CA5752451

April 6, 2018

**COPY**

**REGISTERED MAIL**

Mr. Serge Lavoie  
Ms. Christin Marcotte  
48977 Riverbend Drive  
Chilliwack BC V4Z 1H5

**FILE: 4010-20-E01271.221/2**

**CIVIC: 48977 Riverbend Drive**

**PID: 018-925-332**

**LEGAL: Lot 7 District Lot 500 Group 2 New Westminster District Plan LMP18665**

---

Dear Mr. Lavoie and Ms. Marcotte:

**Re: SHOW CAUSE HEARING SCHEDULED – Section 57 Notice on Title  
Contraventions of Building Bylaw No. 1188, 2013 - Construction without a Building  
without a Permit, Single Family Dwelling and Accessory Workshop – 48977 Riverbend  
Drive Electoral Area E**

Further to the final warning letter dated March 15, 2018 that was sent to you on the same day, please be advised you are hereby notified that your opportunity to be heard by the Regional District Electoral Services Committee is scheduled. The meeting is to show cause why the Regional District Board of Directors should not direct staff to file a Notice against the title of your property at 48977 Riverbend Drive in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1133, 2018* pursuant to Section 57 of the *Community Charter*.

The **show cause** hearing is scheduled for **May 8, 2018 at 1:30pm**, in the Boardroom on the fourth floor of the Regional District Office at 45950 Cheam Avenue, Chilliwack, British Columbia.

The Electoral Area Services Committee will consider registration of the Section 57 Notice on the title of your property at 48977 Riverbend Drive whether or not you are in attendance. For your convenience, I have attached relevant extracts from the *Community Charter* and a copy of the staff report which will be considered by the Committee.

If you require further information or clarification on this matter please contact the Louise Hinton, with our Bylaw Enforcement Department at 604-702-5015 or [lhinton@fvrd.ca](mailto:lhinton@fvrd.ca) in advance of this meeting.

Sincerely,



Digitally signed by Paul Gipps  
Date: 2018.04.05 08:19:10  
-07'00'

Paul Gipps  
Chief Administrative Officer

cc: Mr. Dale Peterson, Legal Counsel for the property owner  
Orion Engar, Director of Electoral Area E  
Margaret-Ann Thornton, Director of Planning & Development  
Greg Price, Bylaw & Compliance Coordinator  
Review of Registered Property Title – Organizations with interest in property  
The Toronto-Dominion Bank – Mortgage #BB788807, Judgements #CA4212657  
#CA5788451, #CA5788455, #CA4365560, and #CA5953741.  
The Law Society of British Columbia – Judgements #CA6023416, and #CA4975682  
Tri City Capital Corp. Incorporation No.BC0256952 - Judgement #CA3258363, and  
#CA6128326  
Royal Bank of Canada - Judgement #CA6477973  
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Bank of Montreal – Judgement #CA5752451

Attach: March 15, 2018 Copy of Final Warning Letter to Property Owner  
May 8, 2018 Staff Report from Bylaw and Appointed Building Inspector  
March 13, 2018 Land Title Search Results  
March 13, 2018 Property Information Report  
March 13, 2018 Property Information Map  
Notice on Title Information Sheet Including Community Charter, Section 57 and 58



June 13, 2018

**Via Email:** [REDACTED]

**Via Email:** [info@dalepederson.com](mailto:info@dalepederson.com)

Ms. Christin Marcotte  
48977 Riverbend Drive  
Chilliwack BC V4Z 1H5

Mr. Dale Pederson  
7105 Vedder Road  
Chilliwack BC V2R 4G3

**FILE: 4010-20-E01271.221/2**

**CIVIC:** 48977 Riverbend Drive

**PID:** 018-925-332

**LEGAL:** Lot 7 District Lot 500 Group 2 New Westminster District Plan LMP18665

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Dear Ms. Marcotte and Mr. Pederson:

**Re: SHOW CAUSE HEARING DEFERRED – Section 57 Notice on Tile  
Contraventions of Building Bylaw No. 1188, 2013 - Construction without a Building  
without a Permit, Single Family Dwelling and Accessory Workshop – 48977  
Riverbend Drive Electoral Area E**

In response to your appearance at the Regional District Office on June 12, 2018; once again we extend our condolences on the recent passing of Mr. Serge Lavoie. On compassionate grounds the Fraser Valley Regional District will accommodate your request to have the date of the Show Cause Hearing for 48977 Riverbend Drive differed for a second time to a later date.

The show cause hearing is now re-scheduled for Tuesday **July 10, 2018 at 1:30pm**, in the Boardroom on the fourth floor of the Regional District Office at 45950 Cheam Avenue, Chilliwack, British Columbia.

The meeting is to show cause why the Regional District Board of Directors should not direct staff to file a Notice against the title of your property at 48977 Riverbend Drive in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1133, 2018* pursuant to Section 57 of the *Community Charter*.

If you require further information or clarification on this matter please contact the Louise Hinton, with our Bylaw Enforcement Department at 604-702-5015 or [lhinton@fvrd.ca](mailto:lhinton@fvrd.ca) in advance of this meeting.



Sincerely,



Margaret-Ann Thornton  
Director of Planning & Development

Attach: Copy of re-scheduled Legal Notification Letter dated April 27, 2018

cc: Orion Engar, Director of Electoral Area E  
Paul Gipps, Chief Administrative Officer  
Greg Price, Bylaw & Compliance Coordinator  
Louise Hinton, Bylaw, Compliance & Enforcement Officer  
Review of Registered Property Title – Organizations with interest in property  
The Toronto-Dominion Bank – Mortgage #BB788807, Judgements #CA4212657  
#CA5788451, #CA5788455, #CA4365560, and #CA5953741.  
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Royal Bank of Canada - Judgement #CA6477973  
Canadian Imperial Bank of Commerce - Judgement #CA6624360, and  
Certificate of Pending Litigation #BB4080781  
Bank of Montreal – Judgement #CA5752451

**TITLE SEARCH PRINT**

2018-03-13, 12:01:02

File Reference:

Requestor: Louise Hinton

Declared Value \$475000

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\*****Land Title District**

Land Title Office

NEW WESTMINSTER

NEW WESTMINSTER

**Title Number**

From Title Number

BB788806

CA259035

**Application Received**

2009-06-30

**Application Entered**

2009-07-08

**Registered Owner in Fee Simple**

Registered Owner/Mailing Address:

CHRISTIN MARCOTTE, LAWYER  
SERGE ANDRE LAVOIE, RETIRED PEACE OFFICER  
48977 RIVERBEND DRIVE  
CHILLIWACK, BC  
V4Z 1H5  
AS JOINT TENANTS

**Taxation Authority**

New Westminster Assessment District

**Description of Land**

Parcel Identifier:

018-925-332

Legal Description:

LOT 7 DISTRICT LOT 500 GROUP 2 NEW WESTMINSTER DISTRICT PLAN LMP18665

**Legal Notations**

HERETO IS ANNEXED RESTRICTIVE COVENANT 343662C

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 29  
OF THE MUNICIPAL ACT, SEE BH279588

**TITLE SEARCH PRINT**

File Reference:

Declared Value \$475000

2018-03-13, 12:01:02

Requestor: Louise Hinton

**Charges, Liens and Interests**

Nature:	COVENANT
Registration Number:	BH314325
Registration Date and Time:	1994-08-25 11:56
Registered Owner:	FRASER VALLEY REGIONAL DISTRICT AS TO AN UNDIVIDED 1/2 INTEREST CA2087464
Transfer Number:	HER MAJESTY THE QUEEN IN RIGHT OF BRITISH COLUMBIA AS TO AN UNDIVIDED 1/2 INTEREST CA2087464
Registered Owner:	
Transfer Number:	CA2087464
Remarks:	INTER ALIA L.T.A. SECTION 215 MODIFIED BY BH376634 20 10 1994
Nature:	COVENANT
Registration Number:	BH314326
Registration Date and Time:	1994-08-25 11:57
Registered Owner:	REGIONAL DISTRICT OF FRASER CHEAM HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks:	INTER ALIA L.T.A. SECTION 215
Nature:	STATUTORY RIGHT OF WAY
Registration Number:	BH314330
Registration Date and Time:	1994-08-25 11:57
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks:	INTER ALIA PLAN LMP18668
Nature:	COVENANT
Registration Number:	BH314331
Registration Date and Time:	1994-08-25 11:57
Registered Owner:	REGIONAL DISTRICT OF FRASER CHEAM
Remarks:	INTER ALIA L.T.A. SECTION 215 MODIFIED BY BJ253231 MODIFIED BY BR276997 MODIFIED BY BW177832
Nature:	STATUTORY BUILDING SCHEME
Registration Number:	BH314336
Registration Date and Time:	1994-08-25 11:58
Remarks:	INTER ALIA L.T.A. SECTION 216

**TITLE SEARCH PRINT**

2018-03-13, 12:01:02

File Reference:

Requestor: Louise Hinton

Declared Value \$475000

Nature: COVENANT  
Registration Number: BH376634  
Registration Date and Time: 1994-10-20 14:25  
Remarks: INTER ALIA  
MODIFICATION OF BH314325

Nature: MORTGAGE  
Registration Number: BB788807  
Registration Date and Time: 2009-06-30 13:03  
Registered Owner: THE TORONTO-DOMINION BANK

Nature: JUDGMENT  
Registration Number: BB4013198  
Registration Date and Time: 2011-09-12 11:40  
Registered Owner: THE LAW SOCIETY OF BRITISH COLUMBIA  
Remarks: AS TO THE INTEREST OF CHRISTIN MARCOTTE  
RENEWED BY CA3214745

Nature: JUDGMENT  
Registration Number: CA3214745  
Registration Date and Time: 2013-07-03 12:57  
Registered Owner: THE LAW SOCIETY OF BRITISH COLUMBIA  
Remarks: AS TO THE INTEREST OF CHRISTIN MARCOTTE  
RENEWAL OF BB4013198  
RENEWED BY CA4484223

Nature: JUDGMENT  
Registration Number: CA3258363  
Registration Date and Time: 2013-07-26 14:47  
Registered Owner: TRI CITY CAPITAL CORP.  
INCORPORATION NO. BC0256952  
Remarks: AS TO THE INTEREST OF CHRISTIN MARCOTTE

Nature: JUDGMENT  
Registration Number: CA3487633  
Registration Date and Time: 2013-12-02 15:23  
Registered Owner: ROYAL BANK OF CANADA  
Remarks: AS TO THE UNDIVIDED 1/2 INTEREST OF  
CHRISTIN MARCOTTE  
RENEWED BY CA4846853

**TITLE SEARCH PRINT**

2018-03-13, 12:01:02

File Reference:

Requestor: Louise Hinton

Declared Value \$475000

Nature: JUDGMENT  
Registration Number: CA3599879  
Registration Date and Time: 2014-02-20 13:37  
Registered Owner: THE LAW SOCIETY OF BRITISH COLUMBIA  
Remarks: AS TO THE INTEREST OF CHRISTIN MARCOTTE  
RENEWED BY CA4975682

Nature: JUDGMENT  
Registration Number: CA3854484  
Registration Date and Time: 2014-07-22 13:42  
Registered Owner: CANADIAN IMPERIAL BANK OF COMMERCE  
Remarks: AS TO THE INTEREST OF SERGE ANDRE LAVOIE  
RENEWED BY CA5186757

Nature: JUDGMENT  
Registration Number: CA4212657  
Registration Date and Time: 2015-01-30 15:25  
Registered Owner: THE TORONTO-DOMINION BANK  
Remarks: AS TO THE INTEREST OF CHRISTIN MARCOTTE  
RENEWED BY CA5788451

Nature: JUDGMENT  
Registration Number: CA4212664  
Registration Date and Time: 2015-01-30 15:27  
Registered Owner: THE TORONTO-DOMINION BANK  
Remarks: AS TO THE INTEREST OF CHRISTIN MARCOTTE  
RENEWED BY CA5788455

Nature: JUDGMENT  
Registration Number: CA4216356  
Registration Date and Time: 2015-02-03 12:09  
Registered Owner: BANK OF MONTREAL  
Remarks: AS TO THE INTEREST OF CHRISTIN MARCOTTE  
RENEWED BY CA5752451

Nature: CERTIFICATE OF PENDING LITIGATION  
Registration Number: BB4080781  
Registration Date and Time: 2015-04-23 13:51  
Registered Owner: CANADIAN IMPERIAL BANK OF COMMERCE

Nature: JUDGMENT  
Registration Number: CA4365560  
Registration Date and Time: 2015-04-29 15:17  
Registered Owner: THE TORONTO-DOMINION BANK



**TITLE SEARCH PRINT**

2018-03-13, 12:01:02

File Reference:

Requestor: Louise Hinton

Declared Value \$475000

Nature:	JUDGMENT
Registration Number:	CA4484223
Registration Date and Time:	2015-06-24 11:11
Registered Owner:	THE LAW SOCIETY OF BRITISH COLUMBIA
Remarks:	RENEWAL OF CA3214745 AS TO THE INTEREST OF CHRISTIN MARCOTTE RENEWED BY CA6023416
Nature:	JUDGMENT
Registration Number:	CA4685837
Registration Date and Time:	2015-09-18 09:35
Registered Owner:	TRI CITY CAPITAL CORP.
Remarks:	AS TO THE INTEREST OF CHRISTIN MARCOTTE RENEWED BY CA6128326
Nature:	JUDGMENT
Registration Number:	CA4846853
Registration Date and Time:	2015-12-01 11:06
Registered Owner:	ROYAL BANK OF CANADA
Remarks:	RENEWAL OF CA3487633 AS TO THE UNDIVIDED 1/2 INTEREST OF CHRISTIN MARCOTTE RENEWED BY CA6477973
Nature:	JUDGMENT
Registration Number:	CA4975682
Registration Date and Time:	2016-02-09 06:01
Registered Owner:	THE LAW SOCIETY OF BRITISH COLUMBIA
Remarks:	RENEWAL OF CA3599879 AS TO THE INTEREST OF CHRISTIN MARCOTTE
Nature:	JUDGMENT
Registration Number:	CA5080701
Registration Date and Time:	2016-04-01 09:16
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF CANADA
Remarks:	AS TO THE INTEREST OF CHRISTIN MARCOTTE
Nature:	JUDGMENT
Registration Number:	CA5186757
Registration Date and Time:	2016-05-16 15:44
Registered Owner:	CANADIAN IMPERIAL BANK OF COMMERCE
Remarks:	RENEWAL OF CA3854484 AS TO THE INTEREST OF SERGE ANDRE LAVOIE RENEWED BY CA6624360

**TITLE SEARCH PRINT**

2018-03-13, 12:01:02

File Reference:

Requestor: Louise Hinton

Declared Value \$475000

Nature:	JUDGMENT
Registration Number:	CA5752451
Registration Date and Time:	2017-01-06 14:50
Registered Owner:	BANK OF MONTREAL
Remarks:	RENEWAL OF CA4216356
Nature:	JUDGMENT
Registration Number:	CA5788451
Registration Date and Time:	2017-01-26 15:04
Registered Owner:	THE TORONTO-DOMINION BANK
Remarks:	RENEWAL OF CA4212657 AS TO THE INTEREST OF CHRISTIN MARCOTTE
Nature:	JUDGMENT
Registration Number:	CA5788455
Registration Date and Time:	2017-01-26 15:05
Registered Owner:	THE TORONTO-DOMINION BANK
Remarks:	AS TO THE INTEREST OF CHRISTIN MARCOTTE RENEWAL OF CA4212664
Nature:	JUDGMENT
Registration Number:	CA5953741
Registration Date and Time:	2017-04-27 08:27
Registered Owner:	THE TORONTO-DOMINION BANK
Nature:	JUDGMENT
Registration Number:	CA6023416
Registration Date and Time:	2017-05-29 11:51
Registered Owner:	THE LAW SOCIETY OF BRITISH COLUMBIA
Remarks:	AS TO THE INTEREST OF CHRISTIN MARCOTTE RENEWAL OF CA4484223
Nature:	JUDGMENT
Registration Number:	CA6128326
Registration Date and Time:	2017-07-07 11:00
Registered Owner:	TRI CITY CAPITAL CORP.
Remarks:	RENEWAL OF CA4685837 AS TO THE INTEREST OF CHRISTIN MARCOTTE
Nature:	JUDGMENT
Registration Number:	CA6477973
Registration Date and Time:	2017-11-30 06:01
Registered Owner:	ROYAL BANK OF CANADA
Remarks:	RENEWAL OF CA4846853 AS TO THE INTEREST OF CHRISTIN MARCOTTE

**TITLE SEARCH PRINT**

2018-03-13, 12:01:02

File Reference:

Requestor: Louise Hinton

Declared Value \$475000

Nature:	JUDGMENT
Registration Number:	CA6609109
Registration Date and Time:	2018-02-02 15:42
Remarks:	AS TO THE INTEREST OF CHRISTIN MARCOTTE RENEWAL OF CA4975689

Nature:	JUDGMENT
Registration Number:	CA6624360
Registration Date and Time:	2018-02-13 17:46
Registered Owner:	CANADIAN IMPERIAL BANK OF COMMERCE
Remarks:	AS TO THE INTEREST OF SERGE ANDRE LAVOIE RENEWAL OF CA5186757

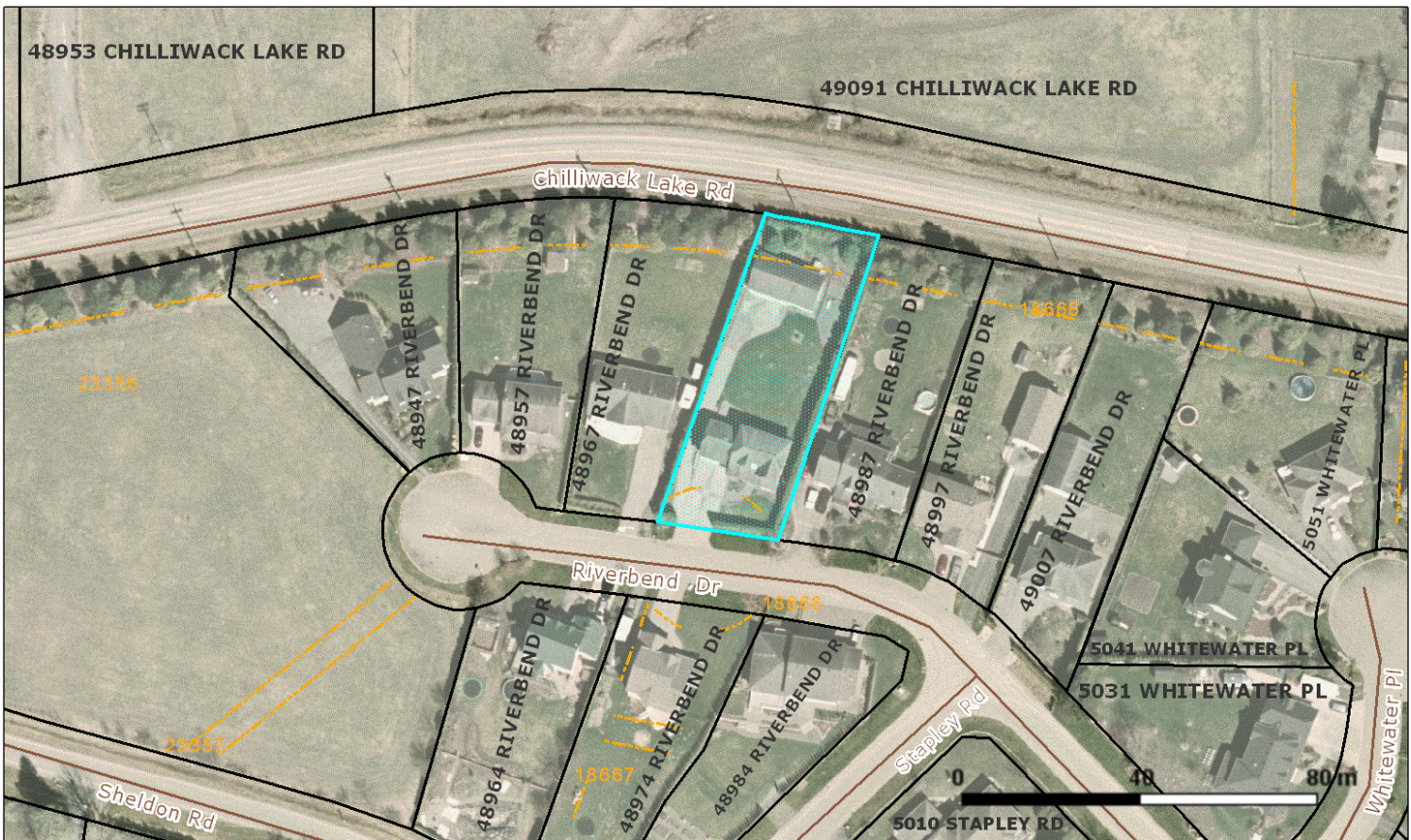
<b>Duplicate Infeasible Title</b>	NONE OUTSTANDING
-----------------------------------	------------------

<b>Transfers</b>	NONE
------------------	------

<b>Pending Applications</b>	NONE
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## Property Information Report

Civic Address:	48977 RIVERBEND DR	Lot Size:	0.459 ACRES
Folio Number:	733.01271.221	Electoral Area:	E
PID:	018-925-332	Map Scale:	1:1564
Legal Description:	LOT 7, DISTRICT LOT 500, NEW WESTMINSTER DISTRICT, PLAN LMP18665 GROUP 2.		



## Land-use Information

Zoning Designation:	Contact Planning Department	Zoning Bylaw:	Contact Planning Department
OCP Designation:	Contact Planning Department	OCP Bylaw:	Contact Planning Department
DPA Designation:	Contact Planning Department	ALR:	Contact Planning Department
In Mapped Floodplain:	Contact Planning Department	Watercourse:	Contact Planning Department

## Utility Information

Local Service Area:	Contact Planning Department
---------------------	-----------------------------

This information is provided as a public resource for general information purposes only. The information shown is compiled from various sources and the Fraser Valley Regional District makes no warranties, expressed or implied, as to the accuracy or completeness of the information. This report is not a legal document and is published for information and convenience only. The Fraser Valley Regional District is not responsible for any errors or omissions that may appear on this report.



To: Electoral Area Services Committee

Date: 2018-07-10

From: Louise Hinton, Bylaw Compliance and Enforcement Officer

File No: G03602.000

**Subject:** Building Bylaw and BC Building Code Contraventions at 42935 Athey Road, Electoral Area G, legally described as the whole of the Island in the east half of Section 4 Township 24 which is situate in Zait Scullachan Slough containing 6.25 acres more or less

## RECOMMENDATION

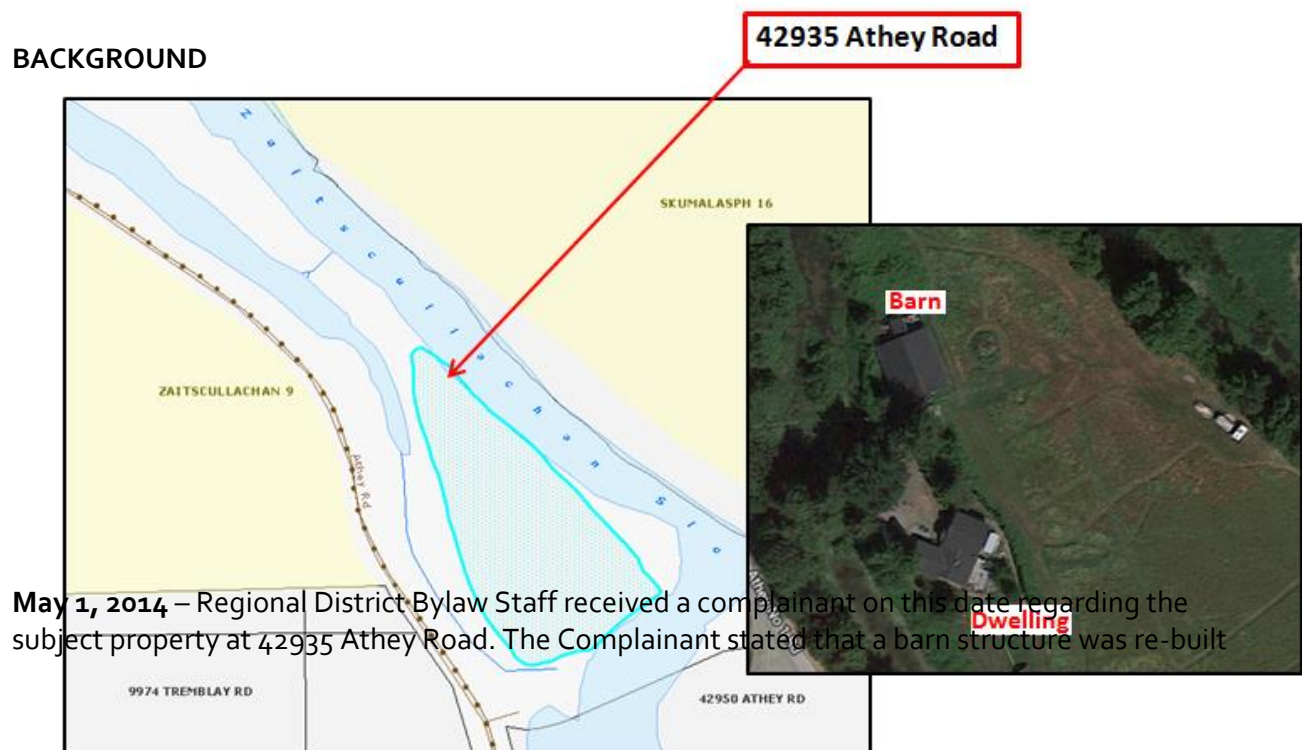
**THAT** the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, at 42935 Athey Road Electoral Area G, Fraser Valley Regional District, British Columbia; legally described as the whole of the Island in the east half of section 4 township 24 which is situate in Zait Scullachan Slough containing 6.25 acres more or less as shown on the plan of said Township dated the 18th day of September, 1893 New Westminster District. Parcel Identifier: 002-428-971.

## STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship

Provide Responsive & Effective Public Services

## BACKGROUND





right next to the slough approximately one year before on the existing barn foundation. The complainant stated that the barn structure may be used for a Marijuana Grow Operation.

**May 16, 2016** – Regional District Bylaw Staff obtained a new title search of the subject property at 42935 Athey Road that confirmed that the property ownership changed February 2, 2016. Mr. Edward Forber is listed as the new property owner of 42935 Athey Road since that date.

FVRD Bylaw Staff sent a letter requesting access to the property for an inspection of 42935 Athey Road to the property owner Mr. Edward Forber by regular mail with a deadline for a response of June 16, 2016.

**June 21, 2016** - Regional District Bylaw Staff spoke to the Property Owner Mr. Forber regarding the re-built accessory barn structure. FVRD Bylaw Staff told Mr. Forber that the barn would require a Building Permit for a new structure since the entire structure itself (excluding the foundation) was destroyed by the fire, and the barn is also located outside the dyke. Mr. Forber stated that he did get an electrical permit and has construction drawings, but noted that it would be difficult for him to complete the Permit at this time. FVRD Bylaw Staff spoke to Mr. Forber regarding the possibility of placing a Section 57 Notice on the title of the property. A follow-up email was sent to Mr. Forber with an attached Section 57 Notice on Title Information Package.

**June 2016 – February 2018** - There is no further action by FVRD Bylaw Staff during this time period due to reduced staffing levels.

**February 19, 2018** – Regional District Building Inspector contacted the Mission Detachment of the Royal Canadian Mounted Police (RCMP) to see if there is a Health Canada Medical Marijuana Grow Licence issued for the subject property at 42935 Athey Road.

**March 19, 2018** – FVRD Bylaw Staff sent a letter requesting access to the subject property at 42935 Athey Road for an inspection to the property owner Mr. Edward Forber by regular mail with a deadline for a response of April 9, 2018.

**March 21, 2018** - Regional District Bylaw Staff received contact from the Property Owner of the subject property 42935 Athey Road, Mr. Edward Forber, by telephone. FVRD Bylaw Staff discussed the history of the file with Mr. Forber and we agreed to schedule a date for a site inspection for some time in April once he has had a chance to look at the calendar. Mr. Forber agreed to re-contact FVRD to set a date.

**March 22, 2018** – Regional District Bylaw Staff received contact from the property owner of the subject property 42935 Athey Road, Mr. Edward Forber, by telephone. It was agreed to schedule the site inspection for May 2, 2018.

**May 2, 2018** - Regional District Bylaw, Building Inspection, and Management Staff attended the subject property at 42935 Athey Road for a scheduled site inspection. The Property Owner Mr. Edward Forber was on site and there was a full walk through inspection of the accessory barn structure and surrounding area. FVRD Staff confirmed that the accessory barn structure that sustained a structure fire has been completely re-built and is currently being used as a Marijuana Grow Operation.

There is no Building Permit on file for the existing barn, so a full Building Permit would be required. The details of what would be required for a Building Permit and options for compliance with Regional District Bylaws were discussed with the Property Owner. Mr. Forber explained that the finances required to complete the Building Permit are likely an issue at this time and he won't be able to take care of the Building Permit requirements in a timely manner. He advised that staff should proceed with a Section 57 Notice on Title of the property as the best course of action moving forward at this time. Site Inspection Photos taken.

The following site inspection photos taken on **May 2, 2018:**



#### DISCUSSION

Section 57 of the Community Charter allows a Building Inspector to recommend a resolution to place a Notice on the Title of a property if a contravention of a bylaw or another enactment that

related to the construction or safety of a building is observed. A Notice on Title serves as notice to anyone searching the title that the property may be in breach of local government bylaws or other enactments; provide disclosure to future owners; and protects against potential claims with regard to the contraventions.

Staff would like you to consider the following information:

#### Building Bylaw

Minimum construction standards are regulated within electoral areas by *Fraser Valley Regional District Building Bylaw No. 1188, 2013* (Building Bylaw) for health, safety and the protection of persons and property. The bylaw provides that no person shall commence any construction, alternation, reconstruction, demolition, removal, relocation or change the occupancy of any building.

The accessory barn structure on the subject property at 42935 Athey Road was initially constructed without a required Building Permit. On an unknown date, the accessory barn structure sustained a structure fire that destroyed the entire building except for the foundation. The barn structure has been completely re-constructed into an accessory building without a required Building Permit.

**A Building Permit is required for the construction works undertaken by the property owner.**

#### Zoning Bylaw

This property is in Electoral Area G, and is zoned Flood Plain Agriculture (A-2) under *the Dewdney Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 0559, 1992* (Bylaw 0559). The primary purpose of this zone is to contain a cohesive and well-defined community of agricultural lands generally free from encroachments by incompatible uses. Farming activities center on dairy, forage, berry and corn operations.

The accessory barn structure has been completely re-built and is currently being used to operate Marijuana Grow Operation. A Marihuana Grow Operation Use is listed as a permitted use in the Flood Plain Agriculture (A-2) zone provided that it is approved by the appropriate provincial and federal authorities.

The subject Property at 42935 Athey Road is entirely within the Agricultural Land Reserve.

#### Official Community Plan

1. The subject property is within the *Riparian Areas Development Permit Area 2-G* (DPA 2-G) under the *Fraser Valley Regional District Official Community Plan for Electoral Area G Bylaw No. 0866, 2008* (Bylaw 0866). This Development Permit area is designated for the protection of the natural environment, its ecosystems and biological diversity. A Development Permit must be obtained prior to alteration of land or construction of, addition to, or alteration of a building or structure.

Section 15.2.2(b) of the OCP Bylaw No. 0866 provides an exemption for the Riparian Regulations for development that does not involve residential, commercial, institutional or industrial uses. The Agricultural Land Commission has designated the growth of marijuana as a permitted farm or

Agricultural Use. The accessory barn structure on the subject property is being used for the growth of Marijuana, therefore the Riparian Area Regulation in DPA 2-G does not apply.

**A Development Permit does not need to be obtained prior to the building of the barn structure on the subject property at 42935 Athey Road.**

## **COST**

Land Titles Office filing fee of approximately \$55.

The owner will be required to pay a removal fee of \$500 in accordance with the *Fraser Valley Regional Building Bylaw 1188, 2013*, after the unauthorized construction works on the accessory barn structure is either:

1. Demolished with a Building Permit issued by the FVRD, with a successful final inspection; or
2. A fully completed Building Permit for the construction works to the accessory barn structure is issued by the FVRD and receives a successful final inspection.

## **CONCLUSION**

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the construction works on the accessory barn structure without a Building Permit violates the Regional District Building Bylaw and the *British Columbia Building Code*. Staff further notes that full compliance will only be achieved with the successful completion of a Building Permit for the construction of the accessory barn structure or a Building Permit for demolition of the accessory barn structure.

Regrettably, but in the interest of full public disclosure and as incentive to achieving voluntary compliance, I, as an Appointed Building Inspector, believe that the filing of Notice is appropriate in this instance and submit the above recommendation in accordance with Section 57 of the *Community Charter*.

Electoral Area Services Committee (EASC) approval and Regional District Board resolution is required to assess Section 57 notices.

The process of filing a Section 57 notice on property title is conducted in accordance with the *Community Charter* and the *Local Government Act*.

Regional District requirements for Building Permit works are being administered in accordance with related Fraser Valley Regional District Building Bylaw, Policies, and the *BC Building Code*.

**COMMENTS BY:**



<b>Graham Daneluz, Deputy Director of Planning &amp; Development</b>	reviewed and supported
<b>Mike Veenbaas, Director of Financial Services</b>	not available for comment
<b>Paul Gipps, Chief Administrative Officer</b>	Reviewed and supported

June 1, 2018

**REGISTERED MAIL**

Mr. Edward Forber  
20936 44AAve  
Langley, BC V3A 8Z1

**FILE: 4010-20- G03602.000**

CIVIC: 42935 Athey Road

PID: 002-428-971

LEGAL: The Whole of the Island in the East Half of Section 4 Township 24 which is situate in ZaitScullachan Slough containing 6.25 acres more or less as shown on the plan of said Township dated the 18<sup>th</sup> day of September, 1893 New Westminster District.

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Dear Mr. Forber:

**Re: SHOW CAUSE HEARING SCHEDULED – Section 57 Notice on Tile  
Contraventions of Building Bylaw No. 1188, 2013 - Construction without a Building  
without a Permit, Barn Structure – 42935 Athey Road Electoral Area G.**

Further to our most recent site inspection of May 2, 2018 that was conducted on the same day, please be advised you are hereby notified that your opportunity to be heard by the Regional District Electoral Services Committee is scheduled. The meeting is to show cause why the Regional District Board of Directors should not direct staff to file a Notice against the title of your property at 42935 Athey Road in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1133, 2018* pursuant to Section 57 of the *Community Charter*.

The **show cause** hearing is scheduled for **July 10, 2018 at 1:30pm**, in the Boardroom on the fourth floor of the Regional District Office at 45950 Cheam Avenue, Chilliwack, British Columbia.

The Electoral Area Services Committee will consider registration of the Section 57 Notice on the title of your property at 42935 Athey Road whether or not you are in attendance. For your convenience, I have attached relevant extracts from the *Community Charter* and a copy of the staff report which will be considered by the Committee.

If you require further information or clarification on this matter please contact the Louise Hinton, with our Bylaw Enforcement Department at 604-702-5015 or [lhinton@fvrd.ca](mailto:lhinton@fvrd.ca) in advance of this meeting.

Sincerely,



Digitally signed by Paul  
Gipps  
Date: 2018.05.28  
11:27:04 -07'00'

Paul Gipps  
Chief Administrative Officer

cc: Al Stobbart, Director of Electoral Area G  
Margaret-Ann Thornton, Director of Planning & Development  
Greg Price, Bylaw & Compliance Coordinator

Attach: July 10, 2018 Staff Report from Bylaw and Appointed Building Inspector  
May 16, 2018 Land Title Search Results  
May 16, 2018 Property Information Report  
May 16, 2018 Property Information Map  
Notice on Title Information Sheet Including Community Charter, Section 57 and 58

**TITLE SEARCH PRINT**

2018-05-16, 10:16:48

File Reference:

Requestor: Louise Hinton

Declared Value \$675000

\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\*

<b>Land Title District</b> Land Title Office	NEW WESTMINSTER NEW WESTMINSTER
<b>Title Number</b> From Title Number	CA4966933 CA1364886
<b>Application Received</b>	2016-02-02
<b>Application Entered</b>	2016-02-15
<b>Registered Owner in Fee Simple</b> Registered Owner/Mailing Address:	EDWARD HARRY FORBER, BUSINESSMAN 20936 - 44A AVENUE LANGLEY, BC V3A 8Z1
<b>Taxation Authority</b>	New Westminster Assessment District Nicomen Island Improvement District
<b>Description of Land</b> Parcel Identifier: Legal Description:	002-428-971 THE WHOLE OF THE ISLAND IN THE EAST HALF OF SECTION 4 TOWNSHIP 24 WHICH IS SITUATE IN ZAITSCULLACHAN SLOUGH CONTAINING 6.25 ACRES MORE OR LESS AS SHOWN ON THE PLAN OF SAID TOWNSHIP DATED THE 18TH DAY OF SEPTEMBER, 1893 NEW WESTMINSTER DISTRICT
<b>Legal Notations</b>	NONE
<b>Charges, Liens and Interests</b> Nature: Registration Number: Registration Date and Time: Registered Owner:	TIMBER AGREEMENT 40923C 1918-05-15 10:22 AMEDE TREMBLAY
Nature: Registration Number: Registration Date and Time: Registered Owner:	LEASE CA2677089 2012-07-25 11:01 EDWARD HARRY FORBER



**TITLE SEARCH PRINT**

File Reference:

Declared Value \$675000

2018-05-16, 10:16:48

Requestor: Louise Hinton

Nature:

Registration Number:

Registration Date and Time:

Registered Owner:

OPTION TO PURCHASE

CA2677090

2012-07-25 11:01

EDWARD HARRY FORBER

**Duplicate Indefeasible Title**

NONE OUTSTANDING

**Transfers**

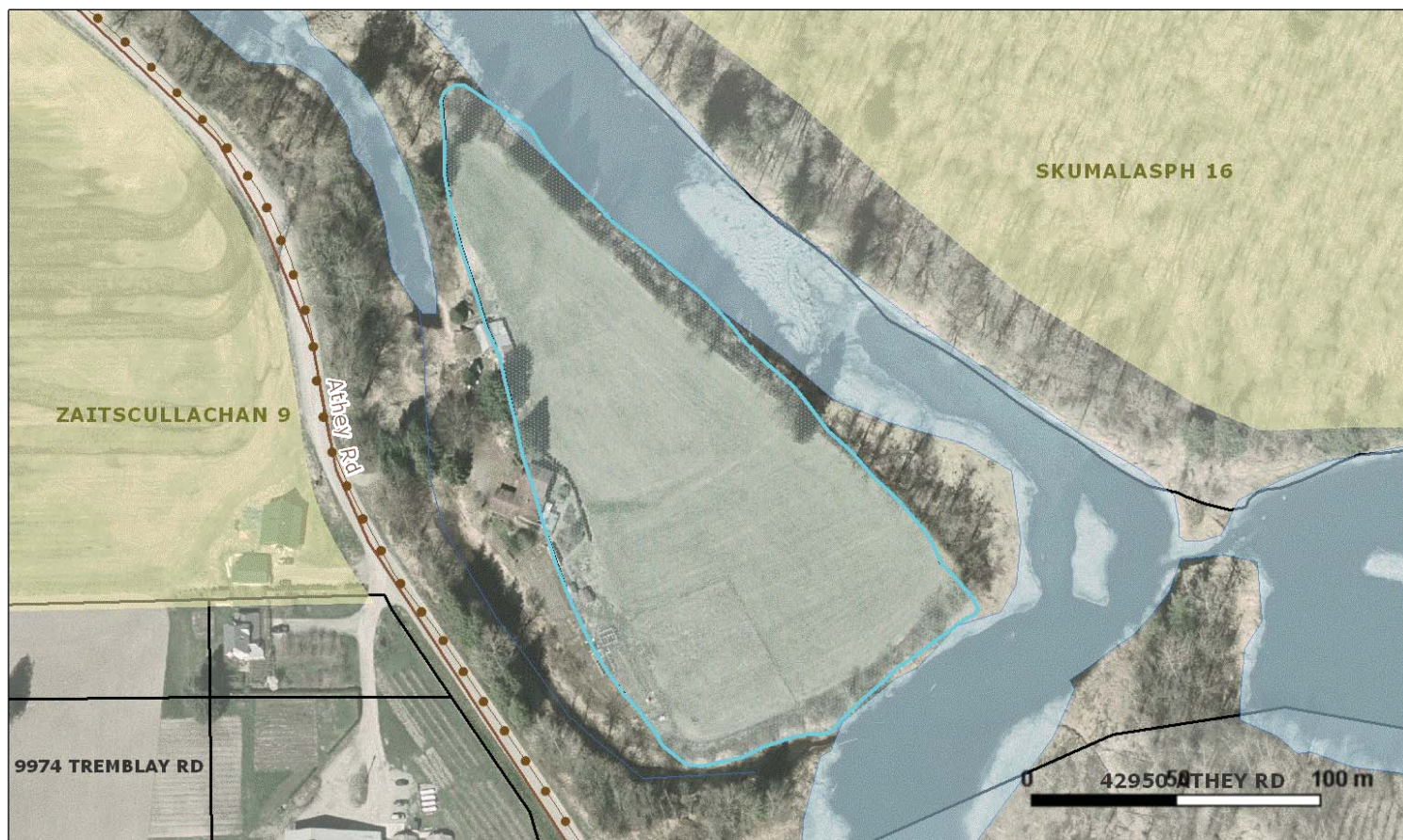
NONE

**Pending Applications**

NONE

**Property Information Report**

Civic Address:	42935 ATHEY RD	Lot Size:	6.25 ACRES
Folio Number:	775.03602.000	Electoral Area:	G
PID:	002-428-971	Map Scale:	1:2393
Legal Description:	SECTION 4, TOWNSHIP 24, NEW WESTMINSTER DISTRICT PART E 1/2, ISLAND WHICH IS SITUATE IN ZAITSCULLACHAN SLOUGH CONTAINING 6.25 ACRES MORE OR LESS AS SHOWN ON THE PL OF SAID TWP DATED THE 18TH DAY OF SEPTEMBER 1893.		



**Land-use Information**

Zoning Designation:	Contact Planning Department	Zoning Bylaw:	Contact Planning Department
OCP Designation:	Contact Planning Department	OCP Bylaw:	Contact Planning Department
DPA Designation:	Contact Planning Department	ALR:	Contact Planning Department
In Mapped Floodplain:	Contact Planning Department	Watercourse:	Contact Planning Department

**Utility Information**

Local Service Area:	Contact Planning Department
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This information is provided as a public resource for general information purposes only. The information shown is compiled from various sources and the Fraser Valley Regional District makes no warranties, expressed or implied, as to the accuracy or completeness of the information. This report is not a legal document and is published for information and convenience only. The Fraser Valley Regional District is not responsible for any errors or omissions that may appear on this report.

To: Electoral Area Services Committee

Date: 2018-07-10

From: Louise Hinton, Bylaw Compliance and Enforcement Officer File No: Eo6604. 250/3

**Subject:** Building Bylaw, and BC Building Code Contraventions at 4164 Slesse Road, Electoral Area E, legally described as Lot 25 Except: Part within Heavy outline taken by Highway Statutory Right of Way Plan 64013, Section 33 Township 1 Range 29 West of the Sixth M

## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, at 4164 Slesse Road Electoral Area E, Fraser Valley Regional District, British Columbia (as Lot 25 Except: Part within Heavy outline taken by Highway Statutory Right of Way Plan 64013, Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24078; Parcel Identifier: 009-301-780.

## STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship  
Support Healthy & Sustainable Community  
Provide Responsive & Effective Public Services

## PRIORITIES

Priority #3 Flood Protection & Management

## BACKGROUND

**July 19, 2011** - Fraser Valley Regional District Bylaw Staff received a complaint by telephone with regards to construction at 4164 Slesse Road. The complainant states that the owners of the property are demolishing a rear portion of the existing Single Family Dwelling and the deck and plan to replace them both. The complainant details that a 24 ft x 30 ft deck with a room built underneath is in the process of being removed. The complainant is very concerned as this area has been part of geological slope scrutiny in the past.





**July 22, 2011** - Regional District Bylaw Enforcement Staff attended the subject property at 4164 Slesse Road for a site inspection. The Property Owners Mr. Marcel and Mrs. Bernice Champigny were in attendance during the inspection. FVRD Bylaw Staff confirmed upon visual inspection that extensive construction works were in progress to the rear of the Single Family Dwelling including the rear deck. Inspection photographs were taken. Regional District Bylaw Staff advised the Property Owners that a Building Inspector would be attending their property for a site inspection on July 25, 2011 to determine if the construction works requires a Building Permit. The Property Owners, Mr. Marcel and Mrs. Bernice Champigny stated their disapproval of the process and that it was their opinion that the FVRD altered their land when a retaining wall was constructed at the front of the property and caused a change in the drainage which caused the slide of their basement bathroom and rotted out the deck which they are replacing.

Site Inspection Photos dated July 22, 2011:



**July 25, 2011** – Regional District Building Inspection Staff attended the property for a follow-up site inspection of the subject property at 4164 Slesse Road. There was nobody on site during the inspection. FVRD Building Inspection Staff discovered that construction works had continued, additional inspection photos were taken and a Stop Work and a No Occupancy Notice were posted on site.



Site Inspection Photos dated July 25, 2011:



**August 3, 2011** -- Regional District Bylaw Staff spoke with Property Owner, Mrs. Bernice Champigny by telephone. FVRD Bylaw Staff advised Mrs. Champigny that a Building Permit was required for the work undertaken to remove the deck and the room underneath the deck. Mrs. Champigny does not agree that a Building Permit is needed and is very unhappy with Staff, stating that they were just replacing the rotten parts of the house. Regional District Bylaw Staff provided information regarding the Building Permit application and its process.

**August 8, 2011** – Property Owner Mrs. Bernice Champigny came into the Regional District Building Office and applied for a Building Permit (BP012605) for the “reduction of the rotten deck”.

**August 23, 2011** Regional District Bylaw, Planning and Building Staff reviewed the Building Permit application regarding the subject property and site specific information and history of slope instability in the area.

**August 24, 2011** – Regional District Planning, Corporate Services, Building Inspection, Bylaw Department and Management Staff conduct a meeting to discuss the recent events, and history of the subject property at 4164 Slesse Road.

- There was a slide event occurred a few years ago and there is a 2007 Overview Slesse Park Geo-Technical Assessment completed as a result; so there are slope stability concerns on this property.
- Concerns regarding the structural integrity of the recent construction.
- The ground slope has continued to erode significantly at the back of the house.
- A Development Permit was applied for in 2007, but was never completed.

**August 26, 2011** – A letter is sent by regular mail to the Property Owners Mr. Marcel and Mrs. Bernice Champigny advising them of the geotechnical hazards associated with the proposed construction project. It outlines the requirement under Section 56 of the *Community Charter* that a report from a qualified professional is required. This letter also advised Mr. and Mrs. Champigny that their professional should contact the Regional District's Planning Department for assistance before beginning any work.

**August 31, 2011** - Regional District Bylaw Staff received contact from the Property Owner Ms. Bernice Champigny by telephone. Mrs. Champigny advised FVRD Bylaw Staff that she wanted the Building Permit Application (BP012605) to be amended to be an application for "remove and repair of deck and wall below", instead of "reduce rotten deck". Staff explained that this would not change the Building Permit requirements as outlined in her August 21, 2011 letter. Ms. Champigny stated that she didn't think she should have to provide the listed requirements as outlined in the letter because they were too expensive and that the previous owners did a geotechnical report only a few years prior. Staff went through each of the items outlined in the letter and referred her to the planning department for further information on the Development Permit process.

**April 19, 2012** – A second letter is sent by regular mail to the Property Owners Mr. Marcel and Mrs. Bernice Champigny listing the required outstanding items to complete their Building Permit (BP012605) for the removal and repair of deck and wall below deck.

**July 18, 2012** – A third letter is sent by regular mail to the Property Owners Mr. Marcel and Mrs. Bernice Champigny listing the required outstanding items to complete their Building Permit (BP012605) for the removal and repair of deck and wall below deck.

**October 2, 2012** – A final notice letter is sent by regular mail to the Property Owners Mr. Marcel and Mrs. Bernice Champigny listing the required outstanding items to complete their Building Permit (BP012605) for the removal and repair of deck and wall below deck. The letter advised the Property Owners that the application would be held in abeyance until November 2, 2012 before the FVRD would take steps to close the Building Permit.

**October 2012 – October 2014** - FVRD Planning and Building Department staff corresponded with the Property Owners Mr. Marcel and Mrs. Bernice Champigny to work on their Building Permit Application.

**October 2, 2014** - Regional District Bylaw Staff contacted the Property Owner Mrs. Bernice Champigny by telephone to enquire as to the status of the Building Permit (BP012605). Mrs. Champigny advised Bylaw Staff that it was her intent to reduce the scope of construction work, so that a Building Permit would not be required.

**November 20, 2014** – Regional District Bylaw Staff attempted to contact the Property Owners Mr. Marcel and Mrs. Bernice Champigny by telephone; however there was no answer, so a detailed voicemail was left requesting a call back.

**November 27, 2014** - Regional District Bylaw Staff sent a letter to the Property Owners Mr. Marcel and Mrs. Bernice Champigny by regular mail and email. The letter summarized the October 2, 2014 discussion and requested a meeting on site to confirm that the deck does not exceed 215 square metres with a deadline for response of January 5, 2015.

**December 8, 2014** – Regional District Bylaw Department Staff received contact from the Property Owner Mr. Marcel Champigny by email to schedule a site inspection and advise staff of Ms. Champigny's health concerns. FVRD Bylaw Department staff sent a response to the Property Owner on the same day with condolences and a request to have a site inspection booked in the New Year to provide an extended timeline due to accommodate the mitigating circumstances.

**February 23, 2015** – Regional District Building Inspection Staff attended the subject property at 4164 Slesse Road for a site inspection. A FVRD Building Inspector confirmed on site that the rear deck measures 320 square metres and requires a Building Permit. In addition, construction has continued without a permit as the room below the deck has been enclosed.

Site Inspection Photos dated February 23, 2015:



**February 24, 2015** - Regional District Bylaw staff contacted the Property Owner Mr. Marcel Champigny by telephone to advise him that a Building Permit is required for the construction work, and that this matter has been forwarded to Bylaw Enforcement for follow-up. Mr. Champigny advised that he reduced the deck size to eliminate the requirement of a Building Permit, but was unaware that the deck had not been reduced sufficiently in size. FVRD Bylaw staff also discussed the possibility of registering a Section 57 notice on the title of the property as a possible course of action at this time. Mr. Champigny stated that he will have to have discussions with his wife, Mrs. Champigny before he confirms a direction to proceed.

**February 25, 2015** – A letter is sent by regular mail to the Property Owners Mr. Marcel and Mrs. Bernice Champigny to notify them that their Building Permit (BP012605) for the removal and repair of deck and wall below deck has now been closed due to inactivity. The letter advises the

Property Owners that their file has now been referred back to the Bylaw Enforcement Department for follow-up.

**March 17, 2015** – Regional District Bylaw Department sent a letter to the Property Owners Mr. Marcel and Mrs. Bernice Champigny by regular mail and email advising them that the subject property at 4164 Slesse Road remains in contravention of the FVRD *Building Bylaw No. 1188, 2013*. The letter requests that a Building Permit be re-applied for or the deck removed with a deadline of April 20, 2015.

**April 7, 2015** – Regional District Bylaw Staff received contact from Mr. Marcel Champigny by email to Regional District Bylaw Staff advising of Ms. Bernice Champigny's continued health concerns and financial issues. They advised the FVRD that construction has ceased and the deck is not currently in use, and requested alternative options for compliance.

**April 27, 2015** -Regional District Bylaw Staff sent a letter to the Property Owners Mr. Marcel and Mrs. Bernice Champigny by regular mail and email. The letter summarizing the Bylaw Enforcement issues present on the subject property at 4164 Slesse Road and compliance options available to resolve the Bylaw Enforcement contraventions. It provides an extended timeline of one year due to the mitigating health concerns of the Property Owners. The Regional District provided a one year deadline (May 1, 2016) to apply and obtain the required permits. The property constraints were noted and a copy of the March 30, 2007 Thurber Engineering report entitled "Slesse Park Properties, Chilliwack. Overview Geo-Technical Assessment" was provided. A "Letter of Intent" was also included to be signed by the Property Owners.

**March 16, 2016** - Regional District Bylaw Staff sent a follow-up letter to the Property Owners Mr. Marcel and Mrs. Bernice Champigny by regular mail and email advising them that the subject property at 4164 Slesse Road remains in contravention of the FVRD *Building Bylaw No. 1188, 2013*. The letter requests that a Building Permit be re-applied for or the deck removed with a deadline of May 1, 2016.

**April 7, 2016** – Regional District Bylaw Staff received contact from the Property Owner Mr. Marcel Champigny by email advising FVRD Staff of Ms. Bernice Champigny's declining health concerns and further financial issues, which prevent the submission of a Building Permit building permit application.

**2016 – 2017** - There is no further action by FVRD Bylaw Enforcement Staff during this time period due to reduced Regional District Bylaw Department Staffing levels

**January 24, 2018** - Regional District Bylaw Staff sent a final warning letter to the Property Owners Mr. Marcel and Mrs. Bernice Champigny by regular mail and email. The letter advises Mr. and Mrs. Champigny of staff's recommendation to proceed with the process of registering a Section 57 *Community Charter* notice on the title of their property at 4164 Slesse Road. This letter gave the Property Owners a final opportunity to achieve voluntary compliance by the deadline of February 8, 2018. Regional District Staff have not received a response or any Building Permit Application from the Property Owners Mr. and Mrs. Bernice and Marcel Champigny.



**March 29, 2018** – Regional District Bylaw and Building Inspection Staff conduct a drive-by inspection of the subject property at 4164 Slesse Road. It is noted and photographed that the unauthorized construction of the removal and repair of rear deck and wall below deck still remains in place.



**June 1, 2018** – Regional District Bylaw Staff sent a legal notification letter of the Show Cause Hearing date to the Property Owners Mr. Marcel and Mrs. Bernice Champigny by registered mail. The letter advises Mr. and Mrs. Champigny of staff's recommendation to proceed with the process of registering a Section 57 *Community Charter* notice on the title of their property at 4164 Slesse Road on July 10, 2018.

**June 5, 2018** – Regional District Bylaw Staff checked the Canada Post Online Tracking System and determined that the Property Owners Champigny picked up their Show Cause Hearing legal Notification Package on June 5, 2018.

**June 13, 2018** – Regional District Bylaw Department and Planning Staff received property inquiry from a Real Estate Agent providing that the property had been listed for sale.

**June 2018** – The property is listed for sale by realtor William Coughlin, RE/MAX City Realty under MLS # R2281723.

## **DISCUSSION**

Section 57 of the Community Charter allows a Building Inspector to recommend a resolution to place a Notice on the Title of a property if a contravention of a bylaw or another enactment that related to the construction or safety of a building is observed. A Notice on Title serves as notice to anyone searching the title that the property may be in breach of local government bylaws or other enactments; provide disclosure to future owners; and protects against potential claims with regard to the contraventions.

Staff would like you to consider the following information:

### Building Bylaw

Staff is authorized to regulate minimum construction standards within electoral areas via the *Fraser Valley Regional District Building Bylaw No. 1188, 2013* (Building Bylaw) for health, safety and the protection of persons and property. The bylaw provides that no person shall commence any construction, alternation, reconstruction, demolition, removal, relocation or change the occupancy of any building.

In 2011 the Regional District confirmed that a the rear portion the existing Single Family Dwelling Structure on its lower level and the rear deck above were being removed and demolished without a required Building Permit . In 2011 and again in 2015 it was discovered that construction had continued on the removal and replacement project despite the Stop Work and No Occupancy

orders that were posted on the structure. A Building Permit Application was in late 2011; however the permit lapsed due to inactivity.

There are concerns with regard to the structural integrity of the construction completed without a Building Permit, and the slope of the ground near the construction that has continued to erode.

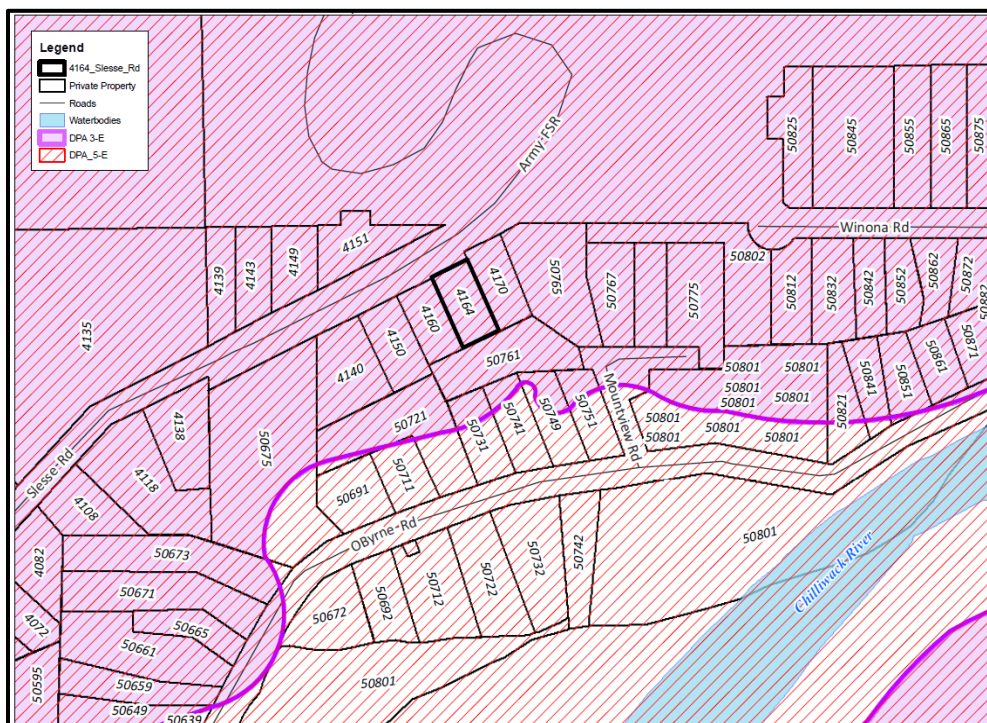
**A Building Permit is required for the works undertaken by the Property Owner.**

#### Official Community Plan

1. The subject property is within *Chilliwack River Valley Slope Hazard Development Permit Area 3-E* (DPA 3-E) under the *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* (Bylaw 1115). This Development Permit area is designated for the protection of development from *hazardous conditions* (slope). A Development Permit must be obtained prior to alteration of land or construction of, addition to, or alteration of a building or structure.
2. The subject property is also within the *Riparian Areas Development Permit Area 5-E* (DPA 5-E) under the *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* (Bylaw 1115). This Development Permit area is designated for the protection of the natural environment, its ecosystems and biological diversity. A Development Permit must be obtained prior to the alteration of land the disturbance of soil or vegetation; or construction of or addition to a building or structure within a riparian assessment area.

A Development Permit must be obtained prior to the alteration of land the disturbance of soil or vegetation; or construction of or addition to a building or structure within a riparian assessment area. To date there has been no application for a Development Permit for any of the construction works that have occurred on the subject property.

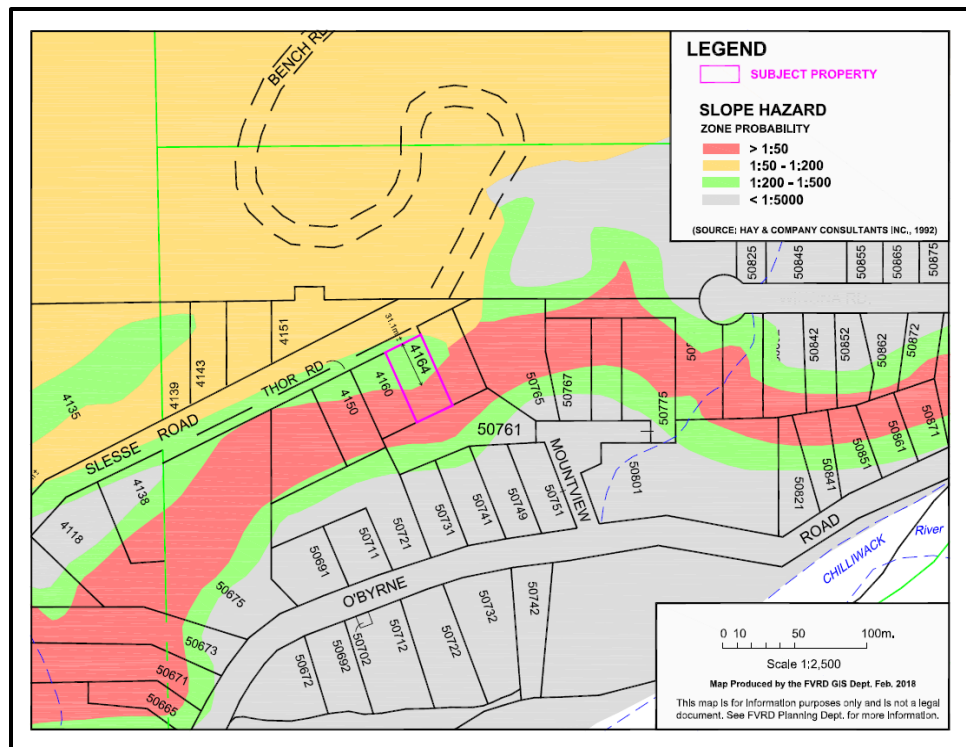
**A Development Permit is required for the construction that has taken place on the property.**



(DPA 3-E) & (DPA 5-E) MAP



## Slope Hazard MAP



## COST

Land Titles Office filing fee of approximately \$55.

The owner will be required to pay a removal fee of \$500 in accordance with the *Fraser Valley Regional Building Bylaw 1188, 2013*, after the unauthorized construction of the removal and repair of rear deck and enclosed wall below the deck is either:

1. Demolished with a Building Permit issued by the FVRD, with successful final inspection; or
2. A completed Building Permit for the construction works of the removal and repair of rear deck and enclosed wall below deck is issued by the FVRD and receives a successful final inspection. Prior to Building Permit issuance, application and issuance of a Development Permit for the construction is also required.

## CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the construction works on the removal and repair of rear deck and wall below deck and construction without a Development Permit violate multiple Regional District Bylaws, and the *British Columbia Building Code*. Staff further notes that full compliance will only be achieved with the successful completion of a Building Permit for the removal and repair of rear deck and wall below deck or a Building Permit for the demolition of the rear deck and enclosed wall below the deck

Regrettably, but in the interest of full public disclosure and as incentive to achieving voluntary compliance, I, as an Appointed Building Inspector, believe that the filing of Notice is appropriate in

this instance and submit the above recommendation in accordance with Section 57 of the *Community Charter*.

Electoral Area Services Committee (EASC) approval and Regional District Board resolution is required to assess Section 57 notices.

The process of filing a Section 57 notice on property title is conducted in accordance with the *Community Charter* and the *Local Government Act*.

Regional District requirements for Building Permit works are being administered in accordance with related Fraser Valley Regional District Bylaws, Policies, and the *BC Building Code*.

**COMMENTS BY:**

<b>Margaret Thornton, Director of Planning &amp; Development</b>	Reviewed and Supported.
--	-------------------------

<b>Mike Veenbaas, Director of Financial Services</b>	No further financial comment.
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<b>Paul Gipps, Chief Administrative Officer</b>	Reviewed and supported
---	------------------------



January 24, 2018

Via Email: [REDACTED]

Mr. Marcel Champigny  
Mrs. Bernice Champigny  
4164 Slesse Road  
Chilliwack BC V4Z 1B3

**FILE:** E06604.250/3  
**CIVIC:** 4164 Slesse Road  
**PID:** PID: 009-301-780  
**LEGAL:** Lot 25 Except: Part within Heavy Outline taken by Highway Statutory Right of Way Plan 64013, Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24078

---

Dear Mr. and Mrs. Champigny:

**Re: Final Warning – Construction without a Building without a Permit – 4164 Slesse Road  
Demolish and reconstruct the rear of the single family dwelling with attached deck**

Further to our most recent letters dated March 16, 2016, April 27, 2015, March 17, 2015 and February 25, 2015 Regional District staff has confirmed that your property at 4164 Slesse Road (the "property") continues to remain in breach of Regional District bylaws despite our repeated requests for compliance. Staff verified that the construction works to demolish and rebuild the rear portion of the single family dwelling and attached deck on your property was started without any of the required permits. Fraser Valley Regional District's Building Bylaw No. 1188, 2013 (Bylaw 1188) section 6 states:

*No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including excavation or other work related to construction until a building official has issued a valid and subsisting permit for the work.*

It has now been almost seven years since the Regional District first discovered the unauthorized construction on your property. We understand there have been unforeseen circumstances that may have prevented you from completing your required permits. However, as of today's date outstanding permit requirements for this structure have not been met.

Considering you have not been able to meet any of the previously given deadlines to comply with the building or development permit requirements as outlined in the Bylaw 1188, the Regional District will proceed with the process of registering a notice on the title of your property under Section 57 of the *Community Charter*. The registration of a notice on title, with the Land Titles Office is the best course of action given the timelines and permit requirements to bring the structure into compliance with Regional District regulations. Please see the enclosed information sheet that provides further details on the process.

If you do wish to take steps towards gaining compliance in the above stated matter please ensure that by **February 8, 2018** a fully completed building permit application is submitted for the above noted construction, to the Fraser Valley Regional District's Building Department. Alternatively you may choose to demolish the unpermitted construction. If you choose to proceed with a building permit, please ensure that the completed application form includes the following items:

- a) Detailed to scale drawings for the structure including the uses for each space;
- b) British Columbia Land Surveyors (BCLS) location survey;
- c) An initial application fee in the amount of \$150.00 for the permit.
- d) A development permit application (please refer to planning department for further information on how to apply for a Development Permit).

Please note that obtaining a permit may be challenging because your property is in a known slope hazard area and because the construction that has been completed to date requires registered professional requirements.

Should you have any questions with regard to your application, please do not hesitate to contact one of our Building Inspectors at (604) 702-5000. Building Permit Application forms are available online for your convenience on the Regional District's website at:  
<http://www.fvrd.ca/EN/main/services/building-permits-inspection/forms.html>

If you fail to meet the above stated deadline of **February 8, 2018** we will move forward to begin the process of registering a notice on the title of your property as outlined in section 57, of the *Community Charter*.

The primary purpose of an owner obtaining their Building Permit is for the safety of its occupants. Having a non-approved building puts the occupants at risk and should an unfortunate incident occur the owner may be held liable. We encourage you to read the BC Occupiers Liability Act regarding property safety and negligence, available online at:  
[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_96337\\_01](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96337_01)

If you have any questions or wish to discuss this matter further, you may contact me by calling toll-free at 1-800-528-0061, directly at 604-702-5015 or by email at [lhinton@fvrd.ca](mailto:lhinton@fvrd.ca). Our office hours are Monday through Friday from 8:30am to 4:30pm.

Yours truly,



Louise Hinton,  
Bylaw, Compliance and Enforcement Officer

Attach: Copy of Letters dated March 16, 2016 and April 27, 2015  
Copy of Letters dated March 17, 2015 and February 25, 2015  
Section 57 Information Sheet

cc: Orion Engar, Director of Electoral Area E  
Margaret Thornton, Director of Planning & Development  
Greg Price, Bylaw & Compliance Coordinator  
Vancouver City Savings Credit Union in Trust (BL51936)



**COPY**

March 16, 2016

Bernice Champigny  
Marcel Champigny  
4164 Slesse Road  
Chilliwack, BC V4Z 1B3

**FILE: 4010-20-E06604.250/3**  
**CIVIC:** 4164 Slesse Road  
**PID:** 009-301-780  
**LEGAL:** LOT 25 EXCEPT: PART WITHIN HEAVY OUTLINE TAKEN BY HIGHWAY STATUTORY RIGHT OF WAY  
PLAN 64013, SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN NEW  
WESTMINSTER DISTRICT PLAN 24078

Dear Mr. & Ms. Champigny;

**RE: Contravention of the Building Bylaw –Construction without a Permit.**

As you are aware, the Regional District has an open bylaw enforcement file for the above mentioned property for construction of a deck and storage room without a permit.

As per the attached letter dated April 27, 2015 the Regional District is aware of the difficulties you were having, preventing you from applying for a new building permit for the construction and granted you time, until May 1, 2016, to apply for the required permit. To this date the Regional district has not received any building permit applications for your property.

The Regional district wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this, we ask that you submit a new building permit application no later than **May 1, 2016**. Should you fail to comply with this request, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

If you have any questions or wish to discuss this matter further, you are welcome to contact me by calling toll free at 1-800-528-0061, directly at 604-702-5015, or by email at [jwells@fvrd.bc.ca](mailto:jwells@fvrd.bc.ca). Our office hours are Monday through Friday from 8:30am to 4:30pm. Thank you once again for your co-operation.

Yours truly,



Jennifer Wells  
Bylaw, Permits & Licences Technician

cc: Orion Engar, Director of Electoral Area E  
Margaret-Ann Thornton, Director of Planning & Development

**COPY**

File Number: E06604.250/3

April 27, 2015

Bernice & Marcel Champigny  
4164 Slesse Road  
Chilliwack BC V4Z 1B3

Dear Mrs. & Mr. Champigny;

**Bylaw Enforcement & 4164 Slesse Road; Legally Described as Lot 25 Except: Part within Heavy Outline Taken by Highway Statutory Right of Way Plan 64013, Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24078 (Parcel Identifier 009-301-780)**

Further to your last email sent Tuesday, April 7, 2015, it is my understanding that you wish to resolve the bylaw enforcement (BE) issues on your property but you are unable at this time due to personal finances as well as Mrs. Champignys' health. At this time, I would like to summarize the bylaw enforcement concerns for the above noted property for you.

#### **Development Permit Information**

The Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011 contains statements and map designations respecting restrictions on the use of land that is subject to hazardous conditions. This Official Community Plan may be found by clicking on the following link: <http://www.fvrd.bc.ca/InsidetheFVRD/Bylaws/LandUsePlanningandDevelopmentBylaws/Pages/OfficialCommunityPlans.aspx>

According to our records, the subject property is within two (2) Development Permit Areas (DPA). To date, a Development Permit has not been issued for this property.

No.	Subject	<i>partial list of activities requiring a Development Permit</i>
3-E	Slope Hazard	Alteration of land; and construction of, addition to or alteration of a building within a Development Permit Area. Please note that a certified site-specific geotechnical report from a qualified professional geotechnical engineer may be required.
5-E	Riparian Areas	Development (including the alteration of land, the disturbance of soil or vegetation or the construction of or addition to a structure) within a Riparian Area (30 meters from the high water mark of a stream).

#### **2007 Winter Slope Activity**

Please see attached Thurber Engineering report titled *Slesse Park Properties, Chilliwack Overview Geotechnical Hazard Assessment* dated March 30, 2007 for more information.

#### **Building Permit Information**

Construction is regulated through the Fraser Valley Regional District Building Bylaw No. 1188, 2013 (Building Bylaw 1188). Generally, a building permit is required for all construction including reconstruction, installation, replacement, erection, repair, alteration, enlargement, placement, addition, demolition,



removal and excavation although there are exemptions. This bylaw may be found by clicking on the following link: <http://www.fvrd.bc.ca/InsidetheFVRD/Bylaws/RegulatoryBylaws/Pages/BuildingBylaw.aspx>

According to our records, there are no open building permits or building permit applications on the subject property. The historical building permits for this property is as follows:

Permit No.	Date	Subject	Status	Notes
23485	1985	12'x14' Addition	Completed Aug 20, 1986	Certificate of Occupancy provided
012605	2011	Rebuild Deck & Storage Room	Incomplete Application Cancelled	Forwarded Back to Bylaw Enforcement

#### **Synopsis of Active Bylaw Enforcement for 4164 Slesse Road**

According to our records, there is one (1) active bylaw enforcement file on the subject property:

File No.	Date	Subject	Status	Notes
E06604.250/3	Mar 2015	Build/DPA	Active	Construction without Permits (Build/DP)

On June 19, 2011, staff was made aware that property owners were demolishing the back of the dwelling and a deck with plans to rebuild. Staff verified that permits had not been applied for such works and posted the structure with STOP WORK and NO OCCUPANCY notices (BE File E06604.250/3). The Building Inspector noted the following:

- There are concerns with regards to the structural integrity of the construction, and
- The slope has continued to erode at the back of the house.

A Building Permit application was submitted on August 5, 2011. Staff sent letters on August 26, 2011, April 19, 2012, July 18, 2012, and a final notice October 2, 2012 asking for items to be submitted to approve the application. No items were submitted to staff. Items required were:

- A certified site-specific geotechnical report from a qualified professional geotechnical engineer (property is located within DPA 3-E);
- A registered professional to submit Schedules with drawings including a report on the status of the entire structure with details on any structural upgrades and foundation repairs;
- A registered professional to submit Schedules for soil bearing capacity and slope stability including a landslide assessment report;
- A scaled site plan;
- Construction drawings that reflect all requirements of the geotechnical report; and
- Documentation from an authorized person for the re-use of the existing sewage disposal system.

On October 2, 2014, staff contacted the owner who stated that they had reduced works so as to be exempt from requiring a Building Permit. The owner permitted staff to perform a site inspection on February 23, 2015 to confirm that the works do not exceed 215 square metres. The Building Inspector noted that the deck measures 320 square feet and a building permit is still required. The Inspector also noted that works have continued and the room below the deck is now enclosed (please note photographs below).

On February 25, 2015, staff sent a letter explaining that the required items to fulfill the building permit application process remain outstanding, the building permit application has been closed, and the file has been referred back to Bylaw Enforcement. On March 17, 2015, staff sent a letter requesting that the owners re-apply for a building permit. On April 7, 2015, staff received an email from you stating that:

- You have not completed the project,

- Mrs. Champigny is ill,
- You are unable to acquire the necessary finances to finish the project, and
- All work has stopped until further notice.

The works remain on the property without a permit and in contravention of Building Bylaw 1188 and staff are concerned with the structural integrity of the construction as well as the continued erosion of the slope.

**Options to Consider to Resolve the Bylaw Enforcement File**

Obtain and follow through with a Building Permit for the deck and enclosed storage room. This would require you to:

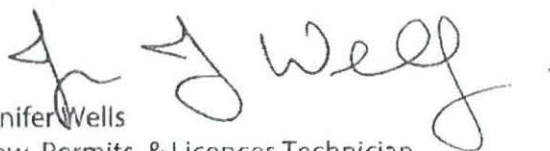
- Submit a Building Permit application form,
- Submit the Building Permit application fee (currently \$150.00),
- Submit a site plan, and
- Submit a Development Permit application (please refer to Planning Department for further information on how to apply for a Development Permit).

Please note that obtaining permits may be challenging due to a few known issues:

- Slope Hazard (a certified site-specific geotechnical report is required),
- Construction has completed (registered professional requirements).

At this time, and due to the mitigating circumstances outlined by yourself, the Regional District is prepared to provide you **one year to apply and obtain the required permits** (prior to May 1, 2016) for the works (deck and room addition). The Bylaw Enforcement file E06604.250/3 would remain open but on hold until the extension is concluded or further information is received which would require staff to activate the file. I have attached a *Letter of Intent* for you to sign if you wish to proceed with this course of action. Should you fail to comply with this request, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement. Please do not hesitate to contact me if you have any questions or require further information.

Sincerely,



Jennifer Wells  
Bylaw, Permits, & Licences Technician

cc: Orion Engar, Director of Electoral Area E  
Margaret Thornton, Director of Planning & Development

encl: Photographs  
Thurber Geotechnical report  
Letter of Intent form



MEMORANDUM

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**To:** Margaret Thornton, Director of Development & Planning  
[mthornton@fvrd.bc.ca](mailto:mthornton@fvrd.bc.ca)  
File Number: E06604.250/3

**From:** Bernice Lorrain Champigny  
Marcel Joseph Champigny  
Joint Tenants of 4164 Slesse Rd  
[mjchamp@shaw.ca](mailto:mjchamp@shaw.ca)

**Re:** **Letter of Intent for 4164 Slesse Road:**  
Legally Described as Lot 25 Except: Part within Heavy Outline Taken by Highway Statutory Right of Way Plan 64013, Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24078 (Parcel Identifier 009-301-780)

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We hereby intend to inform any potential purchaser(s)/agent(s)/occupant(s)/anyone with an interest on the above noted property of the following concerns which is the subject of a bylaw enforcement file (E06604.250/3):

- Construction (deck and room addition) carried out on the dwelling without the required building permit as required by the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, and
- The property is located within Development Permit Area 3-E and a geotechnical report is required pursuant to section 56 of the *Community Charter*.

We understand and confirm that the bylaw enforcement file will remain open, regardless of any change in ownership, until the contraventions referred above have been corrected and the property is in full compliance with the Fraser Valley Regional District bylaws.

Print Full Name	Signature	Date

Photographs taken July 22, 2011



Photographs taken July 25, 2011





Photographs taken Feb 23, 2015





APR - 3 2007

PLANNING DEPT.

March 30, 2007

File: 14-50-62

Fraser Valley Regional District  
1-45950 Cheam Avenue  
Chilliwack, BC  
V2P 1N6

Attention: Mr. Rick McDermid

**SLESSE PARK PROPERTIES, CHILLIWACK  
OVERVIEW GEOTECHNICAL HAZARD ASSESSMENT**

Dear Sirs:

Thurber Engineering Ltd. (TEL) is pleased to submit this overview hazard assessment for the following properties, as defined by you on February 27:

4164 and 4170 Thor Road  
50761 and 50765 Mountview Avenue

The scope of our assignment is to utilize available information, field observations and our experience in the area to provide the Fraser Valley Regional District (FVRD) with an overview hazard assessment that considered broad ('big-picture') geotechnical hazard issues in the study area, which is shown on Figure 1.

Use of this report is subject to the enclosed Statement of General Conditions.

**1. FIELD WORK**

We conducted field work in sunny, dry weather on March 6. At that time, we met and discussed site conditions with Mrs. MacGregor, one of the owners of 4164 and 4170 Thor Road, and Mr. and Mrs. H. Fedick, at 50761 Mountview Avenue below the MacGregor properties. Subsequently, we discussed area details with Messrs. MacGregor and Mr. Fedick by phone on March 12, one day after a day of intense rainfall. We completed another brief inspection of the area on March 15.

Selected photos are included.

**2. SOURCES OF INFORMATION**

FVRD provided the following background information:



- Golder Associates Ltd. (GAL) geotechnical reports to Mr. MacGregor dated January 18 and January 30, 2007. The first report assesses slope hazards on the lower portion of the residential property at 4164 Thor Road and the same slope on the upper west portion of the Fedick tract. The second report is an Addendum that addresses geotechnical concerns on the lot at 4170 Thor Road, adjacent to and just east of the MacGregor residence. This lot is partially cleared, graded and filled in preparation for sale and residential development.
- An FVRD internal memo dated February 23, 2007 and photographs taken by FVRD staff on January 7, 2007
- A Fraser Health Authority letter to Mr. MacGregor dated February 8, 2007. It notes that the basement septic system at No. 4674 is damaged, no longer contained and that the basement water supply must be cut off. It also requires that an inlet to a septic tank damaged by soil movements on the south side of the house to be capped.
- A 1993 Cascade Engineering Ltd. report that dealt with geotechnical hazards on the Fedick property.
- A December 20, 1989 TEL report for a previous owner (Mr. Buzzard) at 50765 Mountview Avenue.
- Available topographic and legal maps.

TEL reviewed GAL's reports for information only and informed GAL as a professional courtesy on March 13. We do not repeat GAL's descriptions, interpretations or preliminary recommendations except as required to fulfill the scope of this assignment.

The GAL reports are preliminary and, as noted in the January 18 report, more geotechnical investigation work is required to develop appropriate design options for long term stabilization of the slope below the MacGregor house. GAL also notes that investigation work should be conducted after a period of dry weather, presumably to facilitate heavy equipment access.

### 3. GEOTECHNICAL ISSUES

TEL is familiar with area geotechnical issues having conducted previous work in the area for the FVRD and private landowners. There are soil movements on steep slopes high above the developed area and a history of soil slides elsewhere in the community.





Area soil movements are largely conditioned by adverse geotechnical characteristics on or near moderate to steep slopes formed of thick deposits of glacial lake silt and clay with inter-bedded aquifers. The slopes are also susceptible to landslide activity triggered by incautious residential building activity.

#### 4. 2007 WINTER SLOPE ACTIVITY

##### 4.1 MacGregor Property – 4164 and 4170 Thor Road

The MacGregors have lived at this address for about 10 years. They purchased the adjacent property to the east (4170 Thor Road) about 2 years ago. The south portion of the lots includes a continuous slope crest and ground that drops at moderate angles for about 7 m in elevation to their south property line. The Fedick property extends from the middle to upper slope to flat ground at the base. Their house at 50761 Mountview Avenue is situated near the foot of the slope some 13 m in elevation below the joint property line.

On or about December 23, 2006 soil fill at the slope crest on the south side of the MacGregor house began to subside and continued doing so through early January 2007 (Photo 1). We did not inspect the tarp-covered slide features but they are described in GAL's January 18 report and were photographed by FVRD staff. On March 6, Mrs. MacGregor reported the scarp just below the house basement is 1.2 m high. This compares to the 0.6 m reported in GAL's January 18 report. We are not sure if her observation is significant but continuing, slow slope deformations are possible. We estimate that the volume of displaced soil may be on the order of 100 m<sup>3</sup>.

The slide movements were preceded by heavy rain and/or rain-on-snow. They were probably affected by surcharges of water from footing drains, the damaged septic system and downspouts that delivered water from the sun deck to directly to the slope crest (Photo 1). Some water may have reached the slope from fill beneath house foundations or natural perched aquifers within the slope. GAL identifies the sliding soil to be silty to clayey fill with gravel and cobbles. The displaced fill was supported by timber crib walls which were also damaged by slide activity.

On March 12, Mr. MacGregor reported that the sun deck was constructed on top of the enclosed basement by the previous owner. Wooden stairs and deck railings were constructed for them after they purchased the





house. The slope crest fill and its timber crib retaining walls were also built by the previous owner.

Fill directly below the house was probably placed without geotechnical advice or design. The MacGregor's report their concrete foundation walls are in good repair. Both noted that a basement sump pump operated continuously for long periods of time prior to the time a Lock Block wall was constructed in April 2006 on the north side of Thor Road, some 25 m above the house. They note that the sump pump has run far less often over the very wet winter of 2006-2007. This suggests that drainage features installed behind the Lock Block wall intercept water that was previously reaching the basement pump. Thor Road is formed of unpaved gravel till.

There are small, and apparently old, rock walls and other landscape features adjacent to and below damaged timber crib walls and above a fence line that marks the MacGregor and Fedick property boundary. On March 12, Mr. MacGregor confirmed these landscape features were placed by the previous owner. We observed fresh soil waste dumped just below the southwest corner of MacGregor's west lawn. On March 12, Mr. MacGregor said he dumps yard waste at this site that originally appeared to be a compost pile. On March 6, we observed a fishpond in the west yard and upon enquiry, Mrs. MacGregor said that it is lined and in good repair.

Loose fill has been pushed southward beyond the slope crest south of the graded area on 4170 Thor Road. As noted in GAL's January 30 report, there is no visible evidence of fill instability but some woody debris is incorporated and remedial measures are recommended.

#### 4.2 Other Features

In April 2006, a contractor working on behalf of the BC Ministry of Transportation (MoT) replaced a weak and damaged log crib wall on the north side of Thor Road, as noted in the Section 4.1. We are not aware that any geotechnical investigation was implemented to design the wall. The MacGregors note that the contractor found a considerable volume of water issuing from one portion of the rotting log cribbing. The new Lock Block wall supports fill that rises steeply to south edge of Slesse Road directly above Thor Road (Photo 2). A shallow ditch system along the north side of Slesse Road flows to a south draining, crossroad culvert some distance east of the MacGregor properties.

Soil behind the Lock Block wall is drained by a 100 mm diameter Big-O pipe that discharges what appears to be a limited volume of water east into



a shallow ditch that more or less follows the foot of the steep slope beyond the Thor Road right of way (Photo 2). On considering the reported degree of seepage from the old log crib wall and limited flows from behind the new one, GAL suggests probing the new wall's drainpipe to determine if it is blocked.

The outlet ditch at the east end of the wall turns south to descend the graded slope and then turns east-south-east to enter a forest. Confusion arises because of an apparent discrepancy between a boundary the mapped on Figure 1 at the east end of the Fedick property and a surveyed fence line that along this boundary. Mr. MacGregor believes that the east boundary of No. 4170 lies well east of the ditch and also beyond an enclosed shed that he built in the forest (Figure 1 and Photo 4). A legal survey is required to establish the MacGregor's easternmost boundary. However, Mr. MacGregor notes that the ditch was in place when he purchased the property 2 years ago and that it flowed to the small gully behind the house at 50765 Mountview (Figure 1 and Photos 3 and 4). This ditch system assumes importance as discussed below in Sections 6 and 7. Hereinafter, we refer to it as the north-south (N-S) ditch.

Subsequent to the above-noted slide activity, Mr. MacGregor constructed a shallow ditch across the east property (4170 Thor Road). It flows east across the graded land surface to the N-S ditch. It intercepts near-surface water from the slope crest not far to the south.

On March 16, we traced the ditch through the forest and noted that it crosses oblique to the forest slope fall line. This portion of the ditch appeared to have been recently excavated or cleaned out with a hand shovel (Photo 3). It flows to a relatively small natural gully that drains south to a point about 8 m east of the west range of the house at 50765 Mountview (Figure 1). The gully is referred to as Gully B in TEL's 1989 report to Mr. Buzzard. The house is situated very close to the foot of a moderate to steep forest slope and our 1989 report expressed concern about the geotechnical security of the house. We did not enter the property but the gully drainage is directed westward from behind the house to a concrete lined drainage ditch that follows the property line between 50761 and 50764 Mountview (Figure 1 and Photo 4) then into a road cross culvert.

## **5. 50761 MOUNTVIEW AVENUE**

### **5.1 General Description**

Figure 1 shows the Fedick property, the elongate tract at the foot of the slope below a residence at 4160 Thor Road and the two MacGregor lots.





The Fedick house is situated near the east end of their lot (Photo 5) and it was the subject of the 1993 report by Cascade Engineering. Mr. Fedick explained that his house was sited in accordance with that report and that large shot rock fragments (from a single partially buried boulder) were placed along the foot slope behind and just west of his house in accordance with advice from Cascade Engineering. This rock forms a toe blanket that appears to resist slope movements but, on March 12, Mr. Fedick noted there was no slide activity prior to the rock being placed. He also notes that maple and alder trees are dying on this slope although it is not clear why.

Mr. Fedick notes that a Big-O pipe that descends the slope behind his house picks up drainage from along his upper property line. He also notes the pipe carries little water. Sketch maps in Cascade Engineering's 1993 report suggest this pipe alignment closely follows a 'natural (surface) drainage swale' that originated above his north property line, perhaps more or less in line with what is now the N-S ditch on the MacGregor tract. We cannot confirm this but, if correct, the N-S ditch may have been diverted into the small gully behind 50765 Mountview between the time of Cascade Engineering's report and sometime before Mr. MacGregor purchased 4170 Thor Road.

On March 12, Mr. Fedick noted the N-S ditch flows to the foot of the slope behind the house at 50765 Mountview and thence into a concrete-lined ditch to Mountview Avenue. He believes the ditch water should be carried in a closed pipe to the Mountview ditch and that a catch basin (perhaps a manhole catch basin) is required to trap sediment carried from Thor Road level above. He is unwilling to maintain the proposed system and believes it is the FVRD's responsibility.

Mr. Fedick expressed concern about ground and surface water that reportedly issues from the lower slopes of the MacGregor lots. On March 12, he noted that during heavy rain the day before, considerable volumes of water issued from the MacGregor tracts onto his slopes. He looks forward to remedial measures that he believes are likely to be recommended following more detailed investigations recommended by GAL.

## 5.2 Landslide on Fedick Property

In early January, a comparatively large soil slide occurred on the northwest portion of the Fedick property. It is described in GAL's January 18 report. GAL estimates the slide surface area is roughly 800 m<sup>2</sup>. The slide plane appears to be about 1 m or so below the surface giving a slide volume of



roughly 800 m<sup>3</sup>. The slide mass is probably colluvium weathered from underlying glacial silt and clay.

The slide head scarp is about 1 m high and the slide mass moved about 1 m in a south-south-west direction. The toe of the slide is over steepened and roughly 0.6 m high. The sliding mass remained essentially intact but trees and stumps on its surface tilted back as it moved. Mr. Fedick noted that maple and alder trees on this slope had also been dying before the slide occurred. We cannot explain why the trees died but it is conceivable that loss of root strength played a role in the shallow slide occurrence as did water infiltration in desiccation cracks in the clay-rich soil. Mr. Fedick placed stakes along the foot slope to measure further soil movements but none are observed.

GAL noted a soil cavity in the head scarp, an apparent soil pipe that delivered groundwater and affected the slide movement. GAL suggests that surface water from an old trail at the head of the slide also contributed to the slide. This raises interest in extending the scope of future work to the property west of 4160 Thor Road.

## 6. OTHER ISSUES

We received some conflicting information during March 12 phone conversations with area landowners. In particular, we are confused over the location of 4170 Thor Road's east boundary as noted on Figure 1 and Photo 4 of this report.

We recommend that the conflicts amongst area landowners be settled before any party seeks further geotechnical advice and before geotechnical investigation and design work is implemented. In our judgment, legal survey work will be required. We gave this information to Mr. R. Wong of GAL on March 15.

## 7. ADDITIONAL GEOTECHNICAL ISSUES

Figure 1 shows that the residential lots are relatively small and were subdivided in comparatively complex patterns especially considering how potentially adverse geotechnical slopes trend through the area. Most of the houses are relatively old and were sited before awareness of geotechnical hazards prevailed. Some are sited too close to the top or foot of slopes (see TEL's 1989 report) considering current levels of awareness of slope hazards and risks and the many uncertainties that apply in professional slope hazard assessment work. As a result and except for the considerable





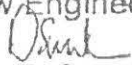
expense, the current study area could justifiably be extended east, west and south to seek comprehensive solutions to area slope problems, especially in regard to provision of drainage works.

In our judgment, it is unlikely that geotechnical professionals will undertake investigation and design work and, except with disclaimers, accept responsibility for works to protect existing or proposed residential buildings which do not conform to current siting guidelines established by the FVRD and which are affected by previously unrecognized or undocumented hazards.

Surface and groundwater control is required on all slopes. Surface water infiltration along Thor Road can be limited by paving if a suitable outlet is found for an improved ditch. The N-S ditch and its outlet behind 50765 Mountview may be especially problematic unless risks to this house are limited to a degree by continuing reduced flows from behind the Lock Block wall or if ditch water can be carried in a closed pipe system from the MacGregor land.

We trust this information is suited for your present needs. Please do not hesitate to contact us if you have any questions.

Yours truly,  
Thurber Engineering Ltd.  
Dave Smith, P.Eng.  
Review Engineer

  
Robert F. Gerath, P.Geo.  
Engineering Geologist









**Photo 1. View WNW showing slide below MacGregor house at 4164 Thor Road. Note the sheared soil mass in the foreground.**

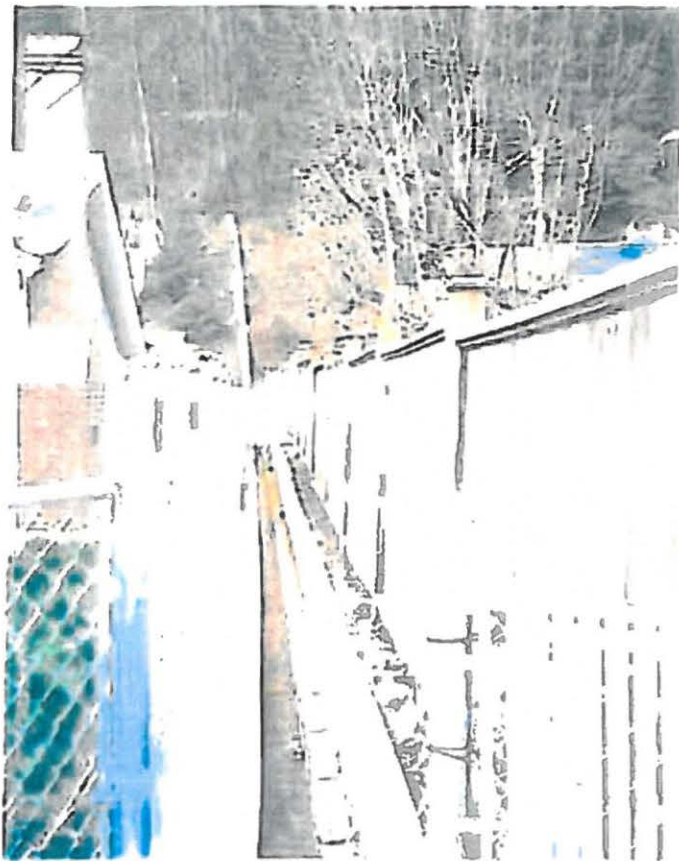


**Photo 2. View WNW showing Lock Block wall on north side of Thor Road above the MacGregor house. The wall drain flows to the east-flowing drainage ditch at lower right. It turns into the N-S ditch not far behind the photographer.**

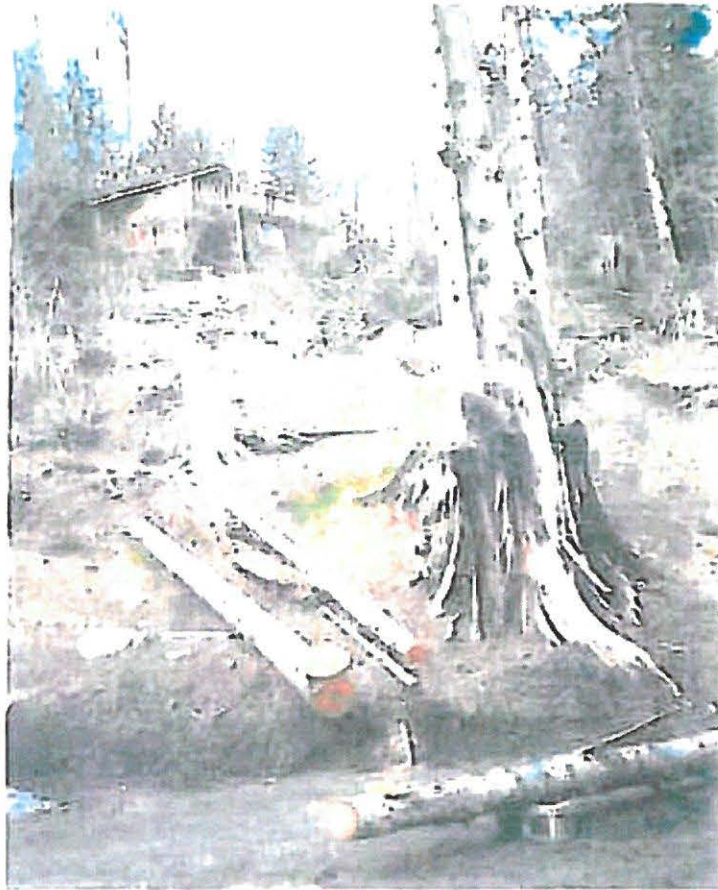




**Photo 3.** View WNW showing ditch in the forest east of the MacGregor tracts at the top of the photo.



**Photo 4. View northwest showing the concrete ditch between houses at 50761 (left) and 50765 (right) Mountview Avenue. Note how a Fedick fence line strikes up slope along a line projected from the ditch and compare the projected line to the boundary shown on Figure 1. Mr. Fedick states the fence follows a survey boundary to his northeast property pin. We cannot reconcile this observation with the boundary shown on Figure 1.**



**Photo 5. View northnortheast showing the landslide on the Fedick property. Bare soil patches mark the slide head scarp. Note the position of the MacGregor house compared to the slide. The Fedick lawn is in the foreground.**

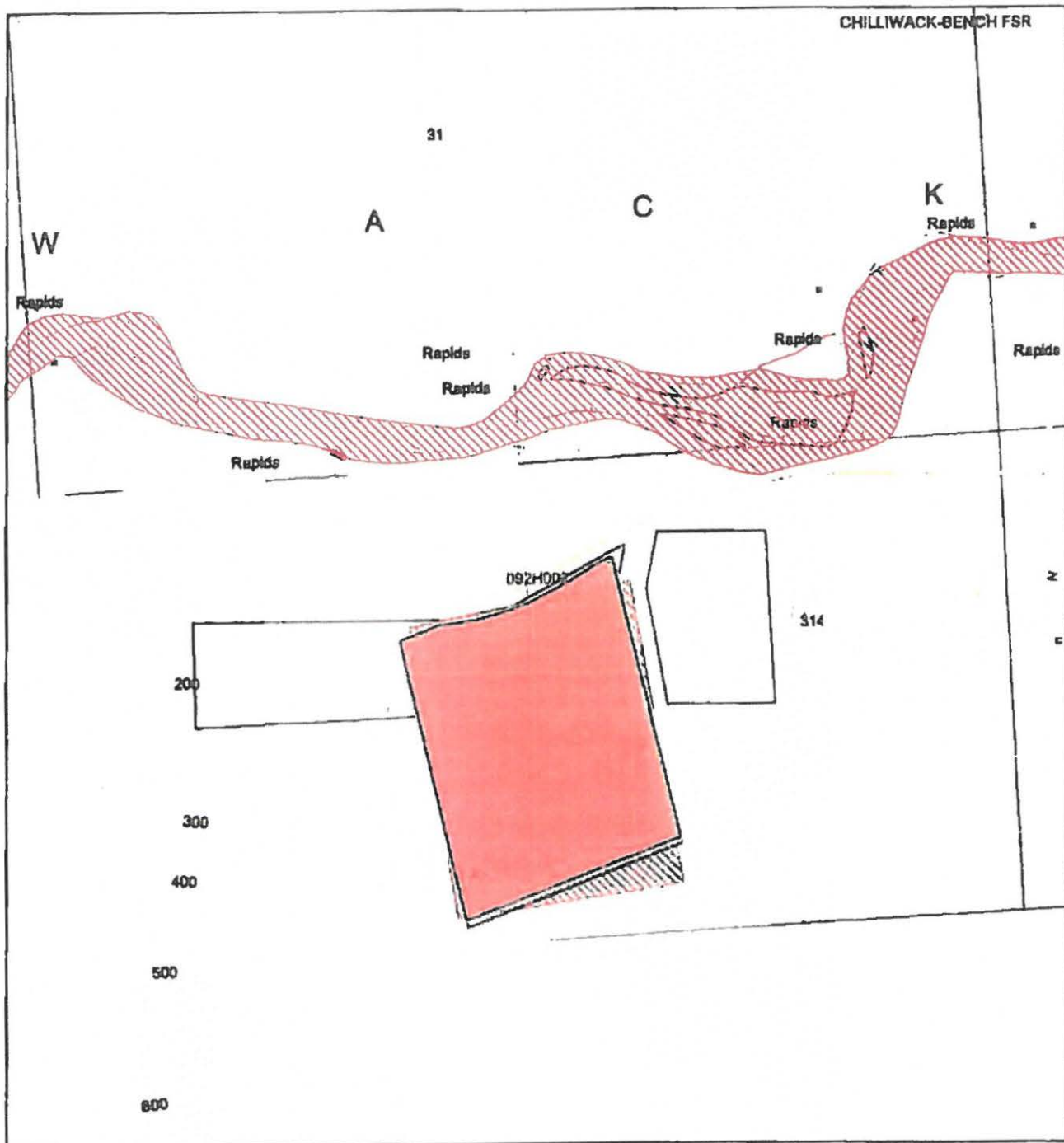


Aggregate

William Tolmie sand and gravel quarry

File No.: 2408600  
Disposition No.: 239799

Licence of Occupation (5 years)



Scale: 1: 10,000

BCGS Mapsheet(s): 92H 002

sand and gravel

Page \_\_\_\_ of \_\_\_\_



## STATEMENT OF GENERAL CONDITIONS

### 1. STANDARD OF CARE

This study and Report have been prepared in accordance with generally accepted engineering or environmental consulting practices in this area. No other warranty, expressed or implied, is made.

### 2. COMPLETE REPORT

All documents, records, data and files, whether electronic or otherwise, generated as part of this assignment are a part of the Report which is of a summary nature and is not intended to stand alone without reference to the instructions given to us by the Client, communications between us and the Client, and to any other reports, writings, proposals or documents prepared by us for the Client relative to the specific site described herein, all of which constitute the Report.

IN ORDER TO PROPERLY UNDERSTAND THE SUGGESTIONS, RECOMMENDATIONS AND OPINIONS EXPRESSED HEREIN, REFERENCE MUST BE MADE TO THE WHOLE OF THE REPORT. WE CANNOT BE RESPONSIBLE FOR USE BY ANY PARTY OF PORTIONS OF THE REPORT WITHOUT REFERENCE TO THE WHOLE REPORT.

### 3. BASIS OF REPORT

The Report has been prepared for the specific site, development, design objectives and purposes that were described to us by the Client. The applicability and reliability of any of the findings, recommendations, suggestions, or opinions expressed in the document, subject to the limitations provided herein, are only valid to the extent that this Report expressly addresses proposed development, design objectives and purposes, and then only to the extent there has been no material alteration to or variation from any of the said descriptions provided to us unless we are specifically requested by the Client to review and revise the Report in light of such alteration or variation or to consider such representations, information and instructions.

### 4. USE OF THE REPORT

The information and opinions expressed in the Report, or any document forming part of the Report, are for the sole benefit of the Client. NO OTHER PARTY MAY USE OR RELY UPON THE REPORT OR ANY PORTION THEREOF WITHOUT OUR WRITTEN CONSENT AND SUCH USE SHALL BE ON SUCH TERMS AND CONDITIONS AS WE MAY EXPRESSLY APPROVE. The contents of the Report remain our copyright property. The Client may not give, lend or, sell the Report, or otherwise make the Report, or any portion thereof, available to any person without our prior written permission. Any use which a third party makes of the Report, are the sole responsibility of such third parties. Unless expressly permitted by us, no person other than the Client is entitled to rely on this Report. We accept no responsibility whatsoever for damages suffered by any third party resulting from use of the Report without our express written permission.

### 5. INTERPRETATION OF THE REPORT

- a) **Nature and Exactness of Soil and Contaminant Description:** Classification and identification of soils, rocks, geological units, contaminant materials and quantities have been based on investigations performed in accordance with the standards set out in Paragraph 1. Classification and identification of these factors are judgmental in nature. Comprehensive sampling and testing programs implemented with the appropriate equipment by experienced personnel, may fail to locate some conditions. All investigations utilizing the standards of Paragraph 1 will involve an inherent risk that some conditions will not be detected and all documents or records summarizing such investigations will be based on assumptions of what exists between the actual points sampled. Actual conditions may vary significantly between the points investigated and the Client and all other persons making use of such documents or records with our express written consent should be aware of this risk and this report is delivered on the express condition that such risk is accepted by the Client and such other persons. Some conditions are subject to change over time and those making use of the Report should be aware of this possibility and understand that the Report only presents the conditions at the sampled points at the time of sampling. Where special concerns exist, or the Client has special considerations or requirements, the Client should disclose them so that additional or special investigations may be undertaken which would not otherwise be within the scope of investigations made for the purposes of the Report.
- b) **Reliance on Provided Information:** The evaluation and conclusions contained in the Report have been prepared on the basis of conditions in evidence at the time of site inspections and on the basis of information provided to us. We have relied in good faith upon representations, information and instructions provided by the Client and others concerning the site. Accordingly, we cannot accept responsibility for any deficiency, misstatement or inaccuracy contained in the Report as a result of misstatements, omissions, misrepresentations, or fraudulent acts of the Client or other persons providing information relied on by us. We are entitled to rely on such representations, information and instructions and are not required to carry out investigations to determine the truth or accuracy of such representations, information and instructions.

(SEE OVER...)





## INTERPRETATION OF THE REPORT (continued . . . .)

- c) **Design Services:** The Report may form part of the design and construction documents for information purposes even though it may have been issued prior to the final design being completed. We should be retained to review the final design, project plans and documents prior to construction to confirm that they are consistent with the intent of the Report. Any differences that may exist between the report recommendations and the final design detailed in the contract documents should be reported to us immediately so that we can address potential conflicts.
- d) **Construction Services:** During construction we must be retained to provide field reviews. Field reviews consist of performing sufficient and timely observations of encountered conditions to confirm and document that the site conditions do not materially differ from those interpreted conditions considered in the preparation of the report. Adequate field reviews are necessary for Thurber to provide letters of assurance, in accordance with the requirements of many regulatory authorities.

## 6. RISK LIMITATION

Geotechnical engineering and environmental consulting projects often have the potential to encounter pollutants or hazardous substances and the potential to cause an accidental release of those substances. In consideration of the provision of the services by us, which are for the Client's benefit, the Client agrees to hold harmless and to indemnify and defend us and our directors, officers, servants, agents, employees, workmen and contractors (hereinafter referred to as the "Company") from and against any and all claims, losses, damages, demands, disputes, liability and legal investigative costs of defence, whether for personal injury including death, or any other loss whatsoever, regardless of any action or omission on the part of the Company, that result from an accidental release of pollutants or hazardous substances occurring as a result of carrying out this Project. This indemnification shall extend to all Claims brought or threatened against the Company under any federal or provincial statute as a result of conducting work on this Project. In addition to the above indemnification, the Client further agrees not to bring any claims against the Company in connection with any of the aforementioned causes.

## 7. SERVICES OF SUBCONSULTANTS AND CONTRACTORS

The conduct of engineering and environmental studies frequently requires hiring the services of individuals and companies with special expertise and/or services which we do not provide. We may arrange the hiring of these services as a convenience to our Clients. As these services are for the Client's benefit, the Client agrees to hold the Company harmless and to indemnify and defend us from and against all claims arising through such hirings to the extent that the Client would incur had he hired those services directly. This includes responsibility for payment for services rendered and pursuit of damages for errors, omissions or negligence by those parties in carrying out their work. In particular, these conditions apply to the use of drilling, excavation and laboratory testing services.

## 8. CONTROL OF WORK AND JOBSITE SAFETY

We are responsible only for the activities of our employees on the jobsite. The presence of our personnel on the site shall not be construed in any way to relieve the Client or any contractors on site from their responsibilities for site safety. The Client acknowledges that he, his representatives, contractors or others retain control of the site and that we never occupy a position of control of the site. The Client undertakes to inform us of all hazardous conditions, or other relevant conditions of which the Client is aware. The Client also recognizes that our activities may uncover previously unknown hazardous conditions or materials and that such a discovery may result in the necessity to undertake emergency procedures to protect our employees as well as the public at large and the environment in general. These procedures may well involve additional costs outside of any budgets previously agreed to. The Client agrees to pay us for any expenses incurred as the result of such discoveries and to compensate us through payment of additional fees and expenses for time spent by us to deal with the consequences of such discoveries. The Client also acknowledges that in some cases the discovery of hazardous conditions and materials will require that certain regulatory bodies be informed and the Client agrees that notification to such bodies by us will not be a cause of action or dispute.

## 9. INDEPENDENT JUDGEMENTS OF CLIENT

The information, interpretations and conclusions in the Report are based on our interpretation of conditions revealed through limited investigation conducted within a defined scope of services. We cannot accept responsibility for independent conclusions, interpretations, interpolations and/or decisions of the Client, or others who may come into possession of the Report, or any part thereof, which may be based on information contained in the Report. This restriction of liability includes but is not limited to decisions made to develop, purchase or sell land.





Fraser Valley Regional District  
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6  
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)  
Fax: 604-792-9684 website: [www.fvrd.bc.ca](http://www.fvrd.bc.ca)

March 17, 2015

File Number: 4010-20-E06604.250/3

Bernice Champigny  
Marcel Champigny  
4164 Slesse Rd  
Chilliwack BC V4Z 1B3

COPY

Dear Ms. Champigny and Mr. Champigny,

**Re: Lapsed Building Permit Application BP012605 at 4164 Slesse Road; legally described as Lot 25, Section 33, Township 1, Range 29, Meridian 6, New Westminster District, Plan NWP24078 Meridian W6, Except Plan Hwy R/W 64013.**

As you are aware from our letter dated February 25, 2015 the following building permit application has now been closed:

- BP012605 for the purpose of rebuilding a deck and storage room.

Your project remains incomplete and is not covered by a valid building permit as required by the [Fraser Valley Regional District Building Bylaw No.1188, 2013](#). Therefore, your file has been referred back to Bylaw Enforcement.

The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this, we ask that you contact the Regional District immediately and advise us of your intentions with respect to this matter. Further, we request that you re-apply for a building permit or remove the illegal construction no later than **April 20, 2015**. Should you fail to comply with this request, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement. More information regarding the building permit process and downloadable application forms are available at the following web address: <http://www.fvrd.bc.ca/Services/BuildingPermitInspection/Pages/InformationandForms.aspx>

You may reach the Building Department at the toll-free number above, Monday through Friday from 8:30am to 4:30pm, to discuss this issue further. You may also contact me directly at 604-702-5017 or by email at [asnashall@fvrd.bc.ca](mailto:asnashall@fvrd.bc.ca). Thank you in advance for your co-operation.

Yours truly,

Adriana Snashall  
Bylaw, Permits, and Licenses Technician

cc: Orion Engar, Director of Electoral Area E  
Margaret Thornton, Director of Planning and Development



Fraser Valley Regional District  
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6  
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)  
Fax: 604-792-9684 website: www.fvrd.bc.ca

File Number: 3800-30-BP012605E

February 25, 2015

Champigny, Bernice L  
Champigny, Marcel J  
4164 Slesse Rd  
Chilliwack BC V4Z 1B3

**COPY**

Dear Mr. & Ms. Champigny:

**Re: Building Permit Application No. BP012605 for the purpose of Rebuilding a deck and storage room on property legally described as Lot 25, Section 33, Township 1, Range 29, Meridian 6, New Westminster District, Plan Nwp24078 Meridian W6, Except Plan HWY R/W 64013.  
Known as 4164 SLESSE RD.**

Further to the attached final letter of requirements sent on October 2, 2012, please be advised that the required items to fulfill the building permit application process remain outstanding and the above noted building permit application has now been closed. Your project remains incomplete and is not covered by a valid building permit as required by "Fraser Valley Regional District Building Bylaw No.1188, 2013". Therefore, your file has been referred back to Bylaw Enforcement.

The Regional District is becoming increasingly aware of difficulties encountered by owners of property when they do not avail themselves of the full service offered by the Building Department. Apart from matters of law and safety, Occupancy Permits have value to property owners because they are frequently requested by prospective purchasers, mortgage lenders and others.

Should you wish to bring your property into compliance with all current bylaws, it will be necessary for you to contact Jennifer Wells, Bylaw and Permits & Licences Technician, with reference to your Bylaw Enforcement file E06604.250/3 to review your options.

In the interim, you are reminded that any construction undertaken in contravention of the Building Bylaw is unauthorized and is an offence contrary to the provisions of the Bylaw.

Please feel free to contact me at 604-702-5016 should you require any further information or assistance.

Yours sincerely,

Monica Stuart  
Building & Bylaw Clerk

cc: Orion Engar, Director of Electoral Area E  
Margaret Thornton, Director of Planning & Development  
✓ Bylaw Enforcement File E06604.250/3





## FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6

Phone: 604-702-5000

Toll Free: 1-800-528-0061 (BC only)

Fax: 604-792-9664

website: [www.fvrd.bc.ca](http://www.fvrd.bc.ca)

e-mail: [info@fvrd.bc.ca](mailto:info@fvrd.bc.ca)

File Number: 3800-30-BP012605E

October 2, 2012

CHAMPIGNY, BERNICE L  
CHAMPIGNY, MARCEL J  
4164 SLESSE RD  
CHILLIWACK BC V4Z 1B3

Dear Property Owners:

**Re: Building Permit Application No. BP012605 for the purposes of constructing a Rebuild deck and storage room on property legally described as LOT 25, SECTION 33, TOWNSHIP 1, RANGE 29, MERIDIAN 6, NEW WESTMINSTER DISTRICT, PLAN 24078 MERIDIAN W6, EXCEPT PLAN HWY R/W 64013. known as 4164 SLESSE RD.**

I am writing to you in connection with your building permit application dated **Aug 05, 2011**. Please be advised this is the **Final Notice** that your application is not approvable in its present form. The following items are necessary in order to complete your application and issue your Building Permit:

1. The property is located within Development Permit Area 3-E and a geotechnical report is required pursuant to section 56 of the Community Charter. Please see the previously attached form letter. Before engaging a geotechnical engineer contact David Bennett in the Planning Dept. at 604-702-5052 for information on preparing the report for the Development Permit process (and potential covenant). You should be aware that there may be conditions specified in the report which would require supervision by an engineer on site.
2. The following information is required from a registered professional:
  - a. Schedule B and 3 sets of sealed drawings for all structural aspects of the project that reflect a frost depth of 0.45m and climatic loads of,  $S_s=2.5\text{kpa}$  &  $S_r=0.3\text{kpa}$  including a sealed report on the status of the entire structure, and details on any structural upgrades and foundation repairs
  - b. Schedule B for soil bearing capacity and slope stability including a landslide assessment report
3. A scaled site plan that includes a) the entire property complete with all existing buildings and structures, b) the proposed house with setbacks to all property lines, watercourses and wells, c) the location of the septic field, tank, driveway, Statutory Right of Ways and Easements and d) rock pit/storm drainage system (minimum 5.0m from any foundation).



4. 3 complete sets of construction drawings that reflect all requirements of the above noted geotechnical report. This and item #2a may be combined.
5. Sealed documentation from an authorized person (as defined by the Provincial Sewage System Regulations) for the re-use of your existing sewage disposal system. The sealed report must confirm that the existing system will meet all Provincial Sewage System Regulations and is in good working order. For a list of authorized persons please call 604 585-2788 or go online to [owrp.asitbc.org](http://owrp.asitbc.org)

Your permit application will be held in abeyance until **November 2, 2012** pending receipt of this documentation or other information. In the event that the file remains incomplete after this date, I shall be obliged to take steps to close the file.

As you are aware, a building permit is required to legalize the unauthorized construction noted above. Should you allow the application to close, you may be subject to further bylaw enforcement action.

Yours sincerely,



Monica Stuart  
Building & Bylaw Clerk

cc: Frank Kelly, MCIOB, Deputy Director of Planning and Development  
David Lamson, Director of Electoral Area E

## NOTICE ON TITLE INFORMATION SHEET

### WHAT IS A NOTICE ON TITLE?

A *Notice on Title*, note against land title, or section 57 of the *Community Charter*, was provided to local governments by the province of British Columbia as a tool to administer and enforce the *BC Building Code* and local building bylaws. It involves the registration of a Notice on a property title at the Land Title Office, which, once in place, is documented on the title search under the "Legal Notations" section.

A *Notice on Title* serves as notification to anyone searching a property title that the property may be in breach of bylaws or regulations. The *Notice* itself does not disclose details of the breach but specifies that further information may be obtained from the local government office.

### WHAT IS THE PURPOSE OF A NOTICE ON TITLE?

The purpose of a *Notice on Title* is to provide information to potential owners and stakeholders of a breach of bylaws or regulations. It also encourages voluntary compliance to reduce risk to the local government. The filing of a notice is not intended to be a punitive action; rather, it is a method to protect future owners and others with an interest in the property.

### WHEN CAN A NOTICE ON TITLE BE FILED?

A *Notice on Title* may be filed by a local government where there is a breach of bylaws or regulations in respect to a property. Specifically, a *Notice on Title* may be filed where a Building Inspector is made aware of any of the following:

- a) construction has occurred without a valid building permit;
- b) construction deficiencies noted have not been corrected;
- c) covering construction without required inspections;
- d) a permit has expired and the owner refuses to reapply for a new permit;
- e) construction that is in contravention of the *BC Building Code* or Building Bylaw; or
- f) any such circumstances as the Building Inspector may deem necessary.

### HOW IS A NOTICE ON TITLE FILED?

**Step 1** When the Building Inspector is made aware of a breach, a letter is mailed to the registered owner of the property advising of the breach and the required remedial action. The owner is provided approximately thirty (30) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.

**Step 2** If no action to contact staff and resolve the issue, a second letter is mailed to the owner advising of the breach and the required remedial action. The owner is provided approximately fourteen (14) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.



Step 3 If no action to contact staff and resolve the issue, the Building Inspector may forward a report to the Corporate Officer and a "Show Cause Hearing" is scheduled. A Show Cause Hearing is held during an Electoral Area Services Committee (EASC) meeting. An invitation is mailed to the registered owner of the property advising the specific date and time they are to attend the Show Cause Hearing. A copy of the report produced by the Building Inspector will be included.

Step 4 On the day of the EASC meeting, the Show Cause Hearing will be announced. The owner of the property, or their agent, will be asked if they would like to make representation to the Committee. The Committee shall listen objectively to the owner as well as the Building Inspector. Please note that **attendance is not required** if the owner does not wish to challenge the recommendation.

Step 5 After hearing from the registered owner of the property and Building Inspector, the committee will then resolve to:

- a) direct the staff to file a *Notice* in the Land Title Office;
- b) direct staff not to file a *Notice* in the Land Title Office; or
- c) defer filing a *Notice* to allow the registered owner more time to comply.

#### **HOW IS A NOTICE ON TITLE CANCELLED?**

Once a *Notice on Title* is filed, it may be cancelled from the title of a property by way of:

- a) the local government after a Building Inspector has provided a report confirming that the condition which caused the notice to be filed has been rectified; or
- b) an Order obtained by the registered owner from the *British Columbia Supreme Court*.

#### **WHAT IS THE COST OF PLACING OR CANCELLING THE NOTICE ON TITLE?**

At this time, the Fraser Valley Regional District does not charge the registered owner of the property when a *Notice on Title* is placed or cancelled at the Land Title Office. The fees associated with the registration or removing of the Notices are remunerated by the Fraser Valley Regional District.

Properties with a *Notice on Title* may be sold at any time; however, the presence of the *Notice* may negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a *Notice* is registered or is recommended to be registered upon the title of your property, you are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future.

**If you have any questions regarding this process, please email staff at [enforcement@fvrdb.ca](mailto:enforcement@fvrdb.ca) or phone directly at 1-800-528-0061.**

*This document is provided for informational purposes and does not constitute legal advice. The Fraser Valley Regional District makes no representations or warranties about the accuracy of the information contained in this document. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of sections 57 and 58 of the Community Charter and seek your own independent legal advice.*



## EXCERPTS FROM COMMUNITY CHARTER

### NOTE AGAINST LAND TITLE THAT BUILDING REGULATIONS CONTRAVENED

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
    - (i) results from the contravention of, or is in contravention of,
      - (A) a municipal bylaw,
      - (B) a Provincial building regulation, or
      - (C) any other enactment
    - that relates to the construction or safety of buildings or other structures, and
    - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
  - (b) discovers that
    - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
    - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
- (a) give notice to the registered owner of the land to which recommendation relates, and
  - (b) after notice under paragraph (a), place the matter before the council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
  - (b) further information about it may be inspected at the municipal hall.
- (4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).
- (5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.
- (6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.
- (7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,

- (a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,
- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the Land Title Act, and
- (b) the assurance fund or the minister charged with the administration of the Land Title Act as a nominal defendant is not liable under Part 20 of the Land Title Act.

(8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.

(9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

## **CANCELLATION OF NOTE AGAINST LAND TITLE**

- 58 (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
- (2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.
- (3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.
- (4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
- (5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.
- (6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.





June 1, 2018

**REGISTERED MAIL**

Mr. Marcel Champigny  
Mrs. Bernice Champigny  
4164 Slesse Road  
Chilliwack BC V4Z1B3

**FILE: 4010-20- E06604. 250/3**

CIVIC: 4164 Slesse Road

PID: 009-301-780

LEGAL: LOT 25 EXCEPT: PART WITHIN HEAW OUTLINE TAKEN BY HIGHWAY STATUTORY RIGHT  
OF WAY PLAN 64013, SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN  
NEW WESTMINSTER DISTRICT PLAN 24078

---

Dear Mr. and Mrs. Champigny:

**Re: SHOW CAUSE HEARING SCHEDULED – Section 57 Notice on Tile  
Contraventions of Building Bylaw No. 1188, 2013 - Construction without a Building  
without a Permit - 4164 Slesse Road Electoral Area E.**

Further to the final warning letter dated January 24, 2018 that was sent to you on the same day, please be advised you are hereby notified that your opportunity to be heard by the Regional District Electoral Services Committee is scheduled. The meeting is to show cause why the Regional District Board of Directors should not direct staff to file a Notice against the title of your property at 4164 Slesse Road in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1133, 2018* pursuant to Section 57 of the *Community Charter*.

The **show cause** hearing is scheduled for **July 10, 2018 at 1:30pm**, in the Boardroom on the fourth floor of the Regional District Office at 45950 Cheam Avenue, Chilliwack, British Columbia.

The Electoral Area Services Committee will consider registration of the Section 57 Notice on the title of your property at 4164 Slesse Road whether or not you are in attendance. For your convenience, I have attached relevant extracts from the *Community Charter* and a copy of the staff report which will be considered by the Committee.

If you require further information or clarification on this matter please contact the Louise Hinton, with our Bylaw Enforcement Department at 604-702-5015 or [lhinton@fvrd.ca](mailto:lhinton@fvrd.ca) in advance of this meeting.

Sincerely,



Digitally signed by Paul  
Gipps  
Date: 2018.05.28  
11:26:30 -07'00'

Paul Gipps  
Chief Administrative Officer

cc: Orion Engar, Director of Electoral Area E  
Margaret-Ann Thornton, Director of Planning & Development  
Greg Price, Bylaw & Compliance Coordinator  
Review of Registered Property Title – Organizations with interest in property  
Vancouver City Savings Credit Union in Trust, See BL 51963

Attach: January 24, 2018 Copy of Final Warning Letter to Property Owner  
July 10, 2018 Staff Report from Bylaw and Appointed Building Inspector  
January 23, 2018 Land Title Search Results  
May 23, 2018 Property Information Report  
May 23, 2018 Property Information Map  
Notice on Title Information Sheet Including Community Charter, Section 57 and 58

**TITLE SEARCH PRINT**

2018-01-23, 10:04:44

File Reference:

Requestor: Louise Hinton

Declared Value \$218600

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\*****Land Title District**

Land Title Office

NEW WESTMINSTER

NEW WESTMINSTER

**Title Number**

From Title Number

CA659052

BK378331

**Application Received**

2007-12-18

**Application Entered**

2007-12-24

**Registered Owner in Fee Simple**

Registered Owner/Mailing Address:

BERNICE LORRAINE CHAMPIGNY, CENTRAL PROCESSING AID  
MARCEL JOSEPH CHAMPIGNY, MECHANIC  
4164 SLEESE ROAD  
CHILLIWACK, BC  
V4Z 1B3  
AS JOINT TENANTS

**Taxation Authority**

New Westminster Assessment District

**Description of Land**

Parcel Identifier:

009-301-780

Legal Description:

LOT 25 EXCEPT: PART WITHIN HEAVY OUTLINE TAKEN BY HIGHWAY STATUTORY  
RIGHT OF WAY PLAN 64013, SECTION 33 TOWNSHIP 1 RANGE 29 WEST  
OF THE SIXTH MERIDIAN NEW WESTMINSTER DISTRICT PLAN 24078

**Legal Notations**

NONE

**Charges, Liens and Interests**

Nature:

MORTGAGE

Registration Number:

CA341226

Registration Date and Time:

2006-12-06 09:44

Registered Owner:

VANCOUVER CITY SAVINGS CREDIT UNION  
IN TRUST, SEE BL51963

**Duplicate Indefeasible Title**

NONE OUTSTANDING

**Transfers**

NONE

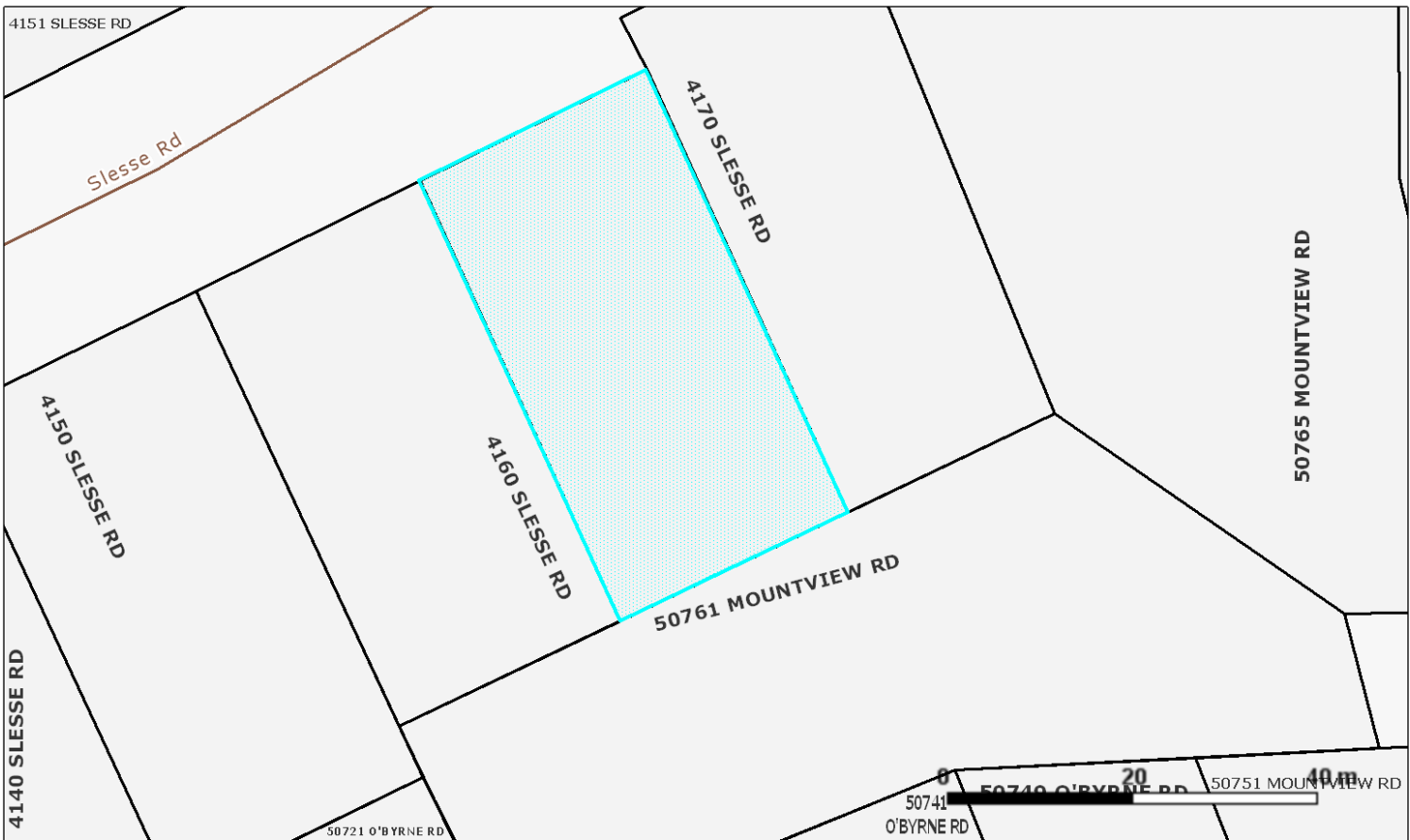
**Pending Applications**

NONE



## Property Information Report

Civic Address:	4164 SLESSE RD	Lot Size:	13869 SQUARE FEET
Folio Number:	733.06604.250	Electoral Area:	E
PID:	009-301-780	Map Scale:	1:749
Legal Description:	LOT 25, SECTION 33, TOWNSHIP 1, RANGE 29, MERIDIAN 6, NEW WESTMINSTER DISTRICT, PLAN NWP24078 MERIDIAN W6, EXCEPT PLAN 64013.		



## Land-use Information

Zoning Designation:	Contact Planning Department	Zoning Bylaw:	Contact Planning Department
OCP Designation:	Contact Planning Department	OCP Bylaw:	Contact Planning Department
DPA Designation:	Contact Planning Department	ALR:	Contact Planning Department
In Mapped Floodplain:	Contact Planning Department	Watercourse:	Contact Planning Department

## Utility Information

Local Service Area:	Contact Planning Department
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This information is provided as a public resource for general information purposes only. The information shown is compiled from various sources and the Fraser Valley Regional District makes no warranties, expressed or implied, as to the accuracy or completeness of the information. This report is not a legal document and is published for information and convenience only. The Fraser Valley Regional District is not responsible for any errors or omissions that may appear on this report.

To: Electoral Area Services Committee

Date: 2018-07-10

From: Louise Hinton, Bylaw Compliance and Enforcement Officer File No: E06604. 250/3

**Subject:** Building Bylaw, and BC Building Code Contraventions at 4150 Slesse Road, Electoral Area E, legally described as Lot 23 Except: Part within Heavy Outline taken by Highway SRW Plan 64013; Section 33 Township 1 Range 29 West of the sixth Meridian New Westminster

## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, at 4150 Slesse Road Electoral Area E, Fraser Valley Regional District, British Columbia; legally described as (Lot 23 Except: Part within Heavy Outline taken by Highway SRW Plan 64013; Section 33 Township 1 Range 29 West of the sixth Meridian New Westminster District Plan 24078. Parcel Identifier: 002-053-578.

### STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship  
Support Healthy & Sustainable Community  
Provide Responsive & Effective Public Services

### PRIORITIES

Priority #3 Flood Protection & Management

## BACKGROUND

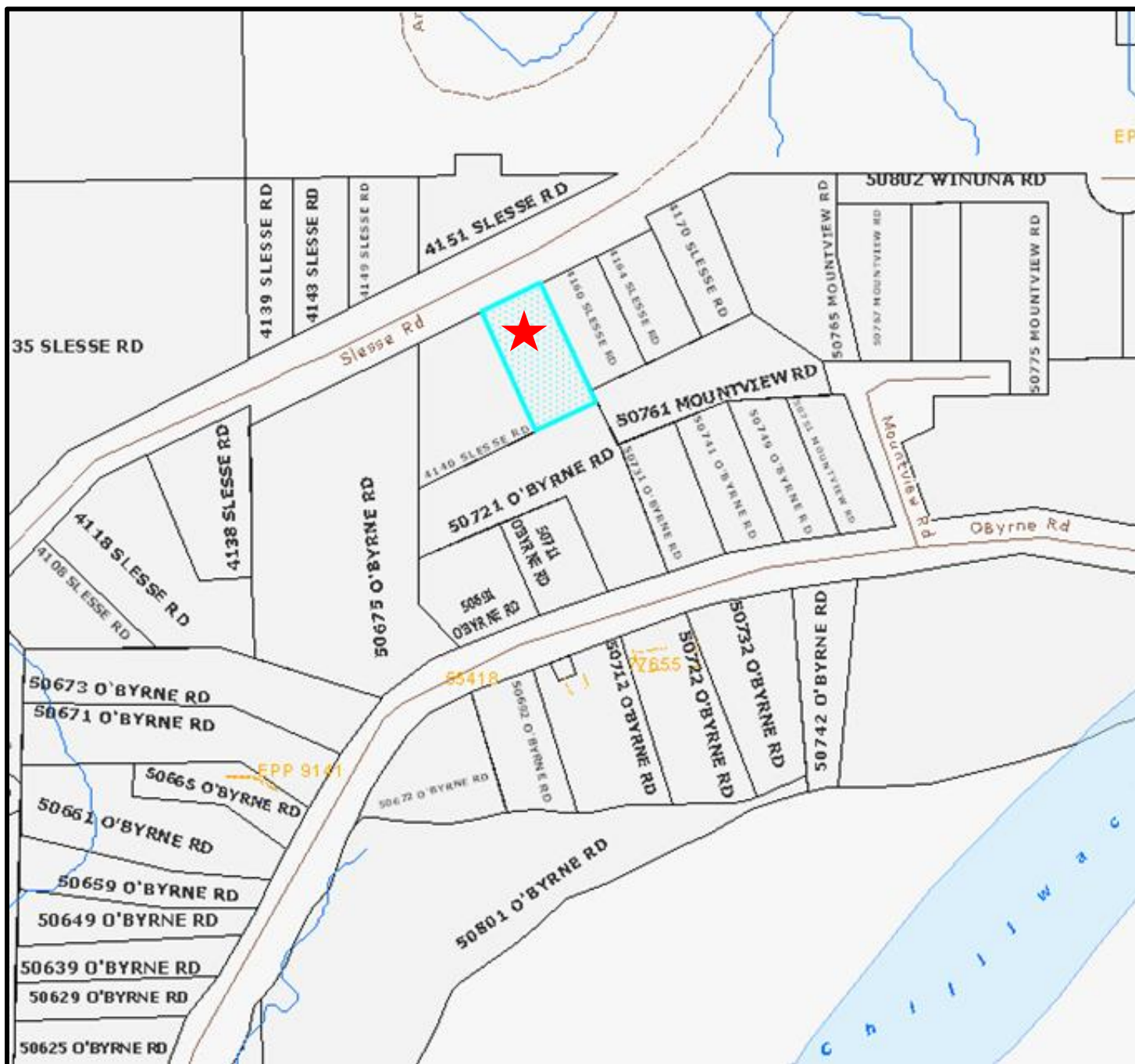
**August 26, 2014** –Regional District Bylaw Enforcement staff received contact from FVRD Emergency Management Staff regarding an inquiry they received regarding 4150 Slesse Road. The inquiry states that a neighbour is concerned that some trees that were felled have been stacked on the property pose a hazard, are compromising the integrity of the slope, and that they are also unsightly.

Regional District Bylaw staff contacted the Property Owner of 4150 Slesse Road Mr. Anatoli Lazouski by telephone. Mr. Lazouski advised Bylaw Staff of the following:

That his neighbour, to the south at 50721 O'Byrne hired an excavation company to remove trees that fell from his property onto his neighbours property below. That same excavation company told the Mr. Lazouski that he should remove a few more trees from his property because they were dangerous and he would take care of it along with obtaining the FVRD removal Permit. In

addition, he relayed that his neighbour at 50721 O'Byrne Road, now believes that the logs on his property were not placed correctly, are unsightly and has continued to try to persuade him to have them removed.

Mr. Lazouski invited FVRD staff to come and do an inspection of the property, but said that it is probably easier to view the fallen trees from his neighbour's property at 50721 O'Byrne, and proceeded to give staff his neighbour's contact information. FVRD Bylaw Staff also were informed that the subject property has been listed for sale.





**August 27, 2014** - Regional District Bylaw Staff spoke with the neighbour, who owns the property at 50721 O'Byrne. He stated the following:

The slope from 4150 Slesse moved a few feet last year which cause tree movement- two of the trees' that were previously on 4150 Slesse Road were now leaning against the his rear fence. The neighbour stated that Mr. Lazouski hired a an excavation company who said they should remove a bunch of trees (cedars) to get the weight off the hill. The neighbour did not know if Mr. Lazouski obtained permits, but was under the understanding that he did pay the company to fall the trees only, not for the removal of them. Now the trees are piled up on the hill pushing on his rear fence.

**September 5, 2014** –

Regional District Bylaw Staff attended the property at 50721 O'Byrne Road in an attempt to inspect the fallen trees from 4150 Slesse Road leaning on the fence line. Regional District Bylaw Staff noted that nobody was home at the time of the inspection and access to the rear yard was not available due to fencing and a gate; and that it was difficult to see the logged trees, however brush material was evident on the slope at the rear of the yard. One inspection photo was taken.



**September 16, 2014** – Regional District Bylaw Staff attended the subject property at 4150 Slesse Road for a follow-up site inspection. The Property Owner Mr. Anatoli Lazouski was on site during the inspection when staff walked to the bottom of the property line with him to view the extent of the tree cutting. The following was documented and photographed:

- Extensive sloughing of the land.
- A number of trees appear upon visual inspection to be unstable or at risk of falling.
- There is a large amount of debris from tree cutting along bottom property line and materials are slipping against fencing that is in place, causing the fence to bend. The fence seems to be holding debris in place for the time being.
- Appears that approximately ten trees have been cut down on the property.

While on site the Property Owner Mr. Anatoli Lazouski mentioned that there was retaining wall works done on the property. He stated that he completed the retaining wall works himself and did not get the necessary permits. FVRD Bylaw Staff relayed to Mr. Lazouski that the retaining wall



would have needed to get both a Building Permit and a Development Permit and that the tree removal works would have also required a Development Permit.

Site Inspection photos dated September 16, 2014



**September 17, 2014** – Regional District Bylaw staff received contact from the Property Owner Mr. Lazouski by email. The correspondence provided the history of slide activity on the subject property at 4150 Slesse Road and a diagram of the retaining wall construction as well as pre-retaining wall / post-slide photos of the slope. Mr. Lazouski recalled that he believed that a slide occurred on his property in the winter of 2008/2009. He stated that he applied for emergency funding from the Province, but was declined. He outlined that he built the retaining wall by hand with no heavy duty equipment about a year after the slide with terraces all in 3.5 - 4 foot sections.

**September 23, 2014** – Regional District Bylaw Staff spoke with the excavation contractor who performed the tree removal on the subject property at 4150 Slesse Road. He provided the following information regarding his work:

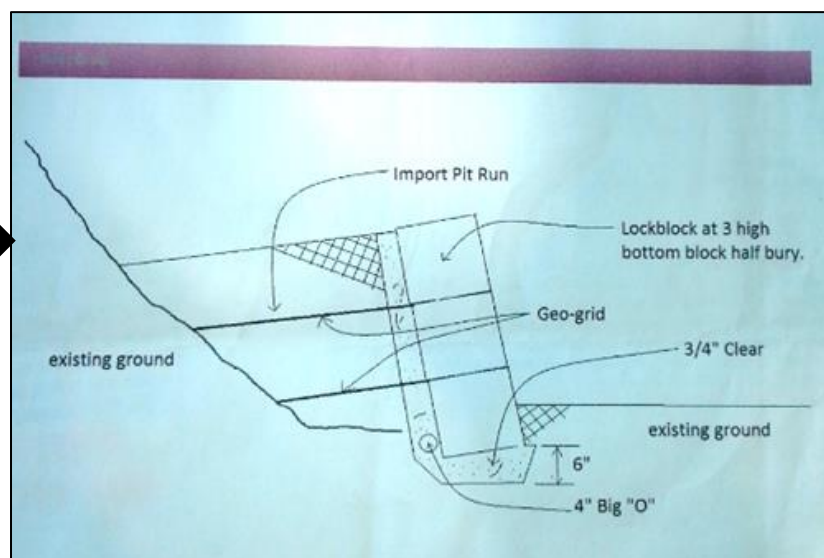
- He does a lot of work for BC Hydro, but they did not contract him for these works; there is a BC Hydro line through this property.
- Approximately two years ago, he removed debris material (tree clumps) from the fence line of the property.
- On his second visit he stated that he felled three trees that he believed were dangerous, but did not remove them from the property as the Property Owner Mr. Lazouski stated he could do the removal himself or find someone else cheaper to do it.
- He was unaware that he needed a Development Permit for the work or of the existence of a tree cutting bylaw that applied to the area.
- He explained that this was private sole proprietor job that he took and he did on his own time separate for the company and that he did not take out any permits for.
- The job required him to "slingshot" the trees as they were dead and dangerous to the property below.

The contractor also relayed to Regional District staff that the Property Owner Mr. Anatoli Lazouski left a voicemail message for him last week asking him to provide a quote on cleanup of the remaining trees and debris along the fence, but he has not had time to return the phone call.

**23 September, 2014** – Regional District Bylaw Staff presented file information (including file history with point form timeline, current activity and complaints, and recent developments) to the Emergency, Engineering and Development Services Management Staff. It was agreed that the FVRD should try to see if it's able to get its own geotechnical assessment of the property.

**September 25, 2014** – Regional District Bylaw and Management Staff attended the subject property at 4150 Slesse Road for a joint site inspection with hired Geotechnical Engineer Mr. Ross Wong of Golder Engineering. Regional District staff accompanied Mr. Wong around the subject property and down the hill to the toe of the slope. Mr. Wong will prepare a report regarding his findings, but he did mention on site that the threat to surrounding properties and homes is not imminent and is unlikely. He stated that slope failure resulting from the inadequate retaining wall would likely only affect the subject property at 4150 Slesse Road.

**October 8, 2014** – Regional District Bylaw Staff received drawings of retaining wall from Property Owner Mr. Anatoli Lazouski.





**October 8, 2014** – The Regional District Engineering Department received the geotechnical report from Mr. Russ Wong of Golder Associates Ltd., dated October 8, 2014 outlining their geotechnical assessment of the slope and retaining wall at 4150 Slesse Road following the September 25, 2014 site inspection.

**October 30, 2014** - Regional District Bylaw Staff met with the Property Owner Mr. Lazouski at the Chilliwack Regional District Office. During this meeting FVRD Bylaw Staff provided Mr. Lazouski with a draft letter dated October 22, 2014 along with a copy of the slope & retaining wall geotechnical report recently completed by Golder Engineering. FVRD Bylaw Staff discussed the need to obtain both Building Permit and Development Permit for the works that were done on his property at 4150 Slesse Road. Bylaw Staff also explained to Mr. Lazouski that if he was not able to achieve completion on the applicable permits to remediate the subject property then staff had the intent to proceed to recommend the Regional District Board place a section 57 Notice on the Title of his property. Staff explained the Section 57 process and provided Mr. Lazouski with a Section 57 and 58 Notice on Title Information Package.

**November 6, 2014** – Regional District Bylaw staff sent a letter to the property owners Mr. Anatoli Lazouski and Ms. Ala Lazouskaya by regular mail regarding the outstanding bylaw concerns, the potential hazards and the Building and Development Permit requirements for their property at 4150 Slesse Road. A Copy of the recently received slope and retaining wall geotechnical report (2014) and the Slesse Park geotechnical report from 2007 were both attached to the letter. The deadline for compliance was December 5, 2014.

**November 27, 2014** – Property owner, Mr. Anatoli Lazouski came into the Regional District Building Office and applied for a Building Permit (BP013282) for the remediation of the retaining wall.

**December 15, 2014** - A letter is sent by regular mail to the property owners Mr. Anatoli Lazouski and Ms. Ala Lazouskaya listing the required outstanding items to complete their Building Permit (BP013282) for the remediation of the retaining wall.

**December 15, 2014** – A letter is sent by regular mail to the property owners Mr. Anatoli Lazouski and Ms. Ala Lazouskaya advising them of the geotechnical hazards associated with the proposed works to remediate the retaining wall. It outlines the requirement under section 56 of the *Community Charter* that a report from a qualified professional is required. This letter also advised Mr. Lazouski and Ms. Lazouskaya that their professional should contact the Regional District's Planning Department for assistance before beginning any work.

**June 18, 2015** – Regional District Bylaw Staff received contact from a real estate agent by telephone regarding his client's interest in purchasing the subject property at 4150 Slesse Road. FVRD Staff briefly explained the basis for the Bylaw concerns on the subject property and advised him that a Section 57 *Community Charter* notice on title was being considered for this property due to outstanding issues.

**June 19, 2015** – Regional District Bylaw staff contacted the same real estate agent by email and provided further detailed information regarding the bylaw enforcement file including what permits are required to resolve the matter.

**June 22, 2015** – Regional District Bylaw staff responded to an inquiry at the Chilliwack Building Office front counter from a representative from an appraisal Company. The appraiser has been contracted to provide an appraisal for the subject property at 4150 Slesse Road that is currently listed for sale. Bylaw Staff provided a copy of the bylaw file information that was previously provided to the real estate agent that outlined the details of the bylaw file and what permits are required to resolve the matter.

**June 23, 2015 – July 8, 2015** -- Regional District Bylaw staff received contact from several potential purchasers of the subject property at 4150 Slesse Road. FVRD staff went over the bylaw file history outlining the construction of a retaining wall and alteration of land without the required permits. Staff also relayed to the potential purchasers what permits would be required to resolve the file. Regional District Bylaw staff also outlined that the property files was being recommended for a Section 57 notice to be placed on the title of the property.

**July 8, 2015** -- Regional District then received further contact from the potential purchaser by email that provided FVRD with a copy of the most recent geotechnical Report from Golder & Associates Engineering dated June 10, 2015 regarding the retaining wall and adjacent slope.

**October 26, 2015** – Regional District Bylaw staff spoke with potential purchaser Mr. Karl Herrington and his real estate agent. The following was discussed:

- Mr. Herrington told staff that the neighbour located at 50721 O'Byrne stated to him that Mr. Lazouski had made a promise to install a concrete retaining wall at this location due to the fact that the land/materials have damaged the fence within the last two months. Mr. Herrington wanted more information about the concrete wall. Bylaw staff explained to Mr. Herrington that this was the first they had heard about the concrete wall, but told him that a Building Permit and Development Permit would be required. Staff explained to Mr. Herrington that debris and material that was going onto 50721 O'Byrne from 4150 Slesse would be a civil issue.
- FVRD Staff provided Mr. Herrington with the following documents and information:
  - a. Some of the inspection photographs taken in September 2014 with regards to trees at the bottom of the slope, so that Mr. Herrington could compare them with his more recent photographs.
  - b. The Golder geotechnical report dated October 8, 2014.
  - c. A copy of the incomplete letter dated December 15, 2014 for the Building Permit Application (BP013282) to remediate the retaining wall (closer to the top of the slope).

Mr. Herrington directly asked Regional District Bylaw Staff if we could tell him if the property was going to slide. Staff clearly explained that they were not an engineer or a registered professional and could not provide that kind of information. FVRD Bylaw staff explained that we could provide him with copies of the geo-technical reports and in addition recommended he speak to both an Engineer and the Planning department about the geotechnical concerns and issues on the property. Mr. Herrington explained that he had spoken to Russ Wong from the geo-technical firm Golder and Associates himself and was satisfied, but was still unsure at this time.

**November 2015 – February 2018** - There was no further action by FVRD Bylaw Enforcement Staff during this time period due to reduced Regional District Bylaw Department staffing levels.

**March 16, 2018** - Regional District Bylaw staff pulled a title search of the subject property at 4150 Slesse Road and the search verified that the property ownership has changed and now ownership records indicate that Mr. Karl Herrington and Mrs. Wendy Herrington have owned the property since November 25, 2015.

**March 16, 2018** – Regional District Bylaw staff sent a letter to the new Property Owners Mr. Karl Herrington and Mrs. Wendy Herrington by registered mail. The letter advised the property owners of staff's recommendation to proceed with the process of registering a *Section 57 Community Charter* Notice on the title of their property at 4150 Slesse Road. This letter provided a copy of the geotechnical review dated June 10, 2015 and gave the owners a final opportunity to achieve voluntary compliance by the deadline of April 16, 2018.

**March 19, 2018** – A letter was sent by regular mail to the Building Permit Applicants, and previous Property Owners Mr. Anatoli Lazouski and Ms. Ala Lazouskaya to notify them that their Building Permit Application (BP013282) has now been closed due to inactivity. The letter advised the property owners that their file has now been referred back to the Bylaw Enforcement Department for follow-up.

**May 28, 2018** – Regional District Bylaw staff checked the Canada Post online tracking system and it states that the registered mail, the final notice letter dated March 16, 2018, was picked up at the Vedder Crossing Post Office on March 20, 2018 at 18:02hrs by last name Herrington.

**May 30, 2018** - Regional District Bylaw staff did a file review of the property in preparation for the section 57 notice on title process and noted that the FVRD have not received a response or any Building Permit or Development Permit Applications or any contact from the Property Owners Mr. Karl Herrington or Mrs. Wendy Herrington to date.

## DISCUSSION

Section 57 of the *Community Charter* allows a Building Inspector to recommend a resolution to place a Notice on the Title of a property if a contravention of a bylaw or another enactment that related to the construction or safety of a building is observed. A Notice on Title serves as notice to anyone searching the title that the property may be in breach of local government bylaws or other enactments; provide disclosure to future owners; and protects against potential claims with regard to the contraventions.



Staff would like you to consider the following information:

#### Building Bylaw

Staff is authorized to regulate minimum construction standards within electoral areas via the *Fraser Valley Regional District Building Bylaw No. 1188, 2013* (Building Bylaw) for health, safety and the protection of persons and property. The bylaw provides that no person shall commence any construction, alternation, reconstruction, demolition, removal, relocation or change the occupancy of any building.

The *Regional District's Bylaw 1188* provides that construction of a retaining wall at a height greater than 1.2 meters (47 inches) above finished grade height requires a Building Permit.

In 2014 the Regional District confirmed that there had been tree removal, soil disturbance and the construction of a retaining wall, approximately ten feet in height completed on the subject property at 4150 Slesse Road without a required Building Permit after a slight land slip sometime between 2008 - 2010.

A Building Permit Application was made for the remediation work on the retaining wall in November of 2014; however the Building Permit Application lapsed and was closed due to inactivity.

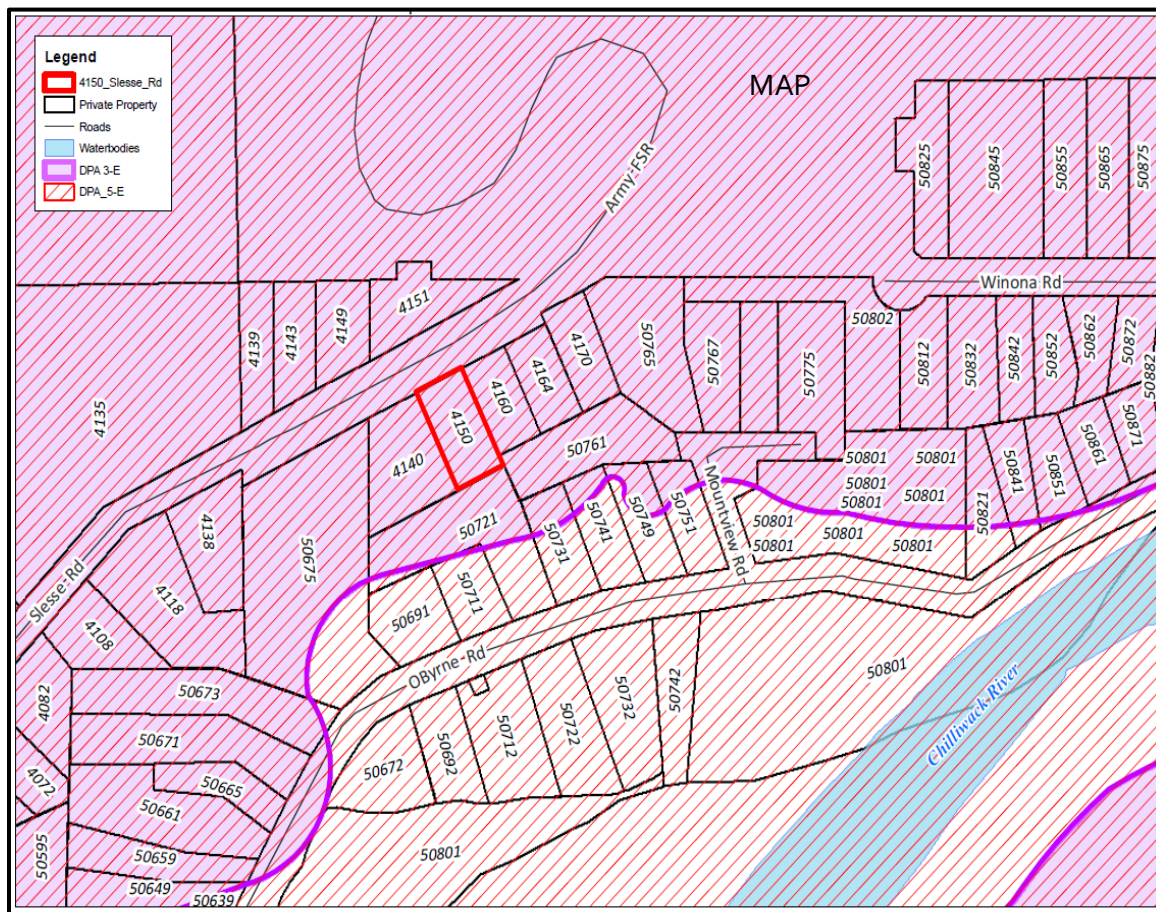
#### **A Building Permit is required for the works undertaken by the property owner.**

#### Official Community Plan

1. The subject property is within *Chilliwack River Valley Slope Hazard Development Permit Area 3-E* (DPA 3-E) under the *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* (Bylaw 1115). This Development Permit area is designated for the protection of development from hazardous conditions (slope). A Development Permit must be obtained prior to alteration of land or construction of, addition to, or alteration of a building or structure.
2. The subject property is also within the *Riparian Areas Development Permit Area 5-E* (DPA 5-E) under the *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* (Bylaw 1115). This Development Permit area is designated for the protection of the natural environment, its ecosystems and biological diversity. A Development Permit must be obtained prior to the alteration of land the disturbance of soil or vegetation; or construction of or addition to a building or structure within a riparian assessment area.

A Development Permit must be obtained prior to the alteration of land the disturbance of soil or vegetation; or construction of or addition to a building or structure within a riparian assessment area. To date there has been no application for a Development Permit for any of the construction works that have occurred on the subject property.

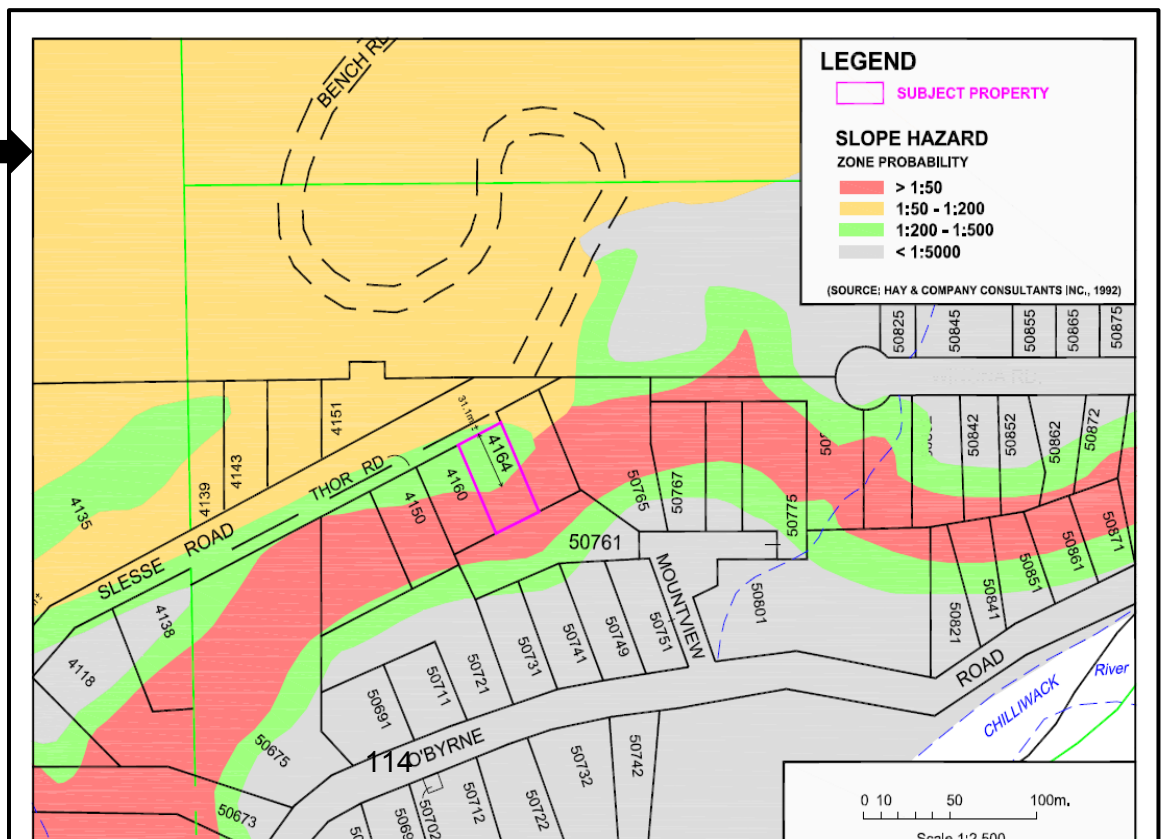
A Development Permit is required for the construction that has taken place on the property.



(DPA 3-E) & (DPA 5-E)



Slope Hazard MAP



## **COST**

Land Titles Office filing fee of approximately \$55.

The owner will be required to pay a removal fee of \$500 in accordance with the *Fraser Valley Regional Building Bylaw 1188, 2013*, after the unauthorized construction of the retaining wall is either:

1. Demolished with a Building Permit issued by the FVRD, with successful final inspection; or
2. A completed Building Permit for the construction works of the retaining wall is issued by the FVRD and receives a successful final inspection. Prior to Building Permit issuance, application and issuance of a Development Permit for the construction is also required.

## **CONCLUSION**

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the construction works on the retaining wall and construction without a Development Permit violate multiple Regional District *Bylaws*, and the *British Columbia Building Code*. Staff further notes that full compliance will only be achieved with the successful completion of a Building Permit for the construction of the retaining wall or a Building Permit for the demolition retaining wall.

Regrettably, but in the interest of full public disclosure and as incentive to achieving voluntary compliance, I, as an Appointed Building Inspector, believe that the filing of Notice is appropriate in this instance and submit the above recommendation in accordance with Section 57 of the *Community Charter*.

Electoral Area Services Committee (EASC) approval and Regional District Board resolution is required to assess Section 57 notices.

The process of filing a Section 57 notice on property title is conducted in accordance with the *Community Charter* and the *Local Government Act*.

Regional District requirements for Building Permit and Development Permit works are being administered in accordance with related Fraser Valley Regional District *Bylaws*, Policies, and the *BC Building Code*.

## **COMMENTS BY:**

**Margaret Thornton, Director of Planning & Development** Reviewed and Supported.



**Mike Veenbaas, Director of Financial Services**

No further financial comment.

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported

March 16, 2018

**VIA REGISTERED MAIL**

Karl Herrington  
Wendy Herrington  
4150 Slesse Road  
Chilliwack, BC V4Z 1B3

**FILE: E06604.230**  
**CIVIC:** 4150 Slesse Road  
**PID:** 002-053-578  
**LEGAL:** LOT 23 EXCEPT: PART WITHIN HEAVY OUTLINE TAKEN BY HIGHWAY SRW PLAN 64013;  
SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN  
NEW WESTMINSTER DISTRICT PLAN 24078

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Dear Property Owners;

**RE: Final Warning – Construction without a Building Permit and Alteration of Land without a Development Permit**

As you may already be aware, the Fraser Valley Regional District continues to have an open bylaw enforcement file with regards to construction requiring a building permit and the alteration of land requiring a development permit at 4150 Slesse Road in Electoral Area E (the “property”). Although you may be the new owners of this property, a change of ownership in no way negates these bylaw enforcement issues.

The previous property owners have not fulfilled the outstanding requirements of their building permit application. This application has now been closed; therefore the Regional District shall proceed with the process of registering a Notice with the Land Title Office as outlined in Section 57 of the *Community Charter*. Please review the attached information sheet for further details on this process.

Development Permits ensure the safe development of property and minimize hazard risks to buildings, infrastructure and occupants. Building Permits ensure that all buildings comply with the health, safety, building and zoning requirements of the Regional District and the Province of British Columbia. Non-approved buildings place the occupants at risk, and should an unfortunate incident occur the owner may be held liable. We encourage you to read the *Occupiers Liability Act* regarding property safety and negligence, available online at: [http://www.bclaws.ca/civix/document/id/complete/statreg/96337\\_01](http://www.bclaws.ca/civix/document/id/complete/statreg/96337_01)

Should you wish to work with staff to bring your property in to compliance with all current regulations, you will be required to submit the following applications:

- Development Permit application for the ‘alteration of land and removal of felled/dangerous trees’; and
- Building Permit application to ‘remediate retaining wall’.

For further information on these application processes, please contact the Planning Department and Building Department directly. Applications are also available on the Regional District website at: [www.fvrd.ca](http://www.fvrd.ca). Please

note that obtaining permits may be challenging because your property is in a known slope hazard area and because the construction that has been completed to date requires registered professional requirements.

If we do not hear from you with regards to these matters by **April 16, 2018** we will move forward with the Notice on Title process. If you have any questions or wish to discuss this matter further, you may contact me directly at 604-702-5017 or by email at [asnashall@fvr.ca](mailto:asnashall@fvr.ca). Our office hours are Monday through Friday from 8:30am to 4:30pm.

Respectfully,



Digitally signed by  
Adriana Snashall  
Date: 2018.03.16  
15:19:18 -07'00'

Adriana Snashall  
Bylaw Compliance and Enforcement Officer

enc:      Geotechnical Review dated June 10, 2015  
            Letters dated December 15, 2014  
            Letter dated November 6, 2014  
            Section 57 Information Sheet

cc:        Bill Dickey, Director of Electoral Area D  
            Margaret-Ann Thornton, Director of Planning & Development





**Fraser Valley Regional District**  
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6  
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)  
Fax: 604-792-9684 website: www.fvrd.bc.ca

File Number: 3800-30-BP013282H

15 December 2014

LAZOUSKI, ANATOLI F  
LAZOUSKAYA, ALA I  
4150 SLESSE RD  
CHILLIWACK BC V4Z 1B3

Dear Owners:

**Re: Building Permit Application No. BP013282 for the purpose of constructing a remediation of retaining wall on property legally described as LOT 23, SECTION 33, TOWNSHIP 1, RANGE 29, MERIDIAN 6, NEW WESTMINSTER DISTRICT, PLAN NWP24078 MERIDIAN W6, EXCEPT PLAN R/W64013. known as 4150 SLESSE RD.**

Thank you for submitting a building permit application on Nov 27, 2014 for the above referenced project. In order to complete this application, please submit the following documentation:

1. The property is located within Development Permit Area 3-E and a geotechnical report is required pursuant to Section 56 of the Community Charter. Please see the attached form letter. Before engaging a geotechnical engineer contact the Planning Dept. at 604-702-5487 for information on preparing the report for the Development Permit process (and potential covenant). You should be aware that there may be conditions specified in the report which would require supervision by an engineer on site.
2. The following information is required from a *Registered Professional of Record*:
  - a. Schedule B and 3 sets of sealed drawings for all structural aspects of the project that reflect a frost depth of 0.45m,
  - b. Schedule B and a sealed letter for all geotechnical aspects of the project.
3. A revised, scaled site plan that includes: a) the entire property complete with all existing buildings and structures, b) the retaining wall, c) the location of the septic field, tank, driveway and Statutory Right of Ways and d) rock pit/storm drainage system (minimum 5.0m from any foundation).
4. 3 complete sets of *construction drawings* that reflect all requirements of the above noted geotechnical report (final version). Note this item and item 2a may be combined
5. Have Ala Lazouskaya complete and submit the attached "Owners Acknowledgement of Responsibility".

The permit application will be held in abeyance pending the receipt of the above. Further information may be required upon review of this documentation. Please contact building inspection staff (604-702-

5016 or toll free 1800-528-0061) at your convenience if you require any further information or clarification regarding any of the items on this letter. Note that items in this letter that appear in italics receive further explanation on the attached definition sheet.

Yours sincerely,

R. Wieler

Rudy Wieler, AScT, RBO, CCBO,  
Building Official.

Enc.

cc: Taryn Dixon, Director of Electoral Area H  
Margaret Thornton, Director of Planning & Development.

## **Definitions**

***Registered professional*** means:

- a) a person who is registered or licensed to practise as an architect under the Architects Act, or
- b) a person who is registered or licensed to practise as a professional engineer under the Engineers and Geoscientists Act.

***Construction Drawings*** means:

Scaled drawings which provide sufficient information to show that the proposed work and proposed occupancy will conform to the British Columbia Building Code, FVRD Bylaws, other relevant legislation or regulations.





**Fraser Valley Regional District**  
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6  
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)  
Fax: 604-792-9684 website: www.fvrd.bc.ca

File Number: 3800-30-BP013282H

15 December 2014

LAZOUSKI, ANATOLI F  
LAZOUSKAYA, ALA I  
4150 SLESSE RD  
CHILLIWACK BC V4Z 1B3

Dear Owners:

**Re: Building Permit Application No. BP013282 for the purposes of constructing a remediation of retaining wall on property legally described as LOT 23, SECTION 33, TOWNSHIP 1, RANGE 29, MERIDIAN 6, NEW WESTMINSTER DISTRICT, PLAN NWP24078 MERIDIAN W6, EXCEPT PLAN R/W64013. known as 4150 SLESSE RD.**

In connection with the above referenced application, an inspection of the proposed site carried out on **8 December 2014** indicated that the proposed construction would be on land which may be subject to certain geotechnical hazards. Therefore, pursuant to Section 56 of the Community Charter (2003, SBC Chap 326), in order to have your building permit application processed further, you are required to submit a report from a qualified professional which certifies that the land may be used safely for the use intended. This report may then have to be registered on the title of the subject property before the building permit is issued.

I enclose some guidance notes to assist you in this matter. Please note that it is important that your qualified professional contacts the Regional District Planning Department before commencing any work on the report.

If you require any clarification or further information regarding this matter, please contact me at your convenience.

Yours sincerely,

Rudy Wieler, ASCT, RBO, CCBO,  
Building Inspector.

Enc.



**Fraser Valley Regional District**  
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6  
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)  
Fax: 604-792-9684 website: www.fvrd.bc.ca

November 6, 2014

File Number: 4010-20-E06604.230

Anatoli Lazouski  
Ala Lazouskaya  
4150 Slesse Road  
Chilliwack, BC V4Z 1B3

Dear Mr. Lazouski and Ms. Lazouskaya:

**Re: Potential Hazard and Permit Requirements at 4150 Slesse Road; Legally Described as Lot 23 Except: Part Within Heavy Outline Taken by Highway SRW Plan 64013; Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24078; Parcel Identifier: 002-053-578**

The Regional District wishes to thank you for providing access for staff to inspect your property on September 25, 2014. As requested by the Regional District, Golder Associates Ltd. carried out a visual geotechnical inspection of the slope and associated retaining wall on your property. As we discussed, the intent of the inspection and subsequent report (attached for your convenience) was to obtain a professional opinion as to the stability of the slope and retaining wall, as well as the potential risk to the downslope residence at 50721 O'Byrne Road. Works, which were performed on the property without the required Development or Building Permits, engineering design, or construction supervision, include the following:

1. The removal of trees from your property; and
2. The construction of a retaining wall at the rear of your existing residence.

The report noted that, should the retaining wall fail, it is likely that the failure would not be catastrophic and that the run of the debris would not extend downslope beyond the existing terminus of the 2009 event, nor directly impact the residence at 50721 O'Byrne Road. Please be advised that the report indicates that failure of the wall could, however pose a risk to the stability of the foundation for the existing residence on the subject property. The Regional District wishes to work with you to rectify the potentially unsafe conditions on your property. In order to accomplish this, we ask that you:

1. Apply for and carry out the requirements of a Development Permit\* to continue with the removal of felled and dangerous trees from your property (application enclosed); and
2. Apply for and carry out the requirements of a Building Permit and Development Permit\* to remediate the retaining wall structure (application enclosed).

*\*Please note that only one (1) Development Permit Application is required to cover both contraventions.*

In addition to the above matter, the Regional District is aware that the subject property has been listed for sale. It would be prudent to advise any potential purchaser that the Regional District continues to have an open Bylaw Enforcement file with respect to the potentially hazardous conditions and the illegal works and construction that have taken place on the property. A change in ownership in no way negates the Bylaw Enforcement issues.

Should you fail to comply with this request by **December 5, 2014**, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

You may reach the Planning Department at the toll-free number above, 8:30am to 4:30pm, Monday through Friday to discuss this issue further. You may also contact me directly at 604-702-5004, or by email at [mthornton@fvrd.bc.ca](mailto:mthornton@fvrd.bc.ca) if you have any questions. Thank you in advance for your co-operation.

Yours truly,

A handwritten signature in black ink, appearing to read 'M Thornton', with a stylized flourish at the end.

Margaret Thornton  
Director of Planning & Development

Encl: Copy of Slope and Retaining Wall Geotechnical Report 2014  
Copy of Letter dated January 24, 2011  
Copy of Slesse Park Geotechnical Report 2007

cc: David Lamson, Director of Electoral Area E  
Jennifer Wells, Bylaw, Permits & Licences Technician  
Tareq Islam, Director of Engineering and Community Services  
Graham Daneluz, Manager of Planning / Deputy Planner  
Chris Wilson, Manager of Electoral Area Emergency Services

## NOTICE ON TITLE INFORMATION SHEET

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### WHAT IS A NOTICE ON TITLE?

A *Notice on Title*, note against land title, or Section 57 of the *Community Charter*, was provided to local governments by the Province of British Columbia as a tool to administer and enforce the *BC Building Code* and local building bylaws. It involves the registration of a *Notice* on a property title at the Land Title Office, which, once in place, is documented on the title search under the "Legal Notations" section.

A *Notice on Title* serves as notification to anyone searching a property title that the property may be in breach of bylaws or regulations. The *Notice* itself does not disclose details of the breach but specifies that further information may be obtained from the local government office.

### WHAT IS THE PURPOSE OF A NOTICE ON TITLE?

The purpose of a *Notice on Title* is to provide information to potential owners and stakeholders of a breach of bylaws or regulations. It also encourages voluntary compliance to reduce risk to the local government. The filing of a *Notice* is not intended to be a punitive action; rather, it is a method to protect future owners and others with an interest in the property.

### WHEN CAN A NOTICE ON TITLE BE FILED?

A *Notice on Title* may be filed by a local government where there is a breach of bylaws or regulations in respect to a property. Specifically, a *Notice on Title* may be filed where a Building Inspector is made aware of any of the following:

- a) construction has occurred without a valid building permit;
- b) construction deficiencies noted have not been corrected;
- c) covering construction without required inspections;
- d) a permit has expired and the owner refuses to reapply for a new permit;
- e) construction that is in contravention of the *BC Building Code* or Building Bylaw; or
- f) any such circumstances as the Building Inspector may deem necessary.

### HOW IS A NOTICE ON TITLE FILED?

Step 1: When the Building Inspector is made aware of a breach, a letter is mailed to the registered owner of the property advising of the breach and the required remedial action. The owner is provided approximately thirty (30) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.

Step 2: If no action to contact staff and resolve the issue, a second letter is mailed to the owner advising of the breach and the required remedial action. The owner is provided approximately fourteen (14) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.



- Step 3: If no action to contact staff and resolve the issue, the Building Inspector may forward a report to the Corporate Officer and a "Show Cause Hearing" is scheduled. A Show Cause Hearing is held during an Electoral Area Services Committee (EASC) meeting. An invitation is mailed to the registered owner of the property advising the specific date and time they are to attend the Show Cause Hearing. A copy of the report produced by the Building Inspector will be included.
- Step 4: On the day of the EASC meeting, the Show Cause Hearing will be announced. The owner of the property, or their agent, will be asked if they would like to make representation to the Committee. The Committee shall listen objectively to the owner as well as the Building Inspector. Please note that **attendance is not required** if the owner does not wish to challenge the recommendation.
- Step 5: After hearing from the registered owner of the property and Building Inspector, the committee will then resolve to:
- a) direct the staff to file a *Notice* in the Land Title Office;
  - b) direct staff not to file a *Notice* in the Land Title Office; or
  - c) defer filing a *Notice* to allow the registered owner more time to comply.

#### **HOW IS A NOTICE ON TITLE CANCELLED?**

Once a *Notice on Title* is filed, it may be cancelled from the title of a property by way of:

- a) the local government after a Building Inspector has provided a report confirming that the condition which caused the *Notice* to be filed has been rectified; or
- b) an Order obtained by the registered owner from the *British Columbia Supreme Court*.

#### **WHAT IS THE COST OF PLACING OR CANCELLING THE NOTICE ON TITLE?**

The Fraser Valley Regional District does not charge the registered owner of the property when a *Notice on Title* is filed at the Land Title Office. However, there is a \$500.00 administrative fee payable to the Fraser Valley Regional District by the property owner when the *Notice* is removed from the Title. The property owner will also be responsible for their legal costs to have a *Notice* removed at the Land Title Office.

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Properties with a *Notice on Title* may be sold at any time; however, the presence of the *Notice* may negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a *Notice* is registered or is recommended to be registered upon the title of your property, you are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future.

**If you have any questions regarding this process, please email staff at [enforcement@fvrld.bc.ca](mailto:enforcement@fvrld.bc.ca) or phone directly at 1-800-528-0061.**

*This document is provided for informational purposes and does not constitute legal advice. The Fraser Valley Regional District makes no representations or warranties about the accuracy of the information contained in this document. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of Sections 57 and 58 of the Community Charter and seek your own independent legal advice.*

Excerpts from the *Community Charter*:

**NOTE AGAINST LAND TITLE THAT BUILDING REGULATIONS CONTRAVENED**

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
    - (i) results from the contravention of, or is in contravention of,
      - (A) a municipal bylaw,
      - (B) a Provincial building regulation, or
      - (C) any other enactmentthat relates to the construction or safety of buildings or other structures, and
    - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
  - (b) discovers that
    - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
    - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
- (a) give notice to the registered owner of the land to which recommendation relates, and
  - (b) after notice under paragraph (a), place the matter before the council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
  - (b) further information about it may be inspected at the municipal hall.
- (4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).
- (5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.
- (6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.
- (7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,
- (a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the Land Title Act, and
  - (b) the assurance fund or the minister charged with the administration of the Land Title Act as a nominal defendant is not liable under Part 20 of the Land Title Act.
- (8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.
- (9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

### **CANCELLATION OF NOTE AGAINST LAND TITLE**

- 58
- (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
  - (2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.
  - (3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.
  - (4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
  - (5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.
  - (6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.

June 1, 2018

**REGISTERED MAIL**

Mr. Karl Herrington  
Mrs. Wendy Herrington  
4150 Slesse Road  
Chilliwack, BC V4Z 1B3

**FILE: 4010-20- E06604.230**

CIVIC: 4150 Slesse Road

PID: 002-053-578

LEGAL: LOT 23 EXCEPT: PART WITHIN HEAVY OUTLINE TAKEN BY HIGHWAY SRW PLAN 64013;  
SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN  
NEW WESTMINSTER DISTRICT PLAN 24078

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Dear Mr. and Mrs. Herrington:

**Re: SHOW CAUSE HEARING SCHEDULED – Section 57 Notice on Tile  
Contraventions of Building Bylaw No. 1188, 2013 - Construction without a Building  
without a Permit, Retaining Wall and Land Alterations without a Development Permit –  
4150 Slesse Road Electoral Area E.**

Further to the final warning letter dated March 16, 2018 that was sent to you on the same day, please be advised you are hereby notified that your opportunity to be heard by the Regional District Electoral Services Committee is scheduled. The meeting is to show cause why the Regional District Board of Directors should not direct staff to file a Notice against the title of your property at 4150 Slesse Road in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1133, 2018* pursuant to Section 57 of the *Community Charter*.

The **show cause** hearing is scheduled for **July 10, 2018 at 1:30pm**, in the Boardroom on the fourth floor of the Regional District Office at 45950 Cheam Avenue, Chilliwack, British Columbia.

The Electoral Area Services Committee will consider registration of the Section 57 Notice on the title of your property at 4150 Slesse Road whether or not you are in attendance. For your convenience, I have attached relevant extracts from the *Community Charter* and a copy of the staff report which will be considered by the Committee.

If you require further information or clarification on this matter please contact the Louise Hinton, with our Bylaw Enforcement Department at 604-702-5015 or [lhinton@fvrd.ca](mailto:lhinton@fvrd.ca) in advance of this meeting.

Sincerely,



Digitally signed by Paul  
Gipps  
Date: 2018.05.28 11:25:59  
-07'00'

Paul Gipps  
Chief Administrative Officer



cc: Al Stobbart, Director of Electoral Area G  
Margaret-Ann Thornton, Director of Planning & Development  
Greg Price, Bylaw & Compliance Coordinator  
Review of Registered Property Title – Organizations with interest in property  
The Toronto-Dominion Bank (Mortgage #CA4832415)

Attach: March 16, 2018 Copy of Final Warning Letter to Property Owner  
July 10, 2018 Staff Report from Bylaw and Appointed Building Inspector  
March 16, 2018 Land Title Search Results  
March 16, 2018 Property Information Report  
May 23, 2018 Property Information Map  
Notice on Title Information Sheet Including Community Charter, Section 57 and 58

**TITLE SEARCH PRINT**

2018-03-16, 10:37:18

File Reference:

Requestor: Adriana Snashall

Declared Value \$200000

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\*****Land Title District**

Land Title Office

NEW WESTMINSTER

NEW WESTMINSTER

**Title Number**

From Title Number

CA4832414

CA495571

**Application Received**

2015-11-25

**Application Entered**

2015-11-27

**Registered Owner in Fee Simple**

Registered Owner/Mailing Address:

KARL DAVID HERRINGTON, RV TECHNICIAN  
WENDY ANN HERRINGTON, CARE GIVER  
4150 SLESSE ROAD  
CHILLIWACK, BC  
V4Z 1B3  
AS JOINT TENANTS

**Taxation Authority**

New Westminister Assessment District

**Description of Land**

Parcel Identifier:

002-053-578

Legal Description:

LOT 23 EXCEPT: PART WITHIN HEAVY OUTLINE TAKEN BY HIGHWAY SRW PLAN 64013;  
SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN NEW WESTMINSTER  
DISTRICT PLAN 24078

**Legal Notations**

NONE

**Charges, Liens and Interests**

Nature:

STATUTORY RIGHT OF WAY

Registration Number:

363441C

Registration Date and Time:

1964-10-21 15:19

Registered Owner:

BRITISH COLUMBIA HYDRO AND POWER AUTHORITY  
OVER THE NORTH EASTERLY 10 FEET BEING  
MEASURED PERPENDICULARLY TO THE NORTH  
EASTERLY BOUNDARY AND ADJOINING LOTS  
20 AND 24

Remarks:

**TITLE SEARCH PRINT**

File Reference:

Declared Value \$200000

2018-03-16, 10:37:18

Requestor: Adriana Snashall

Nature:

MORTGAGE

Registration Number:

CA4832415

Registration Date and Time:

2015-11-25 16:30

Registered Owner:

THE TORONTO-DOMINION BANK

**Duplicate Indefeasible Title**

NONE OUTSTANDING

**Transfers**

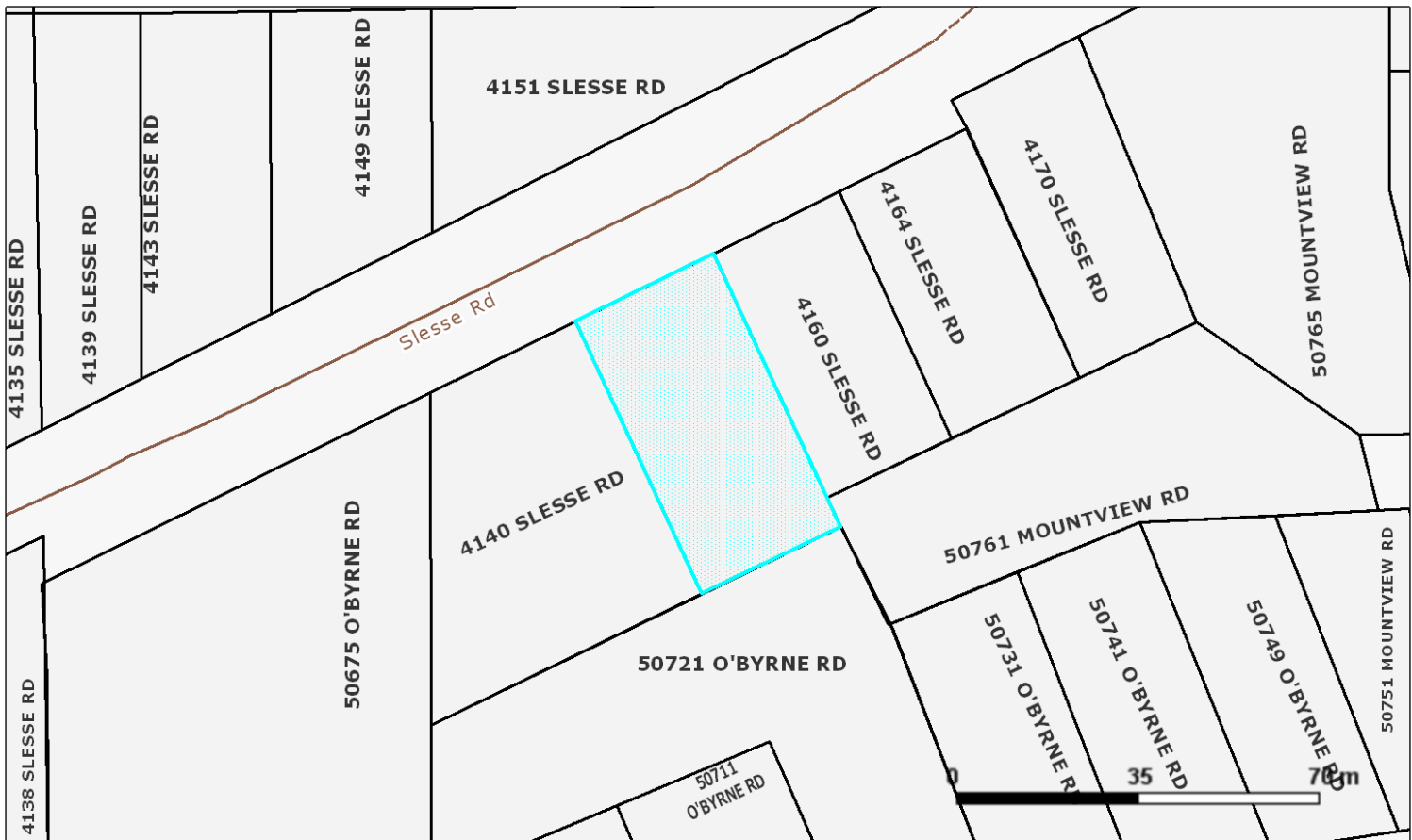
NONE

**Pending Applications**

NONE

## Property Information Report

Civic Address:	4150 SLESSE RD	Lot Size:	17043 SQUARE FEET
Folio Number:	733.06604.230	Electoral Area:	E
PID:	002-053-578	Map Scale:	1:1333
Legal Description:	LOT 23, SECTION 33, TOWNSHIP 1, RANGE 29, MERIDIAN 6, NEW WESTMINSTER DISTRICT, PLAN NWP24078 MERIDIAN W6, EXCEPT PLAN 64013.		



## Land-use Information

Zoning Designation:	Contact Planning Department	Zoning Bylaw:	Contact Planning Department
OCP Designation:	Contact Planning Department	OCP Bylaw:	Contact Planning Department
DPA Designation:	Contact Planning Department	ALR:	Contact Planning Department
In Mapped Floodplain:	Contact Planning Department	Watercourse:	Contact Planning Department

## Utility Information

Local Service Area:	Contact Planning Department
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This information is provided as a public resource for general information purposes only. The information shown is compiled from various sources and the Fraser Valley Regional District makes no warranties, expressed or implied, as to the accuracy or completeness of the information. This report is not a legal document and is published for information and convenience only. The Fraser Valley Regional District is not responsible for any errors or omissions that may appear on this report.



# **FRASER VALLEY REGIONAL DISTRICT**

## **ELECTORAL AREA SERVICES COMMITTEE**

### **OPEN MEETING MINUTES**

Tuesday, June 12, 2018

1:30 pm

FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Members Present: Director Al Stobbart, Electoral Area G, Vice Chair  
Director Terry Raymond, Electoral Area A  
Director Alec Niemi, Electoral Area C  
Director Orion Engar, Electoral Area E  
Director Ray Boucher, Electoral Area F  
Alt. Director Walter Kassian, Electoral Area B  
Director Bill Dickey, Electoral Area D (*arrived at 1:39 p.m.*)

Regrets: Director Dennis Adamson, Electoral Area B  
Director Taryn Dixon, Electoral Area H

Staff Present: Paul Gipps, Chief Administrative Officer  
Mike Veenbaas, Director of Financial Services  
Tareq Islam, Manager of Engineering & Community Services  
Margaret-Ann Thornton, Director of Planning & Development  
Suzanne Gresham, Director of Corporate Initiatives  
Graham Daneluz, Deputy Director of Planning & Development  
Jennifer Kinneman, Manager of Corporate Affairs  
Jaime Schween, Manager of Corporate Administration  
Sterling Chan, Manager of Engineering & Infrastructure  
Greg Price, Building Inspector (*part*)  
Dawn Smith, Planner II  
Louise Hinton, Bylaw Compliance and Enforcement Officer  
Andrea Antifaeff, Planning Technician  
Matthew Fang, Network Analyst I  
Julie Mundy, Planning Assistant  
Meghan Shields, Administration Student  
Amanda Molloy, Executive Assistant to CAO and Board  
Chris Lee, Recording Secretary

Also Present: Deputy Chief Mike Serr, Abbotsford Police Department  
Tim Pippus, Pippus Consulting  
Alexandria Phizicky, Account Executive, ePact

There were 3 members of the public present at the meeting.

**1. CALL TO ORDER**

Vice Chair Stobbart called the meeting to order at 1:30 p.m.

**2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS**

Moved By RAYMOND

Seconded By BOUCHER

**THAT** the Agenda be varied with item 4.1 to be dealt with prior to item 3.1 and item 3.2 be deferred to July EASC;

**AND THAT** the Agenda, Addenda and Late Items for the Electoral Area Services Committee Open Meeting of June 12, 2018, as amended, be approved;

**AND THAT** all delegations, reports, correspondence and other information set to the Agenda be received for information.

**CARRIED**

**3. SHOW CAUSE HEARING(S)**

**3.1 Building Bylaw and BC Building Code Contraventions at 10363 Royalwood Boulevard, Electoral Area D, legally described as: Lot 27 Section 1 Township 3 Range 29 Meridian 6 New Westminster District Plan LMP17398 Meridian W6 PID: 018-813-798.**

Louise Hinton, Bylaw Compliance and Enforcement Officer provided a PowerPoint presentation outlining the historic and current property bylaw infractions with respect to the property located at 10363 Royalwood Boulevard, Electoral Area D, and the efforts of staff to encourage voluntary compliance by the property owner.

Vice Chair Stobbart asked if any members of the public wished to speak on this matter. No comments were offered.

Moved By DICKEY  
Seconded By BOUCHER

**THAT** the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, at 10363 Royalwood Boulevard Electoral Area D, Fraser Valley Regional District, British Columbia (legally described as: Lot 27 Section 1 Township 3 Range 29 Meridian 6 New Westminster District Plan LMP17398 Meridian W6 (PID: 018-813-798).

**CARRIED**

**3.2 Building Contraventions at 48977 Riverbend Drive; Lot 7 District Lot 500 Group 2 New Westminster District Plan LMP18665 PID 018-925-332, Electoral Area E**

Item 3.2 was deferred to the July meeting of the Electoral Area Services Committee.

**3.3 Building Bylaw and BC Building Code Contraventions at 41630 Lougheed Hwy, EA G, legally described as Parcel "C" (W166297E) North West Quarter Section 5 and of the North East Quarter Section 6 Township 24 Except: Parcel "B", NW District; PID 013-441-949**

Louise Hinton, Bylaw Compliance and Enforcement Officer provided a PowerPoint presentation outlining the historic and current property bylaw infractions with respect to the property located at 41630 Lougheed Highway, Electoral Area G, and the efforts of staff to encourage voluntary compliance by the property owner.

Vice Chair Stobbart asked if any members of the public wished to speak on this matter. No comments were offered.

Moved By NIEMI  
Seconded By RAYMOND

**THAT** the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, at 41630 Lougheed Highway, Electoral Area G, Fraser Valley Regional District, British Columbia (legally described as Parcel "C" (W166297E) North West Quarter Section 5 and of the North East Quarter Section 6 Township 24 Township 24 Except: Parcel "B" (Plain in Absolute Fees Parcel Book 11/329/1286F), New Westminster District; Parcel Identifier: 013-441-949.

**CARRIED**

#### 4. DELEGATIONS AND PRESENTATIONS

*Item 4.1 was dealt with prior to item 3.1.*

##### 4.1 **Deputy Chief Mike Serr, Abbotsford Police Department and Tim Pippus, Pippus Consulting**

Tim Pippus, of Pippus Consulting gave a PowerPoint presentation entitled 'Cannabis – Timeline and Industry'; providing an overview of the history of cannabis and the path to legalization of cannabis. He also provided information on the current status of steps taken by BC municipalities with respect to the impending legalization.

Deputy Chief Mike Serr identified some key issues that law enforcement is concerned with in view of the impending legalization of marihuana:

- Increase in drug impaired driving offences – additional training required by law enforcement personnel and additional equipment required for drug testing;
- Increase in crime associated with marihuana – a cash industry;
- 'Black market' and organized crime groups;
- Provision of four plants per household – challenging for law enforcement to impose and extra monitoring work involved; and
- Illegal store sales.

Deputy Mike Serr noted that it is estimated that the legalization of marihuana will likely increase the annual budget for law enforcement by an additional 2%.

Deputy Mike Serr responded to questions raised by Committee members relating to rural agency stores, grow-ops in subdivisions, technology required to test drug impaired driving, resources for increased inspection and cost impacts to municipalities and regional districts.

Vice Chair Stobbart thanked Tim Pippus and Deputy Chief Mike Serr for their presentations.

##### 4.2 **Alexandra Phizicky, Account Executive, ePact**

Alexandra Phizicky, Account Executive of ePact provided a PowerPoint presentation on ePact, a BC-based technology company. The following key points were noted in the presentation:



- ePact was created following the 2011 earthquake and tsunami that occurred in Japan;
- ePact was designed to increase safety and help organizations better prepare for emergency events – getting the right information, to the right people, in time.
- ePact connects with residents and staff using email, text and voice messaging;
- Community Engagement – residents create an emergency record to securely store contact details, medical issues, or special needs, then connect to support networks of friends, relatives, organizations and local authorities that can help them in a crisis;
- ePact provides superior preparedness and response capabilities by helping families personally prepare, enhance organizational preparation and improving organization response; and
- Data privacy is ePact's top priority.

#### **4.2.1 ePact Emergency Communications Tool**

Jennifer Kinneman, Manager of Corporate Affairs reported that there are several options for emergency management systems and that ePact is one of them. She noted that the communications process is significantly important as we move through an emergency event.

### **5. MINUTES/MATTERS ARISING**

#### **5.1 Minutes of the Electoral Area Services Committee Meeting - May 8, 2018**

Moved By BOUCHER  
Seconded By NIEMI

**THAT** the Minutes of the Electoral Area Services Committee Open Meeting of May 8, 2018 be adopted.

**CARRIED**

### **6. CORPORATE ADMINISTRATION**

#### **6.1 FVRD Volunteer Recognition Awards Program Policy and Procedure**

Moved By DICKEY  
Seconded By ENGAR

**THAT** the Fraser Valley Regional District Board endorse the *FVRD Volunteer Recognition Awards Program Policy and Procedure*, as drafted.

**CARRIED**

**6.2 Remuneration Rates for 2018 General Local Election Staff**

Moved By KASSIAN  
Seconded By BOUCHER

**THAT** the Fraser Valley Regional District Board establish remuneration rates for 2018 General Local Election staff as follows:

Chief Election Officer: 5 days off in lieu of overtime or cash equivalent  
Deputy Chief Election Officer: 3 days off in lieu of overtime or cash equivalent  
Presiding Election Officials: \$500  
Alternate Presiding Election Officials: \$400  
Election Officials: \$240  
Mileage: \$0.55/km

**CARRIED**

**7. FINANCE**

**7.1 2017 Annual Development Cost Charge Report**

The report dated June 12, 2018 from the Account Clerk II with respect to 2017 Annual Development Cost Charge was provided for information.

**7.2 Grant-In-Aid Request – District of Hope Ratepayers Association, Electoral Area “B”**

Concerns were raised with regard to the Regional District funding a video camera to record the District of Hope’s Council Meetings. Comments were offered by the Committee that the recording of Hope Council meetings will assist the Sunshine Valley Ratepayers Association, Yale Ratepayers Association and the Hope Ratepayers Association members, who are unable to attend these meetings, to acquire information on District of Hope Council decisions on mutual issues affecting them.

Moved By KASSIAN  
Seconded By NIEMI

**THAT** the Fraser Valley Regional District authorize a grant-in-aid in the amount of \$1,000 to the District of Hope Ratepayers Association, funded from the Electoral Area “B” grant-in-aid budget, to pay for a video camera to record Hope Council meetings and other group meetings that will be available for public viewing.

**DEFEATED**

***Directors Engar, Boucher, Raymond and Stobbart Opposed***

**7.3 Grant-In-Aid Request – Coquihalla Elementary School PAC, Electoral Area “B”**

Moved By BOUCHER  
Seconded By KASSIAN

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,500 to the Coquihalla Elementary School Parent Advisory Committee (PAC), funded from the Electoral Area “B” grant-in-aid budget, to assist with the costs of hosting the Missoula Children’s Theatre program.

**CARRIED**

**7.4 Grant-In-Aid Request – Hope Volunteer Search & Rescue Group, Electoral Area “B”**

Moved By KASSIAN  
Seconded By DICKEY

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$1,000 to the Hope Volunteer Search and Rescue Group, funded from the 2018 Electoral Area “B” grant-in-aid budget to help offset the costs associated with training, purchasing equipment and minimizing expenses incurred by their members.

**CARRIED**

**7.5 Grant-in-Aid Request – Post Creek Ratepayers Association, Electoral Area “E”**

Moved By ENGAR  
Seconded By BOUCHER

**THAT** the Fraser Valley regional District Board authorize a grant-in-aid in the amount of \$3,000 to the Post Creek Ratepayers Association, funded from the 2018 Electoral Area "E" grant-in-aid budget to help offset the costs associated with the removal and disposal of the community green waste piles.

**CARRIED**

**8. ENGINEERING & UTILITIES**

No Items.

**9. PLANNING, BUILDING INSPECTION AND BYLAW ENFORCEMENT**

**9.1 Appointment of Building Official, Building Inspector and Bylaw Enforcement Officer**

Moved By NIEMI

Seconded By DICKY

**THAT** the Fraser Valley Regional District Board appoint Barry Johnston, Jarett Humphrey and Karl Rohde as "Building Official", "Building Inspector" and "Bylaw Enforcement Officer" of the Fraser Valley Regional District effective immediately.

**CARRIED**

**9.2 FVRD Electoral Area Commercial Gravel Operations Service Area Establishment Bylaw No. 1409, 2018**

Paul Gipps, CAO reported that the purpose of Bylaw 1409, 2018 is to establish a service area for the Commercial Gravel Operations Regulations Bylaw No. 1181, 2014 which was adopted by the Board in 2016, as well as in anticipation of the collection of revenue established in Bylaw 1181, 2014.

Moved By DICKY

Seconded By NIEMI

**THAT** the Fraser Valley Regional District Board consider giving three readings to the bylaw cited as *Fraser Valley Regional District Electoral Area Commercial Gravel Operations Service Area Establishment Bylaw No. 1409, 2018*.

**CARRIED**



**9.3     Application for Development Variance Permit 2018-20 to reduce the flanking street setback to permit the addition to a mobile home at 10435 Rutley Road, Electoral Area D**

Moved By DICKEY  
Seconded By NIEMI

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2018-20 to reduce the flanking street setback from 25 feet (7.6 metres) to 8.5 feet (2.6 metres), clear to sky, to facilitate an addition to a mobile home at 10435 Rutley Road, Area “D”, subject to consideration of any comments or concerns raised by the public

**CARRIED**

**9.4     Application for Development Variance Permit 2018-22 to reduce the ancillary building setback from the interior side lot line to permit the addition to the existing water reservoir at 1777 Columbia Valley Road, Electoral Area H**

Moved By BOUCHER  
Seconded By NIEMI

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2018-22 for the property located at 1777 Columbia Valley Road, Electoral Area H to reduce the ancillary building setback from 6 metres (19.68 feet) to 0.9metres (2.95 feet) from the interior side lot line, clear to sky in order to facilitate an addition to the existing water reservoir, subject to consideration of any comments or concerns raised by the public.

**CARRIED**

**9.5     Application for Development Variance Permit 2018-23 to vary the definition of Accessory Family Residential Use from single-width manufactured home to double-width manufactured home for the property located at 44428 Malcolm Road, Electoral Area C**

Moved By NIEMI  
Seconded By KASSIAN

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2018-23 for the property located at 44428 Malcolm Road, Electoral Area

C, to vary the definition of Accessory Family Residential Use from single-width manufactured home to double-width manufactured home, subject to consideration of any comments or concerns raised by the public.

**CARRIED**

**9.6 Development Permit 2018-10 regarding the Form and Character of Phase II of Aquadel Crossing at 1885 Columbia Valley Road Electoral Area H**

Moved By BOUCHER  
Seconded By DICKEY

**THAT** the Fraser Valley Regional District Board issue Development Permit 2018-10 regarding the form and character of Phase II of Aquadel Crossing at 1885 Columbia Valley Road Electoral Area "H" to permit the construction of a mix of rancher and two storey single family detached resort residential dwellings;

**AND THAT** the Fraser Valley Regional District Board authorize amendments to the existing form and character covenant (charge CA5854378) to permit the form and character of Phase II of the development as detailed in Development Permit 2018-10.

**CARRIED**

**9.7 Popkum-Bridal Falls Official Community Plan - Draft Release and Approval Process, Electoral Area D**

Dawn Planner, Planner II provided a PowerPoint presentation outlining the timeline for the release of the Popkum-Bridal Falls Official Community Plan. Staff was commended on the great work on this OCP.

Moved By DICKEY  
Seconded By BOUCHER

**THAT** the Fraser Valley Regional District Board endorse the proposed Popkum-Bridal Falls Official Community Plan draft release and approval steps as outlined in the corporate report dated June 12, 2018.

**CARRIED**

**10. ELECTORAL AREA EMERGENCY SERVICES**

No items.

## 11. OTHER MATTERS

### 11.1 Municipal Guide to Cannabis Legalization (A Roadmap for Canadian Local Governments)

The Municipal Guide to Cannabis Legalization (*A Roadmap for Canadian Local Governments*) released by FCM was provided for information.

## 12. ADDENDA ITEMS/LATE ITEMS

No items.

## 13. REPORTS BY STAFF

Mr. Gipps introduced Meghan Shields, Administration Student and Julie Mundy, Planning Technician to the Committee.

## 14. REPORTS BY ELECTORAL AREA DIRECTORS

Director Engar reported on his attendance at the Residents Association meeting in his area.

Director Dickey reported that development activities are booming in his area and thanked Director Stobbart for chairing the meeting on his behalf.

Director Niemi reported on his attendance at the recent FCM Conference in Halifax.

Director Kassian reported on the successful Strawberry Tea event held by the Yale Historical Society.

Director Stobbart reported that the flooding situation in his area has improved and water levels have receded and thanked staff for the emergency work carried out.

Director Boucher reported on the upcoming Pikeminnow Derby taking place in Cultus Lake on Saturday, June 16, 2018.

**15. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO AGENDA**

None

**16. ADJOURNMENT**

Moved By DICKY  
Seconded By RAYMOND

**THAT** the Electoral Area Services Committee Open Meeting of June 12, 2018 be adjourned.

**CARRIED**

The Electoral Area Services Committee Open Meeting adjourned at 3:15 p.m.

MINUTES CERTIFIED CORRECT:

.....  
Director Al Stobbart, Vice Chair



To: Electoral Area Services Committee

Date: 2018-07-10

From: Jaime Schween, Manager of Corporate Administration/  
Chief Election Officer

File No: 4200-20-2018

**Subject: 2018 General Local Elections**

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### INTENT

This report is intended to advise the Electoral Area Services Committee of information pertaining to the upcoming General Local Elections. Staff is not looking for a recommendation and has forwarded this information should members want more clarification to discuss the item further.

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

### BACKGROUND

The Chief Election Officer for the Fraser Valley Regional District (FVRD) conducts the elections for the office of Electoral Area Director for all eight FVRD Electoral Areas. Additionally, the CEO conducts elections for rural School Trustees in our Electoral Areas under agreements with School District 33 (Chilliwack), School District 75 (Mission) and School District 78 (Fraser-Cascade).

The Chief Election Officer, amongst other items, is responsible for receiving nomination documents, declaring candidates, and administering voting opportunities within the FVRD Electoral Areas.

Elections BC is an independent and non-partisan Office of the Legislature that is responsible for administering provincial electoral finance and local elections campaign financing, disclosure rules and advertising laws under the *Local Elections Campaign Financing Act* ("LECFA").

As the 2018 General Local Elections cycle is now underway, it is important to keep pertinent information and dates in mind.

## DISCUSSION

Under LECFA, Elections BC is responsible for establishing limits on election expenses and third party advertising. These limits are both based on the office and population of the individual FVRD Electoral Area.

### Election expenses

The election expense limit that applies to each individual FVRD Electoral Area is \$5,000. Election expense limits apply during the campaign period of September 22 to October 20, 2018.

### Third Party Advertising

Under LECFA, the Third Party Advertising Limit that applies to each individual FVRD Electoral Area is \$750. Again, this limit applies during the campaign period of September 22 to October 20, 2018.

As election expenses and third party advertising limits are administered by Elections BC, all inquiries should be directed to Elections BC by phone at 250-387-5305 or at [www.elections.bc.ca](http://www.elections.bc.ca).

Please note that it is important to be aware of the following dates:

Election Period:	January 1 to September 21, 2018
Nominations Open:	September 4, 2018 at 9am
Nominations Close:	September 14, 2018 at 4pm
Campaign Period:	September 22 to October 20, 2018
Advanced Voting Opportunity:	October 10, 2018
General Voting Day:	October 20, 2018
Deadline for filing campaign financing disclosure statement:	January 18, 2019

## CONCLUSION

As the cycle for 2018 General Local Election is now in process, this report highlighting the role of Elections BC, as well as upcoming critical dates, is being brought forward for the Committee's information.

### COMMENT BY:

**Paul Gipps, Chief Administrative Officer**

Not available for comment.

To: Electoral Area Services Committee

Date: 2018-07-10

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 007

**Subject: Grant-In-Aid Request – Fraser Valley Bald Eagle Festival Society, Electoral Area “C”**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,000 to the Fraser Valley Bald Eagle Festival Society, funded from Electoral Area “C”, to assist in the funding of their annual Fraser Valley Bald Eagle Festival.

#### STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community  
Support Environmental Stewardship

#### PRIORITIES

Priority #4 Tourism

### BACKGROUND

This request for funding is eligible under the “promotion of volunteer participation and citizen involvement” and “activities/programs which are accessible to a large portion of the electoral area” options.

### DISCUSSION

The Fraser Valley Bald Eagle Festival Society is a registered charity, whose purpose is to host the Fraser Valley Bald Eagle Festival, which offers an opportunity for the public to explore, participate in activities and visit venues at no cost.

The Fraser Valley Bald Eagle Festival spans from Mission to Harrison Mills, including Kilby Historic Site. This event is attended by 3000+ visitors, and helps to create awareness of the local ecosystems, specifically with their relationship to the bald eagle and salmon cycle. This festival also helps showcase the incredible natural surroundings of the Fraser Valley.

Director Niemi is in support of this request.

**COST**

The \$2,000 cost will be funded from the Electoral Area "C" grant-in-aid budget which has sufficient funds to support this request.

**CONCLUSION**

The Fraser Valley Bald Eagle Festival has submitted a grant-in-aid request for \$2,000 to help fund their annual festival.

**COMMENTS BY:**

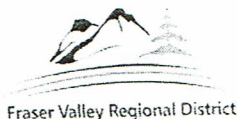
**Mike Veenbaas, Director of Financial Services**

Reviewed and supported.

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported





## GRANT-IN-AID APPLICATION

Fraser Valley Regional District, 45950 Cheam Ave, Chilliwack BC, V2P 1N6

Applicant Name: Jo-Anne Chadwick / FRASER VALLEY BALD EAGLE FESTIVAL  
Mailing Address: c/o Mission Chamber 34033 LOUGHERD HWY MISSION BC V2V 5X8  
Email Address: info@fraservalleybald eagle festival.ca  
Contact: Jo-Anne Chadwick 604 302-9579  
Name Telephone/Fax Number

Statement as to eligibility to apply for Grant-In-Aid Funds (Please attach a separate sheet if required):

The Fraser Valley Bald Eagle Festival is a registered Society Non-profit organization. The Festival occurs over a region that covers Mission to Harrison Mills.

### APPLICATION SUMMARY:

Project or purpose for which you require assistance (Please attach a separate sheet if required):

The 23rd annual Fraser Valley Bald Eagle Festival  
November 17/18 2018.

Statement as to how these funds will benefit the community or an aspect of the community (Please attach a separate sheet if required):

This free weekend of "edutainment" creates awareness of the environment and the importance of the nature found in the Fraser Valley

Amount of Grant Requested: \$ 2,000.00

\*\*Please note: grants over \$4,000 require a financial statement and/or report on the applicant to be provided with the application.

To the best of my knowledge, all the information that is provided in this application is true and correct. Furthermore, I hereby certify that this application for assistance is NOT being made on behalf of an individual, industry, commercial or business undertaking.

Jo-Anne Chadwick, President

Signature of Authorized Signatory and Title

Amount Approved: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Electoral Area Director

To: Electoral Area Services Committee

Date: 2018-07-10

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 007

**Subject: Grant-In-Aid Request – Hemlock Valley Homeowners Association, Electoral Area “C”**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board approve a grant-in-aid to the Hemlock Valley Homeowners Association (HVHA) in the amount of \$3,000, to be funded from the 2018 Electoral Area “C” grant-in-aid budget to help offset the costs associated with purchasing a storage locker for their equipment along with the hosting of several community events used to encourage family participation to increase community awareness.

#### STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

#### PRIORITIES

Priority #5 Outdoor Recreation

### BACKGROUND

This request for funding is eligible under the “Activities/ programs which are accessible to a large portion of the electoral area” option.

### DISCUSSION

The Hemlock Valley Homeowners Association is a non-profit community group that represents all recreational, residential, home and property owners in the community of Hemlock Valley. They strive to ensure that the owners, along with their families, feel that they continue to be part of the community. They are also working to serve the community and secure improvements in the interest of all parties.

The Hemlock Valley Homeowners Association annually supports the Hemlock Valley Fireman’s Casino/ silent Auction (\$300) and the Hemlock Ski Club (\$300). As the Electoral Area Grant In Aid Policy does not speak to donations to other organizations using grant in aid money, staff is looking for guidance regarding the redistribution of grant in aid funds provided to community organizations.

Beyond their regular operations, the HVHA wishes to support events within the local community. As such, they have requested a grant-in-aid in the amount of \$3,000 which will be used to offset the costs associated with the hosting several community events planned throughout the year.

Director Niemi is in support of this request.

#### **COST**

The \$3,000 cost will be funded from the Electoral Area "C" grant-in-aid budget which has sufficient funds to support this request.

#### **CONCLUSION**

A grant-in-aid application has been received from Hemlock Valley Homeowners Association seeking funds to offset the purchase of a storage locker for their equipment along with the hosting of several community events.

#### **COMMENTS BY:**

**Mike Veenbaas, Director of Financial Services**

Reviewed and supported.

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported



## GRANT-IN-AID APPLICATION

Fraser Valley Regional District, 45950 Cheam Ave, Chilliwack BC, V2P 1N6

Applicant Name: Hemlock Valley Homeowners Association  
Mailing Address: PO Box 3363  
Mission BC V2V 4J5  
Email Address(es): e.brkich@telus.net

Contact(s):

Erna Brkich, Treasurer

778-239-1101

Name

Telephone/Fax Number

Carrie Murphy, Secretary

604-465-4661

Name

Telephone/Fax Number

Statement as to eligibility to apply for Grant-In-Aid Funds (Please attach a separate sheet if required):

We are a non profit community group for the property owners of Hemlock.

### APPLICATION SUMMARY:

Project or purpose for which you require assistance (Please attach a separate sheet if required):

See attached letter

Statement as to how these funds will benefit the community or an aspect of the community (Please attach a separate sheet if required):

To promote community awareness and encourage family participation to support events towards improvements to our community.

Amount of Grant Requested: \$3000.00

To the best of my knowledge, all the information that is provided in this application is true and correct. Furthermore, I hereby certify that this application for assistance is NOT being made on behalf of an individual, industry, commercial or business undertaking.

Erna Brkich

Signature of Authorized Signatory and Title

Treasurer

Hemlock Valley Homeowners Association

Amount Approved:

Date:

Signature of Electoral Area Director



**Hemlock Valley Homeowners Association (est.1980)**

**PO Box 3363**

**Mission BC**

**V2V 4J5**

Website: [www.hvha.ca](http://www.hvha.ca)

Director Alec Niemi  
Electoral Area C  
Fraser Valley Regional District

June 19, 2018

Attn: Director Niemi

Dear Sir:

On behalf of the Hemlock Valley Home Owners Association (HVHA) I would like to apply for a Grant-in-Aid in the amount of \$3000.00.

HVHA represents all recreational, residential, home and property owners in the community of Hemlock Valley. As you are aware with the announcement the Province has approved major expansion plans at Hemlock Resort. As a result, the Executive Board is aware of the importance to collaborate with the community so that they are always informed. In addition, we strive to ensure that the owners along with their families, feel that they continue to be part of the community. We are working hard to serve the community and secure improvements in the interest of all parties.

As such, we have several Community events/projects (Annual Pig Roast Celebration, Seasonal Fireworks Celebrations, Elegant Affair, Family Day events, Annual Spring Clean Up, Night Snow Shoe Hikes, 'Do you want to build a Snow Man?' etc.) planned throughout the year which will encourage family participation to increase community awareness. In addition, funds for this new request will be going towards the purchase of a storage locker for our equipment. This is something that we urgently need to ensure our new equipment and supplies are safe and protected at all times.

I recently provided you with a recap of our winter events along with a few photos and details of our planned expenditures over the new few weeks which will cover the \$3000 grant from last year.

We trust our Grant-in-aid application will be presented at your next meeting and that it meets with the board's favorable approval.

Regards,  
Erna Brkich  
Treasurer  
Hemlock Valley Homeowner Association

To: Electoral Area Services Committee

Date: 2018-07-10

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 007

**Subject: Grant-In-Aid Request – Sts’ailes Community School, Electoral Area “C”**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,000 to the Sts’ailes Community School, funded from the Electoral Area “C” grant-in-aid budget to help offset the costs of operating the secondary athletics program run through the Community School.

#### STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

#### PRIORITIES

Priority #5 Outdoor Recreation

### BACKGROUND

This request for funding is eligible under the “Activities/ programs which are accessible to a large portion of the electoral area” option.

### DISCUSSION

The Sts’ailes Community School serves the community area from Mission to Chilliwack, providing access from daycare to grade 12, focusing on a holistic approach to education.

The Sts’ailes Community School is requesting a \$2,000 grant-in-aid to assist with the cost associated with providing a secondary physical development program above the mandated curriculum for physical education. This program provides equipment and lifelong learning in areas of fitness, nutrition and healthy life choices, resulting in a marked increase in attendance, classroom performance and nutritional choices. As well, these students are learning leadership skills in which they are bringing back to their classrooms, benefitting the school and community as a whole.

### COST

The \$2,000 cost will be funded from the Electoral Area “C” grant-in-aid budget which has sufficient funds to support this request.

## **CONCLUSION**

A grant-in-aid application has been received from Sts'ailes Community School seeking support for their secondary athletics program.

## **COMMENTS BY:**

**Mike Veenbaas, Director of Financial Services**

Reviewed and supported.

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported



## GRANT-IN-AID APPLICATION

Fraser Valley Regional District, 45950 Cheam Ave, Chilliwack BC, V2P 1N6

Applicant Name: Sts'ailes Education Department

Mailing Address: 4690 Salish Way, Agassiz, BC, V0M 1A1

Email Address: nanooke@hotmail.com

Contact:

Bill Dietrich, Director of Education

Telephone/Fax Number Ph 7962146 Fax 6047963104

Statement as to eligibility to apply for Grant-In-Aid Funds (Please attach a separate sheet if required):

Sts'ailes Education operates a K5-12 school and serves several communities within the region. The school offers a tremendous education opportunity for children and goes far beyond traditional expectations.

### APPLICATION SUMMARY:

Project or purpose for which you require assistance (Please attach a separate sheet if required):

Sts'ailes Athletics Program – for students in secondary school who wish to receive sport specific training that includes dietary education, athletic testing, sports specific training from a certified personal trainer/kinesiologist. Students must be in school full time, achieving a "C" average in the core subjects, lead a healthy lifestyle (no drinking, smoking or drug use) and be involved in their culture. Students receive all athletic training gear, access to mountain bikes, canoes, snowshoes, mountaineering and snowboarding. The group supports school and community based events as volunteers and take on role modeling within the bike rodeo and sports day.

Statement as to how these funds will benefit the community or an aspect of the community (Please attach a separate sheet if required):

Developing lifelong skills and habits within fitness and education benefits the individual and the community. These students are role models for younger children and are visible in the community through scheduled volunteering.

Amount of Grant Requested: \$2,000.00

**\*\*Please note:** grants over \$4,000 require a financial statement and/or report on the applicant to be provided with the application.

To the best of my knowledge, all the information that is provided in this application is true and correct. Furthermore, I hereby certify that this application for assistance is NOT being made on behalf of an individual, industry, commercial or business undertaking.

Signature of Authorized Signatory and Title

Amount Approved:

\_\_\_\_\_

Date:

\_\_\_\_\_

Signature of Electoral Area Director

Please return completed form by fax or e-mail to: Fax: 604-702-5043 (Finance Dept.); Email: [info@fvrd.bc.ca](mailto:info@fvrd.bc.ca); or to your Electoral Area Director.



To: Electoral Area Services Committee

Date: 2018-07-10

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 008

**Subject: Grant-In-Aid Request – McConnell Creek Farmers Institute, Electoral Area “F”**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board approve a Grant-in-Aid to the McConnell Creek Farmers Institute (community hall) in the amount of \$5,000 to be funded from the 2018 Electoral Area “F” grant-in-aid budget to assist with the costs of completing building improvements that will provide for an expanded covered area for community hall events.

### STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

### BACKGROUND

This request for funding is eligible under the Electoral Area Grant-In-Aid Policy under the “Activities/ programs which are accessible to a large portion of the electoral area” option.

### DISCUSSION

The McConnell Creek Farmer’s Institute operates the local community hall; servicing the local residents while also providing rental space to the general public.

They are requesting a \$5,000 grant-in-aid to assist with the costs of completing building improvements that will expand the covered area allowing for more space for hall functions such as weddings and/or bands for community events.

Director Boucher is in support of this grant-in-aid request.

**COST**

The \$5,000 cost will be funded from the Electoral Area "F" grant-in-aid budget which has sufficient funds to support this request.

**CONCLUSION**

The McConnell Creek Farmers Institute is requesting a grant-in-aid to help finish much needed improvements to the McConnell Creek Community Hall that will increase the covered area available for functions occurring at the hall.

**COMMENTS BY:**

**Mike Veenbaas, Director of Financial Services**

Reviewed and supported.

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported



## GRANT-IN-AID APPLICATION

Fraser Valley Regional District, 45950 Cheam Ave, Chilliwack BC, V2P 1N6

Applicant Name:

The McConnell Creek Farmers Institute Hall

Mailing Address:

35483 Hartley Rd.  
Mission, B.C. V2V 0A8

Email Address:

Contact:

Lynne Fry  
Name

Phone 604-217-2035  
Telephone/Fax Number

Statement as to eligibility to apply for Grant-In-Aid Funds (Please attach a separate sheet if required):

### APPLICATION SUMMARY:

Project or purpose for which you require assistance (Please attach a separate sheet if required):

To finish required work on the new band stand (structure)

Statement as to how these funds will benefit the community or an aspect of the community (Please attach a separate sheet if required):

A covered area for use during weddings or community events

Amount of Grant Requested: \$ 5000.00

\*\*Please note: grants over \$4,000 require a financial statement and/or report on the applicant to be provided with the application.

To the best of my knowledge, all the information that is provided in this application is true and correct. Furthermore, I hereby certify that this application for assistance is NOT being made on behalf of an individual, industry, commercial or business undertaking.

Lynne Fry  
Treasurer

Signature of Authorized Signatory and Title

Amount Approved:

Date:

Ray Bauck  
Signature of Electoral Area Director

## Financial Statement

### McConnell Creek Farmers Institute Hall 35483 Hartley Road, Mission, B.C. V2V 0A8

**March 1, 2017 - February 28, 2018**

Balance brought forward from March 1, 2017                      \$12,048.68

#### Assets

Land	\$257,000.00
Buildings	\$158,000.00
New Outdoor Covering	\$8,374.84
Tables	\$1,500.00
Chairs	\$1,800.00

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<b>Total Assets</b>	<b>\$426,674.84</b>
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Rental Income	1,417.00
Advertising	0.00
Fund Raiser	6,589.45
Membership	110.00
Lions Club Donations	2,500.00
Private Donation	100.00
FVRD Grant	5,000.00

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<b>Total Income</b>	<b>\$15,716.45</b>
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Advertising	1,058.83
Insurance	3,075.00
Fun Raiser Expenses	917.06
Misc Building Supplies	155.14
Building Repairs	1,510.72
Yard Supplies	220.99
New Building	3,090.68
Hydro	795.31
Natural Gas	1,057.91
Phone	662.84
Building	1,037.77
Cleaning	802.50
Bank Fees	83.50
Society Fees	0.00
Misc	459.73
Pig Roast	773.86
Misc Building Supplies	

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<b>Total Expenses</b>	<b>\$15,701.84</b>
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To: Electoral Area Services Committee

Date: 2018-07-10

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 007

**Subject: Grant-In-Aid Request – Lake Errock Community Association, Electoral Area “C”**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board approve a grant-in-aid to the Lake Errock Community Association in the amount of \$2,500 to be funded from the 2018 Electoral Area “C” grant-in-aid budget to help offset the costs associated with the hosting of several events that encourage community inclusiveness.

### STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

Support Environmental Stewardship

### BACKGROUND

This request for funding is eligible under the “Activities/programs which are accessible to a large portion of the electoral area” option.

### DISCUSSION

The Lake Errock Community Association (LECA) is a non-profit society based in Lake Errock, and is in their second year of operations. They host small events throughout the year, and one large event for Canada Day in an effort to bring the community together.

The LECA are requesting a grant-in-aid of \$2,500 to assist with the costs of their spring garage sale/ pot luck, spring cleanup, and Canada Day celebrations.

The LECA were issued a grant-in-aid in November 2017 and have not yet used all of these funds. The current grant-in-aid request will be for events occurring in 2018/19.

Director Niemi is in support of this request.

**COST**

The \$2,500 cost will be funded from the Electoral Area "C" grant-in-aid budget which has sufficient funds to support this request.

**CONCLUSION**

A grant-in-aid application has been received from Lake Errock Community Association seeking support for funds to offset the cost of a spring cleanup, spring garage sale and Canada Day celebrations.

**COMMENTS BY:**

**Mike Veenbaas, Director of Financial Services**

Not available for comment.

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported.



To: Electoral Area Services Committee  
From: Kristy Hodson, Manager of Financial Operations

Date: 2018-07-10  
File No: 1850-20 / 007

**Subject: Grant-In-Aid Request – Deroche & District Community Association, Electoral Area “C”**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board authorizes a grant-in-aid in the amount of \$2,000 to the Deroche & District Community Association, funded from the 2018 Electoral Area “C” grant-in-aid budget, to provide funds for cement picnic tables adjacent to their community tennis courts.

### STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

### PRIORITIES

Priority #5 Outdoor Recreation

### BACKGROUND

This request for funding is eligible under the Electoral Area Grant-In-Aid policy under the “Activities/ programs which are accessible to a large portion of the electoral area” option.

### DISCUSSION

The Deroche & District Community Association owns and operates the Deroche Community Hall along with almost 5 acres of property their own or lease.. The hall is a gathering place for the local community, often used for weddings, funerals, anniversaries, meetings, etc.

The Deroche & District Community Association is requesting a grant-in-aid of \$2,000 to help offset the costs associated with adding 3-4 cement picnic tables adjacent to their community tennis courts. They have already secured funding for rebuilding their tennis courts.

Director Niemi is in support of providing a grant-in-aid of \$2,000 to the Deroche & District Community Association.



## **COST**

The \$2,000 cost will be funded from the 2018 Electoral Area "C" grant-in-aid budget which has sufficient funds to support this request.

## **CONCLUSION**

A grant-in-aid application has been received from the Deroche & District Community Association seeking financial support to help install cement picnic tables adjacent to their community tennis courts.

## **COMMENTS BY:**

**Mike Veenbaas, Director of Financial Services**

Unavailable for comment.

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported.

**Deroche & District Community Assc.  
Box # 41, Deroche, B.C. V0M 1G0**

Director Alec Niemi  
Area C, FVRD

June 28<sup>th</sup>, 2019

CC: Director Al Stobbart & Ray Boucher  
And/ Fraser Valley Regional District Finance Dept.

**SUBJECT: GRANT IN AID for Deroche Community Assc.**

Dear Alec:

This letter is to thank you for your past support for our Community Hall. Without contributions you have provided to us in the past for things like our Video Projector & Screen, Kitchen Renovations and most recently the Parking lot & Front Entrance Paving & Drainage works it would have been difficult if not impossible to keep our Community Hall & Properties Functioning.

This coming year we will be carrying out a major planning review of our almost 5 acres of property we own or lease. One of our projects will be completely rebuilding our Tennis Court at a cost of \$ 35,000.00 and we have secured funding for this project already. As part of our plan we would like to add 3 – 4 Cement Picnic tables adjacent to our Tennis Court at a cost of \$ 2,000.00 and we are seeking a Grant in Aid for this amount.

In closing I would once again offer thanks on behalf of the Deroche and District Community Assc. For your past support.

With Thanks,

Lloyd J. McKimmon  
President

To: Electoral Area Services Committee

Date: 2018-07-10

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 007

**Subject: Grant-In-Aid Request - Deroche Elementary School, Electoral Area "C"**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$2,500 to Deroche Elementary School, funded from the Electoral Area "C" grant-in-aid budget, to help offset the costs of constructing a shelter structure for year round enjoyment.

### STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

### PRIORITIES

Priority #5 Outdoor Recreation

### BACKGROUND

This request for funding is eligible under the Electoral Area Grant-In-Aid Policy under the "Activities/ programs which are accessible to a large portion of the electoral area".

### DISCUSSION

The Deroche Elementary School serves its community as a non-profit organization that is teaching community sustainability, community history, and land preservation, as well as assisting parents in supporting their children through school.

The Deroche Elementary School is requesting a \$2,500 grant to help offset the costs associated with building a shelter structure to allow the children and the community to learn and enjoy their forest and stream environment year round.

### COST

The \$2,500 cost will be funded from the Electoral Area "C" grant-in-aid budget which has sufficient funds to support this request.

**CONCLUSION**

A grant-in-aid application has been received from Deroche Elementary School seeking funds to help construct a shelter structure.

**COMMENTS BY:**

**Mike Veenbaas, Director of Financial Services**

No available for comment.

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported.





Per Director Niemi this application is for the school, not  
the PAC  
**GRANT-IN-AID APPLICATION**

Fraser Valley Regional District, 45950 Cheam Ave, Chilliwack BC, V2P 1N6

Applicant Name: Deroche Elementary School PAC

Mailing Address: PO Box 70 - 10340 North Deroche Road Deroche BC V0M 1G0

Email Address(es): tammburgess@hotmail.com

Contact(s)

Michael Abercrombie, Principal

604-303 5769 (cell) 604 826 2360 (school)

Name

Telephone/Fax Number

**Statement as to eligibility to apply for Grant-In-Aid Funds (Please attach a separate sheet if required):**

Deroche Elementary is public school grades K to 6. Our school is scheduled to have 90 students in September of 2018. The support from Fraser Valley Regional District "C" over the years has made it possible for our children and surrounding community to benefit from the construction of a swing set, a bridge and streamside walking trails through the forest on our property. Also, we have been able to pay for an environmental study making it possible to receive Provincial approval for developing our outdoor learning program by the stream. We also have been able to order a four lane running track on our community playing field. Please see attached pictures.

**APPLICATION SUMMARY:**

**Project or purpose for which you require assistance**

The major purpose for which we are requesting help this year is for a shelter structure to allow our children and community to learn and enjoy our forest and stream environment on a daily basis, year round, regardless of weather. Our request is for \$2500.00 which will help with a portion of the construction materials and permit fees. Our contractor is Lacey Construction and our structure has the same design as that which is located behind Dewdney Elementary. With the above requested grant in aid, we hope to begin construction in late July or August of this year.

**Statement as to how these funds will benefit the community or an aspect of the community**

As is the case with Dewdney, our proposed shelter will help Deroche Elementary's Forest and Stream Outdoor Learning Program continue to motivate families from our community to enroll their children in our school. It will also help our existing students learn to appreciate and respect and protect the natural habitat around their homes. Finally, our community will benefit from having a covered area to visit and congregate under, thus deepening a sense of connectedness and community amongst the extended families of our students.

Amount of Grant Requested: \$2500.00

To the best of my knowledge, all the information that is provided in this application is true and correct. Furthermore, I hereby certify that this application for assistance is NOT being made on behalf of an individual, industry, commercial or business undertaking.

M. Abercrombie  
Principal  
Signature of Authorized Signatory and Title

Amount Approved: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Electoral Area Director \_\_\_\_\_

## 2018/2018 Structure To Be Built at Deroche Elementary Outdoor Learning Site



## Report Back To FVRD "C"

As you can see below, we have benefitted a great deal from the support of the FVRD.

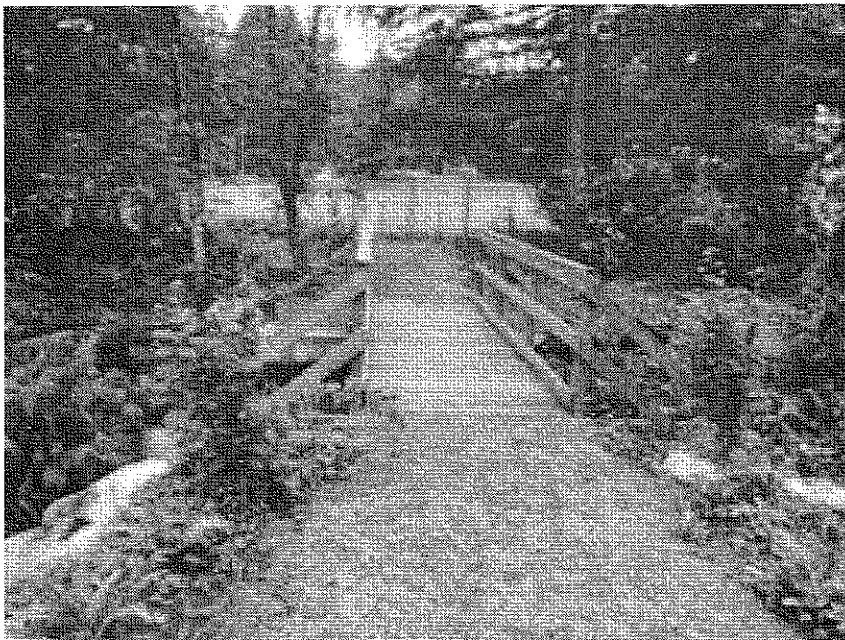
Immediately below is our grade 6 class enjoying marshmallow roast and sleep out in our Outdoor Learning Site. Also below is the field in which our new track is going in, pictures of our bridge and swing set and photographs of our students spreading gravel to make learning trails in our outdoor learning site.

As referred to above, last year's grant from Area "C" of \$2500.00 was used to help defray costs of the bridge and for the gravel for our new track. Previous to that, Grants in Aid were used to pay for our Provincial Government environmental approval and our swing set.

Again we appreciate very much the support of the FVRD and Area C.

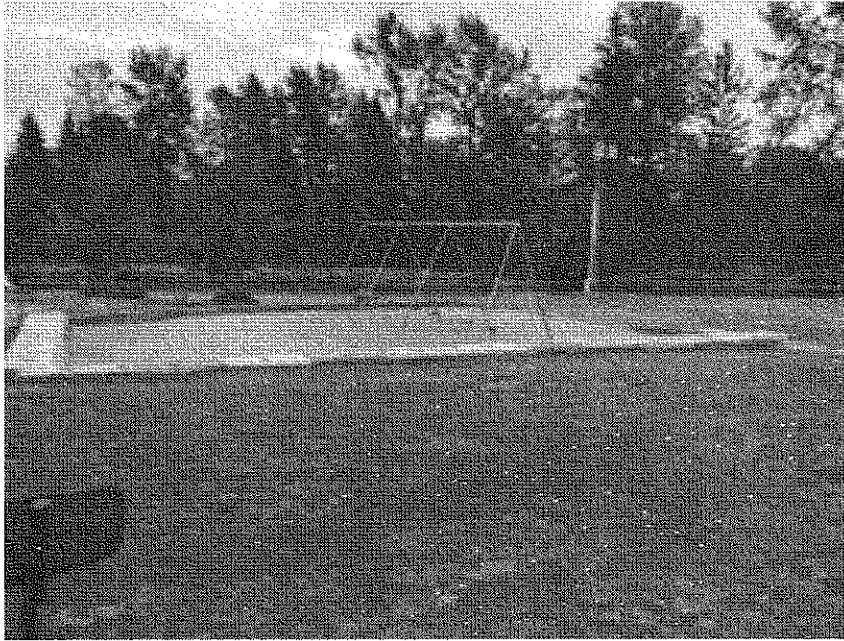
Sincerely,

Michael Abercrombie, Principal, Deroche Elementary School









To: Electoral Area Services Committee

Date: 2018-07-10

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 007

**Subject: Grant-In-Aid Request - Deroche Elementary School PAC, Electoral Areas "C" & "G"**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$5,000 to the Deroche Elementary School PAC, funded from the 2018 Electoral Area "C" grant-in-aid budget in the amount of \$2,000 and from the 2018 Electoral Area "G" grant-in-aid budget in the amount of \$3,000, to help offset the costs of field trips, hot lunches, Christmas hampers, tables, emergency items and outdoor education programs.

### STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

### BACKGROUND

This request for funding is eligible under the Electoral Area Grant-In-Aid Policy under the "Activities/ programs which are accessible to a large portion of the electoral area" option.

### DISCUSSION

The Deroche Elementary School PAC serves its community as a non-profit organization that is teaching community sustainability, community history, and land preservation, as well as assisting parents in supporting their children through school.

The Deroche Elementary School PAC is requesting a \$5,000 grant to help offset the costs associated with the following:

- Field trips (\$2,500)
- Hot lunch program (\$1,000)
- Christmas hampers (\$500)
- Folding tables for community celebrations (\$300)
- Emergency toiletries and lice treatments (\$300)
- Outdoor education, athletic and music programs for needy families (\$500)

Director Niemi is in support of providing \$2,000 towards their grant request and Director Stobbart is in support of providing an additional \$3,000.

### **COST**

The \$5,000 cost will be funded from the Electoral Area "C" grant-in-aid budget (\$2,000) and the Electoral Area "G" grant-in-aid budget (\$3,000). Both of these budgets have sufficient funds to cover this grant.

### **CONCLUSION**

A grant-in-aid application has been received from the Deroche Elementary School PAC seeking funds for several school programs that are not covered by the school.

### **COMMENTS BY:**

#### **Mike Veenbaas, Director of Financial Services**

Unavailable for comment.

#### **Paul Gipps, Chief Administrative Officer**

Reviewed and supported.





**Deroche Elementary School**  
PO Box 70 – 10340 North Deroche Road  
Deroche, BC V0M 1G0  
Phone: 604-826-2360 Fax: 604-826-7138



June 29, 2018

Al Stobbart  
Director, Area "G"  
Fraser Valley Regional District

Alec Niemi  
Director, Area "C"  
FVRD

Dear Al and Alec,

Thank you allowing our PAC to apply for another Grant in Aid. Pursuant to your instructions we are combining the applications for Area and C and G. You will see from the attached application that Tammy McDonald is our new PAC President, having been elected in June of this year.

I have been assured by our former PAC President, Chrystal McCallum that she will report back to you regarding last year's Grants in Aid to PAC. I can verify though that our whole school went on four field trips requiring bussing and we had over 10 school lunches. PAC was also very active in providing Christmas, graduation and summer learning supplies and gifts to our 82 children. The last grant of \$3000.00 to PAC for Playground Structures from Area G, is being used next week for the construction of a 4 lane, 200 meter, running and walking track being installed on our field adjacent to the school, which we think will be of great benefit to our students and the surrounding community. ( I have attached a construction drawing of the track)

We are very grateful for the support of the FVRD. I think the new PAC will be very active in fundraising but to begin their term with financial support already in place, takes a lot of pressure off of this new group and off the families of our children.

Please call, 604 302 5769 (my cell) or the school if you have any questions.

Yours sincerely,

  
Mike Abercrombie

# GRANT-IN-AID APPLICATION

Fraser Valley Regional District, 45950 Cheam Ave, Chilliwack BC, V2P 1N6

Applicant Name: Deroche Elementary School PAC

Mailing Address: PO Box 70 - 10340 North Deroche Road Deroche BC V0M 1G0

Email Address(es): tammburgess@hotmail.com

Contact(s)

Tammy McDonald

Name

778-344-2366

Telephone/Fax Number

Michael Abercrombie

Name

604-302-5769

Telephone/Fax Number

**Statement as to eligibility to apply for Grant-In-Aid Funds (Please attach a separate sheet if required):**

Deroche Elementary is public school grades k to 6. Our school is scheduled to have 90 students in September of 2018. The support that both Fraser Valley Regional Districts "C" and "G" have provided over the years have made it possible for our children to benefit from many field trips, hot lunch community celebrations and emergency supplies without putting an undue financial pressure on our families, who without the FVRD grants in aid would have to bear all the financial burden.

**APPLICATION SUMMARY:**

**Project or purpose for which you require assistance**

The major purpose for which we are requesting help is for educational field trips. Our request is for \$2500.00 which will allow us to give children a field trip every second month at a cost of less than \$7.00 per family per trip. Our second purpose is \$1000.00 for our hot lunch program. This amount allows us to charge less than \$3.00 per child per hot lunch. The third part of our request is \$500 for Christmas Hampers. We often get donations of food and clothing from some generous folks in our community, however, if we could supplement these gifts with some fresh produce and protein, such as a turkey or ham per needy family, this would make a significant difference. The final three items are \$300 for some folding tables to allow us to more easily turn our hot lunches into community celebrations, \$200.00 for some emergency toiletries and lice treatments and \$500.00 for our outdoor education, athletic and music programs to help needy families that have difficulty affording outdoor clothing and equipment and PE clothing and musical instruments.

**Statement as to how these funds will benefit the community or an aspect of the community**

As in the past, the funds we are requesting will help the children of our school in a significant way to be equipped to fully concentrate on doing their best academically and as well alleviate the burden on families in our community to fully provide financial support to their children's education. These funds will also help our community

Amount of Grant Requested: \$5000.00

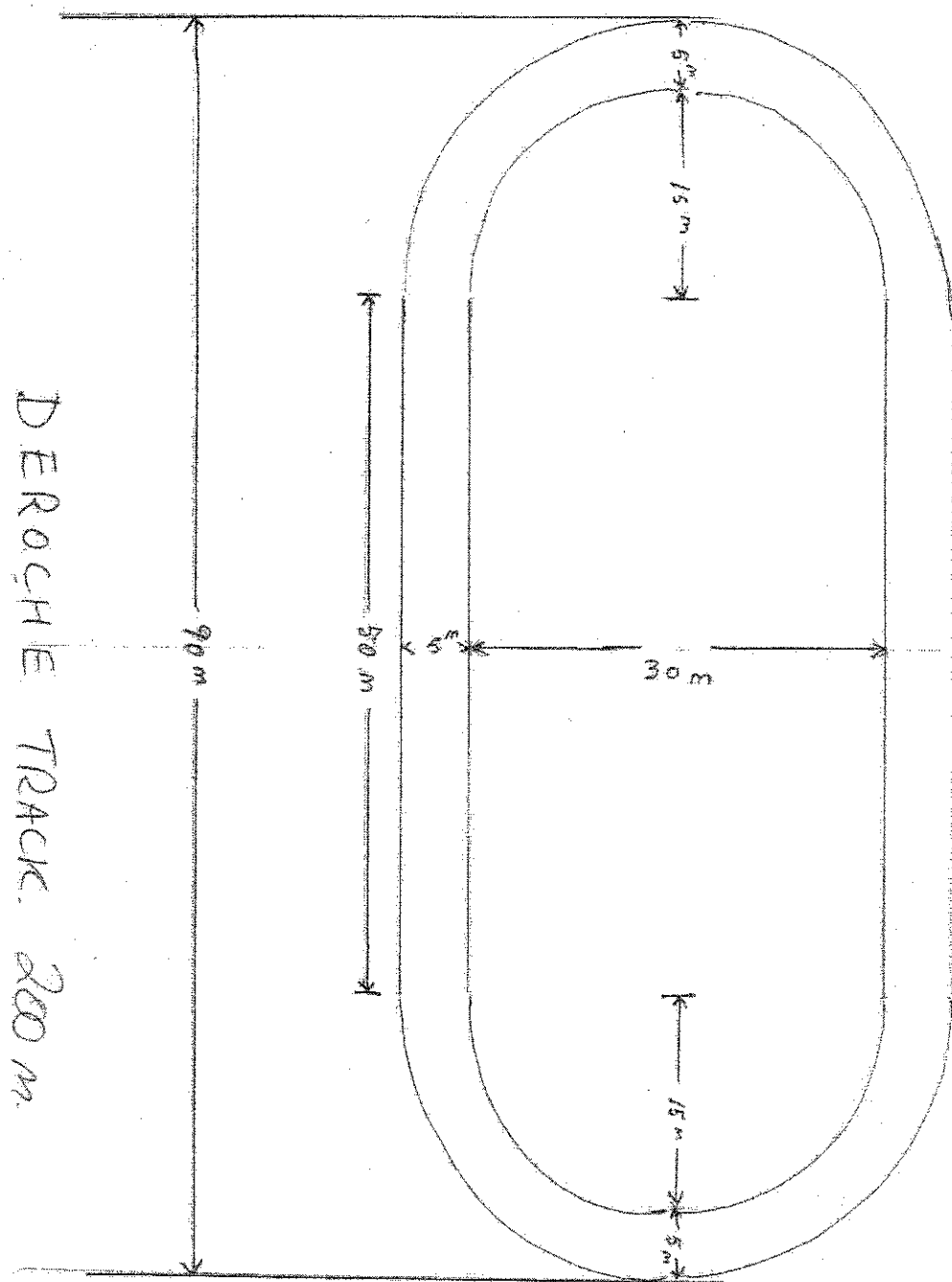
To the best of my knowledge, all the information that is provided in this application is true and correct. Furthermore, I hereby certify that this application for assistance is NOT being made on behalf of an individual, industry, commercial or business undertaking.

X Tammy McDonald PAC President  
X Michael Abercrombie Elected June 1/2018  
Principal  
 Signature of Authorized Signatory and Title

Amount Approved: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of Electoral Area Director



DEROCHÉ TRACK. 200 m.

To: Electoral Area Services Committee

Date: 2018-07-10

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-02 / 002

**Subject: Grant-In-Aid Request – Columbia Valley Ratepayers Association, Electoral Area “H”**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid to the Columbia Valley Ratepayers Association in the amount of \$4,000 to be funded from the 2018 Electoral Area “H” grant-in-aid budget to help offset the costs of community hall improvements.

### STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

### BACKGROUND

This request for funding is eligible under the Electoral Area Grant-In-Aid Policy under the “Activities/ programs which are accessible to a large portion of the electoral area” option.

### DISCUSSION

The Columbia Valley Ratepayers Association is a not for profit society operating in the Columbia Valley whose purpose is to promote community spirit and provide a safe environment for members and residents.

In December 2016, the association requested a \$10,000 grant-in-aid to assist with the costs of completing a renovation of the kitchen in the Columbia Valley Community Hall. This final upgrade would make the hall more attractive as a rental location and make things easier for hosted community functions. Funds were paid out in two installments, half in 2016 and half in 2017.

The Columbia Valley Ratepayers Association is requesting a further \$4,000 as their projected fundraising for this project has fallen short. These funds would cover the following:

- Dishwasher balance owing (\$2,176)
- Refinish hall floor (\$1,300)



- Painting foyer (\$300)
- Build roof protection for generator (\$300)
- Fencing (\$300)

Director Dixon is in support of providing a \$4,000 grant-in-aid.

## **COST**

The \$4,000 cost will be funded from the Electoral Area "H" grant-in-aid budget which has sufficient funds to support this request.

## **CONCLUSION**

The Columbia Valley Ratepayers Association is looking to complete the final upgrade to the Columbia Valley Community Hall. They received a grant in late 2016 to begin the renovation of the kitchen and the second half of the grant from the 2017 Electoral Area H grant-in-aid budget. They have requested a grant-in-aid to complete this project as well as make some additional improvements.

## **COMMENTS BY:**

**Mike Veenbaas, Director of Financial Services**

Unavailable for comment.

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported.



## GRANT-IN-AID APPLICATION

Fraser Valley Regional District, 45950 Cheam Ave, Chilliwack BC, V2P 1N6

Columbia Valley Ratepayers Association

Applicant Name: \_\_\_\_\_  
Mailing Address: 1202 Kosikar  
Lindell Beach V2R 4X6  
Email Address: info@columbia-valley.ca

Contact:

Don Myrol 604-824-7763  
Name Telephone/Fax Number

Statement as to eligibility to apply for Grant-In-Aid Funds (Please attach a separate sheet if required):

We are a not for profit organization operating in the Columbia Valley promoting community spirit and providing forum for discussion for our residents.

### APPLICATION SUMMARY:

Project or purpose for which you require assistance (Please attach a separate sheet if required):

Balance owing on dishwasher \$2,176 Refinish Hall floor \$1300  
Paint the Foyer area materials only \$300 Build roof protection for generator materials only \$300  
Add some fencing materials only \$300 Total \$4376

Statement as to how these funds will benefit the community or an aspect of the community (Please attach a separate sheet if required):

These funds will allow us to complete some projects we started 2 years ago and to make some additional improvements to our community hall.

Unfortunately our fundraising has fallen short of our projections.

Amount of Grant Requested: \$4,000

**\*\*Please note: grants over \$4,000 require a financial statement and/or report on the applicant to be provided with the application.**

To the best of my knowledge, all the information that is provided in this application is true and correct. Furthermore, I hereby certify that this application for assistance is NOT being made on behalf of an individual, industry, commercial or business undertaking.

Don Myrol President  
Signature of Authorized Signatory and Title

Amount Approved: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Electoral Area Director

Please return completed form by fax or e-mail to: Fax: 604-702-5043 (Finance Dept.); Email: [info@fvrd.bc.ca](mailto:info@fvrd.bc.ca); or to your Electoral Area Director.

To: Electoral Area Services Committee

Date: 2018-07-10

From: Kristy Hodson, Manager of Financial Operations

File No: 1850-20 / 010

**Subject: Grant-In-Aid Request – Dewdney Elementary School PAC, Electoral Area “G”**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board authorize a grant-in-aid in the amount of \$3,000 to the Dewdney Elementary School PAC, funded from the 2018 Electoral Area “G” grant-in-aid budget to help offset the costs of accessibility additions to the playground and a community sign.

### STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

### BACKGROUND

This request for funding is eligible through the Electoral Area Grant-In-Aid Policy under the “Activities/ programs which are accessible to a large portion of the electoral area” option.

### DISCUSSION

The Dewdney Elementary School PAC is a rural school, serving as a hub for many activities and programs that serve the community.

The Dewdney Elementary School PAC is requesting a \$3,000 grant-in-aid to assist with the costs of installing accessibility additions to their playground as well as purchasing a new community sign.

Grant-in-aids of both \$3,000 and \$2,500 were issued in 2017 to the Dewdney Elementary School PAC, and FVRD has since contacted the PAC in regards to our Financial Accountability & Reporting section in our Grant-In-Aid Policy which requires those who receive grants over \$1,000 to follow up with a letter to FVRD regarding usage of funds and their success, including pictures of the project/ event and any other supporting information. To date, we have not received any information on how the funds were used.

Under the Eligibility section of our policy, one of the items is that an applicant may be excluded from applying due to not meeting the above reporting requirement for a previously awarded grant.

Director Stobbart is in support of providing a grant-in-aid of \$3,000 to the Dewdney Elementary School PAC for these items.

## **COST**

The \$3,000 cost will be funded from the 2018 Electoral Area "G" grant-in-aid budget which has sufficient funds to support this request.

## **CONCLUSION**

A grant-in-aid application has been received from the Dewdney Elementary School PAC seeking support for accessible playground equipment as well as a community sign.

## **COMMENTS BY:**

### **Mike Veenbaas, Director of Financial Services**

Reviewed and supported. Finance staff will continue to work with the Dewdney Elementary School PAC to ensure the financial reporting requirements are met prior to release of any funds for 2018.

### **Paul Gipps, Chief Administrative Officer**

Reviewed and supported.





## GRANT-IN-AID APPLICATION

Fraser Valley Regional District, 45950 Cheam Ave, Chilliwack BC, V2P 1N6

Applicant Name: Dewdney Elementary School PAC

Mailing Address: 37151 Hawkins Pickle Road ,Dewdney V0M1H0

Email Address: wesandelena@hotmail.com susan.mcleod@mpsd.ca

Contact:

Elena Becker Susan McLeod  
Name

604 751 1581 604 826 2516  
Telephone/Fax Number

Statement as to eligibility to apply for Grant-In-Aid Funds (Please attach a separate sheet if required):

Dewdney Elementary School, located in FVRD electoral district Area G, supports 150 students and their families. As a rural school, it is the hub of many activities and programs as well as meeting the social-emotional and physical needs of the families in the electoral area. The PAC, specifically, services the families in ways other than curriculum and services that are typically supplied by the school. Some examples include:

Physical needs: Toques, gloves and boots ,Food Hampers,Grocery Store Gift Cards ,Items for sandwiches and recess snacks , Christmas Baskets and dinner to ensure all families have the opportunity to enjoy a home cooked Christmas dinner,Cover Field Trip costs, school supplies and Grade 6 farewell for families with fixed incomes

Social-emotional needs: A cooking program is provided for students with specific sensory needs and social-emotional needs  
Resources are provided for parents who may need assistance during a particularly difficult season such as a lengthy illness

### APPLICATION SUMMARY:

Project or purpose for which you require assistance (Please attach a separate sheet if required):

This year, we feel our community would benefit from accessibility additions to our playground and green space including CSA approved playground equipment. We would also like to purchase a community news board and public information space. The playground equipment would include an adaptive swing, hardware and harness, as well as a barrier wall tic tac toe wheelchair accessible play space. We also would like to purchase a community sign that is safe, user-friendly and informative. Right now, we have an old sign that gets blown over frequently in the wind. Adults have to bring plasticized letters and change the message using the limited number of space and letters in order to relay information to the public.

Statement as to how these funds will benefit the community or an aspect of the community (Please attach a separate sheet if required):

Within the Dewdney area, adults and children who have mobility issues and cognitive issues have barriers that prevent them from access to play on our playground, naturescape and wetland. Every day our school ground is used by the greater Dewdney community including Montessori (a private child care facility) and families in the area. Unfortunately, the equipment on our school grounds prevent those with mobility needs from fully accessing the school grounds both during school hours and after. This would allow all children and adults, regardless of their physical challenges to enjoy the only playground from Dewdney to Deroche at this time. We also feel, this would raise awareness in our area of the need for accessibility in our community.

A sign would be most beneficial to the school community and to the broader area of events and resources that are available to both the school population and the general public. For example, we have scheduled a community support for all parents in the community called "Nobody's Perfect". Craft fairs, cubs, day cares are all events that are open to the greater community. We also have a freshet emergency plan that includes communication to our flood areas.

Amount of Grant Requested: \$ 3,000

application.

To the best of my knowledge, all the information that is provided in this application is true and correct. Furthermore, I hereby certify that this application for assistance is NOT being made on behalf of an individual, industry, commercial or business undertaking.

Susan McLeod

Signature of Authorized Signatory and Title

Principal

Dewdney Elementary

School in consultation with PAC chair, Elena Becker.

Amount Approved:

Date:

Signature of Electoral Area Director

Please return completed form by fax or e-mail to: Fax: 604-702-5043 (Finance Dept.); Email: [info@fvrd.bc.ca](mailto:info@fvrd.bc.ca); or to your Electoral Area Director.

To: Electoral Area Services Committee

Date: 2018-07-10

From: Sterling Chan, Manager of Engineering and Infrastructure

File No: 1855-30

**Subject: Investing in Canada Infrastructure Program -Green Infrastructure -Environmental Quality Sub-Stream**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board direct staff to submit grant applications under the Investing in Canada Infrastructure Program – Green Infrastructure – Environmental Quality Sub-Stream intake for the following projects:

Electoral Area A: Canyon Alpine Water System Upgrades

Electoral Area B: Dogwood Valley Water System Upgrades

Electoral Area C: Electoral Area C Transfer Station Upgrades

Electoral Area D: Electoral Area D Integrated Water System Upgrades

Electoral Area F: Hatzic Prairie Water System Stream Flow Monitoring Gauges

Electoral Area G: Hatzic East Water System

Electoral Area H: Cultus Lake Sewer System Upgrades

### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services  
Support Healthy & Sustainable Community  
Support Environmental Stewardship

### PRIORITIES

Priority #2 Air & Water Quality  
Priority #1 Waste Management

### BACKGROUND

Canada and British Columbia launched the Investing in Canada Infrastructure Program (ICIP) Green Infrastructure – Environmental Quality Sub-Stream in May 2018. The intake for applications recently opened and will be closing on August 29, 2018.

Under the ICIP Green Infrastructure – Environmental Quality Sub-Stream, the federal and the provincial governments will allocate approximately \$243 million towards this program.

## **DISCUSSION**

The ICIP Green Infrastructure – Environmental Quality Sub-Stream will fund infrastructure projects that will support quality and management improvements for drinking water, wastewater and storm water, as well as reductions to soil and air pollutants through solid waste diversion and remediation. Projects will be funded 73% by this program and 27% by the local government.

A project must meet at least one of the following outcomes to be eligible:

- Increased capacity to treat and/or manage wastewater and storm water;
- Increased access to potable water; or
- Increased capacity to reduce and/or remediate soil and/or air pollutants.

Regional Districts may submit one application per community in their area. Staff suggests submitting applications for projects in Electoral Area's A, B, C, D, F, G and H. Staff have consulted with the Area Director for Electoral Area E and have determined not to make an application for the area.

The projects scopes for grant funding applications are described below.

### Electoral Area A – Canyon Alpine Water System Upgrades:

The Canyon Alpine Improvement District currently owns and operates a private water system which provides domestic water to 15 properties. Included in these properties is a mobile home park with approximately 40 units, a campground, a hotel and a restaurant. The water system was built in the late 70's and given its age is now in need of upgrades. The Canyon Alpine Improvement District has approached the FVRD to take over the system. The project being applied for would be the upgrades to the system to bring it to the FVRD's standards prior to assuming ownership.

### Electoral Area B – Dogwood Valley Water System Upgrades:

The Dogwood Valley Water System provides domestic water as well as fire protection to 23 properties in Dogwood Valley as well as Yale First Nation IR8. The project proposed would provide domestic water and fire protection to an additional 15 properties and would consist of the installation of ~1,300m of watermain and 9 fire hydrants as well as service connections to each property.

### Electoral Area C – Electoral Area C Transfer Station Upgrades:

The FVRD currently operates two transfer station in Electoral Area C. One is located in Hemlock Valley and the in Harrison Mills. Each of these transfer station needs to be relocated to a new site.

The Hemlock Valley Transfer Station currently consists of an unmanned 40 yard bin located next to the Hemlock Valley Fire Hall. Due to site restraints there is not currently room for a recycling or organics



collection. Furthermore, neither one of these programs can be implemented at an unmanned transfer station due to contamination issues. The project proposed for the Hemlock Valley is to relocate the transfer station to a new site. Additional bins and toters would be purchased for recycling and organics collection as well as an attendant shelter.

The Harrison Mills Transfer Station is currently located on crown land under a licence of occupation. The licence of occupation was recently extended by the Province, however, it was done so on a short term (three year) basis. The Province has indicated that further extensions may not be granted and has suggested that the FVRD plan to relocate the transfer station in the future. The project proposed for the Harrison Mills Transfer Station is to relocate the transfer station to a new site at a location agreed upon with the Province.

#### Electoral Area D – Area D Integrated Water System Upgrades:

The FVRD was recently approached to expand the Area D Integrated Water System to provide service to properties on McGregor Rd. Staff conducted a survey of the 23 property owners in the area and received 14 responses back. Of those responses 13 were in favor of extending water to the area. The project proposed consists of the installation of ~1,300m of watermain and 9 fire hydrants as well as service connections to each property.

#### Electoral Area F – Hatzic Prairie Water System Stream Flow Monitoring Gauges:

The FVRD recently installed a new supply well as part of a series of upgrades planned for the Hatzic Prairie Water System. In accordance with the *Water Sustainability Act* the FVRD is required to obtain a water license for ground water extraction. Staff have been notified by the Province that in order to obtain a ground water license an Environmental Flow Needs Assessment Study must be conducted, which will require stream flow monitoring gauges to be installed on several nearby creeks. The proposed project is for the purchase and install of the required gauges.

#### Electoral Area G – Hatzic East Water System:

The proposed Eagle Road Water System would provide domestic water and fire protection to approximately 70 properties in the Eagle Rd/Sylvester Rd corridor in Electoral Area G. Grant funding under the New Build Canada was previously obtained to help finance this project. Unfortunately even with the grant funding received to date the average cost per property was \$2,000 per year and attempts to establish a service area have been unsuccessful. The proposed project would be to obtain supplemental grant funding for the components of the project not covered by the New Build Canada program.

#### Electoral Area H – Cultus Lake Sewer System Upgrades:

The FVRD recently conducted a referendum for the residents of Cultus Lake to determine whether or not to proceed with a project to construct a new Class A+ sewage treatment plant to replace the existing sewage disposal site which is currently failing. The referendum passed and the FVRD has been

authorized to borrow up to 6.5 million dollars to complete the project. The proposed project would be to apply for grant funding to cover a portion of the cost of the new sewage treatment plant.

#### **COST**

At this point there is no cost to FVRD. Applications for funding must demonstrate that the local 27% share of funding has been or is being secured through reserve funds or other means.

#### **COMMENTS BY:**

**Tareq Islam, Director of Engineering & Community Services**

Unavailable for comment.

**Mike Veenbaas, Director of Financial Services**

Reviewed and supported.

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported.

To: Electoral Area Services Committee  
 From: Andrea Antifaeff, Planning Technician

Date: 2018-07-10  
 File No: 309-20-2018-24

**Subject: Application for Development Variance Permit 2018-24 to reduce the parcel size and increase the gross floor area for an Accessory Cottage Industry Use at 35406 Durieu Road, Electoral Area F**

## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2018-24 to reduce the parcel size required for an accessory cottage industry use from 2.0 hectares (4.94 acres) to 1.9 hectares (4.69 acres) and to increase the gross floor area for an Accessory Cottage Industry Use from 80m<sup>2</sup> (861 ft<sup>2</sup>) to 140m<sup>2</sup> (1500 ft<sup>2</sup>) at 35406 Durieu Road, Area "F", subject to consideration of any comments or concerns raised by the public.

## STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services  
 Foster a Strong & Diverse Economy

## PRIORITIES

## BACKGROUND

The owners of the property have made an application for a Development Variance Permit (DVP) in order to reduce the parcel size required and increase the maximum gross floor area for an Accessory Cottage Industry Use as outlined in *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992*.

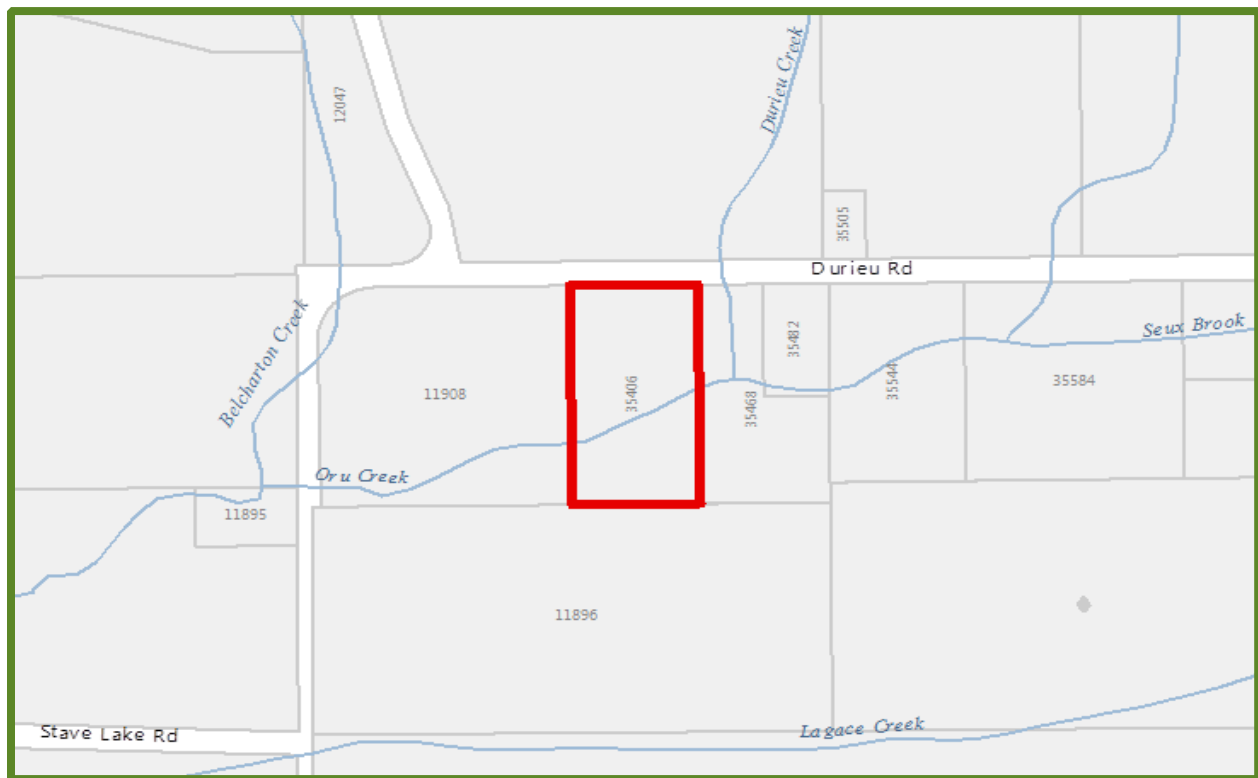
PROPERTY DETAILS			
Electoral Area	F		
Address	35406 Durieu Road		
PID	018-742-629		
Folio	775.02261.500		
Lot Size	4.74 acres		
Owner	Shylah Dobbin & Joel St-Ange	Agent	n/a
Current Zoning	Rural (R-1)	Proposed Zoning	n/a
Current OCP	Rural	Proposed OCP	n/a

<b>Current Use</b>	Residential	<b>Proposed Use</b>	Residential and Accessory Cottage Industry
<b>Development Permit Areas</b>	DPA 1-F and DPA 2-F		
<b>Agricultural Land Reserve</b>	No		

#### ADJACENT ZONING & LAND USES

<b>North</b>	^	Upland Agriculture (A-1), Farm
<b>East</b>	>	Rural 1 (R-1), Residential
<b>West</b>	<	Floodplain Agriculture (A-2), Farm
<b>South</b>	v	Floodplain Agriculture (A-2), Farm

#### NEIGHBOURHOOD MAP





## PROPERTY MAP



## DISCUSSION

The subject property, located at 35406 Durieu Road, is zoned Rural 1 (R-1), which permits an Accessory Cottage Industry Use. The *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992* defines Accessory Cottage Industry Use as an accessory use to a Residential Use where the resident of the parcel carries on a profession or occupation which use is incidental to the Residential Use on the parcel and is undertaken within a building separate from the dwelling unit. The Zoning Bylaw also states that an Accessory Cottage Industry Use shall not be permitted on a parcel of less than 2.0 hectares.

Staff have considered the parcel size restriction for Accessory Cottage Industry Use and determined that the restriction must have been established to prevent certain uses from creating nuisances to neighbours.

The Zoning Bylaw does not restrict the siting of Accessory Cottage Industry Uses beyond the setbacks generally required for buildings and structures. Accordingly, the use can be sited as close as 6.0 metres to the front and rear property lines and 3.0 metres from the interior property line. Appendix A illustrates the proposed site plan.

The Zoning Bylaw also specifies that the maximum gross floor area for Accessory Cottage Industry Use is 80m<sup>2</sup> (861ft<sup>2</sup>). The applicant is proposing to increase the gross floor area for the Accessory Cottage Industry Use from 80m<sup>2</sup> (861ft<sup>2</sup>) to 140m<sup>2</sup> (1500ft<sup>2</sup>). The increase in gross floor area is to allow the

Accessory Cottage Industry Use to take place in a portion of an existing detached garage already located on the property (see Figure 1).



Figure 1 Detached Garage already located at 35406 Durieu Road, Area F

As defined in the Zoning Bylaw, Accessory Cottage Industry Use provides for a very broad range of uses. The proposed Accessory Cottage Industry Use is for the storage and packaging of natural bath and body products for online orders. This type of use would be permitted as an Accessory Cottage Industry Use.

#### Application Rationale

The applicants advise that the reasons in support of the variance are: 1. the property size is close to the required size; 2. the Accessory Cottage Industry Use will be taking place in an existing structure that requires no alterations; and, 3. the Accessory Cottage Industry Use will be for the storage and packing of their online orders for natural bath and body products and will not cause a nuisance to neighbours.

#### Accessory Cottage Industry Use Variance

The owners are seeking a variance to reduce the minimum parcel size required for an Accessory Cottage Industry Use.

	<b>Required Property Size</b>	<b>Current Property Size</b>	<b>Proposed Variance</b>
<b>Accessory Cottage Industry Use</b>	2.0 hectares (4.94 acres)	1.9 hectares (4.69 acres)	0.1 hectares (0.25 acres)

(Note varying the minimum property size requirement is not varying density)

The owners are also seeking a variance to the maximum gross floor area permitted for an Accessory Cottage Industry Use.

	Maximum Gross Floor Area	Proposed Gross Floor Area
Accessory Cottage Industry Use	80 m <sup>2</sup> (861 ft <sup>2</sup> )	140 m <sup>2</sup> (1500 ft <sup>2</sup> )

#### Future Implications

This application is for a specific type of Accessory Cottage Industry Use. Staff recommend that the Development Variance Permit be worded such that the variance applies only to the uses proposed by the applicant. The reason is the current owners could sell this property in the future and any Accessory Cottage Industry Use would be permitted if a blanket variance were to be issued. The Development Variance Permit has been specifically drafted to only include these uses as being permitted and only in the building shown on the site plan. (Appendix A).

#### **Neighbourhood Notification and Input**

All property owners within 30 metres of the property will be notified by the FVRD of the development variance permit application and be given the opportunity to provide written comments or attend the Board meeting to state their comments. FVRD staff encourage the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. To date no letters of support or objection have been submitted.

#### **COST**

The application fee of \$350.00 has been paid by the applicant.

#### **CONCLUSION**

The property owners have applied for a DVP to reduce the parcel size required and increase the maximum gross floor area for an Accessory Cottage Industry Use. Staff recommend that the FVRD Board issue the permit. The variance is not anticipated to negatively affect surrounding properties, as the Accessory Cottage Industry Use will be occurring inside an existing building meeting setback requirements.

## **OPTIONS**

### **Option 1 – Issue (Staff Recommendation)**

Staff recommend that the FVRD Board issue Development Variance Permit 2018-24 for the property located at 35406 Durieu Road, Electoral Area F to reduce the parcel size required for an Accessory Cottage Industry Use from 2 hectares (4.94 acres) to 1.9 hectares (4.69 acres) and to increase the maximum gross floor area for an Accessory Cottage Industry Use from 80 m<sup>2</sup> (861 ft<sup>2</sup>) to 140 m<sup>2</sup> (1500 ft<sup>2</sup>) at 35406 Durieu Road, Area "F", subject to consideration of any comments or concerns raised by the public.

### **Option 2 – Refuse**

If the Board wishes to refuse the application, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2018-24 for the property located at 35406 Durieu Road, Electoral Area F.

### **Option 3 – Refer to Staff**

If the Board wishes to refer the application back to staff to address outstanding issues, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2018-24 for the property located at 35406 Durieu Road, Electoral Area F to FVRD staff.

## **COMMENTS BY:**

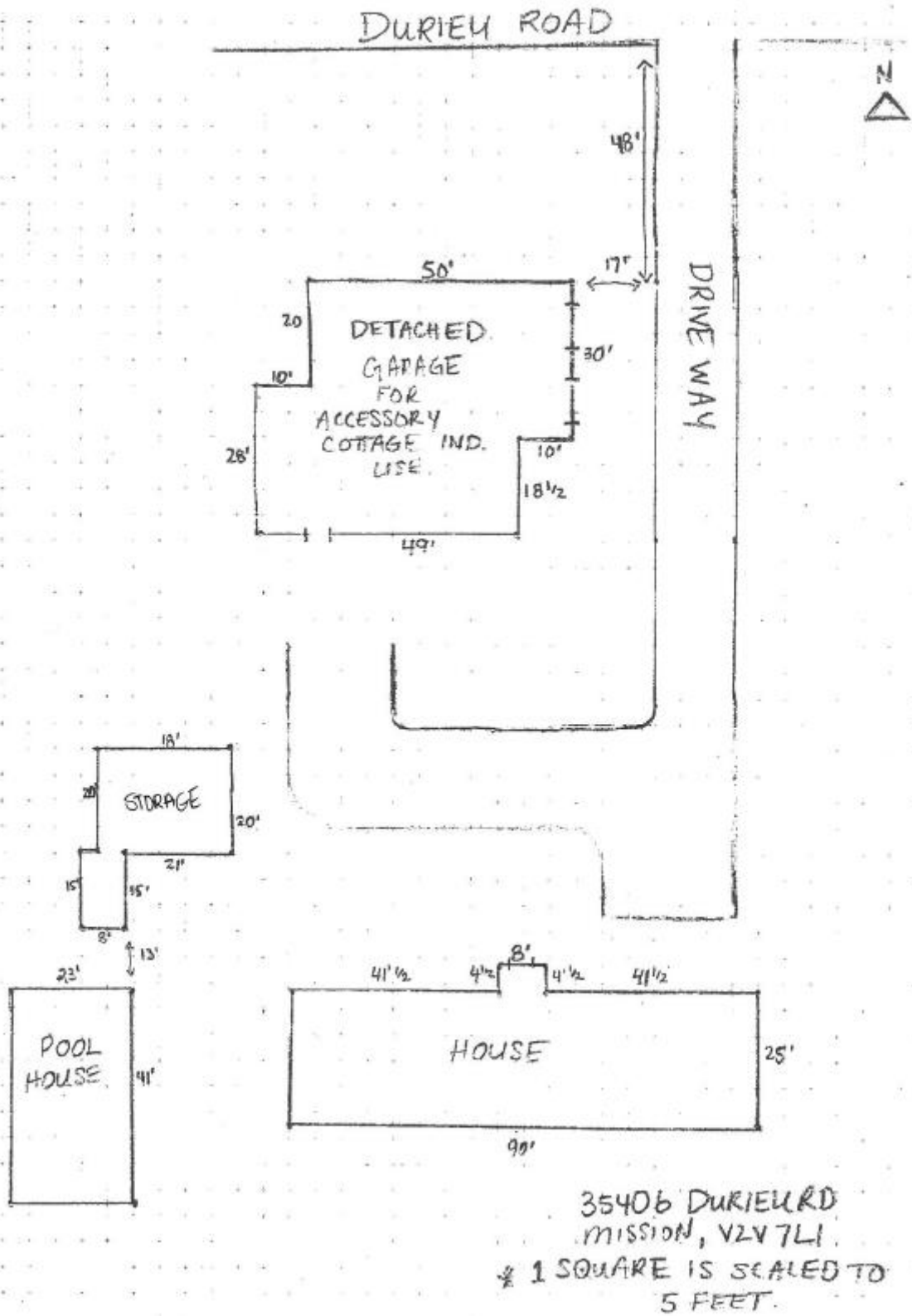
**Graham Daneluz, Deputy Director of Planning & Development:** Reviewed and supported

**Margaret Thornton, Director of Planning & Development** Reviewed and supported

**Mike Veenbaas, Director of Financial Services** No further financial comment.

**Paul Gipps, Chief Administrative Officer** Reviewed and supported

# Appendix A





**SCHEDULE A-4**

**Permit Application**

I / We hereby apply under Part 14 of the *Local Government Act* for a;

☒ Development Variance Permit

☐ Temporary Use Permit

☐ Development Permit

An Application Fee in the amount of \$ 350.<sup>00</sup> as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic Address 35406 Durieu Road, Mission V2V 7L1 PID 018-742-629

Legal Description Lot A Block \_\_\_\_\_ Section 13 Township 18 Range \_\_\_\_\_ Plan 23439

*The property described above is the subject of this application and is referred to herein as the 'subject property.' This application is made with my full knowledge and consent. I declare that the information submitted in support of the application is true and correct in all respects.*

Owner's  
Declaration

Name of Owner (print) Shylah Rayne Dobbin	Signature of Owner 	Date May 18, 2018
Name of Owner (print) Joel Stephen Luke St-Ange	Signature of Owner 	Date May 18, 2018

Owner's  
Contact  
Information

Address 35406 Durieu Rd	City Mission
Email	Postal Code V2V 7L1
Phone	Fax

Office Use Only	Date	File No.
	Received By	Folio No.
	Receipt No.	Fees Paid: \$

Agent

I hereby give permission to \_\_\_\_\_ to act as my/our agent in all matters relating to this application.

Only complete this section if the applicant is NOT the owner.

Signature of Owner	Date
Signature of Owner	Date

Agent's contact information and declaration

Name of Agent		Company
Address		City
Email		Postal Code
Phone	Cell	Fax

I declare that the information submitted in support of this application is true and correct in all respects.

Signature of Agent	Date
--------------------	------

#### Development Details

Property Size 4.74 acres Present Zoning Rural 1 (R-1)

Existing Use Residential use / deta

Proposed Development to convert the existing detached garage into an accessory cottage industry use.

Proposed Variation / Supplement 1) vary the parcel size required for an accessory cottage industry use from 2 hec to 1.9 hec.  
2) vary the accessory cottage industry use building size from 80 m<sup>2</sup> to 140 m<sup>2</sup>.

(use separate sheet if necessary)

Reasons in Support of Application Property parcel size close to the hec. required. Business is going into the existing structure with no alterations needed. Acc. cottage industry use would be for the storage and packing of our online orders, which are natural bath & body products. www.soluxury.com.

**Riparian  
Areas  
Regulation**

Please indicate whether the development proposal involves residential, commercial, or including vegetation removal or alteration; soil disturbance; construction of buildings and structures; creation of impervious or semi-pervious surfaces; trails, roads, docks, wharves, bridges and, infrastructure and works of any kind – within:

yes ☐ no ☐ *N/A - existing structure.*  
30 metres of the high water mark of any water body

yes ☐ no ☐ a ravine or within 30 metres of the top of a ravine bank

"Water body" includes; 1) a watercourse, whether it usually contains water or not; 2) a pond, lake, river, creek, or brook; 3) a ditch, spring, or wetland that is connected by surface flow to 1 or 2 above.

Under the *Riparian Areas Regulation* and the *Fish Protection Act*, a riparian area assessment report may be required before this application can be approved.

**Contaminated  
Sites Profile**

Pursuant to the *Environmental Management Act*, an applicant is required to submit a completed "Site Profile" for properties that are or were used for purposes indicated in Schedule 2 of the *Contaminated Sites Regulations*. Please indicate if:

yes ☐ no ☒ the property has been used for commercial or industrial purposes.

If you responded 'yes,' you may be required to submit a Site Profile. Please contact FVRD Planning or the Ministry of Environment for further information.

**Archaeological  
Resources**

Are there archaeological sites or resources on the subject property?

yes ☐ no ☐ I don't know ☒

If you responded 'yes' or 'I don't know' you may be advised to contact the Archaeology Branch of the Ministry of Tourism, Sport and the Arts for further information.

## Required Information

When providing Application Forms to the applicant, Regional District staff shall indicate which of the following documents are required for this application. **Additional information may also be required at a later date.**

	required	Received	Details
<b>Location Map</b>			Showing the parcel (s) to which this application pertains and uses on adjacent parcels
<b>Site Plan</b>			Reduced sets of metric plans
			North arrow and scale
At a scale of:			Dimensions of property lines, rights-of-ways, easements
1: _____			Location and dimensions of existing buildings & setbacks to lot lines, rights-of-ways, easements
			Location and dimensions of proposed buildings & setbacks to lot lines, rights-of-ways, easements
			Location of all water features, including streams, wetlands, ponds, ditches, lakes on or adjacent to the property
			Location of all existing & proposed water lines, wells, septic fields, sanitary sewer & storm drain, including sizes
			Location, numbering & dimensions of all vehicle and bicycle parking, disabled persons' parking, vehicle stops & loading
			Natural & finished grades of site, at buildings & retaining walls
			Location of existing & proposed access, pathways
			Above ground services, equipment and exterior lighting details
			Location & dimensions of free-standing signs
			Storm water management infrastructure and impermeable surfaces
			Other:
<b>Floor Plans</b>			Uses of spaces & building dimensions
			Other:
<b>Landscape Plan</b>			Location, quantity, size & species of existing & proposed plants, trees & turf
			Contour information ( _____ metre contour intervals)
Same scale as site plan			Major topographical features (water course, rocks, etc.)
			All screening, paving, retaining walls & other details
			Traffic circulation (pedestrian, automobile, etc.)
			Other:
<b>Reports</b>			Geotechnical Report
			Environmental Assessment
			Archaeological Assessment
			Other:

The personal information on this form is being collected in accordance with Section 26 of the *Freedom of Information and Protection of Privacy Act, RSBC 1996 Ch. 165* and the *Local Government Act, RSBC 2015 Ch. 1*. It will only be collected, used and disclosed for the purpose of administering matters with respect to planning, land use management and related services delivered, or proposed to be delivered, by the FVRD. Questions about the use of personal information and the protection of privacy may be directed to the FVRD Privacy Officer at 45950 Cheam Avenue, Chilliwack, BC V2P 1N6, Tel: 1-800-528-0061 [FOI@fvr.ca](mailto:FOI@fvr.ca).



## FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

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**Permit No.** Development Variance Permit 2018-24

**Folio No.** 775.02261.500

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**Issued to:** Joel St. Ange and Shylah Dobbin

---

**Address:** 35406 Durieu Road, Mission, B.C., V2V 7L1

---

**Applicant:** Joel St. Ange and Shylah Dobbin

---

**Site Address:** 35406 Durieu Road, Mission, B.C., V2V 7L1

---

The lands affected by and subject to this permit are shown on Schedule "A", Location Map, attached hereto, which forms an integral part of this permit, and are legally described as:

LOT A (BH146290) SECTION 13 TOWNSHIP 18 NEW WESTMINSTER DISTRICT PLAN 23439  
018-742-629

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### LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan

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### AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

---

### BYLAWS SUPPLEMENTED OR VARIED

Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992 is **varied** as follows:

1. Section 406(1c) An Accessory Cottage Industry Use shall not be permitted on a parcel of less than 1.9 hectares.
  2. Section 406(8) An Accessory Cottage Industry Use shall be limited to one building not greater than 140m<sup>2</sup> in gross floor area.
  3. Part 200 Definitions, for the purposes of this Development Variance Permit, Accessory Cottage Industry Use means the storage and packaging of natural bath and body products and no other uses.
- 

### SPECIAL TERMS AND CONDITIONS

1. No variances other than those specifically set out in this permit are implied or to be construed.



2. If the holder of this permit does not commence the defined Accessory Cottage Industry Use with respect to which the Permit was issued within two (2) years after the date of the permit, this permit shall lapse.
3. Development of the site shall be undertaken in accordance with the Site Plan attached hereto as Schedule "B".

---

## GENERAL TERMS AND CONDITIONS

1. This Development Variance Permit is issued Pursuant to Part 14 – Division 9 of the *Local Government Act*.
2. This Development Variance Permit shall not vary the permitted uses or densities of land use in the applicable zoning bylaw nor a flood plain specification designated under Section 524 of the *Local Government Act*.
3. Nothing in this permit shall in any way relieve the developer's obligation to ensure that the development proposal complies in every way with the statutes, regulations, requirements, covenants and licences applicable to the undertaking.
4. Nothing in this permit shall in any way relieve the developers obligation to comply with all setback regulations for construction of structures or provision of on-site services pursuant to the *Public Health Act*, the *Fire Services Act*, the *Safety Standards Act*, and any other provincial statutes.

---

## SECURITY DEPOSIT

As a condition of the issuance of this Permit, and pursuant to Section 502 of the *Local Government Act*, the Regional Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit

Should the holder of this permit:

- a. fail to complete the works required to satisfy the landscaping conditions contained herein,
- b. contravene a condition of the permit in such a way as to create an unsafe condition,

The Regional Board may undertake and complete the works required to satisfy the landscaping conditions, or carry out any construction required to correct an unsafe condition at the cost of the holder of the permit and may apply the security in payment of the costs of the works, with any excess to be returned to the holder of the permit.

Security Posted:       (a)     an irrevocable letter of credit in the amount of: \$ <N/A> .  
                                 (b)     the deposit of the following specified security: \$ <N/A> .

---

Note: The Regional District shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Development Variance Permit Number 2018-24. The notice shall take the form of Appendix I attached hereto.

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AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE 24<sup>TH</sup> DAY OF JULY, 2018.

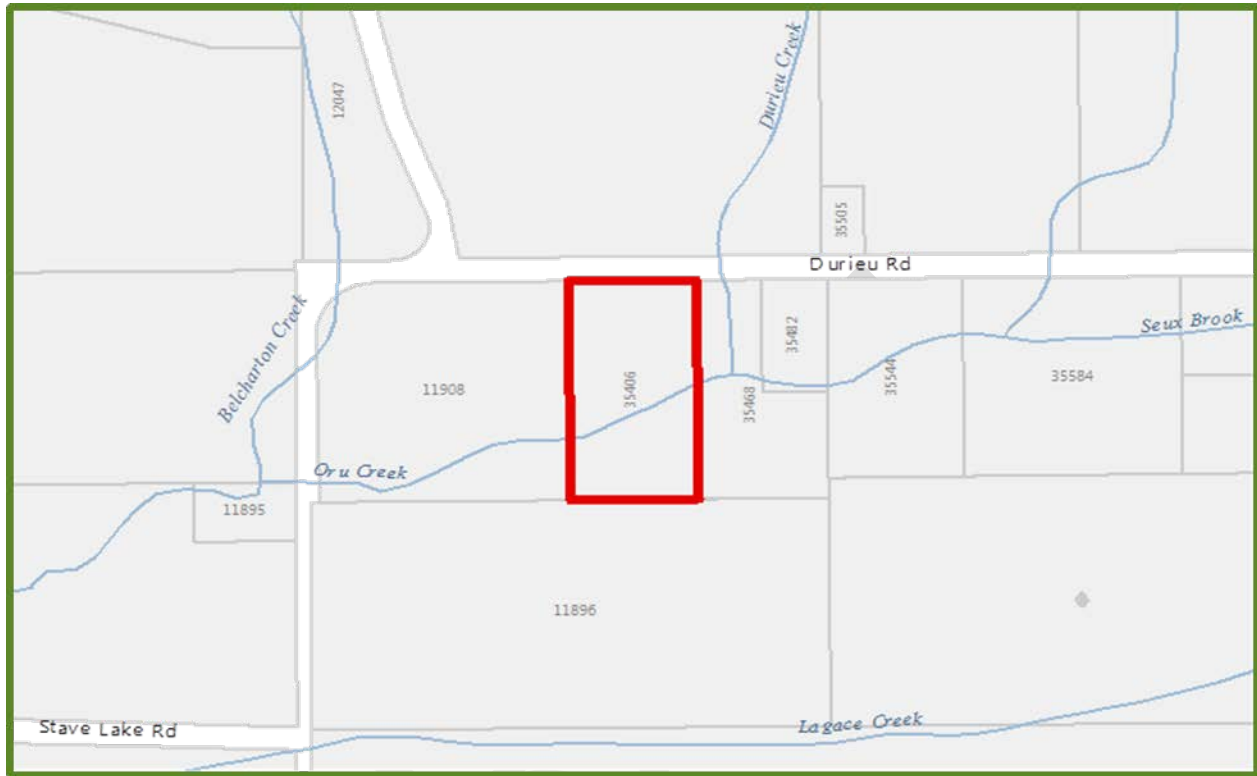
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Chief Administrative Officer / Deputy

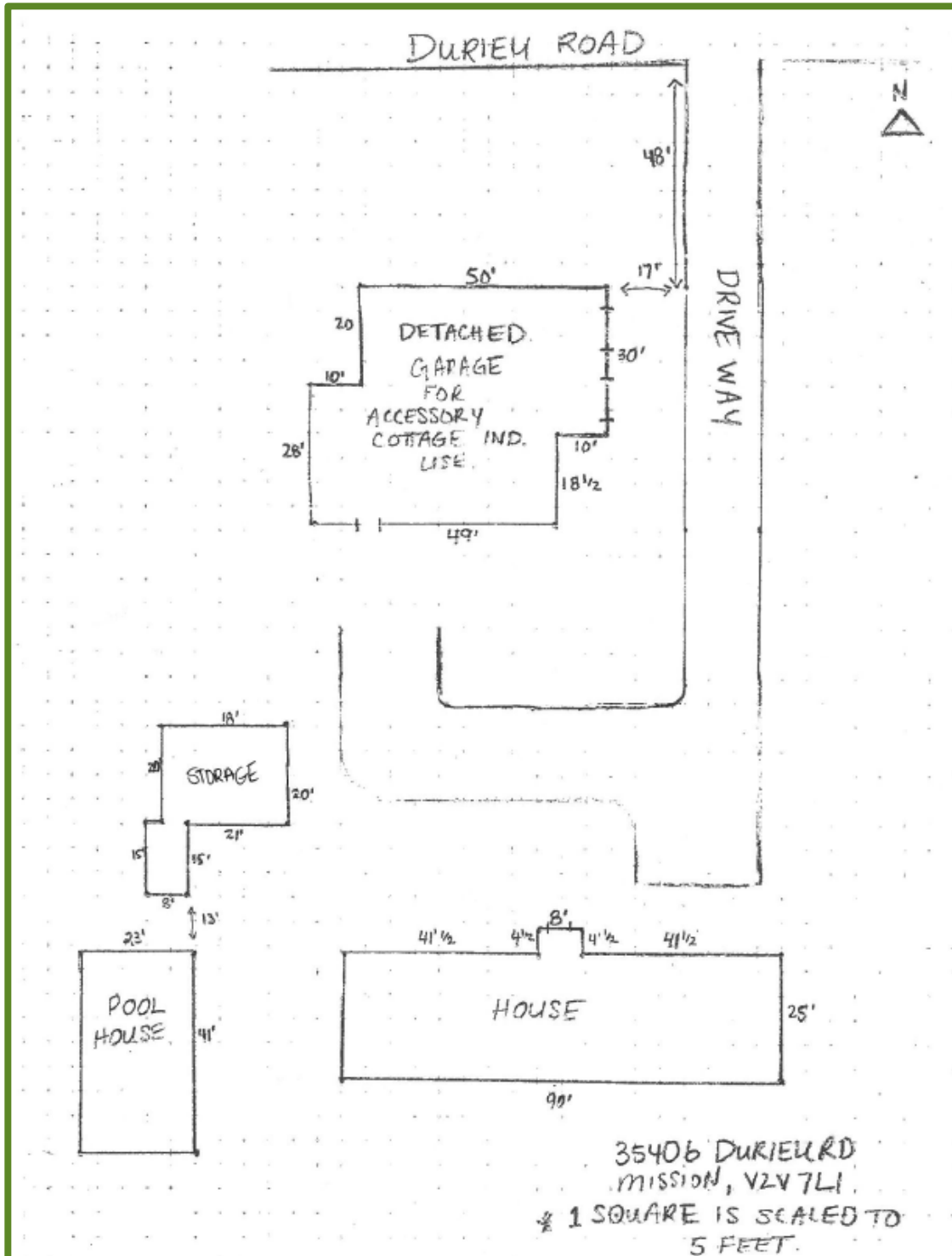
THIS IS NOT A BUILDING PERMIT

DRAFT

**DEVELOPMENT VARIANCE PERMIT 2018-24**  
**SCHEDULE "A"**  
**Location Map**



**DEVELOPMENT VARIANCE PERMIT 2018-24**  
**SCHEDULE "B"**  
**Site Plan**



To: Electoral Area Services Committee  
 From: Andrea Antifaeff, Planning Technician

Date: 2018-07-10  
 File No: 3090-20-2018-25

**Subject: Application for Development Variance Permit 2018-25 to reduce the interior side lot line setback to permit the construction of a dairy barn at 9518 Catherwood Road, Area G**

## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2018-25 for the property located at 9518 Catherwood Road, Electoral Area G, to reduce the interior side lot line setback from 30.0 metres (98.4 feet) to 15 metres (49.2 feet), clear to sky, to facilitate the construction of a cattle barn, subject to consideration of any comments or concerns raised by the public.

**AND THAT** the Fraser Valley Regional District Board authorize its signatories to execute all legal instruments associated with this application, including a Section 219 restrictive covenant tying the sale of either of the two properties to the other to address existing construction built across the interior lot line.

## STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services  
 Foster a Strong & Diverse Economy

## BACKGROUND

The owners of the property have made an application for a Development Variance Permit (DVP) in order to reduce the interior side lot line setback for a cattle barn as outlined in *Dewedney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992*.

PROPERTY DETAILS			
Electoral Area	G		
Address	9518 Catherwood Road		
PID	006-415-571		
Folio	775.01165.000		
Lot Size	14.5 acres		
Owner	Vandeburgt Farms Ltd.	Agent	Jordan Kloot
Current Zoning	Floodplain Agriculture (A-2)	Proposed Zoning	No change



<b>Current OCP</b>	Agricultural (AG)	<b>Proposed OCP</b>	No change
<b>Current Use</b>	Farm	<b>Proposed Use</b>	No change
<b>Development Permit Areas</b>	DPA 2-G (RAR)		
<b>Agricultural Land Reserve</b>	Yes		

#### ADJACENT ZONING & LAND USES

<b>North</b>	^	Floodplain Agriculture (A-2), Residential / Farm
<b>East</b>	>	Floodplain Agriculture (A-2), Residential / Dairy Farm (owned by applicant)
<b>West</b>	<	Floodplain Agriculture (A-2), Residential / Dairy Farm
<b>South</b>	v	Floodplain Agriculture (A-2), Residential / Dairy Farm (owned by applicant)

#### NEIGHBOURHOOD MAP



## PROPERTY MAP



## DISCUSSION

The owners of the property have made an application to construct a cattle barn at 9518 Catherwood Road. The property is located within the Agricultural Land Reserve and currently is used as a dairy farm. The applicant is proposing a location for the cattle barn which efficiently utilizes their existing dairy farm operation. Locating the cattle barn in accordance with the 30 metre Zoning Bylaw setback from the interior lot line would situate the barn further from the existing barns already being used for the dairy farm. Appendix A shows the site plan.

### Bylaw Enforcement

In 1998, the FVRD received a complaint of building without a permit at 9518 Catherwood Road. At a subsequent inspection of the property a bylaw enforcement officer confirmed the presence of a recently placed mobile home. Consequently, the property has been in bylaw contravention since 1998 for construction without a permit (placement of mobile home). Building permits are required by the Building Bylaw to encourage property owners to comply with minimum standards established by the British Columbia Building Code as well as other enactments which related to health, safety and use of land. FVRD staff are following up on this bylaw enforcement contravention.

## **Variance Requested – DVP 2018-25**

### Application Rationale

The applicant advises that the reasons in support of the variance are: 1. there is more room needed for livestock; and, 2. the location of the proposed barn is close in relation to the existing barns for successful dairy farm operations.

### Interior Side Setback Variance

The owners are seeking a 15 metre (49.2 foot) relaxation to the required interior side lot line setback, reducing the setback requirement from 30 metres (98.4 feet) to 15 metres (49.2 feet).

The interior side lot line for 9518 Catherwood Road is shared with 9466 Catherwood Road, which is also owned by the applicant. The site plan for the proposed cattle barn shows that two barns and a shop have been previously constructed over the interior side property line, resulting in these structures being located on both 9518 Catherwood and 9466 Catherwood Road. The applicants have offered a covenant in favour of the Regional District which will state that the properties will be treated as a single parcel (for as long as the structures that cross the property boundary exist or the properties are consolidated) and the property owner cannot sell, agree to sell, transfer or otherwise dispose of either of the parcels or tracts of land and premises which comprise the Lands it being understood that the Lands shall be treated as a single parcel.

### **Neighbourhood Notification and Input**

All property owners within 30 metres of the property will be notified by the FVRD of the Development variance permit application and be given the opportunity to provide written comments or attend the Board meeting to state their comments. FVRD staff encourage the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. To date no letters of support or objection have been submitted.

### **COST**

The application fee of \$350.00 has been paid by the applicant.

### **CONCLUSION**

The property owners have applied for a DVP to reduce the interior side setback for a cattle barn. Staff recommend that the FVRD Board issue the permit. The variance is not anticipated to negatively affect the surrounding properties as there are already dairy farm operations occurring on the property and the neighbouring property affected is owned by the applicant.

## **OPTIONS**

### **Option 1 – Issue (Staff Recommendation)**

Staff recommend that the FVRD Board issue Development Variance Permit 2018-25 for the property located at 9518 Catherwood Road, Electoral Area G to reduce the interior side lot line setback from 30.0 metres (98.4 feet) to 15 metres (49.2 feet), clear to sky, to facilitate the construction of a cattle barn, subject to consideration of any comments or concerns raised by the public.

### **Option 2 – Refuse**

If the Board wishes to refuse the application, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2018-25 for the property located at 9518 Catherwood Road, Electoral Area G.

### **Option 3 – Refer to Staff**

If the Board wishes to refer the application back to staff to address outstanding issues, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2018-25 for the property located at 9518 Catherwood Road, Electoral Area G to FVRD staff.

## **COMMENTS BY:**

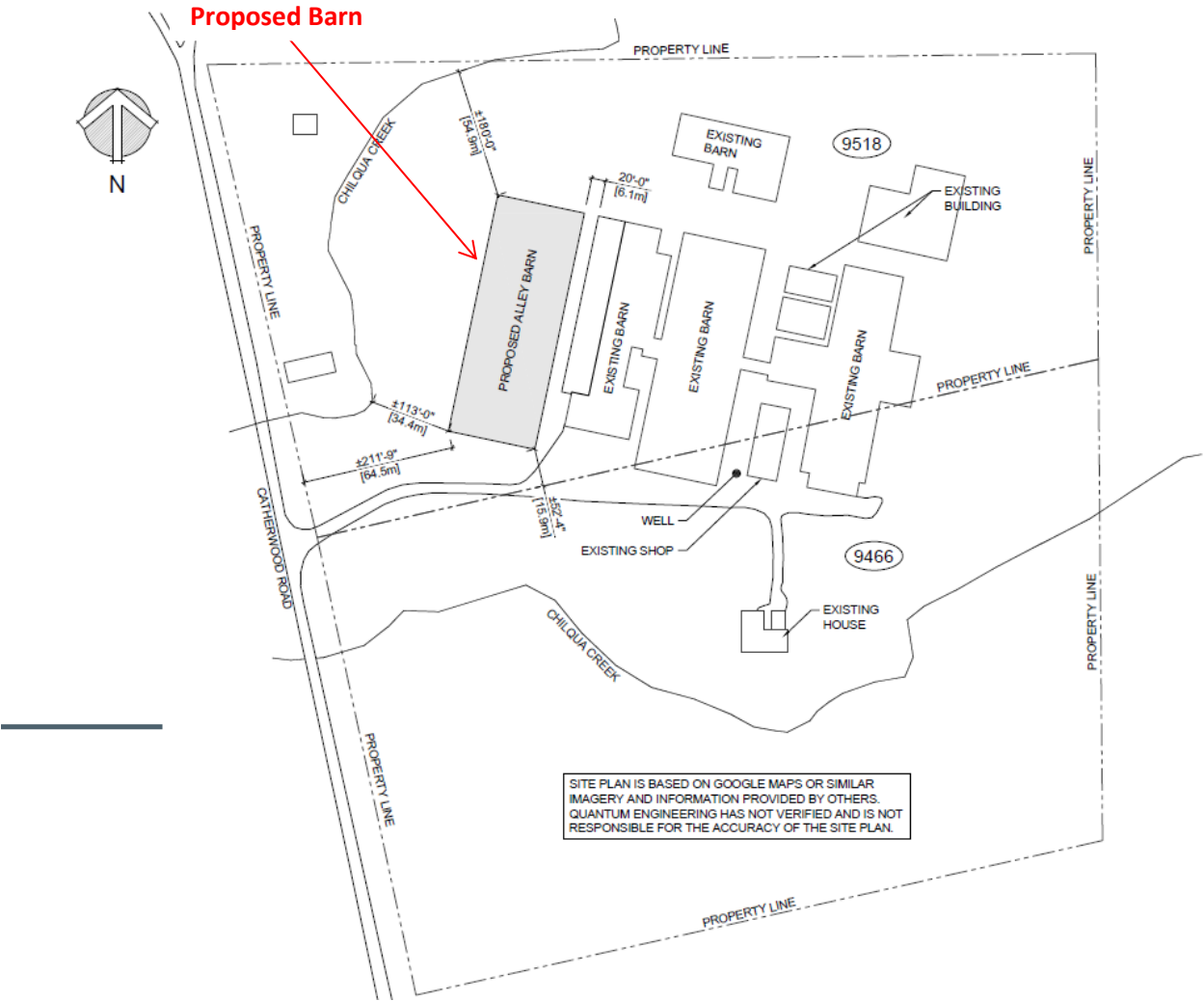
<b>Graham Daneluz, Deputy Director of Planning &amp; Development</b>	Reviewed and supported.
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<b>Margaret Thornton, Director of Planning &amp; Development</b>	Reviewed and supported.
--	-------------------------

<b>Mike Veenbaas, Director of Financial Services</b>	No further financial comments.
--	--------------------------------

<b>Paul Gipps, Chief Administrative Officer</b>	Reviewed and supported
---	------------------------

Appendix A





**SCHEDULE A-4**

**Permit Application**

I / We hereby apply under Part 14 of the *Local Government Act* for a;

☒ Development Variance Permit

☐ Temporary Use Permit

☐ Development Permit

An Application Fee in the amount of \$ \_\_\_\_\_ as stipulated in FVRD Application Fees Bylaw No. 1231, 2013 must be paid upon submission of this application.

Civic Address 9518  
9466 Cathwood Rd PID 006-415-784

Legal Description Lot 3 Block 1 Section 33 Township 20 Range \_\_\_\_\_ Plan NWP3254

*The property described above is the subject of this application and is referred to herein as the 'subject property.' This application is made with my full knowledge and consent. I declare that the information submitted in support of the application is true and correct in all respects.*

Owner's Declaration

Name of Owner (print)	Signature of Owner	Date
Ken Vandenberg		06/10/2018
Name of Owner (print)	Signature of Owner	Date

Owner's Contact Information

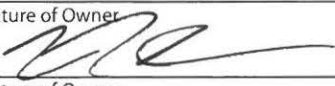
Address <u>9466 Cathwood Rd</u>		City <u>Dewdney</u>
Email	Postal Code	
Phone	Fax	

<b>Office Use Only</b>	Date	File No.
	<u>12 JUNE 2018</u>	<u>3090-20 2018-25</u>
	Received By	Folio No.
	<u>AA</u>	<u>775.01165.000</u>
	Receipt No.	Fees Paid: \$
	<u>6216/2</u>	<u>350.00</u>

**Agent**

I hereby give permission to Jordan Klot to act as my/our agent in all matters relating to this application.

Only complete this section if the applicant is NOT the owner.

Signature of Owner 	Date <u>06/10/2018</u>
Signature of Owner	Date

Agent's contact information and declaration

Name of Agent <u>Jordan Klot</u>	Company <u>Klot Construction</u>
Address <u>41505 South Suna</u>	City <u>Chilliwack</u>
Email	Postal Code <u>V2R4K1</u>
Phone _____   Cell _____	Fax

I declare that the information submitted in support of this application is true and correct in all respects.

Signature of Agent 	Date <u>2018/06/12</u>
---	---------------------------

**Development Details**

Property Size 14.5 Acres Present Zoning AGR

Existing Use Dairy Farming

Proposed Development Applying for a boundary variance to allow construction of a livestock building closer than 30m. See Site Plan.

Proposed Variation / Supplement Allowing building/barn to be constructed within property set backs. Note: The Vondeburgt family also own neighbouring properties.

(use separate sheet if necessary)

Reasons in Support of Application More room needed for livestock, to support this the construction of a new barn is being proposed.

## Provincial Requirements

(This is not an exhaustive list; other provincial regulations will apply)

### Riparian Areas Regulation

Please indicate whether the development proposal involves residential, commercial, or including vegetation removal or alteration; soil disturbance; construction of buildings and structures; creation of impervious or semi-pervious surfaces; trails, roads, docks, wharves, bridges and, infrastructure and works of any kind – within:

yes  
☐

no  
☒

30 metres of the high water mark of any water body

yes  
☐

no  
☒

a ravine or within 30 metres of the top of a ravine bank

"Water body" includes; 1) a watercourse, whether it usually contains water or not; 2) a pond, lake, river, creek, or brook; 3) a ditch, spring, or wetland that is connected by surface flow to 1 or 2 above.

Under the *Riparian Areas Regulation* and the *Fish Protection Act*, a riparian area assessment report may be required before this application can be approved.

### Contaminated Sites Profile

Pursuant to the *Environmental Management Act*, an applicant is required to submit a completed "Site Profile" for properties that are or were used for purposes indicated in Schedule 2 of the *Contaminated Sites Regulations*. Please indicate if:

yes  
☐

no  
☒

the property has been used for commercial or industrial purposes.

If you responded 'yes,' you may be required to submit a Site Profile. Please contact FVRD Planning or the Ministry of Environment for further information.

### Archaeological Resources

Are there archaeological sites or resources on the subject property?

yes  
☐

no  
☒

I don't know  
☐

If you responded 'yes' or 'I don't know' you may be advised to contact the Archaeology Branch of the Ministry of Tourism, Sport and the Arts for further information.



## FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

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**Permit No.** Development Variance Permit 2018-25      **Folio No.** 775.01165.000

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**Issued to:** Vandeburg Farms Ltd., INC NO. 310487

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**Address:** 33832 South Fraser Way, Abbotsford, BC V2S 2C5

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**Applicant:** Kloot Construction (Jordan Kloot)

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**Site Address:** 9518 Catherwood Road, Electoral Area "G"

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The lands affected by and subject to this permit are shown on Schedule "A", Location Map, attached hereto, which forms an integral part of this permit, and are legally described as:

LOT 3, BLOCK 1, SECTION 33, TOWNSHIP 20, NEW WESTMINSTER DISTRICT, PLAN 3254  
006-415-571

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### LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan

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### AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

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### BYLAWS SUPPLEMENTED OR VARIED

Dewdney-Alouette Regional District Land Use and Subdivision and Regulation Bylaw No. 559-1992 is **varied** as follows:

Section 412 Siting for Buildings, Structures and Uses

Siting for Agricultural Uses

(8)(a) from 30.0 meters to 15.0 metres, clear to sky from the interior side lot line (south property lot line) for the construction of a cattle barn.

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### SPECIAL TERMS AND CONDITIONS

1. No variances other than those specifically set out in this permit are implied or to be construed.
2. If the holder of this permit does not commence the construction with respect to which the Permit was issued within two (2) years after the date of the permit, this permit shall lapse.
3. Development of the site shall be undertaken in accordance with the Site Plan attached hereto as Schedule "B".

4. All new construction shall be generally in compliance with Building Permit No. 014326.

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## GENERAL TERMS AND CONDITIONS

1. This Development Variance Permit is issued Pursuant to Part 14 – Division 9 of the *Local Government Act*.
2. This Development Variance Permit shall not vary the permitted uses or densities of land use in the applicable zoning bylaw nor a flood plain specification designated under Section 524 of the *Local Government Act*.
3. Nothing in this permit shall in any way relieve the developer's obligation to ensure that the development proposal complies in every way with the statutes, regulations, requirements, covenants and licences applicable to the undertaking.
4. Nothing in this permit shall in any way relieve the developers obligation to comply with all setback regulations for construction of structures or provision of on-site services pursuant to the *Public Health Act*, the *Fire Services Act*, the *Safety Standards Act*, and any other provincial statutes.

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## SECURITY DEPOSIT

As a condition of the issuance of this Permit, and pursuant to Section 502 of the *Local Government Act*, the Regional Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit

Should the holder of this permit:

- a. fail to complete the works required to satisfy the landscaping conditions contained herein,
- b. contravene a condition of the permit in such a way as to create an unsafe condition,

The Regional Board may undertake and complete the works required to satisfy the landscaping conditions, or carry out any construction required to correct an unsafe condition at the cost of the holder of the permit and may apply the security in payment of the costs of the works, with any excess to be returned to the holder of the permit.

Security Posted:       (a)       an irrevocable letter of credit in the amount of: \$ <N/A>.  
                                  (b)       the deposit of the following specified security: \$ <N/A>.

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Note: The Regional District shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Development Variance Permit Number 2018-25. The notice shall take the form of Appendix I attached hereto.

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AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE 24<sup>th</sup> DAY OF JULY, 2018.

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Chief Administrative Officer / Deputy

THIS IS NOT A BUILDING PERMIT

DRAFT

**DEVELOPMENT VARIANCE PERMIT 2018-25**  
**SCHEDULE "A"**  
**Location Map**



**DEVELOPMENT VARIANCE PERMIT 2018-25**  
**SCHEDULE "B"**

### Proposed Barn

## Site Plan

