

To: CAO for the Electoral Area Services Committee

Date: 2019-02-12

From: Louise Hinton, Bylaw Compliance and Enforcement Officer

File No: B05584.000

Subject: Building Bylaw, and BC Building Code Contraventions at 31260 Mary Street, Electoral Area B, legally described as Lot 1 Section 14 Township 7 Range 26 West of the 6th Meridian Yale Division Yale District Plan KAP45931. Parcel Identifier: 017-499-020.

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* and the *BC Building Code*, at 31260 Mary Street, Electoral Area B, Fraser Valley Regional District, British Columbia (legally described as Lot 1 Section 14 Township 7 Range 26 West of the 6th Meridian Yale Division Yale District Plan KAP45931). Parcel Identifier: 017-499-020.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

BACKGROUND

Sept 15, 2017 Building Inspector conducts site inspection and confirmed there is an unpermitted renovation on the attached patio structure to the mobile home underway. The Inspector gives the owner two options for compliance: (1) reduce the size of the renovation to be exempted from a building permit; or (2) make a building permit application for the construction works. Stop Work and No Occupancy Orders are posted to structure.



31260 Mary Street

★ Location of Mobile Home

Oct. 16, 2017	Bylaw Enforcement letter mailed to property owner, deadline for response to FVRD is Nov. 16, 2017.
Dec. 6, 2017	Bylaw Officers conduct follow-up site inspection - no change.
Dec 14, 2017	Bylaw Officer phone call with owner, explained compliance options.
Dec 15, 2017	Follow-up email sent re-outlined compliance options.
Jan 3, 2018	Bylaw Officer attempts to contact owner by telephone, no response.
Jan 4, 2018	Second Bylaw letter mailed to owner, deadline for response to FVRD is February 5, 2018.
Jan 15, 2018	Building Permit <u>Application Form only</u> received – no fee, plans or drawings.
Jan 16, 2017	Building Department spoke with owner - explained the need for construction drawings and site plan to be able to accept q preliminary Permit Application.
January 17, 2018	Building Permit Application form (BPA014211) and application fee submitted to FVRD –no site plan or construction drawings – applicant promised to submit to FVRD as soon as possible.
Feb 22, 2018	Site Plan for property is received by FVRD Building Department.
March 7, 2018	Building Department mailed letter to owner listing outstanding required items to complete Building Permit Application. Construction drawings are still outstanding.
March 14, 2018	Building Inspector completes follow-up site inspection - construction has continued. The construction work is almost completed despite the posted Stop Work and No Occupancy Orders and the incomplete Building Permit Application.
March 15, 2018	Building Inspector discusses file details with property owner by telephone. Inspector informs owner of the following: (1) he will receive bylaw fines for continued works without a permit in violation of posted orders; (2) the structure will now require engineering to certify unpermitted works; and (3) he still needs to submit construction drawings for permit application.
March 28, 2018	Third Bylaw letter is mailed to the owner; with two bylaw tickets attached (No. 28605 & No. 28606) for disobeying stop work & no occupancy orders and working without an issued Building Permit. New deadline for owner to submit construction drawings to FVRD is <u>April 19, 2018</u> .
July 4, 2018	Building Inspector completes follow-up site inspection – no change. Bylaw Officer confirms previous bylaw tickets have not been disputed or paid.

Building Department confirms there has been no movement on the building permit application.

July 6, 2018

Fourth Bylaw letter to owner, with a ticket (No. 28620) attached for building without a permit.

Aug 21, 2018

Owners came into FVRD to make a new Building Permit Application for a large renovation to main gas station structure (BPA014448). Bylaw Officer discusses the following relevant to the outstanding Bylaw file: (1) outstanding construction drawings for the enclosed covered patio renovation to the mobile home, and (2) the substantial overdue bylaw ticket fines.

Oct 30, 2018

Bylaw Officer does follow-up site inspection – there is no change.
Bylaw Officer confirms previous three tickets have not been disputed or paid.
Building Department confirms there has been no movement on the outstanding Building Permit Application.
Building Inspector sends follow-up email to owner outlining receipt of new Building Permit and outstanding bylaw enforcement file.

INSPECTION PHOTOS OF SUBJECT PROPERTY:

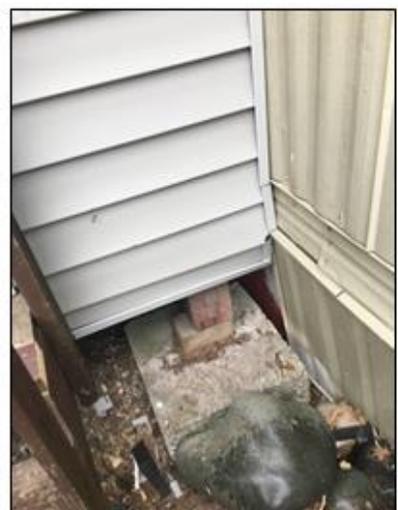
September 15, 2017

Construction works without a building permit are first discovered by Building Inspector for the renovation works to the attached patio structure on the mobile home.



March 14, 2018

Construction works are discovered to be continuing despite posted orders and no issued building permit.



July 4, 2018 / October 30, 2018

Construction continued and found to be almost fully completed – no permit issued



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 construction works to build the attached covered patio structure on the mobile home were initially discovered in September of 2017 during the demolition stage of construction. The owner was given an option to either reduce the size of the construction, so that it qualified for a building permit exemption or to submit a Building Permit Application for the works.

A Building Permit Application was made for the construction works on the attached covered patio structure in January of 2018. The unpermitted construction works continued and is now considered substantially complete. The Building Permit Application remains incomplete due to inactivity and has therefore has never been issued.

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

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 attached covered patio structure to the mobile home 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 covered attached patio structure on the mobile home 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 covered attached patio 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 covered attached patio structure or a Building Permit for demolition of the covered attached patio 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:

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

Mike Veenbaas, Director of Financial Services No further financial comments.

Paul Gipps, Chief Administrative Officer Reviewed and supported