

To: CAO for the Electoral Area Services Committee

Date: 2019-04-09

From: Louise Hinton, Bylaw Compliance and Enforcement Officer

File No: B00088.000/2

Subject: Building Bylaw, and BC Building Code Contraventions at 58470 Laidlaw Road Electoral Area B, Fraser Valley Regional District, British Columbia (legally described as: Parcel "A" (Reference Plan 13236) South Half District Lot 8 Group 1 Yale Division Yale Dis

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 58470 Laidlaw Road Electoral Area B, Fraser Valley Regional District, British Columbia (legally described as: Parcel "A" (Reference Plan 13236) South Half District Lot 8 Group 1 Yale Division Yale District (PID: 013-082-787).

STRATEGIC AREA(S) OF FOCUS

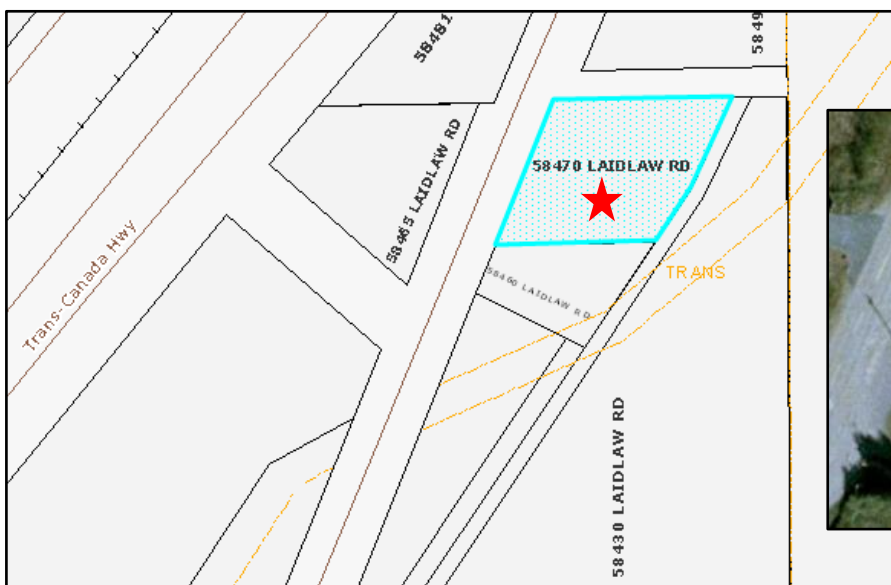
Support Healthy & Sustainable Community

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BACKGROUND

Feb. 22, 2005

Bylaw Complaint received by FVRD of construction without a permit at 58470 Laidlaw Road. Part of the house has been removed and is covered by a tarp.



Feb. 23, 2005	Building Inspector conducts a site visit – several pre-construction slabs are present, new foundation for existing dwelling is in progress of being constructed and new septic. Foundation and slab work works are all posted with Stop Work and No Occupancy Notices. Owner is not on site – 6 unpermitted tenants living on site.
Feb. 24, 2005	Building Inspector speaks to Owner at FVRD Counter - discusses that work started without permits and gives the Owner a Building Permit Application.
March 21, 2005	Owner makes Building Permit Application to FVRD for a foundation upgrade works to the single family home.
Jan. 5, 2006	Building Inspector conducts site inspection – unpermitted laundry and washroom facilities installed without permits for tenants that are residing on the property.
March 31, 2006	Building Department Letter is mailed to the Owner advising that the Building Permit cannot be issued due to existing and proposed land uses contrary to zoning regulations.
Nov. 5, 2007	Bylaw Officer received notice that BP010873 has lapsed and referred back to Bylaw Department for follow-up.
Nov. 7, 2007	Building Inspector and Bylaw Officer conduct a site visit – construction has continued despite posted orders. Pony wall has been created instead of concrete foundation. Numerous people are still living on site (5 or 6). All people use laundry facilities. Property is very unsightly condition – derelict vehicles, rubbish, and debris present.
Nov. 14, 2007	Bylaw Letter mailed to Owner with deadline to respond to FVRD of <u>Dec. 9, 2007</u> .
Nov. 30, 2007	Bylaw Officer receives letter from Notaries Public who are assisting Owner with permit paperwork.
Jan. 30, 2008	Enquiry by listing agent at FVRD counter – Owner plans on listing the property for sale.
Aug. 20 2013	Bylaw Officer spoke with owner at FVRD Counter, the following was discussed: (1) complaints of refuse on property and excess shipping containers, and derelict vehicles have continued; and (2) Bylaw Officer expressed concern that unauthorized people that are living on the property.
Oct. 11 2013	Bylaw Officer conducts drive by site visit - property remains in unsightly condition. Derelict vehicles displayed for sale, detached semi-trailers, shipping containers, rubbish, debris, and refuse on site. Possible flea market use occurring on the property – not permitted under the Zoning Bylaw. No new Building Permit Application has been submitted to the FVRD.
March 17, 2014	Bylaw Letter mailed to Owner, deadline for owner to comply is <u>April 17, 2014</u> .
April 7, 2014	Bylaw Officer has a meeting with the Owner – the following was discussed: (1) Owner promises to continue clean-up efforts; (2) five tenants total on the property within the two cabins, and three living in RV's; and (3) owner has not re-applied for a building permit.

June 10, 2014	Bylaw Officer conducts a site inspection – significant progress on clean-up efforts; and a number of tenants have moved out.
Aug. 13, 2014	Bylaw Officer conducts a drive-by inspection; a few RV's have been removed. Bylaw Officer checks FVRD records – still no Building Permit for the outstanding foundation works.
July 20, 2016	Bylaw Officers conduct a drive-by site inspection; property remains in unsightly condition. Bylaw Officer checks FVRD records – still no Building Permit for the outstanding foundation works.
Oct. 30, 2018	Bylaw Officer conducts site visit – property remains in unsightly condition. Bylaw Officer checks FVRD records – still no Building Permit for the outstanding foundation works.
Nov. 23, 2018	Bylaw Letter mailed to property Owner regarding the following: (1) historic outstanding building permit for foundation upgrade; (2) the unsightly condition of the property; and (3) unauthorized residential suites and camping. Deadline for response to the FVRD is <u>Jan. 28, 2019</u> .
Jan. 15, 2019	Bylaw, Building, and management staff met with Owner at FVRD Office and discussed all outstanding bylaw enforcement matters as follows: (1) The Building Permit for foundation to house was never completed; (2) Owner confirmed works were done by a licenced contractor, but was unaware he still needed a building permit; (3) Owner confirmed a number of tenants were still living on the property; (4) Owner has health concerns and financial restraints and is unable to complete permit at this time; and (5) Owner agreed that notice on title was the best course of action at this time, subject to a discussion with this solicitor.
March 15, 2019	Bylaw Staff sent a letter by mail to owner notifying him of the show cause hearing to place a notice on the title of his property, scheduled for April 9, 2019.

INSPECTION PHOTOS

February 2005 and January 2006



November 2007



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 construction work to upgrade the foundation on the single family dwelling was first discovered in 2005, was finished to completion in 2007, and was done without a required building permit.

A Building Permit is required for the foundation works undertaken by the property owner; or a demolition Building Permit is required to remove the construction completed without a building permit.

Zoning Bylaw

This property is in Electoral Area B, and is zoned *Core Commercial (C-1)* of *Zoning Bylaw No. 90, 1977 for Electoral Area B of the Regional District of the Fraser Cheam* (Bylaw 90). The primary purpose of this zone is to identify land which by reason of adequate drainage, sufficient supply of potable water, adequate sewage disposal system, assurance from flooding or erosion and soil instability, and is best suited for rural living.

It has been confirmed by the property owner that the subject property has several unauthorized suites on the property and recreational vehicles are being used for residential purposes. Only one-family residential use is permitted in the Core Commercial Zone.

The property is located with the Agricultural Land Reserve (ALR). Additional approvals from the ALC are required to permit the additional residential uses.

An application and approval from the ALC, and a successful re-zoning of the property is required to authorize the unpermitted residential uses on the property.

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 work to the single family dwelling is either:

1. Demolished with a Building Permit issued by the FVRD with successful final inspection; or
2. A fully completed Building Permit for the construction work to the existing single family dwelling structure is issued by the FVRD and receives a successful final inspection; after authorization from the ALC and the successful rezoning of the property to permit the additional residential uses.

CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the extensive unauthorized renovation works to the Single Family Dwelling, that was done without a Building Permit and the construction works that were done without 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 fully completed Building Permit.

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-Ann 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