

To: CAO for the Electoral Area Services Committee
From: Louise Hinton, Bylaw Compliance & Enforcement Officer

Date: 2019-05-08
File No: A06043.000

Subject: Building Bylaw, and BC Building Code Contraventions at 49200 Trans Canada Hwy, Electoral Area A, (PID: 003-318-273) and (PID: 003-318-206).

RECOMMENDATION

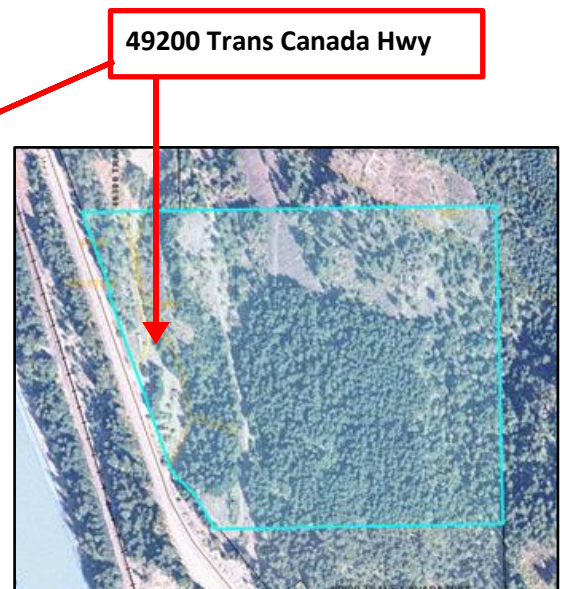
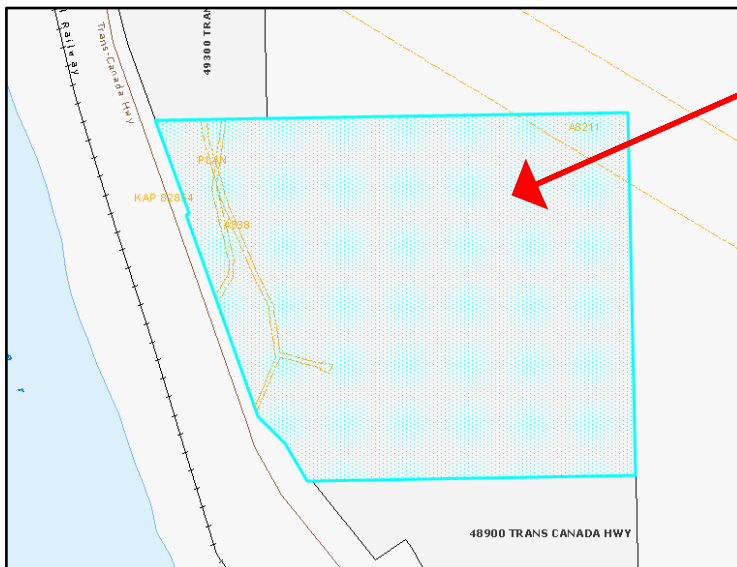
THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013* and the *BC Building Code*, at 49200 Trans Canada Hwy Electoral Area A, Fraser Valley Regional District, British Columbia (legally described as That Portion of Legal Subdivision 15 Section 2 Lying Easterly of the – Way of the Canadian Northern Pacific Railway; Township 11 Range 26 West of the 6th Meridian Yale Division Yale District Except Plan H670 (PID: 003-318-273) and Legal Subdivision 16 Section 2 Township 11 Range 26 West of the 6th Meridian Yale Division Yale District Except Plan G670 (PID: 003-318-206).

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship
Provide Responsive & Effective Public Services

BACKGROUND

June 12, 1991 Complaint received from Ministry of Health that there are three atco trailer structures on site, being used as a motel. There are rooms without proper septic services - some are for sale.



June 25, 1991	Building Inspector conducts site inspection – trailers are posted with stop work and no occupancy notices.
Nov. 25, 1991	Bylaw Enforcement Officer conducts site inspection – the acto trailer structures are still on site.
Nov. 18, 1993	Bylaw Enforcement Officer conducts site inspection – the acto trailer structures have been removed from property.
Feb. 21, 1994	Complaint received about unsightly premises on the property.
Jan. 4, 2005	Complaint received about unsightly premises on the property.
Mar. 20, 2006	Complaint received that the property is in worse condition and that someone is living in one of the unsecured structures on site.
Mar. 28, 2006	Bylaw Enforcement Officer conducts site inspection - spoke to previous tenant who is helping to clean up the site, and noted that there are several structures and vehicles in various states of disrepair.
Mar. 30, 2006	Bylaw Enforcement letter mailed to property owner regarding hazardous condition of property.
April 28, 2006	Building Inspector conducts site inspection.
Oct. 10, 2007	Bylaw Enforcement Officer conducts site inspection – property remains unsightly, worse condition of the 3 buildings and garage are in disrepair.
Oct. 22, 2007	Bylaw Enforcement Officer speaks with owner on telephone, the following is discussed: (1) property has been recently inherited; (2) one of owners is away until late November 2007; (3) arrangements made to re-connect in November 2007 with intent to bring property into compliance.
Nov. 6, 2007	Bylaw Enforcement Officer and Management meeting with owner at FVRD Office, the following is discussed: (1) owner promises to clean up site and secure buildings as soon as possible; and (2) owner agrees to meeting Bylaw Enforcement Officer at the end of the week with a timeline and plans on how he will secure the site.
Nov. 13, 2007	Bylaw Enforcement Officer speaks with owner by phone, owner states that he has recently been to the property and promises to clean up the pile of garage and fix a recently collapsed wall on one of the buildings within the next 2 weeks.
Jan. 16, 2008	Bylaw Enforcement Officer conducts site inspection – roof has caved in on the house closest to the roadway.
Jan. 28, 2008	Bylaw Enforcement Officer speaks with owner by phone advises him that great efforts need to be made to clean up the site. Owner agreed that once the snow melts that he would either secure the building property or demolish it.
April 23, 2008	Bylaw Enforcement Officer conducts site inspection – the following is noted: (1) Building closest to the road way remains unchanged and remains a hazard; and (2) the garage/barn in the rear of the property has collapsed and now poses a hazard.

July 14, 2008	Building Inspector and Bylaw Enforcement Officer conduct site inspection – the following was noted: (1) the garage has been torn down; (2) debris is piled up close to cement pad; and (3) all other structures remain in disrepair and in a hazardous condition.
Feb. 6, 2009	Bylaw Enforcement Officer conducts inspection – there is no change to condition of site.
Feb. 9, 2009	Bylaw Enforcement Officer attempts to contact owner by phone and voicemail is left.
Mar. 1, 2011	There is a front counter enquiry at the FVRD Office regarding this property from a potential purchaser.
Oct. 11, 2011	There is a front counter enquiry at the FVRD Office regarding this property from a potential purchaser.
Nov. 14, 2014	Bylaw Enforcement letter mailed to property owner regarding hazardous conditions on the site.
Jan. 5, 2015	Bylaw Enforcement Officer met with the property owner and the following was discussed: (1) the letter was reviewed; (2) Owners are unsure how to deal with structures; (3) have no plans to apply for permits for the structures (fire damaged foundation, single family dwelling or accessory structure); (3) geotechnical issues in the area and wasn't sure if re-build was possible; (4) owner declined to speak with planner; (5) intention was to sell the property as it is; (6) Bylaw Enforcement Officer reviewed possible enforcement measures and a compliance deadline of January 12, 2016; and (7) owner stated he has no plans to comply with FVRD requests.
Jan. 23, 2015	There is a front counter enquiry at the FVRD Office regarding this property from a Real Estate Agent for a potential purchaser. Planning and Bylaw Staff relayed land use and general bylaw issues on the site.
July 16, 2015	Bylaw Enforcement Officer and management staff conduct site inspection with RCMP in attendance to keep the peace.
Nov. 6, 2017	There was a front counter enquiry at the FVRD Office regarding this property from a potential purchaser. Officer is advised that fires and vandalism have completely destroyed most of the structures on the site. Planning and Bylaw Staff relayed land use and general bylaw issues on the site.
Jan. 17, 2018	There was a front counter enquiry at the FVRD Office regarding this property from a potential purchaser. Planning and Bylaw Staff relayed land use and general bylaw issues on the site. Staff is advised that the main dwelling (yellow house) is the only structure left on the property that still remains unsightly.
June 2018	Management received information that people were camping on the subject property.
July 18, 2018	Bylaw Enforcement letter mailed to property owner, operating a campsite without proper permits, deadline for response to FVRD is August 20, 2018.
July 23, 2018	Email response from owners daughter denying the operation of a campground.

Sept. 21, 2018	Joint site inspection conducted (Bylaw, Building, Planning Staff and RCMP to keep the peace); the property is located along the Trans-Canada Highway and the following was observed from the Highway and on the property: • The foundation of a building previously destroyed by fire has been filled with wood and debris. A pipe is sticking out of the debris, and is possibly a vent for a septic system. • A number of Mobile Homes and Recreational Vehicles and newly constructed additions were observed without building permits. • A number of shipping containers were also observed as placed on the property without building permits. • Property in general was in an untidy condition - with building materials, rubbish, debris found all thought the area fronting the property surrounding the RV's, and the single family dwelling. • The following four separate structures were posted with stop work and no occupancy Notices. 1. Structure 1 – One Ramada over two Recreational Vehicles. 2. Structure 2 – One addition Structure to Recreation Vehicle. 3. Structure 3 – One addition Structure to Recreational Vehicle with wood stove installed. 4. Structure 4 – One addition Structure to Commercial Vehicle Box. • There were several occupants living in each of the recreational vehicles/mobile homes on the property; the building inspector and management staff spoke with most of the occupants and encountered the property owners daughter who was aggressive, uttering threats and caused staff to cease the inspection for safety reasons.
Sept. 21, 2018	Email from Property Owners daughter – the following was outlined: (1) Doesn't believe there is any violations of building bylaw; (2) Staff should not have been on her property; (3) they have no intention in comply with FVRD; (4) they have ripped up the stop work and no occupancy notices; and (5) they all live on the property full time and will not be leaving.
Sept. 30, 2018	Email from Owner to Director – the following was discussed in the email: (1) the details of works without permits; and (2) the behavior of his daughter towards FVRD staff during the site inspection.
Oct. 4/5, 2018	FVRD Management received a phone call from Owners' daughter outlining that some of the construction issues on the property have been resolved.
Oct. 10, 2018	Email from Owner to Area Director of Planning – the following was discussed in the email: (1) details of the RV's that are on the property; and (2) he intends to pay the fines and comply with FVRD Regulations.
Oct. 18, 2018	Bylaw Enforcement letter mailed to property owner, with four bylaw notice tickets attached for construction without permits. The letter addresses the following issues:

(1) Construction without permits on multiple structures; (2) Mobile Homes, decks, and wood stoves require a building permit; (3) accessory structures that do not require permits; (4) ripped up stop work and no occupancy notices; (5) property access; (6) legal action against FVRD; (7) zoning – unauthorized camping on the property; (8) septic requirements; (9) previous bylaw enforcement; (10) unsightly property; and (11) conduct during the Sept. 21, 2018 site inspection. The FVRD requests compliance of all matters and the deadline for response to FVRD is Nov. 26, 2018.

INSPECTION PHOTOS OF SUBJECT PROPERTY:

January 5, 2005



March 10, 2008



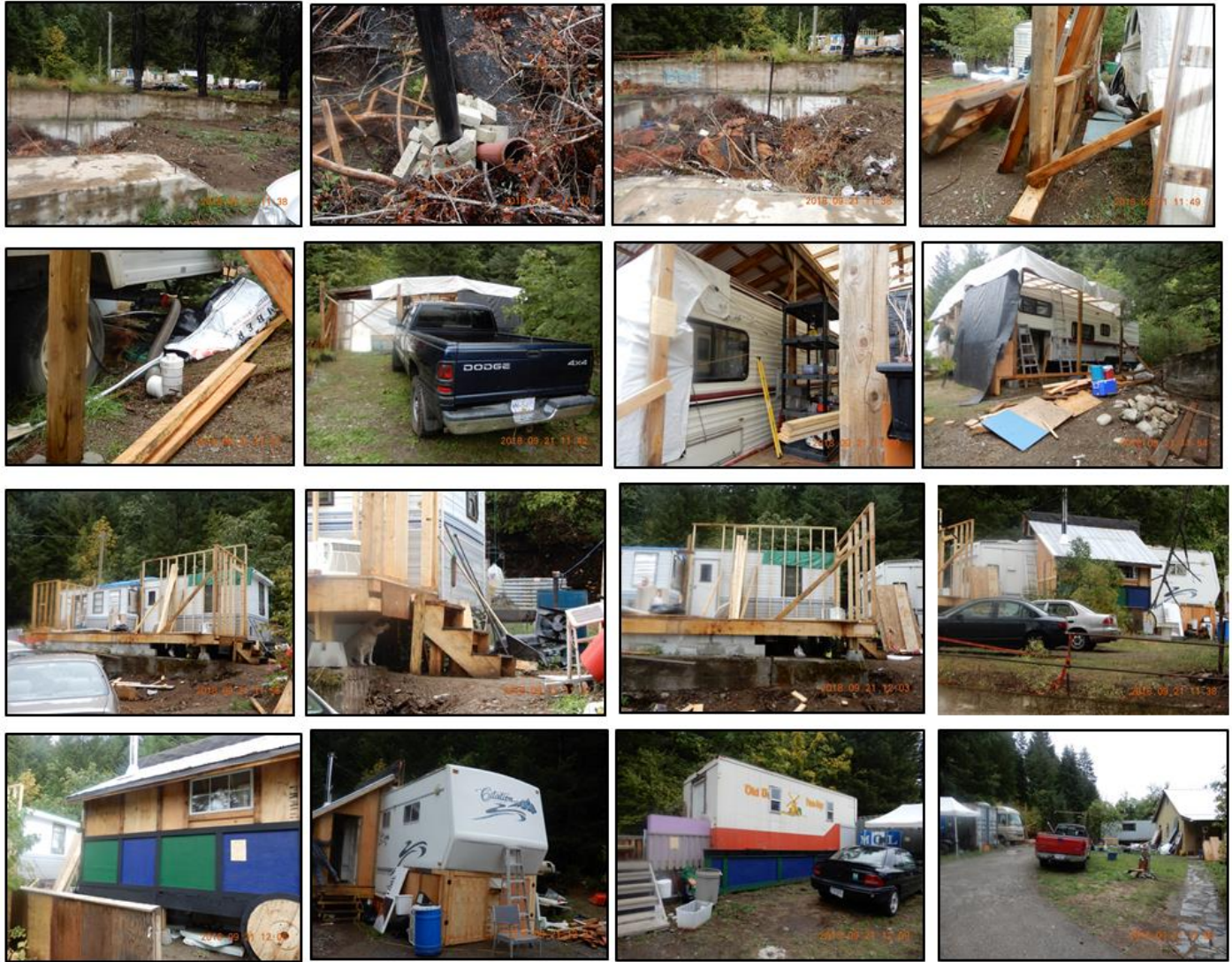
October 7, 2010



October 20, 2014



September 21, 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

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 following: (1) one ramada over two recreation vehicles; (2) one addition structure to a recreational vehicle; (3) one addition structure to recreation vehicle with wood stove installed; and (4) one addition structure to commercial vehicle box were all discovered in September of 2018 mid-construction.

Under Section 5.2(a) of the *Regional District Building Bylaw No. 1188, 2013* placement of any mobile home on any property is required to obtain a building permit from the Regional District.

When decks are over 215 square feet or elevated 2 or more feet above grade pursuant to section 5.2 and 5.4 of the *FVRD Building Bylaw No. 1188* and the *BC Building Code* they require a Building Permit.

The *FVRD Building Bylaw 1188* section 5.4 provides for an exemption for a building permit for an accessory structure, but only when it is single story and not intended to be used for residential occupancy as detailed below. All of the accessory structures on the subject property are intended for residential occupancy.

The *FVRD Building Bylaw 1188* Section 5.2(f) and 8.1.3 state that all wood stoves or solid fuel building appliances require a building permit

In the time since the construction was first discovered, the following works have been completed on the property:

- Building one – the ramada over the two recreational vehicles has been completely removed.
- Building two - the framing for the walls on the deck addition have been removed, now qualifying as exempt and no longer requiring a building permit.

Building three, the one addition structure to a recreation vehicle with wood stove installed, and building four, the one addition structure to a commercial vehicle box have both remained unchanged since they were first identified in 2018.

No building permit applications have ever been made for any of the above outlined structures.

Multiple Building Permits are required for the construction works undertaken by the property owner.

Zoning Bylaw

This property is in Electoral Area A, and a front portion of it is zoned Highway Commercial (C-2) of *Zoning Bylaw for Rural Portions of Electoral Area "A" No. 823, 1990* (Bylaw 823).

It has been confirmed by regional district staff that several recreational vehicles on the property are being used for residential purposes. The use of recreational vehicles as defined in Bylaw 823 is considered a camping use. Camping on the subject property is only permitted under regulated conditions and residential use of recreational vehicles is not permitted. Campground use is a listed permitted use in the C-2 zoned portion of the property. However, the development of a campground requires a permit as per the *Campground and Holiday Park Bylaw No. 1190, 1994*. The property owner does not currently have a campground permit, therefore camping is a prohibited land use on the property.

A campground permit would be required to authorize a campground use on the property.

COST

Land Titles Office filing fee of approximately \$74.

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 building three, the one addition structure to recreation vehicle with wood stove installed, and on building four, the one addition structure to commercial vehicle box are both either:

1. Demolished with Building Permits issued by the FVRD, with successful final inspections; or
2. Fully completed Building Permits for the construction works to both building three and building four are issued by the FVRD and both receive successful final inspections, and successful rezoning or the issuance of a of campground permit.

CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the construction works of the addition to the recreation vehicle with wood stove installed, and the addition to the commercial vehicle box structures without Building Permits 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 Building Permits for the construction of the addition to recreation vehicle with wood stove installed, and the addition to commercial vehicle box. 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