

April 20, 2018

Ms. Jo-Anne G. Hartley
43785 Ryall Road
Lake Errock BC V0M 1N0

FILE: C03727.377
CIVIC: 43785 Ryall Road
PID: PID: 006-746-063
LEGAL: Lot 139 Section 22 Township 24 New Westminster District Plan 32595

Dear Ms. Hartley:

**Re: Final Warning – Construction without a Building without a Permit – 43785 Ryall Road
Addition to the Single Family Dwelling and Craft Room/Storage Building**

Further to our previous telephone conversation of February 24, 2015 and our letters dated July 2, 2014 and May 21, 2014, the Fraser Valley Regional District staff has confirmed that your property at 43785 Ryall Road (the “property”) continues to remain in breach of Regional District bylaws despite our previous requests for compliance. Staff verified that the unauthorized construction on the Single Family Dwelling and the craft room/storage building were done without any of the required permits. See enclosed photos below:



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 to the Single Family Dwelling and the craft room/storage building on your property. It has now been more than almost nine years since the Regional District first discovered the unauthorized construction on your property.

Considering that you have not been able to meet any of the previously given deadlines to comply with the Building Permit requirements, the Regional District will 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 **May 11, 2018** 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 completed application forms include the following items:

- a) Fully completed building permit application form;
- b) BC Land Surveyor Foundation location survey;
- c) Detailed to scale drawings for the structure; and
- d) An initial application fee in the amount of \$150.00.

Following the receipt of your applications, 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>

If you fail to meet the above stated deadline of **May 11, 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

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. 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 from Bylaw Adjudication, dated February 2, 2015
Copy of Letter dated August 12, 2014
Copy of Letter dated July 2, 2014
Copy of Bylaw Enforcement Letter dated May 21, 2014
Copy of Building Permit Closure Letters dated May 21, 2014
Copy of Building Permit Incomplete and Geotechnical Letters dated September 16, 2010
Copy of Letter dated July 15, 2009
Section 57 Information Sheet

cc: Alec Niemi, Director of Electoral Area C
Margaret-Ann Thornton, Director of Planning & Development
Greg Price, Bylaw & Compliance Coordinator



Upper Fraser Valley Bylaw Adjudication System

February 2, 2015

Jo-Anne Hartley
PO Box 145
Lake Errock, BC
V0M 1N0

Dear Ms. Hartley:

**Re: Adjudication Hearing Judgment
Bylaw Offence Notice No. 23011**

Further to the Adjudication Hearing held on January 30, 2015, we confirm that it was determined by the Adjudicator at the hearing that the bylaw infraction did occur with respect to the above bylaw ticket issued to you.

Immediately following the Adjudicator's decision, the outstanding Bylaw Offence Notice totalling \$200.00 was to be paid by yourself, plus the adjudication fee of \$25.00, for a total of \$225.00. As no payment or any arrangements for payment were made after the hearing, we would advise that if we do not hear from you prior to February 16, 2015, we will immediately take steps for the collection of the monies owing, including possible legal action, without further notice to you.

Should you have any questions regarding this matter, please do not hesitate to contact our office at 604-793-2743.

Yours truly,

A handwritten signature in cursive script that reads "Janice McMurray".

Janice McMurray
Deputy City Clerk
/jc

Enclosure



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

August 12, 2014

File Number: 4010-20-C03727.377

Jo-Anne Hartley
43785 Ryall Road
Lake Errock, BC V0M 1N0

Dear Ms. Hartley:

Re: Issuance of Bylaw Offence Notice at 43785 Ryall Road; Legally Described as Lot 139 Section 22 Township 24 New Westminster District Plan 32595; Parcel Identifier: 006-746-063

Please find the enclosed Bylaw Offence Notice No.23011 issued to you, the property owner for failing to comply with the *Fraser Valley Regional District Building Bylaw 1188, 2013*.

On the reverse side of the Bylaw Offence Notice you will find the methods available to you to pay or dispute the penalty.

You may contact me Monday through Friday, 8:30am to 4:30pm at the toll-free number listed above, directly at 604-702-5015, or by email at jwells@fvrd.bc.ca if you have any further questions or concerns on how to bring your property into compliance with Regional District Bylaws. Further inspections will be conducted on your property until the file is closed.

Yours truly,

pp. 

Jennifer Wells
Bylaw, Permits & Licences Technician

Encl: Bylaw Offence Notice No. 23011
Copy of Letter dated July 2, 2014

cc: Wendy Bales, Director of Electoral Area C
Margaret Thornton, Director of Planning & Development

UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM

- City of Chilliwack District of Hope **BNE No 29033**
 District of Kent Fraser Valley Regional District
 Village of Harrison Hot Springs

BYLAW OFFENCE NOTICE

Local Government Bylaw Notice Enforcement Act

ISSUED TO:

SURNAME OR CORPORATE NAME: Hartley YOUNG PERSON

GIVEN NAMES (OR CORPORATE NAME CONTINUED): Jo Anne Gail GENDER: M/F BIRTHDATE (YY MM DD):

ADDRESS: 43785 Ryall Road

CITY: Lake Erskine PROVINCE: BC POSTAL CODE: V0M1N0

VEHICLE INFORMATION (IF APPLICABLE)

MAKE _____ MODEL _____

CLOUR _____ LICENCE NO. _____ PROVINCE _____

THE BYLAW ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED PERSON OR VEHICLE:

ON OR ABOUT 14/07/14 AT THE TIME OF 12:00 (24hr Clock)

AT OR NEAR 43785 Ryall Road Lake Erskine
STREET ADDRESS, CITY, PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE INDICATED, UNDER THE FOLLOWING BYLAW:

Building Bylaw # 1188

BYLAW NAME

DESCRIPTION OF OFFENCE	SECTION	PENALTY
<u>Construction without a permit</u>	<u>6.1</u>	<u>\$ 200</u>
		\$
		\$

EARLY PAYMENT TERMS

THE PENALTY WILL BE REDUCED BY \$10.00 IF PAYMENT IS RECEIVED WITHIN 14 DAYS. A SURCHARGE OF \$10.00 WILL BE APPLIED IF PAYMENT IS NOT RECEIVED WITHIN 28 DAYS.

IF YOU WISH TO DISPUTE THE ALLEGATION CONTAINED IN THIS TICKET, YOU MAY APPEAR AT THE FOLLOWING LOCATION TO FILE AN ADJUDICATION REQUEST:

Upper Fraser Valley Bylaw Adjudication Registry
6550 Young Road, Chilliwack, BC, V2P 6A4

OR DELIVER, HAVE DELIVERED OR MAIL AN ADJUDICATION REQUEST TO THE ADDRESS ON THE REVERSE.

IF YOU WISH TO PAY THE PENALTY, THE PENALTY AMOUNT MAY BE PAID AT THE ABOVE ADDRESS IN ACCORDANCE WITH THE PRESCRIBED INSTRUCTIONS (SEE REVERSE).

DATE SERVED August 11 2014

BY MAIL/COURIER HAND DELIVERED POSTED ON PROPERTY

ISSUING OFFICER [Signature]

SIGNATURE [Signature]

IF THE PENALTY IS NOT PAID, OR AN ADJUDICATION REQUEST IS NOT SUBMITTED WITHIN 14 DAYS OF RECEIVING THIS NOTICE THE PENALTY INDICATED WILL BECOME DUE AND PAYABLE.

BYLAW ADJUDICATION REGISTRY COPY

COPY



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

July 2, 2014

File Number: 4010-20-C03727.377

Jo-Anne Hartley
43785 Ryall Road
Lake Errock, BC V0M 1N0

Dear Ms. Hartley:

Re: Bylaw Enforcement Regarding Lapsed Building Permit Application at 43785 Ryall Road; Legally Described as Lot 139 Section 22 Township 24 New Westminster District Plan 32595; Parcel Identifier: 006-746-063

I am writing to you in connection with the above noted matter. Please be advised that our records indicate that your property remains in breach of Regional District bylaws. The compliance action requested in the letter dated May 21, 2014 does not appear to have been carried out. It is imperative that this action be completed in order to avoid further bylaw enforcement.

The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws, therefore, please contact the Regional District immediately to advise of your intentions in respect to resolving this issue. Should you fail to contact this office by July 17, 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 contact me Monday through Friday, 8:30am to 4:30pm at the toll-free number listed above, directly at 604-702-5015, or by email at jwells@fvrd.bc.ca to discuss this issue further. Thank you in advance for your cooperation.

Yours truly,

Jennifer Wells
Bylaw, Permits & Licences Technician

encl: Copy of Letter dated May 21, 2014

cc: Wendy Bales, Director of Electoral Area C
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 e-mail: info@fvrd.bc.ca

May 21, 2014

File Number: 4010-20-C03727.377

Jo-Anne Hartley
43785 Ryall Road
Lake Errock, BC V0M 1N0

Dear Ms. Hartley:

Re: Lapsed Building Permit Applications at 43785 Ryall Road; Legally Described as Lot 139 Section 22 Township 24 New Westminster District Plan 32595; Parcel Identifier: 006-746-063

As you are aware from the enclosed letters dated May 21, 2014, the above referenced Building Permit Applications have been closed. Your projects remain incomplete and are 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 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 you apply for building permit renewals or remove the illegal construction no later than **June 23, 2014**. 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.

You may contact the Building Department Monday through Friday, 8:30am to 4:30pm at the toll-free number listed above to discuss this issue further. You may also contact me directly at 604-702-5015, or by email at jwells@fvrd.bc.ca with any questions. Thank you in advance for your cooperation.

Yours truly,

Jennifer Wells
Bylaw, Permits & Licences Technician

encl: Letters dated May 21, 2014

cc: Wendy Bales, Director of Electoral Area C
Margaret Thornton, Director of Planning & Development



COPY

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 e-mail: info@fvrd.bc.ca

File Number: 3800-30-BP012347C

May 21, 2014

HARTLEY, JO-ANNE G
43785 RYALL RD
LAKE ERROCK BC V0M 1N0
PO BOX 145

Dear Property Owner:

Re: Building Permit Application No. BP012347 for the purposes of constructing a CRAFT ROOM & STORAGE BUILDING on property legally described as LOT 139, SECTION 22, TOWNSHIP 24, NEW WESTMINSTER DISTRICT, PLAN NWP32595 known as 43785 RYALL RD.

Further to our letter of January 11, 2013, please be advised that the above 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.

Should you wish to bring your property into compliance with all current bylaws, it will be necessary for you to contact the Bylaw Enforcement office 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.

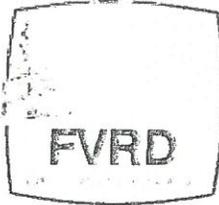
Please feel free to contact me at 604-702-5016 should you require any further information or assistance.

Yours sincerely,

Monica Stuart
Building & Bylaw Clerk

cc: Wendy Bales, Director of Electoral Area C
Margaret Thornton, Director of Planning & Development
Bylaw Enforcement, file no. **C03727.377**

COPY



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 e-mail: info@fvrd.bc.ca

File Number: 3800-30-BP012346C

May 21, 2014

HARTLEY, JO-ANNE G
43785 RYALL RD
LAKE ERROCK BC V0M 1N0
PO BOX 145

Dear Property Owner:

Re: Building Permit Application No. BP012346 for the purposes of constructing a Addition to Single Family Dwelling on property legally described as LOT 139, SECTION 22, TOWNSHIP 24, NEW WESTMINSTER DISTRICT, PLAN NWP32595 known as 43785 RYALL RD.

Further to our letter of January 11, 2013, please be advised that the above 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.

Should you wish to bring your property into compliance with all current bylaws, it will be necessary for you to contact the Bylaw Enforcement office 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 black ink, appearing to read "MS", with a small dot at the end.

Monica Stuart
Building & Bylaw Clerk

cc: Wendy Bales, Director of Electoral Area C
Margaret Thornton, Director of Planning & Development
Bylaw Enforcement, file no. C03727.377



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 e-mail: info@fvrd.bc.ca

File Number: 3800-30-BP012346C

16 September 2010

HARTLEY, JO-ANNE G
43785 RYALL RD
LAKE ERROCK BC V0M 1N0
PO BOX 145

Dear Ms. Hartley:

Re: Building Permit Application No. BP012346 for the Purposes of Constructing a Addition to Single Family Dwelling on property legally described as LOT 139, SECTION 22, TOWNSHIP 24, NEW WESTMINSTER DISTRICT, PLAN NWP32595 known as 43785 RYALL RD.

In connection with the above referenced application, an inspection of the proposed site carried out on 10 September 2010 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 Sarah Ross in 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,
Building Inspector.

Enc.



FRASER VALLEY REGIONAL DISTRICT

45850 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 e-mail: info@fvrd.bc.ca

File Number: 3800-30-BP012346C

16 September 2010

FRIESEN, VICTOR
43785 RYALL ROAD
PO BOX 145
LAKE ERROCK, BC V0M 1N0

Dear Mr. Friesen:

Re: Building Permit Application No. BP012346 for the Purposes of Constructing a Addition to Single Family Dwelling on property legally described as LOT 139, SECTION 22, TOWNSHIP 24, NEW WESTMINSTER DISTRICT, PLAN NWP32595 known as 43785 RYALL RD.

I am writing to you in connection with the above noted building permit application dated Aug 16, 2010. Please be advised that the application is not approvable in its present form. To resolve this matter, please address the following outstanding items.

1. The Building Inspector has determined that a geotechnical report is required pursuant to section 56 of the Community Charter. Please see the attached form letter from Rudy Wieler. Before engaging a geotechnical engineer to prepare a report, please contact Sarah Ross in the Planning Department at 604-702-5000. You should be aware that there may be conditions specified in the geotechnical report which could require supervision by an engineer on site.
2. Please submit a sealed soils comment and Geotechnical Schedules B1/B2 from a professional engineer.
3. Please submit Architectural Schedules B1/B2 and 3 sets of sealed drawings from a registered professional for items 1.18 Roofing and flashing and 1.20 Thermal insulation systems, including condensation control and cavity ventilation for the roof assembly.
4. Please submit a revised, scaled site plan that includes a) the entire property complete with all existing buildings and structures, b) the proposed house addition with setbacks to all property lines, c) the location of the septic field, tank and driveway d) rock pit/storm drainage system (minimum 5.0m from any foundation).
5. Please submit 3 complete sets of construction drawings that reflect all requirements of the above noted geotechnical report (final version).
6. Please have Jo-Anne Hartley complete and submit the attached Letter of Agency for Victor Friesen.
7. Please complete the Building, Value of Construction and Ancillary Heating sections of the attached copy of your Building Permit Application and return it to this office.

8. Please submit 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 proposal will meet all Provincial Sewage System Regulations. For a list of authorized persons please call 604 585-2788 or go online to owrp.asttbc.org
9. Please submit an existing Highway Access Permit from the Ministry of Transportation or complete and submit the attached statement.

The permit application will be held in abeyance pending the receipt of the above noted items. Further information may be required upon the review of this documentation. Thank you in advance for your cooperation.

Yours sincerely,



Rudy Wieler, ASCT,
Building Inspector.

Enc.

cc: Frank Kelly, MCIQB, Deputy Director of Planning and Development
Wendy Bales, Director of Electoral Area C



FRASER VALLEY REGIONAL DISTRICT

45950 Cheam Avenue, Chilliwack, British Columbia V2F 1N6

Phone: 604-702-5000 Toll Free: 1-800-526-0061 (BC only) Fax: 604-792-9684
website: www.fvrd.bc.ca e-mail: info@fvrd.bc.ca

File Number: 3800-30-BP012347C

16 September 2010

HARTLEY, JO-ANNE G
43785 RYALL RD
LAKE ERROCK BC V0M 1N0
PO BOX 145

Dear Ms. Hartley:

Re: Building Permit Application No. BP012347 for the Purposes of Constructing a CRAFT ROOM & STORAGE BUILDING on property legally described as LOT 139, SECTION 22, TOWNSHIP 24, NEW WESTMINSTER DISTRICT, PLAN NWP32595 known as 43785 RYALL RD.

In connection with the above referenced application, an inspection of the proposed site carried out on 10 September 2010 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 Sarah Ross in 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,
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: 604-792-9664
website: www.fvrd.bc.ca e-mail: info@fvrd.bc.ca

File Number: 3800-30-BP012347C

16 September 2010

HARTLEY, JO-ANNE G
43785 RYALL RD
LAKE ERROCK BC V0M 1N0
PO BOX 145

Dear Ms. Hartley:

Re: Building Permit Application No. BP012347 for the Purposes of Constructing a CRAFT ROOM & STORAGE BUILDING on property legally described as LOT 139, SECTION 22, TOWNSHIP 24, NEW WESTMINSTER DISTRICT, PLAN NWP32595 known as 43785 RYALL RD.

I am writing to you in connection with the above noted building permit application dated Aug 16, 2010. Please be advised that the application is not approvable in its present form. To resolve this matter, please address the following outstanding items.

1. The Building Inspector has determined that a geotechnical report is required pursuant to section 56 of the Community Charter. Please see the attached form letter from Rudy Wieler. Before engaging a geotechnical engineer to prepare a report, please contact Sarah Ross in the Planning Department at 604-702-5000. You should be aware that there may be conditions specified in the geotechnical report which could require supervision by an engineer on site.
2. Please submit Schedules B1/B2 and 3 sets of sealed drawings from a professional engineer for the following disciplines:
 - a. Architectural
 - b. Plumbing
 - c. Structural, required for all structural aspects of the project that reflect a frost depth of 0.45m and snow loads of, $S_s = 2.4\text{kPa}$ and $S_r = 0.7\text{kPa}$
 - d. Geotechnical, including a sealed soils comment
3. Please submit a revised, scaled site plan that includes a) the entire property complete with all existing buildings and structures, b) the proposed building with setbacks to all property lines, c) the location of the septic field, tank and driveway d) rock pit/storm drainage system (minimum 5.0m from any foundation).
4. Please submit a BC Land Surveyor foundation location survey complete with setbacks to each property line.
5. Please submit 3 complete sets of construction drawings that reflect all requirements of the above noted geotechnical report (final version).

6. Please have Jo-Anne Hartley complete and submit the attached Letter of Agency for Victor Friesen.
7. Please complete the Building, Value of Construction, Plumbing and Ancillary Heating sections of the attached copy of your Building Permit Application and return it to this office.
8. Please complete and submit the attached Building Permit Application for the construction of the Storage Building north-east of the craft room/storage building.
9. Please submit 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 support the proposed washroom in the craft room/storage building and that the proposal will meet all Provincial Sewage System Regulations. For a list of authorized persons please call 604 585-2788 or go online to owrp.asttbc.org
10. Please submit an existing Highway Access Permit from the Ministry of Transportation or complete and submit the attached statement.

The permit application will be held in abeyance pending the receipt of the above noted items. Further information may be required upon the review of this documentation. Thank you in advance for your cooperation.

Yours sincerely,



Rudy Wieler, ASCT,
Building Inspector.

Enc.

cc: Frank Kelly, MCIOB, Deputy Director of Planning and Development
Wendy Bales, Director of Electoral Area C



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 e-mail: info@fvrd.bc.ca

File Number: 4010-20-C03727.377

July 15, 2009

Jo-Anne Hartley
PO Box 145
Lake Erroch, BC V0M 1N0

Dear Jo-Anne Hartley:

Re: Lapsed Building Permit at 43765 Ryall Road; Legally Known as BCA Long Legal Lot 139, Section 22, Township 24, New Westminster District, Plan 32595, and PID 006-746-063.

As you are aware from our letter dated May 11, 2009, and our phone conversation on June 19, 2009, the above referenced Building Permit lapsed on May 15, 2009. Your project remains incomplete and is not covered by a valid building permit as required by Fraser Valley Regional District Building Bylaw No.0034, 1996. Therefore, your file has been referred 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 of your intentions with respect to this matter. Further, we request you apply for a building permit renewal or remove the illegal construction no later than **August 4, 2009**. 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.

You should be aware that a new By-Law Enforcement Notice System is now in effect in the Fraser Valley Regional District. Failure to comply with our request may result in you, the property owner, being liable to substantial fines. Furthermore, each subsequent day of failing to comply may result in additional fines.

You may reach the Building 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 604-702-5015 if you have any questions. Thank you in advance for your co-operation.

Yours sincerely,

Jennifer Wells
Bylaw, Permits and Licences Technician

cc: Frank Kelly, MCI0B, Deputy Director of Planning & Development
Wendy Bales, Director of Electoral Area C



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:
- direct the staff to file a *Notice* in the Land Title Office;
 - direct staff not to file a *Notice* in the Land Title Office; or
 - 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:

- 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
- 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.

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 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.