

To: CAO for the Electoral Area Services Committee

Date: 2019-07-09

From: Louise Hinton, Bylaw Compliance & Enforcement Officer

File No: C03727.377

**Subject:** Building Bylaw and BC Building Code Contraventions at 43785 Ryall Road Road, Electoral Area C, Legally Described as: Lot 139, Section 22 Township 24 New Westminster District Plan 32595 (PID: 006-746-063).

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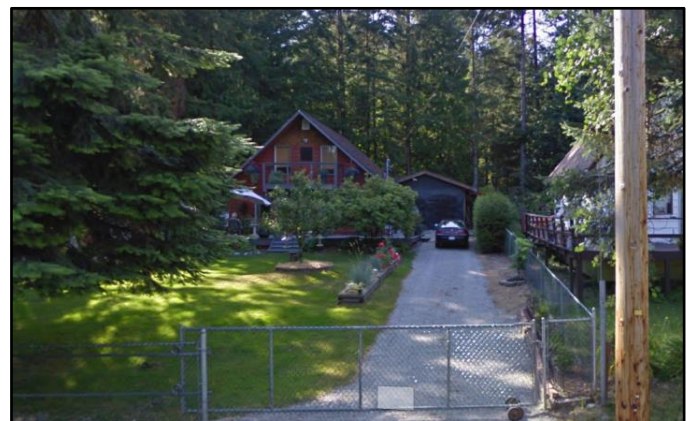
### RECOMMENDATION

**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 and the BC Building Code*, at 43785 Ryall Road, Electoral Area C, Fraser Valley Regional District, British Columbia (Legally described as: Lot 139, Section 22 Township 24 New Westminster District Plan 32595 (PID: 006-746-063).

### STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship  
Provide Responsive & Effective Public Services

### BACKGROUND



May 15, 2007 Building Permit for construction of a carport for storage was issued (BP06103).

Dec. 17, 2007 Building Inspector conducted a site inspection of the property and noted that construction was completed without any inspections. The carport was posted with both Stop Work and No Occupancy Notices. Building Inspector requested all items to be submitted prior to continuation with permit.

May 11, 2009 FVRD Building Department mailed letter to owner that her Building Permit for the carport construction (BP06103) was going to expire with outstanding health and safety deficiencies. Deadline to responds to FVRD was May 15, 2009.

June 19, 2009 FVRD Bylaw Officer received notice of the expired Building Permit (BP06103) and contacted owner by telephone – the property owner relayed the following information regarding her outstanding Building Permit items: (1) she will supply the structural B1/B2 schedules and 3 sets of sealed drawings from the engineer; (2) she understands that a BC Land survey is required; (3) the roof is not to be attached to existing dwelling; and that she will hand in all outstanding paperwork by June 26, 2009.

July 14, 2009 FVRD Bylaw Officer attempted to contact owner, there was no answer, so a detailed voice mail was left.

July 15, 2009 Bylaw letter mailed to owner is mailed to owner, deadline for response to FVRD is August 4, 2009.

Aug. 20, 2009 Bylaw letter mailed to owner, deadline for response to FVRD is September 10, 2009.

Sept. 24, 2009 FVRD Bylaw Officer attempted to contact owner, there was no answer, so a detailed voice mail was left.

Oct. 5, 2009 Owner makes a new Building Permit Application (BP012083) to FVRD for the carport.

Nov. 25, 2009 Building Inspector conducted a site inspection to update file and noted the remaining outstanding Building Permit items to be submitted.

July 6, 2010 FVRD Bylaw Officer attended property for site inspection, owners husband Mr. Friessen and the contractor were both present. Mr. Friessen was replacing deck (about 3' x 7' in size) attached to the dwelling, when FVRD Bylaw Officer stated a permit was required for those works. Mr. Friessen disagreed with the Bylaw Officer, stating that he didn't believe he needed a permit because it was

already existing and too small. FVRD Bylaw Officer told Mr. Friessen to stop work on the deck. Mr. Friesen stated he was going to pour concrete as soon as possible anyways.

Mr. Friessen showed Bylaw Officer around the property. The carport (which is attached to the Single family dwelling) has been changed to a craft shop. Mr. Friessen pointed out that a structure, intended for storage has been constructed beside the craft shop, on the opposite side of the dwelling. Bylaw Officer asked Mr. Friessen when the storage shed was constructed, and he replied that it was pre-existing. Mr. Friessen explained that he was going to meet with his Engineer later that week and would hand in the B1's B2's for the craft shop. Mr. Friessen agreed to come into the Regional District and change the description of the existing Building Permit because what he has constructed is now considered a craft shop/storage building, not a carport. Mr. Friessen then explained that he was also meeting with his Engineer because he also intended on renovating his dwelling. He explained that he wanted to remove the wall at the front of the house and extend it to create more living space. He showed the Bylaw Officer a copy of his construction drawings that he was taking to his meeting. Officer explained that they will also require a Building Permit for any renovations to the dwelling.

- Aug. 16, 2010 Mr. Friessen made two separate Building Permit Applications to the FVRD: 1. (BP012347) for the craft and storage building – originally the carport and 2. (BP012346) for the addition to the single family dwelling.
- Aug. 19, 2010 Building Inspector attends the property for a building inspection for the applied for permits, but the property owner refused the Inspector access to the property.
- Feb. 3, 2011 Bylaw Officer was in the area on another inspection and noticed that there was additional construction works on the property.
- June 5, 2012 Building Inspector calls to arrange meeting with Mr. Friessen, however Mr. Friessen refuses to deal with one of the FVRD inspectors. A second Building Inspector contacts Mr. Friessen and re-schedules the meeting for June 6, 2012.
- June 6, 2012 Mr. Friessen contacted FVRD and canceled the scheduled meeting. Building Inspector attempts to contact owner to re-schedule meeting, but there was no answer, so a detailed voice mail was left.
- June 8, 2012 Building Inspector contacts Mr. Friessen and again re-schedules the meeting for a second time on 10am on June 12, 2012.
- June 12, 2012 Mr. Friessen contacts FVRD and for a third time and cancels the same day meeting at the Deroche Office because of another meeting he had and re-schedules the initial meeting for June 13, 2012.

June 13, 2012	FVRD Staff attend Deroche Office for meeting and Mr. Friessen did not show up at 10am as agreed, he arrived at 12:10pm as the Building Inspector was leaving the office. Meeting was again re-scheduled on site for June 14, 2012 at 10am at the Deroche Office.
June 14, 2012	Building and Bylaw Staff had a meeting with Mr. Friessen who advised he would be submitting Building Permit application documents next week.
July 3, 2012	Building department refers file back to bylaw enforcement as there has been no action on either of the Building Permits.
Mar. 27, 2014	Building Inspector attempts to contact owner to schedule a meeting, but there was no answer, so a detailed voice mail was left.
May 13, 2014	Bylaw Officer conducted drive-by inspection of the property and observed that the craft room addition still exists on the property.
May 21, 2014	Bylaw letter is mailed to owner, regarding lapsed Building Permit applications – the deadline for response to FVRD is June 23, 2014.
July 2, 2014	Bylaw letter is mailed to owner, regarding lapsed Building Permit applications – the deadline for response to FVRD is July 17, 2014.
Aug 12, 2014	Bylaw letter is mailed to owner, regarding non-compliance with bylaw ticket No. (23011) attached.
Sept. 8, 2014	Bylaw Officer receives notice that Bylaw ticket has been disputed.
Jan. 30, 2015	Bylaw Adjudication hearing results that the bylaw ticket is upheld.
Feb. 18, 2015	Bylaw Officer receives notice from the adjudication system administrator that, the property owner Ms. Hartley has paid her outstanding bylaw ticket fines.
Feb. 24, 2015	Bylaw Officer and Director of Planning speak with owner on the telephone – the following is discussed: (1) Owners do not wish to pursue Building Permits for the construction that has already occurred on the property; (2) Bylaw Officer explains the notice on title process; (3) <b><u>Owner is agreeable to a section 57, notice on title and understands that the file will stay open until such time as it is resolved even with a notice on the title;</u></b> (4) Bylaw Officer requests owner provide information of all construction to move forward with the process.
<b>March 2015 – March 2018</b>	There is no further action by FVRD Bylaw Enforcement Staff during this time period due to reduced Regional District Bylaw Department Staffing levels. The Notice on Title process for this property is in the queue for processing.

April 20, 2018

Final Warning letter is mailed to the property owner prior to the start of the notice on title process – the deadline for response to FVRD is May 11, 2018.

June 18, 2019

Bylaw Staff sent a letter by mail to owner notifying him of the show cause hearing for July 9, 2019.

**INSPECTION PHOTOS OF SUBJECT PROPERTY:**

July 6, 2010 - (Continued Construction)



August 3, 2010 - (Continued Construction)



February 3, 2011 - (Continued Construction)



May 24, 2019 – (Continued Construction)



## **DISCUSSION**

### 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 2007 the owner was issued a Building Permit for the construction of a carport for storage. During the progress of that permit Building Inspector identified that additional works had been done without permits and the carport was posted with stop work and no occupancy notices. The permit was never completed and subsequently expired with health and safety deficiencies. In 2009 the owner renewed the permit for the carport; however the permit again lapsed due to inactivity.

In 2010 the Bylaw Department identified construction works on site vary from those in the lapsed permit and additional works without a permit to the single family dwelling. Two new Building Permit applications were applied for: (1) BP012347 – for craft shop/storage space (previously carport), and (2) BP012346 for the addition to the dwelling. Both of the required permits lapsed in 2014 due to inactivity.

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

#### **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 the craft room/storage building – previously identified as a carport, and the addition to the single family dwelling are either:

1. Demolished with Building Permits issued by the FVRD, with a successful final inspection; or
2. Fully completed Building Permits for the construction works to the craft room/storage building, and the addition to the single family dwelling are both issued by the FVRD and receive successful final inspections.

#### **CONCLUSION**

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the construction works of the craft room/storage building – previously identified as a carport, and the addition to the single family dwelling 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 works to the craft room/storage building, and the addition to the single family dwelling. 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.

**Jennifer Kinneman, Acting Chief Administrative Officer**              Reviewed and supported.