

To: CAO for the Electoral Area Services Committee

Date: 2019-10-08

From: Adriana Snashall, Bylaw Compliance & Enforcement Officer

File No: A06056.000

Subject: Building Bylaw and BC Building Code Contraventions at (no civic address) Chaumox Road, Electoral Area A, Fraser Valley Regional District, British Columbia, legally described as: The North ½ of the North East ¼ of Section 15 Township 11 Range 26 West of t

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 (no civic address) Chaumox Road, Electoral Area A, Fraser Valley Regional District, British Columbia, legally described as: the North ½ of the North East ¼ of Section 15 Township 11 Range 26 West of the 6th Meridian Yale District Except Plans 15647, 18440, 18715 and 20574; PID 014-633-451.

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship

Support Healthy & Sustainable Community

Provide Responsive & Effective Public Services

BACKGROUND





- June 12, 2017 Bylaw Enforcement staff received information regarding construction without building permits of no less than six Residential Dwellings and one in-ground pool located on a property with no civic address on Chaumox Road in North Bend.
- June 14, 2017 Site inspection is performed by FVRD Bylaw Enforcement staff with RCMP in attendance due to the remote area and to keep the peace. Staff verified construction of four large Residential Dwellings (Cabins), two Ramada's with Atco style trailers for residential use, one in-ground pool, several RV trailers and various outbuildings on the property. Stop Work and No Occupancy notices were posted on each of the six residential structures. Staff also noted household garbage and assorted rubbish littered the property, charred evidence of garbage burning, and charred remains of a structure foundation.
- June 19, 2017 FVRD Bylaw Enforcement staff is contacted by one of the registered property owners on the telephone regarding the Stop Work and No Occupancy notices posted on the property. A meeting was arranged for the property owners to speak with staff in the Chilliwack Office.

- June 22, 2017 FVRD Bylaw Enforcement, Building, and Planning staff met with three of the six registered property owners in the Chilliwack Office. Land Use restrictions, hazard issues and implications on obtaining build permits were discussed. The property owners provided the following information:
- Property (bare land) was purchased in 2012 with no structures
 - Property is currently used for vacation purposes
 - All but one Cabin and all RV trailers are serviced by a 'Pit' style septic; one Atco style trailer has separate septic field
 - 'Clubhouse' Atco trailer is co-owned; each owner has their own Cabin or RV trailer
 - Water Licence to Terrance Creek applied for in December 2016
- FVRD staff requested all property owners to meet amongst themselves and decide on how they would like to proceed to remediate their property.
- March 8, 2018 FVRD Bylaw Enforcement staff received a telephone call from a new complainant requesting to meet at the Chilliwack Office.
- March 12, 2018 FVRD Bylaw Enforcement and Building staff met with the new complainant to discuss ongoing non-compliance of FVRD bylaws. Staff directed the complainants concerns of illegal and criminal activities occurring on the property and in the surrounding area to the appropriate agencies including RCMP, Ministry of Forests, Lands and Natural Resource Operations, Conservation Officer Service, BC Assessment, and Technical Safety BC.
- April 20, 2018 Letter mailed and emailed to all registered property owners summarizing bylaw enforcement contraventions with a deadline of May 21, 2018 to contact staff.
- May 8, 2018 FVRD Bylaw Enforcement staff is contacted by one of the registered property owners on the telephone regarding the April 20, 2018 letter. Another meeting is arranged for the property owners to speak with staff in the Chilliwack Office.
- May 18, 2018 FVRD Bylaw Enforcement and Planning staff met with several registered property owners in the Chilliwack Office. The property owners indicated that they intended to rezone the property to allow 'Multiple Seasonal Dwellings'. All of the unpermitted construction is located on the *Agricultural Land Commission* (ALC) portion of the property. Staff explained that in order to proceed with any FVRD land use amendments or building permits, an application to the ALC must first be made for a Non-Farm Use or Exclusion.
- May 29, 2018 Letter mailed and emailed to all six registered property owners summarizing the May 18, 2018 meeting with a deadline of July 9, 2018 to submit fully completed Non-Farm Use application to the ALC, or to submit building permit applications to effect the removal of the unpermitted structures on the property.
- July 23, 2018 FVRD Bylaw Enforcement staff received confirmation from Planning staff that a Non-Farm Use application (57826) has been made to the ALC.

August 2, 2018	Email received from one of the property owners requesting to meet staff and Area Director Terry Raymond at the Chilliwack Office to discuss the property.
August 10, 2018	FVRD Bylaw Enforcement, Building, and Planning staff along with Margaret-Ann Thornton Director of Planning & Development and Area Director Terry Raymond met with one of the registered property owners in the Chilliwack Office. Staff explained the status of the Bylaw Enforcement file, and the recent application made to the ALC for Non-Farm Use approval. The property owner advised staff that they had not signed any recent documents pertaining to the property and they were unaware of the recent application made to the ALC. Staff recommended the property owner contact the ALC and FVRD in writing to formally advise of the concerns with the property and application.
August 17, 2018	Letter mailed and emailed to all six registered property owners requesting an Agent Authorization Letter be completed and submitted to the ALC Application Portal for <i>each</i> of the six property owners in order to continue with the ALC application (57826) with a deadline of September 1, 2018.
September 14, 2018	FVRD Bylaw Enforcement staff received confirmation from Planning staff that the property owners have not submitted the outstanding Agent Authorization Letters for each property owner to the ALC.
September 17, 2018	Second letter mailed and emailed to all six registered property owners requesting an Agent Authorization Letter be completed and submitted to the ALC Application Portal for each of the six property owners in order to continue with the ALC application (57826) with a deadline of October 16, 2018.
September 17, 2018	FVRD Bylaw Enforcement staff submitted a Non-Farm Use complaint to the <i>Agricultural Land Commision</i> .
September 20, 2018	FVRD Bylaw Enforcement staff received a voice message from a law firm representing five of the six registered property owners requesting to discuss options for the property owners.
October 12, 2018	Letter received from five of the six registered property owners requesting an extension until February 15, 2019 to deal with issues and legal work relating to the ownership of the property. Extension is granted until February 15, 2019.
February 12, 2019	Email sent to all six registered property owners requesting update on the status of their ALC application and reminder of the extension deadline of February 15, 2019.
February 19, 2019	FVRD Bylaw Enforcement staff received a telephone call from one of the six registered property owners. Property owner advised that they have been unable to resolve the ownership dispute and wanted to discuss any other possible options to

keep all of the construction as built. Staff advised that the ownership dispute was a civil matter and that without ALC approval, the FVRD was not able to proceed with land use amendments or building permits to allow the dwellings to remain; only option at that point to bring the property into compliance with FVRD regulations was to submit building permit applications to remove the structures. The property owner stated they might let the property go to tax sale or try to sell it. Staff advised that bylaw contraventions 'run with the land' and the enforcement file would remain open regardless of a change in ownership. Staff requested the property owners discuss how they would like to move forward and advise the FVRD of their intentions within two weeks' time.

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| February 26, 2019 | Email received from one of the property owners following up on the August 10, 2019 meeting and advising that a formal letter was forthcoming by mail. |
| April 23, 2019 | Letter received from one of the property owners as per February 26, 2019 email. |
| May 21, 2019 | FVRD Bylaw Enforcement staff discussed next steps at weekly team meeting. Staff in agreement that a Section 57 Notice is recommended to be placed on the Land Title to notify any potential purchasers and stakeholders of the extensive bylaw contraventions on the property. |
| May 22, 2019 | FVRD Planning staff advised Bylaw Enforcement staff and property owner applicant via email that the ALC application (57826) has been closed. |
| August 16, 2019 | FVRD Bylaw Enforcement staff visit the subject property to update file photos. Staff did not enter onto property; from the road there are no apparent changes noted and the unpermitted construction works remain. |

SITE INSPECTION PHOTOS

June 14, 2017



Entrance to "Hawkland" property from Chaumox Road.



Cabin A; posted with Stop Work and No Occupancy.



Cabin B; posted with Stop Work and No Occupancy.



Cabin C; posted with Stop Work and No Occupancy.



Cabin D; posted with Stop Work and No Occupancy.

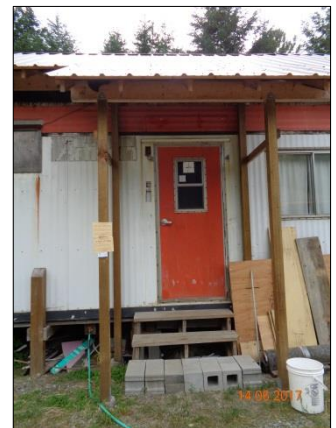


In-ground pool; located behind Cabin D.





Cabin E and Ramada; posted with Stop Work and No Occupancy.



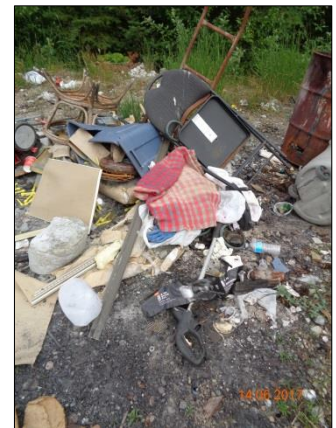
Cabin F and Ramada; posted with Stop Work and No Occupancy.



Gazebo/Storage Structure.



Chicken Coop and Outbuilding.



Accumulation of household garbage, furniture, and construction debris; evidence of garbage burning.



Trailer 1; appears to be connected to a septic system.

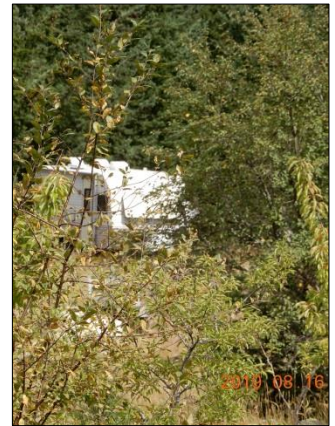


Trailer 2 and discarded construction debris.

August 16, 2019



Entrance to "Hawkland" property from Chaumox Road.



Cabin D viewed from Chaumox Road (left); Cabin F and Ramada (middle); Trailer 2 (right).



Chicken Coop area viewed from Chaumox Road.

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 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. This bylaw provides that no person shall commence any construction, alteration,

reconstruction, demolition, removal, relocation or change of occupancy of any building. No building permit applications have ever been received for any of the structures currently located on the subject property.

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

Zoning Bylaw

This property is zoned RURAL (R-1) and RURAL RESOURCE (R-4) pursuant to the *Zoning Bylaw for the Rural Portions of Electoral Area "A", Regional District of Fraser-Cheam Bylaw No. 823, 1989* (Zoning Bylaw). The zoning designation permits not more than one Residential Dwelling on a parcel. A secondary Residence Use may be permitted on the parcel provided that the second residence meets the provisions set out in Section 4.1.2; however none of these provisions are applicable in this situation.

A portion of this property is designated as Agricultural Land Reserve (ALR) pursuant to the Provincial *Agricultural Land Commission* (ALC). All of the unpermitted construction is located on the ALR portion of the property. ALC approval is required before submitting any FVRD land use amendment or building permit applications. A Non-Farm Use application was made to the ALC to permit 'Multiple Seasonal Dwellings', but was subsequently cancelled as incomplete. The ALC Application Portal identified that an Agent Authorization Letter had not been completed for *each* of the six registered property owners. Without ALC approval, the FVRD cannot proceed with any land use amendments or building permit applications.

In order to permit the construction works as built, a successful rezoning of the subject property is required to authorize "Multiple Seasonal Dwelling Use". A successful Non-Farm Use application to the ALC is required prior to any FVRD land use amendments or building permit applications.

COST

Land Titles Office filing fee of approximately \$74.

The owners will be required to pay an administration fee of \$500 in accordance with the *Fraser Valley Regional District Building Bylaw 1188, 2013* after the unauthorized construction works of multiple Residential Dwellings and Accessory Residential structures are either:

1. All demolished under one Demolition Permit issued by the FVRD with a successful final inspection; or
2. One fully completed Building Permit issued by the FVRD with a successful final inspection to keep one Residential Dwelling as built; and one Demolition Permit issued by the FVRD with a successful final inspection to remove all other unpermitted structures; or
3. One fully completed Non-Farm Use application with the ALC to authorize 'Multiple Seasonal Dwelling Use'; one fully completed rezoning application with the FVRD to permit multiple

'Seasonal Dwellings'; and six fully completed Building Permits issued by the FVRD with a successful final inspection for each structure as built.

CONCLUSION

It is the opinion of the Bylaw, Compliance and Enforcement Officer/Appointed Building Inspector that the construction of five Residential Dwellings and one Accessory Residential Structure without any of the required Building Permits violates the *Fraser Valley Regional District Building Bylaw No. 1188, 2013* and the *British Columbia Building Code*. Staff notes that full compliance will only be achieved with the successful completion of multiple Building Permits to enable the Residential Dwelling(s) to remain on the property and/or to effect the removal of all unpermitted structures on the property. Staff further notes that in order for any Building Permits to be issued by the FVRD, the property owners must first address non-compliance issues with both the ALC and the FVRD Zoning regulations. 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 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.