

To: Electoral Area Services Committee

Date: 2024-09-12

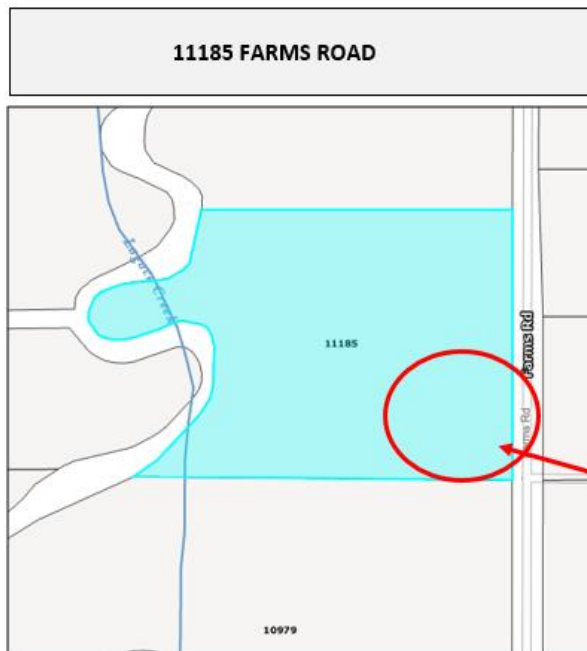
From: Louise Hinton, Bylaw Compliance and Enforcement Officer

File No: 4010-20-F02226.000

Subject: Building Bylaw Code Contraventions at 11185 Farms Road, Electoral Area F

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* respecting contraventions of Fraser Valley Regional District Building Bylaw No. 1188, 2013 and the *BC Building Code* at 11185 Farms Road, Electoral Area F, Fraser Valley Regional District, British Columbia, legally known as: LOT 5 SECTION 14 TOWNSHIP 18 NEW WESTMINSTER DISTRICT PLAN 3212, PID: 002-604-230.



BACKGROUND

On August 15, 2023, Bylaw Enforcement staff received a referral from the Building Department regarding an expired building permit (BP014334) for phase one of a modular structure for the growing and production of cannabis. The permit for the structure was applied for in 2018 and a Building Permit was issued in July 2019. However, the permit holder did not make any progress on the

construction of the building after the permit was issued. The permit subsequently expired and was closed.

A bylaw officer attended the site, which was fully gated and locked. The contravention of construction without a permit was confirmed as the modular cannabis structure remained on site. There was nobody around during the inspection. A for sale sign was posted on the gate.



Bylaw staff spoke with the listing realtor and provided information regarding the outstanding construction for the modular structure and that a fully completed demolition or building permit would be required to resolve the bylaw enforcement on the property.

On April 22, 2024, the Regional District received complaints of prohibited fill being deposited on the site. A bylaw officer attended the site and observed the modular cannabis building and also saw that a large volume of fill was continuously being deposited on the site by dump trucks. On April 29, 2024, the bylaw officer re-attended the site and confirmed that the modular cannabis structure remained on site. The bylaw officer **observed damage to the rear northern corner of the structure's roof**. The bylaw officer posted a visible Stop Work Order and spoke with the owner on site, ordering that all works are required to stop and that he must follow up to obtain the proper permits.



On May 2, 2024, the bylaw officer received a phone call from Agricultural Land Commission staff that **they recently attended the site and observed that the Regional District's stop work order had been removed and on-site soil deposit works had continued.**

On May 8, 2024, a bylaw letter was mailed to owner of the property with two bylaw tickets attached. The letter clearly indicates that a building permit is required for the existing modular cannabis structure. A letter was also mailed to the new listing real estate agent that the modular cannabis structure required a permit. The property owner was copied on this letter.

Between August 2023 and July 2024, the Regional District has conducted 8 site inspections, mailed 7 bylaw enforcement letters and issued 13 bylaw enforcement tickets with outstanding fines and fees totaling \$6,630.00 related to the construction of the modular cannabis structure that remains on site. **In that time the owner has not responded to the Regional District's enforcement efforts. The mailed letters clearly indicated that if the owner failed to complete a demolition or building permit for the modular cannabis structure, the Regional District would proceed with legal action to file a Notice on Title to make future purchasers aware that the property does not comply with *BC Building Code* or Regional District bylaws.**

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 of disclosure to persons having an interest in the property, such as a potential purchaser, insurers or financial institutions that the property is in breach of local government bylaws or other enactments. The Section 57 Notice has been explained to the owner of the property. Property owners are given written notice of their opportunity to be heard before the Committee to speak to the Section 57 Notice on Title.

Building Bylaw

Minimum construction standards are regulated 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 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 building permit to construct the modular cannabis structure was first applied for in 2018. The permit was issued by the Regional District building department 2019, however no progress was made by the applicant after it was issued. The permit expired, was closed and referred back to the bylaw enforcement department for follow-up. The current owner purchased the property on April 23, 2024

from the owner that conducted the construction of the cannabis structure and immediately began to deposit prohibited fill. The current owner has been notified repeatedly since he purchased the site that a building permit or demolition permit is required for the structure to resolve the bylaw enforcement; however, to date this has not been done.

The Notice to Title relates only to the construction that has occurred without a building permit.

COST

Land Titles Office filing fee of approximately \$74.

The owner will be required to pay a removal fee of \$500 for the registration in accordance with the *Fraser Valley Regional Building Bylaw 1188, 2013* once the bylaw contravention has been resolved and all outstanding fines paid to the Regional District.

CONCLUSION

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* to notify potential purchasers of this property of the existing building code and bylaw infractions on the property.

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*.

This notice may be removed from title once the issue is resolved.