

To: Electoral Area Services Committee

Date: 2018-04-10

From: Louise Hinton, Bylaw Compliance and Enforcement Officer

File No: Fo6804.200

Subject: Building Bylaw, and BC Building Code Contraventions at 36162 Ridgeview Road Electoral Area F, Fraser Valley Regional District, British Columbia (legally described as Lot 7 Section 4 Township 4 Range 2 West of the Seventh Meridian New Westminster District

RECOMMENDATION

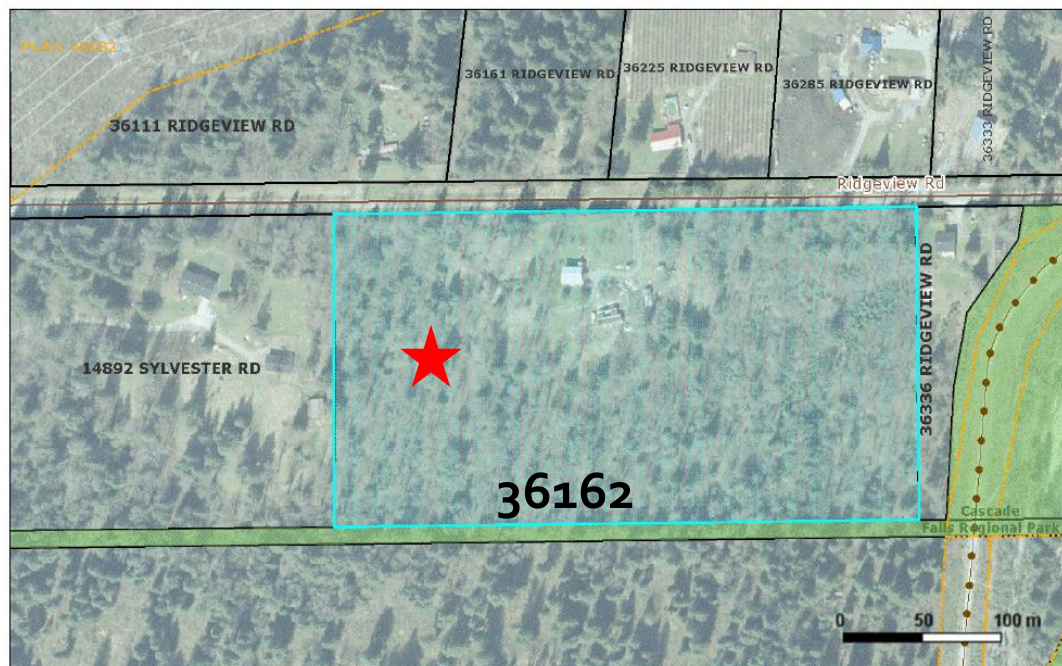
THAT the Fraser Valley Regional District Board direct staff to file a Notice in the Land Title Office in accordance with Section 57 of the *Community Charter* due to the contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, at 36162 Ridgeview Road Electoral Area F, Fraser Valley Regional District, British Columbia (legally described as Lot 7 Section 4 Township 4 Range 2 West of the Seventh Meridian New Westminster District Plan 45682; and Parcel Identifier 005-171-474).

STRATEGIC AREA(S) OF FOCUS

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BACKGROUND

February 15, 2011 – Regional District Bylaw Staff were in the area on other inspections and noticed some construction at 36162 Ridgeview Road. Inspection photographs were taken from the road.



February 16, 2011 - Regional District Bylaw Staff conducted background research on the subject property and determined that there were no Building Permit Applications or issued permits for 36162 Ridgeview Road and as such a Bylaw Enforcement File was opened.

February 17, 2011 – Regional District Building Inspection Staff attended the subject property at 36162 Ridgeview Road for a site inspection. The property owner Ms. Susan Pattan was on site during inspection. The Building Inspector noted several items:

1. There appears to be some kind of renovations to the second storey of the single family home, and the Building Inspector is unsure if there is or was a permit for the work in the past. Permit history to be determined for appropriate follow-up.
2. There is a new covered deck structure under construction on front side the single family dwelling.

The Regional District Building Inspector posted the deck structure with No Occupancy and Stop Work Notices. Staff explained that a Building Permit is required for these types of works, gave Ms. Susan Pattan his business card and took inspection photographs.

Inspection Photos taken **February 17, 2011** showing construction without a permit.



February 18, 2011 – Regional District Bylaw Enforcement Staff determined that there was a Building Permit applied for in July of 1981 (BP006927) after it was discovered the owner was building a foundation on an existing building without the proper Building Permits. The Building Permit was never fully completed and as such was closed due to inactivity.

Property owner Ms. Susan Pattan came to the Regional District Building Office and applied for a new Building Permit (BP012485) for the second storey addition/renovation including for the "roof over the decks", and a second Building Permit (BP012488) for the wood/storage shed.

March 9, 2011 – Two separate letters are sent by regular mail to the property owner Ms. Susan Pattan listing the required outstanding items to complete her two Building Permit Applications (BP012485) for the second storey addition/renovation including for the "roof over the decks", and (BP012488) for the wood/storage shed.

July 11, 2011 – A second set of two separate letters are sent by regular mail to the property owner Ms. Susan Pattan listing the required outstanding items to complete her two Building Permit Applications

(BP012485) for the second storey addition/renovation including for the "roof over the decks", and (BP012488) for the wood/storage shed.

August 15, 2011 – A third letter is sent by regular mail to the property owner Ms. Susan Pattan listing the required outstanding items to complete her Building Permit Application (BP012485) for the second storey addition/renovation including for the "roof over the decks".

November 16, 2011 - A fourth letter is sent by regular mail to the property owner Ms. Susan Pattan listing the required outstanding items to complete her Building Permit Application (BP012488) for the wood/storage shed.

March 19, 2012 - A fifth set of two separate letters are sent by regular mail to the property owner Ms. Susan Pattan listing the required outstanding items to complete her two Building Permit Applications (BP012485) for the second storey addition/renovation including for the "roof over the decks", and (BP012488) for the wood/storage shed.

April 20, 2012 - A sixth set of two separate letters are sent by regular mail to the property owner Ms. Susan Pattan listing the required outstanding items to complete her two Building Permit Applications (BP012485) for the second storey addition/renovation including for the "roof over the decks", and (BP012488) for the wood/storage shed.

April 24, 2012 - Regional District Building Inspection and Planning Department Staff met with agents of the property Mr. Terry Wolczuk and Mr. Phillip Pattan at the Fraser Valley Regional District's Chilliwack Office. Mr. Wolczuk and Mr. Pattan stated that they would apply for a Development Permit and that they would work with a structural engineer to complete the remainder of the requirements for the Building Permits as detailed in the March 9, 2011 letter.

April 25, 2013 – Planning Staff advised Regional District Bylaw Staff of the change in property ownership. A current title search that showed the property is now registered to Ms. Tracy Pocock, Executor of the will of Property Owner Susan Pattan, Deceased. The change was registered at land titles as of November 2012.

April 25, 2012 – Mr. Terry Wolczuk and Mr. Phillip Pattan, submitted an application for a Development Permit (DP001348) for the second storey addition and 3 decks within *Development Permit Area-1F* within the *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992* (Bylaw 559) for 36162 Ridgeview Road.

May 9, 2013 – Regional District Bylaw Staff attempted to contact Ms. Pocock, who was the Executor of Ms. Susan Pattan's estate, by telephone, but there was no answer. Staff then contacted Mr. Phillip Pattan, who identified himself as an immediate family member of Ms. Susan Pattan. Mr. Pattan stated that everyone is on vacation until May 20, 2013.

May 15, 2013 – Regional District Building Inspection and Bylaw Staff attended the subject property at 36162 Ridgeview Road for a site inspection, at the request of Ms. Tracey Pocock. Inspection Staff noted and photographed the following items during the inspection:

1. There was new construction works (new plywood walls on the decks and new siding on the second story renovation) on the property since the last site inspection in March 2011 in violation of the posted Stop Work Notice;
2. Stop Work and No Occupancy Notices were no longer in place.

Inspection Photos taken **May 15, 2013** showing continued construction without a permit, disobey Stop Work order and removal of notice.



May 28, 2013 – Planning Department Staff sent an email to Mr. Wolczuk and Mr. Pattan to notify them that their Development Permit Application (DP001348) has been cancelled due to inactivity.

June 27, 2013 - Regional District Bylaw Staff met with Ms. Pocock and Mr. Pattan at the Regional District office in Chilliwack . Ms. Pocock and Mr. Pattan relayed to staff that they have decided that they are going to go through the steps to obtain a Building Permit for the second story construction. Mr. Pattan is listed as an agent and stated the intent to purchase the property.

March 18, 2014 – Regional District Bylaw Staff received an inquiry from a local real estate agent regarding the bylaw enforcement issues on the property. Property owner Ms. Pocock contacted Regional District Bylaw Staff on this same day and explained she would provide a letter of agency document to the Regional District, so that her realtor has full access to the file history. Ms. Pocock also specified to Bylaw Staff that anyone interested in purchasing the property should have full and complete access to all the property and bylaw enforcement related files.

March 19, 2014 - A seventh letter is sent by regular mail to the property owner Ms. Susan Pattan, c/o Ms. Tracy Pocock, Executor listing the required outstanding items to complete the Building Permit Application (BP012485) for the second storey addition/renovation including for the "roof over the decks.

April 17, 2014 - Regional District Bylaw Staff received a phone call from the property owner Ms. Tracy Pocock who explained that the house has been sold to Ms. Wendy Scott and the sale will be completed on April 28, 2014. Ms. Pocock stated that Ms. Scott understands all of the outstanding bylaw enforcement issues of the property.

June 13, 2014 – The new property owners Ms. Wendy Scott and Mr. William Dahlman came in to the Fraser Valley Regional District's Chilliwack Office to discuss the Building Permit Applications on the property with both Bylaw and Building Inspection Staff. A New title search of the property was pulled confirming the sale and new ownership of the property. It was explained to the new owners Ms. Scott and Mr. Dahlman that the two Building Permits for the second storey renovation including the attached covered decks, and the storage building need to be completed to achieve compliance on the bylaw enforcement file.

November 19, 2014 - Regional District Bylaw Staff identified that the Building Permit Applications remained incomplete and attempted to contact the new property owners Ms. Scott and Mr. Dahlman by telephone, there was no answer so a voicemail was left for them to call back. Regional District Bylaw Staff also sent an email to the property owners requesting contact.

December 2, 2014 – A final set of two separate letter are sent by regular mail to the property owners Ms. Wendy Scott and Mr. William Dahlman listing the required outstanding items to complete the two Building Permit Applications (BP012485) for the second storey addition/renovation including for the "roof over the decks", and (BP012488) for the wood/storage shed.

January 21, 2015 - Regional District Bylaw Staff met with Mr. Dahlman at the counter of the Regional District Chilliwack Office and explained that enforcement on the outstanding permits would progress if they don't complete their permit application before February 2, 2015. Mr. Dahlman explained that the recent storm lifted the roof of the house, and advised that they are living in the house. FVRD Bylaw Staff reminded the owner of the previously posted Stop Work and No Occupancy Notices on the building.

January 22, 2015 - Regional District Planning Staff received the geotechnical report for 36162 Ridgeview Road from Ms. Wendy Scott. FVRD Planning Department Staff sent Ms. Scott a Development Permit application shortly after this, explaining that she would need to re-apply for a the Development Permit as the previous application had been closed due to inactivity in 2013.

February 16, 2015 – Another set of two separate letters was sent by regular mail to the property owners Ms. Wendy Scott and Mr. William Dahlman to notify them that both of their two Building Permit Applications (BP012485) for the second storey addition/renovation including for the "roof over the decks", and (BP012488) for the wood/storage shed have now been closed due to inactivity. The letters each also advise the property owners that their files have now been referred back to the Bylaw Enforcement Department for follow-up.

January 18, 2016 – Regional District Bylaw Staff attempted to contact the property Ms. Wendy Scott by telephone and there was no answer, so a detailed voice mail was left for Ms. Wendy Scott requesting a call back. FVRD Staff also attempted to separately contact the other property owner Mr. William Dahlman by telephone; and there was no answer, so another detailed voice mail was left for Mr. William Dahlman requesting a call back.

April 25, 2016 - Regional District Bylaw Staff sent a letter requesting access to the property for an inspection to the property owner via regular mail to property owners Ms. Scott and Mr. Dahlman with a deadline for a response of May 16, 2016.

June 7, 2016 – Regional District Bylaw Staff sent a letter requesting access to the property owner via regular mail to property owners Ms. Scott and Mr. Dahlman with a deadline for a response of July 5, 2016.

August 15, 2016 – Building Inspection Staff attended the subject property at 36162 Ridgeview Road for a site inspection. No one was on site at the time of the inspection. Inspection Staff posted the second story addition on single family dwelling, the attached decks and the large storage/pole building with Stop Work and No Occupancy Notices. Inspection photos were taken.

Inspection Photos taken **August 15, 2016** showing construction without a permit:



October 20, 2016 - Regional District Bylaw Staff sent an enforcement letter by regular mail to the property owners Ms. Scott and Mr. Dahlman with two Bylaw Offence Notice Tickets (No. 22209 and No. 22210), both for construction without a permit with a deadline for compliance of November 21, 2016.

November 8, 2016 – Upper Fraser Valley Bylaw Adjudication system notified Regional District Bylaw Staff that the property owners have disputed the two Bylaw Offence Notice Tickets (No. 22209 and No. 22210); and requested supporting documentation for the two Bylaw Offence Notice Tickets.

January 13, 2017 - Bylaw Offence Notice Tickets (No. 22209 and No. 22210) are cancelled at the agreement of the Regional District Bylaw Enforcement Staff and Bylaw Adjudication Screening Officer for clerical reasons.

January 16, 2018 - Regional District Building Inspection and Bylaw Staff attended the subject property at 36162 Ridgeview for a follow-up site inspection. The unpermitted works, including the second storey addition, the attached decks, and storage building all remained on the property. Inspection photographs were taken.

February 16, 2018 - Regional District Bylaw Staff sent a letter to both the property owners Ms. Wendy Scott and Mr. William Dahlman by email and regular mail advising them of staff's recommendation to proceed with the process of registering a Section 57 *Community Charter* notice on the title of their

property. This letter gave the owners a final opportunity to achieve voluntary compliance by the deadline of March 9, 2018. FVRD Staff has not received a response or any Building Permit Applications from the property owners to date.

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 requests that the Electoral Area Services Committee 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.

A second story addition including three attached decks on the single family dwelling, and a storage building were all constructed on the property without Building Permits.

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

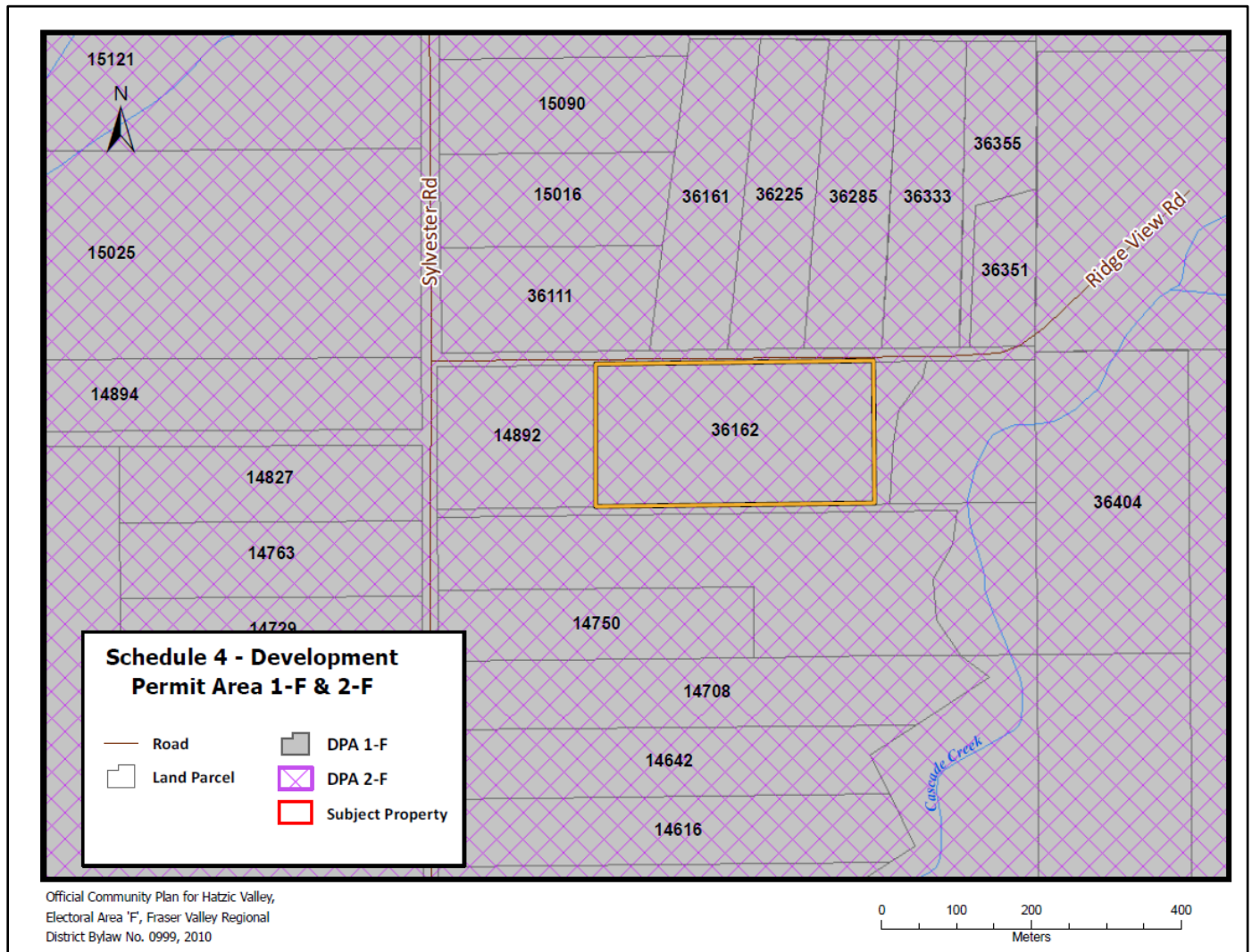
Official Community Plan

1. The subject property is within the *Geologic & Stream Hazard Development Permit Area 1-F* (DPA 1-F) under the *Fraser Valley Regional District Official Community Plan for Electoral Area F Bylaw No. 0999, 2010*, (Bylaw 0999). This Development Permit area is designated for the protection of development from hazardous conditions. A Development Permit must be obtained prior to alteration of land or construction of, addition to, or alteration of a building or structure.
2. The subject property is within the *Riparian Areas Development Permit Area 2-F* (DPA 2-F) under the *Fraser Valley Regional District Official Community Plan for Electoral Area F Bylaw No. 0999, 2010*, (Bylaw 0999). This Development Permit area is designated for the protection of the natural environment, its ecosystems and biological diversity. A Development Permit must be obtained prior to alteration of land or construction of, addition to, or alteration of a building or structure.

A Development Permit must be obtained prior to the alteration of land the disturbance of soil or vegetation; or construction of or addition to a building or structure within a riparian assessment area. To date there has been no completed application for a Development Permit for any of the construction or land alteration works that have occurred on the subject property.

A completed Development Permit is required for the construction that has taken place on the property.

DEVELOPMENT PERMIT AREA MAP (1-F)



COST

Land Titles Office filing fee of approximately \$55.

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 unpermitted construction works on the single family dwelling and storage buildings are either:

1. Demolished with Building Permits issued by the FVRD with a successful final inspections; or
2. Two fully completed Building Permits for the second storey renovation to the single family dwelling including three attached decks, and the construction of the storage building are issued by the FVRD and both receive successful final inspections. The applications require the application and issuance of a Development Permit for the alteration of land and construction.

CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the construction of the second story addition including three attached decks, and a storage building that were completed without Building Permits and the construction without a Development Permit violate multiple Regional District Bylaws, and the *British Columbia Building Code*. Staff further notes that full compliance will only be achieved with the successful completion of two fully completed Building Permits for the second story renovation including three attached decks, and the storage building construction works, and the issuance of a Development Permit.

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 comment.
Paul Gipps, Chief Administrative Officer	Reviewed and supported