

February 16, 2018

Via Email: wendyscott 64@hotmail.com

Ms. Wendy Scott
Mr. William Dahlman
36162 Ridgeview Road
Mission, BC V2V 0B9

FILE: 4010-20-F06804.200

CIVIC: 36162 Ridgeview Road

PID: 005-171-474

LEGAL: Lot 7 Section 4 Township 4 Range 2 West of the Seventh Meridian New Westminster
District Plan 45682

Dear Ms. Scott and Mr. Dahlman:

Re: Final Warning – Construction without a Building without a Permit – 36162 Ridgeview Road; Second Story Renovation, three decks and a storage building

Further to our previous correspondence dated October 20, 2016 the Fraser Valley Regional District staff has confirmed that your property at 36162 Ridgeview Road (the “property”) continues to remain in breach of Regional District bylaws despite our numerous requests for compliance. Staff verified that the unauthorized construction of a second story renovation including three attached decks, and a storage building were all done without any of the required permits.



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 on your property. It has now been more than seven years since the Regional District first discovered the unauthorized construction and we have made multiple attempts to work with you to help you bring the property into compliance with all current bylaws since you purchased the property in April 2014.

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 **March 9, 2018** two fully 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 a building permit, please ensure that each of the two completed application forms include the following items:

- a) Detailed to scale drawings for the structure including the uses for each space;
- b) An initial application fee in the amount of \$150.00 for the permit; and
- c) A single development permit application for all the works (please refer to planning department for further information on how to apply for a Development Permit).

Following the receipt of your application, 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>

The Regional District wishes to continue to work with you to achieve compliance in this matter, however if you fail to meet the above stated deadline of **March 9, 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 dated October 20, 2016
Copy of Letter dated June 7, 2016
Copy of Letter dated April 25, 2016
Copy of Letter dated March 17, 2015
Copy of Letter dated February 16, 2015
Copy of Letter dated December 2, 2014
Section 57 Information Sheet

cc: Ray Boucher, Director of Electoral Area F
Margaret-Ann Thornton, Director of Planning & Development
Greg Price, Bylaw & Compliance Coordinator



October 20, 2016

COPY

Wendy Scott
William Dahlman
36162 Ridgeview Road
Mission, BC V2V 0B9

FILE: 4010-20-F06804.200
CIVIC: 36162 Ridgeview Road
LEGAL: Lot 7 Section 4 Township 4 Range 2 West of the Seventh Meridian New Westminster District Plan
45682 Parcel Identifier: 005-171-474

Dear Ms. Scott and Mr. Dahlman;

RE: Contravention of the Building Bylaw – Construction without permits

In February 2011 the Regional District received information that construction had been done without the benefit of a building permit. Staff performed an inspection and confirmed the illegal construction which was then posted with Stop Work and No Occupancy Notices. Subsequently, building permit applications were submitted for the second floor addition to the single family dwelling and storage shed. These applications were incomplete and eventually closed in February 2015 due to lack of response from you.



A recent inspection of your property on August 15, 2016 confirmed that the illegal construction remains on the property. The addition to the house and decks were re-posted with Stop Work and No Occupancy notices. Further, a pole building was posted with Stop Work and No Occupancy notices.

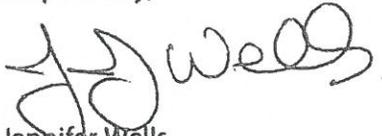
The Regional District has made multiple attempts to work with you to help you bring the property into compliance with all current bylaws since you purchased the property in April 2014. As you will not return staffs phone calls and letters we are obligated to pursue alternate means of bylaw enforcement. Therefore, please find Bylaw Offence Notice Nos. 22209 and 22210 enclosed with this letter. These notices have been issued for failure to comply with *Fraser Valley Regional District Building Bylaw No. 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. Please note that Bylaw Offence Notices may be paid online via www.fvrd.ca/tickets.

At this time, staff again request that that you re-apply for the required building permits or remove the illegal construction no later than **November 21, 2016**. You may be subject to further ticketing and your file may be

referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement should you fail to comply with this request.

If you have any questions or wish to discuss this matter further, you are welcome to contact me by calling toll free at 1-800-528-0061, directly at 604-702-5015, or by email at jwells@fvrd.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm.

Respectfully,



Jennifer Wells
Bylaw, Permits & Licences Technician

cc: Ray Boucher, Director of Electoral Area F
Margaret-Ann Thornton, Director of Planning & Development

encl: Bylaw Offence Notices Nos. 22209 and 22210
Letter dated June 7, 2016
Letter dated April 25, 2016
Letter dated March 17, 2015
Letters dated February 16, 2015
Letters dated December 2, 2014

UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM

- City of Chilliwack District of Hope **BNE**
 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		<input type="checkbox"/> YOUNG PERSON	
GIVEN NAMES (OR CORPORATE NAME CONTINUED)	GENDER	BIRTHDATE (YY MM DD)	
BRADY	M / F		
ADDRESS			
56162 Redwood Road			
CITY	PROVINCE	POSTAL CODE	
Mission	BC	V2Y 1A2	
VEHICLE INFORMATION (IF APPLICABLE)			
MAKE	MODEL		
COLOUR	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

DATE OF OFFENCE	AT THE TIME OF
YY MM DD	(24hr Clock)
16 10 08	11:5

AT OR NEAR 56162 Redwood Road, Mission, BC
STREET ADDRESS, CITY, PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE INDICATED, UNDER THE FOLLOWING BYLAW:

DESCRIPTION OF OFFENCE	SECTION	PENALTY
Restriction without a permit	6.1	\$200
		\$
		\$

EARLY PAYMENT TERMS
THE PENALTY WILL BE REDUCED BY \$10.00 IF PAYMENT IS RECEIVED WITHIN 14 DAYS.
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
8550 Young Road, Chilliwack, BC, V2P 8A4

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 16/10/08

BY MAIL/COURIER HAND DELIVERED POSTED ON PROPERTY

SIGNING OFFICER _____

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.

ALLEGED OFFENDER'S COPY

1. ENQUIRIES

ENQUIRIES MAY BE DIRECTED TO THE UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM REGISTRY OFFICE AT 8550 YOUNG ROAD, CHILLIWACK, BC, BETWEEN 0830 AND 1630 HOURS, MONDAY TO FRIDAY, 604-793-2743 OR 1-888-793-2744 OR WWW.FVBYLAW.CA.

2. HOW TO PAY OR DISPUTE

IF YOU WISH TO PAY THE PENALTY, YOU MAY PAY BY CASH, CHEQUE, MONEY ORDER, DEBIT OR CREDIT CARD.

IN PERSON - AT ANY LOCATION OF THE REGISTRY:

CITY OF CHILLIWACK 8550 YOUNG ROAD, CHILLIWACK, BC
DISTRICT OF HOPE 325 WALLACE STREET, HOPE, BC
DISTRICT OF KENT 7170 CHEAM AVENUE, AGASSIZ, BC
FVRD 45950 CHEAM AVENUE, CHILLIWACK, BC;
VILLAGE OF HARRISON
HOT SPRINGS 495 HOT SPRINGS ROAD, HARRISON HOT SPRINGS, BC.
BY MAIL 8550 YOUNG ROAD, CHILLIWACK, BC, V2P 8A4
BY PHONE 604-793-2743 OR 1-888-793-2744
BY FAX 604-793-2715

A COPY OF THIS NOTICE MUST ACCOMPANY PAYMENT. **DO NOT MAIL CASH.** MAKE CHEQUE OR MONEY ORDER PAYABLE TO "UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM."

FAILURE TO PAY OR DISPUTE WITHIN 14 DAYS WILL RESULT IN THE CORRESPONDING PENALTY BECOMING DUE AND PAYABLE. A CHARGE WILL BE ADDED FOR DISHONOURED CHEQUES. DISHONOURED CHEQUES INVALIDATE ANY RECEIPT. UNPAID PENALTIES MAY BE REFERRED TO OUR COLLECTION AGENT. RECEIPTS MAILED ONLY ON REQUEST.

3. HOW TO DISPUTE

IF YOU WISH TO DISPUTE THIS NOTICE, YOU MUST COMPLETE THE FORM BELOW, AND DELIVER IT TO THE REGISTRY OFFICE, 8550 YOUNG ROAD, CHILLIWACK, BC, V2P 8A4 WITHIN 14 DAYS OF RECEIVING THIS NOTICE. PLEASE PRINT:

BYLAW NOTICE NO. _____
DATE TICKET RECEIVED _____
LICENCE PLATE NO. (if applicable) _____
NAME _____
ADDRESS _____
CITY _____
POSTAL CODE _____
DAYTIME PHONE NUMBER _____

SIGNATURE

4. POSSIBLE CONSEQUENCES OF DISPUTING

A \$25 FEE IS ADDED TO THE PENALTY IF AN ADJUDICATOR FINDS THAT THE CONTRAVENTION DID OCCUR.

UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM

- City of Chilliwack District of Hope **BNE**
 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		<input type="checkbox"/> YOUNG PERSON	
GIVEN NAMES (OR CORPORATE NAME CONTINUED)		GENDER	BIRTHDATE (YY MM DD)
ADDRESS		M / F	
CITY	PROVINCE	POSTAL CODE	

VEHICLE INFORMATION (IF APPLICABLE)

MAKE _____ MODEL _____

COLOUR _____ 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

DATE OF OFFENCE	AT THE TIME OF
YY MM DD	(24hr Clock)
6 11 20	12:31

AT OR NEAR 3015 Belmore Blvd, Chilliwack
 STREET ADDRESS, CITY, PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE INDICATED, UNDER THE FOLLOWING BYLAW:

Bylaw 198805

DESCRIPTION OF OFFENCE	SECTION	PENALTY
<u>Carried out without permit</u>	<u>51</u>	<u>\$20</u>
<u>1 permit</u>		<u>\$</u>
		<u>\$</u>

EARLY PAYMENT TERMS
 THE PENALTY WILL BE REDUCED BY \$10.00 IF PAYMENT IS RECEIVED WITHIN 14 DAYS.
 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
 8550 Young Road, Chilliwack, BC, V2P 8A4

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 10/11/20

BY MAIL/COURIER HAND DELIVERED POSTED ON PROPERTY

SIGNING OFFICER _____
 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

ALLEGED OFFENDER'S COPY

1. ENQUIRIES

ENQUIRIES MAY BE DIRECTED TO THE UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM REGISTRY OFFICE AT 8550 YOUNG ROAD, CHILLIWACK, BC, BETWEEN 0830 AND 1630 HOURS, MONDAY TO FRIDAY, 604-793-2743 OR 1-888-793-2744 OR WWW.FVBYLAW.CA.

2. HOW TO PAY OR DISPUTE

IF YOU WISH TO PAY THE PENALTY, YOU MAY PAY BY CASH, CHEQUE, MONEY ORDER, DEBIT OR CREDIT CARD.

IN PERSON - AT ANY LOCATION OF THE REGISTRY:

CITY OF CHILLIWACK 8550 YOUNG ROAD, CHILLIWACK, BC
DISTRICT OF HOPE 325 WALLACE STREET, HOPE, BC
DISTRICT OF KENT 7170 CHEAM AVENUE, AGASSIZ, BC
FVRD 45950 CHEAM AVENUE, CHILLIWACK, BC;
VILLAGE OF HARRISON
HOT SPRINGS 495 HOT SPRINGS ROAD, HARRISON HOT SPRINGS, BC.
BY MAIL 8550 YOUNG ROAD, CHILLIWACK, BC, V2P 8A4
BY PHONE 604-793-2743 OR 1-888-793-2744
BY FAX 604-793-2715

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FAILURE TO PAY OR DISPUTE WITHIN 14 DAYS WILL RESULT IN THE CORRESPONDING PENALTY BECOMING DUE AND PAYABLE. A CHARGE WILL BE ADDED FOR DISHONOURED CHEQUES. DISHONOURED CHEQUES INVALIDATE ANY RECEIPT UNPAID PENALTIES MAY BE REFERRED TO OUR COLLECTION AGENT. RECEIPTS MAILED ONLY ON REQUEST.

3. HOW TO DISPUTE

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BYLAW NOTICE NO. _____
DATE TICKET RECEIVED _____
LICENCE PLATE NO. (if applicable) _____
NAME _____
ADDRESS _____
CITY _____
POSTAL CODE _____
DAYTIME PHONE NUMBER _____

SIGNATURE

4. POSSIBLE CONSEQUENCES OF DISPUTING

A \$25 FEE IS ADDED TO THE PENALTY IF AN ADJUDICATOR FINDS THAT THE CONTRAVENTION DID OCCUR.



PLANNING &
DEVELOPMENT

www.fvrd.ca | enforcement@fvrd.ca

June 7, 2016

COPY

Wendy Scott
William Dahlman
36162 Ridgeview Road
Mission, BC V2V 0B9

FILE: 4010-20-F06804.200
CIVIC: 36162 Ridgeview Road
PID: 005-171-474
LEGAL: Lot 7 Section 4 Township 4 Range 2 West Of The Seventh Meridian New Westminster District Plan 45682

Dear Ms. Scott and Mr. Dahlman;

Re: REQUEST PROPERTY INSPECTION OF «CIVICS»:

As you are aware, the Building Permit Applications for the following projects have been closed.

1. BP012485 for the purpose of constructing a 2nd floor addition.
2. BP012488 for the purpose of constructing a wood/storage shed.

These projects remain incomplete and are not covered by a valid building permit as required by the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*. Building Permits are required by the Regional District to encourage owners to comply with minimum standards established by the British Columbia Building Code as well as other enactments which relate to health, safety and use of land.

Bylaw Enforcement staff require access to your property in order to conduct the inspection. On April 25, 2016 a letter was mailed to you requesting to set up a mutually convenient date to perform an inspection. To this date, we have not received a response. I have enclosed a copy of the letter for your reference.

Below, I have copied relevant excerpts of applicable legislation which permits employees of the Regional District to gain access to properties.

Section 419 of the Local Government Act states "If a board has authority to regulate, prohibit and impose requirements in relation to a matter, the board may, by bylaw, authorize officers, employees and agents of the regional district to enter, at all reasonable times, on any property to inspect and determine whether all regulations, prohibitions and requirements are being met."

Section 7.2.1 of the Building Bylaw states "A building official may enter any land, building, structure, or premises at any reasonable time for the purpose of ascertaining that the terms of this bylaw are being observed"

The Regional District wishes to work with you to enable you to bring your property in to compliance with all current bylaws. In order to accomplish this, we request that you provide access for staff to inspect your property on **July 5, 2016**. Should you fail to provide access, 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.

If you have any questions or wish to discuss this matter further, you are welcome to contact me by calling toll free at 1-800-528-0061, directly at 604-702-5015, or by email at jwells@fvid.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm. Thank you once again for your co-operation.

Yours truly,



Jennifer Wells
Bylaw, Permits & Licences Technician

cc: Ray Boucher, Director of Electoral Area F
Margaret-Ann Thornton, Director of Planning & Development

Encl: letter dated April 25, 2016



April 25, 2016

Wendy Scott
William Dahlman
36162 Ridgeview Road
Mission, BC, V2V 0B9

COPY

FILE: 4010-20-F06804.200
CIVIC: 36162 Ridgeview Road
PID: 005-171-474
LEGAL: LOT 7 SECTION 4 TOWNSHIP 4 RANGE 2 WEST OF THE SEVENTH MERIDIAN NEW WESTMINSTER DISTRICT PLAN 45682

Dear Ms. Scott and Mr. Dahlman;

RE: Contravention of the Building Bylaw – Construction without a permit.

As you are aware from our letter dated March 17, 2015, Building Permit Applications for your property have been closed. The following projects remain incomplete and are not covered by a valid building permit as required by the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*:

1. BP012485 for the purpose of constructing a 2nd floor addition.
2. BP012488 for the purpose of constructing a wood/storage shed.

Building Permits are required by the Regional District to encourage owners to comply with minimum standards established by the British Columbia Building Code as well as other enactments which relate to health, safety and use of land.

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 provide access for staff to inspect your property on a mutually convenient date. Should you fail to respond before **May 16, 2016**, 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.

If you have any questions or wish to discuss this matter further, you are welcome to contact me by calling toll free at 1-800-528-0061, directly at 604-702-5015, or by email at jwells@fvrd.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm. Thank you once again for your co-operation.

Yours truly,

Jennifer Wells
Bylaw, Permits & Licences Technician

cc: Ray Boucher, Director of Electoral Area F
Margaret-Ann Thornton, Director of Planning & Development
Encl. Copy of letter dated March 17, 2015

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

March 17, 2015

File Number: 4010-20-F06804.200

Wendy Scott
William Dahlman
36162 Ridgeview Rd
Mission BC V2V 0B9

Dear Ms. Scott and Mr. Dahlman,

Re: Lapsed Building Permit Applications BP012485 and BP012488 at 36162 Ridgeview Road; legally described as Lot 7, Section 4, Township 4, Range 2, Meridian 7, New Westminster District, Plan NWP45682 Meridian W7.

As you are aware from our letter dated February 16, 2015 the following building permit applications have now been closed:

- BPO12485 for the purpose of constructing a 2nd floor addition.
- BPO12488 for the purpose of constructing a wood/storage shed.

Your project remains incomplete and is not covered by a valid building permit as required by the [Fraser Valley Regional District Building Bylaw No.1188, 2013](#). Therefore, your file has been referred back 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 that you re-apply for a building permit or remove the illegal construction no later than **April 17, 2015**. 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. More information regarding the building permit process and downloadable application forms are available at the following web address: <http://www.fvrd.bc.ca/Services/BuildingPermitInspection/Pages/InformationandForms.aspx>

You may reach the Building Department at the toll-free number above, Monday through Friday from 8:30am to 4:30pm, to discuss this issue further. You may also contact me directly at 604-702-5017 or by email at asnashall@fvrd.bc.ca. Thank you in advance for your co-operation.

Yours truly,



Adriana Snashall
Bylaw, Permits, and Licenses Technician

cc: Ray Boucher, Director of Electoral Area F
Margaret Thornton, Director of Planning and 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

File Number: 3800-30-BP012485F

February 16, 2015

COPY

Scott, Wendy T
Dahlman, William C
36162 Ridgeview Rd
Mission BC V2V 0B9

Dear Mr. Dahlman & Ms. Scott:

Re: Building Permit Application No. BP012485 for the purpose of constructing a 2nd floor addition on property legally described as Lot 7, Section 4, Township 4, Range 2, Meridian 7, New Westminster District, Plan NWP45682 Meridian W7. Known as 36162 Ridgeview Rd.

Further to the attached final letter of requirements sent on December 2, 2014, please be advised that the required items to fulfill the building permit application process remain outstanding and the above noted 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.

The Regional District is becoming increasingly aware of difficulties encountered by owners of property when they do not avail themselves of the full service offered by the Building Department. Apart from matters of law and safety, Occupancy Permits have value to property owners because they are frequently requested by prospective purchasers, mortgage lenders and others.

Should you wish to bring your property into compliance with all current bylaws, it will be necessary for you to contact Jennifer Wells, Bylaw and Permits & Licences Technician, with reference to your Bylaw Enforcement file F06804.200 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: Ray Boucher, Director of Electoral Area F
Margaret Thornton, Director of Planning & Development
Bylaw Enforcement File F06804.200



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

COPY

File Number: 3800-30-BP012485F

December 2, 2014

Scott, Wendy T
Dahlman, William C
36162 Ridgeview Rd
Mission BC V2V 0B9

Dear Mr. Dahlman & Ms. Scott:

Re: Building Permit Application No. BP012485 for the purpose of constructing a 2nd floor addition on property legally described as Lot 7, Section 4, Township 4, Range 2, Meridian 7, New Westminster District, Plan NWP45682 Meridian W7. Known as 36162 Ridgeview Rd.

I am writing to you in connection with your building permit application dated Feb 18, 2011. Please be advised this is the Final Notice that your application is not approvable in its present form. The following items are necessary in order to complete your application and issue your Building Permit:

1. This property is located within Development Permit Area 1-F. Please contact the Planning Section at 604-702-5491 for information regarding the Development Permit process.
2. The geotechnical report required under section 56 of the Community Charter that you have submitted is currently being reviewed by Planning staff. Please contact the Planning Section at 604 702-5491 should you require information regarding completion of this report and registration of a covenant on your property title.
3. A sealed soils report and Geotechnical Schedule B from a professional engineer. However this is not required if the structural engineer assumes responsibility for soil bearing.
4. Schedule B and 3 sets of sealed drawings from a professional engineer for all structural aspects of the project that reflect a frost depth of 0.45m and snow loads of, $S_s = 3.0\text{kPa}$ and $S_r = 0.6\text{kPa}$, this must also include soil bearing capacity.
5. A revised, scaled site plan that includes: a) the entire property complete with all existing buildings and structures, b) the proposed new roof, 2nd storey renovation, and 3 covered decks with setbacks to all property lines and wells, c) the location of the septic field, tank, driveway, and d) rock pit/storm drainage system (minimum 5.0m from any foundation).
6. 3 complete sets of construction drawings that reflect all requirements of the above noted geotechnical report (final version).

Your permit application will be held in abeyance until February 2, 2015 pending receipt of this documentation or other information. In the event that the file remains incomplete after this date, I shall be obliged to take steps to close the file.

As you are aware, a building permit is required to legalize the unauthorized construction noted above. Should you allow the application to close, you may be subject to further bylaw enforcement action.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'MS' or similar initials, followed by a period.

Monica Stuart
Building & Bylaw Clerk

cc: Ray Boucher, Director of Electoral Area F
Margaret Thornton, Director of Planning & Development

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.