

January 22, 2018

Registered Mail

Mr. Maninder Sing Deol
32902 Trenholm Avenue
Mission BC V4S 0C7

FILE: G03638.000
CIVIC: 41330 North Nicomen Road
PID: PID: 011-252-723
LEGAL: Lot 1 Section 6 Township 24 New Westminster District Plan 6914

Dear Mr. Deol:

Re: Final Warning – Construction without a Building without a Permit – 41330 North Nicomen Road; Change of Use - Single family dwelling with remediation

Further to our previous correspondence dated December 20, 2012 Fraser Valley Regional District staff has confirmed that your property at 41330 North Nicomen Road (the “property”) continues to remain in breach of Regional District bylaws despite our requests for compliance. Staff verified that the unauthorized construction that caused the change of use of the single family dwelling to a Marihuana Grow Operation, was done without proper remediation or 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 for a change of use to house a marijuana grow operation in the single family dwelling on your property. We understand that you are the new owner of the property as of August 2016 however a change in ownership of the property in no way negates the existing bylaw enforcement issues. It has now been more than almost six years since the Regional District first discovered the unauthorized grow operation, change of use and illegal construction on your property. As of today’s date, the ownership of this property, has made very little effort to address the outstanding permit requirements for the single family dwelling.

Considering that the ownership of this property has not been able to meet any of the previously given deadlines to comply with the building permit requirements, the Regional District has no choice but to 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 **February 8, 2018** a fully completed building permit application is submitted for the above noted construction, to the Fraser Valley Regional District's Building Department. The application should include:

- a) Fully completed building permit application form;
- b) Detailed to scale drawings for the structure;
- c) Completed Site Profile (contaminated Sites) form; and
- d) An initial application fee in the amount of \$150.00 for the 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 application, 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>

If you fail to meet the above stated deadline of **February 8, 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 December 20, 2012
Copy of Email dated November 14, 2012
Section 57 Information Sheet

cc: Al Stobart, Director of Electoral Area G
Margaret Thornton, Director of Planning & Development
Greg Price, Bylaw & Compliance Coordinator

**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.cae-mail: info@fvrd.bc.ca

December 20, 2012

File Number: 4010-20-G03638.000

Michael Thomas Breslin
8488 Viscount Place
Chilliwack BC V2P 7W5

Dear Mr. Breslin:

Re: Bylaw Enforcement Regarding Change of Occupancy of the Single Family Dwelling at 41330 North Nicomen Road; Legally Described as Parcel Identifier 011-252-723, Lot 1 Section 6 Township 24 New Westminster District Plan 6914.

I am writing to you in connection with the above noted matter. Please be advised that our records indicate that your property remains in breach of Regional District bylaws. The compliance action requested as per our phone conversation and via email on November 14, 2012 does not appear to have been carried out. It is imperative that this action be completed in order to avoid further bylaw enforcement.

Therefore, please contact the Regional District immediately to advise of your intentions in respect to resolving this issue. Should you fail to contact this office by **January 11, 2013**, you may be subject to a fine under Fraser Valley Regional District Bylaw Offence Notice Enforcement Bylaw No. 787, 2006.

You may contact the Regional District at the toll-free number above, 8:30am to 4:30pm, Monday through Friday. You may also reach me directly at 604-702-5015.

Yours truly,

Jennifer Wells
Bylaw, Permits, and Licenses Technician

cc: Al Stobart, Director of Electoral Area G
Suzanne Gresham, General Manager of Electoral Area Services
Margaret Thornton, Director of Planning and Development
Frank Kelly, MCI0B, Deputy Director of Planning and Development

Jennifer Wells

From: Jennifer Wells
Sent: Wednesday, November 14, 2012 3:35 PM
To: 'mike.breslin@hotmail.com'
Subject: 41330 North Nicomen Road, G03638.000
Attachments: Building Permit information booklet.pdf.pdf

COPY

Good afternoon Mr. Breslin;

As per our phone conversation today, it is my understanding that you wish to remediate the structure from a marijuana grow operation back into a single family dwelling. As discussed, a change of use requires a building permit; please fill out the 'building permit application' form: [http://www.fvrd.bc.ca/Services/BuildingPermitInspection/Documents/Building Permit Application Form.pdf](http://www.fvrd.bc.ca/Services/BuildingPermitInspection/Documents/Building%20Permit%20Application%20Form.pdf). The application fee for a building permit is \$150.00. As discussed, once an application, site plan and application fee are received, staff will start to process the request. As part of the building permit application, the building department will notify you in writing of the requirements to obtain a permit. More information may be found on our website <http://www.fvrd.bc.ca/Services/BuildingPermitInspection>. Please review the booklet I have attached as the information may help to lead you through the building process within the Regional District.

Please note that I provide this information for your convenience only. It is your responsibility to determine for yourself what effect the bylaws of the FVRD or the regulations of any other agency might have upon the use of, or construction upon, the subject property. This letter and the documents provided herewith in no way constitute Regional Board approval or support of any proposed new development, demolitions, or alterations on the subject property.

In closing, I hope that this information will be of assistance. Please do not hesitate to contact me if you have any questions on how to fill out these forms or require further information.

Jennifer Wells

Bylaw, Permits & Licences Technician

Fraser Valley Regional District 45950 Cheam Avenue
Chilliwack BC V2P 1N6
Phone: 604-702-5015
Toll Free: 1800-528-0061
Direct: 604-702-5015
Fax: 604-792-9684
Email: jwells@fvrd.bc.ca
Web: www.fvrd.bc.ca

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:
- a) direct the staff to file a *Notice* in the Land Title Office;
 - b) direct staff not to file a *Notice* in the Land Title Office; or
 - c) 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:

- a) 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
- b) 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?

At this time, the Fraser Valley Regional District does not charge the registered owner of the property when a *Notice on Title* is placed or cancelled at the Land Title Office. The fees associated with the registration or removing of the Notices are remunerated by the Fraser Valley Regional District.

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 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 enactment
 - that 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.