

February 16, 2018

**Registered Mail**

Mr. Steven Claydon  
Mrs. Allison Claydon  
761 Runnymede Ave  
Coquitlam BC V3J 2T9

**FILE: 4010-20-E01248.100**

**CIVIC: 46594 Chilliwack Lake Road**

**PID: 000-547-948**

**LEGAL: District Lot 496, New Westminster District, Plan NWP22273 Parcel 1, Group 2.**

Dear Mr. and Mrs. Claydon:

**Re: Final Warning – Construction without a Building without a Permit – 46594 Chilliwack Lake Road; Change of Use - Lean-to Garage, renovations to Single Family Dwelling and to the Rear Cabin.**

Further to our previous correspondence dated October 20, 2016 the Fraser Valley Regional District staff has confirmed that your property at 46594 Chilliwack Lake 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 Lean-to on the Garage, and renovations to both the Single Family Dwelling, and the Cabin at the rear of the property 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 six 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 though out that time.

Considering that you have not been able to meet most 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** three 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 building permits, please ensure that each of the three 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>

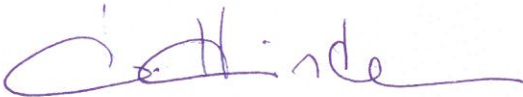
The Regional District wishes to continue to work with you to achieve compliance in this matter, however if you fail to meet the above stated deadline of **March 9, 2018** we will move forward to begin the process of registering a notice on the title of your property with the Land Titles Office as outlined 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](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](mailto: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 Email dated May 10, 2016  
Copy of Email dated September 15, 2015  
Copy of Letter dated November 27, 2014  
Copy of Letter dated January 7, 2013  
Section 57 Information Sheet

cc: Orion Engar, Director of Electoral Area E  
Margaret-Ann Thornton, Director of Planning & Development  
Greg Price, Bylaw & Compliance Coordinator





**PLANNING &  
DEVELOPMENT**

**COPY**

*www.fvrd.ca | enforcement@fvrd.ca*

May 10, 2016

Steven Claydon  
Allison Claydon  
46594 Chilliwack Lake Road  
Chilliwack, BC V2R 4M9

**FILE: 4010-20-E01248.100**  
**CIVIC:** 46594 Chilliwack Lake Road  
**PID:** 000-547-948  
**LEGAL:** PARCEL 1 (EXPLANATORY PLAN 22273) EXCEPT PART IN STATUTORY RIGHT OF WAY PLAN 39017  
LOT C DISTRICT LOT 496 GROUP 2 NEW WESTMINSTER DISTRICT PLAN 16453

Dear Mr. & Ms. Claydon;

**RE: Bylaw Enforcement – Construction Without a Permit at 46594 Chilliwack Lake Road**

As you are aware from our letter dated November 27, 2014 the following building permit applications were closed:

- BP012902: Lean-to on existing garage
- BP013005: Main house interior/exterior renovations.
- BP013006: Cabin Interior/Exterior renovations.

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.

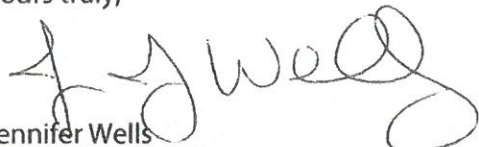
The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this, we request that you:

1. Remove the Structures, or apply for and complete a new Building Permit Application for each structure.
2. Pay the attached Bylaw Offence Notices BNE No's 22894; 22895; 22897.

Please contact the Regional District no later than **June 10, 2016** to inform us of your intentions. Should you fail to comply with this request, 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. More information regarding the building permit process and downloadable application forms are available at: [http://www.fvrd.ca/EN/main/services/building\\_enforcement.html](http://www.fvrd.ca/EN/main/services/building_enforcement.html)

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@fvr.bc.ca](mailto:jwells@fvr.bc.ca). Our office hours are Monday through Friday from 8:30am to 4:30pm. Thank you once again for your co-operation.

Yours truly,

A handwritten signature in black ink, appearing to read 'J Wells', with a stylized flourish at the end.

Jennifer Wells  
Bylaw, Permits & Licences Technician

cc: Al Stobbart, Director of Electoral Area G  
Margaret-Ann Thornton, Director of Planning & Development  
Encl. Letter dated November 27, 2014  
Letter dated October 23, 2014

COPY

**Louise Hinton**

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**From:** Jennifer Wells  
**Sent:** September-16-15 10:52 AM  
**To:** 'steveclaydon@telus.net'  
**Subject:** 46594 Chilliwack Lake Road

Good morning Mr. Claydon;

I have been trying to contact you via the phone numbers and addresses that you have provided to the Fraser Valley Regional District but I am unsure that you have been receiving this information as I have not received any response. Please contact me as soon as possible for relevant and important information regarding the subject property.

Thank you,

*Jennifer Wells*

Bylaw, Permits & Licences Technician  
and Appointed Building Inspector

45950 Cheam Ave, Chilliwack, BC V2P 1N6  
P 604.702.5015 || W [www.fvrd.ca](http://www.fvrd.ca)





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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](http://www.fvrd.bc.ca)

November 27, 2014

File Number: 4010-20-E01248.100

Steven Claydon  
Allison Claydon  
46594 Chilliwack Lake Road  
Chilliwack, BC V2R 4M9

Dear Mr. and Ms. Claydon:

**Re: Lapsed Building Permit Applications at 46594 Chilliwack Lake Road; Legally Described as Parcel 1 (Explanatory Plan 22273) Except Part in Statutory Right of Way Plan 39017 Lot C District Lot 496 Group 2 New Westminster District Plan 16453; Parcel Identifier: 000-547-948**

As you are aware from our letter dated October 23, 2014, Building Permits for your property have been closed. The following projects remain incomplete and are therefore not covered by a valid building permit as required by *Fraser Valley Regional District Building Bylaw No.1188, 2013*:

1. BP012902: Lean-to on Existing Garage
2. BP013005: Main House Interior/Exterior Renovations
3. BP013006: Cabin Interior/Exterior Renovations

Due to the closure of these building permit applications, your file has been referred to Bylaw Enforcement and access to your property is required in order to perform an inspection.

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 **December 11, 2014**, 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.

You may contact me Monday through Friday, 8:30am to 4:30pm at the toll-free number listed above, directly at 604-702-5015, or by email at [jwells@fvrd.bc.ca](mailto:jwells@fvrd.bc.ca) to discuss this issue further. Thank you in advance for your cooperation.

Yours truly,

A handwritten signature in blue ink, appearing to read "Jennifer Wells".

Jennifer Wells  
Bylaw, Permits & Licences Technician

encl: Copy of Letter dated October 23, 2014

cc: David Lamson, Director of Electoral Area E  
Margaret Thornton, Director of Planning & Development



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](http://www.fvrd.bc.ca)

October 23, 2014

File Number: 4010-20-E01248.100

Steven Claydon  
Allison Claydon  
46594 Chilliwack Lake Road  
Chilliwack, BC V2R 4M9

Dear Mr. and MS. Claydon:

Re: Lapsed Building Permit Applications at 46594 Chilliwack Lake Road; Legally Described as Parcel 1 (Explanatory Plan 22273) Except Part in Statutory Right of Way Plan 39017 Lot C District Lot 496 Group 2 New Westminster District Plan 16453; Parcel Identifier: 000-547-948

As you are aware from our letters dated August 20, 2014, the above referenced Building Permits have 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 to Bylaw Enforcement and access to your property is required in order to perform an inspection.

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 November 24, 2014, 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.

You may contact me Monday through Friday, 8:30am to 4:30pm at the toll-free number listed above, directly at 604-702-5015, or by email at [jwells@fvrd.bc.ca](mailto:jwells@fvrd.bc.ca) to discuss this issue further. Thank you in advance for your cooperation.

Yours truly,

A handwritten signature in black ink, appearing to read "Jennifer Wells". The signature is fluid and cursive, with a large loop at the end.

Jennifer Wells  
Bylaw, Permits & Licences Technician

encl: Copy of Letters dated August 20, 2014

cc: David Lamson, Director of Electoral Area E  
Margaret Thornton, Director of Planning & 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](http://www.fvrd.bc.ca) e-mail: [info@fvrd.bc.ca](mailto:info@fvrd.bc.ca)

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January 7, 2013

File Number: 4010-20-E01248.100

Allison Claydon  
Steven Claydon  
46594 Chilliwack Lake Road  
Chilliwack BC V2R 4M9

Dear Ms. Claydon and Mr. Claydon:

**Re: Bylaw Enforcement Regarding Construction Without a Building Permit and Contravention of the Zoning Setbacks at 46594 Chilliwack Lake Road; Legally Described as Parcel 1 (Explanatory Plan 22273) Except Part in Statutory Right of Way Plan 39017 Lot C District Lot 496 Group 2 New Westminster District Plan 16453 Parcel Identifier 000-547-948.**

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 in the letter dated December 4, 2012 (copy enclosed) 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 22, 2013**, you may be subject to fines 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 Licences Technician

**ENCLOSURE**

cc: David Lamson, Director of Electoral Area E  
Suzanne Gresham, General Manager of Electoral Area Services  
Margaret Thornton, Director of Planning and Development  
Frank Kelly, MCIOB, Deputy Director of Planning and Development Service

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](http://www.fvrd.bc.ca)

e-mail: [info@fvrd.bc.ca](mailto:info@fvrd.bc.ca)

December 4, 2012

File Number: 4010-20-E01248.100

Allison Claydon  
Steven Claydon  
46594 Chilliwack Lake Road  
Chilliwack BC V2R 4M9

Dear Ms. Claydon and Mr. Claydon:

**Re: Construction Without a Building Permit and Contravention of the Zoning Setbacks at 46594 Chilliwack Lake Road; Legally Described as Parcel 1 (Explanatory Plan 22273) Except Part in Statutory Right of Way Plan 39017 Lot C District Lot 496 Group 2 New Westminster District Plan 16453 Parcel Identifier 000-547-948.**

The Regional District has received a complaint of building without a permit at the above noted address. On December 3, 2012, an inspection of your property confirmed the addition to and renovation of an existing residential detached garage. Our records do not indicate that a building permit has been issued for such work therefore Stop Work and No Occupancy notices have been posted. Building permits are required by Fraser Valley Regional District Building Bylaw No. 0034, 1996 to encourage owners to comply with the minimum standards established by the British Columbia Building Code as well as other enactments which relate to health, safety, and use of land.

In addition to the above matter, it appears that the works may not comply with the zoning setbacks established by the *Zoning Bylaw for Electoral Area "E", 1976 of the Regional District of Fraser-Cheam*. Setbacks are the minimum distances which buildings can be sited from other structures, property lines, and watercourses.

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 apply for a building permit as well as make an appointment with the Planning Department to discuss zoning setbacks. Alternatively, we ask that you remove the illegal construction from your property. Should you fail to comply with these requests by **January 5, 2013**, 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.

You may contact me directly at 604-702-5015, 8:30am to 4:30pm, Monday through Friday to discuss this issue further. Thank you in advance for your co-operation.

Yours truly,

Jennifer Wells  
Bylaw, Permits, and Licences Technician

ENCLOSURE

cc: David Lamson, Director of Electoral Area E  
George Murray, Chief Administrative Officer  
Suzanne Gresham, General Manager of Electoral Area Services  
Margaret Thornton, Director of Planning and Development  
Frank Kelly, MCI0B, Deputy Director of Planning and Development Services



## DIVISION FOUR - AGRICULTURAL - Ag-1

The purpose of this zone is to identify lands which by reason of soil quality, resource potential or location in a floodplain, are best suited for extensive agriculture, resource development, or outdoor recreation on parcels of 8 hectares (20 acres) or more.

4.1 PERMITTED USES OF LAND BUILDINGS AND STRUCTURES

All uses in this Division are subject to Division Three - General Regulations. The following uses and no others are permitted:

1. Farm but excluding an intensive swine operation.
2. One-family residence or mobile home or modular home.
3. Accessory personal care use.
4. Accessory employee residence use.
5. Home occupation.
6. Extraction of raw materials.
7. Accessory produce sales, provided that the gross floor area does not exceed 46.5 sq. metres (500 square feet).
8. Civic.
9. Outdoor recreation use.
10. Golf Course.
11. Private aircraft landing strip.
12. All necessary accessory outbuildings, structures and uses including barns and animal shelters.
13. Accessory advertising, limited to one sign not exceeding 0.27 square metres (3 square feet) in area for each street frontage upon which the lot or site abuts.
14. Accessory outdoor storage of firewood for commercial purposes and sale of firewood.
15. bed and breakfast use, pursuant to section 3.1.3(c) [Byl #1233]

4.2 DENSITY REGULATIONS

There shall be not more than one (1) one-family dwelling or mobile home or modular home on a lot except as permitted by Section 4.1.3 and 4.1.4 of this Division.

4.3 SETTING, SIZE AND DIMENSIONS REGULATIONS1. SETBACKS

- a) Highway: No part of any building, structure, mobile home, modular home or structure, shall be located closer than 4.6 metres (15 feet) to the right-of-way boundary of a road allowance or flanking street, or closer than 14.6 metres (48 feet) to the center line of said allowance or street, whichever is the greater distance from the road or street center line.
- b) Side and Rear: No part of any building, structure, mobile home, modular home or structure, shall be located closer than 7.6 metres (25 feet) to any side or rear lot line.

2. SITE AREA REGULATIONS

-N/A-

3. BUILDING DIMENSION REGULATIONS

-N/A-



## NOTICE ON TITLE INFORMATION SHEET

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### 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?**

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.

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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](mailto: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.