

April 20, 2018

VIA REGULAR AND REGISTERED MAIL

Marcela Runci
Lenka Nick
50985 Winona Road
Chilliwack, BC V4Z 1B7

FILE: E06605.101
CIVIC: 50985 Winona Road, Electoral Area E
PID: 006-487-181
LEGAL: LOT 88 SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN
NEW WESTMINSTER DISTRICT PLAN 30071

Dear Property Owners;

**RE: Show Cause Hearing – Section 57 Notice on Title
Scheduled due to contraventions of Building Bylaw No. 1188 and other enactments**

Further to the final warning letter dated March 16, 2018 sent to you via registered mail on the same date, please be advised that you are hereby notified that your opportunity to be heard by the Fraser Valley Regional District Electoral Area Services Committee is now scheduled. The meeting is to show cause why the Board of Directors should not direct staff to file a Notice against the title of your property at 50985 Winona Road in relation to the outstanding contraventions of the *Fraser Valley Regional District Building Bylaw No. 1188, 2013* pursuant to Section 57 of the *Community Charter*.

The show cause hearing is scheduled for **May 8, 2018 at 1:30pm** in the Boardroom on the fourth floor of the Regional District Office located at 45950 Cheam Avenue, Chilliwack, British Columbia.

The Electoral Area Services Committee will consider registration of a Section 57 Notice on the title of your property whether or not you are in attendance; your attendance is not required if you do not wish to challenge the recommendation.

If you have any questions or wish to discuss this matter further in advance of the meeting, you may contact Adriana Snashall with the Bylaw Enforcement Department, by telephone at 604-702-5017 or by email at asnashall@fvrd.ca.

Sincerely,



Paul Gipps
Chief Administrative Officer

To: Electoral Area Services Committee

Date: 2018-05-08

From: Adriana Snashall, Bylaw Compliance & Enforcement Officer

File No: E06605.101

Subject: Contraventions of Building Bylaw No. 1188 and OCP No. 1115 at 50985 Winona Road, Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as Lot 88 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 30071; Parcel Identifier 006-487-181)

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* and the *Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011* at 50985 Winona Road, Electoral Area E, Fraser Valley Regional District, British Columbia (legally described as Lot 88 Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 30071; Parcel Identifier 006-487-181).

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Support Healthy & Sustainable Community

PRIORITIES

BACKGROUND

December 11, 2001 – Complaint received of significant alteration of land recently completed at the subject property 50985 Winona Road. This property is located adjacent to Nonie Creek, and within identified geotechnical hazards area.

December 13, 2001 – FVRD staff attended the subject property at 50985 Winona Road and verified the complaint. Staff noted that the lower portion of the lot and around existing house (right up to Nonie Creek at northeast corner of lot) was recently levelled with no vegetation showing. Several trees were recently felled on the slope above the house. The existing house was boarded up and appeared to be vacant. There was a recent sewage disposal permit posted on site. FVRD staff returned to the subject property on January 9, 2002 and noted no apparent changes to the property.

Inspection photos dated December 13, 2001:



Inspection photos dated January 9, 2002:



January 21, 2002 – FVRD Bylaw Enforcement staff send a letter to the registered property owner, Leslie McMinn and Denise McMinn, requesting a Development Permit be applied for and issued prior to further land alteration work being undertaken on the property.

February 12, 2002 – New property owner Frank Streda submits the required Development Permit application (DP2002-03) along with a site specific geotechnical report prepared by Petra Engineering 2000 Ltd. regarding the preliminary geotechnical hazard assessment for the proposed building site. Staff advised that the report submitted would be reviewed by an engineer of the Regional District's choice for an independent professional opinion to determine if it met the Regional District's terms of reference, specifically in regards to hazard mapping from previously completed geotechnical reports and the FVRD Board policy (hazard matrix).

March 14, 2002 – Golder Associates Ltd. was recruited by the FVRD Planning Department to review the report submitted by Petra Engineering 2000 Ltd. Golder concluded that the Petra report lacked relative information and was considered to be insufficient. Mr. Streda was provided with a copy of the Golder review, and to submit a second geotechnical report.

June 17, 2003 – New complaint received of construction without a permit. Complainant reported that the existing house was undergoing significant renovation.

June 26, 2003 – FVRD Building Department staff attended the subject property and observed the existing house had been completely gutted, including structural alterations. The extensive works required a building permit therefore the structure was posted with Stop Work and No Occupancy notices.

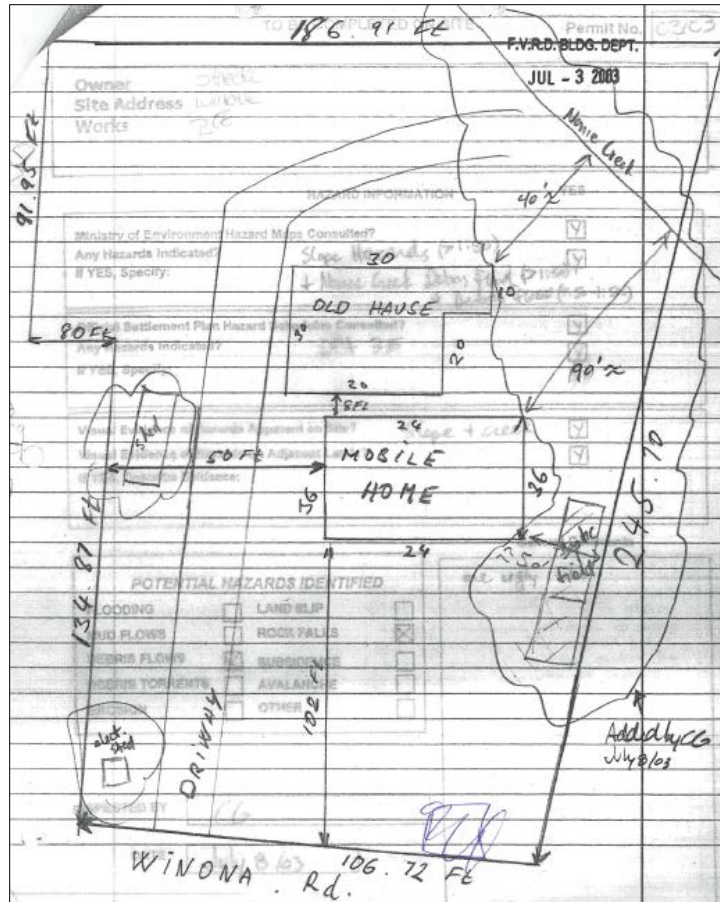
Inspection photos taken June 26, 2003:



The property owner Frank Streda spoke with FVRD staff by telephone the next day and stated that his lawyer told him he did not require a building permit to renovate the house. Staff explained that minor renovations such as replacing siding, windows, or a roof did not require a building permit. The works observed by staff included structural alterations which did require a building permit. Mr. Streda assured staff that he would be in to apply for a building permit and understood that work could not continue until a building permit was issued.

July 3, 2003 – The property owner Frank Streda submitted a building permit application (BP03103) for a mobile home, and provided site drawings for the property. A Building Permit application 'incomplete letter' dated July 10, 2003 was sent to Mr. Streda advising him of the outstanding items required to obtain the Building Permit.

Site plan for 50985 Winona Road:



August 14, 2003 – Golder Associates Ltd. prepared a letter report to fulfill the requirements for a geotechnical hazard report for the single family residence. The letter report covered the assessment of the geotechnical hazards of the subject property, and provided recommendations for construction and upgrade of the existing mitigation works at the site to allow for its intended residential use.

September 22, 2003 – The property owner Frank Streda submitted a Building Permit application (BP03142) to convert the existing residence to a workshop. A building permit application 'incomplete letter' dated October 1, 2003 was sent to Mr. Streda advising him of the outstanding items required to obtain the Building Permit.

October 14, 2003 – FVRD Building Department sent a second 'incomplete letter' regarding Building Permit application BP03103 to the property owner Frank Streda. This letter advised Mr. Streda that the location of the proposed shop (formerly existing house) was within the 30 metre zoning bylaw

setback to Nonie Creek therefore a Development Variance Permit was imperative and would need to be issued prior to the issuance of the building permit. Additionally, the existing geotechnical report and Development Permit application must be amended to include the workshop and illustrate that it will be safe for the use intended.

Construction drawings were submitted by Omega Engineering however they did not reflect the requirements of the Golder Associates Ltd. report. The drawings showed a basement at grade with a mobile home on top which did not meet the 1.5 metre above grade flood construction level requirement of the geotechnical report. The Ministry of Water, Land and Air Protection (MWLAP) recommended 1.0 metre above grade and approved the reduced setback from Nonie Creek; however this approval was only provided informally by email prior to November 17, 2003. Staff was unable to obtain a formal reply from MWLAP prior to the introduction of Bill 56 on November 17, 2003 which altered the role of local governments in managing developments near a watercourse and in flood hazard areas. As a result, the Planning Department was not in a position to issue a Development Permit which did not meet the requirements of the zoning bylaw and held all affected applications in abeyance until the issues pertaining to Bill 56 were resolved.

December 17, 2003 – FVRD Bylaw Enforcement staff was in the area for another site inspection and noticed that a mobile home had been placed on the subject property with a basement constructed underneath. Although the property owner Frank Streda was working on applications for a Development Permit and Building Permit, neither of these permits had been issued and the construction had commenced without proper approval.

Inspection photo taken December 17, 2003:



January 5, 2004 - FVRD Building Department sent a second 'incomplete letter' (as follow-up to the October 1, 2003 FVRD letter) regarding Building Permit application BP03142 to the property owner Frank Streda advising him of the items that remained outstanding and must be submitted in order to obtain the Building Permit.

January 7, 2004 – FVRD Planning Department sent a letter to the property owner Frank Streda advising that Development Variance Permit application 2003-03 would be held in abeyance until the issues pertaining to Bill 56 were resolved.

September 3, 2004 – FVRD Building Department staff performed a site inspection on the subject property and confirmed that construction had continued on the Mobile Home without a building permit. Staff attempted to photograph and post Stop Work and No Occupancy notices but was prevented from doing so by Mrs. Streda. Frank Streda was not on-site at the time. Over the following days, staff discussed options with Mr. Streda. The bylaw enforcement file was held in abeyance to allow the Development Permit and Building Permit application process to proceed.

2005-2007 – FVRD Planning and Building Department staff corresponded with the property owner Mr. Streda to finalize the Development Permit and Build Permit applications. The Development Permit and Building Permit applications were not completed and closed due to inactivity. The matter was referred back to the Bylaw Enforcement Department for follow-up.

January 16, 2008 – FVRD staff met with the property owner Frank Streda to discuss how to obtain Occupancy Certificates for the mobile home and the workshop. Staff explained that new Building Permit applications would need to be submitted as the previous applications (BP03103, BP03142 and DP2002-03) had been closed due to inactivity. Staff noted to Mr. Streda that the issuance of a Development Permit and positive geotechnical report remained the number one hurdle. Mr. Streda submitted two (2) new building permit applications for the Mobile Home (BP011532) and Conversion of Existing House to Workshop (BP011533). The bylaw enforcement file was once again held in abeyance to allow the building permit application process to proceed.

February 21, 2008 – FVRD Building Department staff performed a site inspection on the subject property as part of the Building Permit application process. The bylaw enforcement file remained in abeyance while the Building Permit process continued.

Inspection photos taken February 21, 2008:



January 23, 2009 - FVRD Building, Planning and Bylaw Enforcement staff receive notification from the FVRD Manager of Flood Management Recovery Programs that a channel avulsion of Nonie Creek had occurred. The creek had relocated through the subject property and the flood waters flowed south to an area of several homes protected by a private dyke constructed to protect the residences from Chilliwack River flooding. Some work was done during the flood emergency with a small machine, but a private wing dyke needs to be reconstructed and the downstream channel for 90 metres restored. The work will involve a 20 ton excavator with a thumb, and several loads of rock rip-rap. Cost is estimated at \$7,000 to \$10,000. Work should be started early next week to ensure the channel is secured prior to the next heavy rain event.

November 12, 2009 – FVRD Planning staff met with the property owner Frank Streda to discuss proposed bank protection works following the cancellation of his Water Approval Application (A2005655) with the Ministry of Environment. During this meeting, staff became aware that he had received funding through Disaster Financial Assistance (DFA) for bank protection on and adjacent to the subject property due to damages incurred on the subject property from Nonie Creek during the January 2009 event.

November 26, 2009 – FVRD Planning Staff sent a letter to the property owner Frank Streda regarding the November 12, 2009 meeting. This letter advised that the FVRD understood he did not have an active application with the Ministry of Environment for works in and about Nonie Creek. Accordingly, the FVRD required a Development Permit be issued for any proposed alteration of land within the vicinity of Nonie Creek if there were no provincial approvals being obtained.

Unfortunately, FVRD property records are unclear as to whether the property owner Frank Streda performed mitigation works to repair damage caused by the January 2009 event. No (0) FVRD Development Permits were applied for or issued for such work.

June 25, 2012 – The property owner Frank Streda applied for a Development Permit (2012-09) as required by the building permit applications (BP011532 and BP011533). Throughout the remainder of 2012 and into 2013, FVRD Planning Department staff received several inquiries regarding the requirements to close active FVRD files on the subject property from Geotechnical Engineering firms preparing quotes for the property owner Frank Streda.

September 11, 2013 – FVRD Planning Department staff sent the property owner Frank Streda a letter requesting an update on the actions being taken to complete the geotechnical works and report, and provided two months' notice that the Development Permit was set to close on November 12, 2013 due to inactivity.

February 18, 2014 – FVRD staff met with property owner Frank Streda and reviewed the status of the Development Permit application (2012-09) and Bylaw Enforcement file (E06605.101):

- Updated report still required from Geotechnical Engineer indicating what mitigation works were needed to make the property safe for the use intended;
- Development Permit could be issued once a satisfactory report (and likely a covenant) was received;

- The required protective works must be constructed, reviewed, and signed-off by registered professionals, and could not be completed by the property owner.
- Planning Department staff stressed that the Riparian Area Regulations (RAR) must be followed, and the proposed protective works must be reconciled with the RAR regulations;
- Bylaw Enforcement staff advised that the Section 57 Notice on Title process would be initiated if a geotechnical engineer was not engaged in a timely manner. Staff advised Mr. Streda that fines would also be issued if the Development Permit and Building Permit processes were not completed.

August 18, 2014 – FVRD Planning Department staff advise Bylaw Enforcement staff that no (0) updated Geotechnical Reports had been submitted, and follow-up voice messages left with the property owner Frank Streda on July 15, 2014 and August 18, 2014 were not responded to.

September 4, 2014 – Bylaw Enforcement staff reviewed property files and issued two (2) Bylaw Offence Notices to the property owner Frank Streda.

- BNE23019: construction without a permit - placement of mobile home \$200
- BNE23020: construction without a permit - change of use from existing house to workshop \$200

September 15, 2014 – Bylaw Offence Notices were paid in full. FVRD staff spoke with the property owner Frank Streda on the telephone and advised that Bylaw Enforcement would continue to escalate towards a Notice on Title until a Geotechnical Engineer was hired to complete the necessary report.

November 20, 2014 – The Planning Department sent a letter to the property owner Frank Streda advising that Development Permit application 2012-09 had been closed due to inactivity.

November 24, 2014 – The Building Department sent a letter to the property owner Frank Streda advising 'final notice' that the building permit applications (BP011533 Convert House to Workshop and BP011532 Placement of Mobile Home) were not approvable and a list of items necessary to complete the applications was provided.

April 8, 2015 – The Building Department sent a letter to the property owner Frank Streda advising that the Building Permit applications (BP011533 Convert House to Workshop and BP011532 Placement of Mobile Home) had been closed due to inactivity.

June 1, 2016 – FVRD staff receive information that the Sto:lo First Nation has become aware of archeological significance within Winona Road properties. Staff is directed to forward any property inquiries to the Provincial Archeological Resources Department for further information.

October 6, 2017 – FVRD staff become aware that the subject property may be listed for sale. Due to staffing changes, the Notice on Title process had not yet been completed but the file remained in queue for review.

March 16, 2018 – Bylaw Enforcement staff review the subject property files and initiate the Notice on Title process. An updated Land Title search reveals that the subject property has changed ownership to Marcela Runci and Lenka Nick. Bylaw Enforcement staff sent a registered letter addressed to both of the new property owners advising them of the outstanding Bylaw Enforcement issues and staff's recommendation to proceed with the process of registering a Section 57 Community Charter Notice on the subject property's Land Title. This letter gave the property owners a final opportunity to achieve compliance by the deadline of April 16, 2018.

March 20, 2018 – FVRD Bylaw Enforcement staff receive signature confirmation from Canada Post that the registered letter dated March 16, 2018 was collected by the registered property owner Marcela Runcl.

April 17, 2018 – FVRD Bylaw Enforcement and Building Department staff performed a drive-by inspection of the subject property to photograph and update the subject property files. The unpermitted construction (Mobile Home with Basement and conversion of an existing House to a Workshop) remain on the property and appear to be occupied contrary to the June 26, 2003 Stop Work and No Occupancy notices.

Site inspection photos dated April 17, 2018:



April 18, 2018 – FVRD staff has not received any response from either registered property owner, Marcela Runcl or Lenka Nick. There have been no (0) new building permit or development permit applications received to date. Therefore, FVRD staff will proceed with the Notice on Title recommendation.

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 Bylaw No. 1188, 2013* (Building Bylaw) for health, safety and the protection of persons and property. Section 6.1 of this bylaw provides that 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 existing house has been converted into a workshop without the benefit of a valid Building Permit. These renovations included extensive structural alterations. The mobile home with basement underneath has been placed and constructed without the benefit of a valid Building Permit.

Two (2) Building Permits are required for the works undertaken; or one (1) Demolition Permit is required to remove all construction completed without a valid Building Permit.

Official Community Plan

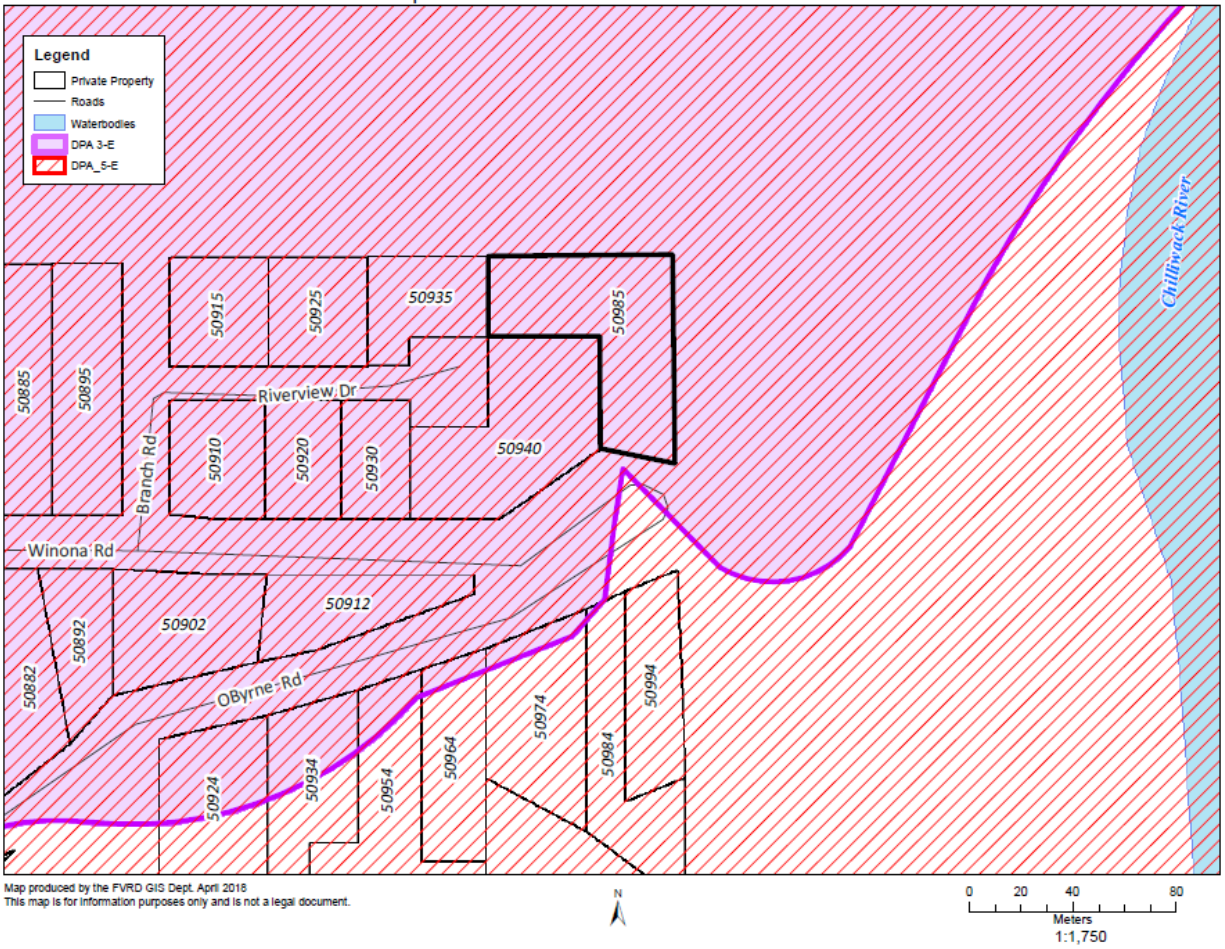
Pursuant to the *Fraser Valley Regional District Official Community Plan for Electoral Area "E" Bylaw No. 1115, 2011* the subject property is located within:

1. *Chilliwack River Valley Slope Hazard Development Permit Area 3-E* for the protection of new development from debris flow or torrent and debris floods; rock slides and rock falls; and, slumps, slides, debris avalanche/earth flows. A Development Permit must be obtained prior to the subdivision of land; alteration of land; or construction of, addition to, or alteration of a building or structure; within the development permit area.
2. *Riparian Areas Development Permit Area 5-E* for the protection of the natural environment, its ecosystems and biological diversity within 30 metres of a water course. A Development Permit must be obtained prior to the subdivision of land; the disturbance of soil or vegetation; or construction of or addition to a building or structure; within a riparian assessment area.

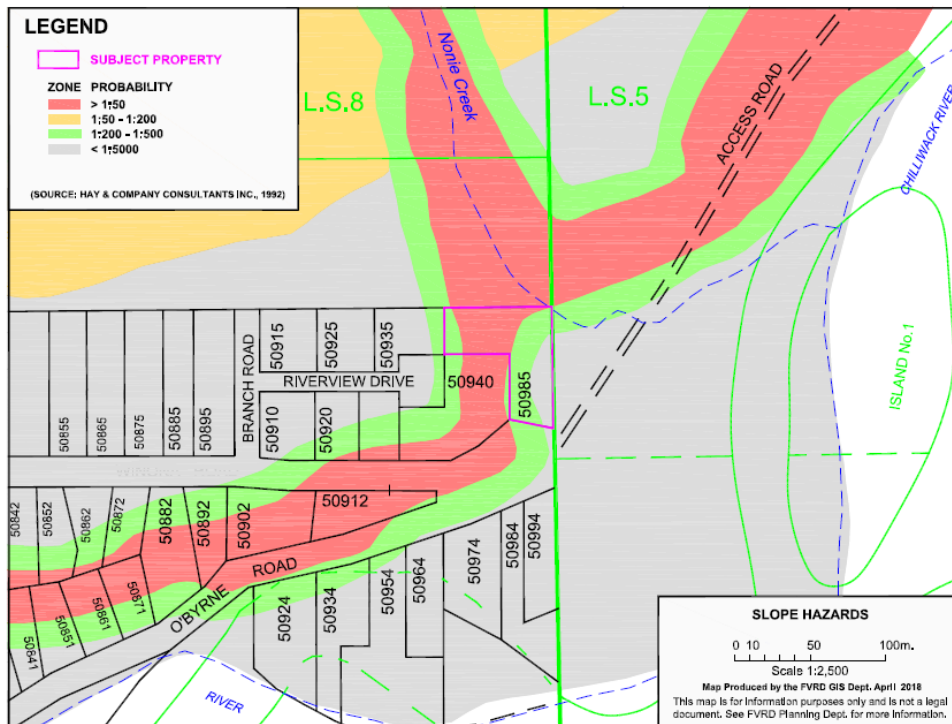
To date, there has been no (0) completed Development Permits for any of the construction or land alteration works that have occurred on the subject property.

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

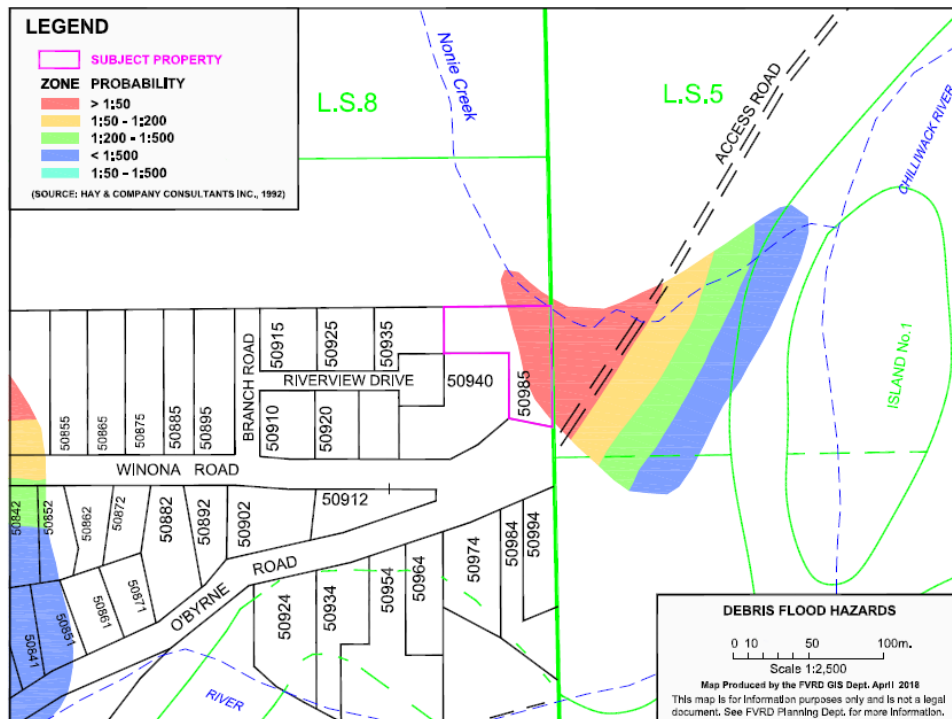
Map of the DPA 3-E & DPA 5-E 50985 Winona Rd



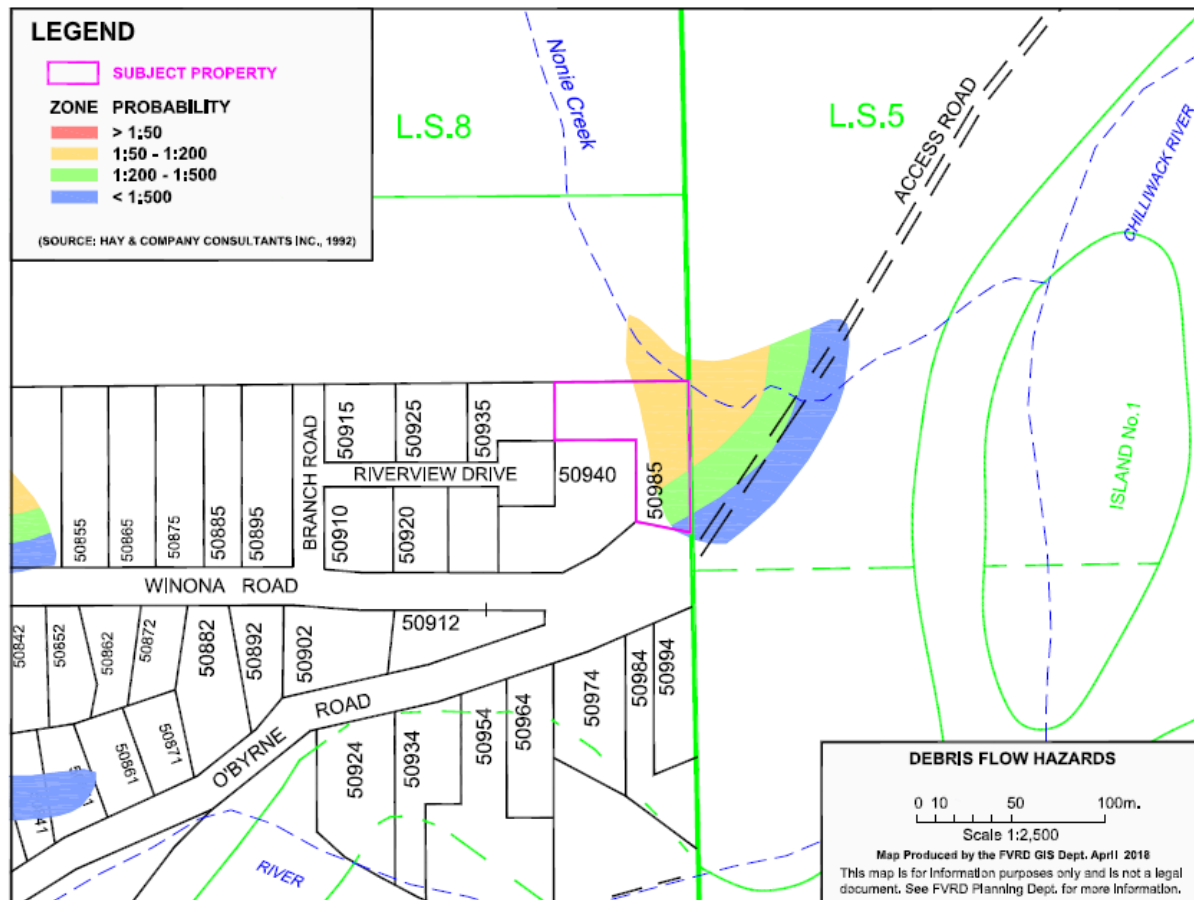
Slope Hazard Map for 50985 Winona Road:



Debris Flood Hazard Map for 50985 Winona Road:



Debris Flow Hazard Map for 50985 Winona Road:



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 District Building Bylaw No. 1188, 2013* after the unpermitted construction works on the existing house and mobile home are either:

1. Demolished with a Demolition Permit issued by the FVRD with a successful final inspection; or
2. Completed through two (2) Building Permits issued by the FVRD and both receive successful final inspections. The Building Permits will require issuance of a Development Permit for the alteration of land and construction, which would include an updated Geotechnical Report, registered to the subject property's Land Title by way of a covenant, and the completion of a Riparian Assessment by a Qualified Environmental Professional.

CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the conversion of the existing house into a workshop, and the placement of a mobile home and construction of a basement were completed without the benefit of valid building permits, and are in violation of multiple Fraser Valley Regional District bylaws, the *British Columbia Building Code*, and the *Riparian Area Regulations*. Full compliance will only be achieved with the successful completion of two (2) Building Permits and the issuance of a Development Permit for the alteration of land, conversion of an existing house into a workshop, and the placement of a mobile home and construction of a basement.

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 a 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 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:

Paul Gipps, Chief Administrative Officer:

March 16, 2018

VIA REGISTERED MAIL

Marcela Runci
Lenka Nick
50985 Winona Road
Chilliwack, BC V4Z 1B7

FILE: E06605.101
CIVIC: 50985 Winona Road
PID: 006-487-181
LEGAL: LOT 88 SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN
NEW WESTMINSTER DISTRICT PLAN 30071

Dear Property Owners;

RE: Final Warning – Construction without a Building Permit and Alteration of Land

As you may already be aware, the Fraser Valley Regional District continues to have an open bylaw enforcement file with regards to construction requiring building permits and the alteration of land requiring a development permit at 50985 Winona Road in Electoral Area E (the “property”). Although you may be the new owners of this property, a change of ownership in no way negates these bylaw enforcement issues.

The previous property owners have not fulfilled the outstanding requirements of multiple building and development permit applications. These applications have all been closed; therefore the Regional District shall proceed with the process of registering a Notice with the Land Title Office as outlined in Section 57 of the *Community Charter*. Please review the attached information sheet for further details on this process.

Development Permits ensure the safe development of property and minimize risk to buildings, infrastructure and occupants. Building Permits ensure that all buildings comply with the health, safety, building and zoning requirements of the Regional District and the Province of British Columbia. Non-approved buildings place the occupants at risk, and should an unfortunate incident occur the owner may be held liable. We encourage you to read the *Occupiers Liability Act* regarding property safety and negligence, available online at: http://www.bclaws.ca/civix/document/id/complete/statreg/96337_01

Should you wish to work with staff to bring your property in to compliance with all current regulations, you will be required to submit the following applications:

- Development Permit application for the ‘alteration of land and completed construction’; and
- Building Permit application for the ‘conversion of house to workshop’; and
- Building Permit application for the ‘placement of mobile home’.

OR

- Development Permit application for the ‘alteration of land and completed construction’; and
- Demolition Permit application for the ‘conversion of house to workshop’ and ‘placement of mobile home’ (both structures can be demolished under one Demolition Permit).

For further information on these application processes, please contact the Planning Department and Building Department directly. Applications are also available on the Regional District website at: www.fvrd.ca. Please note that obtaining permits may be challenging because your property is in a known slope hazard area and because the construction that has been completed to date requires registered professional requirements.

If we do not hear from you with regards to these matters by **April 16, 2018** we will move forward with the Notice on Title process. If you have any questions or wish to discuss this matter further, you may contact me directly at 604-702-5017 or by email at asnashall@fvrd.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm.

Respectfully,



Digitally signed by
Adriana Snashall
Date: 2018.03.16
14:55:39 -07'00'

Adriana Snashall
Bylaw Compliance and Enforcement Officer

enc: Letter dated April 8, 2015
Letter dated November 20, 2014
Letter dated November 24, 2014
Letter dated September 11, 2013
Section 57 Information Sheet

cc: Bill Dickey, Director of Electoral Area D
Margaret-Ann Thornton, Director of Planning & Development

File Number: 3800-30-BP011532E

April 8, 2015

Streda, Frank
50985 Winona Road
Chilliwack, BC V4Z 1B7

Dear Mr. Streda:

Re: Building Permit Application No. BP011532 for the placement of a Mobile Home on property legally described as Lot 88, Section 33, Township 1, Range 29, Meridian 6, New Westminster District, Plan NWP30071 Meridian W6, For Mobile See 06605.102, Manufactured Home Reg. # 2650. Known as 50985 Winona Rd.

Further to the attached final letter of requirements sent on November 24, 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 E06605.101 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: Orion Engar, Director of Electoral Area E
Margaret Thornton, Director of Planning & Development
Bylaw Enforcement File E06605.101



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

November 20, 2014

File: 3060-20-2012-09

Frank Streda
50985 Winona Road
Chilliwack, BC
V4Z 1B7

Re: Application for Development Permit – 50985 Winona Road

I am writing in regards to your development permit application for 50985 Winona Road for the placement of a mobile home and the conversion of a single family dwelling into an accessory storage building which were done without the benefit of building permits.

We have discussed the steps required to complete the development permit numerous times throughout 2013 and 2014. As it is clear that no action is taking place to update the geotechnical report and to complete the geotechnical works required for the safe use of the buildings, the FVRD has now closed the development permit application file. If you intend to proceed, a new application will be required.

Please don't hesitate to contact me if you wish to discuss this matter further or to schedule a meeting. You can contact me at 604-702-5491 or aphilp@fvrd.bc.ca.

Sincerely,

Aja Philp
Planner I
Fraser Valley Regional District

Cc: FVRD Building Department
Jennifer Wells, Bylaw, Permits and Licenses Technician
Orion Engar, Electoral Area "E" Director

Attachments: FVRD File Closure Policy



FRASER VALLEY REGIONAL DISTRICT POLICIES AND PROCEDURES

POLICY: Timelines for Electoral Area (EA) Planning and Development Applications

Date Issued: FVRD Board Resolution (date)

Date Amended:

PURPOSE

To establish file closure policies for Electoral Area (EA) Planning and Development applications for:

- Official Community Plan (OCP) Amendment
- Official Settlement Plan (OSP) Amendment
- Zoning Bylaw Amendment
- Development Permit
- Development Variance Permit
- Temporary Use Permit
- Campground and Holiday Park Permit
- Mobile Home Park Permit
- Site Specific Floodplain Exemption

POLICY

1. PERMITS

- Development Permit
- Development Variance Permit
- Temporary Use Permit
- Campground and Holiday Park Permit
- Mobile Home Park Permit
- Site Specific Floodplain Exemption

SCENARIO	TIME TO CLOSE FILE	TIME EXTENSION
Permit/Site Specific Exemption issued and all requirements fulfilled.	When works complete and securities (if applicable) released.	Not Applicable
Permit/Site Specific Exemption approved in principle (i.e. subject to conditions such a Covenant, etc.), but not issued.	One year from date of authorization in principle.	One six (6) month*
Permit/Site Specific Exemption not authorized.	One year from date of application.	One six (6) month*

*extension at the discretion of staff



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-BP011532(08003)E

November 24, 2014

Frank Streda
50985 Winona Road
Chilliwack, BC V4Z 1B7

Dear Mr. Streda:

Re: Incomplete Building Permit No. 08003 for the Purpose of Constructing a Mobile Home On Property Legally Described as Lt 88, Sec 33, Twp 1, Rge 29, Mer 6, NWD, PI 30071 Known as 50985 Winona Rd.

I am writing to you in connection with your building permit application dated Jan 01, 2008. 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. The Building Inspector has determined that a geotechnical report is required pursuant to Section 56 of the Community Charter. Please see the previously attached letter from Greg Price Building Inspector. The Regional District has a report from Golder and Associates dated September 12 2003 which may be used for this purpose if the report is updated. The proposed construction on your property must meet the requirements of this report. Further, the report must be registered on the title of your property by way of a covenant pursuant to the Community Charter. Please contact Planning staff at 604-702-5000 in order initiate this process.
2. The Development Permit Application file no. 3060-20-2012-09 has been cancelled as per letter dated November 20, 2014. Please contact Planning staff at 604-702-5000 for information regarding the completion of this process.
3. The proposed construction involves development within a Riparian Assessment Area. Please contact a Qualified Environmental Professional to perform a Riparian Assessment. See the previously attached *Riparian Areas Regulation* information sheet for further details.
4. Submit a sealed soils report and Geotechnical Schedules B1/B2 from a professional engineer.
5. Submit Schedules B1/B2 and 3 sets of sealed drawings for the entire structure that reflect a frost depth of 0.45m and snow loads of, $S_s = 2.3\text{kPa}$ and $S_r = 0.3\text{kPa}$ from a professional engineer.
6. A revised, scaled site plan that includes a) the entire property complete with all existing buildings and structures, b) the proposed house with setbacks to all property lines, watercourses and wells, c) the location of the septic field, tank, driveway, Statutory Right of Ways and Easements and d) rock pit/storm drainage system (minimum 5.0m from any foundation).

7. A BC Land Surveyor prepared siting proposal complete with setbacks to each property line and the natural boundary of the watercourse.
8. 3 complete sets of construction drawings that reflect all requirements of the above noted geotechnical report (final version).
9. Complete the Building, Plumbing and Ancillary Heating sections of the previously attached copy of your Building Permit Application and return it to this office.
10. Complete and submit the previously attached Manufactured Home Check List.
11. Submit a foundation plan from your Mobile Home supplier complete with a point load chart.
12. 3 complete sets of floor plans for the mobile home and construction drawings for the addition including landings, decks and stairs at each exterior door.
13. Sealed documentation from an authorized person (as defined by the Provincial Sewage System Regulations) for the re-use of your existing sewage disposal system. The sealed report must confirm that the existing system will support the proposed number of bedrooms, and that the proposal will meet all Provincial Sewage System Regulations. For a list of authorized persons please call 604 585-2788 or go online to owrp.asttbc.org

Your permit application will be held in abeyance until **January 24, 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.

Sincerely,

pp. 

Greg Price
Building Inspector

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



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

e-mail: info@fvrd.bc.ca

September 11, 2013

File: 3060-20-2012-09

Frank Streda
50985 Winona Road
Chilliwack, BC
V4Z 1B7

Re: Application for Development Permit – 50985 Winona Road

I am writing in regards to your development permit application for 50985 Winona Road for the placement of a mobile home and the conversion of a single family dwelling into an accessory storage building which were done without the benefit of building permits.

We had discussed the steps required to complete the development permit in April 2013 and again in June 2013. We would like to work with you towards a timely resolution of the development permit. As discussed, this requires the completion of protective geotechnical works and an update to the old geotechnical report that was completed by Golder in 2003.

Your immediate response is required. Please provide an update on the actions you are taking to complete the geotechnical works and report. If you do not respond to the FVRD indicating that you are actively working on the development permit requirements within two months of the date of this letter (i.e. November 12, 2013), the FVRD will close the development permit application and proceed with bylaw enforcement action.

Please don't hesitate to contact me if you wish to discuss this matter or to schedule a meeting. You can contact me at 604-702-5491 or aphilp@fvrd.bc.ca.

Sincerely,

Aja Philp
Planner I
Fraser Valley Regional District

Cc: FVRD Building Department
Jennifer Wells, Bylaw, Permits and Licenses Technician
David Lamson, Electoral Area "E" Director

Attachments: FVRD File Closure Policy



FRASER VALLEY REGIONAL DISTRICT POLICIES AND PROCEDURES

POLICY: Timelines for Electoral Area (EA) Planning and Development Applications

Date Issued: FVRD Board Resolution (date)

Date Amended:

PURPOSE

To establish file closure policies for Electoral Area (EA) Planning and Development applications for:

- Official Community Plan (OCP) Amendment
- Official Settlement Plan (OSP) Amendment
- Zoning Bylaw Amendment
- Development Permit
- Development Variance Permit
- Temporary Use Permit
- Campground and Holiday Park Permit
- Mobile Home Park Permit
- Site Specific Floodplain Exemption

POLICY

1. PERMITS

- Development Permit
- Development Variance Permit
- Temporary Use Permit
- Campground and Holiday Park Permit
- Mobile Home Park Permit
- Site Specific Floodplain Exemption

SCENARIO	TIME TO CLOSE FILE	TIME EXTENSION
Permit/Site Specific Exemption issued and all requirements fulfilled.	When works complete and securities (if applicable) released.	Not Applicable
Permit/Site Specific Exemption approved in principle (i.e. subject to conditions such as a Covenant, etc.), but not issued.	One year from date of authorization in principle.	One six (6) month*
Permit/Site Specific Exemption not authorized.	One year from date of application.	One six (6) month*

*extension at the discretion of staff

Timelines for Electoral Area (EA) Planning and Development Applications

2. BYLAW AMENDMENTS

- Official Community Plan (OCP) Amendment
- Official Settlement Plan (OSP) Amendment
- Zoning Bylaw Amendment

SCENARIO	TIME TO CLOSE FILE	TIME EXTENSION
Bylaw Adopted.	When works complete and securities (if applicable) released.	Not Applicable
Readings Given, but no Public Hearing held.	Two (2) years from date of Bylaw reading.	One six (6) month*
Public Hearing held.	One (1) year from date of Public Hearing.	A second Public Hearing will be scheduled in the period 12-18 months after the 1 st Public Hearing with the required fee
No Readings Given to Bylaw.	Two (2) years from date of application.	One six (6) month*

*extension at the discretion of staff

PROCEDURE

Process to Close File:

1. Staff provides a 60 day (two month) letter of notice advising of the file closure policy and Intent to close the development application file to the applicant and the registered property owner by regular mail, with a copy to the Electoral Area Director.
2. If no extension is requested or no further contact is provided, application file is closed with a letter to the applicant and registered property owner by regular mail, with a copy to the Electoral Area Director advising that the application file is now closed. If there is an intent to proceed, a new application will be required. If a refund of a portion of the application fee applies, Finance Department is advised to process the required refund, to be sent under separate cover letter.

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?

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@fvrld.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.

TITLE SEARCH PRINT

2018-03-15, 13:34:22

File Reference:

Requestor: Adriana Snashall

Declared Value \$331000

CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN

Land Title District Land Title Office	NEW WESTMINSTER NEW WESTMINSTER
Title Number From Title Number	CA6553008 CA6552991
Application Received	2018-01-08
Application Entered	2018-01-22
Registered Owner in Fee Simple Registered Owner/Mailing Address:	MARCELA RUNCL, RETIRED LENKA NICK, HAIR STYLIST 50985 WINONA ROAD CHILLIWACK, BC V4Z 1B7 AS JOINT TENANTS
Taxation Authority	New Westminister Assessment District
Description of Land Parcel Identifier: Legal Description:	006-487-181 LOT 88 SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN NEW WESTMINSTER DISTRICT PLAN 30071
Legal Notations	NONE
Charges, Liens and Interests	NONE
Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE
Pending Applications	NONE

Folio: 733.06605.101
Civic: 50985 WINONA RD
Size: 0.742 ACRES

Pid: 006-487-181
Legal: LOT 88, SECTION 33, TOWNSHIP 1, RANGE 29,
 MERIDIAN 6, NEW WESTMINSTER DISTRICT, PLAN
 NWP30071 MERIDIAN W6, FOR MOBILE SEE 06605.102,
 MANUFACTURED HOME REG. # 2650.

Owner: STREDA, FRANK
 RUNCL, MARCELA
 50985 WINONA RD
 CHILLIWACK BC V4Z 1B7
 (395031)

2018 Taxable Assessments

				<u>Land</u>	<u>Improvements</u>	<u>Net</u>
1	Res	GENERAL	Gross	287,000	114,000	401,000
			Exempt	0	0	0
			Net	287,000	114,000	401,000
1	Res	SCHOOL	Gross	287,000	114,000	401,000
			Exempt	0	0	0
			Net	287,000	114,000	401,000

2018 Actual Assessments

	<u>Land Class</u>	<u>Land</u>	<u>Impr Class</u>	<u>Impr</u>
00 - FULLY TAXABLE LAND, STRUCTURES	1 - Res	287000	1 - Res	114000

<u>Lto Number</u>	<u>Sales Price</u>	<u>Date</u>	<u>Description</u>
395031	0.00	Apr 6, 2016	REJECT - NOT SUITABLE FOR SALES ANALYSIS
CA5064682	192,000.00	Mar 24, 2016	REJECT - NOT SUITABLE FOR SALES ANALYSIS
394690	128,000.00	Mar 24, 2016	REJECT - NOT SUITABLE FOR SALES ANALYSIS
317656A	12,500.00	Apr 3, 2009	REJECT - NOT SUITABLE FOR SALES ANALYSIS
BT36666	59,900.00	Feb 1, 2002	VACANT SINGLE PROPERTY CASH TRANSACTION
BP131624	25,000.00	Jun 6, 2000	REJECT - NOT SUITABLE FOR SALES ANALYSIS
P110151E	16,000.00	Nov 15, 1978	IMPROVED SINGLE PROPERTY CASH TRANSACTI

Attribute

ACTUAL USE
 ELECTORAL AREA
 LAND TENURE
 MANUAL CLASS
 NEIGHBOURHOOD
 SCHOOL DISTRICT
 SERVICE AREA

Value

000
 E
 01
 0030
 212
 33
 45CILMT

Description

SINGLE FAMILY DWELLING

 CROWN-GRANTED
 1 STY SFD -ALL AGES- POOR

Classification

BYLAW ENFORCEM

Start Date

Dec 11, 2001

Stop Date**Comment**

See bylaw enforcement staff for details.E06605.101



FRASER VALLEY REGIONAL DISTRICT

11 April 2018

45950 Cheam Ave, Chilliwack, British Columbia V2P 1N6
 Phone: 604 702-5000 Toll free: 1-800-528-0061 Fax: 604 792-9684
 Web: www.fvrd.bc.ca E-Mail: info@fvrd.bc.ca

Property Information Report

Civic Address:	50985 WINONA RD	Lot Size:	0.742 ACRES
Folio Number:	733.06605.101	Electoral Area:	E
PID:	006-487-181	Map Scale:	1:1097
Legal Description:	LOT 88, SECTION 33, TOWNSHIP 1, RANGE 29, MERIDIAN 6, NEW WESTMINSTER DISTRICT, PLAN NWP30071 MERIDIAN W6, FOR MOBILE SEE 06605.102, MANUFACTURED HOME REG. # 2650.		



Land-use Information

Zoning Designation:	Contact Planning Department	Zoning Bylaw:	Contact Planning Department
OCP Designation:	Contact Planning Department	OCP Bylaw:	Contact Planning Department
DPA Designation:	Contact Planning Department	ALR:	Contact Planning Department
In Mapped Floodplain:	Contact Planning Department	Watercourse:	Contact Planning Department

Utility Information

Local Service Area:	Contact Planning Department
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This information is provided as a public resource for general information purposes only. The information shown is compiled from various sources and the Fraser Valley Regional District makes no warranties, expressed or implied, as to the accuracy or completeness of the information. This report is not a legal document and is published for information and convenience only. The Fraser Valley Regional District is not responsible for any errors or omissions that may appear on this report.