

March 21, 2018

VIA MAIL AND EMAIL

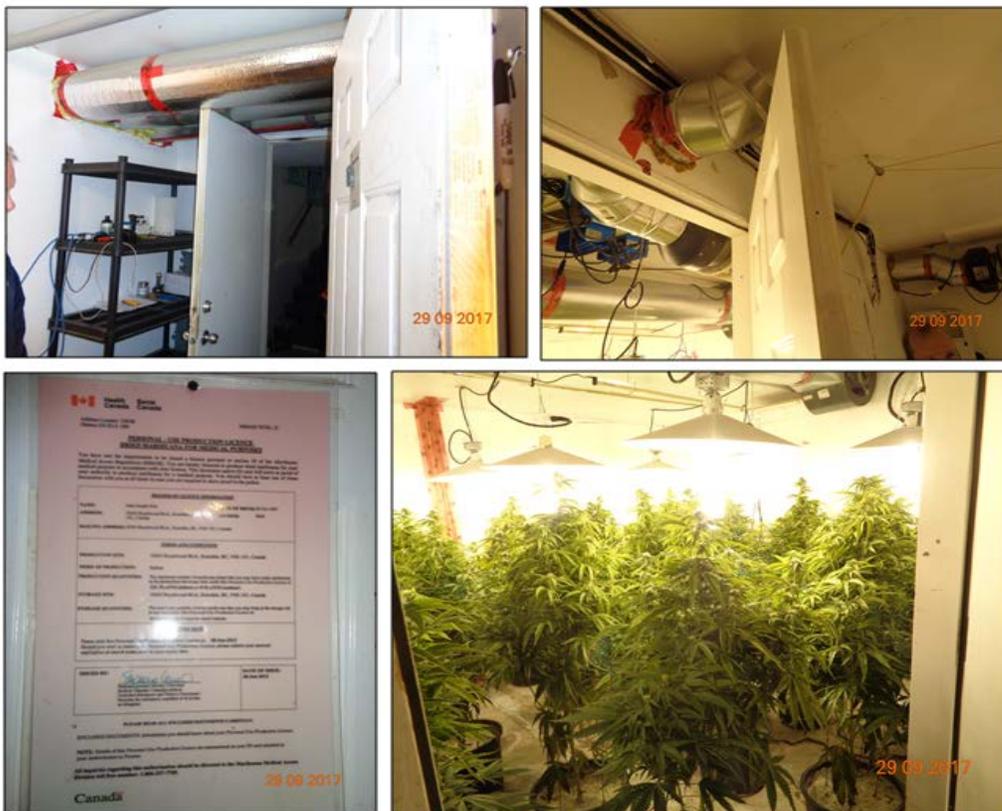
Mr. John Fritz
10363 Royalwood Blvd RR1
Rosedale, BC V0X 1X1

FILE: **4010-20-D06642.027/2**
CIVIC: 10363 Royalwood Blvd
PID: 018-813-798
LEGAL: LOT 27 SECTION 1 TOWNSHIP 3 RANGE 29 MERIDIAN 6 NEW WESTMINSTER DISTRICT PLAN LMP17398 MERIDIAN W6

Dear Mr. Fritz:

RE: Bylaw Contraventions - 10363 Royalwood Blvd; PID: 018-813-798

Further to our most recent email correspondence of December 20, 2017, and letter dated November 2, 2017; Regional District Staff confirmed interior building renovations to cause a change of use for the single family dwelling to a medical marihuana grow operation without the benefit of a building permit. Please see site inspection photographs dated September 29, 2017 below:



Your property is currently zoned as *Suburban Residential 2 (SBR-2)*. The purpose of this zoning is to provide for single-family development. Section 2300 of *Bylaw 75* does not list a medical marihuana grow operation as a permitted use in the (SBR-2) zone.

Mr. Pederson's letter dated, April 10, 2017 referenced Section 528 of the Local Government Act (non-conforming uses: authority to continue use). Section 528 (1) (a) states, *land, or a building or other structure, to which that bylaw applies is lawfully used*. As a residentially zoned (SBR-2) property, the use for Medical Marihuana Production was never permitted under the Zoning Bylaw, including the time before the adoption of the medical marihuana regulations as outlined in *Amendment Bylaw No. 1255, 2014* (Bylaw 1255). Prior to the adoption of *bylaw 1255* the use of the property for a Farm Use was also not permitted. The use of 10363 Royalwood Blvd for a Medical Marihuana Grow Operation is not permitted, and has never permitted under the Zoning Bylaw at any time, so Section 528 of the *Local Government Act* does not apply in this case. The Regional District has also received written confirmation that Health Canada authorizations for Medical Marihuana Production Licenses are subject to all Local Government requirements including land use (Zoning) and Building requirements.

The interior building renovations to the single family dwelling that caused the change of use to the medical marihuana grow operation all require an approved building permit as outlined below sections 6.1 of the *Regional District's Building Bylaw No. 1188, 2013*:

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 unless such work is specifically exempted from the requirement for a building permit pursuant to section 5 of this bylaw.

On a preliminary basis, our building inspection department has health and safety concerns relating to the following unauthorized works within the single family dwelling:

- Outside air is being drawn from the garage area
- Condensate drains to septic system
- Humidity control
- Cannot confirm extent of structural alterations as walls are covered in plastic
- Flex pipe in mechanical area not connected, possible combustion or make up air
- Fire separations between two occupancy classifications (C and an F2)
- Multiple code infractions due to code classifications

The FVRD wishes to work with you to enable you to bring your property in compliance with the *BC Building Code* and Regional District Bylaws. We want to convey that we believe your property in its current condition creates a safety concern for yourself, your neighbours and or visiting resident to your property. We encourage you to read the *Occupiers Liability Act* regarding property safety and negligence. To avoid further enforcement measures, that may include fines of up to \$500 per occurrence, and or other means of enforcement action on behalf of the Regional District please ensure that you achieve the following no later **April 16, 2018**:

1. Submit a completed building permit with \$150 permit fee addressing the renovations you have undertaken and submit a completed re-zoning or Temporary Use Permit application to allow the medical marihuana grow operation use of the property; or,
2. Cease operations of the non-permitted marihuana grow operation use and apply for a building permit to address renovations required to return the structure to residential use.

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 do not hesitate to 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>

Please contact me directly at 604-702-5015 or by calling toll free at 1-800-528-0061 to discuss the above stated matters. I am also available in person at the Regional District Office Monday through Friday from 8:30a.m. to 4:30pm or by email at lhintonl@fvrd.ca Thank you in advance for your anticipated co-operation.

Respectfully,

Louise Hinton
Bylaw, Compliance and Enforcement Officer

Attach: Copy of Email dated December 20, 2017
Copy of Letter Dated November 2, 2017

cc: Bill Dickey, Director of Electoral Area D
Margaret-Ann Thornton, Director of Planning & Development
Dale Petersen, Legal Representation for Mr. Fritz
Greg Price, Building & Bylaw Coordinator
Health Canada – Office of Medical Cannabis
Review of Registered Property Title – Organizations with interest in property
CIBC Mortgages Inc. (Inc. No. A33457) – Mortgage #CA2002773