

January 24, 2018

Via Email: [REDACTED]

Mr. Marcel Champigny  
Mrs. Bernice Champigny  
4164 Slesse Road  
Chilliwack BC V4Z 1B3

**FILE:** E06604.250/3  
**CIVIC:** 4164 Slesse Road  
**PID:** PID: 009-301-780  
**LEGAL:** Lot 25 Except: Part within Heavy Outline taken by Highway Statutory Right of Way Plan 64013, Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24078

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Dear Mr. and Mrs. Champigny:

**Re: Final Warning – Construction without a Building without a Permit – 4164 Slesse Road  
Demolish and reconstruct the rear of the single family dwelling with attached deck**

Further to our most recent letters dated March 16, 2016, April 27, 2015, March 17, 2015 and February 25, 2015 Regional District staff has confirmed that your property at 4164 Slesse Road (the "property") continues to remain in breach of Regional District bylaws despite our repeated requests for compliance. Staff verified that the construction works to demolish and rebuild the rear portion of the single family dwelling and attached deck on your property was started 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.*

It has now been almost seven years since the Regional District first discovered the unauthorized construction on your property. We understand there have been unforeseen circumstances that may have prevented you from completing your required permits. However, as of today's date outstanding permit requirements for this structure have not been met.

Considering you have not been able to meet any of the previously given deadlines to comply with the building or development permit requirements as outlined in the Bylaw 1188, the Regional District will proceed with the process of registering a notice on the title of your property under Section 57 of the *Community Charter*. The registration of a notice on title, with the Land Titles Office is the best course of action given the timelines and permit requirements to bring the structure into compliance with Regional District regulations. Please see the enclosed information sheet that provides further details on the process.

If you do wish to take steps towards gaining compliance in the above stated matter please ensure that by **February 8, 2018** a fully completed building permit application is submitted for the above noted construction, to the Fraser Valley Regional District's Building Department. Alternatively you may choose to demolish the unpermitted construction. If you choose to proceed with a building permit, please ensure that the completed application form includes the following items:

- a) Detailed to scale drawings for the structure including the uses for each space;
- b) British Columbia Land Surveyors (BCLS) location survey;
- c) An initial application fee in the amount of \$150.00 for the permit.
- d) A development permit application (please refer to planning department for further information on how to apply for a Development Permit).

Please note that obtaining a permit 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.

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>

If you fail to meet the above stated deadline of **February 8, 2018** we will move forward to begin the process of registering a notice on the title of your property 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 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 Letters dated March 16, 2016 and April 27, 2015  
Copy of Letters dated March 17, 2015 and February 25, 2015  
Section 57 Information Sheet

cc: Orion Engar, Director of Electoral Area E  
Margaret Thornton, Director of Planning & Development  
Greg Price, Bylaw & Compliance Coordinator  
Vancouver City Savings Credit Union in Trust (BL51936)



**COPY**

March 16, 2016

Bernice Champigny  
Marcel Champigny  
4164 Slesse Road  
Chilliwack, BC V4Z 1B3

**FILE: 4010-20-E06604.250/3**  
**CIVIC:** 4164 Slesse Road  
**PID:** 009-301-780  
**LEGAL:** LOT 25 EXCEPT: PART WITHIN HEAVY OUTLINE TAKEN BY HIGHWAY STATUTORY RIGHT OF WAY  
PLAN 64013, SECTION 33 TOWNSHIP 1 RANGE 29 WEST OF THE SIXTH MERIDIAN NEW  
WESTMINSTER DISTRICT PLAN 24078

Dear Mr. & Ms. Champigny;

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

As you are aware, the Regional District has an open bylaw enforcement file for the above mentioned property for construction of a deck and storage room without a permit.

As per the attached letter dated April 27, 2015 the Regional District is aware of the difficulties you were having, preventing you from applying for a new building permit for the construction and granted you time, until May 1, 2016, to apply for the required permit. To this date the Regional district has not received any building permit applications for your property.

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 submit a new building permit application no later than **May 1, 2016**. Should you fail to comply with this request, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement.

If you have any questions or wish to discuss this matter further, you are welcome to contact me by calling toll free at 1-800-528-0061, directly at 604-702-5015, or by email at [jwells@fvrd.bc.ca](mailto:jwells@fvrd.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,



Jennifer Wells  
Bylaw, Permits & Licences Technician

cc: Orion Engar, Director of Electoral Area E  
Margaret-Ann Thornton, Director of Planning & Development

**COPY**

File Number: E06604.250/3

April 27, 2015

Bernice & Marcel Champigny  
4164 Slesse Road  
Chilliwack BC V4Z 1B3

Dear Mrs. & Mr. Champigny;

**Bylaw Enforcement & 4164 Slesse Road; Legally Described as Lot 25 Except: Part within Heavy Outline Taken by Highway Statutory Right of Way Plan 64013, Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24078 (Parcel Identifier 009-301-780)**

Further to your last email sent Tuesday, April 7, 2015, it is my understanding that you wish to resolve the bylaw enforcement (BE) issues on your property but you are unable at this time due to personal finances as well as Mrs. Champignys' health. At this time, I would like to summarize the bylaw enforcement concerns for the above noted property for you.

#### **Development Permit Information**

The Fraser Valley Regional District Official Community Plan for Electoral Area E Bylaw No. 1115, 2011 contains statements and map designations respecting restrictions on the use of land that is subject to hazardous conditions. This Official Community Plan may be found by clicking on the following link: <http://www.fvrd.bc.ca/InsidetheFVRD/Bylaws/LandUsePlanningandDevelopmentBylaws/Pages/OfficialCommunityPlans.aspx>

According to our records, the subject property is within two (2) Development Permit Areas (DPA). To date, a Development Permit has not been issued for this property.

No.	Subject	partial list of activities requiring a Development Permit
3-E	Slope Hazard	Alteration of land; and construction of, addition to or alteration of a building within a Development Permit Area. Please note that a certified site-specific geotechnical report from a qualified professional geotechnical engineer may be required.
5-E	Riparian Areas	Development (including the alteration of land, the disturbance of soil or vegetation or the construction of or addition to a structure) within a Riparian Area (30 meters from the high water mark of a stream).

#### **2007 Winter Slope Activity**

Please see attached Thurber Engineering report titled *Slesse Park Properties, Chilliwack Overview Geotechnical Hazard Assessment* dated March 30, 2007 for more information.

#### **Building Permit Information**

Construction is regulated through the Fraser Valley Regional District Building Bylaw No. 1188, 2013 (Building Bylaw 1188). Generally, a building permit is required for all construction including reconstruction, installation, replacement, erection, repair, alteration, enlargement, placement, addition, demolition,



removal and excavation although there are exemptions. This bylaw may be found by clicking on the following link: <http://www.fvrd.bc.ca/InsidetheFVRD/Bylaws/RegulatoryBylaws/Pages/BuildingBylaw.aspx>

According to our records, there are no open building permits or building permit applications on the subject property. The historical building permits for this property is as follows:

Permit No.	Date	Subject	Status	Notes
23485	1985	12'x14' Addition	Completed Aug 20, 1986	Certificate of Occupancy provided
012605	2011	Rebuild Deck & Storage Room	Incomplete Application Cancelled	Forwarded Back to Bylaw Enforcement

#### **Synopsis of Active Bylaw Enforcement for 4164 Slesse Road**

According to our records, there is one (1) active bylaw enforcement file on the subject property:

File No.	Date	Subject	Status	Notes
E06604.250/3	Mar 2015	Build/DPA	Active	Construction without Permits (Build/DP)

On June 19, 2011, staff was made aware that property owners were demolishing the back of the dwelling and a deck with plans to rebuild. Staff verified that permits had not been applied for such works and posted the structure with STOP WORK and NO OCCUPANCY notices (BE File E06604.250/3). The Building Inspector noted the following:

- There are concerns with regards to the structural integrity of the construction, and
- The slope has continued to erode at the back of the house.

A Building Permit application was submitted on August 5, 2011. Staff sent letters on August 26, 2011, April 19, 2012, July 18, 2012, and a final notice October 2, 2012 asking for items to be submitted to approve the application. No items were submitted to staff. Items required were:

- A certified site-specific geotechnical report from a qualified professional geotechnical engineer (property is located within DPA 3-E);
- A registered professional to submit Schedules with drawings including a report on the status of the entire structure with details on any structural upgrades and foundation repairs;
- A registered professional to submit Schedules for soil bearing capacity and slope stability including a landslide assessment report;
- A scaled site plan;
- Construction drawings that reflect all requirements of the geotechnical report; and
- Documentation from an authorized person for the re-use of the existing sewage disposal system.

On October 2, 2014, staff contacted the owner who stated that they had reduced works so as to be exempt from requiring a Building Permit. The owner permitted staff to perform a site inspection on February 23, 2015 to confirm that the works do not exceed 215 square metres. The Building Inspector noted that the deck measures 320 square feet and a building permit is still required. The Inspector also noted that works have continued and the room below the deck is now enclosed (please note photographs below).

On February 25, 2015, staff sent a letter explaining that the required items to fulfill the building permit application process remain outstanding, the building permit application has been closed, and the file has been referred back to Bylaw Enforcement. On March 17, 2015, staff sent a letter requesting that the owners re-apply for a building permit. On April 7, 2015, staff received an email from you stating that:

- You have not completed the project,

- Mrs. Champigny is ill,
- You are unable to acquire the necessary finances to finish the project, and
- All work has stopped until further notice.

The works remain on the property without a permit and in contravention of Building Bylaw 1188 and staff are concerned with the structural integrity of the construction as well as the continued erosion of the slope.

**Options to Consider to Resolve the Bylaw Enforcement File**

Obtain and follow through with a Building Permit for the deck and enclosed storage room. This would require you to:

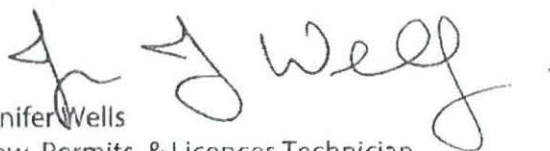
- Submit a Building Permit application form,
- Submit the Building Permit application fee (currently \$150.00),
- Submit a site plan, and
- Submit a Development Permit application (please refer to Planning Department for further information on how to apply for a Development Permit).

Please note that obtaining permits may be challenging due to a few known issues:

- Slope Hazard (a certified site-specific geotechnical report is required),
- Construction has completed (registered professional requirements).

At this time, and due to the mitigating circumstances outlined by yourself, the Regional District is prepared to provide you **one year to apply and obtain the required permits** (prior to May 1, 2016) for the works (deck and room addition). The Bylaw Enforcement file E06604.250/3 would remain open but on hold until the extension is concluded or further information is received which would require staff to activate the file. I have attached a *Letter of Intent* for you to sign if you wish to proceed with this course of action. Should you fail to comply with this request, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement. Please do not hesitate to contact me if you have any questions or require further information.

Sincerely,



Jennifer Wells  
Bylaw, Permits, & Licences Technician

cc: Orion Engar, Director of Electoral Area E  
Margaret Thornton, Director of Planning & Development

encl: Photographs  
Thurber Geotechnical report  
Letter of Intent form



MEMORANDUM

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**To:** Margaret Thornton, Director of Development & Planning  
[mthornton@fvrd.bc.ca](mailto:mthornton@fvrd.bc.ca)  
File Number: E06604.250/3

**From:** Bernice Lorrain Champigny  
Marcel Joseph Champigny  
Joint Tenants of 4164 Slesse Rd  
[mjchamp@shaw.ca](mailto:mjchamp@shaw.ca)

**Re:** **Letter of Intent for 4164 Slesse Road:**  
Legally Described as Lot 25 Except: Part within Heavy Outline Taken by Highway Statutory Right of Way Plan 64013, Section 33 Township 1 Range 29 West of the Sixth Meridian New Westminster District Plan 24078 (Parcel Identifier 009-301-780)

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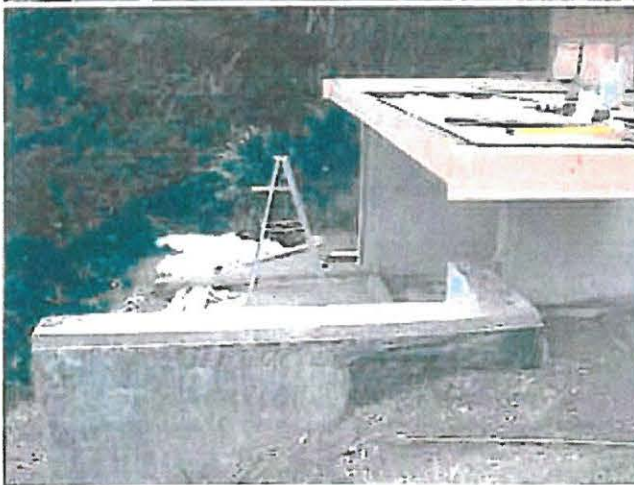
We hereby intend to inform any potential purchaser(s)/agent(s)/occupant(s)/anyone with an interest on the above noted property of the following concerns which is the subject of a bylaw enforcement file (E06604.250/3):

- Construction (deck and room addition) carried out on the dwelling without the required building permit as required by the *Fraser Valley Regional District Building Bylaw No. 1188, 2013*, and
- The property is located within Development Permit Area 3-E and a geotechnical report is required pursuant to section 56 of the *Community Charter*.

We understand and confirm that the bylaw enforcement file will remain open, regardless of any change in ownership, until the contraventions referred above have been corrected and the property is in full compliance with the Fraser Valley Regional District bylaws.

Print Full Name	Signature	Date

Photographs taken July 22, 2011



Photographs taken July 25, 2011





Photographs taken Feb 23, 2015





APR - 3 2007

PLANNING DEPT.

March 30, 2007

File: 14-50-62

Fraser Valley Regional District  
1-45950 Cheam Avenue  
Chilliwack, BC  
V2P 1N6

Attention: Mr. Rick McDermid

**SLESSE PARK PROPERTIES, CHILLIWACK  
OVERVIEW GEOTECHNICAL HAZARD ASSESSMENT**

Dear Sirs:

Thurber Engineering Ltd. (TEL) is pleased to submit this overview hazard assessment for the following properties, as defined by you on February 27:

4164 and 4170 Thor Road  
50761 and 50765 Mountview Avenue

The scope of our assignment is to utilize available information, field observations and our experience in the area to provide the Fraser Valley Regional District (FVRD) with an overview hazard assessment that considered broad ('big-picture') geotechnical hazard issues in the study area, which is shown on Figure 1.

Use of this report is subject to the enclosed Statement of General Conditions.

**1. FIELD WORK**

We conducted field work in sunny, dry weather on March 6. At that time, we met and discussed site conditions with Mrs. MacGregor, one of the owners of 4164 and 4170 Thor Road, and Mr. and Mrs. H. Fedick, at 50761 Mountview Avenue below the MacGregor properties. Subsequently, we discussed area details with Messrs. MacGregor and Mr. Fedick by phone on March 12, one day after a day of intense rainfall. We completed another brief inspection of the area on March 15.

Selected photos are included.

**2. SOURCES OF INFORMATION**

FVRD provided the following background information:





- Golder Associates Ltd. (GAL) geotechnical reports to Mr. MacGregor dated January 18 and January 30, 2007. The first report assesses slope hazards on the lower portion of the residential property at 4164 Thor Road and the same slope on the upper west portion of the Fedick tract. The second report is an Addendum that addresses geotechnical concerns on the lot at 4170 Thor Road, adjacent to and just east of the MacGregor residence. This lot is partially cleared, graded and filled in preparation for sale and residential development.
- An FVRD internal memo dated February 23, 2007 and photographs taken by FVRD staff on January 7, 2007
- A Fraser Health Authority letter to Mr. MacGregor dated February 8, 2007. It notes that the basement septic system at No. 4674 is damaged, no longer contained and that the basement water supply must be cut off. It also requires that an inlet to a septic tank damaged by soil movements on the south side of the house to be capped.
- A 1993 Cascade Engineering Ltd. report that dealt with geotechnical hazards on the Fedick property.
- A December 20, 1989 TEL report for a previous owner (Mr. Buzzard) at 50765 Mountview Avenue.
- Available topographic and legal maps.

TEL reviewed GAL's reports for information only and informed GAL as a professional courtesy on March 13. We do not repeat GAL's descriptions, interpretations or preliminary recommendations except as required to fulfill the scope of this assignment.

The GAL reports are preliminary and, as noted in the January 18 report, more geotechnical investigation work is required to develop appropriate design options for long term stabilization of the slope below the MacGregor house. GAL also notes that investigation work should be conducted after a period of dry weather, presumably to facilitate heavy equipment access.

### 3. GEOTECHNICAL ISSUES

TEL is familiar with area geotechnical issues having conducted previous work in the area for the FVRD and private landowners. There are soil movements on steep slopes high above the developed area and a history of soil slides elsewhere in the community.



Area soil movements are largely conditioned by adverse geotechnical characteristics on or near moderate to steep slopes formed of thick deposits of glacial lake silt and clay with inter-bedded aquifers. The slopes are also susceptible to landslide activity triggered by incautious residential building activity.

#### 4. 2007 WINTER SLOPE ACTIVITY

##### 4.1 MacGregor Property – 4164 and 4170 Thor Road

The MacGregors have lived at this address for about 10 years. They purchased the adjacent property to the east (4170 Thor Road) about 2 years ago. The south portion of the lots includes a continuous slope crest and ground that drops at moderate angles for about 7 m in elevation to their south property line. The Fedick property extends from the middle to upper slope to flat ground at the base. Their house at 50761 Mountview Avenue is situated near the foot of the slope some 13 m in elevation below the joint property line.

On or about December 23, 2006 soil fill at the slope crest on the south side of the MacGregor house began to subside and continued doing so through early January 2007 (Photo 1). We did not inspect the tarp-covered slide features but they are described in GAL's January 18 report and were photographed by FVRD staff. On March 6, Mrs. MacGregor reported the scarp just below the house basement is 1.2 m high. This compares to the 0.6 m reported in GAL's January 18 report. We are not sure if her observation is significant but continuing, slow slope deformations are possible. We estimate that the volume of displaced soil may be on the order of 100 m<sup>3</sup>.

The slide movements were preceded by heavy rain and/or rain-on-snow. They were probably affected by surcharges of water from footing drains, the damaged septic system and downspouts that delivered water from the sun deck to directly to the slope crest (Photo 1). Some water may have reached the slope from fill beneath house foundations or natural perched aquifers within the slope. GAL identifies the sliding soil to be silty to clayey fill with gravel and cobbles. The displaced fill was supported by timber crib walls which were also damaged by slide activity.

On March 12, Mr. MacGregor reported that the sun deck was constructed on top of the enclosed basement by the previous owner. Wooden stairs and deck railings were constructed for them after they purchased the





house. The slope crest fill and its timber crib retaining walls were also built by the previous owner.

Fill directly below the house was probably placed without geotechnical advice or design. The MacGregor's report their concrete foundation walls are in good repair. Both noted that a basement sump pump operated continuously for long periods of time prior to the time a Lock Block wall was constructed in April 2006 on the north side of Thor Road, some 25 m above the house. They note that the sump pump has run far less often over the very wet winter of 2006-2007. This suggests that drainage features installed behind the Lock Block wall intercept water that was previously reaching the basement pump. Thor Road is formed of unpaved gravel till.

There are small, and apparently old, rock walls and other landscape features adjacent to and below damaged timber crib walls and above a fence line that marks the MacGregor and Fedick property boundary. On March 12, Mr. MacGregor confirmed these landscape features were placed by the previous owner. We observed fresh soil waste dumped just below the southwest corner of MacGregor's west lawn. On March 12, Mr. MacGregor said he dumps yard waste at this site that originally appeared to be a compost pile. On March 6, we observed a fishpond in the west yard and upon enquiry, Mrs. MacGregor said that it is lined and in good repair.

Loose fill has been pushed southward beyond the slope crest south of the graded area on 4170 Thor Road. As noted in GAL's January 30 report, there is no visible evidence of fill instability but some woody debris is incorporated and remedial measures are recommended.

#### 4.2 Other Features

In April 2006, a contractor working on behalf of the BC Ministry of Transportation (MoT) replaced a weak and damaged log crib wall on the north side of Thor Road, as noted in the Section 4.1. We are not aware that any geotechnical investigation was implemented to design the wall. The MacGregors note that the contractor found a considerable volume of water issuing from one portion of the rotting log cribbing. The new Lock Block wall supports fill that rises steeply to south edge of Slesse Road directly above Thor Road (Photo 2). A shallow ditch system along the north side of Slesse Road flows to a south draining, crossroad culvert some distance east of the MacGregor properties.

Soil behind the Lock Block wall is drained by a 100 mm diameter Big-O pipe that discharges what appears to be a limited volume of water east into



a shallow ditch that more or less follows the foot of the steep slope beyond the Thor Road right of way (Photo 2). On considering the reported degree of seepage from the old log crib wall and limited flows from behind the new one, GAL suggests probing the new wall's drainpipe to determine if it is blocked.

The outlet ditch at the east end of the wall turns south to descend the graded slope and then turns east-south-east to enter a forest. Confusion arises because of an apparent discrepancy between a boundary the mapped on Figure 1 at the east end of the Fedick property and a surveyed fence line that along this boundary. Mr. MacGregor believes that the east boundary of No. 4170 lies well east of the ditch and also beyond an enclosed shed that he built in the forest (Figure 1 and Photo 4). A legal survey is required to establish the MacGregor's easternmost boundary. However, Mr. MacGregor notes that the ditch was in place when he purchased the property 2 years ago and that it flowed to the small gully behind the house at 50765 Mountview (Figure 1 and Photos 3 and 4). This ditch system assumes importance as discussed below in Sections 6 and 7. Hereinafter, we refer to it as the north-south (N-S) ditch.

Subsequent to the above-noted slide activity, Mr. MacGregor constructed a shallow ditch across the east property (4170 Thor Road). It flows east across the graded land surface to the N-S ditch. It intercepts near-surface water from the slope crest not far to the south.

On March 16, we traced the ditch through the forest and noted that it crosses oblique to the forest slope fall line. This portion of the ditch appeared to have been recently excavated or cleaned out with a hand shovel (Photo 3). It flows to a relatively small natural gully that drains south to a point about 8 m east of the west range of the house at 50765 Mountview (Figure 1). The gully is referred to as Gully B in TEL's 1989 report to Mr. Buzzard. The house is situated very close to the foot of a moderate to steep forest slope and our 1989 report expressed concern about the geotechnical security of the house. We did not enter the property but the gully drainage is directed westward from behind the house to a concrete lined drainage ditch that follows the property line between 50761 and 50764 Mountview (Figure 1 and Photo 4) then into a road cross culvert.

## **5. 50761 MOUNTVIEW AVENUE**

### **5.1 General Description**

Figure 1 shows the Fedick property, the elongate tract at the foot of the slope below a residence at 4160 Thor Road and the two MacGregor lots.





The Fedick house is situated near the east end of their lot (Photo 5) and it was the subject of the 1993 report by Cascade Engineering. Mr. Fedick explained that his house was sited in accordance with that report and that large shot rock fragments (from a single partially buried boulder) were placed along the foot slope behind and just west of his house in accordance with advice from Cascade Engineering. This rock forms a toe blanket that appears to resist slope movements but, on March 12, Mr. Fedick noted there was no slide activity prior to the rock being placed. He also notes that maple and alder trees are dying on this slope although it is not clear why.

Mr. Fedick notes that a Big-O pipe that descends the slope behind his house picks up drainage from along his upper property line. He also notes the pipe carries little water. Sketch maps in Cascade Engineering's 1993 report suggest this pipe alignment closely follows a 'natural (surface) drainage swale' that originated above his north property line, perhaps more or less in line with what is now the N-S ditch on the MacGregor tract. We cannot confirm this but, if correct, the N-S ditch may have been diverted into the small gully behind 50765 Mountview between the time of Cascade Engineering's report and sometime before Mr. MacGregor purchased 4170 Thor Road.

On March 12, Mr. Fedick noted the N-S ditch flows to the foot of the slope behind the house at 50765 Mountview and thence into a concrete-lined ditch to Mountview Avenue. He believes the ditch water should be carried in a closed pipe to the Mountview ditch and that a catch basin (perhaps a manhole catch basin) is required to trap sediment carried from Thor Road level above. He is unwilling to maintain the proposed system and believes it is the FVRD's responsibility.

Mr. Fedick expressed concern about ground and surface water that reportedly issues from the lower slopes of the MacGregor lots. On March 12, he noted that during heavy rain the day before, considerable volumes of water issued from the MacGregor tracts onto his slopes. He looks forward to remedial measures that he believes are likely to be recommended following more detailed investigations recommended by GAL.

## 5.2 Landslide on Fedick Property

In early January, a comparatively large soil slide occurred on the northwest portion of the Fedick property. It is described in GAL's January 18 report. GAL estimates the slide surface area is roughly 800 m<sup>2</sup>. The slide plane appears to be about 1 m or so below the surface giving a slide volume of



roughly 800 m<sup>3</sup>. The slide mass is probably colluvium weathered from underlying glacial silt and clay.

The slide head scarp is about 1 m high and the slide mass moved about 1 m in a south-south-west direction. The toe of the slide is over steepened and roughly 0.6 m high. The sliding mass remained essentially intact but trees and stumps on its surface tilted back as it moved. Mr. Fedick noted that maple and alder trees on this slope had also been dying before the slide occurred. We cannot explain why the trees died but it is conceivable that loss of root strength played a role in the shallow slide occurrence as did water infiltration in desiccation cracks in the clay-rich soil. Mr. Fedick placed stakes along the foot slope to measure further soil movements but none are observed.

GAL noted a soil cavity in the head scarp, an apparent soil pipe that delivered groundwater and affected the slide movement. GAL suggests that surface water from an old trail at the head of the slide also contributed to the slide. This raises interest in extending the scope of future work to the property west of 4160 Thor Road.

## 6. OTHER ISSUES

We received some conflicting information during March 12 phone conversations with area landowners. In particular, we are confused over the location of 4170 Thor Road's east boundary as noted on Figure 1 and Photo 4 of this report.

We recommend that the conflicts amongst area landowners be settled before any party seeks further geotechnical advice and before geotechnical investigation and design work is implemented. In our judgment, legal survey work will be required. We gave this information to Mr. R. Wong of GAL on March 15.

## 7. ADDITIONAL GEOTECHNICAL ISSUES

Figure 1 shows that the residential lots are relatively small and were subdivided in comparatively complex patterns especially considering how potentially adverse geotechnical slopes trend through the area. Most of the houses are relatively old and were sited before awareness of geotechnical hazards prevailed. Some are sited too close to the top or foot of slopes (see TEL's 1989 report) considering current levels of awareness of slope hazards and risks and the many uncertainties that apply in professional slope hazard assessment work. As a result and except for the considerable





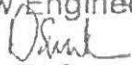
expense, the current study area could justifiably be extended east, west and south to seek comprehensive solutions to area slope problems, especially in regard to provision of drainage works.

In our judgment, it is unlikely that geotechnical professionals will undertake investigation and design work and, except with disclaimers, accept responsibility for works to protect existing or proposed residential buildings which do not conform to current siting guidelines established by the FVRD and which are affected by previously unrecognized or undocumented hazards.

Surface and groundwater control is required on all slopes. Surface water infiltration along Thor Road can be limited by paving if a suitable outlet is found for an improved ditch. The N-S ditch and its outlet behind 50765 Mountview may be especially problematic unless risks to this house are limited to a degree by continuing reduced flows from behind the Lock Block wall or if ditch water can be carried in a closed pipe system from the MacGregor land.

We trust this information is suited for your present needs. Please do not hesitate to contact us if you have any questions.

Yours truly,  
Thurber Engineering Ltd.  
Dave Smith, P.Eng.  
Review Engineer

  
Robert F. Gerath, P.Geo.  
Engineering Geologist



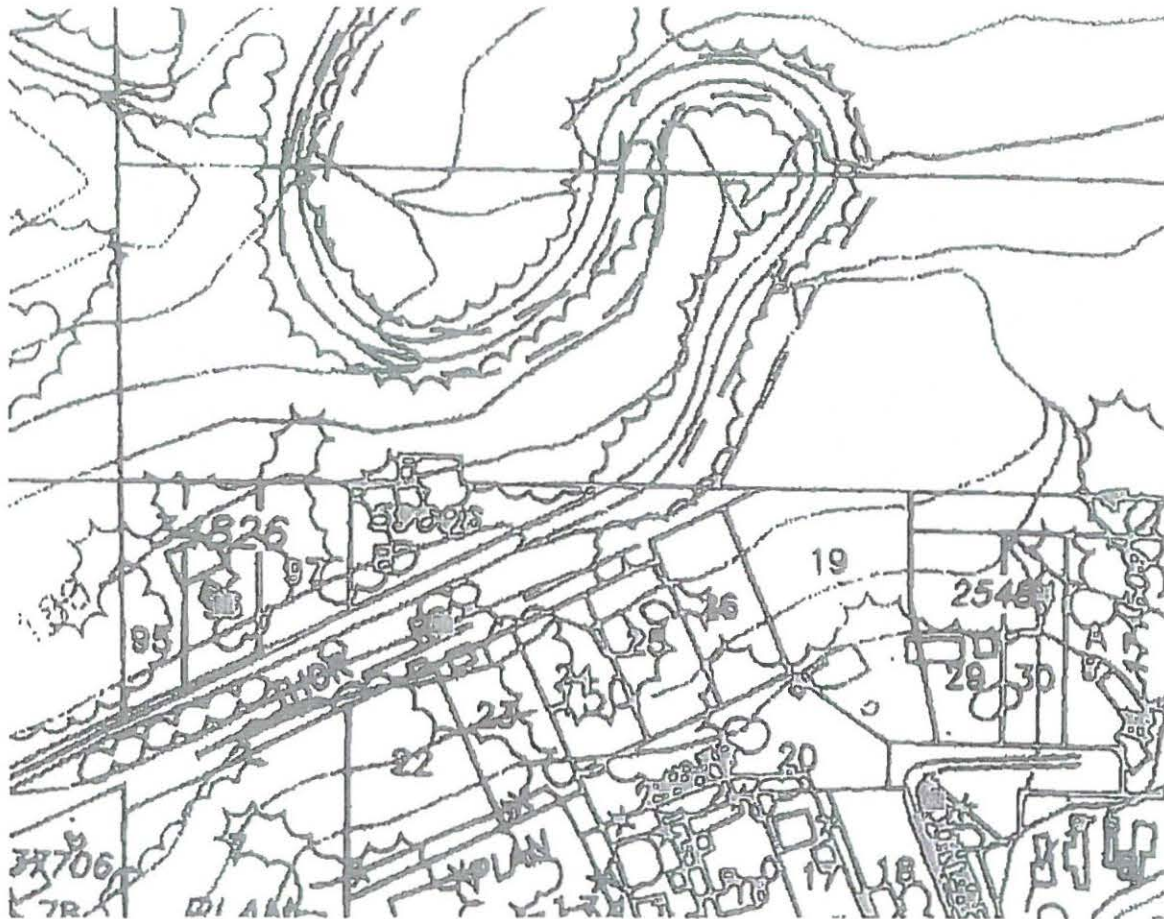


Figure 1: Topographic and property map. Contour interval is 10 m but the map is not scaled. It was produced for the BC Government in 1993. Slesse Road curves up the valley slope on the north side. Some property lines do not appear to be accurately shown or registered to physical features. Houses include what may be the MacGregor house on Lot 25 (4164 Thor Road). Surveys will be required to define actual lot limits. Lot 24 is 4160 Thor Road. Lot 26 is 4170 Thor Road. Lot 20 is the Fedick property (50761 Mountview Avenue) but the map was prepared before the house was built. Lot 19 is 50765 Mountview and its house appears to be correctly positioned relative to the immediately adjacent property boundary. Nonetheless, the boundary corner mapped just west of this house cannot be reconciled with a surveyed fence line that projects to the northeast corner of the Fedick property, as shown on Photo 4.





**Photo 1. View WNW showing slide below MacGregor house at 4164 Thor Road. Note the sheared soil mass in the foreground.**



**Photo 2. View WNW showing Lock Block wall on north side of Thor Road above the MacGregor house. The wall drain flows to the east-flowing drainage ditch at lower right. It turns into the N-S ditch not far behind the photographer.**

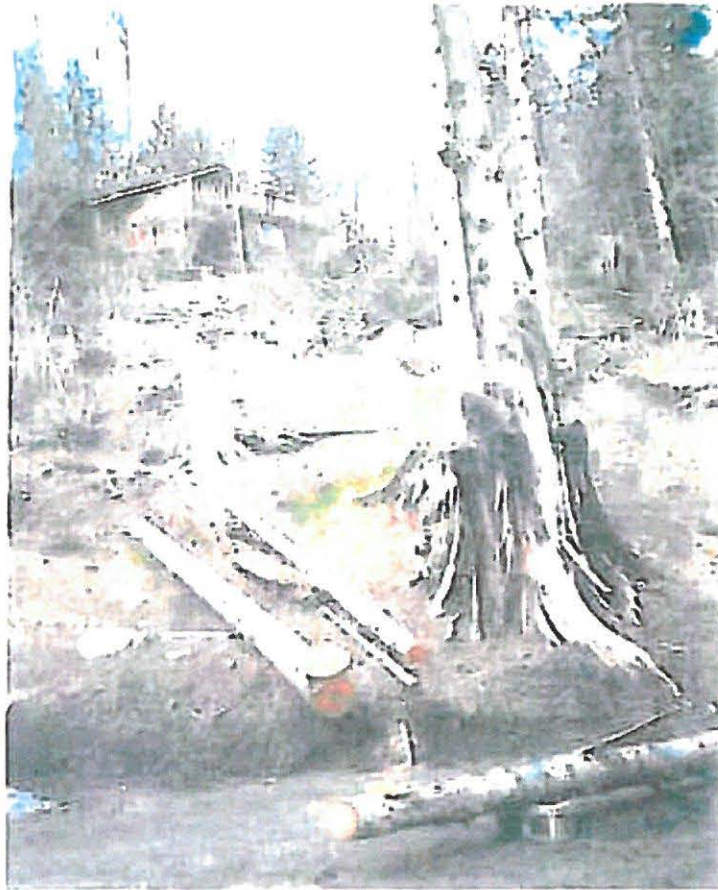


**Photo 3.** View WNW showing ditch in the forest east of the MacGregor tracts at the top of the photo.





**Photo 4. View northwest showing the concrete ditch between houses at 50761 (left) and 50765 (right) Mountview Avenue. Note how a Fedick fence line strikes up slope along a line projected from the ditch and compare the projected line to the boundary shown on Figure 1. Mr. Fedick states the fence follows a survey boundary to his northeast property pin. We cannot reconcile this observation with the boundary shown on Figure 1.**



**Photo 5. View northnortheast showing the landslide on the Fedick property. Bare soil patches mark the slide head scarp. Note the position of the MacGregor house compared to the slide. The Fedick lawn is in the foreground.**

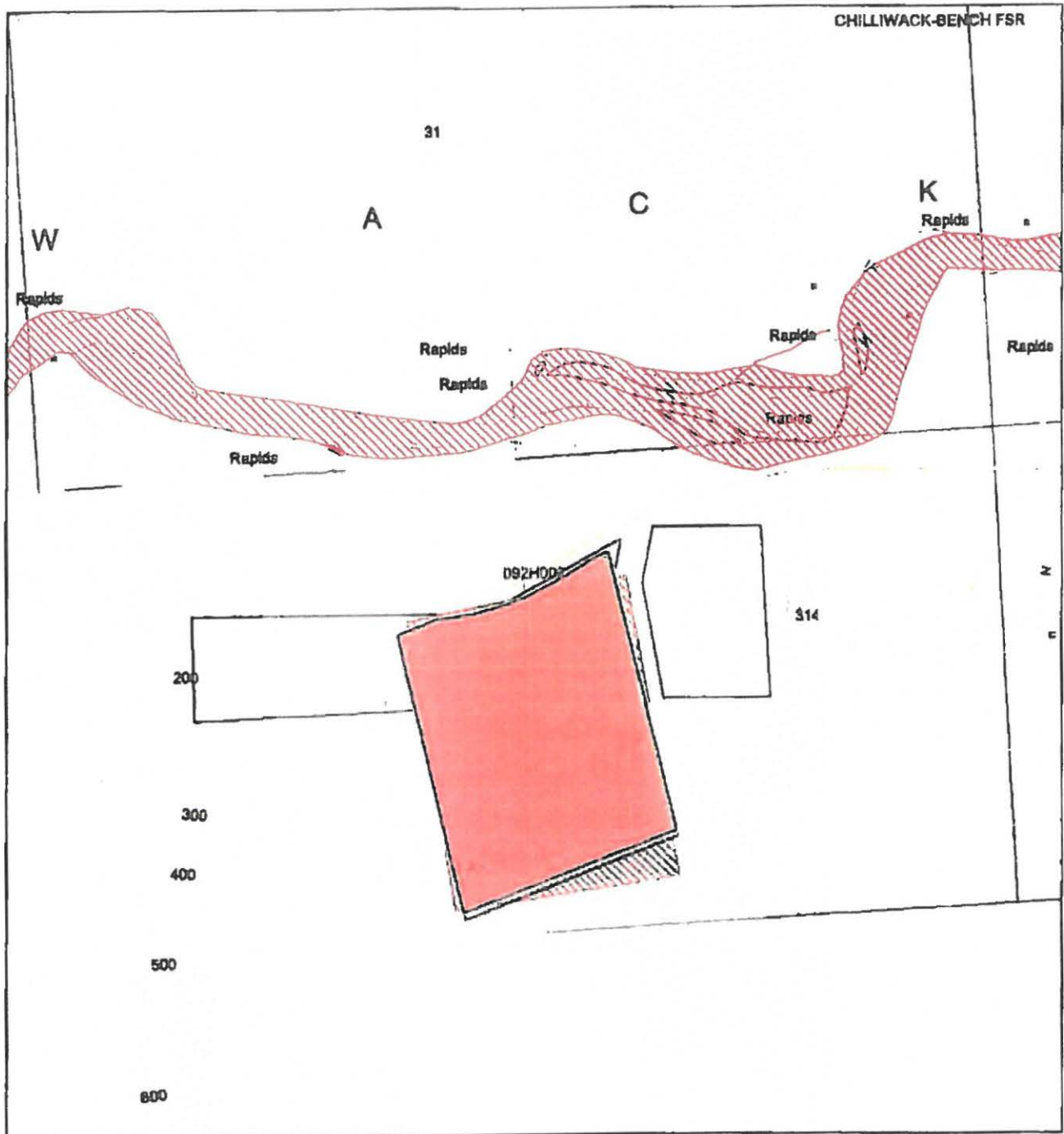


Aggregate

William Tolmie sand and gravel quarry

File No.: 2408600  
Disposition No.: 239799

Licence of Occupation (5 years)



Scale: 1: 10,000

BCGS Mapsheet(s): 92H 002

sand and gravel

Page \_\_\_\_ of \_\_\_\_



## STATEMENT OF GENERAL CONDITIONS

### 1. STANDARD OF CARE

This study and Report have been prepared in accordance with generally accepted engineering or environmental consulting practices in this area. No other warranty, expressed or implied, is made.

### 2. COMPLETE REPORT

All documents, records, data and files, whether electronic or otherwise, generated as part of this assignment are a part of the Report which is of a summary nature and is not intended to stand alone without reference to the instructions given to us by the Client, communications between us and the Client, and to any other reports, writings, proposals or documents prepared by us for the Client relative to the specific site described herein, all of which constitute the Report.

IN ORDER TO PROPERLY UNDERSTAND THE SUGGESTIONS, RECOMMENDATIONS AND OPINIONS EXPRESSED HEREIN, REFERENCE MUST BE MADE TO THE WHOLE OF THE REPORT. WE CANNOT BE RESPONSIBLE FOR USE BY ANY PARTY OF PORTIONS OF THE REPORT WITHOUT REFERENCE TO THE WHOLE REPORT.

### 3. BASIS OF REPORT

The Report has been prepared for the specific site, development, design objectives and purposes that were described to us by the Client. The applicability and reliability of any of the findings, recommendations, suggestions, or opinions expressed in the document, subject to the limitations provided herein, are only valid to the extent that this Report expressly addresses proposed development, design objectives and purposes, and then only to the extent there has been no material alteration to or variation from any of the said descriptions provided to us unless we are specifically requested by the Client to review and revise the Report in light of such alteration or variation or to consider such representations, information and instructions.

### 4. USE OF THE REPORT

The information and opinions expressed in the Report, or any document forming part of the Report, are for the sole benefit of the Client. NO OTHER PARTY MAY USE OR RELY UPON THE REPORT OR ANY PORTION THEREOF WITHOUT OUR WRITTEN CONSENT AND SUCH USE SHALL BE ON SUCH TERMS AND CONDITIONS AS WE MAY EXPRESSLY APPROVE. The contents of the Report remain our copyright property. The Client may not give, lend or, sell the Report, or otherwise make the Report, or any portion thereof, available to any person without our prior written permission. Any use which a third party makes of the Report, are the sole responsibility of such third parties. Unless expressly permitted by us, no person other than the Client is entitled to rely on this Report. We accept no responsibility whatsoever for damages suffered by any third party resulting from use of the Report without our express written permission.

### 5. INTERPRETATION OF THE REPORT

- a) **Nature and Exactness of Soil and Contaminant Description:** Classification and identification of soils, rocks, geological units, contaminant materials and quantities have been based on investigations performed in accordance with the standards set out in Paragraph 1. Classification and identification of these factors are judgmental in nature. Comprehensive sampling and testing programs implemented with the appropriate equipment by experienced personnel, may fail to locate some conditions. All investigations utilizing the standards of Paragraph 1 will involve an inherent risk that some conditions will not be detected and all documents or records summarizing such investigations will be based on assumptions of what exists between the actual points sampled. Actual conditions may vary significantly between the points investigated and the Client and all other persons making use of such documents or records with our express written consent should be aware of this risk and this report is delivered on the express condition that such risk is accepted by the Client and such other persons. Some conditions are subject to change over time and those making use of the Report should be aware of this possibility and understand that the Report only presents the conditions at the sampled points at the time of sampling. Where special concerns exist, or the Client has special considerations or requirements, the Client should disclose them so that additional or special investigations may be undertaken which would not otherwise be within the scope of investigations made for the purposes of the Report.
- b) **Reliance on Provided Information:** The evaluation and conclusions contained in the Report have been prepared on the basis of conditions in evidence at the time of site inspections and on the basis of information provided to us. We have relied in good faith upon representations, information and instructions provided by the Client and others concerning the site. Accordingly, we cannot accept responsibility for any deficiency, misstatement or inaccuracy contained in the Report as a result of misstatements, omissions, misrepresentations, or fraudulent acts of the Client or other persons providing information relied on by us. We are entitled to rely on such representations, information and instructions and are not required to carry out investigations to determine the truth or accuracy of such representations, information and instructions.





## INTERPRETATION OF THE REPORT (continued . . . .)

- c) **Design Services:** The Report may form part of the design and construction documents for information purposes even though it may have been issued prior to the final design being completed. We should be retained to review the final design, project plans and documents prior to construction to confirm that they are consistent with the intent of the Report. Any differences that may exist between the report recommendations and the final design detailed in the contract documents should be reported to us immediately so that we can address potential conflicts.
- d) **Construction Services:** During construction we must be retained to provide field reviews. Field reviews consist of performing sufficient and timely observations of encountered conditions to confirm and document that the site conditions do not materially differ from those interpreted conditions considered in the preparation of the report. Adequate field reviews are necessary for Thurber to provide letters of assurance, in accordance with the requirements of many regulatory authorities.

## 6. RISK LIMITATION

Geotechnical engineering and environmental consulting projects often have the potential to encounter pollutants or hazardous substances and the potential to cause an accidental release of those substances. In consideration of the provision of the services by us, which are for the Client's benefit, the Client agrees to hold harmless and to indemnify and defend us and our directors, officers, servants, agents, employees, workmen and contractors (hereinafter referred to as the "Company") from and against any and all claims, losses, damages, demands, disputes, liability and legal investigative costs of defence, whether for personal injury including death, or any other loss whatsoever, regardless of any action or omission on the part of the Company, that result from an accidental release of pollutants or hazardous substances occurring as a result of carrying out this Project. This indemnification shall extend to all Claims brought or threatened against the Company under any federal or provincial statute as a result of conducting work on this Project. In addition to the above indemnification, the Client further agrees not to bring any claims against the Company in connection with any of the aforementioned causes.

## 7. SERVICES OF SUBCONSULTANTS AND CONTRACTORS

The conduct of engineering and environmental studies frequently requires hiring the services of individuals and companies with special expertise and/or services which we do not provide. We may arrange the hiring of these services as a convenience to our Clients. As these services are for the Client's benefit, the Client agrees to hold the Company harmless and to indemnify and defend us from and against all claims arising through such hirings to the extent that the Client would incur had he hired those services directly. This includes responsibility for payment for services rendered and pursuit of damages for errors, omissions or negligence by those parties in carrying out their work. In particular, these conditions apply to the use of drilling, excavation and laboratory testing services.

## 8. CONTROL OF WORK AND JOBSITE SAFETY

We are responsible only for the activities of our employees on the jobsite. The presence of our personnel on the site shall not be construed in any way to relieve the Client or any contractors on site from their responsibilities for site safety. The Client acknowledges that he, his representatives, contractors or others retain control of the site and that we never occupy a position of control of the site. The Client undertakes to inform us of all hazardous conditions, or other relevant conditions of which the Client is aware. The Client also recognizes that our activities may uncover previously unknown hazardous conditions or materials and that such a discovery may result in the necessity to undertake emergency procedures to protect our employees as well as the public at large and the environment in general. These procedures may well involve additional costs outside of any budgets previously agreed to. The Client agrees to pay us for any expenses incurred as the result of such discoveries and to compensate us through payment of additional fees and expenses for time spent by us to deal with the consequences of such discoveries. The Client also acknowledges that in some cases the discovery of hazardous conditions and materials will require that certain regulatory bodies be informed and the Client agrees that notification to such bodies by us will not be a cause of action or dispute.

## 9. INDEPENDENT JUDGEMENTS OF CLIENT

The information, interpretations and conclusions in the Report are based on our interpretation of conditions revealed through limited investigation conducted within a defined scope of services. We cannot accept responsibility for independent conclusions, interpretations, interpolations and/or decisions of the Client, or others who may come into possession of the Report, or any part thereof, which may be based on information contained in the Report. This restriction of liability includes but is not limited to decisions made to develop, purchase or sell land.



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)

March 17, 2015

File Number: 4010-20-E06604.250/3

Bernice Champigny  
Marcel Champigny  
4164 Slesse Rd  
Chilliwack BC V4Z 1B3

COPY

Dear Ms. Champigny and Mr. Champigny,

**Re: Lapsed Building Permit Application BP012605 at 4164 Slesse Road; legally described as Lot 25, Section 33, Township 1, Range 29, Meridian 6, New Westminster District, Plan NWP24078 Meridian W6, Except Plan Hwy R/W 64013.**

As you are aware from our letter dated February 25, 2015 the following building permit application has now been closed:

- BP012605 for the purpose of rebuilding a deck and storage room.

Your project remains incomplete and is not covered by a valid building permit as required by the [Fraser Valley Regional District Building Bylaw No.1188, 2013](#). Therefore, your file has been referred back to Bylaw Enforcement.

The Regional District wishes to work with you to enable you to bring your property into compliance with all current bylaws. In order to accomplish this, we ask that you contact the Regional District immediately and advise us of your intentions with respect to this matter. Further, we request that you re-apply for a building permit or remove the illegal construction no later than **April 20, 2015**. Should you fail to comply with this request, you may be subject to ticketing and your file may be referred to the Regional Board for their consideration and recommendation regarding further bylaw enforcement. More information regarding the building permit process and downloadable application forms are available at the following web address: <http://www.fvrd.bc.ca/Services/BuildingPermitInspection/Pages/InformationandForms.aspx>

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

Yours truly,

Adriana Snashall  
Bylaw, Permits, and Licenses Technician

cc: Orion Engar, Director of Electoral Area E  
Margaret Thornton, Director of Planning and Development





Fraser Valley Regional District  
45950 Cheam Avenue, Chilliwack, British Columbia V2P 1N6  
Phone: 604-702-5000 Toll Free: 1-800-528-0061 (BC only)  
Fax: 604-792-9684 website: www.fvrd.bc.ca

File Number: 3800-30-BP012605E

February 25, 2015

Champigny, Bernice L  
Champigny, Marcel J  
4164 Slesse Rd  
Chilliwack BC V4Z 1B3

**COPY**

Dear Mr. & Ms. Champigny:

**Re: Building Permit Application No. BP012605 for the purpose of Rebuilding a deck and storage room on property legally described as Lot 25, Section 33, Township 1, Range 29, Meridian 6, New Westminster District, Plan Nwp24078 Meridian W6, Except Plan HWY R/W 64013.  
Known as 4164 SLESSE RD.**

Further to the attached final letter of requirements sent on October 2, 2012, 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 E06604.250/3 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 E06604.250/3



## 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: 604-792-9664

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

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

File Number: 3800-30-BP012605E

October 2, 2012

CHAMPIGNY, BERNICE L  
CHAMPIGNY, MARCEL J  
4164 SLESSE RD  
CHILLIWACK BC V4Z 1B3

Dear Property Owners:

**Re: Building Permit Application No. BP012605 for the purposes of constructing a Rebuild deck and storage room on property legally described as LOT 25, SECTION 33, TOWNSHIP 1, RANGE 29, MERIDIAN 6, NEW WESTMINSTER DISTRICT, PLAN 24078 MERIDIAN W6, EXCEPT PLAN HWY R/W 64013. known as 4164 SLESSE RD.**

I am writing to you in connection with your building permit application dated **Aug 05, 2011**. Please be advised this is the **Final Notice** that your application is not approvable in its present form. The following items are necessary in order to complete your application and issue your Building Permit:

1. The property is located within Development Permit Area 3-E and a geotechnical report is required pursuant to section 56 of the Community Charter. Please see the previously attached form letter. Before engaging a geotechnical engineer contact David Bennett in the Planning Dept. at 604-702-5052 for information on preparing the report for the Development Permit process (and potential covenant). You should be aware that there may be conditions specified in the report which would require supervision by an engineer on site.
2. The following information is required from a registered professional:
  - a. Schedule B and 3 sets of sealed drawings for all structural aspects of the project that reflect a frost depth of 0.45m and climatic loads of,  $S_s=2.5\text{kpa}$  &  $S_r=0.3\text{kpa}$  including a sealed report on the status of the entire structure, and details on any structural upgrades and foundation repairs
  - b. Schedule B for soil bearing capacity and slope stability including a landslide assessment report
3. A 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).



4. 3 complete sets of construction drawings that reflect all requirements of the above noted geotechnical report. This and item #2a may be combined.
5. 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 meet all Provincial Sewage System Regulations and is in good working order. For a list of authorized persons please call 604 585-2788 or go online to [owrp.asitbc.org](http://owrp.asitbc.org)

Your permit application will be held in abeyance until **November 2, 2012** pending receipt of this documentation or other information. In the event that the file remains incomplete after this date, I shall be obliged to take steps to close the file.

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

Yours sincerely,



Monica Stuart  
Building & Bylaw Clerk

cc: Frank Kelly, MCIOB, Deputy Director of Planning and Development  
David Lamson, Director of Electoral Area E

## NOTICE ON TITLE INFORMATION SHEET

### WHAT IS A NOTICE ON TITLE?

A *Notice on Title*, note against land title, or section 57 of the *Community Charter*, was provided to local governments by the province of British Columbia as a tool to administer and enforce the *BC Building Code* and local building bylaws. It involves the registration of a Notice on a property title at the Land Title Office, which, once in place, is documented on the title search under the "Legal Notations" section.

A *Notice on Title* serves as notification to anyone searching a property title that the property may be in breach of bylaws or regulations. The *Notice* itself does not disclose details of the breach but specifies that further information may be obtained from the local government office.

### WHAT IS THE PURPOSE OF A NOTICE ON TITLE?

The purpose of a *Notice on Title* is to provide information to potential owners and stakeholders of a breach of bylaws or regulations. It also encourages voluntary compliance to reduce risk to the local government. The filing of a notice is not intended to be a punitive action; rather, it is a method to protect future owners and others with an interest in the property.

### WHEN CAN A NOTICE ON TITLE BE FILED?

A *Notice on Title* may be filed by a local government where there is a breach of bylaws or regulations in respect to a property. Specifically, a *Notice on Title* may be filed where a Building Inspector is made aware of any of the following:

- a) construction has occurred without a valid building permit;
- b) construction deficiencies noted have not been corrected;
- c) covering construction without required inspections;
- d) a permit has expired and the owner refuses to reapply for a new permit;
- e) construction that is in contravention of the *BC Building Code* or Building Bylaw; or
- f) any such circumstances as the Building Inspector may deem necessary.

### HOW IS A NOTICE ON TITLE FILED?

**Step 1** When the Building Inspector is made aware of a breach, a letter is mailed to the registered owner of the property advising of the breach and the required remedial action. The owner is provided approximately thirty (30) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.

**Step 2** If no action to contact staff and resolve the issue, a second letter is mailed to the owner advising of the breach and the required remedial action. The owner is provided approximately fourteen (14) days to contact staff and take the necessary steps to resolve the breach. This timeframe may be reduced where there appears to be a serious safety concern.



Step 3 If no action to contact staff and resolve the issue, the Building Inspector may forward a report to the Corporate Officer and a "Show Cause Hearing" is scheduled. A Show Cause Hearing is held during an Electoral Area Services Committee (EASC) meeting. An invitation is mailed to the registered owner of the property advising the specific date and time they are to attend the Show Cause Hearing. A copy of the report produced by the Building Inspector will be included.

Step 4 On the day of the EASC meeting, the Show Cause Hearing will be announced. The owner of the property, or their agent, will be asked if they would like to make representation to the Committee. The Committee shall listen objectively to the owner as well as the Building Inspector. Please note that **attendance is not required** if the owner does not wish to challenge the recommendation.

Step 5 After hearing from the registered owner of the property and Building Inspector, the committee will then resolve to:

- a) direct the staff to file a *Notice* in the Land Title Office;
- b) direct staff not to file a *Notice* in the Land Title Office; or
- c) defer filing a *Notice* to allow the registered owner more time to comply.

#### **HOW IS A NOTICE ON TITLE CANCELLED?**

Once a *Notice on Title* is filed, it may be cancelled from the title of a property by way of:

- a) the local government after a Building Inspector has provided a report confirming that the condition which caused the notice to be filed has been rectified; or
- b) an Order obtained by the registered owner from the *British Columbia Supreme Court*.

#### **WHAT IS THE COST OF PLACING OR CANCELLING THE NOTICE ON TITLE?**

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

Properties with a *Notice on Title* may be sold at any time; however, the presence of the *Notice* may negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a Notice is registered or is recommended to be registered upon the title of your property, you are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future.

**If you have any questions regarding this process, please email staff at [enforcement@fvrdb.ca](mailto:enforcement@fvrdb.ca) or phone directly at 1-800-528-0061.**

*This document is provided for informational purposes and does not constitute legal advice. The Fraser Valley Regional District makes no representations or warranties about the accuracy of the information contained in this document. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of sections 57 and 58 of the Community Charter and seek your own independent legal advice.*

## EXCERPTS FROM COMMUNITY CHARTER

### NOTE AGAINST LAND TITLE THAT BUILDING REGULATIONS CONTRAVENED

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
    - (i) results from the contravention of, or is in contravention of,
      - (A) a municipal bylaw,
      - (B) a Provincial building regulation, or
      - (C) any other enactment
    - that relates to the construction or safety of buildings or other structures, and
    - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
  - (b) discovers that
    - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
    - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
- (a) give notice to the registered owner of the land to which recommendation relates, and
  - (b) after notice under paragraph (a), place the matter before the council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
  - (b) further information about it may be inspected at the municipal hall.
- (4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).
- (5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.
- (6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.
- (7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,



- (a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,
- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the Land Title Act, and
- (b) the assurance fund or the minister charged with the administration of the Land Title Act as a nominal defendant is not liable under Part 20 of the Land Title Act.

(8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.

(9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

## **CANCELLATION OF NOTE AGAINST LAND TITLE**

- 58 (1) On receiving a report from a building inspector that the condition that gave rise to the filing of the notice under section 57 (3) has been rectified, the corporate officer must file a cancellation notice and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
- (2) An owner of land with respect to which a notice has been filed under section 57 (3), may apply to the council for a resolution that the note be cancelled.
- (3) After hearing an applicant under subsection (2), the council may pass a resolution directing the corporate officer to file a cancellation notice.
- (4) If a resolution has been passed under subsection (3), the corporate officer must file a cancellation notice in the land title office and, on receiving the notice, the registrar of land titles must cancel the note against the title to which it relates.
- (5) If the council does not pass a resolution under subsection (3), the owner may apply to the Supreme Court and notify the municipality to attend before the court to show cause why the note should not be cancelled.
- (6) On an application under subsection (5), after reviewing any evidence that the owner and the municipality may adduce, the court may make an order directing the registrar to cancel the note made under section 57 (5) and, on receiving the order, the registrar of land titles must cancel the note accordingly.

