

March 15, 2018

Via Email: info@dalepederson.com

Via Email: marcotte.law@gmail.com

Mr. Serge Lavoie
Ms. Christin Marcotte
48977 Riverbend Drive
Chilliwack BC V4Z 1H5

FILE: 4010-20-E01271.221/2

CIVIC: 48977 Riverbend Drive

PID: 018-925-332

LEGAL: Lot 7 District Lot 500 Group 2 New Westminster District Plan LMP18665

Dear Mr. Lavoie and Ms. Marcotte:

Re: Final Warning – Construction without a Building without a Permit – 48977 Riverbend Drive; Alterations to Single Family Dwelling and Accessory Workshop

Further to our previous correspondence dated March 17, 2015 the Fraser Valley Regional District staff has confirmed that your property at 48977 Riverbend Drive (the “property”) continues to remain in breach of Regional District bylaws despite our previous requests for compliance. Staff verified that the unauthorized construction work for alterations to the single family dwelling and the accessory workshop on the property were done without any of the required permits. (see photos below)

Photos dated **July 18, 2012** of Single Family Dwelling:



Photos dated **July 18, 2012** of Accessory Workshop:



Fraser Valley Regional District's Building Bylaw No. 1188, 2013 (Bylaw 1188) section 6 states:

No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including excavation or other work related to construction until a building official has issued a valid and subsisting permit for the work.

The Regional District continues to have an open bylaw enforcement file with regards to the illegal construction on your property. It has now been almost seven years since the Regional District first discovered the unauthorized construction on your property. Regional District Bylaw and Building Staff have made numerous attempts though out that time to work with you to help you bring the property into compliance with all current bylaws and building regulations.

You have not been able to satisfy the building permit requirements and both your previous building permit applications (B012809), (B012809) were cancelled in February of 2015 due to inactivity. The Regional District does recognize there may be some circumstances that may have affected your ability to complete the required permits; however, it has now been over a year since your last contact with the Regional District and in that time you have not taken any steps towards achieving compliance. Therefore, the Regional District is going to proceed with the process of registering a notice on the title of your property with the Land Titles Office as outlined in Section 57 of the *Community Charter*. Please see the enclosed information sheet that provides further details on the process.

If you do wish to take steps towards gaining compliance in the above stated matter please ensure that by **April 6, 2018** two fully completed building permit applications are submitted for the above noted construction to the Fraser Valley Regional District's Building Department.

Alternatively you may choose to demolish the unpermitted construction. If you choose to proceed with building permits, please ensure that each of the two completed application forms include the following items:

- a) Detailed to scale drawings for the structure including the uses for each space;
- b) An initial application fee in the amount of \$150.00 for the permit; and
- c) A single development permit application for all the works (please refer to planning department for further information on how to apply for a Development Permit).

Following the receipt of your application, the Building Department will advise you on any additional information needed. Should you have any questions with regard to your applications, please contact one of our Building Inspectors at 604-702-5000. Building Permit Application forms are available online for your convenience on the Regional District's website at:

<http://www.fvrd.ca/EN/main/services/building-permits-inspection/forms.html>

The Regional District wishes to continue to work with you to achieve compliance in this matter, however if you fail to meet the above stated deadline of **April 6, 2018** we will move forward to begin the process of registering a notice on the title of your property with the Land Titles Office as outlined in section 57, of the *Community Charter*.

The primary purpose of an owner obtaining their Building Permit is for the safety of its occupants. Having a non-approved building puts the occupants at risk and should an unfortunate incident occur the owner may be held more liable. We encourage you to read the BC Occupiers Liability Act regarding property safety and negligence, available online at:

http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96337_01

If you have any questions or wish to discuss this matter further, you may contact me by calling toll-free at 1-800-528-0061, directly at 604-702-5015 or by email at lhinton@fvrd.ca. Our office hours are Monday through Friday from 8:30am to 4:30pm.

Yours truly,



Louise Hinton,
Bylaw, Compliance and Enforcement Officer

Attach: Copy of Letter dated March 17, 2015
Copy of Building Department Letters dated February 11, 2015
Copy of Building Department Letters dated October 20, 2014
Section 57 Information Sheet

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



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

March 17, 2015

File Number: 4010-20-E01271.221/2

Christin Marcotte
Serge Lavoie
2749 Lucern Cres
Abbotsford BC V3G 1C2

COPY

Dear Ms. Marcotte and Mr. Lavoie,

Re: Lapsed Building Permit Applications BP012809 and BP012810 at 48977 Riverbend Drive; legally described as Lot 7, District Lot 500, New Westminster District, Plan LMP18665 Group 2.

As you are aware from our letter dated February 11, 2015 the following building permit applications have now been closed:

- BP012809 for the purpose of remediating back to a single family dwelling.
- BP012810 for the purpose of constructing a medical grow facility.

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 17, 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. 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



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File Number: 3800-30-BP012809E

February 11, 2015

COPY

Marcotte, Christin
Lavoie, Serge A
2749 Lucern Cres
Abbotsford BC V3G 1C2

Dear Christin & Serge:

Re: Building Permit Application No. BP012809 for the purpose of constructing a remediate back to SFD on property legally described as Lot 7, District Lot 500, New Westminster District, Plan LMP18665 Group 2. known as 48977 Riverbend Dr.

Further to the attached final letter of requirements sent on October 20, 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 you Bylaw Enforcement file E01271.221/2 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 Thomson, Director of Planning & Development
✓ Bylaw Enforcement file E01271.221/2



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File Number: 3800-30-BP012810E

February 11, 2015

COPY

Marcotte, Christin
Lavoie, Serge A
2749 Lucem Cres
Abbotsford BC V3G 1C2

Dear Christin & Serge:

Re: Building Permit Application No. BP012810 for the purpose of constructing a medical grow facility on property legally described as Lot 7, District Lot 500, New Westminster District, Plan LMP18665 Group 2. known as 48977 Riverbend Dr.

Further to the attached final letter of requirements sent on October 20, 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 you Bylaw Enforcement file E01271.221/2 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 E01271.221/2



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File Number: 3800-30-BP012809E

October 20, 2014

COPY

Marcotte, Christin
Lavoie, Serge A
2749 Lucern Cres
Abbotsford BC V3G 1C2

Dear Christin & Serge:

Re: Building Permit Application No. BP012809 to Remediate Back to Single Family Dwelling on Property Legally Described as Lot 7, District Lot 500, New Westminster District, Plan LMP18665 Group 2. Known as 48977 Riverbend Dr.

I am writing to you in connection with your building permit application dated Aug 22, 2012. 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. A report from a certified occupational industrial hygienist which specifies the remedial measures to be undertaken to ensure the residence is free from any pesticides, fertilizers, toxic chemicals, moulds or fungi. Please note, no remedial work is to be undertaken until a building permit has been issued.
2. Sealed documentation from an authorized person (as defined by the Provincial Sewage System Regulation) for the re-use of your existing sewage disposal system. The sealed report must confirm that the existing system is operating correctly and that the marijuana grow operation did not compromise same. The proposal must meet all Provincial Sewage System Regulations. For a list of authorized persons please call 604-585-2788 or go online to owrp.asttbc.org.
3. Complete and submit the previously attached Site Profile application forms.

Your permit application will be held in abeyance until November 20, 2014 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: David Lamson, Director of Electoral Area E
Margaret Thornton, Director of Planning & Development



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File Number: 3800-30-BP012810E

October 20, 2014

COPY

Marcotte, Christin
Lavoie, Serge A
2749 Lucern Cres
Abbotsford BC V3G 1C2

Dear Christin & Serge:

Re: Building Permit Application No. BP012810 for the Purpose of Constructing a Medical Grow Facility on Property Legally Described as Lot 7, District Lot 500, New Westminster District, Plan LMP18665 Group 2. Known as 48977 Riverbend Dr.

I am writing to you in connection with your building permit application dated Aug 24, 2012. 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. Schedule A from a *coordinating registered professional* accompanied by a sealed letter confirming that the anticipated extreme internal environmental conditions have been considered in the design and material specifications for the proposed use of the building.
2. The following information is required from a *Registered Professional of Record*:
 - a. Schedule B and 3 sets of sealed architectural drawings, which must address among other things, Part 5 of the BCBC 2006 and existing and future indoor air quality,
 - b. Schedule B and 3 sets of sealed drawings for all structural aspects of the project,
 - c. Schedule B and 3 sets of sealed mechanical drawings pertaining to Part 6 of the BCBC 2006.
3. Complete and submit the previously attached Electrical Installation contractor certification form.
4. Complete and submit the previously attached Plumber installation contractor certification form
5. Complete the Plumbing and Ancillary Heating sections of the previously attached copy of your Building Permit Application and return it to this office including any existing and proposed systems.
6. 3 complete sets of detailed floor plans for the medical grow facility including locations and descriptions of all equipment.
7. Sealed documentation from an authorized person (as defined by the Provincial Sewerage System Regulation) for the continued use of your existing sewage disposal system. The sealed report must

confirm that the existing system is operating correctly and the grow op has had no affect on the designed performance. For a list of authorized persons please call 604-565-2788 or go online to owrp.asttbc.org

6. Submit copies of any federal/provincial licenses for the medical grow facility.

Your permit application will be held in abeyance until November 20, 2014 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: David Lamson, Director of Electoral Area E
Margaret Thornton, Director of Planning & Development

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

- 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
- 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@fvrd.bc.ca or phone directly at 1-800-528-0061.

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

Excerpts from the *Community Charter*:

NOTE AGAINST LAND TITLE THAT BUILDING REGULATIONS CONTRAVENED

- 57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
 - (i) results from the contravention of, or is in contravention of,
 - (A) a municipal bylaw,
 - (B) a Provincial building regulation, or
 - (C) any other enactmentthat relates to the construction or safety of buildings or other structures, and
 - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
 - (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
 - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
- (a) give notice to the registered owner of the land to which recommendation relates, and
 - (b) after notice under paragraph (a), place the matter before the council.
- (3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that
- (a) a resolution relating to that land has been made under this section, and
 - (b) further information about it may be inspected at the municipal hall.
- (4) The corporate officer must ensure that all records are available for the purpose of subsection (3) (b).
- (5) If the registrar of land titles receives a notice under subsection (3) and payment of the prescribed fee, the registrar must make a note of the filing against the title to the land that is affected by the notice.
- (6) The note of a filing of a notice under this section is extinguished when a new title to the land is issued as a result of the deposit of a plan of subdivision or a strata plan.
- (7) In the event of any omission, mistake or misfeasance by the registrar or an employee of the registrar in relation to the making of a note of the filing under subsection (5), or a cancellation under section 58, after the notice is received by the land title office,
- (a) the registrar is not liable and neither the Provincial government nor the Land Title and Survey Authority of British Columbia is liable vicariously,

- (a.1) the assurance fund or the Land Title and Survey Authority of British Columbia as a nominal defendant is not liable under Part 19.1 of the Land Title Act, and
 - (b) the assurance fund or the minister charged with the administration of the Land Title Act as a nominal defendant is not liable under Part 20 of the Land Title Act.
- (8) Neither the building inspector nor the municipality is liable for damage of any kind for the doing of anything, or the failure to do anything, under this section or section 58 that would have, but for this subsection, constituted a breach of duty to any person.
- (9) The authority under this section is in addition to any other action that a building inspector is authorized to take in respect of a matter referred to in subsection (1).

CANCELLATION OF NOTE AGAINST LAND TITLE

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