

To: Electoral Area Services Committee

Date: 2018-09-05

From: Louise Hinton, Bylaw Compliance & Enforcement Officer

File No: E06604. 250/3

Subject: Section 57 Show Cause Hearing Deferral – 4164 Slesse Road (E); (PID: 009-301-780)

FOR INFORMATION ONLY

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship
Support Healthy & Sustainable Community
Provide Responsive & Effective Public Services

PRIORITIES

Priority #3 Flood Protection & Management

BACKGROUND

The Bylaw Enforcement History on the subject property at 4164 Slesse Road dates back to July of 2011. The current owners Mr. Marcel and Mrs. Bernice Champigny have been the property owners the entire duration of the bylaw enforcement file that relates to construction without Building or Development Permits. The unauthorized construction works that have been completed on the property include, but are not limited to the removal and repair of rear deck and enclosed wall below the deck at the rear of the Single Family Dwelling.

Since 2011 the only step taken toward compliance on behalf of the property owners was a Building Permit Application on August 3, 2011 (BP012605) for the removal and repair of the rear deck and enclosed wall below deck. The Building Permit Application that was submitted by the property owner was never completed or issued and it subsequently was cancelled due to inactivity on February 15, 2015. No Development Permit was ever applied for the construction and land alterations works on the subject property.

July 10, 2018 – Show Cause Hearing was conducted at the Meeting of the Electoral Area Services Committee. Greg Price, Building Inspector/Bylaw Compliance Coordinator provided a PowerPoint presentation outlining the historic and current property bylaw infractions with respect to the property located at 4164 Slesse Road, Electoral Area E, and the efforts of staff to encourage voluntary compliance by the property owner. Mr. Price noted that the property is currently listed for sale.

A member of the public, Ms. Helen Shilladay reported that she and her husband are interested in purchasing the property at 4164 Slesse Road. She noted that they currently live in the area and are quite familiar with the concerns of this property. Ms. Shilladay stated that putting a Notice on Title on the property would affect their financing and that they would like the opportunity to be given some time to resolve the outstanding issues in order to bring the property into compliance.

Discussion ensued and it was decided to defer the filing of the Notice on Title to allow the new property owners to rectify the unresolved issues. It was noted that an update will be provided to the Committee at the September EASC meeting.

July 20, 2018 – Regional District Bylaw, Planning, and Management Staff met with potential purchaser of the property, who spoke at the Show Cause Hearing, Ms. Helen Shilladay and her husband. The outstanding Bylaw Enforcement and Planning issues on the property were discussed at length. Planning Staff explained in detail the requirement of a professional geo-technical report, a Development Permit and a Building Permit to compliance on the subject property. Staff also explained some of the possible building challenges that they may encounter surrounding the slope instability. It was explained that the Section 57 Notice on title was deferred to September 2018 pending their ability to rectify some of the unresolved issued on the property. Staff clearly stressed to Mr. and Mrs. Shilladay that when the deferral report to the elected officials is drafted in September staff will be looking for two things (1) a completed geo-technical report and (2) a Development Permit Application submitted to our office.

August 24, 2018 – No further action has been undertaken by the property owners or potential purchasers, Mr. And Mrs. Shilladay to date to provide a geo-technical report, to apply for a Development Permit, or for a Building Permit for the unauthorized construction of the removal and repair of rear deck and enclosed wall below the deck.

DISCUSSION

Section 57 of the *Community Charter* allows a Building Inspector to recommend a resolution to place a Notice on the Title of a property if a contravention of a bylaw or another enactment that related to the construction or safety of a building is observed. A Notice on Title serves as notice to anyone searching the title that the property may be in breach of local government bylaws or other enactments; provide disclosure to future owners; and protects against potential claims with regard to the contraventions.

Staff requests that the Electoral Services Committee consider the following information:

Building Bylaw

The removal and repair of rear deck and enclosed wall below the deck at the rear of the Single Family Dwelling were all constructed on the property with Building Permits.

Since the date of the Show Cause Hearing in July of 2018 there has been no change on the status of this property. No Building Permit Applications have been received.

A Building Permit is required for the works undertaken by the Property Owners; or a Demolition Building Permit is required to remove all construction completed without permits.

Official Community Plan

The above outlined construction works were all completed without a required Development Permit as the subject property is located within two separate Development Permit Areas (DPA 3-E) for Slope Hazards and (DPA 5-E) for Riparian Areas.

Since the date of the Show Cause Hearing in July of 2018 there has been no change on the status of this property. There has been no submitted geo-technical report or application for a Development Permit for any of the construction or land alteration works that have occurred on the subject property.

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

COST

Land Titles Office filing fee of approximately \$55.

The owner will be required to pay a removal fee of \$500 in accordance with the Fraser Valley Regional Building Bylaw 1188, 2013, after the unauthorized construction of the removal and repair of rear deck and enclosed wall below the deck is either:

1. Demolished with a Building Permit issued by the FVRD, with successful final inspection; or
2. A completed Building Permit for the construction works of the removal and repair of rear deck and enclosed wall below deck is issued by the FVRD and receives a successful final inspection. Prior to Building Permit issuance, application and issuance of a Development Permit for the construction is also required.

CONCLUSION

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the construction works the removal and repair of the rear deck and enclosed wall below deck that were done without Building Permits violate multiple Regional District Bylaws, and the *British Columbia Building Code*.

Staff further notes that when staff presented this property for a Show Cause Hearing in July of 2018 the potential purchaser Ms. Helen Shilladay spoke to the committee and requested an extension of time to rectify some of the unresolved issues on the property. In an effort to promote voluntary compliance the Committee deferred the registration of the section 57 of the notice to the title of the property until September 2018 pending the possible new owner's ability to remedy some of the outstanding bylaw enforcement issues.

Staff wishes to convey that there have been no changes in the status of this bylaw enforcement file since the July 2018 Show Cause Hearing. A meeting was held with the potential purchasers of the property on July 20, 2018 to discuss the details regarding the unauthorized construction on this property. However there has been no geo-technical report, Development Permit Application or Building Permit Application since the hearing.

Regrettably, but in the interest of full public disclosure and as incentive to achieving voluntary compliance, I, as an Appointed Building Inspector, believe that the filing of Notice is appropriate in this instance and submit the above recommendation in accordance with Section 57 of the *Community Charter*.

Electoral Area Services Committee (EASC) approval and Regional District Board resolution is required to assess Section 57 notices.

The process of filing a Section 57 notice on property title is conducted in accordance with the *Community Charter* and the *Local Government Act*.

Regional District requirements for Building Permit works are being administered in accordance with related Fraser Valley Regional District Bylaws, Policies, and the *BC Building Code*.

COMMENTS BY:

Margaret Thornton, Director of Planning & Development

Reviewed and supported.

Mike Veenbaas, Director of Financial Services

Reviewed and supported.

Paul Gipps, Chief Administrative Officer

Reviewed and supported.