

To: Electoral Area Services Committee

Date: 2018-09-05

From: Louise Hinton, Bylaw Compliance and Enforcement Officer

File No: E01271.221/2

**Subject: Section 57 Show Cause Hearing Deferral - 48977 Riverbend Drive (E), PID: 018-925-332**

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### FOR INFORMATION ONLY

#### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Support Healthy & Sustainable Community

#### BACKGROUND

There is an extensive enforcement history with the subject property that extends back to November 2011. The current owner has been the property owner the entire duration of the bylaw enforcement file that relates to unauthorized construction to cause change of uses to house Marijuana Grow Operations in both the Single Family Dwelling and the detached rear accessory shop. Since 2011, the only steps taken towards compliance on behalf of the property owners were the submission of two separate Building Permit Applications in 2012 (1. BP012809 for remediation and change of use for the Single Family Dwelling; and 2. BP012810 for the change of use from a detached workshop to a medical Marijuana Grow facility). None of the Building Permit Applications were ever completed or issued and they subsequently were both cancelled in 2015 due to inactivity.

**April 27, 2018** - The Show Cause Hearing scheduled for May 8, 2018 Electoral Area Services Committee Meeting was deferred until June 12, 2018 on behalf of the property owner for compassionate grounds.

**June 12, 2018** – The property owner Ms. Christin Marcotte attended the June 12, 2018 morning meeting of the Regional and Corporate Services Committee, instead of the afternoon meeting of the Electoral Area Services Committee. As a result the Show Cause Hearing for the subject property was deferred for a second time on compassionate grounds until July 10, 2018.

**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 48977 Riverbend Drive, Electoral Area E, and the efforts of staff to encourage voluntary compliance by the property owner.

Ms. Christin Marcotte, property owner was present at the hearing reported that her husband has passed away and she would like to request deferring the filing of the Notice on Title on her property and would like the opportunity to resolve the outstanding issues in order to bring the property into compliance.

Discussion ensued and based on compassionate grounds, it was decided to defer the filing of the Notice on Title to provide the homeowner with additional time to comply. A motion was passed stating that should the property owners not start to address the situation by September 2018 that filing of a Notice of Title in accordance with Section 57 should be considered at the September 25, 2018 Board Meeting.

**July 26, 2018 –** Regional District Bylaw Enforcement Staff contact the property Owner Ms. Christin Marcotte by email and request a follow-up site inspection to confirm the Marijuana Grow Operation was no longer in operation in the detached accessory shop. Ms. Christin Marcotte responded and staff scheduled a site inspection for the following day.

**July 27, 2018 --** Regional District Bylaw and Building Inspection Staff attended the subject property at 48977 Riverbend Drive for a follow-up site inspection. The Property Owner Ms. Christin Marcotte and her current tenant were on site. FVRD Staff conducted a full site inspection of both the Single Family Dwelling and the detached workshop. It was confirmed that the Marijuana Grow Operations were no longer actively growing in the Single Family Dwelling or the detached accessory shop. Updated inspection photos were taken of the structural alterations to cause the change of uses of both the Single Family Dwelling and the detached shop.

**August 24, 2018 –** No further action has been undertaken by the property owner to date to apply for a Building Permit for the unauthorized construction to cause change of use to house Marijuana Grow Operations in both the Single Family Dwelling and the detached rear accessory shop.

## **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

Extensive construction to cause change of use to house Marijuana Grow Operations in both the Single Family Dwelling and the detached rear accessory shop were all constructed on the property without 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 has been received. A site inspection was conducted and confirmed the grow operation is no longer in operation in the detached shop, but still none of the construction works have been permitted.

**Two Building Permits are required for the remediation of the Single Family Dwelling and detached and for all works undertaken by the Property Owner; or a demolition Building Permit is required to remove all construction completed without permits.**

#### **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 unpermitted construction works on Single Family Dwelling, and the accessory workshop are either:

1. Demolished with Building Permits issued by the FVRD with a successful final inspections; or
2. Two fully completed Building Permits for the remediation and construction works to the Single Family Dwelling, and the accessory workshop are issued by the FVRD and both receive successful final inspections.

#### **CONCLUSION**

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the construction works in the single family home and the accessory workshop 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 on July 10, 2018 the property owner spoke to the committee and requested an extension of time to make

some progress on their existing bylaw enforcement file. In an effort to offer more time to Ms. Christin Marcotte on compassionate grounds and 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 a significant movement or effort on behalf of the property owner to achieve compliance.

Staff wishes to convey that there have been no significant changes in the status of this bylaw enforcement file since the July 10, 2018 Show Cause Hearing. A site inspection was completed to confirm the grow operation in the accessory shop was no longer in operation. There has been no Building Permit Application or other contact with the Regional District 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**

No further financial comment

**Paul Gipps, Chief Administrative Officer**

Reviewed and supported