

To: Electoral Area Services Committee

Date: 2018-09-05

From: Louise Hinton, Bylaw Compliance and Enforcement Officer

File No: F06804.200

**Subject: Section 57 Show Cause Hearing Deferral – 36162 Ridgeview Road (PID: 005-171-474)**

---

### FOR INFORMATION ONLY

#### STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

#### BACKGROUND

There is an extensive enforcement history with the subject property that extends back to February 2011. The current owners purchased the property aware of the outstanding bylaw enforcement matters relating to construction without building or Development Permits and continued additional construction works on the property without any permits throughout the years. The unauthorized construction works that have been completed on the property include, but are not limited to a second story addition, three separate attached decks on the single family dwelling, and a storage building.

Since 2011, the only steps taken toward compliance on behalf of the property owners were two Building Permit Applications in 2011; one for the second floor addition; including the three separate attached decks on the single family dwelling and a second one for the accessory storage building. A Development Permit was also applied for in 2012 and was closed in 2013 due to inactivity. None of the Building Permit Applications submitted by the property owners were ever completed or issued and they subsequently were all cancelled due to inactivity in 2015.

**April 10, 2018 – Show Cause Hearing was conducted at the Meeting of the Electoral Area Services Committee.** Adriana Snashall, Bylaw Compliance and Enforcement Officer for the Regional District provided a PowerPoint presentation outlining the historic and current property bylaw infractions with respect to the property located at 36162 Ridgeview Road, Electoral Area F, and the efforts of staff to encourage voluntary compliance by the property owner.

The Property owners of 36162 Ridgeview Mr. William Dahlman and Ms. Wendy Scott, were in attendance and reported that they have just received the blueprints for their house and that they are prepared to work towards bringing their building into compliance with the current building codes. Financial constraint was also cited, and they noted their hopes to get the necessary permits and proceed with the renovation within the next year.

Committee Members expressed concern with the time taken by the homeowners to get the building into compliance and with the lack of response to staff's numerous attempts to communicate with the homeowners. As the property owners have indicated their commitment to start work towards bringing the building into compliance, CAO Paul Gipps noted that staff is willing to work with the homeowners. As such, a motion was brought forward and supported by the committee to defer the registration of the Section 57 Notice on the title of the property to provide the homeowners 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.

**June 8, 2018** - Property owners Mr. William Dahlman and Ms. Wendy Scott came to the Regional District Building Office and applied for a Building Permit (BP014356) for interior renovations to the single family dwelling.

**July 11, 2018** - Regional District Building Inspection Staff sent an incomplete Building Permit letter (attached) to the property owners, Mr. William Dahlman and Ms. Wendy Scott by email and regular mail advising them that their Building Permit Application requires a list of six outstanding items to complete.

**August 24, 2018** – No further action has been undertaken by the property owners to date to complete the existing Building Permit Application for interior renovations. There has been no contact with the Bylaw Department and a Building Permit for the accessory storage building and a Development Permit both remain outstanding.

## **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

A second story addition including three attached decks on the single family dwelling, and a storage building were all constructed on the property without Building Permits.

Since the date of the show cause hearing in April of 2018 there has been no change on the status of this property. One single Building Permit Application was received in June 8, 2018 for interior renovations, including the three attached decks with construction drawings. Six items remain outstanding to complete the application.

**Two (2) Building Permits are required for the works undertaken by the property owner.**

### 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 1-F) for Stream Hazards and (DPA 2-F) for Riparian Areas.

Since the date of the show cause hearing in April of 2018 there has been no change on the status of this property. There have been no completed applications 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 unpermitted construction works on the single family dwelling and storage buildings 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 second storey renovation to the single family dwelling and the construction of the storage building are issued by the FVRD and both receive successful final inspections. The applications require the application and issuance of a Development Permit for the alteration of land and construction.

### **CONCLUSION**

It is the opinion of the Bylaw Compliance and Enforcement Officer/Appointed Building Inspector that the construction of the second story addition including three attached decks, and a storage

building that were completed without Building Permits and the construction without a Development Permit 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 April of 2018 the property owners Mr. William Dahlman and Ms. Wendy Scott spoke to the committee and requested an extension of time to make some progress on their existing bylaw enforcement file. In an effort to promote voluntary compliance on behalf of the property owner the Committee deferred the registration of the section 57 of the notice to the title of the property on September 2018 pending a significant movement or effort on behalf of the property owners to achieve compliance.

Staff wishes to convey that there have been no significant changes in the status of this bylaw enforcement file since the April 2018 show cause hearing. A Building Permit Application form and construction drawings were submitted to the Regional District Building Office on June 8, 2018. However there are six outstanding items remaining to complete the Building Permit application itself before it can be considered ready for plan review. There has not been a Development Permit Application for the unpermitted works on this property. File history indicated that previous Building Permit Applications were never completed and all were subsequently cancelled due to the inactivity.

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:**

<b>Margaret Thornton, Director of Planning &amp; Development</b>	Reviewed and supported.
<b>Mike Veenbaas, Director of Financial Services</b>	No further financial comment.
<b>Paul Gipps, Chief Administrative Officer</b>	Reviewed and supported