

December 13, 2018

Mr. Don A. Schmidt
62040 Flood Hope Road
RR2
HOPE BC VOX 1L2

FILE: 4010-20-B05594.000/2
CIVIC: 31236 Mary Street
PID: 010-098-283
LEGAL: LOT 13 BLOCK 5 SECTION 14 TOWNSHIP 7 RANGE 26 WEST OF THE 6TH MERIDIAN
YALE DIVISION YALE DISTRICT TOWNSITE OF YALE

Dear Mr. Schmidt:

RE: BUILDING BYLAW No. 1188, 2013 – RETAINING WALL CONSTRUCTION WITHOUT PERMIT

Further to our most recent correspondence dated July 6, 2018 and the Regional District's most recent site inspection of your property at 31236 Mary Street (the "property") on December 3, 2018; the retaining wall that was previously discovered to have been erected on your property without obtaining a building permit still remains in place on the property despite our enforcement efforts and repeated requests for compliance (see enclosed photos).



The retaining wall was constructed at a height greater than 1.2 meters (47 inches) above finished grade and as required and detailed below in section 6.1 of the *Fraser Valley Regional District's Building Bylaw No. 1188, 2013*.

Section 6 Prohibition

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

Our records indicate that you submitted a building permit application form to our office on February 15, 2018. Since that time you have submitted failed to fully complete any of the required documents for the building permit application as outlined in our March 16, 2018 correspondence. Our Building

Department cannot issue a Building Permit for the retaining wall works on your property until the remaining outstanding items are submitted.

As you are aware one of the items required to complete your building permit application is to obtain a development permit (DVP) because the retaining wall on our property has been built across property lines. Our records indicate that you consulted with the planning department at our Chilliwack Office on November 7, 2018, but to date we have not received an application for a development permit.

Our Regional District Building Inspectors have posted and re-posted Stop Work Notices on your property, and you have been repeatedly advised both in person and in previous correspondence that all work must cease until such time as a required and fully completed building permit was issued by the FVRD. Our most recent site inspection on December 3, 2018 revealed that you have once again continued works on the property despite the re-posted Stop Work Notice. You are required to **cease** and **desist** all works until such time as a building permit is issued and this matter is fully resolved.

In consideration of the above, please find attached two additional Bylaw Enforcement Offence Notice Tickets (No. 28894 and No. 28895); totaling the amount of \$1000 for the offences of building without a required building permit, and disobeying a Stop Work Notice.

The Regional District wishes to work with you to enable you to bring your property into compliance with the *BC Building Code* and Regional District bylaws. However if there continues to be works of any kind on the property without an issued building permit you may be subject to continued enforcement measures which may include additional fines of \$500 per occurrence and or other means of enforcement action on behalf of the Regional District including the registration of a section 57 notice on the title of your property.

We want to convey that we believe your property in its current condition creates a serious safety concern for yourself, your neighbours and or visitors to your property and hope you appreciate the seriousness of the situation. We encourage you to read the *Occupiers Liability Act*, regarding property safety and negligence, available online at: http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_96337_01

We look forward to your anticipated cooperation in the resolution of this matter. 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.

Respectfully,

Louise Hinton
Bylaw, Compliance and Enforcement Officer

Attach: Bylaw Offence Notice Tickets No. 28894 and No. 28895
Copy of Letter dated July 6, 2018
Section 57 Information Package

cc: Dennis Adamson, Director of Electoral Area B
Margaret Thornton, Director of Planning & Development
Greg Price, Building / Bylaw Compliance Coordinator
Andrea Antifaeff, Planner I