

November 26, 2015

John Retallick
10989 Greenwood Drive
Mission, BC V4S 1A9

FILE: 4010-20- C01406.219 (REF BE001384)
CIVIC: 20568 Edelweiss Drive
LEGAL: Lot 19 District Lot 3847 Group 1 New Westminster District Plan 55971 & PID 005-426-103

Dear Mr. Retallick;

RE: CONSTRUCTION WITHOUT A BUILDING PERMIT & ISSUANCE OF BYLAW OFFENCE NOTICE

As you are aware from our letter dated November 23, 2015 the following application has been closed:

Permit Type	Permit No.	Purpose
Building Permit Application	BP01322	Reconstruction of a Single Family Dwelling

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* (Bylaw No. 1188, 2013). Therefore, your file has been referred back to Bylaw Enforcement.

Please find the enclosed Bylaw Offence Notice No. 22180 (BNE) issued to you for failing to comply with Bylaw No. 1188, 2013. On the reverse side of the BNE you will find the methods available to you to pay or dispute the penalty. Payment made by cheque or money order (payable to Upper Fraser Valley Bylaw Adjudication System), credit card or cash by way of:

Mail: 8550 Young Road, Chilliwack BC V2P 8A4 (do not mail cash)
Phone: 604-793-2743 or 1-888-793-2744
In Person: At any of the following Registries:

Registries: City of Chilliwack, 8550 Young Road, Chilliwack
District of Hope, 325 Wallace Street, Hope
District of Kent, 7170 Cheam Ave, Agassiz
FVRD, 45950 Cheam Ave, Chilliwack
Village of Harrison Hot Springs, 495 Hot Springs Road

The Regional District remains committed 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 undersigned 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 **January 5, 2016**.

Regrettably, but in the interest of public disclosure, I am providing you NOTICE that I intend to recommend your file to be presented to the *Regional District Electoral Area Services Committee* to SHOW CAUSE why the *Regional District Board of Directors* should file Notice pursuant to Section 57 of the *Community Charter*. For your

convenience, I have attached relevant extracts from the Community Charter. Further information regarding the date and time of the SHOW CAUSE HEARING will be provided by mail to the above address. Please contact me if you would want the information to go to a different address. I would encourage you to seek legal counsel for a full explanation of how your interests in the subject property could be affected by this proposed action.

You may contact me directly at 604-702-5015 or by email at jwells@fvrd.bc.ca.

Respectfully,

Jennifer Wells
Bylaw, Permits & Licences Technician
and Appointed Building Inspector

encl: Bylaw Offence Notice No. 22180
Community Charter Extracts
Letter dated November 23, 2015
Letter dated March 5, 2015

cc: Alec Niemi, Director of Electoral Area C
Margaret-Ann Thornton, Director of Planning & Development
Registered Interest of Title (Mortgage) Prospera Credit Union BX405364



File Number: 3800-30-BP013122C

November 23, 2015

RETALLICK, JOHN
10989 GREENWOOD DRIVE
MISSION, B.C. V4S 1A9

Dear Mr. Retallick:

Re: Building Permit Application No. BP013122 for the purpose of constructing a reconstruction of single family dwelling on property legally described as LOT 19, DISTRICT LOT 3847, NEW WESTMINSTER DISTRICT, PLAN NWP55971 GROUP 1. known as 20568 EDELWEISS DR.

Further to the attached final letter of requirements sent on October 7, 2015, 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 your Bylaw Enforcement file BE001384 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,

Christine Cookson
Building & Bylaw Clerk

cc: Alec Niemi, Director of Electoral Area C
Margaret-Ann Thornton, Director of Planning & Development
Bylaw Enforcement File BE001384



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 e-mail: info@fvrd.bc.ca

March 5, 2014

File Number: 4010-20-C01406.219

John Retallick
10989 Greenwood Drive
Mission, BC V4S 1A9

Dear Mr. Retallick;

Re: Construction Without a Building Permit at 20568 Edelweiss Drive; legally described as Lot 19 District Lot 3847 Group 1 New Westminster District Plan 55971 (Parcel Identifier: 005-426-103).

I am writing to you in connection with the above noted matter. As recently as February 5, 2014, the Regional District has repeatedly tried to work with you to apply for a building permit in the amount of \$150.00 for the construction that has occurred without the benefit of a building permit (see enclosed). Please be advised that our records indicate that your property remains in breach of Regional District bylaws.

Regrettably, but in the interest of public disclosure, I am providing you **NOTICE** that I intend to recommend this file to be presented to the next meeting of the Regional District Electoral Area Services Committee to **SHOW CAUSE** why the Regional District Board of Directors should not file Notice against the title of the above referenced property pursuant to Section 57 of the *Community Charter*.

For your convenience, I have attached relevant extracts from the Community Charter. I would encourage you to seek legal counsel for a full explanation of how your interests in the subject property could be affected by this proposed action.

Yours truly,

Jennifer Wells
Bylaw, Permits, and Licenses Technician

encl: FVRD letter dated January 16, 2014
Community Charter excerpts

cc: Wendy Bales, Director of Electoral Area C
Margaret Thornton, Director of Planning and Development
Registered Interest of Title (Mortgage) Prospera Credit Union BX405364

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:

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

- a) 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
- b) 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?

At this time, the Fraser Valley Regional District does not charge the registered owner of the property when a *Notice on Title* is placed or cancelled at the Land Title Office. The fees associated with the registration or removing of the Notices are remunerated by the Fraser Valley Regional District.

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 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.

UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM

- City of Chilliwack District of Hope
 District of Kent Fraser Valley Regional District
 Village of Harrison Hot Springs

BNE No 22180

BYLAW OFFENCE NOTICE

Local Government Bylaw Notice Enforcement Act

ISSUED TO:

SURNAME OR CORPORATE NAME RETALLICK		<input type="checkbox"/> YOUNG PERSON	
GIVEN NAMES (OR CORPORATE NAME CONTINUED) JOHN		GENDER (M / F)	BIRTHDATE (YY MM DD)
ADDRESS 10989 Greenwood Drive			
CITY MISSION		PROVINCE BC	POSTAL CODE V4S 1A9

VEHICLE INFORMATION (IF APPLICABLE)

MAKE _____ MODEL _____

CLOUR _____ LICENCE NO. _____ PROVINCE _____

THE BYLAW ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED PERSON OR VEHICLE:

ON OR ABOUT

DATE OF OFFENCE		
YY	MM	DD
15	11	06

 AT THE TIME OF

(24hr Clock)
09:47

AT OR NEAR **20568 EDELWEISS AGASSIZ**
STREET ADDRESS, CITY, PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE INDICATED, UNDER THE FOLLOWING BYLAW:

BUILDING BYLAW # 1188

BYLAW NAME

DESCRIPTION OF OFFENCE	SECTION	PENALTY
Construction without a permit	6.1	\$ 200
		\$
		\$

EARLY PAYMENT TERMS

THE PENALTY WILL BE REDUCED BY \$10.00 IF PAYMENT IS RECEIVED WITHIN 14 DAYS. A SURCHARGE OF \$10.00 WILL BE APPLIED IF PAYMENT IS NOT RECEIVED WITHIN 28 DAYS.

IF YOU WISH TO DISPUTE THE ALLEGATION CONTAINED IN THIS TICKET, YOU MAY APPEAR AT THE FOLLOWING LOCATION TO FILE AN ADJUDICATION REQUEST:

Upper Fraser Valley Bylaw Adjudication Registry
8550 Young Road, Chilliwack, BC, V2P 8A4

OR DELIVER, HAVE DELIVERED OR MAIL AN ADJUDICATION REQUEST TO THE ADDRESS ON THE REVERSE.

IF YOU WISH TO PAY THE PENALTY, THE PENALTY AMOUNT MAY BE PAID AT THE ABOVE ADDRESS IN ACCORDANCE WITH THE PRESCRIBED INSTRUCTIONS (SEE REVERSE).

DATE SERVED **15/11/06**

BY MAIL/COURIER HAND DELIVERED POSTED ON PROPERTY

ISSUING OFFICER **J Wells**
SIGNATURE *[Signature]*

IF THE PENALTY IS NOT PAID, OR AN ADJUDICATION REQUEST IS NOT SUBMITTED WITHIN 14 DAYS OF RECEIVING THIS NOTICE, THE PENALTY INDICATED WILL BECOME DUE AND PAYABLE.

ALLEGED OFFENDER'S COPY

1. ENQUIRIES

ENQUIRIES MAY BE DIRECTED TO THE UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM REGISTRY OFFICE AT 8550 YOUNG ROAD, CHILLIWACK, BC, BETWEEN 0830 AND 1630 HOURS, MONDAY TO FRIDAY, 604-793-2743 OR 1-888-793-2744 OR WWW.FVBYLAW.CA.

2. HOW TO PAY OR DISPUTE

IF YOU WISH TO PAY THE PENALTY, YOU MAY PAY BY CASH, CHEQUE, MONEY ORDER, DEBIT OR CREDIT CARD.

IN PERSON - AT ANY LOCATION OF THE REGISTRY:

CITY OF CHILLIWACK 8550 YOUNG ROAD, CHILLIWACK, BC

DISTRICT OF HOPE 325 WALLACE STREET, HOPE, BC

DISTRICT OF KENT 7170 CHEAM AVENUE, AGASSIZ, BC

FVRD 45950 CHEAM AVENUE, CHILLIWACK, BC;

VILLAGE OF HARRISON

HOT SPRINGS 495 HOT SPRINGS ROAD, HARRISON HOT SPRINGS, BC.

BY MAIL 8550 YOUNG ROAD, CHILLIWACK, BC, V2P 8A4

BY PHONE 604-793-2743 OR 1-888-793-2744

BY FAX 604-793-2715

A COPY OF THIS NOTICE MUST ACCOMPANY PAYMENT. **DO NOT MAIL CASH.** MAKE CHEQUE OR MONEY ORDER PAYABLE TO "UPPER FRASER VALLEY BYLAW ADJUDICATION SYSTEM."

FAILURE TO PAY OR DISPUTE WITHIN 14 DAYS WILL RESULT IN THE CORRESPONDING PENALTY BECOMING DUE AND PAYABLE. A CHARGE WILL BE ADDED FOR DISHONOURED CHEQUES. DISHONOURED CHEQUES INVALIDATE ANY RECEIPT. UNPAID PENALTIES MAY BE REFERRED TO OUR COLLECTION AGENT. RECEIPTS MAILED ONLY ON REQUEST.

3. HOW TO DISPUTE

IF YOU WISH TO DISPUTE THIS NOTICE, YOU MUST COMPLETE THE FORM BELOW, AND DELIVER IT TO THE REGISTRY OFFICE, 8550 YOUNG ROAD, CHILLIWACK, BC, V2P 8A4 WITHIN 14 DAYS OF RECEIVING THIS NOTICE. PLEASE PRINT:

BYLAW NOTICE NO. _____

DATE TICKET RECEIVED _____

LICENCE PLATE NO. (if applicable) _____

NAME _____

ADDRESS _____

CITY _____

POSTAL CODE _____

DAYTIME PHONE NUMBER _____

SIGNATURE

4. POSSIBLE CONSEQUENCES OF DISPUTING

A \$25 FEE IS ADDED TO THE PENALTY IF AN ADJUDICATOR FINDS THAT THE CONTRAVENTION DID OCCUR.