

District of Barriere

REQUEST FOR DECISION

Date: November 4, 2024	File: 530.20/Rpts
To: Council	From: Scott Abel, Building Inspector, Tasha Buchanan, Corporate Officer
Re: Section 57 Community Charter re: 713 Barriere Lakes Road	

Background:

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 enables local governments to register a notice, via the Land Title Office registrar, on the title of a property where there is or has been a building code or bylaw infraction, including where a permit is not held in good standing. For example, notices may be registered where:

- a building permit is lapsed but work has not been completed and/or inspections are outstanding
- work proceeded with no permit, or
- there is a dangerous condition.

The Bylaw requires that building construction be carried out with a building permit. Under the Bylaw, permits are valid for a period of 2 years from the date of issue. Owners of building construction projects that do not obtain a permit, do not complete the work in accordance with the Bylaw and the BC Building Code, or do not complete the work within the required time (without permit renewal), are in violation of the Bylaw and can be subject to a notice being filed on their property title. In order to disclose the status of deficiencies and code violations to prospective purchasers or other persons involved with these properties (insurers, mortgage companies, etc.), local governments are authorized to register a notice on the subject property title. Full remediation is required, which may include removal and/or demolition of non-permitted or non-compliant structures, in order for a Section 57 Notice to be removed from a title and for the property to be further developed.

Previous Enforcement:

On August 16, 2021, Section 57 registration was considered by Council for 713 Barriere Lakes Road. At that time, the property owner was in attendance and spoke on his behalf. Ultimately, Council made the following resolution:

That Council consider a notice to be filed on the Title of 713 Barriere Lakes Road, Lot 11, District Lot 1482 KDYD, PLAN 20740 EXCEPT Parcel A, shown on PLAN E14280, PID 007-741-065 in accordance with Section 57 of the Community Charter on September 7, 2021 should the property remain in non-compliance at that time.

While the property did not meet full compliance by that date, significant headway was seen as the property owner had vacated the property, therefore a further extension was granted by bylaw enforcement. By the end of November, the property met compliance and enforcement ceased. A Stop-Work Order remains in effect. The property owner had remained in compliance from that

time and during the period that the property was listed for sale, until this year when the property returned to non-compliance.

Discussion:

The property of 713 Barriere Lakes Rd has proceeded with the placement of numerous accessory structures, re-introduction of storage of vehicles, commercial vehicles, mechanical equipment, as well as re-occupying the property in a recreational vehicle prior to obtaining a valid building permit for a Residential Dwelling as required. The *Residential* zoned property still has a *Stop-Work* order in place from previous years' enforcement, is not serviced by town water and has no wastewater disposal system installed. The Stop Work Order was issued due to the following contravention:

- i. Failure to obtain a valid building permit prior to occupying and placing materials and structures on the property prior to obtaining a valid building permit for a Residential Dwelling - LOT 11 DISTRICT LOT 1482 KAMLOOPS DIVISION YALE DISTRICT PLAN 20740 EXCEPT PARCEL A, SHOWN ON PLAN E14280
PID 007-741-065

The property owners have received formal notification of this potential resolution at tonight's meeting and have been invited to attend to address Council on this issue. On October 29, 2024, staff received confirmation of planned attendance.

Section 57(3) of the LGA states the following:

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.*

Potential for Further Injunctive/Legal Action:

In addition to a Section 57 Notice on Title, Council may consider, in a future in-camera meeting, imposing injunctive action or remedial action requirements in relation to hazardous conditions. This action may require the owner to remove or demolish the deficiency, bring it up to the bylaw standard and/or deal with the issue in a manner acceptable to Council. The resolution imposing a remedial action would specify a time frame in which the action must be completed. If the action is not completed as required, the District may finish the required work at the expense of the owner.

Recommendation:

That Council direct the Corporate Officer to file notice on the Title of 713 Barriere Lakes Road, Lot 11, District Lot 1482 KDYD, PLAN 20740 EXCEPT Parcel A, shown on PLAN E14280, PID 007-741-065 in accordance with Section 57 of the Community Charter; and THAT further information about the registration may be inspected at municipal hall.

Attachments: *Section 57 Information Sheet Handout*

Prepared by: Scott Abel, Building Inspector & Tasha Buchanan, Corporate Officer
Reviewed by: D. Drexler, CAO



Bylaw Contravention Notice on Property Title

What is a section 57 notice?

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 enables local governments to register a notice, via the Land Title Office registrar, on the title of a property where there is or has been a building code or bylaw infraction, including where a permit is not held in good standing. For example, notices may be registered where:

- a building permit is lapsed but work has not been completed and/or inspections are outstanding
- work proceeded with no permit, or
- there is a dangerous condition.

Why file a s. 57 notice?

The filing of a notice of contravention is not intended to be a punitive action; rather, it is an efficient way to secure compliance to the BC Building Code and serves as a disclosure mechanism protecting future owners and other parties with an interest in the property. It is important that owners involved in the building process understand the potential impacts of a s. 57 notice and the effects it may have on matters related to their property.

District of Barriere District Building Regulations Bylaw (the 'Bylaw')

The Bylaw requires that building construction be carried out with a building permit. Under the Bylaw, permits are valid for a period of 2 years from the date of issue. Owners of building construction projects that do not obtain a permit, do not complete the work in accordance with the Bylaw and the BC Building Code, or do not complete the work within the required time (without permit renewal), are in violation of the Bylaw and can be subject to a notice being filed on their property title. In order to disclose the status of deficiencies and code violations to prospective purchasers or other persons involved with these properties (insurers, mortgage companies, etc.), local governments are authorized to register a notice on the subject property title.

What impact will a s. 57 have on a property owner?

While properties with building bylaw contraventions may be sold at any time, the presence of a notice registered on title *may* negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a notice is registered upon the title of your land, 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.

How is a notice 'discharged' or removed from title?

Once the condition or contravention that gave rise to the filing of the notice has been corrected (to the satisfaction of the Building Inspector), the District of Barriere files a cancellation or discharge notice with the registrar of land titles who then removes the notice from the property's title. Pursuant to the District of Barriere Fees & Charges Bylaw, the fee to issue a cancellation or discharge notice is \$200.