

District of Barriere

# REPORT TO COUNCIL

## Request for Decision

<b>Date:</b> February 2, 2026	<b>File:</b> 530.20/Rpts
<b>To:</b> Council	<b>From:</b> Scott Abel, Building Inspector and Tasha Buchanan, Corporate Officer
<b>Re: Building Infraction – 630 Salle Rd (the “Property”), D. Dowling (the ‘Owner’)</b>	
<b>Recommendation: THAT, the Corporate Officer be authorized to file a Notice pursuant to the authority of Section 57 of the Community Charter against the Title of 630 Salle Rd (PID: 010-098-887) - Dowling.</b>	

### Purpose

The purpose of this report is to seek Council authorization to register a Section 57 notice on title.

### Background

To inform and protect future owners, or other persons/entities involved with properties, 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 District Building Regulations 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.

### Non-Compliance of Works on “the Property”

The Property has original building permit issuance on the dates of April 23, 2016 (Permit #2016-007R) for a bedroom addition with stairs, and May 20, 2014 (Permit #2014-005) to replace and

extend a walkway and a deck.

There have been no documented, required inspections that have taken place on these projects. The Owner has made a claim that the District's previous, and now retired Building Inspector, conducted the required inspections prior to Mr. Abel taking over the position. As there are no reports or notes in the file(s), nor has the Owner been able to produce copies of any such inspection reports, any verbal "inspection" by the previous Inspector, if made, would have been unofficial and invalid. It was also not the previous Inspector's practice to go against District policy and legislation by conducting verbal, undocumented inspections. Therefore, on April 3, 2024, the Owner was once again notified of a placement of a proposed Notice on Title to be considered by Council in late April of 2024. Prior to that Council Meeting, arrangements and assurances were made by the Owner that were, at the time, acceptable to the Building Inspector and the matter was therefore not brought forward to that Meeting. The permit was renewed in December of 2024 with the agreement that work would commence in the spring when weather conditions were more favorable to bring the files and property into compliance. The Owner has acknowledged that this was mutually agreed by the Building Inspector and the Owner.

#### Efforts and Concessions Made by the Building Department

Unfortunately, no work has been performed and it appears that there has not been any effort to rectify the deficiencies that exist or to work with the Building Inspection Department. The District of Barriere has been lenient to the Owner's situation as can be seen by the numerous communications sent to the Owner in the years since the issuance of the original permits. The Building Inspection Department has tried to work with the Owner to rectify the situation via numerous conversations, letters, permit renewals, as well as further extensions due to weather and the personal circumstances voiced by the Owner to both the current and previous Building Inspector. To date, no substantive changes or efforts have been made by the Owner regardless of repeated assurances made to the Building Inspector. Supporting documentation of the written communication to the Owner that request work to be undertaken in order to comply with Bylaw and Building Code regulations are attached.

The following summary of non-compliance is as follows:

- i. Failure to order and pass inspections by the Building Inspector of work stages undertaken prior to covering the works that require an inspection and authorization to proceed with subsequent construction. In addition, failure to uncover or otherwise remediate potential Building Code infractions in order for the Building Inspector to confirm Building Code compliance and provide authorization to complete the works indicated in a Building Permit.

Therefore, it is the recommendation that Council authorize the placement of a Notice to be filed on the title of the above-mentioned property in accordance with Section 57 of the *Community Charter*.

#### Notification to Owner of Consideration of Council to Authorize Section 57 Registration:

The property owner received formal notification of this potential resolution at tonight's meeting on December 17, 2025 (attached) and has been invited to attend to address Council on this issue.

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## Benefits or Impact

### General

Section 57 Notices filed on a property title indicate to potential real estate purchasers, home insurers and mortgage lenders, that the Building Code and/or Municipal Building Regulation Bylaw has been violated.

It also ensures that no additional building permits can be approved until the non-compliance is resolved and the Notice is removed from the Property Title by the local government.

### Finances

There is a nominal fee incurred by the local government to BC Land Titles for the Notice Registration. Should compliance be achieved, the Owner must pay the 'Removal of Notice' fee as prescribed by the District of Barriere Fees & Charges Bylaw No. 73, as amended which is currently \$250.00. This fee is intended to aid in the recovery of staff time and BC Land Title fees that resulted from the non-compliance.

### Strategic Impact

N/A

### Risk Assessment

Compliance: Complies with the District of Barriere Building Regulations Bylaw and the legislated regulations imposed under Section 57 of the *Community Charter*.

Risk Impact: Low – Reduces risk to future owners of the Property, as well as home insurers and mortgage lenders.

Internal Control Process: Documentation included in the relevant Building Permit file(s).

### Next Steps / Communication

- Should Council direct staff to register a Notice under Section 57 of the *Community Charter*, staff will prepare and submit the required documentation to BC Land Titles.
- Once successfully registered, a copy of the Notice will be provided to the Owner.

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## Attachments

- Section 57 Information Sheet
- February 7, 2024 Letter to Owner
- February 29, 2024 Letter to Owner
- April 3, 2024 Letter to Owner
- December 17, 2025 Letter to Owner

## Recommendation

**THAT, the Corporate Officer be authorized to file a Notice pursuant to the authority of Section 57 of the Community Charter against the Title of 630 Salle Rd (PID: 010-098-887) - Dowling.**

### **Alternative Options**

1. Council could choose not to direct staff to place a Section 57 Notice on Title.
2. Council could choose to authorize a further extension for the Owner to reach compliance indicated a specified deadline and direct staff to place a Section 57 Notice on Title should that deadline not be met.

Prepared by:

Scott Abel, Building Inspector and  
Tasha Buchanan, Corporate Officer

Reviewed by:

D. Drexler, Chief Administrative Officer



# 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 \$250.

## NOTICE

Dave Dowling

Barriere BC V0E 1E0

April 03, 2024

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**RE: Building Permit # 2016-007R, 2014-005  
Lot 11 Block 2 DL 1445 Plan 6315  
630 Salle Rd.**

**Proposed Notice on Title**

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A review of a building permit file for the above noted property indicates an issue date of April 23, 2016(Permit #2016-007R) and May 20, 2014(Permit #2014-005). The District of Barriere Building Regulations Bylaw requires that all work associated with your building permit be completed within 2 years of issue or be extended as necessary. Furthermore after 2 discussions with the above addressed on November 08, 2023 and February 07, 2024 it has been determined that much of this work has been covered and is past the points of at least 2 required inspections (framing & insulation and vapor barrier). There have been no documented inspections taken place on these projects as there are no reports in the file, nor are you able to produce copies of any such inspection reports.

Therefore, a recommendation is being put before the District of Barriere Council that a Notice be filed on the title of the above-mentioned property in accordance with Section 57 of the *Community Charter*.

**You are entitled to appear before Council as a delegation at its meeting to be held on Monday, March 25, 2024 commencing at 7:00 p.m. at the Municipal Hall, 4936 Barriere Town Rd. to address this issue. Due to unforeseen circumstances, this meeting did not take place as scheduled. The new date for this to appear before council will be April 22, 2024 at 7:00 p.m.**

Delegations are generally heard at the commencement of the meeting or immediately following any public hearings that may be scheduled. It would be appreciated if you

Permit # 2016-007R

would confirm your attendance by the Thursday prior to the Council meeting should you wish to attend.

Please be advised that if you fail to appear, Council will make a decision without your input. You should also be aware that Council is unable to vary any of the provisions of the Building Code or uses within Zoning Regulations. It is also important to note that in the case that a *Section 57* Notice is registered formally on your property's title, full remediation that includes the demolition and removal of all non-compliant items from the property, will be required in order for the District to remove the Notice from the title.

Should the owner decide to remove all finishings(wall and ceiling coverings) and vapor barrier to allow for proper inspections to take place, as well as renew the expired permit for continuation of work within 15 days of the date of this letter, the matter will not go forward for Council consideration.

Respectfully,  
(Originally signed by,)

Scott Abel  
Building Inspector  
District of Barriere

## NOTICE

Dave Dowling

Barriere BC V0E 1E0

February 7, 2024

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**RE: Building Permit # 2016-007R, 2014-005  
Lot 11 Block 2 DL 1445 Plan 6315  
630 Salle Rd.**

**Proposed Notice on Title**

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A review of a building permit file for the above noted property indicates an issue date of April 23, 2016(Permit #2016-007R) and May 20, 2014(Permit #2014-005). The District of Barriere Building Regulations Bylaw requires that all work associated with your building permit be completed within 2 years of issue or be extended as necessary. Furthermore after 2 discussions with the above addressed on November 08, 2023 and February 07, 2024 it has been determined that much of this work has been covered and is past the points of at least 2 required inspections (framing & insulation and vapor barrier). There have been no documented inspections taken place on these projects as there are no reports in the file, nor are you able to produce copies of any such inspection reports.

Therefore, a recommendation is being put before the District of Barriere Council that a Notice be filed on the title of the above-mentioned property in accordance with Section 57 of the *Community Charter*.

**You are entitled to appear before Council as a delegation at its meeting to be held on Monday, March 25, 2024 commencing at 7:00 p.m. at the Municipal Hall, 4936 Barriere Town Rd. to address this issue.**

Delegations are generally heard at the commencement of the meeting or immediately following any public hearings that may be scheduled. It would be appreciated if you would confirm your attendance by the Thursday prior to the Council meeting should you wish to attend.

Permit # 2016-007R



Please be advised that if you fail to appear, Council will make a decision without your input. You should also be aware that Council is unable to vary any of the provisions of the Building Code or uses within Zoning Regulations. It is also important to note that in the case that a *Section 57* Notice is registered formally on your property's title, full remediation that includes the demolition and removal of all non-compliant items from the property, will be required in order for the District to remove the Notice from the title.

Should the owner decide to remove all finishings(wall and ceiling coverings) and vapor barrier to allow for proper inspections to take place, as well as renew the expired permit for continuation of work within 15 days of the date of this letter, the matter will not go forward for Council consideration.

Respectfully,  
(Originally signed by,)

Scott Abel  
Building Inspector  
District of Barriere

Dave Dowling

Barriere BC V0E 1E0

February 29, 2024

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**RE: Building Permit # 2016-007R, 2014-005**

**VISIT TO DISTRICT OFFICE – February 29, 2024**

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This letter is in follow-up to your visit to the District Office on February 29, 2024 at approximately 11:00am. I appreciated the opportunity to speak with you regarding the 'Notice of Proposed Section 57 Registration' you received from the District of Barriere Building Official. These types of enforcement measures are never the District's first choice of avenue. As your building permit was granted in 2016, there has been nearly eight (8) years for you to complete the required work and meet BC Building Code regulations. Therefore, this avenue has not been chosen with undue haste.

That said, you expressed intention to work with the Building Inspector to come up with a work plan that will result in your project complying with regulations. If a mutually agreed upon work plan (confirmed in writing) with the Building Inspector is determined prior to the deadline noted in the original NOTICE sent to you earlier this month, then the matter will not proceed to be presented to Council for Section 57 consideration as described in that Notice.

Finally, because your demeanor at the front desk with me was calm and generally respectful, I am taking you at your word that your threat to harm the Building Official ("██████████"), was made without any actual intention of harm behind the outburst. However, going forward, if any District employee or Municipal Official (including the Building Inspector), feels remotely unsafe around you in any way, all visits & inspections to your property will be made with RCMP escort. I'm sure you can appreciate that the District of Barriere takes the safety of its employees very seriously.

The District looks forward to working with you as you bring your 2016 file into regulatory compliance as we enter the spring of 2024.

Respectfully,



Tasha Buchanan  
Acting Chief Administrative Officer  
District of Barriere

Permit # 2016-007R

## NOTICE

Dave Dowling

[REDACTED]

Barriere BC V0E 1E0

December 17, 2025

*via hand delivery*

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**RE: Building Permit # 2016-007R, 2014-005  
Lot 11 Block 2 DL 1445 Plan 6315  
630 Salle Rd.**

**Proposed Notice on Title**

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A review of a building permit file for the above noted property indicates original issue dates of April 23, 2016 (Permit #2016-007R) and May 20, 2014 (Permit #2014-005). The District of Barriere Building Regulations Bylaw requires that all work associated with your building permit be completed within 2 years of issue or be extended as necessary. Furthermore, after 2 discussions with the above addressed on November 08, 2023 and February 07, 2024 it had been determined that much of this work had been covered and was past the points of at least 2 required inspections (framing & insulation and vapor barrier). There have been no documented inspections that have taken place on these projects as there are no reports in the file, nor are you able to produce copies of any such inspection reports. Therefore, on April 3, 2024, you were once again notified of a placement of a proposed Notice on Title to be considered by Council in April. Prior to that Council Meeting, arrangements and assurances were made by yourself that were acceptable to the District. The permit was renewed in December of 2024 with the agreement that work would commence in the spring when weather conditions were more favorable to bring the files and property into compliance. This was mutually agreed by the Building Inspector and yourself.

Unfortunately, no work has been performed and it appears that there has not been any effort to rectify the deficiencies that exist or to work with the Building Inspection Department. The District of Barriere has been lenient to your situation and has tried to work with you to rectify the situation with no changes or efforts being made on your part.

Therefore, a recommendation is being put before the District of Barriere Council that a Notice be filed on the title of the above-mentioned property in accordance with Section 57 of the *Community Charter*.

**You are entitled to appear before Council as a delegation at its meeting to be held on Monday, February 2, 2026 commencing at 5:30 p.m. at the Municipal Hall, 4936 Barriere Town Rd. to address this issue.**

Delegations are generally heard at the commencement of the meeting or immediately following any public hearings that may be scheduled. It would be appreciated if you would confirm your attendance by the Thursday prior (*January 29, 2026*) to the Council meeting should you wish to attend. Please call: 250-672-9751 or email: [tbuchanan@barriere.ca](mailto:tbuchanan@barriere.ca).

Please be advised that if you fail to appear, Council will make a decision without your input. You should also be aware that Council is unable to vary any of the provisions of the Building Code or uses within Zoning Regulations. It is also important to note that in the case that a *Section 57* Notice is registered formally on your property's title, full remediation that includes the demolition and removal of all non-compliant items from the property, will be required in order for the District to remove the Notice from the title.

As the owner of the property, you have had ample time and opportunity to make efforts to bring the construction into compliance and has chosen not to do so. The previous correspondence relating to previous Notices that have been delivered, are enclosed for your reference and will be included in Council's review of the matter on February 2, 2026.

If the permit is renewed again and **all work is COMPLETED** prior to January, 29, 2026 the recommendation for notice on title will be cancelled and will not be placed on the Council Agenda.

Respectfully,

Scott Abel  
Building Inspector  
District of Barriere

*Enclosures:*

- *Section 57 Information Sheet*
- *Feb. 7/24 Notice*
- *Feb. 29/24 Visit to Office re: Notice*
- *Apr. 3/24 Notice*

Cc: T. Buchanan, Corporate Officer / Bylaw Enforcement

Permit # 2016-007R, 2014-005