



# COLUMBIA SHUSWAP REGIONAL DISTRICT

555 Harbourfront Drive NE, PO Box 978, Salmon Arm, BC V1E 4P1  
T: 250.832.8194 | F: 250.832.3375 | TF: 1.888.248.2773 | www.csr.bc.ca

August 29, 2018

File No.: 4070 00 81  
PR20160000127

## REGISTERED MAIL

Darcy Michael Lux  
5802 Aspen Drive  
Grande Prairie AB T8W 0H3

**Re: Lot 1 Section 11 Township 21 Range 8 West of the 6<sup>th</sup> Meridian Kamloops Division Yale  
District Plan 11368  
673 Swanbeach Road, Swansea Point, BC.**

Please be advised that I have received a recommendation pursuant to Section 57 (1) of the Community Charter.


Pursuant to Section 57 (2) (a) you are hereby advised that this matter will be placed before the Columbia Shuswap Regional District (CSR) Board of Directors for its consideration at its Thursday September 20, 2018, Regular Board meeting, which commences at 9:30 AM, in the Board Room of the Columbia Shuswap Regional District, 555 Harbourfront Drive NE, Salmon Arm, BC.

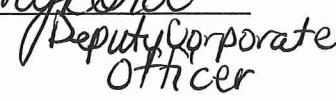
You are invited to attend the Board meeting to be heard. You are permitted to make a written presentation or to be represented by legal counsel if you so wish.

Enclosed for your information is a copy of the recommendation of the Building Official and a copy of Section 57 of the Community Charter.

Yours Truly,  
**COLUMBIA SHUSWAP REGIONAL DISTRICT**

Per:

*for*   
Charles A. Hamilton  
Corporate Officer

  
Deputy Corporate  
Officer

Enclosures

### ELECTORAL AREAS

A GOLDEN-COLUMBIA  
B REVELSTOKE-COLUMBIA

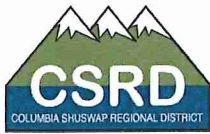
C SOUTH SHUSWAP  
D FALKLAND-SALMON VALLEY

E SICAMOUS-MALAKWA  
F NORTH SHUSWAP-SEYMOUR ARM

### MUNICIPALITIES

GOLDEN  
REVELSTOKE

SALMON ARM  
SICAMOUS



## MEMORANDUM

**TO:** Charles Hamilton  
Corporate Officer

**File No:** 4070 00 81  
CE20160000127

**FROM:** Scott Beck  
Building Official

**Date:** August 28, 2018

**SUBJECT:** Community Charter Section 57; Note Against Land Title that Building Regulations Contravened, 673 Swanbeach Road, Swansea Point, Electoral Area E

Lot 1 Section 11 Township 21 Range 8 West of the 6<sup>th</sup> Meridian  
Kamloops Division Yale District Plan 11368

Darcy Michael Lux

**RECOMMENDATION:** Whereas, during the carrying out of my duties, it was noted, in accordance with Section 57 subsections (1) (b) (i) and (1) (b) (ii) of the *Community Charter*, that the property owner had commenced construction of a building with BC Building Code contraventions. I am recommending, in accordance with Section 57 (2) of the *Community Charter*, that the Corporate Officer give notice to the registered owner of Lot 1 Section 11 Township 21 Range 8 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 11368 and further that the matter be placed on the September 20, 2018 CSRD Board Agenda for consideration by the CSRD Board of Directors.

**SHORT SUMMARY:** This 2016 file has a long history of non-compliance with CSRD Bylaws; Lakes Zoning Bylaw No. 900, and Rural Sicamous Land Use Bylaw No. 2000, regarding the multiple additions lake side and interior side of the single family dwelling and parcel boundary setback requirements. In addition to these concerns, the CSRD has also registered many other development concerns to the property owner for extension of the retaining walls at the shoreline, flood construction level, flood plain setback to Mara Lake, Riparian Area Regulations and possibly dock placement adjacent to a CSRD park, all completed without the required approvals.

Staff sent letters dated July 4, 2016 and September 20, 2016 to the property owner identifying the bylaw infractions and requesting a survey to confirm the extent of new works and required applications. A 'Demand for Compliance' legal letters from Lidstone and Company was delivered to the property owner November 24, 2016 and June 15, 2018. The property owner submitted a rezoning application with an incomplete site plan for the dock in February 2017. The December 1, 2017 CSRD In-Camera Board Resolution authorized CSRD Bylaw Enforcement staff to pursue all options to bring this property into compliance, including a court injunction if necessary. A June 1, 2018 site report produced from the CSRD Building Official identified BC Building Code contraventions that could make the structure unsafe or unusable for its intended purpose over

its life expectancy. These letters have not resulted in the property owner submitting the required survey or complete applications for the dock or upland works or additions to the dwelling.

Placing a Section 57 Notice on Title will alert subsequent owners of the property of the outstanding building regulation non-compliance.

**FINANCIAL:**

At present, staff time and legal consultation for this file exceeds \$10,000. Placing the Section 57 Notice on Title would be less than \$1000. Further enforcement next steps with a court injunction can vary from an additional \$10,000-\$30,000 depending upon the complexity of the file and response received from the property owner.

**KEY ISSUES/CONCEPTS:**

Staff have requested the owner of the subject property, both in verbal and written communications, including two 'Demand for Compliance' legal letters to provide the required information that will allow issuance of the necessary approvals. The owner has failed to provide the information or to advise the CSRD when the information will be submitted to this office. In the absence of the required approvals, placing a Notice on Title Section 57 is a priority.

**COMMUNICATIONS:**

The Corporate Officer will give notice to the registered owner of Lot 1 Section 11 Township 21 Range 8 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District Plan 11368 in accordance with Section 57 (2) (a) of the *Community Charter*, and once notice has been given to the owner the matter will be placed on the September 20, 2018 CSRD Board Agenda for consideration by the CSRD Board of Directors in accordance with Section 57 (2) (b) of the *Community Charter*.

**LIST NAME OF REPORT(S) / DOCUMENT(S):**

Location Map	Attached to Memorandum: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
Section 57 of the <i>Community Charter</i>	Attached to Memorandum: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
June 18, 2018, CSRD Site Report, BC Building Code Contraventions	Attached to Memorandum: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>
June 15, 2018, Demand for Compliance letter, Lidstone & Company; <i>Breach of CSRD Bylaws</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

December 1, 2017, CSRD In-Camera Certified Board Resolution; <i>To Pursue all Options for Compliance</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>
November 15, 2017, CSRD In-Camera Board Report; <i>Board Direction Required</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>
November 24, 2016, Demand for Compliance letter, Lidstone & Company; <i>Breach of CSRD Bylaws</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>
September 20, 2016 CSRD letter; <i>Expansion of the Single Family Dwelling</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>
July 4, 2016, CSRD letter; <i>Dock Expansion</i>	Attached to Memorandum: <input type="checkbox"/>	Available from Staff: <input checked="" type="checkbox"/>

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Team Leader
Corporate Administration Services, Chief Administrative Officer	August 28, 2018	Lynda A. Shykora for C. Hamilton
Deputy Manager of, Corporate Administration	August 28, 2018	Lynda A Shykora
Team Leader, Building & Bylaw Services	August 28, 2018	M. + P.



# Location Map



Nov 15, 2017

This map is for reference only. Not to be used for navigation. The data in this map is compiled from numerous sources and may not be complete or accurate. No warranty, expressed or implied, is made as to the accuracy of this information.

## Map Notes

**Darcy Lux**  
673 Swanbeach Rd  
Swansea Point



Scale: 1:8,000

0 90 180 270 360 Meters

