



# BOARD REPORT

**TO:** Chair and Directors

**File No:** 38801704  
PR20170000004

**SUBJECT:** Electoral Area F: Community Charter Section 57 Notice

**DESCRIPTION:** Report from Charles Hamilton, Chief Administrative Officer, dated June 10, 2019.

7761 Columbia Drive, Anglemont

**RECOMMENDATION:** THAT: the Board authorize the Corporate Officer to file a Notice in the Land Title Office against the property legally described as Lot 159, Section 15, Township 23, Range 9, W6M, KDYD, Plan 15296, in accordance with Section 57 of the Community Charter, this 20<sup>th</sup> day of June, 2019;

AND THAT:

further information in respect of the Notice is available for inspection at the office of the Columbia Shuswap Regional District.

## SHORT SUMMARY:

The CSR D Building Official has provided a recommendation pursuant Section 57 of the Community Charter (CC) regarding a retaining wall located at 7761 Columbia Drive in Anglemont. In accordance with Section 57 of the CC, the registered owner of the subject property has been notified that this matter will be placed before the Board of Directors at its regular Board meeting on June 20, 2019, commencing at 9:30 AM, in the Boardroom of the CSR D office located at 555 Harbourfront Drive NE in Salmon Arm.

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

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|----------------|-------------------------|-------------------------------------|-----------------------------|--------------------------|-----------------------|--------------------------|---------------------------|--------------------------|
| <b>VOTING:</b> | Unweighted<br>Corporate | <input checked="" type="checkbox"/> | LGA Part 14<br>(Unweighted) | <input type="checkbox"/> | Weighted<br>Corporate | <input type="checkbox"/> | Stakeholder<br>(Weighted) | <input type="checkbox"/> |
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## BACKGROUND:

2013

- Owner applies for a building permit for the single family dwelling only. The retaining wall was not part of this application.

2016

- Building Official notices block materials at the site while conducting the final inspection on the single family dwelling. Building Official speaks to the owner about a permit application for the wall.
- Ongoing communication between the Building Official and the owner.

2017

- Email, phone, and in-person communications between the Building Official and the owner continues.
- Building Official met with owner on site with the owner's engineer to discuss the building permit requirements.
- Incomplete building permit application for the retaining wall received.
- Building Official requests a survey plan.

**2018**

- Building Official continues communicating with the owner, including the possibility of a Section 57 notice.
- Sent a registered letter to the owner confirming that the building application was still incomplete.

**2019**

- February:
  - Owner submits a survey, as requested by CSRD staff in 2017. The survey confirms that the retaining wall encroaches into a CSRD easement and covenant area, and was constructed within the side yard parcel line setback area (Anglemont Zoning Bylaw No. 650).
  - Stop Work Order posted on site.
  - House listed for sale.
- April:
  - Building Official establishes a deadline to receive necessary information from the owner.
  - No information received from the owner after the deadline passed.
- May:
  - Building Official recommends to the Corporate Officer that a Section 57 Notice be registered on the title of the subject property.
  - Sent notice to the owner that this matter will be considered by the CSRD Board on June 20, 2019. See attached "3880\_17\_04\_DeWeerd\_s57\_package.pdf".
  - Also hand delivered notice to the owner, on May 31, 2019, during his visit to the CSRD office.

**POLICY:****Section 57 of the Community Charter**

The Building Official and the owner of the subject property must be given an opportunity to speak to the Board in respect of the matter. The Board may then confirm the recommendations of the Building Official and pass a resolution directing the Corporate Officer to file a notice in the land title office stating that a resolution relating to the subject property has been made in accordance with Section 57 of the CC, and that further information about it may be inspected at the CSRD office.

See "38801704\_DeWeerd\_s57\_package.pdf" attached.

**FINANCIAL:**

Costs associated with placing a Section 57 notice on title total less than \$1,000. If the Board declines to endorse the staff recommendation, the Board may wish to direct staff to pursue legal action with a court injunction, which can vary from \$10,000 to \$30,000, depending on the complexity of the file.

If the property owner addresses the outstanding non-compliance issues, and the Building Official confirms that the Section 57 notice can be removed from title, prior to the Corporate Officer filing the

cancellation notice, the property owner must pay a \$650 notice discharge fee, as per the CSRD Development Services Application Fees Bylaw No. 4000, as amended.

**KEY ISSUES/CONCEPTS:**

The Building Official has requested the owner of the subject property, both in verbal and written communications, to provide the required information that may allow for issuance of the necessary approvals. In the absence of the required approvals, placing a Section 57 notice on title is a priority.

**SUMMARY:**

Based on the information provided by the Building Official and her recommendation, it is my recommendation to the Board that a Section 57 notice be authorized to be filed on the title of the subject property, and that further information in regards to the Notice on Title is available for inspection at the office of the Columbia Shuswap Regional District.

**IMPLEMENTATION:**

If the Board authorizes the Corporate Officer to file a notice in the land title office against the title of the property legally described as Lot 159, Section 15, Township 23, Range 9, W6M, KDYD, Plan 15296, as per Section 57 of the CC, the notice will be sent to the registrar of land title for filing.

**COMMUNICATIONS:**

The Corporate Officer gave notice that the matter will be placed on the June 20, 2019 regular Board Agenda for consideration by the Board of Directors to the registered owner of the subject property via mail on May 27, 2019 and via email on May 31, 2019. Further, when the owner was at the CSRD office on May 31, 2019, the Building Official supplied him with a copy of the notice and a brief explanation of the notice.

The owner has indicated he is not able to attend the hearing and submitted a letter dated June 6, 2019. See "Owner\_submission\_38801704\_2019-06-06.pdf" attached.

The owner of the subject property will be advised of the Board's decision.

**DESIRED OUTCOMES:**

That the Board endorse the staff recommendation.

**BOARD'S OPTIONS:**

1. *Endorse the Recommendation.*
2. *Deny the Recommendation.*
3. *Defer.*
4. *Any other action deemed appropriate by the Board.*

**LIST NAME OF REPORT(S) / DOCUMENT(S) AVAILABLE FROM STAFF:**

1. Community Charter
2. Building Bylaw No. 660

3. Anglemont Zoning Bylaw No. 650

**Report Approval Details**

|                      |  |
|----------------------|--|
| Document Title:      | 2019-06-20_Board_CA_38801704_s57.docx  |
| Attachments:         | - 38801704_DeWeerd_s57_package.pdf<br>- Owner_submission_38801704_2019-06-06.pdf |
| Final Approval Date: | Jun 11, 2019   |

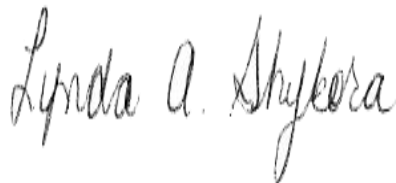
This report and all of its attachments were approved and signed as outlined below:



**Marty Herbert - Jun 10, 2019 - 4:00 PM**



**Gerald Christie - Jun 10, 2019 - 4:16 PM**



**Lynda Shykora - Jun 11, 2019 - 10:10 AM**

**No Signature - Task assigned to Charles Hamilton was completed by assistant Lynda Shykora**

**Charles Hamilton - Jun 11, 2019 - 10:11 AM**