



BOARD REPORT

TO: Chair and Directors

File No: 3880 1870

SUBJECT: Electoral Area F: Community Charter Section 57 Notice

DESCRIPTION: Report from Jennifer Sham, Corporate Officer and Manager, Corporate Services, dated September 2, 2022.
2555 Garland Drive, Celista

RECOMMENDATION: THAT: the Board authorize the Corporate Officer to file a Notice in the Land Title Office against the property legally described as Legal Subdivision 13, Section 15, Township 23, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Except Plan EPP89327, in accordance with Section 57 of the Community Charter, this 22nd day of September, 2022;

AND THAT: further information regarding 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 to Section 57 of the Community Charter (CC) regarding a building located at 2555 Garland Road, Celista. 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 September 22, 2022. Placing a Section 57 notice on title will alert subsequent owners of the property of the outstanding building regulation non-compliance.

VOTING:	Unweighted Corporate <input checked="" type="checkbox"/>	LGA Part 14 (Unweighted) <input type="checkbox"/>	Weighted Corporate <input type="checkbox"/>	Stakeholder (<i>Weighted</i>) <input type="checkbox"/>
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BACKGROUND:

See "2555 Garland Rd S57 Memo.pdf" attached.

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 recommendation(s) 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 CSR D office.

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 notice discharge fee, as per the CSRD Development Services Application Fees Bylaw No. 4000, as amended.

KEY ISSUES/CONCEPTS:

The required registered professionals for the buildings located on the lands have withdrawn their services and the building permit has expired. The registered property owners have communicated that they do not wish to proceed with their project. In the absence of any registered professional involvement and a valid building permit, 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 regard to the notice 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 Legal Subdivision 13, Section 15, Township 23, Range 10, West of the 6th Meridian, Kamloops Division Yale District, Except Plan EPP89327, 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 before the Board of Directors at its Regular Board meeting on September 22, 2022 commencing at 9:30 AM, in the Boardroom of the CSRD office located at 555 Harbourfront Drive NE in Salmon Arm. Notice was sent to the registered owner of the subject property via registered mail on August 31, 2022.

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

DESIRED OUTCOMES:

That the Board endorse the staff recommendation(s).

BOARD'S OPTIONS:

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