



# MEMORANDUM

**TO:** Jennifer Sham  
Corporate Officer and Manager  
Corporate Services

**FROM:** Michelle Boag  
Chief Building Official

**File No:** 3880 18 70  
PR20180000119

**Date:** August 5, 2022

**SUBJECT:** Community Charter Section 57; Note Against Land Title that Building Regulations Contravened 2555 Garland Rd, Electoral Area F

LEGAL DESCRIPTION: Legal Subdivision 13 of Section 15 Township 23 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District, Except Plan EPP89327

OWNERS NAMES: Full Spectrum Medicinal Inc

**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(ii) of the *Community Charter*, that the required registered professionals for the buildings located on the land have withdrawn their services and the building permit has expired and the registered property owners have communicated they do not wish to proceed with the unfinished project; I am recommending, in accordance with Section 57 (2) of the *Community Charter*, that the Corporate Officer give notice to the registered owners of Legal Subdivision 13 of Section 15 Township 23 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District, Except Plan EPP89327, and further that the matter be placed on the September 22, 2022 CSR D Board Agenda for consideration by the CSR D Board of Directors.

**SHORT SUMMARY:**

The property is in contravention of the Columbia Shuswap Regional District Building Bylaw No. 660-3. On December 21, 2021, the CSR D was made aware that the Registered Professionals required by the BC Building Code and Building Bylaw No. 660-3, for the buildings classified as Part III complex buildings under BC Building Code, provided notice of withdrawal of their services from the project. Due to these required professional services being withdrawn, the buildings now contravene Building Regulation Bylaw 660-3, and as such a Stop Work Order and Do Not Occupy were posted on the buildings March 23, 2022.

Placing a Section 57 Notice on Title serves as an efficient way to note a structure’s potential non-compliance to the BC Building Code and CSR D’s building bylaw and also serves as an appropriate disclosure mechanism to potential future owners and other parties that may have an interest in the property. This notice also serves to protect taxpayers from potential claims with regard to the BC Building Code and building bylaw contraventions.

**POLICY:****Building Regulation Bylaw No. 660-3:****Part 4: Prohibitions**

- 4.1 A person must not commence or continue any *construction, alteration, excavation, re-construction, demolition, removal, relocation or change the use or occupancy* of any *building or structure*, including other work related to construction:
- (a) except in conformity with the requirements of the *building code* and this bylaw; and
  - (b) unless a *building official* has issued a valid and subsisting *permit* for the work under this bylaw.
- 4.2 A person must not *occupy or permit the occupancy* of any *building or structure* or part of any *building or structure*:
- (a) unless a subsisting final inspection notice has been issued by a *building official* for the *building or structure* or the part of the *building or structure*; or
  - (b) contrary to the terms of any *permit* issued or any notice given by a *building official*.
- 4.9 A person must not contravene a notice of a *building official* issued under section 6.6.

**Part 6 Powers of a Building Official**

- 6.6 Subject to applicable enactments, a *building official* may by notice in writing require:
- (a) a person who contravenes any provision of this bylaw to comply with that provision within the time ordered;
  - (b) an *owner* to stop work on a *building or structure*, or any part of a *building or structure*, if the work is proceeding in contravention of this bylaw, the *building code*, or any other enactment of the Regional District or other applicable enactments, or if there is deemed to be an *unsafe condition*, and may enter on property to affix or post a stop work order in the form prescribed by the *building official*;
  - (e) an *owner* to have work inspected by a *building official* prior to covering;
  - (f) an *owner* to uncover any work that has been covered without inspection contrary to this bylaw or an order issued by a *building official*;
  - (g) a person to cease any *occupancy* in contravention of a provision of this bylaw;
  - (h) a person to cease any *occupancy* if any *unsafe condition* exists because of work being undertaken but not complete and where the *building official* has not issued a final inspection notice for the work;
  - (i) an *owner* to correct any *unsafe condition*; and
  - (j) an *owner* to correct any work that contravenes this bylaw, the *building code*, or any other enactment.

Section 57 of the *Community Charter***Note against land title that building regulations contravened**

57. (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector
- (a) observes a condition, with respect to land or a building or other structure, that the inspector considers
    - (i) results from the contravention of, or is in contravention of,
      - (A) a municipal bylaw,
      - (B) a Provincial building regulation, or
      - (C) any other enactment
    - (ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or
  - (b) discovers that
    - (i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (1) and
    - (ii) the permit was not obtained or the inspection not satisfactorily completed.
- (2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must
- (a) give notice to the registered owner of the land to which the recommendation relates, and
  - (b) after notice under paragraph (a), place the matter before council.

**FINANCIAL:**

Additional costs may include a legal review for options regarding further enforcement and compliance.

**KEY ISSUES/CONCEPTS:**

2019

- April 24 – Building Permit Issued for two 929 sq. m. Complex Part III buildings proposed for a Cannabis production facility. The proposed use of the building, is classified as a Complex building under BC Building Code Part III, CSRD Building Bylaw and are required

to engage registered professionals of all disciplines involved in the design and construction verification of the project,

2020

- July 31 – Site Visit with Brandon Kidd, Authorized Agent, Coordinating Registered Professional and Engineer of Record for Project to conduct a monitoring report for the project,

2021

- August 24 – received a phone call from a new contractor brought on to the project, that alerted staff that there had been a change in ownership. Confirmation that a change of ownership of the file must be completed before information regarding the file status can be shared,
- October 25 – new contractor contacted CSRD to confirm what needed to be completed for the building permit to remain active,
- October 26 – As a result of a phone call with the Building Official, staff sent a follow up email to the new contractor listing all the necessary documents to be submitted to complete a change of ownership,
- November 8 – Building Official received a response from new ownership group noting with five of the nine items required to satisfy the change of ownership however no confirmation of required Registered Professionals for the Part III BC Building Code buildings were included,
- November 18 – Building Official provided updated list of outstanding documents to the new ownership group,
- November 29 – The new owner submitted only two of the four remaining outstanding items for the project to be permitted to continue. Of importance, missing was the confirmation that the required Registered Professionals on file were still engaged for this project,
- December 20 – Email received by Team Leader of Building and Bylaw from the current Coordinating Registered Professional and Engineer of Record Brandon Kidd including Structural and Architectural Letters of Assurance - Schedule B were being withdrawn,

2022

- March 15 – The new owner communicated that they will not be supplying new required Letters of Assurance Schedule B for all registered professionals, and they would not be proceeding with completion of the project,
- March 16 – As required by the Building Bylaw, a Building Official posted the necessary Stop Work Order and Do Not Occupy notices on the buildings,

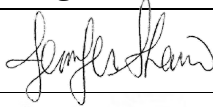

- March 23 – Stop Work Order and Do Not Occupy follow-up email was sent to the new registered owner and a letter was also sent by Registered Mail.
- April 25 – Building Permit Expired.

**COMMUNICATIONS:**

The Corporate Officer will give notice to the registered owners of Legal Subdivision 13 of Section 15 Township 23 Range 10 West of the 6<sup>th</sup> Meridian Kamloops Division Yale District, Except Plan EPP89327, 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 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"/>
Photographs of the site dated	Attached to Memorandum: <input checked="" type="checkbox"/>	Available from Staff: <input type="checkbox"/>

REVIEWED BY:	Date Signed Off (MO/DD/YR)	Approval Signature of Reviewing Manager or Team Leader
Corporate Services	08/19/22	
Manager, Development Services	08/17/22	
Team Leader, Building & Bylaw Services	08/17/22	