



Date: 02/12/2022

To: Chair and Directors, Cariboo Regional District Board

And To: Brian Carruthers, Interim Chief Administrative Officer

From: Virgil Hoefels, Chief Building Official

Date of Meeting: Cariboo Regional District Board_Dec09_2022

File: 3120-20-20200474

Short Summary:

Area L – Notice on Title - Lot 13, Plan KAP32601, District Lot 1461, Lillooet Land District

Voting:

Stakeholder Vote – Weighted – Electoral Areas A, B, C, D, E, F, G, H, I and L

Memorandum:

A footing inspection dated September 14, 2021 failed. As required by CRD Policy the inspector requested a survey be conducted and certificate provided to confirm setbacks. In a letter dated September 17, 2021, the homeowner was informed that formwork was non-compliant with the setback requirement, and it would need to be moved or apply for a variance.

December 13, 2021, a Stop Work Notice was issued and posted at the property stating that 'steel building is non-compliant with building permit setbacks'.

A Development Variance Permit was put forth at the June 10, 2022, Board meeting at which time the following resolution was endorsed:

That application 3090-20/20220030 for a Development Variance Permit pertaining to Lot 13, District Lot 1461, Lillooet District, Plan 32601 be rejected, as the proposed exterior side yard setback is not supported by Ministry of Transportation and Infrastructure staff.

Letter dated June 30, 2022, sent by CRD planning department advising homeowner the Development Variance Permit application was denied.

July 21, 2022, the Ministry of Transportation and Infrastructure advised the homeowner via email that the setback is 4.5 meter from edge of right-of-way. That the CRD has a greater minimum setback but are willing to allow the 4.5 meters. The building ended up 3.25 meters from the right-of-way.

Letter dated August 11, 2022, sent via registered mail advising homeowner that revised engineering drawings must be submitted within eight weeks of receiving the letter. Letter was received and signed for by homeowner on August 16, 2022.

Letter dated October 7, 2022, was sent to advise homeowner of the status of the building permit, and that a recommendation to place a Notice on Title will be made at the CRD Board meeting on December 9, 2022.

Attachments:

Supporting Documents:
Notice of Contravention Letter,
Development Variance Permit Application rejected letter

Financial Implications:

Cost to file a Notice in the Land Title Office is currently \$76.32. Once the required documents are received and deficiencies are rectified, the Notice may be removed by the Cariboo Regional District upon receipt of a \$350.00 fee per the current Building Bylaw.

Policy Implications:

Although there are no policies relating to filing of Notices, the Board has dealt with a number of building bylaw contraventions by filing Notices. It has proven successful over time in resolving many of these situations.

Alignment with Strategic Plan:

- Communication:** Facilitate communication strategies throughout the entire Cariboo Regional District that meet the needs of residents, community stakeholders, and other levels of government.
- Planning:** Intentionally plan services and activities of the CRD to prepare for future needs of residents and community stakeholders.
- Economic Sustainability:** Foster an environment to ensure the economic sustainability of CRD communities and the region.
- Governance:** Ensure that CRD governance policy and practices are intentional, transparent, and respectful.

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CAO Comments:

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Options:

1. Endorse filing Notice on Title;
2. Endorse filing Notice on Title and authorize further enforcement action;
3. Reject recommendation for filing Notice on Title and archive file (refer to archive procedure);

4. Defer.

Recommendation:

That the agenda item summary from Virgil Hoefels, Chief Building Official, dated December 2, 2022, regarding Notice on Title - Lot 13, Plan KAP32601, District Lot 1461, Lillooet Land District, be received. Further, that the Manager of Corporate Services of the Cariboo Regional District be directed to file Notice in the Land Title Office and authorize further enforcement action, in accordance with Section 57 of the *Community Charter*. Further, that upon confirmation from the Chief Building Official that the matter has been resolved and an approved final inspection issued, the Notice may be discharged from the title upon receipt of the fee stipulated in the Building Bylaw.