

DISTRICT OF LAKE COUNTRY

REQUEST FOR COUNCIL DECISION

MEETING TYPE AND DATE: REGULAR COUNCIL MEETING, MARCH 1, 2022 AUTHOR: ZARA ROCKWELL, CHIEF BUILDING INSPECTOR

SUBJECT: 18251 COMMONAGE ROAD – NOTICE ON TITLE REQUEST

KEY ISSUE AND ESSENTIAL QUESTION:

Does Council wish to place a Notice on Title for the property located at 18251 Commonage Road for the outstanding building permit for construction of a single-family dwelling and for a mobile home, to protect the District from any liability regarding the property and to inform any potential purchasers of the deficiencies?

OPTIONS:

- A. THAT Notice on Title be placed on the property at 18251 Commonage Road legally described as Lot 3, Plan KAP23583, Section 21, Township 14, ODYD, P.I.D. 006-326-561 pursuant to Section 57 of the Community Charter and that the building permit file be closed.
- B. THAT a Notice on Title not be placed on the property at 18251 Commonage Road legally described as Lot 3, Plan KAP23583, Section 21, Township 14, ODYD, P.I.D. 006-326-561 pursuant to Section 57 of the Community Charter and that the building permit file be closed.
- C. THAT a Notice on Title not be placed on the property at 18251 Commonage Road legally described as Lot 3, Plan KAP23583, Section 21, Township 14, ODYD, P.I.D. 006-326-561 pursuant to Section 57 of the Community Charter and that the building division continue to work with property owner to bring the property into compliance.
- D. THAT Notice on Title be placed on the property at 18251 Commonage Road legally described as Lot 3, Plan KAP23583, Section 21, Township 14, ODYD, P.I.D. 006-326-561 pursuant to Section 57 of the Community Charter and that the building division start remedial action pursuant to Section 73 of the Community Charter.

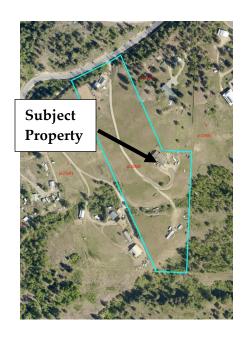
EXECUTIVE SUMMARY:

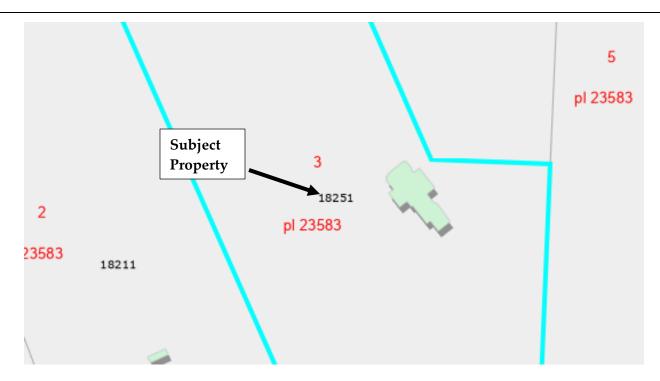
A routine review of District files show there is an outstanding building permit for construction of a single-family dwelling and placement of a mobile home. The owner has not completed the building permits at this time. The last inspection report for the single-family dwelling was dated May 31, 2006 was for insulation. Occupancy approval has not been granted. The last inspection date for the mobile home was September 7, 2021. Deficiencies noted were the requirement for the stair and landing in the garage to have guards and handrails. The property is a concern with respect to the BC Building Code 1998 Edition, and the District of Lake Country Building Regulation Bylaw, 435, 2002. As such, staff is recommending a that a Notice on Title be placed on the property and that the building permit file be closed.

Key Information:

File Number:	NOT2022-001
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Roll Number:	02031.01	2	
Property Owner:	Sheila &	Ronald Coombs	
Legal Description:	Lot 3, Pla	n KAP23583, Section 21, Township	14, ODYD
PID	006-326-	561	
Civic Address:	18251 Co	mmonage Road, Lake Country, BC	V4V 1B6
OCP Designation:	Agricultu	ral	
Zoning Designation:	A1; Agric	ultural 1	
Land Use Contract	No		
ALR:	Yes		
Parcel Size:	10.92 acr	es	
DP Area(s):	Greenho	use Gas Reduction; Multiple Unit;	Commercial; Industrial; Hillside; Natural
	Environm	ent; Drainage; Agri-Tourism	
Water Supply:	Private		
Sewer:	Septic Sy	stem	
Site Summary:		Zoning:	Use:
	North:	RLP; Rural Large Parcel 1	Residential
	East:	A1; Agricultural 1	Residential
	South:	A1; Agricultural 1	Residential
	West:	A1; Agricultural 1	Residential





Relevant Observations:

Numerous attempts to grant occupancy and to close the building permits have been unsuccessful to date, and so the placement of a Notice on Title may aid in protecting the District from liability. The placement of a Notice on Title may make it difficult to obtain a mortgage or sell the property. The placement of the Notice on Title will lower the liability of the District if there is public exposure to the potential health and safety risks posed by not having the deficiencies corrected, occupancy granted, and the file closed.

Strategic Questions:

Will placing a Notice on Title achieve the desired outcome of being in compliance with the Building Regulation Bylaw and mitigating liability to the District?

Strategic Relevance and Community Sustainability:

The placement of the Notice on Title and the closing of the file will enable staff to work more closely on strategic priorities of Council and to ensure liability is minimized to the District.

Key Result:

Ultimately, District staff would prefer that the structure be brought into compliance with the District of Lake Country Building Regulation Bylaw and BC Building Code with the deficiencies corrected, occupancy granted, and the file closed. However, the placement of a Notice on Title on the property will limit the liability of the District of Lake Country if members of the public are exposed to the risk posed by non-compliant buildings.

Desired Benefit of Key Result:

Adherence to the District of Lake Country Building Regulation Bylaw and BC Building Code.

Unintended Outcomes:

That the single-family dwelling continues to be used without the required occupancy approval, placing the District in a position of potential liability.

Preferred Strategy:

That the proposed Notice on Title be placed, that the owner completes the deficiencies, occupancy approval is granted, and the file is closed and that the Notice on Title be removed.

Background/History:

A building permit to place a mobile home was issued on August 5, 2004. An application for a single-family dwelling was made on July 12, 2005. Building Permit to construct a single-family dwelling was issued on December 16, 2005. Both building permits have expired without final approval.

- January 19, 2006 Footings
 - o Survey Certificate required to show correct setbacks at foundation forms,
 - o P. Eng to specify grade beams between garage and house,
 - o 16" x 8" c/w 2-10M
 - Ok to cast concrete subject to:
 - Structural Engineer's and Geotechnical Engineer's Approval,
 - Concrete not to drop below 10 C for 72 hours
- January 26, 2006 Foundation
 - Require P.Eng Field Report including grade beam requirements
 - Ok to cast concrete subject to:
 - Structural Engineer's Approval
 - Survey Certificate showing correct setbacks
 - Concrete Temperature not dropping below 10 C for 72 hours
- February 2/2006 Dampproofing
 - Foundation walls damp proofed
 - 4" Big O Perimeter drain c/w drain rock and paper
 - Must terminate 15' from building in rock pit
- February 3/2006 underslab DWV
 - Water test on no leaks detected
- March 10/2006 slab prep
 - o 6 mil poly c/w 1.5" DOW Syrospan R7.5 and 10 M Grid @ 24" o/c
 - ½' infloor heating tube
 - Ok to proceed
- May 5/2006 plumbing above slab
 - DWV Under Test (No Leaks)
 - o Service Lines are test @ 110 PSI
 - Ok to Proceed
- May 19/2006 framing
 - P. Eng to address point load or post on deck that supports ridge beam
 - o Increase headers over 9' garage openings adding one more ply to each header
 - Will check at insulation inspection
 - Ok to insulate and apply poly
- May 31, 2006 Insulation
 - o R20 in walls c/w protrusions sealed
 - 6 mil poly vapour/air barrier
- November 2/2008 District of Lake Country Building Official sends a letter to property owner requesting that they call for an occupancy and final inspection as the permit had expired.
- January 25/2011 District of Lake Country Building Official sends a letter requesting an occupancy inspection and warns of further legal action including the possibility of registration of a Notice on Title.
- November 4/2019, January 3/2020, February 3, 2020 District of Lake Country Building Official sends a letter to property owner requesting that they call for an occupancy and final inspection as the permit had expired.
- March 4/2020 A 3 month extension was granted.
- January 13, 2021 District of Lake Country Building Official sends a letter to property owner requesting that they call for an occupancy and final inspection as the permit had expired.

- April 1, 2021 District of Lake Country Building Official sends a letter to property owner requesting that they call for an occupancy and final inspection as the permit had expired.
- August 23/2021 District of Lake Country Building Official sends a letter requesting an occupancy inspection and warns of further legal action including the possibility of registration of a Notice on Title.

This single-family dwelling and the mobile home have not received a final approval and the property owner has not brought the property into compliance with relevant District bylaws and the BC Building Code. The lack of occupancy approval is a concern to staff and as such, staff recommend a Notice on Title be placed on the property and that the building permit file be closed.

Discussion/Analysis

Legislation & Applicable Policies:

- District of Lake Country Building Regulation Bylaw, 435, 2002
 - o 18.2 An occupancy permit shall not be issued unless:
 - 18.2.2 all aspects of the work requiring inspection and acceptance pursuant to section 17.4
 of this bylaw have both been inspected and accepted or the inspections and acceptance
 are not required in accordance with section 17.5 of the bylaw.
- Community Charter Section 57 (Note Against Land Title that Building Regulations Contravened)
- Community Charter Section 73 (Remedial Action Requirements Hazardous Conditions)

Impact on Staff Capacity and Financial Resources (Cost/Benefit Analysis):

Significant staff time has been used attempting to bring this property into compliance.

Registering a Notice On Title is a small fee that will allow staff to direct their attention elsewhere. If in the future the property owner wishes to have the Notice On Title removed there is a \$300 fee for staff processing time.

Legal Implications:

Council has the authority to pass a resolution to file a Notice against the land title through the Community Charter. Courts tend to defer to the expertise of municipal Building Officials advice, and local Council decisions with respect to Notice against the land title.

A municipality owes a duty of care to subsequent owners of a building, which was made clear in Kamloops vs. Nielsen [1984]. The Court held that once the municipality had made a policy decision to regulate building construction, the municipality owed a duty to enforce the bylaw provisions to prevent injury to persons such as third-party purchasers. As the Building Regulation Bylaw requires the property owner to obtain a building permit and it is unknown to what extent the building meets or does not meet the requirements of the BC Building Code, placing a Notice on Title will at minimum inform potential purchasers of the risk.

Analysis of Option for Consideration:

- Option A This option will allow staff to place the Notice on Title. This will limit liability to the District and will allow staff to close enforcement file and to direct their attention to other tasks.
- Option B This option will allow staff to close the enforcement file and to direct their attention to other tasks. However, this option does not limit liability to the District.
- Option C This option will require staff to direct more staff time to attempt to bring this property into
 compliance and will reduce the time allocated to other tasks. This option does not limit the liability to the
 District.
- Option D This option will allow staff to place the Notice on Title, and to investigate the remedial action
 process to bring the property into compliance. This will limit liability to the District and will allow staff to
 start actions that will bring the property into compliance.

Respectfully Submitted,

Zara Rockwell, RBO Chief Building Inspector Planning and Development Department

This report has been prepared with the collaboration of the following individuals:

COLLABOR	ATORS
TITLE	NAME

This report has been prepared in consultation with the following departments:

CONCURR	ENCES
DEPARTMENT	NAME
Chief Administrative Officer	Tanya Garost
Director of Corporate Services	Reyna Seabrook

ATTACHMENTS:

Attachment A – Inspection Reports - Single Family Dwelling Permit

Attachment B – Previous Correspondence to Owner

ADDRESS OF PROJECT: 18251 (OMMONALE WEATHER CLOUD Attachment A
OWNER: COOMBS LEGAL DESCRIPTION: LOT 3 PL 23583
INSPECTION: FOOTING
- SURVEY (ERTIFICATE REQUIRED TO SHOW CORRECT
SETBACKS AT FOUNDATION FORMS.
- P.EM TO SPECIFY GRADE BEAMS BETWEEN
GARAGE & HOUSE
- 16 x 8 c/w 2-10 M
OK TO CAST CONTRETE SURJECT TO!
1. STRUCTURAL ENLINEERS & GEOTECHAILLAL FULLINEDRS
APPROVAC
2 CONCRETE NOT TO DROP RELOW 10 C FOR 72 HES
INSPECTOR: DATE: 19 Jan 06
24 hour notice required for inspections: 1. Soil, Footings 2. Foundation Forms 3. Damp Proofing/Drain Tile 4. RI Plumbing 5. Framing 6. Water & Sewer Services 7. Insulation/Air Barrier 8. Before Occupancy 9. Final

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24 hour notice required for inspections: 1. Soil, Footings. 2. Foundation Forms 3. Damp Proofing/Drain Tile 4. RI Plumbing 5. Framing 6. Water & Sewer Services 7. Insulation/Air Barrier 8. Before Occupancy 9. Final Page of	INSPECTOR: / Comes DATE: //on 5/06			111K 10 1800850			OEKNEE LINES FIR TEST (N) 110 981	MUN UNDER TEST (NO LEAKS)		INSPECTION: PRUMBING HEOVE SIAB	73 R 235	ADDRESS OF PROJECT: 18251 COMMONIAGE D WEATHER: SUM	PERMIT NO. 2005/200	BUILDING INSPECTION REPORT FAX: 766-0200	1 ELEPHONE: 766-5650
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District of Lake Country,

10150 Bottom Wood Lake Road Lake Country, British Columbia V4V 2M1 E-mail:dskublent@lakecountry.bc.ca Telephone: (250)766-6675 Fax: (250)766-0200

November 03, 2008

Ronald & Sheila Coombs 18251 Commonage Road Lake Country, BC V1V 1B6

Re:

Building Permit 2005 – 2088 Single Family Dwelling

Building Permit 2004 – 1662 Mobile Home Placement

The above two permits have not been approved for occupancy to date. The building permit is under review and requires an updated inspection status. The District of Lake Country Zoning Bylaw #176 does not permit no person to use any building or structure unless a valid and subsisting occupancy permit has been issued. Please contact the office to make arrangements for an updated inspection to complete the building permit requirements.

If you need further assistance please do not hesitate to contact me.

Thank you,

Dwayne Skublen

Deputy Chief Building Inspector

District of Lake Country, BC

V4V 2M1

Phone: 250-766-6675 Ext:225

Email: dskublen@lakecountry.bc.ca



District of Lake Country,

10150 Bottom Wood Lake Road Lake Country, British Columbia V4V 2M1 E-mail: dskublent@lakecountry.bc.ca Telephone: (250)766-6675 Fax: (250)766-0200

January 25, 2011

RONALD & SHEILA COOMBS 18251 Commonage Road Lake Country, BC V4V 1B6

Re:

Ronald Coombs

Building Permit 2005-2088 Single Family Dwelling Building Permit 2004-1662 Placement of Mobile Home

On August 5, 2004 a building permit was issued for a mobile home at the above address. The last inspection on record for the above building permits was May 14, 2004. We have no record of a final inspection or Occupancy Inspection of the above dwelling unit.

On December 21, 2005 a building permit was issued for a single family dwelling at the above address. The last inspection completed was on May 31, 2006. An Occupancy Permit has not been granted for the Single Family Residence.

The District of Lake Country Building Bylaw 435 does not permit persons to use any building or structure unless a valid and subsisting occupancy permit has been issued. Please contact the office to make arrangements for an updated inspection to complete the building permit requirements. Failure to respond by February 15, 2011 will result in a recommendation to council of a Notice on Title be placed on your residence.

If you need further assistance please do not hesitate to contact me.

Thank you,

Dwayne Skublen

Deputy Chief Building Inspector



November 4, 2019

Municipal Hall
Development Services Department
Building Inspections
10150 Bottom Wood Lake Road
Lake Country, BC V4V 2M1

Tel: 250-766-6675 Fax: 250-766-0200

building@lakecountry.bc.ca

COPY

Ronald & Sheila Coombs 12008 Pretty Road Lake Country, BC V1V 1H9 Roll No. 2031.012 BP2004-1662 and BP2005-2088

Dear Sir/Madam:

Re: Building Permit #2004-1662 - Mobile Home Placement at #2005-2088 - Single Family Dwelling at 18251 Commonage Road

A recent review of your file indicates that the building permit issued for the above permit has expired without final approval. The District of Lake Country Building Regulation Bylaw 709,2011 states: "19) Every permit is upon condition that the permit shall expire and the rights of the owner under the permit shall terminate if: c) work requiring a permit is started and not completed within three years of the original date of the permit."

In order to close this file we will require the following:

- Approved Final Access Permit Inspection (contact Engineering Department for further details).
- Final Inspection.

Please call 250-766-6676 to book a final inspection prior to December 20, 2019. Please ensure that all required submission are received by our office no later than 1 calendar day prior to the required inspection date.

For further information, contact the building division at <u>building@lakecountry.bc.ca</u>

Yours truly,

Zara Róckwell, RBO Chief Building Inspector



January 3, 2020

Municipal Hall
Development Services Department
Building Inspections
10150 Bottom Wood Lake Road
Lake Country, BC V4V 2M1
Tel: 250-766-6675

Fax: 250-766-0200 building@lakecountry.bc.ca

COPY

Ronald & Sheila Coombs 18251 Commonage Road Lake Country, BC V4V 1B6 Roll No. 2031.012 BP2004-1662 and BP2005-2088

Dear Sir/Madam:

Re: Building Permit #2004-1662 – Mobile Home Placement at #2005-2088 - Single Family Dwelling at 18251 Commonage Road

A recent review of your file indicates that the building permit issued for the above permit has expired without final approval. The District of Lake Country Building Regulation Bylaw 709,2011 states: "19) Every permit is upon condition that the permit shall expire and the rights of the owner under the permit shall terminate if: c) work requiring a permit is started and not completed within three years of the original date of the permit."

In order to close this file we will require the following:

- Approved Final Access Permit Inspection (contact Engineering Department for further details).
- Final Inspection.

Please call 250-766-6676 to book a final inspection prior to February 5, 2020. Please ensure that all required submission are received by our office no later than 1 calendar day prior to the required inspection date.

For further information, contact the building division at building@lakecountry.bc.ca

Yours truly,

Zara Rockwell, RBO Chief Bullding Inspector



Municipal Hall
Development Services Department
Building Inspections
10150 Bottom Wood Lake Road
Lake Country, BC V4V 2M1
Tel: 250-766-6675

Fax: 250-766-0200

building@lakecountry.bc.ca

February 3, 2020



Ronald & Sheila Coombs 18251 Commonage Road Lake Country, BC V4V 1B6 Roll No. 2031.012 BP2004-1662 and BP2005-2088

Dear Sir/Madam:

Re: Building Permit #2004-1662 - Mobile Home Placement at #2005-2088 - Single Family Dwelling at 18251 Commonage Road

This letter is a follow up to the letter sent on November 4, 2019. To date we have not been able to finalize the file.

In order to avoid enforcement action this file needs to be extended or closed. In order to close this file we will require:

- Approved Final Access Permit (Contact Engineering Department for further details).
- Final inspection.

OR, if more time is required to complete the work an extension will be required. In order to extend this permit we will require:

- An inspection to determine the extent of work required and timeline for completion.
- Payment of the \$100 extension fee.

Please call 250-766-6676 to book a final inspection or to arrange for a permit extension, prior to March 3, 2020.

For further information, contact the building division at building@lakecountry.bc.ca

Yours truly,

Zara Røckwell, RBO Chief Building Inspector 752/1203. dehit





Municipal Hall
Development Services Department
Building Inspections
10150 Bottom Wood Lake Road
Lake Country, BC V4V 2M1

Tel: 250-766-6675

building@lakecountry.bc.ca

BUILDING PERMIT EXTENSION OR CHANGE REQUEST

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2005-2088 Building Permit No: <u>2004-1663</u>	Roll No.:	02031.012
Owner: CoomS	The same and the same	250-766-3199
Address: 18851 Commo	rione	250:212-8799
Email (Optional):	race	300 410 8 111
□ RE-INSPECTION FEE - \$50		
KE-INSPECTION FEE - 350		
# PERMIT EVERNOUS PROVINCE ALSO		
11 PERMIT EXTENSION REQUEST - \$100		
Original Expiry Date:	_Date Extens	ion Requested:
Reason(s) for Extension:		
New Expiry Date: 3 MO extension	ing.	
		,
□ OWNER TRANSFER REQUEST - \$50		
Current Owner Information:		
Name(s):		
Address:		Phone:
New Owner Information:		
Name(s):		
Address:		Phone:
Request Prepared by:		
Approved by (Manager/Building Inspector):		
PAID (date):		
** Places Post to General Lodger: 10 1517 0200 Build	ling Dormit Fo	0.5



Life. The Okanagan Way.

Municipal Hall **Development Services Department Building Inspections** 10150 Bottom Wood Lake Road Lake Country, BC V4V 2M1 Tel: 250-766-6675

Fax: 250-766-0200

building@lakecountry.bc.ca

January 13, 2021

Ronald & Sheila Coombs 18251 Commonage Road Lake Country, BC V4V 1B6

Roll No. 2031.012 BP2004-1662 and BP2005-2088

Dear Sir/Madam:

Re: Building Permit #2004-1662 - Mobile Home Placement at #2005-2088 - Single Family Dwelling at 18251 **Commonage Road**

A recent review of your file indicates that the building permit issued for the above permit has expired without final approval. The District of Lake Country Building Regulation Bylaw 709,2011 states: "19) Every permit is upon condition that the permit shall expire and the rights of the owner under the permit shall terminate if: c) work requiring a permit is started and not completed within three years of the original date of the permit."

In order to close this file we will require the following:

- Approved Final Access Permit Inspection (contact Engineering Department for further details).
- Final Inspection.

Please call 250-766-6676 to book a final inspection prior to February 5, 2021. Please ensure that all required submission are received by our office no later than 1 calendar day prior to the required inspection date.

For further information, contact the building division at building@lakecountry.bc.ca

Yours truly,

Zara Rockwell, RBO Chief Building Inspector



Municipal Hall
Development Services Department
Building Inspections
10150 Bottom Wood Lake Road
Lake Country, BC V4V 2M1

Tel: 250-766-6675 Fax: 250-766-0200

building@lakecountry.bc.ca

April 1, 2021

COPY

Sheila & Ronald Coombs 18251 Commonage Road Lake Country, BC V4V 1B6 Roll No. 02031.012 BP2005-2088 & 2004-1662

Dear Sir/Madam:

Re: Second Notice - Building Permit #2005-2008 - Single Family Dwelling & 2004-1662 - Mobile Home at 18251
Commonage Road

This letter is a follow up to the letter sent on January 13, 2021. To date we have not received a request for final inspection.

In order to avoid enforcement action this file needs to be extended or closed. In order to close this file we will require:

Approved Final Access Permit (contact Engineering Department for further details),

Final inspection.

OR, if more time is required to complete the work an extension will be required. In order to extend this permit we will require:

- An inspection to determine the extent of work required and timeline for completion.
- Payment of the \$100 extension fee.

Please call 250-766-6676 to book a final inspection or to arrange for a permit extension, prior to April 12, 2021.

For further information, contact the building division at building@lakecountry.bc.ca

Yours truly,

Zara Rockwell, RBO Chief Building Inspector



August 23, 2021

Municipal Hall
Development Services Department
Building Inspections
10150 Bottom Wood Lake Road
Lake Country, BC V4V 2M1
Tel: 250-766-6675

Fax: 250-766-0200

building@lakecountry.bc.ca

COPY

Sheila & Ronald Coombs 18251 Commonage Road Lake Country, BC V4V 1B6

Via: Registered Mail

Dear Sir/Madam:

Roll No. 2031012 BP2005-2088 & BP2004-1662

Re: Building Permit #2005-2088, Single Family Dwelling and #2004-1662, Mobile Home Placement at 18251 Commonage Road

A building permit to place a mobile home was issued on August 5, 2004 and expired on August 5, 2007. A building permit to construct a single family dwelling was issued on December 21, 2005 and expired on December 21, 2008.

November 2, 2008, January 25, 2011, November 4, 2019, February 3, 2020, January 3, 2020, January 13, 2021, and April 1, 2021 letters were sent to you reminding you to call for Access Permit Final Inspection and a Building Permit Final Inspection.

The deadline of April 12, 2021 to call for a final inspection has passed and we will be asking the District of Lake Country Council to place a Notice On Title for a building bylaw infraction.

Please feel free to contact our office should you require any further information.

Yours truly,

Zara Rockwell, RBO Chief Building Inspector