
MEETING TYPE: Regular Council Meeting
MEETING DATE: Tuesday, July 05, 2022
AUTHOR: Zara Rockwell, Chief Building Inspector
DEPARTMENT: Planning and Development
ITEM TITLE: NOT2022-007 3991 Irvine Road
DESCRIPTION: To place a Notice on Title for construction of a single-family dwelling addition (deck).

QUESTION

Does Council wish to place a Notice on Title of the property to protect the District from further 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 3991 Irvine Road legally described as Lot J, Plan KAP1818, Section 11, Township 14, ODYD, Except Plan 39746 P.I.D. 005-650-798 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 3991 Irvine Road legally described as Lot J, Plan KAP1818, Section 11, Township 14, ODYD, Except Plan 39746 P.I.D. 005-650-798 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 3991 Irvine Road legally described as Lot J, Plan KAP1818, Section 11, Township 14, ODYD, Except Plan 39746 P.I.D. 005-650-798 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 3991 Irvine Road legally described as Lot J, Plan KAP1818, Section 11, Township 14, ODYD, Except Plan 39746 P.I.D. 005-650-798 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

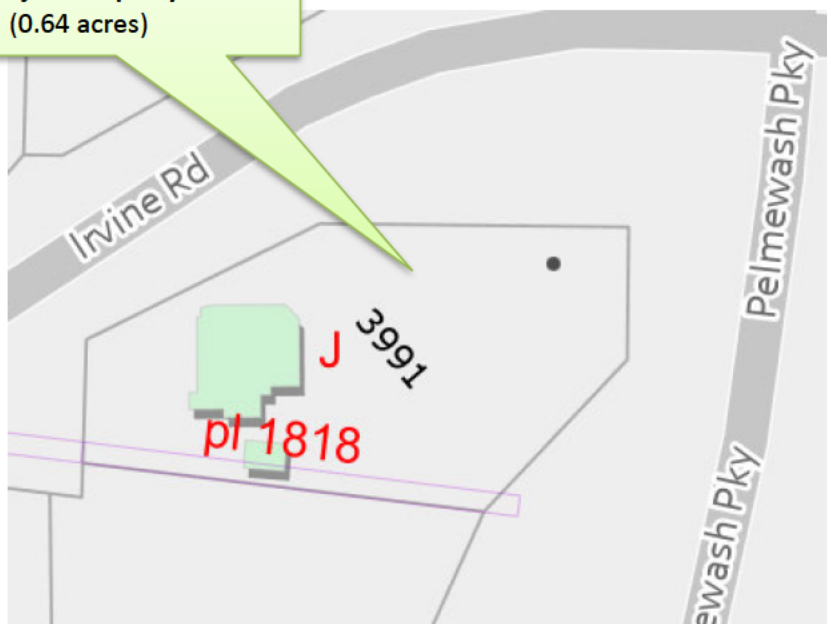
District files show that a residential addition (deck) has been constructed without permits. The property is a concern with respect to the BC Building Code 2018 Edition, and the District of Lake Country Building Regulation Bylaw, 1070, 2018. As such, staff is recommending a that a Notice on Title be placed on the property and that the enforcement file be closed.

KEY INFORMATION

File Number:	NOT2022-007
Roll Number:	1815000
Property Owner:	Madsen, Christian
Legal Description:	Lot J, Plan KAP1818, Section 11, Township 14, ODYD Except Plan 39746

PID	005-650-798		
Civic Address:	3991 Irvine Road, Lake Country, BC V4V 2G4		
OCP Designation:	Rural Residential		
Zoning Designation:	RR3; Rural Residential 3		
Land Use Contract	No		
ALR:	No		
Parcel Size:	0.64 acres		
DP Area(s):	Greenhouse Gas Reduction; Multiple Unit; Commercial; Industrial; Agri-Tourism; Hillside; Agricultural; Natural Environment		
Water Supply:	Kalamalka Lake		
Sewer:	Septic System		
Site Summary:		Zoning:	Use:
	<i>North:</i>	A1ta; Agricultural 1 (Agri-Tourism Accommodation); C2; Neighbourhood Commercial	Agri-tourism and Commercial
	<i>East:</i>	A1; Agricultural	Residential
	<i>South:</i>	A1; Agricultural	Residential
	<i>West:</i>	Wood Lake	

Subject Property
(0.64 acres)





DESIRED BENEFIT

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

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.

UNINTENDED OUTCOMES

That the single-family dwelling additions (deck) continues to be used without permits or inspections, placing the District in a position of potential liability.

BACKGROUND/HISTORY

It was brought to the attention of District staff that a deck addition (replacement) was being constructed without a building permit in April, 2017. A building permit application was made on May 12, 2017. The permit was ready for pick up on May 19, 2017. However, the permit was never issued, as the property owner failed to pick it up and pay the fees. The construction has occurred without permits or inspections.

- April 10, 2017 – Letter sent to Property Owner to advise of the requirement for a building permit.
- May 12, 2017 – Building Permit Application made.
- May 19, 2017 – Building Permit ready for issuance.
- October 2, 2018 – Letter sent to Property Owner advising that the building permit application would expire on April 2, 2019.
- April 29, 2019 and January 20, 2021 – Letter to Property Owner via registered mail, to advise that the District Building staff will be asking District of Lake Country council to pass a motion to place a Notice On Title for a building bylaw infraction.

This single-family dwelling additions (deck) have not inspected for BC Building Code compliance and is a concern to staff and as such, staff recommend a Notice on Title be placed on the property and that the enforcement file be closed.

APPLICABLE LEGISLATION AND POLICIES

- District of Lake Country Building Regulation Bylaw, 1070,2018

- 8.1 Subject to Section 11 of this bylaw, every owner must apply for and obtain a permit, prior to (b) additions to buildings and structures
- Community Charter Section 57 (*Note Against Land Title that Building Regulations Contravened*)
- Community Charter Section 73 (*Remedial Action Requirements – Hazardous Conditions*)

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.

IMPACT ON STAFF CAPACITY AND FINANCIAL RESOURCES

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.

ANALYSIS OF OPTIONS FOR CONSIDERATION

Option A - This option will allow staff to place the Notice on Title, Close the Building Permit file. This will limit liability to the District and will allow staff to close building permit file and to direct their attention to other tasks.

Option B – This option will allow staff to close the building permit 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 start remedial action 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, Chief Building Inspector,

This report has been prepared on consultation with the following:

(author to request inclusion of initials to show concurrence)

Tanya Garost, Chief Administrative Officer	TG
Reyna Seabrook, Director of Corporate Services	RS
Jared Kassel, Director of Planning and Development	JK

Attachments

A.	Correspondence to Property Owner and Permit Extension Requests
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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 10, 2017

Christian Madsen
3991 Irvine Road
Lake Country BC
V4V 2G4

COPY

Re: Deck Addition to Single Family Dwelling constructed without a Building Permit

Dear Christian Madsen:


Our records indicate you are the registered owner of the property located at Lot J, Plan KAP1818 located at 3991 Irvine Road, Lake Country BC.

It has come to our attention that a deck addition is being constructed without proper approval and permits.

You are hereby requested to either remove the addition or apply for the appropriate permits no later than May 12, 2017 in order to avoid any further legal action.

Should you wish any additional information or if I can be of further assistance do not hesitate contacting me.

Yours truly,


Zara Rockwell RBO
Chief Building Inspector



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October 2, 2018

Christian Madsen
3991 Irvine Road
Lake Country, BC
V4V 2G4

Roll No. 1815.000
BP2017-6348


Dear Sir/Madam:

Re: Building Permit #2017-6348, Deck Addition/Replacement at 3991 Irvine Road

We are in receipt of your application dated May 12, 2017. This permit is ready to be picked up, paid for and issued. The District of Lake Country Building Regulation Bylaw 709,2011 states: "19)4) The Building Inspector may cancel an application if the permit has not been issued after 180 days from the date of written notification of intent to cancel has been provided to the owner".

It is the District of Lake Country's intent to cancel this application on April 2, 2019. If you wish to discontinue the application process please attend our office to retrieve your documents.

Best Regards,


Zara Rockwell
Chief Building Inspector



LAKE COUNTRY

Life. The Okanagan Way.

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April 29, 2019

Christian Madsen
3991 Irvine Road
Lake Country, BC
V4V 2G4

COPY

Via: Registered Mail

Dear Sir/Madam:

Re: Deck Addition to Single Family Dwelling constructed without a building permit at 3991 Irvine Road

On April 10, 2017 a letter was sent to you advising that a building permit was required for the deck addition.

On May 12, 2017 a building permit application was made.

On May 19, 2017 you were called to let you know your permit was ready to be picked up and paid for.

On October 2, 2018 a letter was sent to you to remind you're the permit was ready to be picked up and paid for and would be cancelled on April 2, 2019.

On April 2, 2019 the permit application was cancelled.

The deadline of April 2, 2019 to obtain a building permit 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



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Development Services Department
Building Inspections
10150 Bottom Wood Lake Road
Lake Country, BC V4V 2M1
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Fax: 250-766-0200
building@lakecountry.bc.ca

January 20, 2021

COPY

Christian Madsen
3991 Irvine Road
Lake Country, BC
V4V 2G4

Via: Registered Mail

Dear Sir/Madam:

Re: Deck Addition to Single Family Dwelling constructed without a building permit at 3991 Irvine Road

On April 10, 2017 a letter was sent to you advising that a building permit was required for the deck addition.

On May 12, 2017 a building permit application was made.

On May 19, 2017 you were called to let you know your permit was ready to be picked up and paid for.

On October 2, 2018 a letter was sent to you to remind you're the permit was ready to be picked up and paid for and would be cancelled on April 2, 2019.

On April 2, 2019 the permit application was cancelled.

April 29, 2019 a further letter was sent to you informing you of the permit requirement.

We have also noted that further deck additions have been constructed without building permits.

The deadline of April 2, 2019 to obtain a building permit 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 at building@lakecountry.bc.ca should you require any further information.

Yours truly,

Zara Rockwell, RBO
Chief Building Inspector