

MEETING TYPE: Regular Council Meeting
MEETING DATE: Tuesday, August 16, 2022
AUTHOR: Zara Rockwell, Chief Building Inspector
DEPARTMENT: Planning and Development
ITEM TITLE: NOT2021-011 10175 Chase Road
DESCRIPTION: To place a Notice on Title for reconstruction of an accessory building without a permit

QUESTION

Does Council wish to place a Notice on Title of the property 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 10175 Chase Road legally described as Lot 1, Plan KAP21806, Section 9, Township 20, ODYD, P.I.D. 007-306-377 pursuant to Section 57 of the Community Charter.
- B. THAT a Notice on Title not be placed on the property at 10175 Chase Road legally described as Lot 1, Plan KAP21806, Section 9, Township 20, ODYD, P.I.D. 007-306-377 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 10175 Chase Road legally described as Lot 1, Plan KAP21806, Section 9, Township 20, ODYD, P.I.D. 007-306-377 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 10175 Chase Road legally described as Lot 1, Plan KAP21806, Section 9, Township 20, ODYD, P.I.D. 007-306-377 pursuant to Section 57 of the Community Charter and that the building division staff investigate the option of a remedial action pursuant to Section 73 of the Community Charter process and report back to Council.

EXECUTIVE SUMMARY

District files show that an accessory building has been reconstructed without permits in place. To date, we have not received a building permit application. The property is a concern with respect to the BC Building Code 2018 Edition, the Building Regulation Bylaw 1070, 2018. As such, staff is recommending a that a Notice on Title be placed on the property and that the file be closed.

KEY INFORMATION

File Number:	NOT2021-011
Roll Number:	2226030
Property Owner:	Leiper, Mary & Brar, Rajvinder

Legal Description:	Lot 1, Plan KAP21806, Section 9, Township 20, ODYD		
PID	007-306-377		
Civic Address:	10175 Chase Road, Lake Country, BC		
OCP Designation:	Agricultural		
Zoning Designation:	RR2: Rural Residential 2		
Land Use Contract	No		
ALR:	Yes		
Parcel Size:	2.1 acres		
DP Area(s):	Agricultural; Greenhouse Gas Reduction; Multiple Unit; Commercial; Industrial; Agri-Tourism; Natural-Environment.		
Water Supply:	Municipal – Beaver Lake		
Sewer:	Septic System		
Site Summary:		Zoning:	Use:
	<i>North:</i>	A1; Agricultural	Agricultural
	<i>East:</i>	A1; Agricultural	Agricultural
	<i>South:</i>	RR1; Rural Residential 1	Residential
	<i>West:</i>	RU1; Single Family Dwelling	Residential



Subject Property



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 building permit to construct the accessory building is not issued and may pose a risk to owner and members of the public and may leave the District in a position of liability. The construction of the accessory building that has occurred without District Building inspections requires the project to be overseen by a structural engineer, complete with sealed design drawings and Schedule B/C-b.

BACKGROUND/HISTORY

Reconstruction of an accessory building was observed in April 2020.

A letter was sent to the property owner on April 15, 2020, to advise that a building permit was required. The letter stated that they would have until May 15, 2020, to apply to bring the works into compliance, or enforcement would commence.

A second letter was sent to the property owner on June 2, 2020, extending the deadline to June 19, 2020.

A third letter was sent via registered mail on January 15, 2021 advising the property owner that a report recommending a Notice be placed on the Title of the property would be prepared for Council's consideration.

A request to call the tenant was forwarded to the previous Director of Planning and Development on February 3, 2021.

Building Division forwarded an email to the tenant on February 8, 2021 outlining the process as per the request from the previous Director of Planning and Development on February 5, 2021.

February 25 – 26, 2021 emails and phone calls were exchanged between the tenant and the previous Director of Planning and Development. The tenant was disputing the need for a Building Permit. The previous Director of Planning and Development explained to the tenant that a building permit is still required for agricultural buildings on farm assessed property. The tenant continued construction.

Council addressed this placement of Notice on Title request at their October 19, 2021 Regular Council Meeting. At that time, the following resolution was adopted:

It was moved and seconded

2021-10-221

THAT consideration of Notice on Title on the property at 10175 Chase Road legally described as Lot 1, Plan KAP21806, Section 9, Township 20, ODYD, P.I.D. 007-306-377 pursuant to Section 57 of the Community Charter be deferred for 3 months for the applicant to work with the building division to bring the property into compliance.

Building Division has sent the property owner a copy of the resolution. Building Division was also in contact via email to the property owner's agent in February 2022.

Council addressed this placement of Notice on Title request at their June 7, 2022 Regular Council Meeting. At that time, the following resolution was adopted:

It was moved and seconded

2022-06-101

THAT a Notice on Title for the property at 10175 Chase Road legally described as Lot 1, Plan KAP21806, Section 9, Township 20, ODYD, P.I.D. 007-306-377 be deferred to the August 16, 2022 Regular Council Meeting.

Result: Carried

Building Division has sent the property owner a copy of the resolution.

To date, the building division has not received a building permit application. Nor has the planning division received an application for the Development Permit Exemption.

APPLICABLE LEGISLATION AND POLICIES

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

- 8.1 OWNER'S RESPONSIBILITIES: Subject to Section 11 of this bylaw, every owner must apply for and obtain a permit, prior to:
 - (c) interior and exterior alterations of buildings and structures;
- Community Charter Section 57 (*Note Against Land Title that Building Regulations Contravened*)
- Community Charter Section 73 (*Remedial Action Requirements – Hazardous Conditions*)

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.

IMPACT ON STAFF CAPACITY AND FINANCIAL RESOURCES

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. 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, 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 with Owner prior to October 19, 2021 Regular Council Meeting
B.	Correspondence with Owner since October 19, 2021 Regular Council Meeting
C.	Correspondence with Owner since June 7, 2002 Regular Council Meeting



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Municipal Hall
Community Services Department
Building Division
10150 Bottom Wood Lake Road
Lake Country, BC V4V 2M1
Tel: 250-766-6675
Fax: 250-766-0200
building@lakecountry.bc.ca

April 15, 2020

Mary Leiper & Rajvinder Brar
10175 Chase Road
Lake Country, BC
V4V 1M4

COPY

Re: Accessory Building Construction/Repair - Construction without a Building Permit

Dear Sir or Madam:

Our records indicate you are the registered owner of the property located at Lot 1, Plan KAP21806, located at 10175 Chase Road, Lake Country BC.

The Building Division staff has been made aware of possible bylaw contraventions on the above noted property. Specifically, information was received of construction of an accessory building without the benefit of a building permit. Please be aware that the District of Lake Country Building Regulation Bylaw 1070, 2018 states:

"5. PROHIBITIONS A person must not commence or continue any construction, alteration, excavation, reconstruction, demolition, removal, relocation or change of 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."

The Building Regulation Bylaw encourages owners to comply with the minimum standards established by the BC Building Code, as well as other enactments which relate to health, safety, and use of land.

The District of Lake Country Building Division wishes to work with you to ensure your property is compliant with all current regulations. Please contact our Building Division staff no later than May 15, 2020.

Should you wish any additional information or if we can be of further assistance do not hesitate contacting building@lakecountry.bc.ca. Our office hours are Monday through Friday from 8:30 am to 4:30 pm. Thank you in advance for your co-operation.

Yours truly,



Zara Rockwell RBO
Chief Building Inspector

LAKE COUNTRY



Municipal Hall
Community Services Department
Building Division
10150 Bottom Wood Lake Road
Lake Country, BC V4V 2M1
Tel: 250-766-6675
Fax: 250-766-0200
building@lakecountry.bc.ca

June 2, 2020

Mary Leiper & Rajvinder Brar
10175 Chase Road
Lake Country, BC
V4V 1M4

COPY

Re: SECOND NOTICE – Accessory Building Construction/Repair at 10175 Chase Road - Without a Building Permit

Dear Sir/Madam:

Our records indicate you are the registered owner of the property located at Lot 1, Plan KAP21806, located at 10175 Chase Road, Lake Country BC.

It has come to our attention that an Accessory Building has been constructed/repared without proper approval and permits.

You are hereby requested to either remove the Building or apply for the appropriate permits no later than June 19, 2020 in order to avoid any further legal action.

Should you wish any additional information or if we can be of further assistance do not hesitate contacting our office at building@lakecountry.bc.ca

Yours truly,

Zara Rockwell RBO
Chief Building Inspector

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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

January 15, 2021

COPY

Roll No. 2226.030

Mary Leiper & Rajvinder Brar
10175 Chase Road
Lake Country, BC
V4V 1M4

Via: Registered Mail

Dear Sir/Madam:

Re: Accessory Building Construction/Repair at 10175 Chase Road - Without a Building Permit

April 15, 2020 and June 2, 2020 letters were sent requesting that you obtain a building permit for the Accessory Building Construction/Repair.

The deadline of June 19, 2020 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

Zara Rockwell

From: Marta Kokot
Sent: Wednesday, February 03, 2021 4:11 PM
To: Jamie McEwan
Cc: Zara Rockwell
Subject: Request to call back
Attachments: 10175 Chase Road_January 2021.pdf

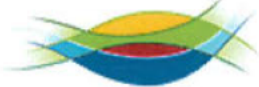
Hi Jamie,

I received a call from Barry Rhodes [REDACTED] in regards to the attached letter (10175 Chase Rd). He requested to speak to you please.

Please feel free to let me know if you require further explanation.

Thank you,

Marta Kokot
Community Development Clerk
Community Development Department, Building Division
District of Lake Country



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10150 Bottom Wood Lake Road, Lake Country, BC V4V 2M1
t: 778 738 2725 f: 250-766-0200 lakecountry.bc.ca

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Zara Rockwell

From: Building
Sent: Monday, February 08, 2021 10:52 AM
To: [REDACTED]
Cc: Jamie McEwan
Subject: FW: Third letter

Good Day Barry,

If you are looking to build on your property, please be aware that any disturbance of land is subject to the Development Permit Areas guidelines set out by the Official Community Plan. Please be aware that any disturbance to land includes but is not limited to: garages, shops, residential additions, sheds, accessory suites, and tree removal.

Please review the [Lake Country GIS Map](#) to view which Development Permit Areas (DPA) affect your property (10175 Chase Rd appears to be located within partial Natural Environment, Wildfire and Agricultural Development Permit area). Also, your property is located within ALR, please contact ALC regarding your proposal to ensure you comply with their regulations.

Any proposal within a Development Permit Area will require you to apply for a Development Permit. This process typically takes between 3-6 months for staff review and will be between \$780.00 and \$1480.00 for the application fee; other additional fees may be required ([2021 Planning Fees](#)).

An option you have to avoid this process is to apply for an [Exemption Application](#). If an Exemption is granted, then you will not be required to comply with the Development Permit Area guidelines thus avoiding the Development Permit process. This application typically takes staff 1-2 weeks to review. The Manager of Planning has the authority to approve or deny Exemptions therefore simply applying for an Exemption application does not mean it will be granted. Application fee: \$90.00.

As part of your Exemption application you will be required to provide a rationale for your proposal and why it should be exempt. Section 21.3 of the [Official Community Plan](#) outlines the exemption clauses for each Development Permit Area, please review these when writing your rationale. Please review the [Planning and Development Application Checklist](#) for required documentation for each type of application. Staff will **not** accept any applications that are incomplete and missing any of the deliverables.

If your Exemption application is not granted you will be required to apply for a [Development Permit Application](#) to continue with your proposal.

In addition to a Development Permit or Exemption Application you will be required to apply for an [Access Permit](#). An Access Permit is a tool staff use to ensure your current or newly proposed driveway meets the minimum standards of the [Highway Access and Driveway Regulation Bylaw](#). An Access Permit is a **requirement** for all Development Permit and Exemption Applications regardless of the scope of the project. The Access Permit Application has a list of required documents and information that needs to be provided for staff to accept the application. Application fee: \$50.00.

Once an Exemption Application or Development Permit is granted or issued you may proceed with a [Building Permit Application](#). Application fee: \$100.00. Current processing times: 6 weeks.

Once you are ready to make your Exemption application (first step), please reach out to us and we will schedule an appointment for you (COVID-19 protocol).

I hope it helps,
Thank you,
Marta Kokot
Community Development Clerk
Community Development Department, Building Division
District of Lake Country



10150 Bottom Wood Lake Road, Lake Country, BC V4V 2M1
t: 778 738 2725 f: 250-766-0200 lakecountry.bc.ca

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From: Jamie McEwan <jmcewan@lakecountry.bc.ca>
Sent: Friday, February 05, 2021 2:45 PM
To: Barry Rhodes [REDACTED]
Cc: Building <Building@lakecountry.bc.ca>
Subject: RE: Third letter

Good afternoon, Barry.

Thank you for your email.

Can you please connect with our Building Inspection Division, CC'd here, to begin the process of permitting the structure? By way of this email, I will ask that a member of our Building Division respond to you with a path to compliance.

I appreciate you reaching out.

Warm regards,

Jamie McEwan, MA, MCIP, RPP
Director of Planning & Development
District of Lake Country
c: 250-351-9942

From: Barry Rhodes [REDACTED]
Sent: Friday, February 05, 2021 2:28 PM
To: Jamie McEwan <jmcewan@lakecountry.bc.ca>
Subject: Third letter

Good afternoon Jamie,

This email is just a reminder as per our conversation Wednesday.

Roll No. 2226.030

As it states in this letter that I have not responded to the two previous letter. Which I have as you're aware from my earlier emails to you. Plus I have called Zara so many times with no response. The only one that has responded is you thankfully.

Regards

Barry Rhodes

CAUTION: This email originated from outside District of Lake Country. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Zara Rockwell

From: Zara Rockwell
Sent: Friday, February 26, 2021 7:01 AM
To: Jamie McEwan; Barry Rhodes
Cc: Alberto De Feo
Subject: RE: Mr. Barry Rhodes: Notice on Title - next steps
Attachments: 20210226065546539.pdf

Good morning,

Attached is an authorization from the property owner to apply for building permit BP2019-7170. We could not locate an authorization that states Mr. Rhodes has full authority to deal as an agent.

Our Corporate Office will send a letter out approximately 30 days prior to the Council Meeting. This letter will have the staff report attached.

Best Regards,

Zara Rockwell
Chief Building Inspector
District of Lake Country

From: Jamie McEwan <jmcewan@lakecountry.bc.ca>
Sent: Thursday, February 25, 2021 3:00 PM
To: Barry Rhodes <[REDACTED]>
Cc: Alberto De Feo <adefeo@lakecountry.bc.ca>; Zara Rockwell <zrockwell@lakecountry.bc.ca>
Subject: RE: Mr. Barry Rhodes: Notice on Title - next steps

Thank you, Barry. Zara and our team will inform you when it's scheduled, and can confirm if we have everything needed to represent the property.

Warm regards,

Jamie McEwan, MA, MCIP, RPP
Director of Planning & Development
District of Lake Country
c: 250-351-9942

From: Barry Rhodes <[REDACTED]>
Sent: Thursday, February 25, 2021 2:44 PM
To: Jamie McEwan <jmcewan@lakecountry.bc.ca>
Subject: Re: Mr. Barry Rhodes: Notice on Title - next steps

Hi Jamie, as I've stated from the beginning. I am not after any special treatment or favours. I'm looking for accountability and yes an apology. I've verbally told you that but if this is the direction the DLC chooses to take, I'm absolutely fine with it.

If you could be kind enough to re confirm the date that this will be addressed in council. As well I would like confirmation that the information is on file for me to represent the property.

Regards

On Thu, Feb 25, 2021 at 2:25 PM Jamie McEwan <jmcewan@lakecountry.bc.ca> wrote:

Good afternoon, Barry.

Thank you for your email. I appreciate the confirmation. In terms of the history on it I am simply going off of what information you have provided, which I appreciate. We will advance the file accordingly as the District cannot waive the requirements of the BC Building Code.

Warm regards,

Jamie McEwan, MA, MCIP, RPP

Director of Planning & Development

District of Lake Country

c: 250-351-9942

From: Barry Rhodes [REDACTED]
Sent: Thursday, February 25, 2021 1:42 PM
To: Jamie McEwan <jmcewan@lakecountry.bc.ca>
Subject: Re: Mr. Barry Rhodes: Notice on Title - next steps

Good afternoon Jamie,

The District of Lake Country already has said letter/information on file. That myself Barry Rhodes can and will act as agent for this property located at 10175 Chase Road.

Thank you for your email.

This is the same information I had received basically in the blanket email I had received.

I would like to thank you for acknowledging the fact that yes I had received advice from a Councillor

(Tod McKenzie) while he was on site.

At this time I say, go ahead let's take this to council and I will be happy to tell my side of the story on how much mis information you were given. All on camera and public, this is not the road I would prefer to take but it seems my options are limited.

Regards

Barry Rhodes

On Thu, Feb 25, 2021 at 9:06 AM Jamie McEwan <jmcewan@lakecountry.bc.ca> wrote:

Good morning, Barry.

Thanks for reaching out to me to clarify the process regarding the potential notice on title, as well as express your concerns with the advice you had been provided by a Councillor while they were on site.

In relation to the build, you are required to submit an application for and complete the building permitting process. I have confirmed that no Development Permit, or Development Permit Exemption is required given this work, based on the information I have regarding the works. If you are able to submit for a Building Permit and bring the property into compliance, we will not be advancing this matter to Council for a Notice on Title. As part of this requirement, however, you will need owner authorization in letter or email form, stating that you are able to act on behalf of the property owner to conduct these works.

Please work with the Building Division to complete an application and complete the permitting process.

I hope this helps, and thank you for taking the time to discuss it with me.

Warm regards,

Jamie McEwan, MA, MCIP, RPP

Director of Planning & Development

District of Lake Country



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197170

Letter of Authorization

District of Lake Country
10150 Bottom Wood Lake Road
Lake Country, BC V4V 2M1
t: 250-766-6675 f: 250-766-0200
Inspection Request Line: 250-766-6676
lakecountry.bc.ca

PROPERTY INFORMATION

Building Permit No: 2019-7170
Legal Description: LOT 1 KAP218Db, SECTION 9, TOWNSHIP 20, OSOYOCOS DIV OF YALE
Civic Address: 10175 CHASE RD LAKE COUNTRY B.C. V4V 1P3 LAND DIST.

AUTHORIZATION

To whom it may concern:

I am the owner, as defined in the District's current Building Regulation Bylaw 1070, 2018, of the above referenced property and hereby authorize:

Representative/Contact: BARRY RHODES
(print)

Phone: [Redacted] Cell Phone: [Redacted] Fax: [Redacted]
Email: [Redacted]

To represent me in an application for (please check where applicable):

Building Permit Application Demolition Permit Application Subtrade Permit

To obtain copies of (please check where applicable):

Building Permit Plans (Archive Copies)

OWNER'S INFORMATION

Rajvinder Rhodes Rajvinder Rhodes Mar 1, 2019
Owner's Signature Owner's Name (print) Date

10175 Chase Rd [Redacted]
Address (print) Email (print)

(H) [Redacted] * [Redacted]
Phone Cell Phone Fax

This form may be emailed, mailed, faxed, or delivered in person.





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Municipal Hall

10150 Bottom Wood Lake Road

Lake Country, BC V4V 2M1

Tel: 250-766-6671

Fax: 250-766-2903

admin@lakecountry.bc.ca

File: NOT2021-011

Roll No. 2226030

October 28, 2021

Mary Leiper & Rajvinder Brar
10175 Chase Road
Lake Country, BC
V4V 1P3

COPY

Dear M. Lieper & R. Brar

**Re: Council Resolution
10175 Chase Road, Lot 1, Plan KAP21806, Section 9, TWP20, ODYD**

This is to advise that Notice on Title NOT2021-011 was addressed by Council at their October 19, 2021 Regular Council Meeting. At that time, the following resolution was adopted:

It was moved and seconded

2021-10-221

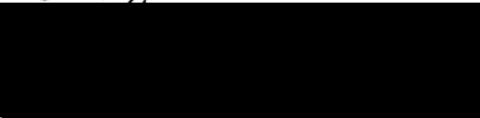
THAT consideration of Notice on Title on the property at 10175 Chase Road legally described as Lot 1, Plan KAP21806, Section 9, Township 20, ODYD, P.I.D. 007-306-377 pursuant to Section 57 of the Community Charter be deferred for 3 months for the applicant to work with the building division to bring the property into compliance.

Please provide a development permit exemption application and a complete building permit no later than January 19, 2022.

District of Lake Country, located at 10150 Bottom Wood Lake Road is open between the hours of 8:30 and 4:30, Monday to Friday.

Should you have any questions regarding the above, please contact me at zrockwell@lakecountry.bc.ca

Regards,


Zara Rockwell, RBO
Chief Building Inspector

11407 Okanagan Centre Road W; Lots 10 & 11 Blk D Plan KAP454 Sec 17 Twp 20 ODYD;
Roll: 2590000

2021-10-219 It was moved and seconded

THAT Item 9.2 on the October 19, 2021 Regular Council Meeting Agenda, consideration of Notice on Title at 11407 Okanagan Centre Road West be removed from the agenda.

Carried.

9.3 Notice on Title NOT2021-008

5075 Glenmore Road; Lot A Plan KAP19884 Sec 3 Tw 20 ODYD; Roll: 2173215

Glenn Dolman, owner

Mr. Dolman advised Council that he is in the process of applying for a building permit and has engaged an engineer. The engineer will be able to provide the necessary schedules to complete the building permit application in approximately 4 to 6 weeks.

2021-10-220 It was moved and seconded

THAT consideration of Notice on Title for the property at 5075 Glenmore Road legally described as Lot A, Plan KAP19884, Section 3, Township 20, ODYD, P.I.D. 007-935-226 pursuant to Section 57 of the Community Charter be deferred for 6 weeks for the applicant to work with the building division to bring the property into compliance.

Carried.

9.4 Notice on Title NOT2021-011

10175 Chase Road; Lot 1 Plan KAP21806 Sec 9 Twp 20 ODYD; Roll: 2226030

Barry Rhodes, representative

Mr. Rhodes advised Council that he is representing the property owner and there has been a lot of confusion and misrepresentation around this property and application. He thanked staff for postponing the application from the previous meeting allowing his wife time to recover. Mr. Rhodes noted the building was constructed in 1971 and that he was provided advice that the building could be torn down under the right to farm provisions. He continued that there was no issue with getting a permit as it has been inspected by an independent building inspector. He requested a deferment of 3 months.

2021-10-221 It was moved and seconded

THAT consideration of Notice on Title on the property at 10175 Chase Road legally described as Lot 1, Plan KAP21806, Section 9, Township 20, ODYD, P.I.D. 007-306-377 pursuant to Section 57 of the Community Charter be deferred for 3 months for the applicant to work with the building division to bring the property into compliance.

Zara Rockwell

From: Barry Rhodes [REDACTED]
Sent: Friday, February 25, 2022 4:04 PM
To: Zara Rockwell
Subject: Re: 10175 Chase Road

Thank you!

On Fri, Feb 25, 2022 at 3:52 PM Zara Rockwell <zrockwell@lakecountry.bc.ca> wrote:

Barry,

Here is a list of Lake Country Structural Engineers who have obtained a business licence to work here:

- *Randy Wiebe
- *Peter Ackermann
- *Meagan Harvey
- *Joseph M. Sarkor
- *Stephen Yuill
- *Keith Ohlhauser
- *Mahdi Yazdinezhad

When I am cc'd on an email I assume it is for my information only and would expect the email recipient (Jamie) to respond.

The deadline for receiving a building permit application as per the Council resolution was January 19, 2022. However, the next meeting date for agenda items is May 3, 2022. Hopefully, we can work together to get this resolved prior to April 1st (report deadline).

A Development Permit Exemption is also required prior to building permit issuance. I suggest you make that application next week to get it started.

Building Permit Application: [Building-Permit-Application-and-Checklist.pdf \(lakecountry.bc.ca\)](#)

Building Permit Requirements: [What is a secondary suite \(lakecountry.bc.ca\)](#)

Best Regards,

From: Barry Rhodes <[REDACTED]>
Sent: Friday, February 25, 2022 3:15 PM
To: Zara Rockwell <zrockwell@lakecountry.bc.ca>
Subject: Re: 10175 Chase Road

Good afternoon Zara,

I am having an extremely difficult time not locating a structural engineer. The problem is that none want to come to Lake Country.

So if you know of any that will that help would be greatly appreciated.

Secondly I have reviewed all the emails that were sent back and forth to Jamie and I. There were CC'ed to you and DeFoe, the only response I did get was from someone in the building department regarding a brand new build from new foundation up.

Thank you for reaching out to me and hopefully we can assist each other.

I am on file as the permanent representative for our property which was submitted when the inspection for the stairs were done.

Barry Rhodes

On Fri, Feb 25, 2022 at 3:07 PM Zara Rockwell <zrockwell@lakecountry.bc.ca> wrote:

Good Afternoon,

We are just following up to the letter sent on October 28, 2021. We have not yet received a building permit application for this project. Will an application be forthcoming soon?

Please advise by March 4, 2022.

Thank you,

Zara Rockwell, RBO

Chief Building Inspector

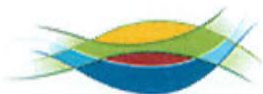
Planning & Development Department

District of Lake Country

24 Hour notice required for Inspection Requests

INSPECTION REQUESTS: (250)766-6676

NEW!! BOOK ON-LINE: <https://forms.lakecountry.bc.ca/Administration/Building-Inspection-Request>



LAKE COUNTRY
Life. The Okanagan Way.



Municipal Hall
10150 Bottom Wood Lake Road
Lake Country, BC V4V 2M1
Tel: 250-766-6671
Fax: 250-766-2903
admin@lakecountry.bc.ca

File: NOT2021-011
Roll No. 2226030

June 8, 2022

Mary Leiper & Rajvinder Brar
10175 Chase Road
Lake Country, BC
V4V 1P3

Dear M. Lieper & R. Brar

Re: Council Resolution
10175 Chase Road, Lot 1, Plan KAP21806, Section 9, TWP20, ODYD

This is to advise that Notice on Title NOT2021-011 was addressed by Council at their June 7, 2022 Regular Council Meeting. At that time, the following resolution was adopted:

10.2 Notice on Title NOT2021-011 10175 Chase Road

To place a Notice on Title for reconstruction of an accessory building without a permit.

2022-06-100 It was move and seconded

THAT a Notice on Title not be placed on the property at 10175 Chase Road legally described as Lot 1, Plan KAP21806, Section 9, Township 20, ODYD, P.I.D. 007-306-377 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.
Opposed: Councillors Scarrow, Ireland, McKenzie, Kozub, Reed and Gambell.
Result: Motion Failed

2022-06-101 It was moved and seconded

THAT a Notice on Title for the property at 10175 Chase Road legally described as Lot 1, Plan KAP21806, Section 9, Township 20, ODYD, P.I.D. 007-306-377 be deferred to the August 16, 2022 Regular Council Meeting.
Result: Carried

Please provide a development permit exemption application and a complete building permit no later than August 2, 2022. District of Lake Country, located at 10150 Bottom Wood Lake Road is open between the hours of 8:30 and 4:30, Monday to Friday.

Should you have any questions regarding the above, please contact me at zrockwell@lakecountry.bc.ca

Regards,



Zara Rockwell, RBO
Chief Building Inspector