
MEETING TYPE: Regular Council Meeting
MEETING DATE: Tuesday, September 06, 2022
AUTHOR: Zara Rockwell, Chief Building Inspector
DEPARTMENT: Planning and Development
ITEM TITLE: NOT2022-009 1525 Camp Road
DESCRIPTION: To place a Notice on Title for placement of multiple tent buildings without a building 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 1525 Camp Road legally described as Lot 65, Plan KAP444, Section 16, Township 20, ODYD, P.I.D. 012-392-821 pursuant to Section 57 of the Community Charter, and that the enforcement file be closed.
- B. THAT a Notice on Title not be placed on the property at 1525 Camp Road legally described as Lot 65, Plan KAP444, Section 16, Township 20, ODYD, P.I.D. 012-392-821 pursuant to Section 57 of the Community Charter and that the enforcement file be closed.
- C. THAT a Notice on Title not be placed on the property at 1525 Camp Road legally described as Lot 65, Plan KAP444, Section 16, Township 20, ODYD, P.I.D. 012-392-821 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 1525 Camp Road legally described as Lot 65, Plan KAP444, Section 16, Township 20, ODYD, P.I.D. 012-392-821 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

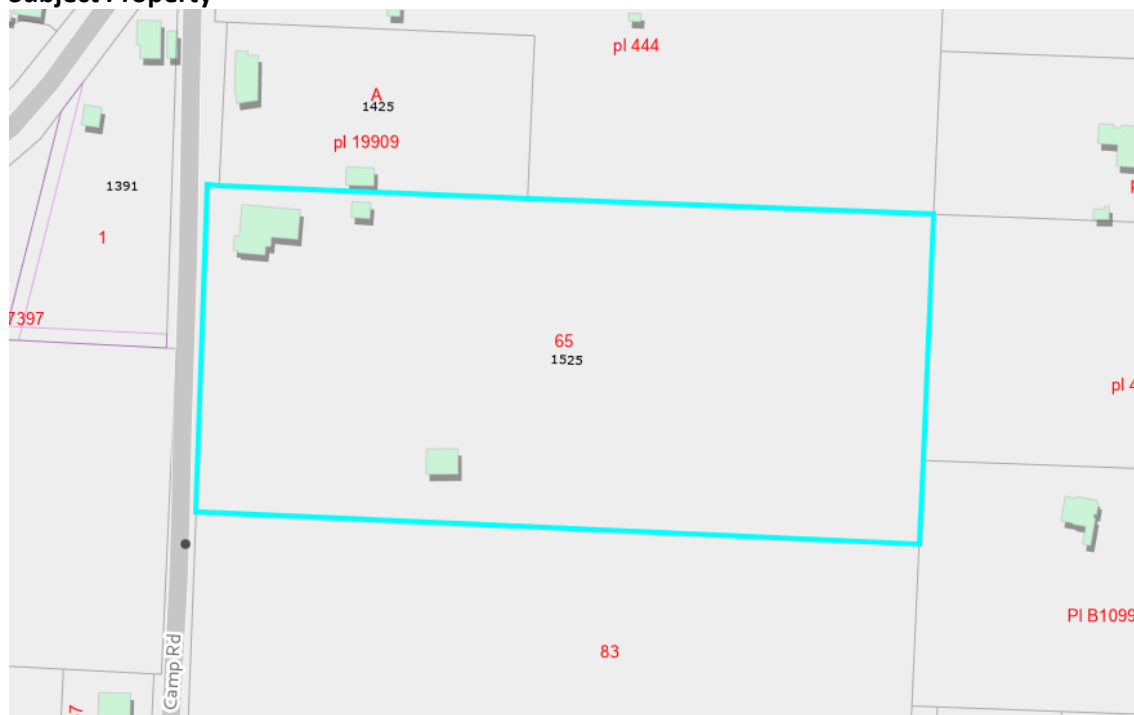
District files show that multiple tent buildings have been erected without permits in place. To date, we have not received a complete building permit application for the buildings erected. The property is a concern with respect to the BC Building Code 2018 Edition, and Building Regulation Bylaw 1070,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

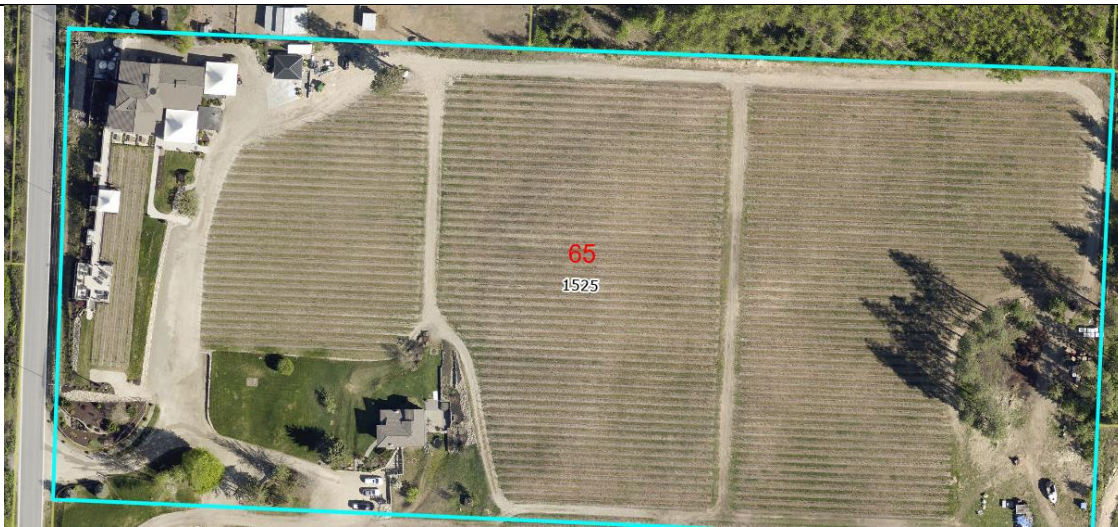
KEY INFORMATION

File Number:	NOT2021-007
Roll Number:	02517.000
Property Owner:	EXN Vineyards

Legal Description:	Lot 65, Plan KAP444, Section 16, Township 20, ODYD		
PID	012-392-821		
Civic Address:	1525 Camp Road, Lake Country, BC		
OCP Designation:	Agricultural		
Zoning Designation:	A1; Agricultural		
Land Use Contract	No		
ALR:	Yes		
Parcel Size:	10 acres		
DP Area(s):	Agricultural; Greenhouse Gas Reduction; Multiple Unit; Commercial; Industrial; Hillside; Agri-Tourism		
Water Supply:	Municipal – Beaver Lake		
Sewer:	Septic System		
Site Summary:		Zoning:	Use:
	<i>North:</i>	RR2; Rural Residential 2	Residential
	<i>East:</i>	P1; Public Park and Open Space	Public Park and Open Space
	<i>South:</i>	A1; Agricultural	Residential
	<i>West:</i>	A1; Agricultural	Agricultural

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 place the tent buildings 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 placement of the tent buildings may not comply to the BC Building Code for the minimum separation distance from other buildings on the site, structural capacity, or exiting.

BACKGROUND/HISTORY

On May 22, 2020, Building Division staff became aware of a building being erected without proper permits in place. A letter was sent to the property owner the same day. A second letter was sent to the property owners of August 26, 2020. A registered letter was sent on January 15, 2021 to advise of the report to Council recommending Notice on Title was forthcoming.

A building permit application was received on March 22, 2021. A list of requirements was sent to the applicant on April 13, 2021. The required information was not received and the application expired on September 22, 2021.

A letter was also sent on June 21, 2022 as the buildings have been erected once again. The BC Building Code does not differentiate between a temporary building and a permanent building. The District of Lake Country Building Regulation Bylaw Section 12 outlines the requirements for a building permit for a temporary building. The property owner could leave the tent structures up permanently or apply for a temporary building permit on a yearly basis. As these structures are being used by the public as expanded patio area, there is a concern for public safety.



Photo: From Tripadvisor

To date, the building division has not received a complete building permit application.

BC Building Code Section 3.1 applies to tent structures.

3.1.6.3. Clearance to Other Structures

1) Except as permitted by Sentences (2), (3) and (4), every tent and air-supported structure shall conform to Subsection 3.2.3.

2) Tents and air-supported structures

a) shall not be erected closer than 3 m to other structures on the same property except as permitted by Sentences (3) and (4), and

b) shall be sufficiently distant from one another to provide an area to be used as a means of emergency egress.

3) Tents and air-supported structures not occupied by the public

a) need not be separated from one another, and

b) are permitted to be erected less than 3 m from other structures on the same property provided this spacing does not create a hazard to the public.

4) Tents not more than 120 m² in ground area, located on fair grounds or similar open spaces, need not be separated from one another provided this does not create a hazard to the public.

3.1.6.4. Clearance to Flammable Material

1) The ground enclosed by a tent or air-supported structure and not less than 3 m of ground outside the structure shall be cleared of all flammable material or vegetation that will spread fire.

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:
 - (a) construction or placement of new buildings and structures;
 - (u) the moving of buildings into or within the District;
- BC Building Code
- 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
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LAKE COUNTRY

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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

May 22, 2020

EXN Vineyards Inc
1525 Camp Road
Lake Country, BC
V4V 1K1

COPY

Re: Temporary Tent Structure - Construction without a Building Permit

Dear Sir or Madam:

Our records indicate you are the registered owner of the property located at Lot 65, Plan KAP444, located at 1525 Camp 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 temporary tent structures without the benefit of a building permit. Please be aware that the District of Lake County 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 June 19, 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



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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

August 26, 2020

EXN Vineyards Inc
1525 Camp Road
Lake Country, BC
V4V 1K1

COPY

Re: Temporary Tent Structure – Construction Without a Building Permit

Dear Sir/Madam:

Our records indicate you are the registered owner of the property located at Lot 65, Plan KAP444, located at 1525 Camp 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 a temporary tent structure 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


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- (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 September 4, 2020. Building Division staff are available to help you at the Community Development counter. Our office hours are Monday through Friday from 8:30 am to 4:30 pm.

Should you wish any additional information or if we can be of further assistance do not hesitate contacting building@lakecountry.bc.ca. Thank you in advance for your co-operation.

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

EXN Vineyards Inc
1525 Camp Road
Lake Country, BC
V4V 1K1

Roll No. 2517.000

Via: Registered Mail

Dear Sir/Madam:

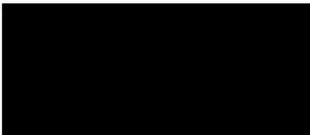
Re: Temporary Tent Structure at 1525 Camp Road

May 22, 2020 and August 26, 2020 letters were sent requesting that you obtain a building permit for the temporary tent structures.

The deadline of September 4, 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: Zara Rockwell
Sent: Tuesday, April 13, 2021 9:57 AM
To: 'jh'
Subject: RE: Building Permit Application - BP2021-8001 - 1525 Camp Road

Sorry, I should have included this requirement as well:

- Structural Engineer is to submit:
 - Two (2) sets of sealed drawings,
 - Schedule B,
 - Confirmation of Professional Liability Insurance; and
 - Copy of Professional Liability Insurance.

Regards,

Zara Rockwell
Chief Building Inspector
District of Lake Country

From: Zara Rockwell
Sent: Tuesday, April 13, 2021 9:50 AM
To: jh [REDACTED]
Subject: Building Permit Application - BP2021-8001 - 1525 Camp Road

Good Morning,

We are in receipt of your building permit application for the tent structures at 1525 Camp Road. Prior to permit issuance we require:

- Two (2) sets of a Revised Site Plan that shows the distances from the tent structure to all other structures to confirm compliance to 3.1.6.3. and 3.1.6.4. of the BC Building Code,
- Two (2) sets of drawings A-2.1 and A-3.1 (not included in application package),
- Confirmation if any electrical services are placed in the structure to confirm compliance to 3.1.6.7. of BC Building Code.

3.1.6.3. Clearance to Other Structures

- 1) Except as permitted by Sentences (2), (3) and (4), every tent and air-supported structure shall conform to Subsection 3.2.3.
- 2) Tents and air-supported structures
 - a) shall not be erected closer than 3 m to other structures on the same property except as permitted by Sentences (3) and (4), and
 - b) shall be sufficiently distant from one another to provide an area to be used as a means of emergency egress.
- 3) Tents and air-supported structures not occupied by the public
 - a) need not be separated from one another, and
 - b) are permitted to be erected less than 3 m from other structures on the same property provided this spacing does not create a hazard to the public.
- 4) Tents not more than 120 m² in ground area, located on fair grounds or similar open spaces, need not be separated from one another provided this does not create a hazard to the public.

3.1.6.4. Clearance to Flammable Material

1) The ground enclosed by a tent or air-supported structure and not less than 3 m of ground outside the structure shall be cleared of all flammable material or vegetation that will spread fire.

3.1.6.7. Electrical Systems

1) The electrical system and equipment in a tent or air-supported structure, including electrical fuses and switches, shall be inaccessible to the public.

2) Cables on the ground in areas used by the public in a tent or air-supported structure shall be placed in trenches or protected by covers to prevent damage from traffic.

Best Regards,

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>



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10150 Bottom Wood Lake Road, Lake Country, BC V4V 2M1

t: 778-738-2743 f: 250-766-2903 lakecountry.bc.ca

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

August 18, 2021

COPY

EXN Vineyards Inc
1525 Camp Road
Lake Country, BC
V4V 1K1

Roll No. 2517000
BP2021-8001


Dear Sir/Madam:

Re: Building Permit Application #2021-8001, Temporary Tent at 1525 Camp Road

We are in receipt of your application dated March 22, 2021. This permit application is incomplete. The District of Lake Country Building Regulation Bylaw 1070, 2018 states: "11.23 A building permit or permit application expires 180 days from a date an application is received under this section if the building permit or permit is not issued by the application expiration date, unless the permit is not issued only due to delays caused by the District."

It is the District of Lake Country's intent to cancel this application on September 22, 2021. If you wish to discontinue the application process please email our office at building@lakecountry.bc.ca to retrieve your documents.

Best Regards,



Zara Rockwell
Chief Building Inspector



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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

June 21, 2022

EXN Vineyards Inc
1525 Camp Road
Lake Country, BC
V4V 1K1

Roll No. 2517000

Re: Tent Building (multiple) – 1525 Camp Road - Without a Building Permit

COPY

Dear Sir or Madam:

Our records indicate you are the registered owner of the property located at Lot 65, PLAN KAP444, Section 16, Township 20, ODYD, located at 1525 Camp 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 tent buildings (multiple) without the benefit of a building permit. Please be aware that the District of Lake County 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 July 14, 2021.

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,


Zafa Rockwell RBO
Chief Building Inspector