



REQUEST FOR DECISION

TO: Council **MEETING DATE:** May 7, 2025
FROM: James Nyhus Chief Building Official
SUBJECT: Notice on Title Contravention of Building Bylaw 409, 2003
FILE NO: 3220 (6404.000)

RECOMMENDATIONS

1. That the Corporate Officer be directed to file notice in the Land Title Office, in accordance with Section 57 of the Community Charter, against 5688 MASON ROAD described legally as Lot 1, VAP5371, District Lot 4299, Group 1, New Westminster Land District PID 011-167-424; and
 2. That upon confirmation from the Chief Building Official that all outstanding issues are resolved and the required permits, certification and inspection approved, the notice may be discharged from the title upon receipt of the required fee.
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PURPOSE

The purpose of this report is to obtain Council authorization to register a Notice of Bylaw Contravention in the Land Title Office due to a contravention of the District's Building Bylaw, in accordance with Section 57 of the *Community Charter*.

OPTIONS

1. Defer the authorization pending the receipt of further information.
2. Deny the request for authorization.

DISCUSSION

Background

In December 2022, staff discovered unauthorized construction on the property, prompting the Building Official to issue a Stop Work Order. The owner received a registered letter demanding that the necessary building permits be applied for within 14 days, but no action was taken.

There have been communication issues with the owner and their interpreter and despite issuing Bylaw Notices to encourage compliance, the owner has not applied for the required permits.

There have been multiple in-person meetings with the owner, involving various translators, and extensive written communication from May 2023 to the present, the owner has failed to obtain the necessary building permits or comply with the Building Bylaw. Additionally, staff noted that the construction violates the Zoning Bylaw.

POLICY AND BYLAW IMPLICATIONS

The District's building bylaw places the onus on property owners to arrange for building permits prior to the start of construction.

SUSTAINABILITY PLAN IMPLICATIONS

1. Social Sustainability and Community Well Being

STRATEGIC PLAN IMPLICATIONS

1. Community Safety and Wellbeing

FINANCIAL IMPLICATIONS

If deficiencies are not registered on title, and a safety or health related incident occurs, costs to the District to defend legal actions may be substantial.

Staff resources are required for follow-up notices, letters, inspections and preparing of Land Title Office documentation. There is a \$28.63 Land Title Office fee for filing the legal notation. An administration fee of \$100 is collected from the property owner at the time of removal of the Notice, to reimburse these costs.

COMMUNICATIONS

Staff have endeavoured to compel the owner to obtain the required building permits without success.

As required under the *Community Charter*, the owner has been given notice that this matter will be placed before Council for its consideration by way of a register letter. A copy of the letter was also delivered by hand to their residence.

Respectfully submitted,

James Nyhus

Chief Building Official

