

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: February 20, 2025

RE: **Building Bylaw Infraction, 799 Highway 3 E – Electoral Area “H”**

Administrative Recommendation:

THAT a Section 302 Notice on Title, pursuant to Section 302 of the *Local Government Act* and Section 57 of the *Community Charter*, (made applicable to Regional Districts by Section 302 of the LGA), be filed against the title of lands described as District Lot 362S, Plan H864 H10386, that certain works having been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2805, 2018; and

THAT injunctive action be commenced against the property owners if, after **March 20, 2025**, the property is not in compliance with the Regional District of Okanagan-Similkameen Building Bylaw No. 2805, 2018.

<u>Civic:</u>	799 Highway 3 E	<u>Folio:</u>	00708.000
<u>Legal:</u>	District Lot 362S Plan H864 H10386	<u>PID:</u>	001-755-561
<u>Zone:</u>	RA		

Purpose:

The purpose of this report is to seek direction from the Regional District Board regarding enforcement against the property owner(s) of 799 Highway 3E, legally described as District Lot 362S, Plan H864 H10386 in relation to:

1. Placement of structure without building permit.

Site Context:

The subject property is approximately 74.81 acres (30.27 ha) and is situated at 799 Highway 3E, approximately 9.5 kms East of the town of Princeton BC.

Regulatory Provisions:

Regional District of Okanagan-Similkameen Building Bylaw No.2805, 2018 (“Building Bylaw”).
The property is zoned Resource Area (RA) under RDOS Zoning Bylaw 2800.

Background:

The Contravention of Building Regulations Report dated November 27, 2024 indicates on January 4, 2024 the Building Official attended the property and saw a Z240 was placed on the property. Old aerial photos show the property as a vacant lot, and BC Assessment does not list any structures on the 74.81 acre lot. An inspection of the property on November 26, 2024 by the Building Official noted the driveway was heavily used (tracks in the snow), a car was parked at the property, and two landings were constructed without guards and handrails. A Stop Work Order was placed on January 4, 2024 and construction was ordered to be stopped.

The following contact has been made with the property owner(s) in attempt to resolve this matter:

January 4, 2024 – Stop Work Letter mailed to owners in Burnaby.

February 6, 2024 – Final Notice letter mailed to owners address in Burnaby.

November 13, 2024 - Second Final Notice letter mailed to the owners in Burnaby.

November 26, 2024 - Bylaw Offense Notice #1092 for \$500 with letter sent via Purolater to Burnaby address.

Despite correspondence to the owner(s) to date, no permit has been applied for. The Building Bylaw infraction is considered to be a Category 3.

Analysis:

Reasonable efforts have been made to achieve voluntary compliance with the property owner.

In July 2009 the Board adopted a Policy (Resolution B354/09) to provide for a consistent and cost effective approach to the enforcement of Building Bylaw violations. This policy provides the Board with three categories of infractions and the recommended action for each.

Financial Implications:

Placement of a Notice on the property title is a routine staff function. Injunctive action will require an application be submitted to the British Columbia Supreme Court. Seeking a court injunction has a legal cost (approximately \$10,000) which, if successful, can only partially be recovered from the property owners.

Category 1 (Minor Deficiencies) – Place notice of deficiencies on folio file.

Category 2 (Major Deficiencies) – Place Section 302 Notice on the property title.

Category 3 (Health & Safety Deficiencies/Building without Permit) – Place Section 302 Notice on title and seek compliance through injunctive action.

Alternatives:

1. Place a Section 302 Notice on the property title (Category 2)
2. Place a notice of deficiencies on the folio file (Category 1).
3. Do not proceed with any enforcement action.

Respectfully submitted:



Mark Petry, Manager of Building and Enforcement Services

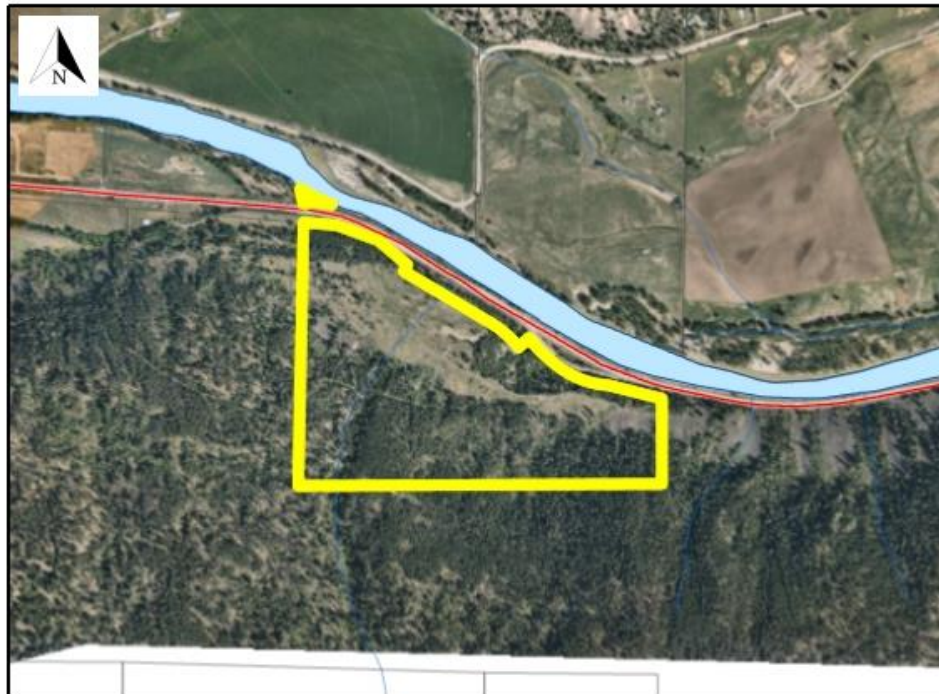
Attachments: Parcel Map/photos



Regional District of Okanagan-Similkameen
101 Martin Street, Penticton, BC V2A 5J9
Phone: (250)492-0237 Fax: (250)492-0063
Toll Free: 1-877-610-3737
Website: www.rdos.bc.ca

PARCEL MAP

Created on: 10-Dec-2024



LEGEND

- Electoral Area Boundaries
- Major Highways
- Indian Reserve
- Parks
- Streams
- Major Lakes
- Small Lakes

Owner(s): 1341567 BC LTD

Scale 1:9028

Civic Address(es):

799 HIGHWAY 3 E

Zoning:

Designation: RA
Bylaw Number: 3065

BC Assessment:

Assessed Land Value: \$590,000.00
Assessed Imp. Value: \$0.00
Total Assessed Value: \$590,000.00

Property Details:

Primfolio: 71700708.000
Folio: 00708.000
Jurisdiction: 717
PID: 001-755-561
Parcel Area (m2): 313,313.09
Electoral Area: H

Legal**Description:**

DISTRICT LOT 362S,
SIMILKAMEEN DIV OF YALE
LAND DISTRICT, EXCEPT PLAN
H864 H10386



Stop Work Notice placed January 4 2024



January 4 2024

