

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: February 20, 2025

RE: Building Bylaw Infraction - Civic Address: 1050 Aikens Loop (Electoral Area "E")

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 Lot 1, District Lot 209, Plan KAP20721, that certain works having been undertaken on the lands 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.

Civic: 1050 Aikens Loop Folio: E-02155.000 PID: 007-736-525

Legal: Lot 1, District Lot 209, Plan KAP 20721 Zone: Resource Area (RS3)

Purpose:

The purpose of this report is to seek direction from the Regional District Board regarding enforcement against the property owner(s) of 1050 Aikens Loop, legally described as Lot 1, District Lot 209, Plan KAP20721 in relation to:

1. *Construction of two unauthorized secondary suites constructed without building permits.*

Site Context:

The subject property is approximately 452.6 square feet in area and is situated at 1050 Aikens Loop approximately 12 kms north of the town of Penticton.

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 13, 2024 from the Building Official indicates that in April 2021, Bylaw received a complaint that two unauthorized secondary suites existed with no building permit applied for. On August 31, 2021 Bylaw confirmed the presence of three separate living spaces. On September 24, 2024, Bylaw transferred the file to the Building Department to mail a Do Not Occupy letter and try to obtain permits to remedy.

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

September 28, 2021 – Letter mailed to owner advising his property is zoned RS1 permitting only one suite. Provided options to make property come in to compliance.

January 6, 2022 – Letter mailed to owner with Bylaw Offence Notice for the secondary suite.

October 4, 2024 – a Do Not Occupy letter along with a Building permit application and decommission policy was mailed to the owner.

To date, no permit has been applied for.

The deficiencies are health & safety related as the home has not been inspected. In order to close the permit file a building permit must be issued for the work. The Building Bylaw infraction is considered to be 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.

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.

As there are potential construction and health and safety deficiencies on this property, a Section 302 Notice on Title and injunctive action are recommended by staff. The Notice on Title advises the current and future owners of the deficiency and injunctive action will

require that deficiencies be remedied and the property brought in to compliance with RDOS bylaws.

Section 6.6 of the Board's "Bylaw Enforcement Procedures" Policy sets out that where unlawful activity has not ceased or where compliance is not being actively pursued within the time period provided for voluntary compliance, that legal proceedings or direct enforcement action should be initiated. This step towards legal action is always at the discretion of the Board.

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.

Alternatives:

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

Respectfully submitted:

Endorsed by:



M. Petry, Manager of Building
and Enforcement Services

A. Fillion, Managing Director

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: 05-Dec-2024



LEGEND

Electoral Area Boundaries

Major Highways

Indian Reserve

Parks

Streams

Major Lakes

Small Lakes

Property Details:

Primfolio: 71502155.000

Folio: 02155.000

Jurisdiction: 715

PID: 007-736-525

Parcel Area (m2): 1,108.36

Electoral Area: E

Legal

Description:

LOT 1, PLAN KAP20721,
DISTRICT LOT 209,
SIMILKAMEEN DIV OF YALE
LAND DISTRICT, EXCEPT PLAN
25082



1050 AIKENS LOOP, NARAMATA BC



Sweet Views Vacation Rental ★★ ★

1050 Aikins Loop (Naramata) V0H 1N0

Information and Online Booking

Write a review



Featuring free WiFi and a patio with lake views, Sweet Views Vacation Rental is a suite, situated in Naramata. It provides free private parking. The kitchen comes with an oven and a microwave, as well as a coffee machine. A TV and DVD player are offered. Other facilities at Sweet Views Vacation Rental include a hot tub and seasonal outdoor pool. Kelowna is 35 km from Sweet Views Vacation Rental, while Summerland is 6 km away. You can engage in various activities, such as cycling and hiking. Penticton Airport is 13 km from the property.

Book Now

Rooms: 1  (Search)

Address: 1050 Aikins Loop, Naramata V0H 1N0  (Map)

Sweet Views Vacation Rental - Photos



Online Booking Sweet Views Vacation Rental

Letsbookhotels.com – advertisement as of December 5 2024