ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: April 3, 2025

RE: **Building Bylaw Infraction - Civic Address: 1906 Estates Place**

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 5, District Lot 4947, ODYD, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2805, 2018.

Civic:	1906 Estates Place	Folio:	07298.174
Legal:	Lot 5, DL 4947, Plan KAP33471	PID:	003-180-832
Zone:	SH4		

Purpose:

The purpose of this report is to seek direction from the Regional District Board regarding enforcement against the property owner(s) of 1906 Estates Place, legally described as Lot 5, District Lot 4947, Plan KAP33471 in relation to:

1. Expired building permit

Site Context:

The subject property is approximately 1.003 acres (0.405 ha) in area and is situated at 1906 Estates Place, Penticton BC.

Regulatory Provisions:

Regional District of Okanagan-Similkameen Building Bylaw No. 2805, 2018 ("Building Bylaw"). The property is zoned SH4 under RDOS Zoning Bylaw 2800.

Business Plan Objective:

To develop an economically sustainable region.

Background:

The Contravention of Building Regulations Report dated February 13, 2025 from the Building Official indicates that Permit #22160 was issued on December 11, 2020. This permit was issued for a pool and expired on December 11, 2021.

Despite correspondence to the owner(s) the permit has expired without the required inspections.

The deficiencies are not health and a safety related.

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

April 25, 2024 – Expired permit letter mailed to owners

January 22 2025 – Final letter mailed to owners.

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 2

As there are potential construction deficiencies on this property which are not a health and safety concern, a Section 302 Notice on Title is recommended by staff. The Notice on Title advises the current and future owners of the deficiency and protects the RDOS from liability.

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

Communication Strategy:
The owners will be notified via mail of the Regional District of Okanagan-Similkameen Board results.

Respectfully submitted:

Mark Petry

 M. Petry, Senior Manager of Building and Enforcement Services

Endorsed by:

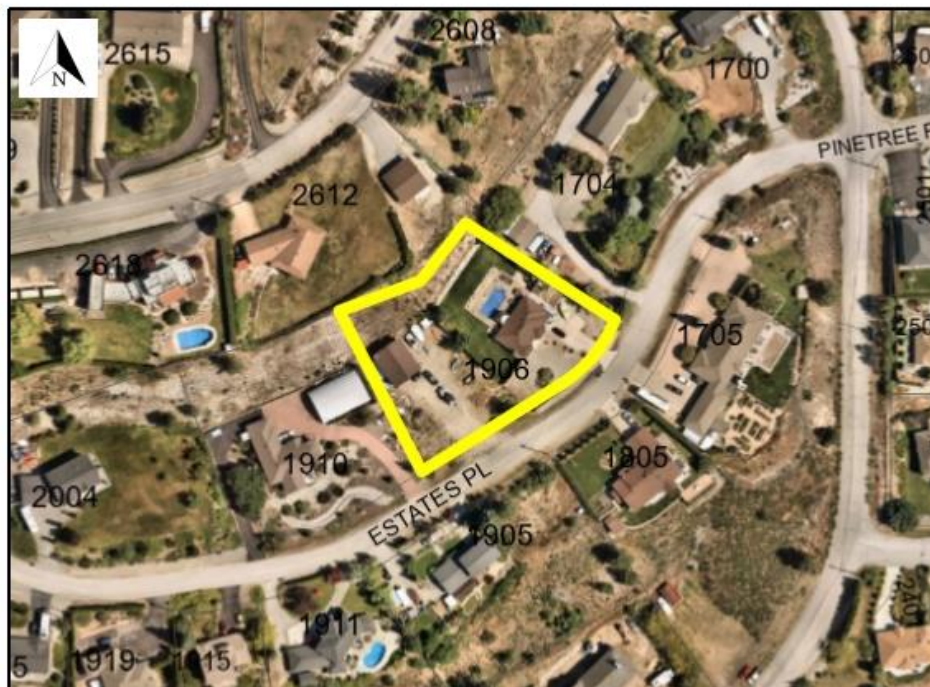A. Fillion, Managing Director, Dev & Infrastructure

PARCEL MAP

Created on: 18-Feb-2025

LEGEND

Electoral Area Boundaries

Major Highways

Indian Reserve

Parks

Streams

Major Lakes

Small Lakes

Scale   1:1128

Owner(s):

Civic Address(es):
1906 ESTATES PL

Zoning:
Designation: SH5
Bylaw Number: 2800

BC Assessment:
Assessed Land Value: $321,000.00
Assessed Imp. Value: $1,051,000.00
Total Assessed Value: $1,372,000.00

Property Details:

Primfolio:	71507298.174
Folio:	07298.174
Jurisdiction:	715
PID:	003-180-832
Parcel Area (m2):	4,056.60
Electoral Area:	F

Legal Description:
LOT 5, PLAN KAP33471, DISTRICT LOT 4947, OSOYOOS DIV OF YALE LAND DISTRICT

File No. F3-07298.174