

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: April 3, 2025

RE: **Building Bylaw Infraction - Civic Address: 2521 Green Mountain Road**

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 4, District Lot 977S, SDYL, that certain works have 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 May 3, 2025, the property is not in compliance with the Regional District of Okanagan-Similkameen Building Bylaw No. 2805, 2018.

<u>Civic:</u>	2521 Green Mountain Road	<u>Folio:</u>	04497.150
<u>Legal:</u>	Lot 4, District Lot 977S, Plan KAP29575	<u>PID:</u>	002-859-050
<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 2521 Green Mountain Road, legally described as Lot 4, District Lot 977S, Plan KAP29575 in relation to:

1. Expired building permit

Site Context:

The subject property is approximately 10.06 acres (4.07 ha) in area and is 28 km south west of the city of Penticton BC.

Regulatory Provisions:

Regional District of Okanagan-Similkameen Building Bylaw No. 2805, 2018 (“Building Bylaw”). The property is zoned RA 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 Building Permit 22607 issued August 13, 2021 and was extended to August 16, 2024. This permit was issued to complete previously expired permits 20204, 18634, 17484 and 15744 for a single family dwelling. The original permit 15744 was issued July 28 2006.

The permit has expired without required inspections. The most recent inspection was Insulation/vapour barrier on September 29, 2021 where the Building Official noted spray foam applied to walls and vaulted ceiling. The basement level was not insulated.

No further inspections have been conducted.

Despite correspondence to the owner(s) the permit has not been completed.

The deficiencies are health and safety related and the building is being occupied without approval from the authority holding jurisdiction.

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

February 4, 2025 – Final letter mailed to owners

September 25, 2024 – Expired 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 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.

Category 3

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 the deficiencies be remedied and the property be brought into 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 any 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

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: 19-Feb-2025



LEGEND

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

Owner(s):

Scale 1:4514

Civic Address(es):

2521 GREEN MOUNTAIN RD

Zoning:

Designation: RA
Bylaw Number: 2800

BC Assessment:

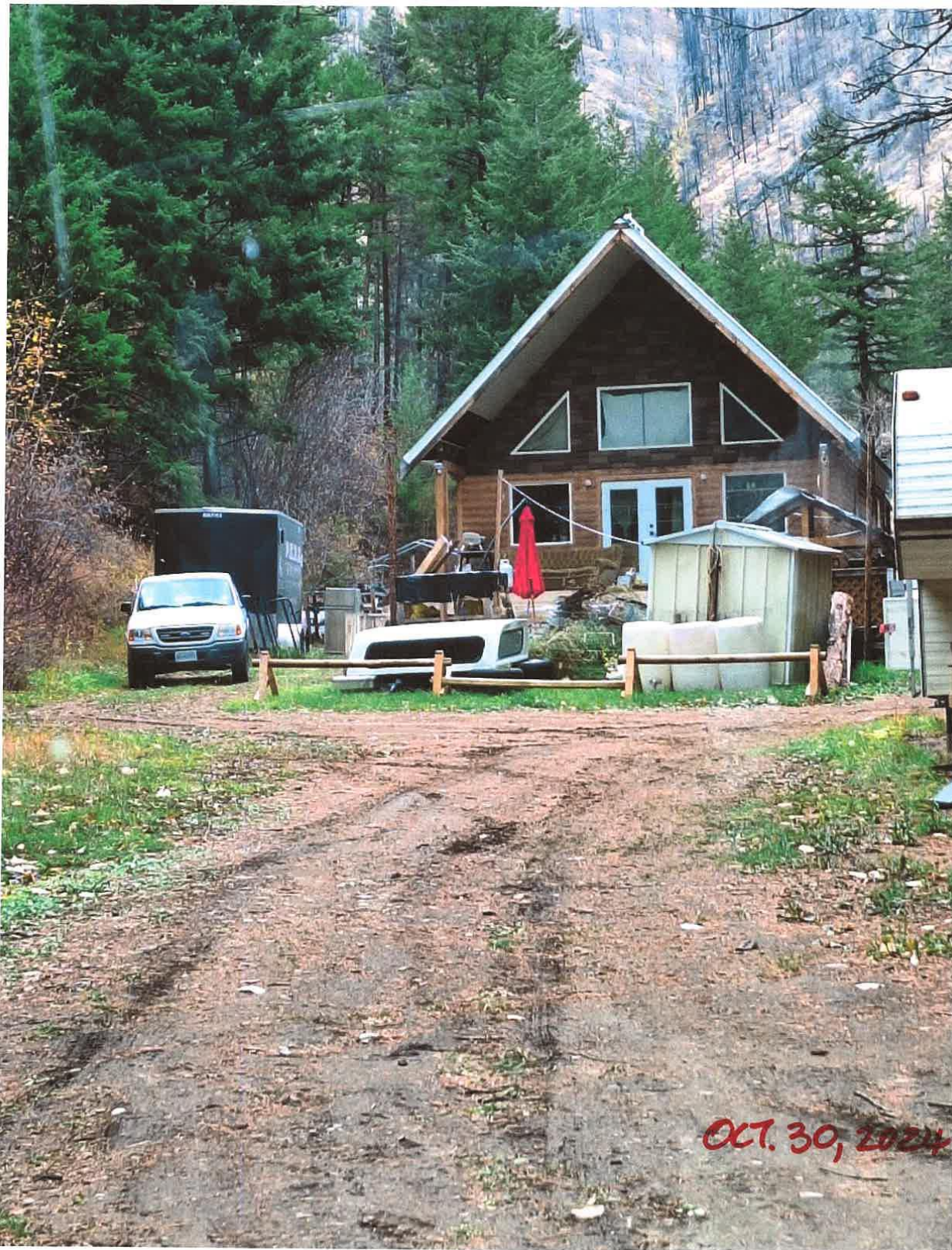
Assessed Land Value: \$166,000.00
Assessed Imp. Value: \$419,000.00
Total Assessed Value: \$585,000.00

Property Details:

Primfolio: 71504497.150
Folio: 04497.150
Jurisdiction: 715
PID: 002-859-050
Parcel Area (m2): 40,680.27
Electoral Area: I

Legal

Description:
LOT 4, PLAN KAP29575,
DISTRICT LOT 977S,
SIMILKAMEEN DIV OF YALE
LAND DISTRICT



October 30 2024



November 5 2019

