

## ADMINISTRATIVE REPORT

**TO:** Board of Directors

**FROM:** J. Zaffino, Chief Administrative Officer

**DATE:** June 19, 2025

**RE:** **Building Bylaw Infraction – 449 Chapman Road (Electoral Area “A”)**

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### 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 A, DL 2709, Plan KAP78620, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2805, 2018.

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<u>Civic:</u>	449 Chapman Road	<u>Folio:</u>	06748.062
<u>Legal:</u>	Lot A, DL 2709, Plan KAP78620	<u>PID:</u>	026-358-387
<u>Zone:</u>	LH1	<u>Electoral Area:</u>	A

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### Purpose:

The purpose of this report is to seek direction from the Regional District Board regarding enforcement against the property owner(s) of 449 Chapman Road, legally described as Lot A, DL 2709, Plan KAP78620, in relation to:

1. Placement of structure without building permit.

### Site Context:

The subject property is approximately 10 acres (4.04 ha) in area and is situated at 449 Chapman Road, approximately 14 km east of the town of Osoyoos on top of Anarchist Mountain.

### Regulatory Provisions:

Regional District of Okanagan-Similkameen Building Bylaw No.2805, 2018 (“Building Bylaw”). The property is zoned LH1 under RDOS Zoning Bylaw 2800.

### Business Plan Objective:

To develop an economically sustainable region.

**Background:**

The Contravention of Building Regulations Report dated April 24, 2025 from the Building Official indicates on May 11, 2021 the Building Official discovered a newly constructed deck with railings framed on top of an existing abandoned house foundation. On May 13, 2021 a Stop Work Letter was mailed to the registered property owner along with a Building Permit application. The letter included the advisory of the property being in an Environmentally Sensitive Development Permit (ESDP) area and a Qualified Environmental Professional would be required to study the area. On June 8, 2021, the owner emailed the Building Official and the Planning department stating their deck was built to code and they would apply for a permit, but there was no immediate plans for a Single Family Dwelling. On January 21, 2025, the Building Official drove past the address and confirmed no changes to the property.

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

**May 13, 2021** – Stop Work letter mailed to registered property owner.

**February 5, 2025** – Final Letter mailed to registered property owner.

**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.

**Recommended Enforcement Action: Category 2**

The potential construction deficiencies on this property are not a significant 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:**

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

**Communication Strategy:**

The owners shall be notified via registered mail 30 days prior to the board date. The owners shall be notified of the Regional District of Okanagan-Similkameen Board results via regular mail.

Will a PowerPoint presentation be presented at the meeting?    No

**Respectfully submitted:**

Mark Petry

M. Petry, Senior Manager of Building and  
Enforcement Services

**Endorsed by:**



A. Fillion, Managing Director, Development and  
Infrastructure 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](http://www.rdos.bc.ca)

## PARCEL MAP

Created on: 28-Apr-2025



### LEGEND

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

Owner(s):

Scale 1:2257

**Civic Address(es):**

449 CHAPMAN RD

**Zoning:**

Designation: LH1  
Bylaw Number: 2800

**BC Assessment:**

Assessed Land Value: \$531,000.00  
Assessed Imp. Value: \$0.00  
Total Assessed Value: \$531,000.00

**Property Details:**

Primfolio: 71406748.062  
Folio: 06748.062  
Jurisdiction: 714  
PID: 026-358-387  
Parcel Area (m2): 41,703.81  
Electoral Area: A

**Legal**

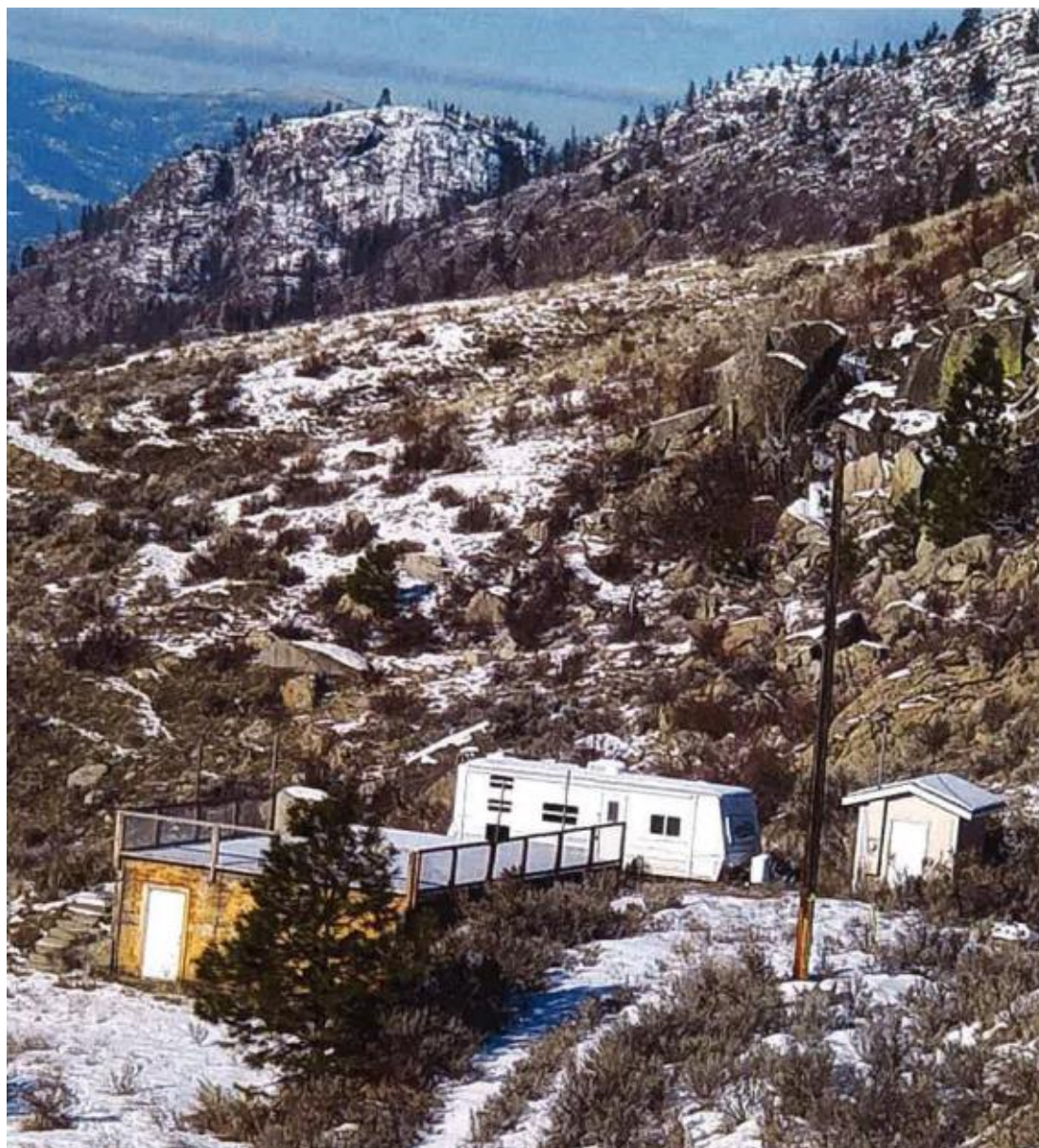
**Description:**

LOT A, PLAN KAP78620,  
DISTRICT LOT 2709,  
SIMILKAMEEN DIV OF YALE  
LAND DISTRICT





Jan 21,  
2025





Jan 21, 2025



May 11 2021

