

ADMINISTRATIVE REPORT

TO: Board of Directors

FROM: J. Zaffino, Chief Administrative Officer

DATE: July 3, 2025

RE: **Building and Bylaw Infraction – 213 Prospect Drive (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 Lot 13, District Lot 2709, Plan KAP21789, that certain works have been undertaken on the lands contrary to the Regional District Okanagan-Similkameen Building Bylaw No. 2805, 2018.

Civic: 213 Prospect Drive Folio: 01033.105

Legal: Lot 2, District Lot 1909, Plan KAP24988 PID: 005-748-879

Zone: RS1

Purpose:

The purpose of this report is to seek direction from the Regional District Board regarding enforcement against the property owner(s) of 213 Prospect Drive, legally described as Lot 2, District Lot 1909, Plan KAP24988, in relation to:

1. Placement of structures without a building permit.

Site Context:

The subject property is approximately 0.49 Acres (0.19ha) in area and is situated at the south side of Missezula Lake.

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 report from the Building Official, dated May 15, 2025, indicates that Building Permit No. 21604 was issued to complete the work associated with expired Building Permit No. 19596. However, Permit 21604 subsequently expired on November 18, 2021, without the required final inspection or submission of documents necessary to fulfill the permit obligations by the owner(s).

On July 7, 2022, an Expired Permit Letter was mailed to the owners. Later, on December 17, 2024, a registered letter was sent requesting that the owners contact the RDOS office within 30 days of receipt.

On January 6, 2025, the Building Official emailed the owner(s) to remind them of the outstanding documents and inspections required to close the permit file. The owner(s) responded, indicating that the property was listed for sale.

That same day, a neighbor of the owner(s) contacted the Building Official and stated that he was in the process of purchasing the property. The Building Official informed him of the outstanding items that must be resolved to bring the project into compliance with the Building Bylaw.

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

March 17, 2022 – Letter mailed to owner/s advising of expired permit.

July 7, 2022 - Letter mailed to owner/s advising of expired permit.

December 17, 2024 – Registered Letter mailed to owner/s final warning of expired permit.

January 6, 2025 – Building Official emailed owner/s reminder of outstanding inspections and submission of outstanding documents.

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

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:

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 owner/s shall be notified via registered mail 30 days prior to board date. The owner/s 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
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Toll Free: 1-877-610-3737
Website: www.rdos.bc.ca

PARCEL MAP

Created on: 22-May-2025



LEGEND

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

Owner(s):

Scale

1:564

Civic Address(es):

213 PROSPECT DR

Zoning:

Designation: RS1
Bylaw Number: 3065

BC Assessment:

Assessed Land Value: \$435,000.00
Assessed Imp. Value: \$540,000.00
Total Assessed Value: \$975,000.00

Property Details:

Primfolio: 71701033.105
Folio: 01033.105
Jurisdiction: 717
PID: 005-748-879
Parcel Area (m2): 1,955.49
Electoral Area: H

Legal

Description:

LOT 2, PLAN KAP24988,
DISTRICT LOT 1909,
KAMLOOPS DIV OF YALE LAND
DISTRICT



April 2025



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