



# Regional Board Report

## Request for Decision

**To:** Regional Board  
**From:** Director of Development and Engineering Services  
**Date:** November 28, 2024

**Subject:** Notice on Title: 6100 Beau Park Rd  
LOT 6, PLAN KAP33459, DISTRICT LOT 3788, 4067 & 4068 OSOYOOS DIV OF YALE DISTRICT

**Voting Entitlement:** *All Directors - Unweighted Corporate Vote - Simple Majority (LGA s.208)*

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**Purpose:** To request approval from the Regional Board for the filing of a Notice on Title on LOT 6, PLAN KAP33459, DISTRICT LOT 3788, 4067 & 4068 OSOYOOS DIV OF YALE (PID 003-183-416) which is in violation of RDCO Building Bylaw No. 1482.

### Executive Summary:

A Notice on Title (NOT), note against land title, under Section 57 of the *Community Charter*, was provided to local governments by the Province of British Columbia as a tool to administer and enforce the BC Building Code and local building bylaws. It involves the registration of a Notice on a property title at the Land Title Office, which once in place, is documented on the title search under the "Legal Notations" section as a Bylaw Contravention.

A Notice on Title serves as notification to anyone searching a property title that the property may be in breach of bylaws or regulations. The Notice itself does not disclose details of the breach but specifies that further information may be obtained from the local government office.

Dating back to 2021, this parcel has had non-compliant building activities. The most recent site inspection was conducted on July 9, 2024 by Inspection Services, RDCO Protective Services and the RCMP, where 2 residential structures continue to be observed that have been constructed without permit(s) and are inhabited. Information regarding site servicing such as septic discharge and water has not been provided by the owner. Conversations with the property owner have been unsuccessful for resolution of the non-compliant building issues. Given the residential occupancy of the unpermitted improvement(s) for the property, there are health and life safety concerns without the appropriate approvals granted to ensure BC Building Code compliance.

Section 57 of the *Community Charter* allows the Regional District of Central Okanagan to place Notice on Title when required permits are not obtained and when a municipal bylaw, provincial building regulation or any other enactment that relates to the construction or safety of buildings is contravened.

### Recommendation(s):

**THAT** the Regional Board approves a Notice on Title be registered for the property on Beau Park Road, legally known as LOT 6, PLAN 33459, DISTRICT LOTS 3788, 4067 & 4068, OSOYOOS DIV OF YALE DISTRICT, pursuant to Section 57 the *Community Charter*, with respect to contraventions of the Regional District of Central Okanagan Building Bylaw No.1482.

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Respectfully submitted by: Adam Bednarski, Building Official

Report Approved by: Danielle Noble-Brandt, Director of Development and Engineering Services

Approved for Agenda: Sally Ginter, Chief Administrative Officer

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**Strategic Plan Alignment:**

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|---|---|
| <input type="checkbox"/> Emergency preparedness         | <input type="checkbox"/> Truth and reconciliation   |
| <input checked="" type="checkbox"/> Health and wellness | <input type="checkbox"/> Environment and climate – Regional priority only                 |
| <input type="checkbox"/> Regional transportation        | <input checked="" type="checkbox"/> Growth and development – Electoral Area priority only |
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**Background:**

**Purpose of Notice on Title:**

A Notice on Title serves as notification to anyone searching a property title that the property may be in breach of bylaws or regulations. The Notice itself does not disclose details of the breach but specifies that further information may be obtained from the local government office. The filing of a Notice with no further enforcement action is not intended to be a punitive action; rather, it is a method to protect future owners and others with an interest in the property. This process encourages owners to comply with the RDCO Building Bylaw, the BC Building Code and other building regulations and reduces risk to the RDCO associated with construction work that has been done without the required Building Permits or inspections. Filing a Section 57 notice against the property title will:

- a) provide an accessible record of the Building Permit or inspection issues;
- b) shift liability away from the Regional District in accordance with its enforcement guidelines; and,
- c) encourage compliance with building regulations as purchasers, real estate agents, mortgage holders and insurers may be informed of the unauthorized work.

**When Can a Notice on Title Be Filed:**

A Notice on Title may be filed by a local government where there is a breach of bylaws or regulations in respect to a property. Specifically, a Notice on Title may be filed where a Building Inspector is made aware of any of the following:

- a) construction has occurred without a valid building permit;
- b) construction deficiencies noted have not been corrected;
- c) covering construction without required inspections;
- d) a permit has expired and the owner refuses to reapply for a new permit;
- e) construction that is in contravention of the BC Building Code or Building Bylaw; or
- f) any such circumstances where the Building Inspector may deem a Notice on Title necessary.

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## Comments and Analysis:

The property at LOT 6, PLAN 33459, DISTRICT LOTS 3788, 4067 & 4068, OSOYOOS DIV OF YALE DISTRICT is being recommended for a Section 57 Notice on Title for the following reason(s):

- a) Construction has occurred without a valid Building Permit.

A dwelling and an accessory building have been constructed and occupied contrary to the Regional District of Central Okanagan Building Bylaw #1482 and contrary to the BC Building Code.

Inspections and Bylaw Services have taken the following steps to achieve compliance (from most historical to most recent):

- November, 18, 2021: Building Stop Order posted
- December 6, 2021: File forwarded to Bylaw Enforcement for storage of vehicles and unsightly premises
- February 8, 2022: Bylaw Enforcement sends violation letter
- November 22, 2022: Bylaw Enforcement follow up inquiring on permit status
- December 27, 2023: Bylaw Enforcement initiate service request
- February 24, 2024: Bylaw Enforcement conducts site visit and verifies unpermitted construction.
- July 9, 2024: RCMP, Bylaw Enforcement and Inspection Services coordinate a team property visit. A new stop order is posted, and owners email information obtained.
- July 24, 2024: Building Inspection sends Notification to Property Owner Letter (#1), no response
- August 11, 2024: Bylaw Enforcement issues \$500 fine for commencing work without permit
- August 14, 2024: Bylaw Enforcement attempts to contact owners via mail, phone and email with no response
- September 3, 2024: Building Inspection sends Notification to Property Owner Letter (#2), no response received
- September 9, 2024: Building Inspection receives email response from owner confirming their position to not comply.
- September 9, 2024: Bylaw Enforcement receives an email with a copy of the issued fines returned with handwritten response indicating no intention to comply.
- October 21, 2024: Building Inspection sends final Notification to Property Owner Letter (#3). Procedural notification has been satisfied to formally proceed with Board consideration of a Notice on Title to be registered.

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## Considerations:

Legal/Statutory Authority:

- *Community Charter*, s. 57 and *Local Government Act* s. 302
- Building Bylaw No.1482: 4.1, 4.2, 4.8, 4.10, 7.1 a) & d), 7.3 a), 8.1, 10.1, 10.4, 10.51, 17.1
- BC Building Code

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Attachment(s):

- 1) Stop Order(s)
- 2) Building Notice Letter(s)
- 3) Photos
- 4) Power Point Presentation