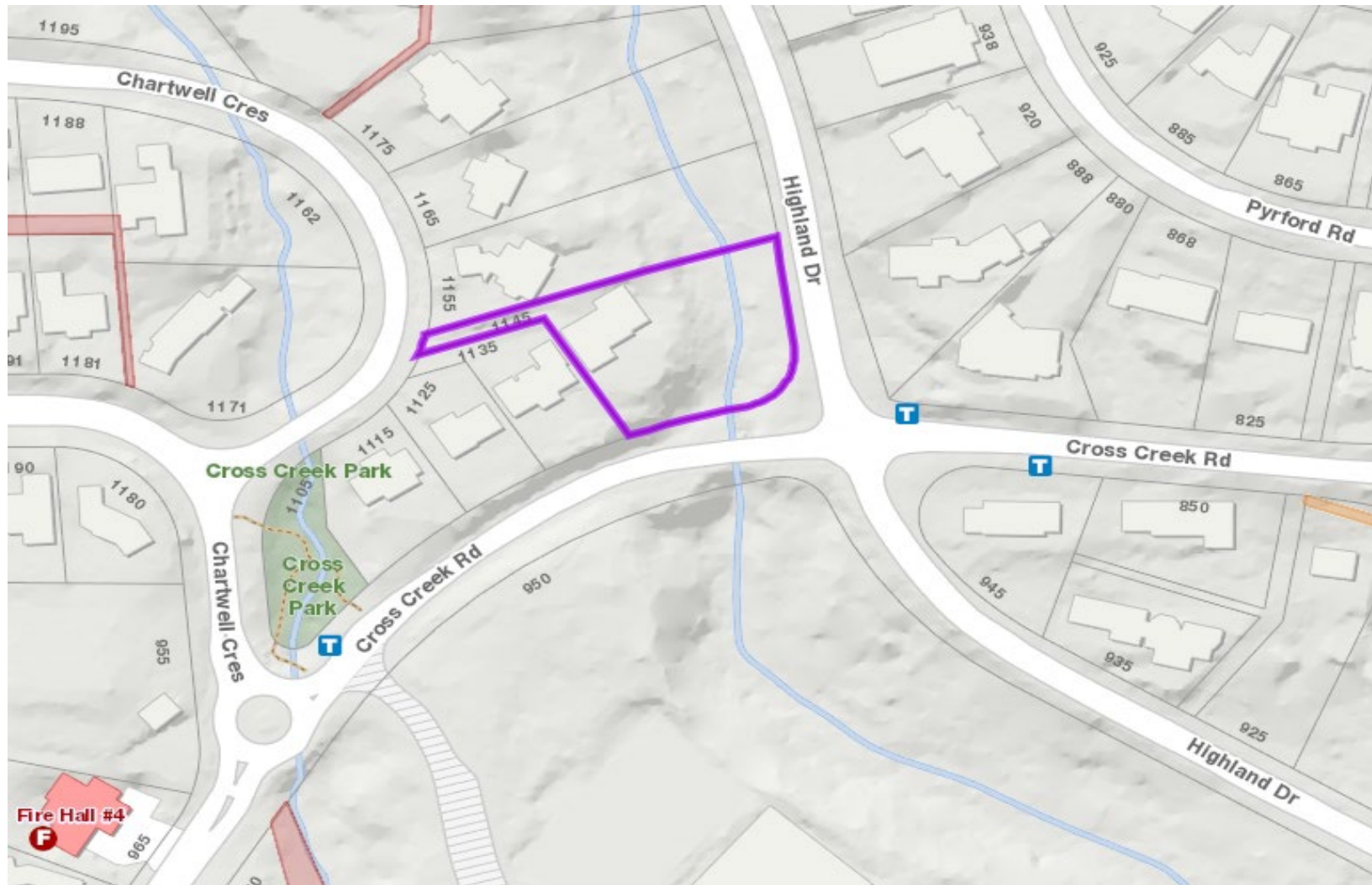


1145 Chartwell Crescent
Community Charter
Remedial Action Requirement -
Accessory Structure

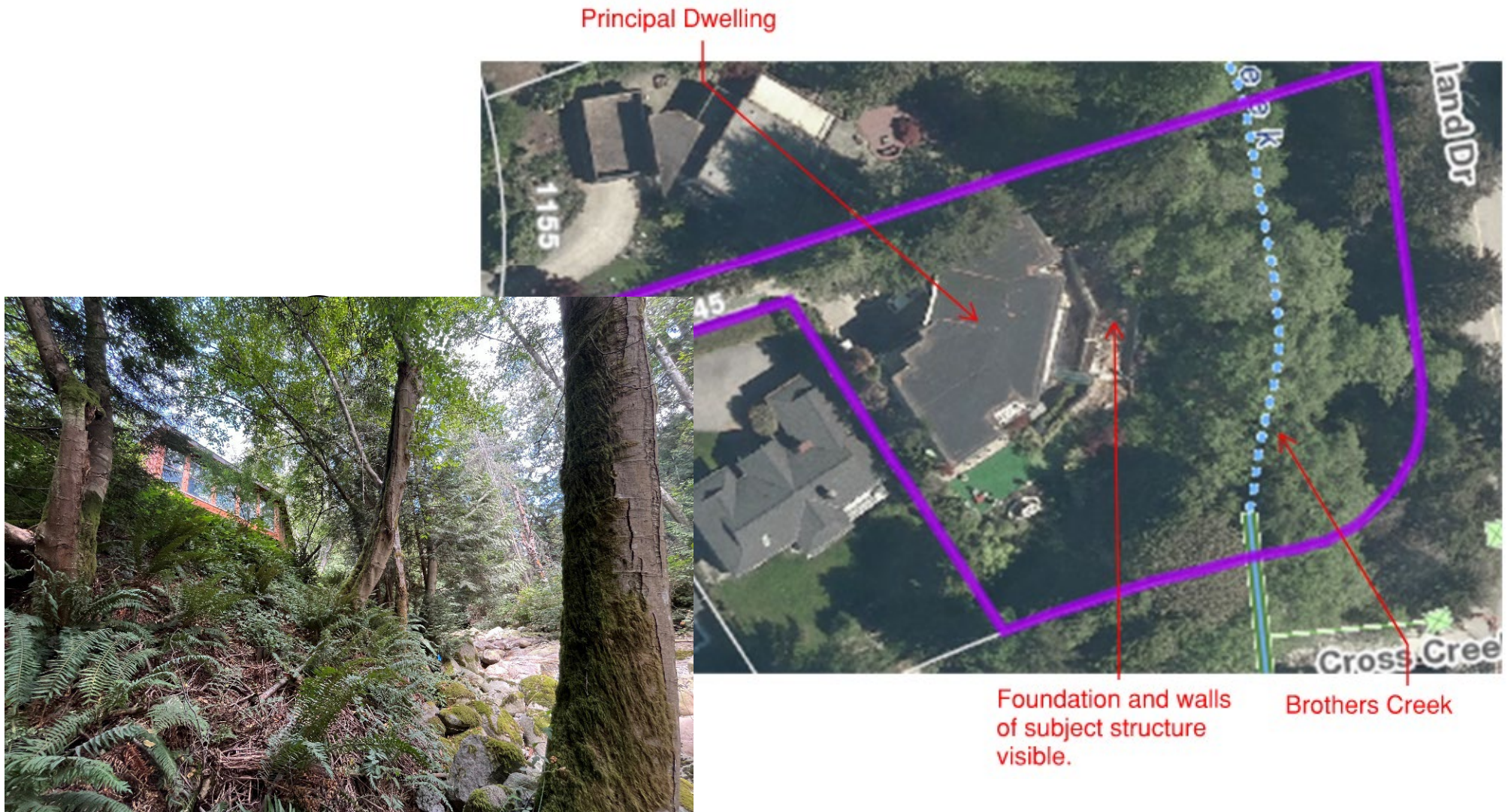
Jim Bailey, Director of Planning, Development &
Environment Services

June 23, 2025

Subject Property



Subject Accessory Structure



Evaluation of Structure

- Constructed without development permits (EDP and WHDP) and building permit.
- Substantially contravenes building regulations and bylaws.
- Building inspector has determined structure can not be retroactively qualified, reviewed, or inspected.
- The subject structure does not comply with the OCP NE13 Guidelines for Watercourse Protection and Enhancement Areas in Existing Neighbourhoods:
 - Located close to top of bank of Brothers Creek
 - Considered “new development” within 5 m from top of bank
 - Does not avoid net loss of riparian habitat
 - Built closer to the watercourse than any existing structure

Timeline

- May 15, 2024 – Staff notified that construction of an accessory structure was carried out without permits being obtained from the Building Inspector adjacent to Brothers Creek.
- May 16, 2024 – the Building Inspector completed an inspection and observed an accessory structure was constructed adjacent to Brothers Creek. A notice in the form of a Stop Work Order was posted at the property.
- July 25, 2024 – the Building Inspector notified the owners that a demolition permit was required to be obtained for the removal of the structure built without approval within 15 days from date of letter.
- August 13, 2024 – Roe Environmental Inc., an environmental consulting company retained by the Owners, completed a remediation plan for the property that contemplates removal of the unpermitted structure and restoration with suitable riparian vegetation.
- To date: Owners have made no significant progress towards obtaining a demolition permit or carrying out any of the steps recommended in the remediation plan.
- Given the safety hazard of a structure built without permits and lack of action by the owners, District staff decided to escalate the issue to Council for a Remedial Action Requirement.

Enforcement Action – RAR

- Part 3, Division 12 of the *Community Charter* authorizes Council to impose a remedial action requirement in relation to a building or other structure, an erection of any kind, or a similar matter or thing if the matter or thing contravenes the Provincial building regulations or a bylaw, including a requirement to remove the building or structure or to otherwise deal with it in accordance with the directions of Council or a person authorized by Council.
- Section 17 of the *Community Charter* provides that the authority of Council to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the District may fulfill the requirement at the expense of the person.

Recommendations

THAT:

1. Council hereby considers that the building on the Property that was constructed without permits required by the District's *Building Bylaw No. 4400*, 2004 (the "Building Bylaw") is unsafe and contravenes a bylaw under section 8 (3) (l) or Division 8 of the *Community Charter*, and therefore is in a hazardous condition within the meaning of Section 73 of the *Community Charter*;
2. Council hereby requires, pursuant to its powers under Section 72 of the *Community Charter*, that the Owners, within 30 days of the date this Resolution is sent to the Owners, do all things necessary to apply for a demolition permit for the Unpermitted Building under the Building Bylaw.
3. the Owners, within 30 days of receiving a demolition permit applied for under Section 2 of this Resolution and by no later than 60 days after the date of this Resolution, must demolish the Unpermitted Building, remove all resulting debris, comply with all applicable requirements of the Building Bylaw, and remediate the Property in accordance with all aspects of the Environmental Remediation Plan for the Property prepared by Roe Environmental Inc. and dated August 13, 2024.

Recommendations

THAT:

4. the Owners, or any one or more of them, may request that Council reconsider the terms of this Resolution by providing the District with written notice within 30 days of the date on which notice of this Resolution is sent to the Owners under Section 77 of the *Community Charter*; and
5. if the Owners, or any one or more of them, has not completed any requirement imposed by this Resolution within the time limit for so doing, District staff are authorized to fulfil the applicable requirement without further notice to and at the expense of the Owners, and may recover the cost of so doing from the Owners, together with interest, as a debt and in the same manner as municipal taxes in accordance with sections 17, 258, and 259 of the *Community Charter*.

AND

Council direct the Corporate Officer to file a notice in the Land Title Office that a resolution has been made relating to that land legally described PID: 009-020-713, Lot 4 Block 46 Capilano Estates Extension No. 7 Plan 11873 has been made under Section 57 of the *Community Charter* and that further information about it may be inspected at the District Hall.

Thank You!
Questions?