

3.

DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

Date:	August 22, 2025
From:	Kevin Spooner, Senior Manager of Permits and Inspections and Land Development Adriano Badaraco, Building Inspector
Subject:	1145 Chartwell Crescent – Reconsideration of Remedial Action Requirement
File:	10.15.06.2024

RECOMMENDATION

That Council uphold the remedial action requirement passed on July 21, 2025, pursuant to Division 12, Part 3 of the *Community Charter* in relation to the Property at 1145 Chartwell Crescent, West Vancouver, BC.

1.0 Purpose

The purpose of this report is to address a request by the owners of land with the civic address 1145 Chartwell Crescent, West Vancouver, BC and legally described as PID: 009-020-713, Lot 4 Block 46 Capilano Estates Extension No. 7 Plan 11873, (the “Property”), that Council reconsider the resolution passed on July 21, 2025 to impose a remedial action requirement under Division 12, Part 3 of the *Community Charter*. The Council Report in relation to the original resolution is attached as Appendix “A” to this Report.

2.0 Legislation/Bylaw/Policy

Relevant sections of the *Community Charter*, SBC 2003, c. 26 (the “*Community Charter*”) provide as follows:

Person affected may request reconsideration by council

78(1) A person who is required to be given notice under section 77(1) [*notice to affected persons*] may request that the council reconsider the remedial action requirement.

(2) Subject to section 79 [*shorter time limits in urgent circumstances*], a request under subsection (1) must be made by written notice provided within 14 days of the date on which the notice under section 77 (1) was sent or a longer period permitted by council.

(3) If the council receives a notice that complies with subsection (2), it must provide the person with an opportunity to make representations to the council.

(4) After providing the opportunity referred to in subsection (3), the council may confirm, amend or cancel the remedial action requirement.

(5) Notice of a decision under subsection (4) must be provided in accordance with section 77 (1) and (2) [*notice to affected persons*].

3.0 Council Strategic Objectives/Official Community Plan

This report and the original report (Appendix A) in support of the remedial action requirement were brought forward for the protection of the public interest in ensuring compliance with provincial and municipal building regulations.

4.0 Financial Implications

There are no financial implications associated with this report.

5.0 Background

5.1 On July 21, 2025, District Council passed a resolution to impose a remedial action requirement on the following terms:

WHEREAS Division 12 of Part 3 of the *Community Charter* authorizes Council to impose a remedial action requirement on the owner of a building or structure which is in an unsafe condition or contravenes the Provincial building regulations or a bylaw under section 8 (3) (l) or Division 8 of the *Community Charter*, including a requirement to demolish or remove the building or structure or to otherwise deal with it in accordance with the directions of Council or a person authorized by Council;

AND WHEREAS Omid Gerami, Kamran Gerami, Naib Gerami, and Ayesheh Mansouri are the registered owners (the “Owners”) of land with the civic address 1145 Chartwell Crescent, West Vancouver, BC and legally described as PID: 009-020-713, Lot 4 Block 46 Capilano Estates Extension No. 7 Plan 11873, (the “Property”);

AND WHEREAS 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;

NOW THEREFORE, the Council of the District of West Vancouver, in open meeting assembled, resolves as follows:

1. THAT 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. THAT 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. THAT the Owners, within 30 days of receiving a demolition permit applied for under Section 2 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;
4. THAT 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 14 days of the date on which notice of this Resolution is sent to the Owners under Section 77 of the *Community Charter*; and
5. THAT 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*.

- 5.2 Council also passed a resolution in relation to the Property on the same day under section 57 of the *Community Charter* on the following terms:

THAT 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.

The notice was registered with the Land Title Office on July 23, 2025.

- 5.3 The remedial action requirement relates to a large structure constructed on the Property without building permits or any application for a building permit (the “Unpermitted Building”).
- 5.4 Given that construction of the Unpermitted Building was already fully completed at the time of its discovery by the District, the Building Inspector was, and is, of the view that it would not be possible to retroactively issue permits for the Unpermitted Building without unacceptable latent safety risks. During the construction process, inspections are required at various stages in order to identify hazards that will not be visible to an inspector at later stages of construction.
- 5.5 The Unpermitted Building is located near a steep slope adjacent to Brothers Creek. The location of the Unpermitted Building and riparian considerations are relevant to the specific content of the remedial action requirement, to avoid the requirements imposed by the remedial action requirement causing further harm to the riparian area.
- 5.6 The Owners have advised staff that they are engaged in litigation with Shahin Construction Ltd., the construction company that constructed the Unpermitted Building. The Owners allege that Shahin Construction Ltd. is responsible for the lack of permits for the Unpermitted Building; Shahin Construction Ltd. alleges that the Owners are responsible for the lack of permits for the Unpermitted Building. Apportioning responsibility between the Owners and Shahin Construction Ltd. is a private matter between those parties. The hazards posed by the Unpermitted Building exist regardless of which party is responsible for the lack of permits.
- 5.7 On August 13, 2024, Roe Environmental Inc., an environmental consulting firm retained by the Owners, completed a remediation plan for the Property that contemplates removal of the Unpermitted Building and restoration with riparian suitable vegetation (the “Remediation Plan”). Between completion of the Remediation Plan in August 2024 and the present, the Owners have made no significant progress towards remedying the hazard.

6.0 Analysis

- 6.1 Section 72 of the *Community Charter* provides that Council may impose remedial action requirements on property owners, lessees or occupiers of land. Such actions may include requirements for a person to remove or demolish a matter or thing. Council must require that such remedial actions be carried out within a specified time period, of not less than 30 days from the date that notice of the requirements is provided to the person charged with carrying them out.
- 6.2 Under Section 78 of the *Community Charter*, a person affected by remedial action requirements, such as the Owners, may request that Council

reconsider the decision and have an opportunity to make representations to Council. The Owners in this case have made such a request and are accordingly being provided with such an opportunity.

7.0 Options

- 7.1 Council may confirm the remedial action requirement as originally passed (recommended), amend the remedial action requirement consistent with Part 3, Division 12 of the *Community Charter* as applicable, or cancel the remedial action requirement.

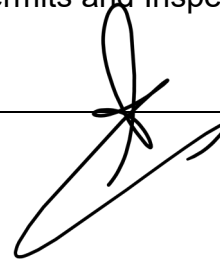
Author:



Kevin Spooner, Senior Manager of Permits and Inspections
and Land Development

Concurrence:

Adriano Badaraco, Building Inspector



Appendices:

Appendix A – Staff Report dated July 10, 2025

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<u>COUNCIL AGENDA</u>	
Date: <u>JULY 21 / 2025</u>	Item: <u>181</u>



DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

Date:	July 10, 2025
From:	Kevin Spooner, Senior Manager of Permits and Inspections and Land Development Adriano Badaraco, Building Inspector
Subject:	1145 Chartwell Crescent – Remedial Action Requirement and <i>Community Charter</i> Section 57 Notice on Land Title
File:	10.15.06.2024

RECOMMENDATIONS

1. Remedial Action Requirement:

It is recommended that Council impose a remedial action requirement pursuant to Division 12, Part 3 of the *Community Charter* on the following terms:

WHEREAS Division 12 of Part 3 of the *Community Charter* authorizes Council to impose a remedial action requirement on the owner of a building or structure which is in an unsafe condition or contravenes the Provincial building regulations or a bylaw under section 8 (3) (I) or Division 8 of the *Community Charter*, including a requirement to demolish or remove the building or structure or to otherwise deal with it in accordance with the directions of Council or a person authorized by Council;

AND WHEREAS Omid Gerami, Kamran Gerami, Naib Gerami, and Ayesheh Mansouri are the registered owners (the “Owners”) of land with the civic address 1145 Chartwell Crescent, West Vancouver, BC and legally described as PID: 009-020-713, Lot 4 Block 46 Capilano Estates Extension No. 7 Plan 11873, (the “Property”);

AND WHEREAS 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;

NOW THEREFORE, the Council of the District of West Vancouver, in open meeting assembled, resolves as follows:

1. THAT 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. THAT 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. THAT 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;
4. THAT 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. THAT 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*.

2. Section 57 Notice:

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.

1.0 Purpose

The purposes of this report are (1) to recommend that Council impose a remedial action requirement in accordance with Division 12, Part 3 of the *Community Charter* on the owners of the Property, and (2) to recommend that Council direct the Corporate Officer to file a notice in the Land Title Office, in accordance with Section 57 of the *Community Charter*, on the Property.

2.0 Legislation/Bylaw/Policy

Community Charter

Relevant sections of the *Community Charter*, SBC 2003, c. 26 provide as follows:

Note against land title that building regulations contravened

57 (1) A building inspector may recommend to the council that it consider a resolution under subsection (3) if, during the course of carrying out duties, the building inspector

(a) observes a condition, with respect to land or a building or other structure, that the inspector considers

- (i) results from the contravention of, or is in contravention of,
(A) a municipal bylaw,
(B) a Provincial building regulation, or
(C) any other enactment

that relates to the construction or safety of buildings or other structures, and

(ii) that, as a result of the condition, a building or other structure is unsafe or is unlikely to be usable for its expected purpose during its normal lifetime, or

(b) discovers that

(i) something was done with respect to a building or other structure, or the construction of a building or other structure, that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and

(ii) the permit was not obtained or the inspection not satisfactorily completed.

(2) A recommendation under subsection (1) must be given in writing to the corporate officer, who must

(a) give notice to the registered owner of the land to which the recommendation relates, and

(b) after notice under paragraph (a), place the matter before the council.

(3) After providing the building inspector and the owner an opportunity to be heard, the council may confirm the recommendations of the building inspector and pass a resolution directing the corporate officer to file a notice in the land title office stating that

- (a) a resolution relating to that land has been made under this section, and
- (b) further information about it may be inspected at the municipal hall.

Council may impose remedial action requirements

72 (1) A council may impose remedial action requirements in relation to
(a) matters or things referred to in section 73 [*hazardous conditions*],
[...]

(2) In the case of matters or things referred to in section 73 or 74, a remedial action requirement

- (a) may be imposed on one or more of
 - (i) the owner or lessee of the matter or thing, and
 - (ii) the owner or occupier of the land on which it is located, and
- (b) may require the person to
 - (i) remove or demolish the matter or thing,
 - (ii) fill it in, cover it over or alter it,
 - (iii) bring it up to a standard specified by bylaw, or
 - (iv) otherwise deal with it in accordance with the directions of council or a person authorized by council. [...]

Hazardous conditions

73 (1) Subject to subsection (2), a council may impose a remedial action requirement in relation to any of the following:

- (a) a building or other structure, an erection of any kind, or a similar matter or thing; [...]

(2) A council may only impose the remedial action requirement if

- (a) the council considers that the matter or thing is in or creates an unsafe condition, or
- (b) the matter or thing contravenes the Provincial building regulations or a bylaw under section 8 (3) (l) [*spheres of authority — buildings and other structures*] or Division 8 [*Building Regulation*] of this Part.

Time limit for compliance

76 (1) The resolution imposing a remedial action requirement must specify the time by which the required action must be completed.

(2) Subject to section 79 [*shorter time limits in urgent circumstances*], the time specified under subsection (1) must not be earlier than 30 days after notice under section 77 (1) [*notice to affected persons*] is sent to the person subject to the remedial action requirement.

(3) The council may extend the time for completing the required action even though the time limit previously established has expired.

Notice to affected persons

77 (1) Notice of a remedial action requirement must be given by personal service or by registered mail to

- (a) the person subject to the requirement, and
- (b) the owner of the land where the required action is to be carried out.

(2) In addition, notice of the remedial action requirement must be mailed to

- (a) each holder of a registered charge in relation to the property whose name is included on the assessment roll, at the address set out in that assessment roll and to any later address known to the corporate officer, and
- (b) any other person who is an occupier of that land.

(3) A notice under this section must advise

- (a) that the person subject to the requirement, or the owner of the land where the required action is to be carried out, may request a reconsideration by council in accordance with section 78 [*person affected may request reconsideration*], and
- (b) that, if the action required by the remedial action requirement is not completed by the date specified for compliance, the municipality may take action in accordance with section 17 [*municipal action at defaulter's expense*] at the expense of the person subject to the requirement.

Person affected may request reconsideration by council

78 (1) A person who is required to be given notice under section 77(1) [*notice to affected persons*] may request that the council reconsider the remedial action requirement.

(2) Subject to section 79 [*shorter time limits in urgent circumstances*], a request under subsection (1) must be made by written notice provided within 14 days of the date on which the notice under section 77 (1) was sent or a longer period permitted by council.

(3) If the council receives a notice that complies with subsection (2), it must provide the person with an opportunity to make representations to the council.

(4) After providing the opportunity referred to in subsection (3), the council may confirm, amend or cancel the remedial action requirement.

(5) Notice of a decision under subsection (4) must be provided in accordance with section 77 (1) and (2) [*notice to affected persons*].

Municipal action at defaulter's expense

- 17 (1) The authority of a council under this or another Act 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 municipality may
- (a) fulfill the requirement at the expense of the person, and
 - (b) recover the costs incurred from that person as a debt.
- (2) Division 14 [*Recovery of Special Fees*] of Part 7 [*Municipal Revenue*] applies to an amount recoverable under subsection (1) that is incurred for work done or services provided in relation to land or improvements.

West Vancouver Building Bylaw

Relevant sections of the Building Bylaw No. 4400, 2004 provide as follows:

- 5.1 No person shall commence or continue any Construction, Alteration, excavation, reconstruction, demolition, removal, relocation or change the use or occupancy of any Building or Structure, including other work related to Construction:
- ...
- (b) unless a Building Inspector has issued a valid and subsisting Permit for the work under this Bylaw.
- 7.1 Unless otherwise exempted by this Bylaw, every Owner must apply for and obtain a Permit, prior to:
- (a) constructing, repairing or altering a Building or Structure, including a Retaining Wall;
- 12.1 Every Owner must obtain an inspection and receive a Building Inspector's written acceptance of the following aspects of work prior to concealing them:
- (a) Foundation and footing forms, before concrete is poured;
 - (b) plumbing located below the finished slab level, perimeter drain tiles, rainwater leaders, damp proofing, hydronic heating pipes and below slab insulation;
 - (c) installation of rough-in radon, rough-in plumbing, rough-in electrical and rough-in fire sprinklers before they are covered;
 - (d) concrete slab preparation prior to pour;
 - (e) installation of Building services before being covered;
 - (f) rough in of factory-built chimneys and fireplaces and solid fuel burning appliances;

- (g) framing, sheathing, fire stopping (including drywall in fire separations), chimney and ductwork;
- (h) insulation, air and vapour barriers;
- (i) on-site constructed tubs or showers and tub or shower trap tests;
- (j) building envelope;
- (k) Final inspection of all Permits issued for the Construction of the Building or portion thereof, once complete and ready for occupancy; and

as may otherwise be required by the Building Inspector.

- 13.1 No person may occupy a Building or Structure or part of a Building or Structure until a Certificate of Occupancy has been issued by a Building Inspector for the first occupancy of a Building or Structure or part thereof after completion of Construction.

3.0 Council Strategic Objectives/Official Community Plan

This report is being brought forward for the protection of the public interest in ensuring compliance with provincial and municipal building regulations.

4.0 Financial Implications

To file the section 57 notice in the Land Title Office, staff anticipate Land Title Office filing fees and legal service costs to total under \$1,000.

There is no cost to the District to impose the remedial action requirement, beyond the staff time required to prepare this report and associated notices. In the event that the Owners do not fulfil the requirement and the District proceeded to carry out the work in default, the District would initially incur the costs of demolishing the Unpermitted Building, but is expected to ultimately recover those costs from owners of the Property, given the ability for the District to add the amount to the tax roll as taxes in arrears if unpaid by December 31 of the year imposed.

5.0 Background

Identification of Hazard

- 5.1 District staff learned of the existence of the Unpermitted Building on May 15, 2024. The District's Building Inspector attended the Property and observed the Unpermitted Building from the exterior on May 16, 2024. The Building Inspector attended the Property in response to receiving a complaint regarding the existence of a large new structure on the Property. Photographs showing the Unpermitted Building, taken by the Building Inspector on May 16, 2024, are attached to this report as Appendix A.

- 5.2 Staff reviewed the District’s permitting application records and confirmed that the District has not issued any permits for the Unpermitted Building. The District has also not received any application with respect to the Unpermitted Building. As a result, the Unpermitted Building contravenes sections 5.1 and 8.1 of the District’s Building Bylaw (listed above).
- 5.3 Given that the construction of the Unpermitted Building is fully completed, the Building Inspector is of the view that it would not be possible to retroactively issue permits for the Unpermitted Building without unacceptable latent safety risks. During the construction process, District inspections are required at various stages listed in the Building Bylaw, in order to identify hazards that will not be visible to an inspector at later stages of construction once they are covered. The District’s Building Inspectors cannot properly review the now-covered elements of the Unpermitted Building for safety, bylaw compliance, and Building Code compliance.

General Context

- 5.4 There is a single-family dwelling (the “Permitted Home”) located on the Property, in addition to the Unpermitted Building. The remedial action requirement and section 57 notice being recommended by this Report solely concern the Unpermitted Building, not the Permitted Home. The Permitted Home received an occupancy permit in 2019, and at this time staff are not aware of any issues regarding the Permitted Home that are relevant to the hazard posed by the Unpermitted Building.
- 5.5 The Property is zoned RS3 (Single Family Dwelling Zone 3). The Unpermitted Building was constructed without a building permit or inspections, meeting the criteria of section 57(1)(b) and section 73(2)(b) of the *Community Charter*. Regardless of whether a secondary dwelling or other building would be permitted by the zoning of the Property if properly applied for, the Unpermitted Building was constructed without the necessary permits and inspections and must be demolished. Although not directly relevant to the breach of the Building Bylaw, it is notable that a development permit would have been required as a precondition of issuing a building permit. Such a development permit may have imposed terms and conditions that would have limited or changed the nature of authorized construction.
- 5.6 The Unpermitted Building is located near a steep slope adjacent to Brothers Creek. A survey plan showing the location of the Unpermitted Building on the Property is attached to this report as Appendix B. This survey plan was prepared by a surveyor retained by the Owners and provided to District staff in the course of attempting to resolve potential environmental issues regarding the Unpermitted Building’s proximity to the Brothers Creek riparian area. To the extent that any environmental issues exist, they are not directly relevant to Council’s present decision regarding whether to

issue a remedial action requirement and section 57 notice with respect to the Unpermitted Building's lack of permits. However, the location of the Unpermitted Building and riparian considerations are relevant to the specific content of the recommended remedial action requirement, to avoid the requirements imposed by the remedial action requirement causing further harm to the riparian area.

- 5.7 The Owners have advised staff that they are engaged in litigation with Shahin Construction Ltd., the construction company that constructed the Unpermitted Building. The Owners allege that Shahin Construction Ltd. is responsible for the lack of permits for the Unpermitted Building; Shahin Construction Ltd. alleges that the Owners are responsible for the lack of permits for the Unpermitted Building. The Building Bylaw makes an owner responsible to the District for obtaining and complying with the terms and conditions of permits. Apportioning private civil responsibility between the Owners and Shahin Construction Ltd. is a matter between those parties and is not relevant to the present analysis.

Progress Towards Remedying Hazard

- 5.8 On May 16, 2024, the Building Inspector posted a Stop Work Order on the Property and notified the Owners by letter on July 25, 2024 that they must apply for a demolition permit and demolish the Unpermitted Building. This letter is attached to this report as Appendix C.
- 5.9 On August 13, 2024, Roe Environmental Inc., an environmental consulting firm retained by the Owners, completed a remediation plan for the Property that contemplates removal of the Unpermitted Building and restoration with suitable riparian vegetation (the "Remediation Plan"). A copy of the Remediation Plan is attached to this report as Appendix D.
- 5.10 The Owners have been issued fines with respect to the Unpermitted Building totalling \$14,800 to date. The Owners have paid \$500 of these fines.
- 5.11 Between completion of the Remediation Plan in August 2024 and the present, the Owners have made no significant progress towards carrying out any of the steps recommended by the Plan.

6.0 Analysis

Discussion

- 6.1 The Building Inspector has discovered that the Unpermitted Building was constructed without the necessary building permit or inspections, in contravention of sections 5.1 and 8.1 of the Building Bylaw, and accordingly recommends that Council pass a resolution directing the corporate officer

- to file a notice in the land title office under section 57(3) of the *Community Charter* in relation to these breaches.
- 6.2 Section 73(2) of the *Community Charter* also permits Council to impose a remedial action requirement if Council determines that a building or structure is in or creates an unsafe condition, or contravenes Provincial building regulations or a building bylaw. Staff have provided notice to the Owners of the intent to have Council consider filing a notice in the Land Title Office under section 57(3) of the *Community Charter* and pursuing a Remedial Action Requirement pursuant to section 77 of the *Community Charter*. The notice was sent by registered mail on June 30, 2025 and is included in this report as Appendix E.
- 6.3 If Council determines, on the basis of the evidence presented, that the Unpermitted Building contravenes the Building Bylaw, creates an unsafe condition, or both, then Council may proceed to impose specific requirements in accordance with section 72 of the *Community Charter*.
- 6.4 Such requirements may be imposed upon property owners, lessees or occupiers of land, and may include a requirement for a person to remove or demolish a matter or thing and to otherwise deal with it in accordance with the directions of Council or a person authorized by Council. Council must specify the required time period for such remedial actions to be carried out, not less than 30 days from the date that notice of the requirements is provided to the person subject.
- 6.5 Pursuant to section 72, and as set out in the proposed resolution above, staff recommend that Council require the Owners to demolish and remove the Unpermitted Building. Further, staff recommend that Council require the Owners to remediate the Property in accordance with the Remediation Plan.
- 6.6 Section 77 of the *Community Charter* requires the District to notify owners and certain other registered charge holders of the Property about Council's decision to impose remedial action requirements. A title search for the Property shows that there is a Certificate of Pending Litigation, a Claim of Builders Lien, a Restrictive Covenant, and a mortgage registered against title to the Property. If Council imposes remedial action requirements, staff will send the required notices to the necessary parties.
- 6.7 Under Section 78 of the *Community Charter*, a person affected by remedial action requirements, such as the Owners, may request that Council reconsider the decision and that they have an opportunity to make representations to Council. The time limit for such a request is 30 days, unless Council makes provision for a shorter or longer period of time. The time period may not be shortened unless there is a significant risk to health and safety if action is not taken earlier. Staff recommend that a 30-day time limit for a reconsideration request be applied in these circumstances.

6.8 If the Owners default on carrying out the remedial action requirements within the necessary time period, then pursuant to section 17 of the *Community Charter* and as would be authorized by article 5 of the recommended resolution, District staff and contractors may act to carry out the remedial action requirements directly, and the costs for so doing may be charged to the Owners. Any costs incurred by the District for the required demolition and remediation that are billed to and remain unpaid by the Owners as of December 31 in the year they were incurred may be added to the taxes for the Property and be recovered in the same manner, up to and including sale of the Property at the annual municipal tax sale if necessary.

Consultation

6.9 The District will provide a copy of this report to both Owners to allow for sufficient notice and comment prior to Council consideration of this report on July 21, 2025.

7.0 Options

7.1 Council may:

Approve the resolutions as written (recommended),

Suggest amendments consistent with section 57 and Part 3, Division 12 of the *Community Charter* as applicable, or

Reject the resolutions.

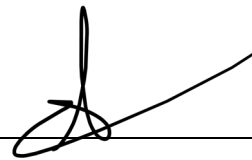


Author:

Kevin Spooner, Senior Manager of Permits and Inspections
and Land Development

Concurrence:

Adriano Badaraco, Building Inspector



Appendices:

Appendix A – Building Inspection Photographs, May 16, 2024

Date: July 10, 2025 Page 12
From: Kevin Spooner, Senior Manager of Permits and Inspections and Land
Development; Adriano Badaraco, Building Inspector
Subject: **1145 Chartwell Crescent - Remedial Action Requirement and *Community
Charter Section 57* Notice on Land**

Appendix B – Survey Plan

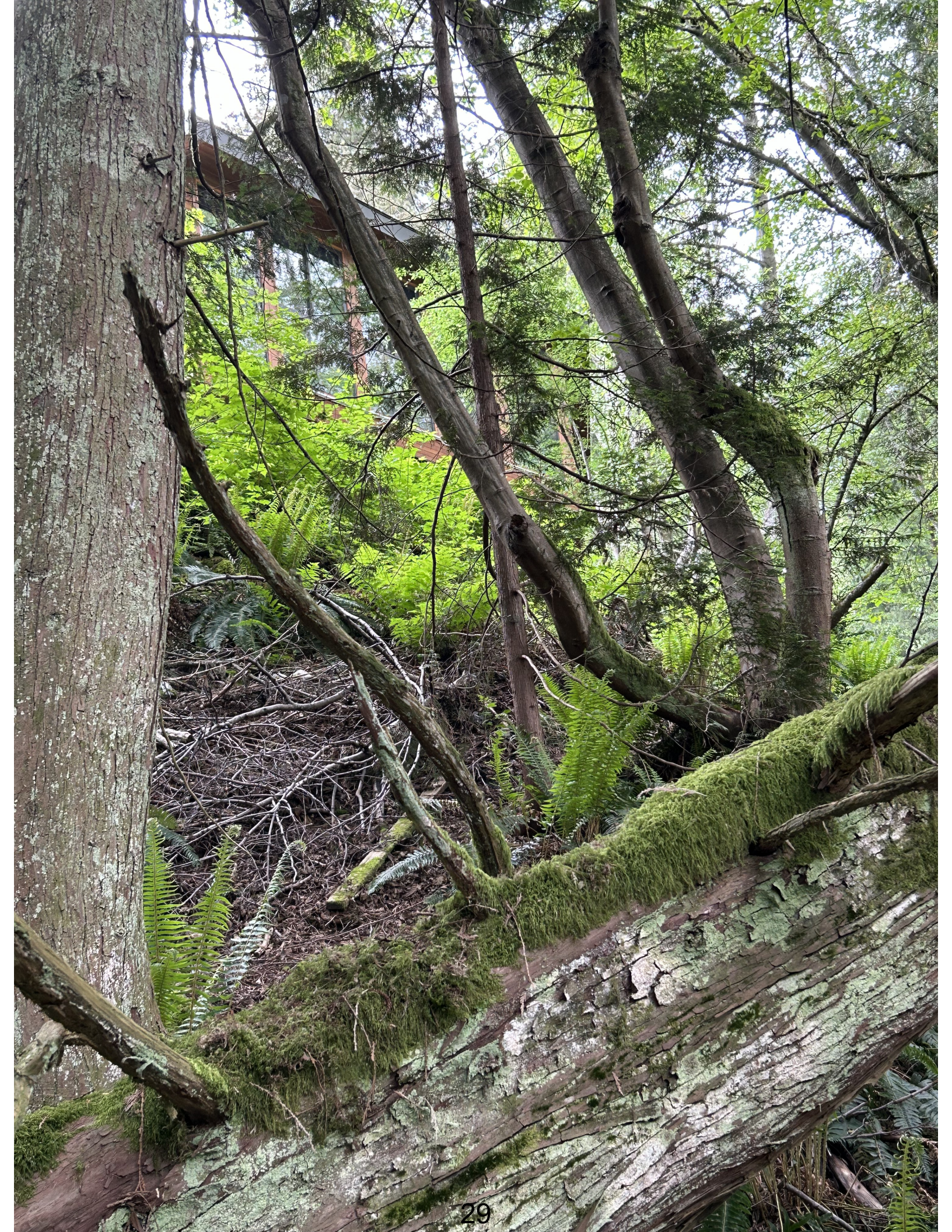
Appendix C – Stop Work Order and Letter Requiring Demolition

Appendix D – Remediation Plan

Appendix E – Notice to Property Owners of Council Consideration



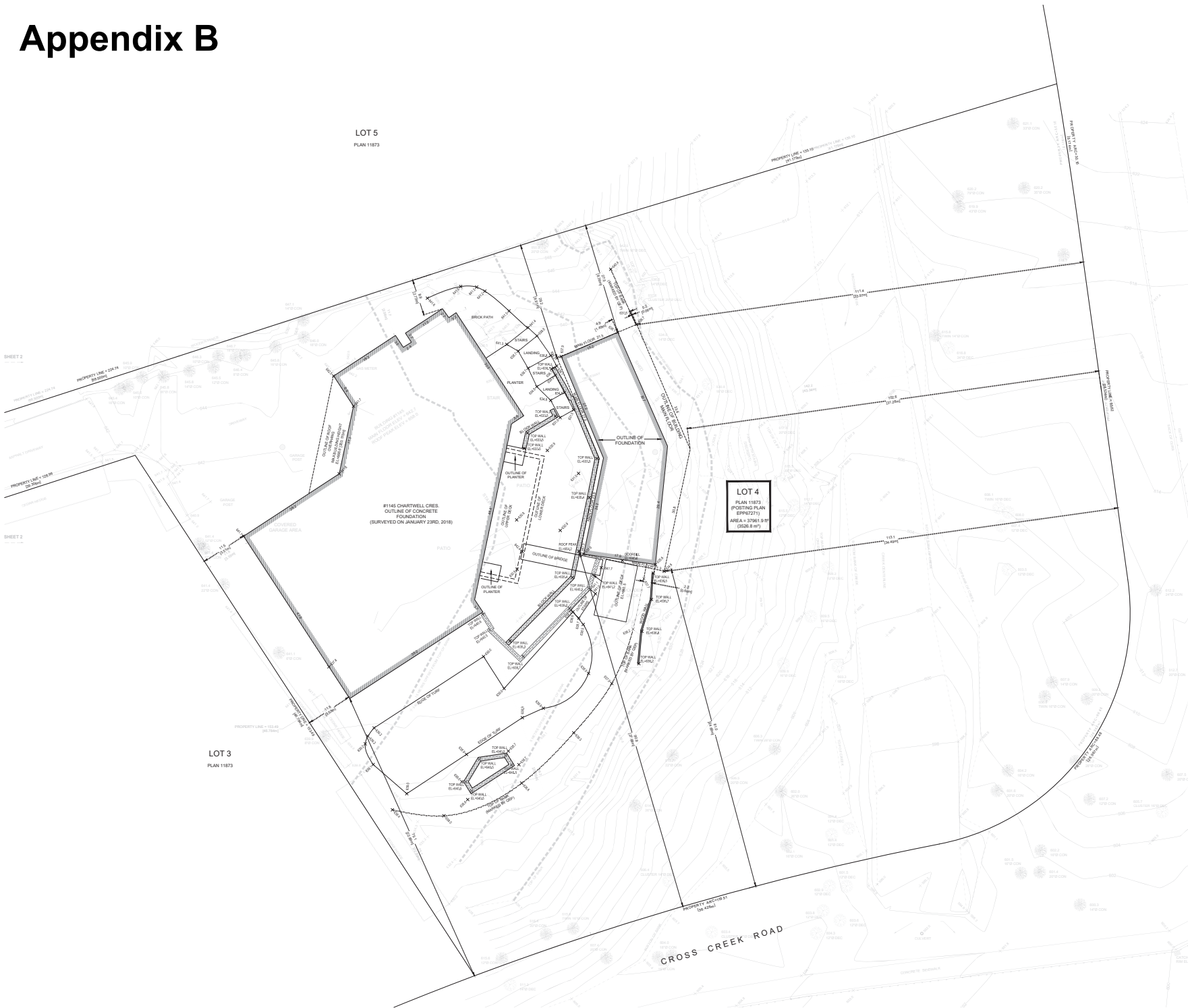




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Appendix B



**B.C. LAND SURVEYOR'S
CERTIFICATE OF LOCATION OF
BUILDING WITH ELEVATIONS ON
LOT 4, BLOCK 46, CAPILANO
ESTATES EXTENSION No.7, Gp 1,
NWD, PLAN 11873.**
DISTRICT OF WEST VANCOUVER
CIVIC ADDRESS: 1145 CHARTWELL CRESCENT
PID: 009-020-713



SCALE 1/8 INCH = 1 FOOT
ALL DIMENSIONS ARE IN FEET

LEGEND:
X - DENOTES SPOT ELEVATION
EL - DENOTES ELEVATION
GEP - DENOTES QUALIFIED ENVIRONMENTAL PROFESSIONAL

DATUM:
ELEVATIONS ARE TO CITY OF WEST VANCOUVER GEODETIC DATUM AND ARE DERIVED FROM CANADIAN NATIONAL #1582 (SEE DRAWING T-14 IN PUBLIC ELEVATION #4288) FEET

PROPERTY:
PROPERTY DIMENSIONS SHOWN ARE DERIVED FROM POSTING PLAN EPR2271.

OFFSETS TO PROPERTY LINES ARE NOT TO BE USED TO DEFINE BOUNDARIES.
REFER TO CURRENT CERTIFICATES OF TITLE FOR ADDITIONAL, EXISTING OR PENDING CHANGES.

GENERAL:
THIS PLAN SHOWS THE LOCATION OF VISIBLE FEATURES ONLY, AND DOES NOT INDICATE BURIED SERVICES THAT MAY EXIST ON OR AROUND THE SUBJECT SITE.

FEATURES SHOWN, WITHOUT DIMENSIONS SHOULD BE CONFIRMED WITH BENNETT LAND SURVEYING LTD.

TREE SPECIES AND DIMENSIONS SHOULD BE CONFIRMED BY A QUALIFIED ARBORIST. SHADING INDICATES AN INDICATION OF DRIP LINE LOCATION UNLESS SPECIFICALLY LABELED.

BUILDING LOCATION BASED ON SURVEY TIES TO VISIBLE EXTERIOR SURFACES UNLESS OTHERWISE NOTED.

NOTE:
TOP OF BANK DEFINED BY A QUALIFIED ENVIRONMENTAL PROFESSIONAL FROM PACE ENVIRONMENTAL. SHADDED BACK TOPOGRAPHY SHOWN, WAS SURVEYED ON AUGUST 8TH, 2016.



bennett
LAND SURVEYING LTD.
25 LAND SURVEYORS
8001-275 FELL AVENUE NORTH VANCOUVER, BC V7P 3R5
TEL: 604-680-8858 WWW.BENNETTLANDSURVEYING.COM

DATE:	BY:
JULY 15TH, 2020	AK

REVISION:	
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THIS PLAN HAS BEEN PREPARED FOR MORTGAGE AND/OR MUNICIPAL PURPOSES ONLY AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT. ALL RIGHTS RESERVED. NO PERSON MAY COPY, REPRODUCE, TRANSMIT OR ALTER THIS DOCUMENT IN WHOLE OR IN PART WITHOUT THE CONSENT OF BENNETT LAND SURVEYING LTD.
BENNETT LAND SURVEYING LTD. ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY MISSING INFO, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

CERTIFIED CORRECT

FIELD SURVEY COMPLETED ON JULY 11TH, 2020.
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED ORIGINALLY CERTIFIED.

FESI: P13-146 & P13-154 & P13-157 (JAN16)

FESI: P13-146 & P13-154 & P13-157 (JAN16)

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PERMITS & INSPECTIONS DEPARTMENT
750 17th Street West Vancouver BC V7V 3T3
t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca
westvancouver.ca/permits



July 25, 2024

Our File: GEN03824

GERAMI, OMID
GERAMI, KAMRAN
1145 CHARTWELL CRESCENT
WEST VANCOUVER BC V7S 2P7

Dear Sir/Madam:

**RE: 1145 CHARTWELL CRESCENT, WEST VANCOUVER
WORK STARTED WITHOUT PERMITS**

This letter is to inform you, as the owner of the subject property, that a notice in the form of a Stop Work Order was posted at 1145 CHARTWELL CRESCENT on May 16, 2024, due to construction commencing without authorization from this department.

Authority for posting a Stop Work Order is contained in the District's Building Bylaw No. 4400, 2004, Part 5.1

Please be informed that a Demolition permit is to be obtained for the removal of the structure that was built without approval/authorization.

In view of the above, you are required to submit Survey of the unauthorized construction together with any other documentation as may be required to show conformity with the District's bylaws. Please contact this department should you have questions in this matter.

Further, we would request receipt of your building permit application within fifteen (15) days from the date of this letter.

A handwritten signature in black ink, appearing to read 'Adriano Badaraco'.

Adriano Badaraco
Building Inspector
abadaraco@westvancouver.ca

PERMITS & INSPECTIONS DEPARTMENT
750 17th Street West Vancouver BC V7V 3T3
t: 604-925-7040 f: 604-925-7234 e: permits@westvancouver.ca
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July 25, 2024

Our File: GEN03824

GERAMI, NAIB
MANSOURI, AYESHEH
1145 CHARTWELL CRESCENT
WEST VANCOUVER BC V7S 2P7

Dear Sir/Madam:

**RE: 1145 CHARTWELL CRESCENT, WEST VANCOUVER
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Further, we would request receipt of your building permit application within fifteen (15) days from the date of this letter.


Adriano Badaraco
Building Inspector
abadaraco@westvancouver.ca



ENVIRONMENTAL REMEDIATION PLAN

DATE: August 13, 2024

TO: Stephanie Louie, Manager of Environmental Protection – District of West Vancouver
slouie@westvancouver.ca

FROM: Cora Watts, BIT & Assunta McCullough, RPBio – Roe Environmental Inc.

Re: Remediation Plan for 1145 Chartwell Crescent, District of West Vancouver

Introduction

Roe Environmental Inc. (Roe) has been retained by the owners of 1145 Chartwell Crescent (the Subject Property), West Vancouver, BC, to develop a Remediation Plan for some unpermitted works within the environmental setback of Brothers Creek. The owners of the Subject Property were reported to the District of West Vancouver, (DWV) for a building that was observed at the Top of Bank (ToB), visible from Cross Creek Road (see Photos 1, 2, and 6). The present Remediation Plan was requested by the District of West Vancouver (DWV) to enforce compliance with the Official Community Plan (OCP) Watercourse Protection Guidelines NE 13 (2018). The DWV OCP Guidelines NE 13 restrict development from Top of Bank (ToB) to 5-m and 15-m of a watercourse; herein called the 5-m and 15-m Setbacks, respectively.

Issues of Non-compliance

OCP Guidelines NE 13: Watercourse Protection and Enhancement Areas

The OCP Guidelines designate development permit areas which restrict development. The objective of these guidelines is to ensure that development does not negatively impact watercourse or wetland environments or, where such impacts are unavoidable due to the existing configuration of parcels of land in relation to watercourses or wetlands, to ensure that development does not result in a net loss of productive fish habitat. According to Guidelines NE 13, any development within the 15-m setback must meet the following conditions:

- No new development is permitted within the 5-m Setback.
- Avoid net loss of riparian habitat within 15-m Setback.
- Enhance, and where feasible, restore the watercourses in already developed areas to improve watercourse quality from uplands to inlets.

With respect to these guidelines, 'development' is defined as any of the following:

- removal, alteration, disruption or destruction of vegetation;
- disturbance of soils;
- construction or erection of buildings and structures;



- creation of non-structural impervious or semi-impervious surfaces;
- flood protection works;
- construction of roads, trails, docks, wharves and bridges;
- provision and maintenance of sewer and water services;
- development of drainage systems; and
- development of utility corridors.

Site Assessment

Methodology

Roe prepared an Environmental Development Permit (EDP) for the Subject Property in 2018, (REV03, May 4, 2018) when the property was being redeveloped. The present site assessment is done under the assumption that the development footprint put forth in the 2018 EDP was the most recent permitted footprint for development at the Subject Property. Any development that is observed outside the 2018 EDP footprint, within the 15-m Setbacks, during Roe's 2024 assessment is then assumed to have been constructed without a permit and therefore not in compliance with Guidelines NE 13.

Roe visited the Subject Property July 16, 2024, to assess the property, confirm ToB, and identify any potential new encroachment within the 15-m setback. The property was resurveyed to include all the existing structures and hard surfaces that currently exist on the Subject Property. The ToB has shifted west since the survey was conducted for the 2018 EDP and is likely the result of the removal of retaining walls on the slope and unauthorized redevelopment of the property. The updated ToB has been included in Figure 1 for reference, however, Roe's assessment used the previously surveyed ToB as this was likely where the ToB was during the construction of the unauthorized structures.

Site Assessment Results

Roe observed that a large building has been constructed since the 2018 EDP assessment, overhanging the ToB. A small deck was observed south of this building close to the ToB. Compared to site plans proposed in the 2018 EDP, there were also multiple structures observed in areas that were initially marked for riparian restoration planting or to be maintained as lawn. These structures include a paver path and stairs, fake turf, a bridge, and a water fountain.

The Habitat Balance that was provided in the 2018 EDP had a net gain of 2 m². Any development greater than 2 m² within the riparian area, beyond the approved footprint, would then result in a net habitat loss within the Streamside Protection Area. Comparing the exiting conditions to the 2018 EDP, the recent redevelopment has resulted in a net habitat loss of 199 m² on the Subject Property, including approximately 75 m² of new development constructed within the 5-m Setback (see **Error! Reference source not found.** Balance Section below).

In addition to these hard structures, Roe observed invasive species and garden beds located in areas where restoration planting was proposed. These areas were to be restored to meet the habitat balance and enhancement requirements of the 2018 EDP.



Proposed Remediation

All identified structures that were constructed without permits and are located within the 5-m Setback shall be removed and restored with riparian suitable vegetation. Some structures located between the 5-m and 15-m Setback may be retained/alterred with the application for an EDP, under the condition that the proposed alteration meets the Guidelines NE 13, does not result in a net loss of riparian habitat, and that the retention/alteration of these features and is approved by the DWV.

Photo-documentation



Photo 1: View of north side of the unpermitted building overhanging ToB.

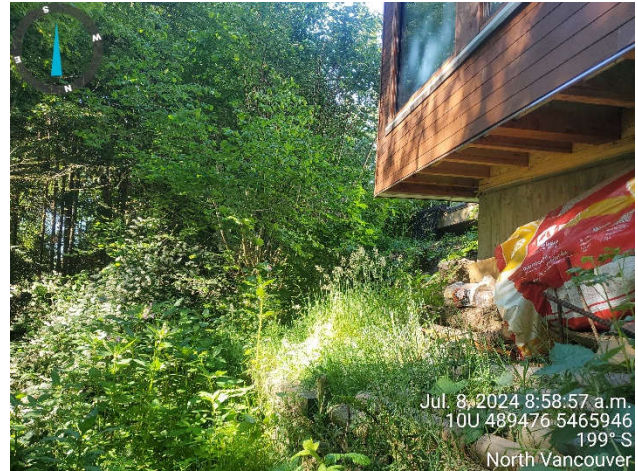


Photo 2: View of the south side of the unpermitted building overhanging ToB.

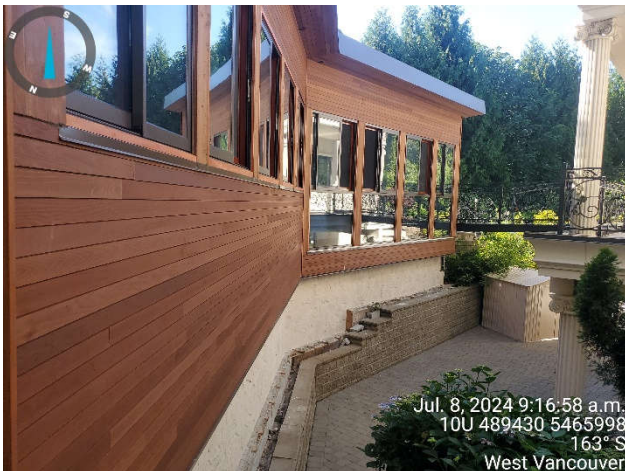


Photo 3: View of the east side of the unpermitted building adjacent to the paved patio.

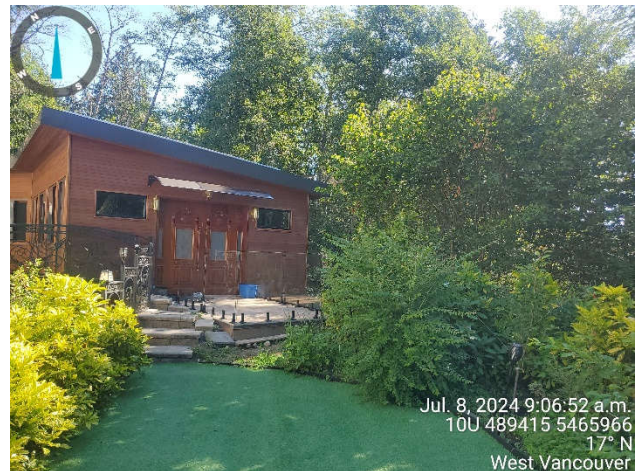


Photo 4: View of small deck south of the unpermitted building, and the fake turf located in the 5-m Setback.





Photo 5: View of the water fountain located within the 15-m Setback.



Photo 6: View of the unpermitted building from the stream boundary of Brothers Creek.

Habitat Balance

Habitat impacts between the Brothers Creek ToB and the 15-m Setback resulting from the unpermitted construction were calculated using AutoCAD and are presented in Table 1 below and attached in **Figure 1: Site Overview**.

Table 1. Habitat Balance Calculation.

Habitat Gains:	
ToB → 15-m Setback:	
Habitat gains from the 2018 EDP	+ 2 m ²
Habitat Impacts:	
ToB → 5-m Setback:	
Construction of the building, deck, and fake turf.	- 75 m ²
5-m Setback → 15-m Setback:	
Construction of the building, deck, fake turf, paver path and stairs, water fountain, part of the bridge and steps.	- 126 m ²
Net Habitat Balance:	- 199 m²

Restoration Planting Plan

The Riparian Planting Area, as seen in **Figure 2: Riparian Planting Plan**, has been selected to restore areas that will be impacted during demolition and removal of unpermitted structures, as well as to restore areas previously proposed in the 2018 EDP. One polygon totalling 303 m² is proposed for restoration. Any temporary disturbance within the Riparian Planting Area following demolition should be fully restored with suitable native plant species at a density of 1.5 plants per m². The replanted vegetative buffer will restore native vegetation to the riparian area, help prevent invasive species from establishing, provide additional habitat for local flora and fauna, and provide higher quality food and nutrients to downstream reaches.



Construction Environmental Mitigation Measures

Tree Protection

As per DWV *Tree Bylaw* No. 4892, 2016, tree protection fencing, and signage must be installed and maintained to prevent damage to retained trees or their root systems during demolition activities. Fencing should be constructed around any trees that are to be retained, and if practicable, located beyond the Critical Root Zones (CRZs) of trees. CRZs, or Protection Zones as per Schedule A – Tree Protection Specifications of DWV’s Tree Bylaw, indicate a minimum fence distance from the tree of six times Diameter at Breast Height (DBH). Departures or alterations from required tree protection measures should be completed under the direction of a certified Arborist, and tree protection measures should be inspected and approved prior to the commencement of development works. Any ground disturbance (e.g. excavation, backfilling, compaction, etc.) or changes in grade from existing in the CRZs must occur under the supervision of a Certified Arborist. Therefore, any excavation or blasting for the dwelling near any retained trees will require Arborist approval and supervision.

Erosion and Sediment Control Plan

An Erosion and Sediment Control plan has been provided for the structure removal and remediation work. The following mitigation measures shall be implemented during demolition to address potential erosion and sediment control (ESC) issues during the structure removal and remediation work:

- Movement of machinery will be limited to the area of disturbance. If access is required outside the existing footprint, for safety, areas of bedrock, rock, and gravel will be targeted and will avoid areas of vegetation.
- Machinery arriving on site will be clean and free of sediment or plant material.
- Any stockpiled material left on site for more than 24 hrs will be covered with 6 mm polyethylene sheeting (or similar material) and securely fastened in place prior to and during inclement weather (i.e., over 25 mm in 24 hrs) to prevent erosion and sediment-laden water runoff.
- Cut slopes or disturbed slopes that are not bedrock will be covered with polyethylene sheeting (“poly”) to minimize erosion;
- Erosion and sediment control structures (such as silt fencing, straw wattles, etc.) should be installed between all work areas and Brothers Creek, ideally located at the ToB;
- Street sweeping/cleaning will be conducted if sediment is tracked out onto Chartwell Crescent.
- Catch basin protection (e.g., filter socks) will be installed on adjacent catch basins and maintained regularly.
- Native vegetation clearing and excavation work area footprints will be minimized to those required to complete construction to reduce exposure of erodible soils to precipitation.
- Vegetation clearing and excavation work should be phased to limit exposed soil and sediment-laden runoff generated from precipitation events.
- Vegetation clearing and excavation works should be conducted during fair weather to reduce sediment-laden runoff generated from precipitation events.
- During invasive vegetation removal, care will be taken to limit erosion from exposed soils by installing sediment fencing, sediment socks, straw or coco matting as required.



General Environmental Mitigation Measures

As part of the proposed works, the following general environmental mitigation measures shall be implemented during construction:

- Native vegetation within the 15-m Setback should be retained where possible;
- Material import and export activities to and from the Subject Property will implement invasive species best management practices to prevent the spread and proliferation of invasive species;
- All imported material will be clean and/or free of contamination;
- All fuel-operated machinery shall have a readily accessible spill containment kit with an adequate amount of materials to respond to all potential leaks. All staff shall be trained in spill response. A spill of any substance of reportable quantity that is toxic, polluting, or deleterious to aquatic life, shall be immediately reported to the Environmental Emergency Program (EEP) Incident Reporting Hotline (1-800-663-3456) and DFO's observe, record and report hotline (1-800-465-4336);
- Equipment containing petroleum products must be inspected daily to identify any leaks and wearing parts before they fail; and,
- Leaking equipment or wearing parts will be repaired/replaced before continuing service.

The Owner will engage an appropriately qualified Erosion and Sediment Control (ESC) Supervisor to monitor compliance with the approved ESC Plan. As a DWV requirement, ESC inspections would occur as per the following schedule:

- Biweekly inspections **June 01 –September 30** (“dry season”);
- Weekly inspections **October 01 – May 31** (“wet season”); and
- As required during or immediately following precipitation events exceeding **20 mm within 24 hours**.

It is the responsibility of the owner and/or developer to contact their ESC Supervisor prior to commencing ground disturbance activities. It is recommended that a pre-construction meeting be held to ensure that contractors are aware of the ESC requirements.

Conclusions

In the opinion of Roe, the existing landscaping and newly built building are not in compliance with the OCP Guidelines NE 13. Roe recommends the removal of unpermitted structures, and implementation of restoration planting to bring the Subject Property into compliance.

Please contact the undersigned if you require any additional information or clarification of the above



Endorsement

Roe Environmental Inc.

Prepared by:

The undersigned certifies the work described herein fulfills standards acceptable of a Biologist in Training.

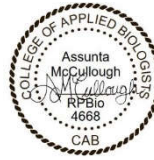


[Digital Copy, Original Signed]

Cora Watts, BIT, BC-CESCL
Project Biologist

Reviewed and Endorsed by:

The undersigned certifies the work described herein fulfills standards acceptable of a Registered Professional Biologist.



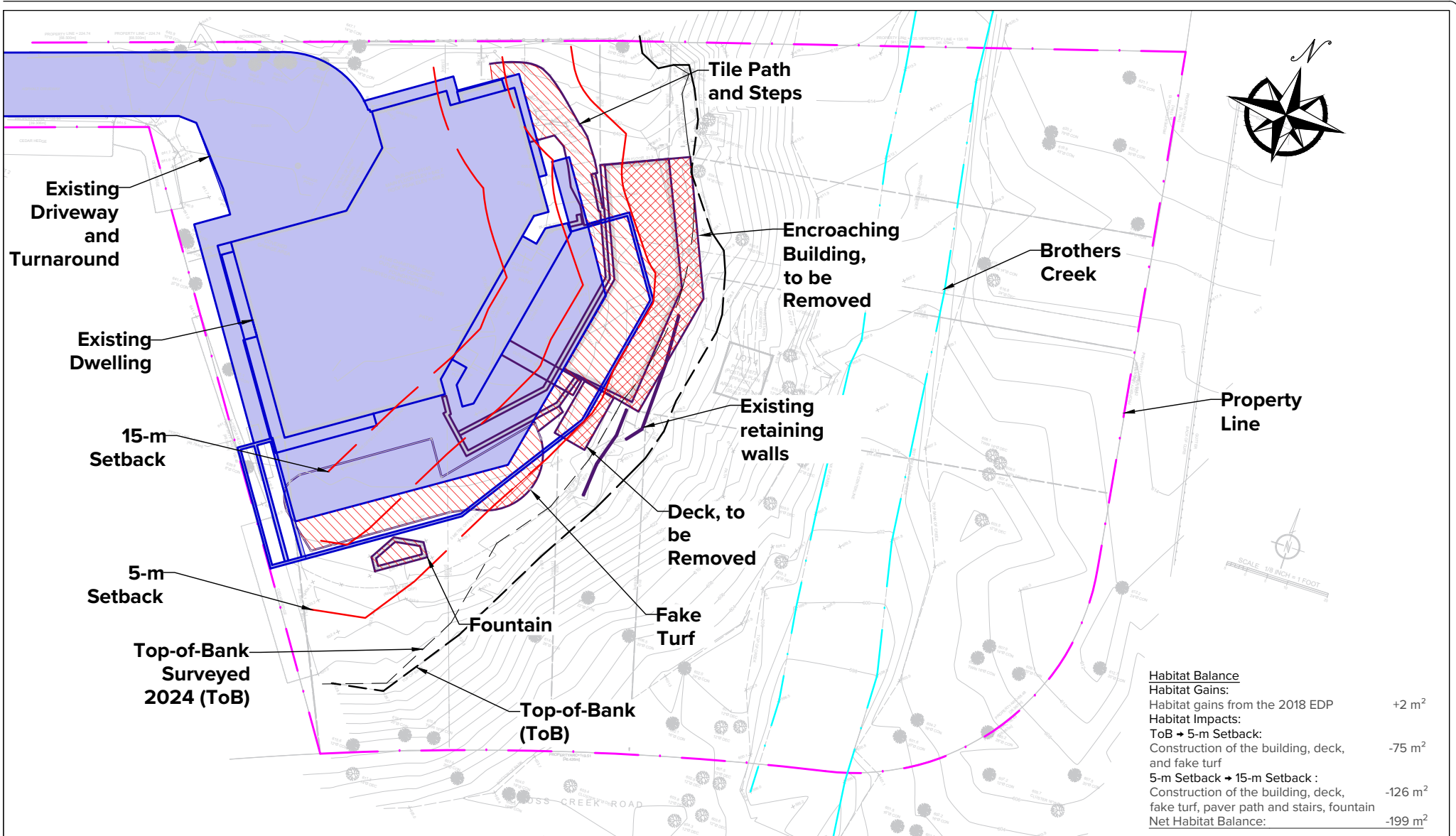
[Digital Copy, Original Signed]

Assunta McCullough, RPBio
Senior Biologist

Attachments:

- **Figure 1: Site Overview** (2024-08-09, REV00)
- **Figure 2: Riparian Planting Plan** (2024-08-09, REV00)
- **Figure 3: Riparian Planting Plan Details** (2024-08-09, REV00)
- **Figure 4: Erosion and Sediment Control Plan** (2024-08-09, REV00)



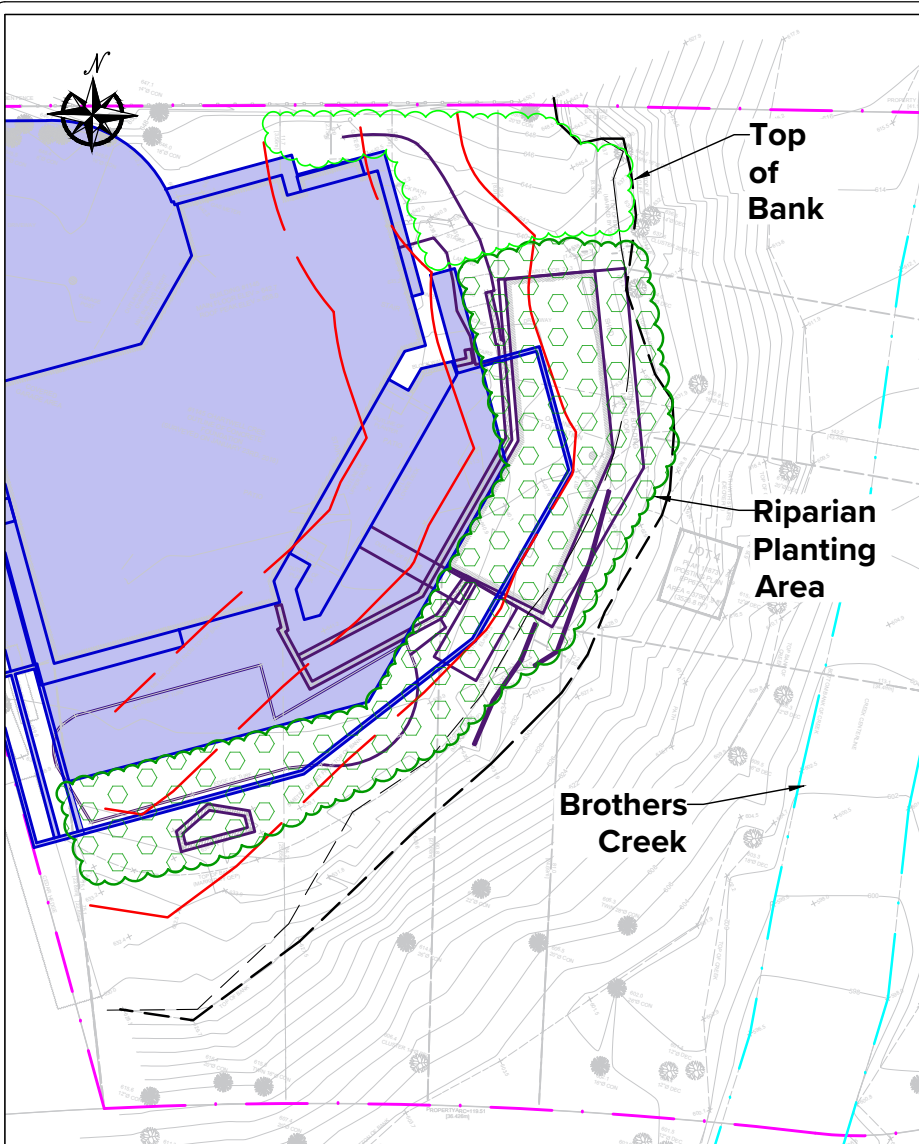


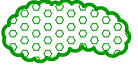
Habitat Balance


Habitat Gains:		
Habitat gains from the 2018 EDP		+2 m ²
Habitat Impacts:		
ToB → 5-m Setback:	Construction of the building, deck, and fake turf	-75 m ²
5-m Setback → 15-m Setback :	Construction of the building, deck, fake turf, paver path and stairs, fountain	-126 m ²
Net Habitat Balance:		-199 m²

- | | | | |
|---------------------------|---------------|----------------|---|
| Approved 2018 Footprint | Property Line | Top-of-Bank | Encroachment to be Removed from the 5-m Setback (75 m ²) |
| Structures on 2024 survey | DWV Setbacks | Creek Boundary | Non-permit Structures in the Streamside Protection Area (126 m ²) |

	1145 Chartwell Crescent, DWV Remediation Figures		REV 00
	DATE 2024-08-09	Figure 1: Site Overview	
	DRAWN BY: C.W.	SCALE 1:250	



 303 m²
Riparian Planting Area
 (1 plant per 1.5 m²)


Riparian Area (No invasive species or hard surfaces)

 Creek Boundary
  DWV Setbacks
  Top-of-Bank

Riparian Planting Plan

A total of approximately 303 m² of planting is proposed at an average density of 1 plant per 1.5 m² within the identified **Riparian Planting Area** to increase the overall biological productivity of the watercourses riparian zone. All invasive and non-native plants within the **Riparian Planting Area** must be removed prior to planting. Plant species should be selected with consideration to plant community, competitive nature, shade tolerance, growth rates and rate of spread. Conifers have been omitted from the restoration plan as the Subject Property is located in a Wildfire Development Permit Area.


Efforts should be taken to retain existing native vegetation in place or may be carefully removed, stored and transplanted to another area on the Subject Property. Plants from the list in this plan are recommended; however, if plant species substitutions are desired due to reasons of aesthetics or plant stock availability, Roe Environmental Inc should be contacted at 604.987.5588 to review and comment.

Within the **Riparian Landscape Area**, all invasive plants must be removed and managed and the area must be planted with riparian suitable plants, lawn, or approved landscape species only. No unapproved hard surfaces are allowed within the **Riparian Landscape Area**.

<p>Coniferous Trees (1.5 - 3.0 m spacing from other deciduous and coniferous trees)</p> <p>Western redcedar (<i>Thuja plicata</i>) Douglas fir (<i>Pseudotsuga menziesii</i>) Western hemlock (<i>Tsuga heterophylla</i>)</p> <p>TOTAL - 10* *Coniferous trees must be purchased at a height of at least 3 m.</p>	<p>Deciduous Trees (1.5 - 3.0 m spacing from other deciduous and coniferous trees)</p> <p>Vine maple (<i>Acer circinatum</i>) Red alder (<i>Alnus rubra</i>) Pacific willow (<i>Salix lucida</i> ssp. <i>lasianдра</i>) Black cottonwood (<i>Populus balsamifera</i>) Bitter cherry (<i>Prunus emarginata</i>) Cascara (<i>Rhamnus purshiana</i>) Mountain Ash (<i>Sorbus scopulina</i>)</p> <p>TOTAL - 35* *Deciduous trees must be purchased at a height of at least 1.2 m.</p>	<p>Shrubs (0.25 - 1.0 m spacing from other vegetation and purchased in minimum #1 or one gallon containers)</p> <p>Western swordfern (<i>Polystichum munitum</i>) Deer fern (<i>Blechnum spicant</i>) Salal (<i>Gaultheria shallon</i>) Oregon grape (<i>Mahonia aquifolium</i>) Elderberry (<i>Sambucus racemosa</i>) Red huckleberry (<i>Vaccinium parvifolium</i>) Red-osier dogwood (<i>Cornus stolonifera</i>) Oceanspray (<i>Holodiscus discolor</i>) Nootka rose (<i>Rosa nutkana</i>) Choke cherry (<i>Prunus virginiana</i>) Snowberry (<i>Symphoricarpos albus</i>)</p> <p>TOTAL - 160** **No more than 25% of one species may be selected from the plant list</p>
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Landscape Riparian Planting Checklist

- Ensure the entire area is planted in the location identified in the adjacent figure depicting the **Riparian Planting Area**
- Ensure a planting density of 1 plant per 1.5 m² in the Riparian Planting Area and 2-4 stakes per 1.0 m² in the Live Staking Area
- Ensure the **Riparian Planting Area** contains the minimum number of plants of each type (3 trees and 12 shrubs) as shown in the list below
- Ensure species planted are from the list provided below or have been approved by Roe Environmental Inc
- Ensure all invasive plants are removed from the **Riparian Planting Area**
- Within the **Riparian Landscape Area**, ensure all invasive plants are removed and managed, ensure no hard surfaces are present and ensure only riparian suitable plants, lawn, or approved landscape species are planted

	1145 Chartwell Crescent, DWV Remediation Figures	
	DATE 2024-08-09	Figure 2: Riparian Planting Plan
	DRAWN BY: C.W.	SCALE 1:250

Purchasing, Site Preparation and Planting

Botanical names should be referenced when purchasing to ensure accuracy and all specimens should be of guaranteed nursery stock. Purchased stock should be tagged with species name, and tags should be left on after planting for the purpose of planting confirmation. Nursery stock should be a minimum of two years old at purchase to ensure developed root systems and increase the likelihood of survival. Once plant stock is received onsite, specimens should be stored in a cool, shady location and watered regularly. Planting should be undertaken during the fall (Sep - Oct) or spring (Mar - Apr) for maximized probability of survival.

Prior to planting, it should be ensured that adequate soil structure and nutrient content exist through appropriate storage of existing onsite material or import of organic growing medium. If growing medium is to be retained from onsite, consideration should be given to organic stockpile depth (no greater than 1.0m) and length of storage time (ideally less than 1 month) to maintain nutrient cycling, microbial activity and viability of native seed stock. Once placed, factors affecting soil compaction (i.e. traffic, machine movement, material storage) should also be considered. If material import is required for growing medium, it should be inert and certified free of invasive or noxious weed species. Holes should be dug 2-3 times larger than the size of the roots and soil should be non-compacted. Root ball untangling, pruning, splitting and burlap sack removal should be done in a means suitable to allowing the newly planted roots to spread and avoid root girdling. If in doubt, supplier planting prescriptions should be consulted. Regular watering and/or fertilizer application may also be required to ensure adequate recruitment.

The following plant spacings are included as a guideline, and clustering of plants around preferred microsites (e.g., woody debris, large trees, wetted depressions on dry sites, drier mounds on wet sites, etc.) is preferred to a standard grid formation. Course woody debris (CWD), if locally available, should be placed within the planting area to promote nutrient cycling and wildlife habitat, and to serve as native seedbanks. Deciduous Trees should be 1.2 m (Min) height and planted 1.5 - 2.0 m away from other coniferous and deciduous trees, unless planted in a cluster. Shrubs should be purchased in minimum 1 gallon pots and planted 0.25 - 1.0 m away from other vegetation. Plant species locations should be selected in consultation with an experienced landscaper to determine shade and growing tolerances.

All acquired plant materials shall be healthy, with well developed root systems and top growth, and shall be free of disease, insect infestation and the following defects at all times: broken tops, torn roots and abrasions of bark on trunk and branches; dried out root systems; prematurely opened or damaged buds; dry, loose or broken ball of earth; evidence of heating, moulding, or freezing damage; thin, poor root or top systems, and abnormal leaf colour.

Post-Construction Monitoring


Routine Recruitment and Invasive Species Management Monitoring of the restoration area should be conducted by a Qualified Environmental Professional after 1 year to inspect plant health and confirm 80% survival of the planted specimens and/or recommend additional planting as necessary. Routine Invasive Species Management should be conducted in spring months, prior to flowering and seeding of observed invasive species.

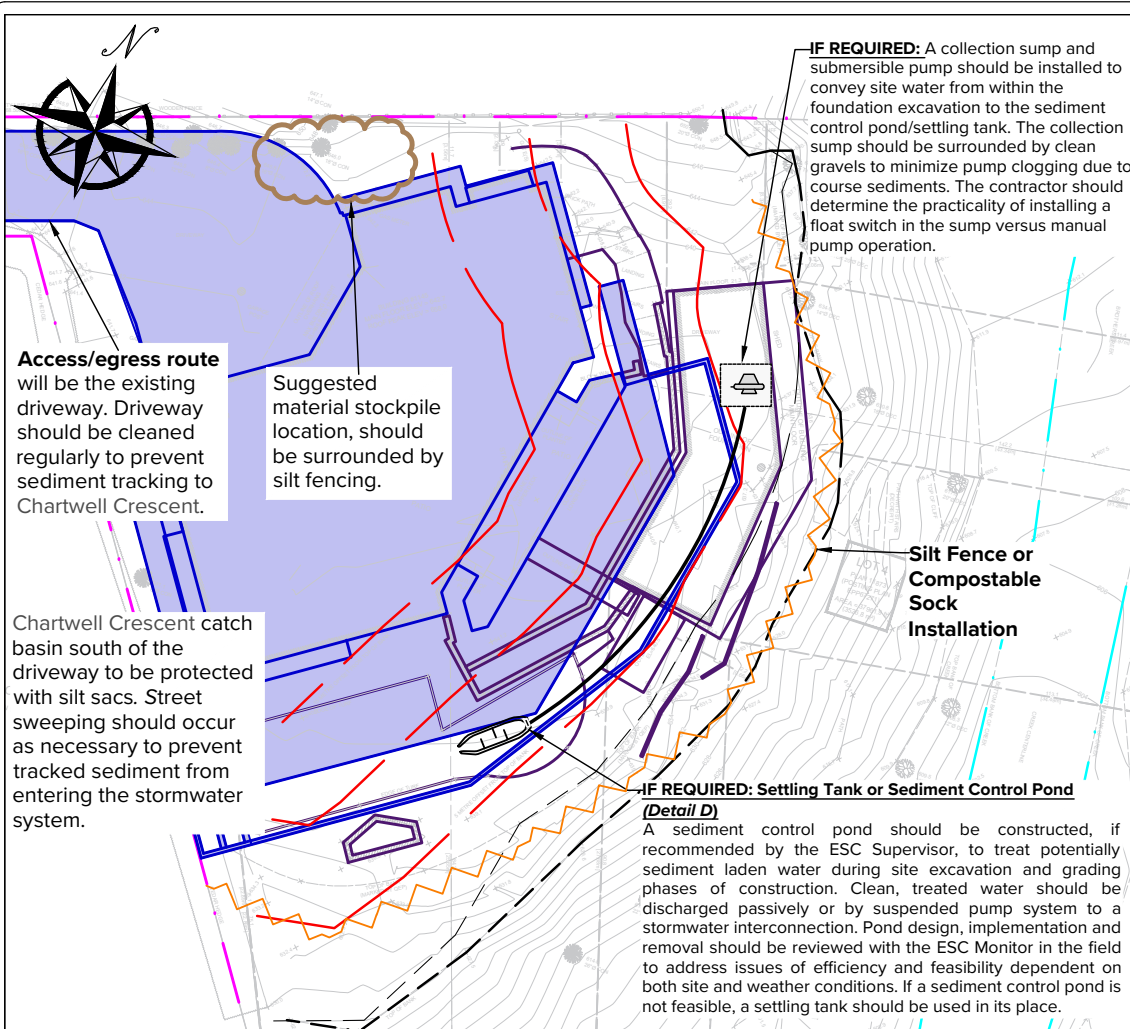
1-Year Inspection Checklist

Please ensure the checklist below is complete before initiating a post-planting monitoring inspection:

- Ensure the entire Riparian Planting Area (303 m²) depicted in the adjacent figure is planted
- Ensure 80% of 10 coniferous trees, 35 deciduous trees and 160 riparian shrubs have taken in the Riparian Planting Area and that they are approved species
- Ensure all invasive species have been removed from both the Riparian Planting Area and the Riparian Area, and that no non-native species remain in the Riparian Planting Area
- Ensure no hard surface are present within either the Riparian Restoration Area or the Riparian Area

NOTE TO CLIENT: It is integral that prescriptions provided within this Riparian Planting Plan (the "Plan") are adhered to, and if questions or concerns arise during Plan implementation, Roe Environmental Inc. or the District of West Vancouver (DWV) should be contacted to resolve potential issues with compliance. As release of municipal environmental security deposits are subject to DWV inspections, facilitating easy auditing by DWV is likely to save time and money, and result in full deposit return. Therefore, Roe recommends the owner should (1) retain a reputable landscape company to implement the Plan and provide "as-planted" figures, (2) consolidate and retain all documentation including plant purchase, landscaping and invasive plant removal receipts, and (3) Ensure all planted specimens are flagged (with species), or nursery tagged, and those tags remain in place until all conditions of the Development Permit are satisfied.

	1145 Chartwell Crescent, DWV Remediation Figures	
	DATE 2024-08-09	Figure 3: Riparian Planting Plan Details
DRAWN BY C.W.		REV 00



Access/egress route will be the existing driveway. Driveway should be cleaned regularly to prevent sediment tracking to Chartwell Crescent.

Suggested material stockpile location, should be surrounded by silt fencing.

Chartwell Crescent catch basin south of the driveway to be protected with silt sacs. Street sweeping should occur as necessary to prevent tracked sediment from entering the stormwater system.

IF REQUIRED: Settling Tank or Sediment Control Pond (Detail D)
 A sediment control pond should be constructed, if recommended by the ESC Supervisor, to treat potentially sediment laden water during site excavation and grading phases of construction. Clean, treated water should be discharged passively or by suspended pump system to a stormwater interconnection. Pond design, implementation and removal should be reviewed with the ESC Monitor in the field to address issues of efficiency and feasibility dependent on both site and weather conditions. If a sediment control pond is not feasible, a settling tank should be used in its place.

EROSION & SEDIMENT CONTROL NOTES

1. THIS EROSION & SEDIMENT CONTROL (ESC) PLAN HAS BEEN PREPARED FOR 1145 CHARTWELL CRESCENT, WEST VANCOUVER.
2. UNDER THIS ESC PLAN, IT IS THE CONTRACTOR OR DEVELOPER TO ENSURE THAT ALL OF THE EROSION AND SEDIMENT CONTROL FACILITIES DESCRIBED UNDER THIS ESC PLAN ARE CONSTRUCTED, IMPLEMENTED, INSTALLED AND MAINTAINED FOR THE DURATION OF CONSTRUCTION, AND UNTIL REMOVAL/DECOMMISSIONING IS RECOMMENDED BY THE ESC SUPERVISOR (SEE ESC MONITORING SECTION BELOW).
3. THE CONSTRUCTION CONTRACTOR, AND ALL OTHER SUB-CONTRACTORS OR PERSONS INVOLVED WITH SITE CONSTRUCTION SHALL COMPLY WITH FEDERAL, PROVINCIAL AND MUNICIPAL LEGISLATION AND REGULATIONS PERTAINING TO THE PROTECTION OF FISH AND AQUATIC HABITAT AND EROSION AND SEDIMENT CONTROL, AND THE DISTRICT OF WEST VANCOUVER'S WATERCOURSE PROTECTION BYLAW NO. 4364, 2005 SCHEDULE A.
4. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND ANY SUB-CONTRACTORS TO ENSURE THAT WATER DISCHARGING FROM THE SITE SHALL NOT EXCEED THE WATER QUALITY STANDARD OF 75 MG/L FOR TOTAL SUSPENDED SOLIDS (TSS) FOLLOWING A SIGNIFICANT RAINFALL EVENT AND 25 MG/L DURING NORMAL WEATHER CONDITIONS. A SIGNIFICANT RAINFALL EVENT IS DEFINED AS A PRECIPITATION EVENT THAT MEETS OR EXCEEDS THE INTENSITY OF 20 MM OF TOTAL RAINFALL OVER A 24 HOUR PERIOD.
5. DEPENDENT ON SITE CONDITIONS, WEATHER CONDITIONS, OR UNFORESEEN OBSTACLES DURING CONSTRUCTION ACTIVITIES, THE ESC MONITOR OR PROJECT MANAGER, AT THEIR DISCRETION, MAY RECOMMEND THAT ESC FACILITIES AND MITIGATION MEASURES BE ADDED TO THE SITE, OR RECOMMENDED ESC FACILITIES BE MODIFIED AS REQUIRED TO COMPLY WITH BYLAW NO. 4364. THE CONTRACTOR SHALL COMPLY WITH THE DIRECTIONS OF THE ESC MONITOR AND THE PROJECT MANAGER, AND SHALL ENSURE THAT ESC FACILITIES ARE CONSTRUCTED, IMPROVED, REPAIRED AND MAINTAINED AS A PRIORITY AHEAD OF ALL OTHER SITE CONSTRUCTION ACTIVITIES.
6. ADDITIONAL ESC RESOURCES ARE AVAILABLE IN SECTION 3.7.3 EROSION AND SEDIMENT CONTROL WITHIN DEVELOP WITH CARE (2014), SECTION 3 - SITE DEVELOPMENT AND MANAGEMENT (<https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/develop-with-care/dwc-section-3.pdf>).

EARTHWORKS & DEMOLITION

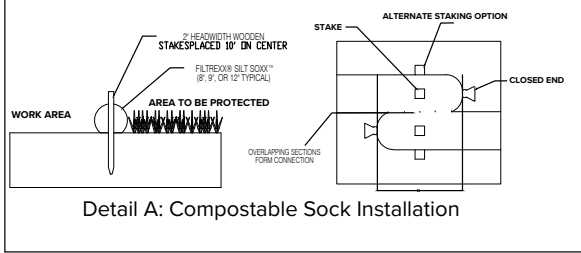
7. REFER TO THE ADJACENT SITE PLAN AND ATTACHED DETAILS FOR RECOMMENDED SITE-SPECIFIC ESC MEASURES. ALTERATIONS TO THE PLAN SHOULD BE IN CONSULTATION WITH THE APPROVED ESC SUPERVISOR.
8. COMPOSTABLE SOCKS SHOULD BE PLACED ON THE SOUTH AND WEST SIDES OF THE DWELLING TO MINIMIZE OFF SITE MIGRATION OF RUNOFF.
9. GROUND DISTURBANCE WORKS (I.E. USE OF AN EXCAVATOR) ARE TO BE CONDUCTED DURING FAVORABLE WEATHER TO MINIMIZE EROSION AND GENERATION OF SEDIMENT-LADEN DRAINAGE.
10. TRUCK AND VEHICLE ACCESS TO THE WORKS AREA IS TO BE CONFINED TO DRIVEWAY ACCESS FROM CHARTWELL CRESCENT TO PREVENT SEDIMENT TRACKING TO PUBLIC ROADS. IF THE DRIVEWAY IS NOT AVAILABLE, THE CONTRACTOR SHALL PROVIDE AN ALTERNATE ACCESS ROUTE TO THE WORKS AREA.
11. THE CONSTRUCTION CONTRACTOR WILL BE RESPONSIBLE FOR MAINTAINING SEDIMENT FREE PUBLIC ROADS ADJACENT TO THE SITE THROUGH PERIODIC SWEEPING AND SCRAPING, AS REQUIRED.
12. ALL CATCH BASINS ADJACENT TO ACTIVE WORKS AND CONSTRUCTION ACCESS ROUTES ARE TO BE PROTECTED, AS REQUIRED, WITH CATCH BASIN PROTECTION DEVICES IF SEDIMENT DEPOSITION IS OBSERVED (DETAIL SHOWN).
13. NO SITE DRAINAGE IS TO FLOW DIRECTLY TO THE MUNICIPAL STORM SYSTEM, WITHOUT PRIOR TREATMENT (E.G. SEDIMENT CONTROL POND), AS NEEDED.
14. EXPOSED CUT AND/OR FILL SLOPES ARE TO BE COVERED WITH DENSE APPLICATION STRAW, COMPOSTABLE MATTING, STAKED-IN POLYETHYLENE SHEETING, OR EQUIVALENT TO PREVENT EROSION DURING POOR WEATHER.
15. STOCKPILES OF ERODABLE MATERIALS (E.G. EXCAVATION SPOIL, CLAYS, PIT RUN, TOPSOIL, ETC.) WILL BE COVERED WITH STAKED-IN POLYETHYLENE SHEETING OR EQUIVALENT WHEN NOT IN USE AND ALWAYS PRIOR TO AND DURING FORECASTED PRECIPITATION. NON-ERODABLE MATERIALS WILL BE STOCKPILED ON PAVED SURFACES.

ESC MONITORING PROGRAM

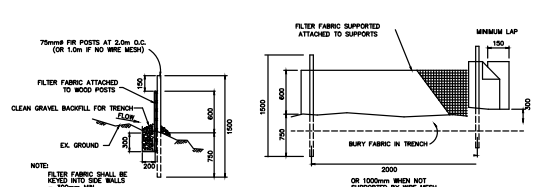
16. AN ESC SUPERVISOR WILL BE CONFIRMED PRIOR TO ISSUANCE OF THE ESC PERMIT THROUGH A CONFIRMATION OF COMMITMENT BY ESC SUPERVISOR. THE ESC MONITOR WILL IMPLEMENT THE FOLLOWING MONITORING SCHEDULE:
 - a. JUNE 1 UNTIL SEPTEMBER 30 - BIWEEKLY OR AS REQUIRED IF PRECIPITATION EXCEEDS 20MM IN 24HRS.
 - b. OCTOBER 1 UNTIL MAY 31 - WEEKLY OR AS REQUIRED IF PRECIPITATION EXCEEDS 20MM IN 24 HRS.
17. THE OWNER/DEVELOPER IS REQUIRED TO CONTACT THE CONFIRMED ESC SUPERVISOR BY EMAIL AT MINIMUM 72 HRS PRIOR TO THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES TO SET-UP A SITE KICK-OFF MEETING TO ENSURE AN UNDERSTANDING OF ESC PLAN REQUIREMENTS.
17. THE ESC MONITORING WILL CONTINUE UNTIL ALL SITE SURFACES ARE AT FINAL GRADE, STRUCTURES ARE DEMOLISHED/CONSTRUCTED, AND DISTURBED SURFACES ARE VEGETATED OR TO SUCH A TIME THAT THE ESC SUPERVISOR DETERMINES THAT FURTHER MONITORING IS NO LONGER REQUIRED AS CONSTRUCTION PROGRESS HAS REACHED FINAL STAGES AND THE RISK TO THE SURROUNDING ENVIRONMENT IS NEGLIGIBLE. THE ESC SUPERVISOR WILL PROVIDE THE DISTRICT OF WEST VANCOUVER'S ENVIRONMENTAL STAFF WITH CONFIRMATION VIA EMAIL THAT THE MONITORING PROGRAM HAS CEASED.
18. THE ESC SUPERVISOR WILL INSPECT AND MONITOR THE SITE TO ENSURE SEDIMENT AND SEDIMENT-LADEN WATER DOES NOT REACH THE MUNICIPAL DRAINAGE SYSTEM OR BROTHERS CREEK AND THAT THE ESC PLAN IS BEING IMPLEMENTED AS DESIGNED AND OPERATING EFFECTIVELY. IF ANY REPAIR OR MAINTENANCE OF ESC MATERIALS IS RECOMMENDED, THE CONTRACTOR IS RESPONSIBLE FOR COMPLETION OF THE MAINTENANCE/REPAIR IN A TIMELY MANNER.
19. THE ESC SUPERVISOR MAY MODIFY OR ADJUST THE ESC PLAN, AS REQUIRED, IN ORDER TO ENSURE COMPLIANCE WITH THE MUNICIPAL BYLAW.
20. AT THE DISCRETION OF THE ESC SUPERVISOR, TURBIDITY SAMPLING, MAY BE CONDUCTED DURING EACH SITE VISIT. IF ELEVATED TURBIDITY IS OBSERVED, A TSS WATER SAMPLE MAY BE COLLECTED AND SUBMITTED TO THE LABORATORY FOR ANALYSIS. LABORATORY ANALYSIS WILL BE MADE AVAILABLE UPON REQUEST.

TREE PROTECTION

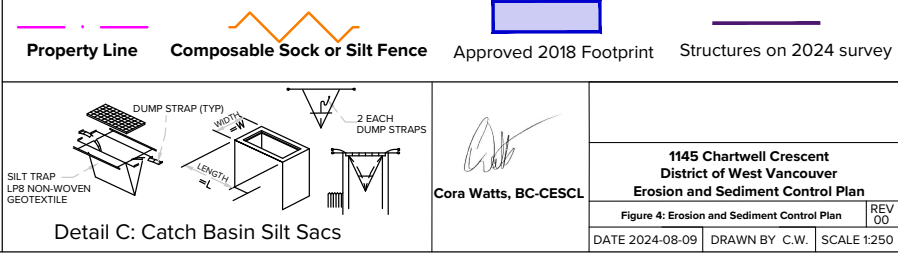
21. NATIVE TREES TO BE RETAINED THROUGH DEVELOPMENT SHOULD BE ADEQUATELY PROTECTED DURING CONSTRUCTION PHASES TO SATISFY REQUIREMENTS OF DISTRICT OF WEST VANCOUVER TREE BYLAW, NO. 4892, 2016. TREES MUST BE PROTECTED DURING ACTIVITIES (I.E., EXCAVATION, DEMOLITION, ETC.) THAT HAVE THE POTENTIAL TO IMPACT THE ABOVE GROUND OR ROOT STRUCTURE OF THE TREE. THE CRITICAL ROOT ZONE (CRZ) OF ANY TREE MAY EXTEND BEYOND THE VISUAL DRIP LINE. THEREFORE, TREE PROTECTION BARRIERS MUST BE INSTALLED IN ACCORDANCE WITH THE DISTRICT OF WEST VANCOUVER TREE BYLAW, NO. 4892, 2016.
22. PRIOR TO GROUND DISTURBANCE WORKS WITHIN A CRZ, INCLUDING EXCAVATOR MOVEMENT, AN ARBORIST SHOULD BE ENGAGED TO RECOMMEND PROPER MITIGATION OR AVOIDANCE MEASURES TO PREVENT DAMAGE TO CRITICAL ROOTS.
23. WORK REQUIRED WITHIN THE CRZ OF A TREE SHOULD BE COMPLETED BY HAND WHERE POSSIBLE, AND UNDER THE DIRECTION OF A CERTIFIED ARBORIST OR APPROPRIATELY QUALIFIED ENVIRONMENTAL PROFESSIONAL (QEP).
24. TREE PROTECTION FENCING SPECIFICATIONS MUST BE IN ACCORDANCE WITH DWV TREE PROTECTION SPECIFICATION (<https://westvancover.ca/sites/default/files/dwv/assets/home-building-property/permits-and-licences/construction/TreeProtection.pdf>).
25. IF OBSTACLES EXIST TO TREE BARRIER PLACEMENT, ALTERNATIVE PROTECTION FENCING ALIGNMENT AND PLACEMENT, OR ALTERNATIVES TO PROTECTION METHODOLOGY MUST BE APPROVED BY A QEP OR CERTIFIED ARBORIST PRIOR TO IMPLEMENTATION.



Detail A: Compostable Sock Installation



Detail B: Silt Fencing Installation



Detail C: Catch Basin Silt Sacs

1145 Chartwell Crescent District of West Vancouver Erosion and Sediment Control Plan		
Figure 4: Erosion and Sediment Control Plan	DRAWN BY C.W.	SCALE 1:250
DATE 2024-08-09		REV 00

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Appendix E

LEGISLATIVE SERVICES
750 17th Street West Vancouver BC V7V 3T3
t: 604-925-7004 f: 604-925-7006



June 30, 2025

File: 10.15.06.2024

GERAMI, NAIB
GERAMI, KAMRAM
MANSOURI, AYESHEH
1145 CHARTWELL CRESCENT
WEST VANCOUVER, BC V7S 2P7

Dear Sir/Madam:

RE: 1145 Chartwell Crescent – Remedial Action Requirement and Section 57 Notice on Land Title

This letter is notification of the intent to have the District of West Vancouver Municipal Council consider:

- filing a notice in the Land Title Office pursuant to section 57 of the *Community Charter*; and
- pursuing a Remedial Action Requirement pursuant to section 77 of the *Community Charter*,

related to the unpermitted construction of a dwelling on the above noted property, legally described as PID: 009-020-713, Lot 4 Block 46 Capilano Estates Extension No. 7 Plan 11873, in contravention of sections 5.1 and 8.1 of the District's Building Bylaw 4400, 2004.

Council will consider a staff recommendation to file a section 57 notice to be placed on title and to pursue a remedial action requirement at its regular Council meeting on **Monday, July 21, 2025 at 6 p.m.** in the Council Chamber located at the District of West Vancouver Municipal Hall, 750 17th Street, West Vancouver, and via electronic communication facilities (Zoom).

The agenda and staff report for this meeting will be available on Monday, July 14, 2025 on the District website: <https://westvancouver.ca/mayor-council/council-agendas-minutes>. Pursuant to Section 57, 77 and 78 of the *Community Charter*, you have an opportunity to address Council, and to request Council reconsider the remedial action requirement. You may attend the meeting in person, or via electronic communication facilities. Information on how to participate at a Council meeting is available on the District website: <https://westvancouver.ca/mayor-council/attending-council-meeting-or-public-hearing>.

For questions, please contact Hope Dallas, Senior Manager, Legislative Services/Corporate Officer at hdallas@westvancouver.ca and/or Kevin Spooner, Senior Manager, Permits, Inspections & Land Development at kspooner@westvancouver.ca.

Sincerely,

A handwritten signature in black ink that reads "Hope Dallas".

Hope Dallas
Senior Manager, Legislative Services/Corporate Officer

cc: Jim Bailey, Director, Planning, Development & Environment Services
Kevin Spooner, Senior Manager, Permits, Inspections & Land Development
Stephanie Louie, Manager, Environmental Protection

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