



29 August 2025

NATHALIE J. BAKER
DIRECT: 604-899-5232
NBAKER@EYFORDPARTNERS.COM

FILE NO.: 10771-001

VIA EMAIL hdallas@westvancouver.ca

District of West Vancouver
Legislative Services
750 17th Street
West Vancouver, BC V7V 3T3
Attention: Hope Dallas

Dear Sirs/Mesdames:

**RE: 1145 Chartwell Crescent, West Vancouver (the
“Property”) – Request for Reconsideration**

We are legal counsel for Naib Gerami, Ayesheh Mansouri, Omid Gerami, Kamran Gerami (collectively, “**Our Clients**”), the registered owners of the above-referenced Property.

We write this letter in support of Our Clients’ request that the District of West Vancouver Council reconsider its decision made on 21 July 2025 to pass the following resolutions:

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*

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PO Box 49254
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West Kelowna, BC V4T 3C1
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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.

THAT Council direct the Corporate Officer to file notice in the Land Title Office that a resolution has been made relating to that land legally described as 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 “**District’s Decision**”)

Background to District’s Decision

On 03 June 2024 the District notified Our Clients that an addition constructed on their Property had been built without first obtaining the necessary permits (the “**Unauthorized Work**”). The District further advised Our Clients that the Unauthorized Work was located within the Watercourse Protection Area and was constructed without an Environmental Development Permit (“**EDP**”) such that Our Clients would have to take the following steps to bring the Property into compliance:

1. Provide a survey showing the creek, top of bank and the 5 m and 15 m setbacks from the top of bank and the location of the structure;
2. Remove any structures within the 5 m setback; and
3. Apply for an EDP to retain the portion of the new structure outside the 5 m setback and engage a qualified environmental professional (“**QEP**”) to prepare an assessment that shows how the structures comply with the applicable OCP guidelines.¹

In response, Our Clients explained to the District what had occurred, specifically, that they had retained the original builder of the house (which was built with all required permits) to build an addition and were unaware that the builder had not

¹ Schedule “A”

obtained the necessary permits before commencing the work. This has resulted in separate litigation between Our Clients and the company that installed the Unauthorized Work.

Upon learning of the issues at the Property, Our Clients immediately took steps to try to bring that portion of the building that encroaches within the environmental setback into compliance, including by submitting the required survey and retaining a QEP as requested by the District. However, when Our Clients' QEP asked for clarification regarding the process, District Staff responded that they wanted a report detailing non-compliance with the OCP Guidelines (as opposed to how the structure complied):

An EDP is not required as this is an enforcement matter. As per the attached letter now that the survey shows the structure is within the 5 m setback, staff will require a Remediation Plan to include:

- *Detailing non-compliance with Official Community Plan Watercourse Protection Guidelines NE13*
- *Environmental Management Best Practices for the demo and restoration²*

On 07 April 2025 Our Clients attempted to start the application process for the necessary permits to retain parts of the structure per the District's 03 June 2024 letter, submitting:

1. A Site Survey;
2. A proposed Environmental Remediation Plan per OCP Watercourse Protection Guidelines NE13 dated 24-08-13 by Roe Environmental;
3. A letter from the District for Works within a Watercourse Protection Area dated; and
4. The lien documentation.³

However, despite the District's June 2024 letter and the site survey showing that approximately 65 percent of the unpermitted structure was outside the 5-metre setback (but within the 15-m setback), Staff immediately refused to consider any application, and instead advised on 10 April 2025 that "the unpermitted structure can not be legitimized through a Development Variance Permit or any other mechanism through Planning, Development & Environment Services as it does not meet the OCP NE 13 Guidelines".⁴

² Schedule "B"

³ Schedule "C"

⁴ Schedule "C"

On or about 06 July 2025 Our Clients received a letter dated 30 June 2025 advising that on 21 July 2025 District Council intended to consider whether (1) to place a notice on title to the Property and (2) pursue a remedial action requirement relating to “unpermitted construction of a dwelling”.⁵ We wrote to the District two days later advising:

*Our clients intend to apply for the necessary permits by the end of the week, and we ask that staff accept and process the application and make formal decision before Council considers any remedial action requirements. If the Director of Planning refuses to issue the permit, our client may also wish to have Council reconsider the decision per section 19.7 of the Development Procedures Bylaw.*⁶

We further advised that the writer would be on medical leave from July 10th to the 31st and requested a brief adjournment of the matter until my return in August. On July 9th, Staff sent a copy of a 10 July 2025 Council Report in support of the proposed resolutions and a letter addressed to our firm advising that the District must proceed on July 21st, in part because of the District’s summer recess.⁷ In this letter, Staff also acknowledged that while permits were “unlikely” to be approved, they *could* be approved and that the District would process and consider any application.⁸

We followed up by explaining that we understood the District’s desire to proceed quickly with the notice of title but not the remedial action requirement. We further explained:

*We again ask that you hold off on this as I’m having spinal surgery early tomorrow morning and will not be able to attend or even advise my client regarding the RAR in advance of the July 21st meeting.*⁹

Despite my request for a brief adjournment to early August, Staff refused to postpone the matter and advised that it would instead recommend that the resolution be revised to allow for 60 days rather than 30 days for the completion of the removal and remediation work, and a 30-day time period for any reconsideration request. None of our correspondence, however, was brought to Council’s attention before or at the Council meeting and, as is apparent from the video recording of the meeting, Staff did not advise Council of my request for an adjournment or of my unavailability.

At the Council meeting, the Mayor expressed his “surprise” that no one was present to speak to the matter and asked the Director of Planning, Mr. Bailey, if he knew why no one was in attendance. Mr. Bailey answered that “he had no idea”, despite being copied on all of the recent correspondence referred to above. Council then

⁵ This letter is attached as Appendix E to the District’s 10 July 2025 staff report

⁶ Schedule “D”

⁷ Schedule “E”

⁸ We note that Council could have called a special meeting in August to accommodate the requested adjournment, as it did on August 11th in relation to another matter.

⁹ Schedule “F”

proceeded to make the decision that is the subject of this application for reconsideration after a very brief discussion.

Reconsideration Request

Our Clients take no issue with Council's decision to place a notice on title but ask that Council reconsider all 5 resolutions regarding the remedial action requirements for the reasons set out above and because:

1. There is no evidence to support the conclusion that the structure is unsafe;
2. Staff refused to permit Our Clients to apply for a variance or other appropriate permits to maintain portions of the structure, in particular those portions outside the 5-metre setback, despite having advised Our Clients that they had the right to do so; and
3. Staff have since acknowledged that while it is *unlikely* that the structure will be approved in its current condition, it is possible, and Our Clients may apply for permits.

Accordingly, Our Clients ask that they be given an opportunity to apply for any necessary approvals to maintain all or part of the existing structure (as was proposed by the District in June 2024 and July 2025) before the District takes steps to enforce by remedial action requirement or otherwise.

Finally, we understand that this matter was brought to the District's attention by public complaint, and the District should be made aware that this complaint may have been racially motivated.¹⁰ In this regard, and while we appreciate that this does not ultimately affect Council's authority to enforce its bylaws, it is another factor that should be considered on this reconsideration request and Our Clients' request for additional time. The District should not tolerate or support this type of racially motivated and threatening conduct towards its residents.

Yours truly,

EYFORD PARTNERS LLP

Per:



Nathalie J. Baker*

*Practising through a Law Corporation

NJB/mmd
Encl.

¹⁰ Schedule "G"

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PLANNING & DEVELOPMENT SERVICES
750 17th Street West Vancouver BC V7V 3T3
t: 604-925-7055 f: 604-925-6083



June 3, 2024

File: 1145 Chartwell
Crescent

Omid Gerami
Kamran Gerami
1145 Chartwell Crescent
West Vancouver BC V7S 2P7

Dear Property Owner:

RE: Works without Permits at 1145 Chartwell Drive

District staff were notified of unpermitted works which included the construction of a structure within the rear yard of 1145 Chartwell Drive (see images below). Brothers Creek flows along the east property line. The observed new structure is within the Watercourse Protection Area of Brothers Creek, which is the land within 15 metres of the Top of a Watercourse Bank. Given that the new structure is located within the Watercourse Protection Area and was constructed without an Environmental Development Permit (EDP), it is in contravention with the Creeks Bylaw No. 3013, 1982 Section 5, which states:

“It shall be unlawful for any person to construct, reconstruct, place, alter, repair or demolish any structure within or to relocate, remove or deposit any sand, rock, gravel, soil, material or substance, in or from a creek protection area without first obtaining the permission of the Director of Operations.”

In order to conform to the District’s policies and Bylaws, you are required to:

- a) Provide a site survey drawn to scale and prepared by a BC Land Surveyor showing Brothers Creek, top of bank, the 5 m setback from top of bank, the 15 m setback from top of bank, and the location of the unpermitted structure and any other new development.
- b) Under [Official Community Plan Watercourse Protection Guidelines NE13](#) no new development is permitted within 5 m of top of bank. If the survey identifies that the new structure is located within the 5 m setback from top of bank and/or below the top of bank it would not comply with and will need to be removed.

- i. Furthermore, if the new structure is located within the 5 m setback from top of bank and/or below top of bank, staff will require a remediation plan prepared by a Qualified Environmental Professional for the removal of the unpermitted structure and restoration of riparian habitat.

- c) If the survey identifies that the new structure is within the Watercourse Protection Area, but outside the 5 m setback (where new development is not permitted), you can apply for an [Environmental Development Permit \(EDP\)](#) to retain the new structure provided that the development will comply with District's OCP Guidelines NE13. You will need to engage with a Qualified Environmental Professional to submit an Environmental Assessment, which describes how the unpermitted structure within 15 m of the top of bank of a watercourse complies with the District's OCP Guidelines NE13.

Please submit the above requirements by July 3, 2024. Failure to comply may result in the issuance of tickets and/or enforcement action.

If you would like to discuss further, please contact me at mmaddatu@westvancouver.ca or by phone at 604-921-2145.

Thank you,



Marie Maddatu
Environmental Protection Officer

cc: Adriano Badaraco, Building Inspector
Alan Fedor, Bylaw Enforcement Officer



Figure 1. Viewing north of the unpermitted structure from the east bank of Brothers Creek.



Figure 2. Viewing north of the unpermitted structure from the west bank of Brothers Creek.

the matter.

In closing, we are still looking for the ability to work with the DWV to see how we can propose a way to deal with this matter rationally given the hardships endured by the Owners.

We look forward to your review and feedback. Thank you again for your continued support.

Best regards,



MAZIAR RAHMATI | Director

PANTHER GROUP

Unit #112 – 1533 Broadway St, Port Coquitlam, BC V3C 6P3

T 604 681 1298 x383 M 604 506 6564

www.panthergroup.ca

From: Marie Maddatu <mmaddatu@westvancouver.ca>

Sent: Friday, July 19, 2024 1:42 PM

To: Assunta McCullough <assunta@roe-env.ca>

Cc: Adriano Badaraco <abadaraco@westvancouver.ca>; Alan Fodor <afodor@westvancouver.ca>;

Kamran Gerami [REDACTED] s. 22(1); Maziar Rahmati <mrahmati@panthergroup.ca>

Subject: RE: 1145 Chartwell Drive: Letter RE Works within a Watercourse Protection Area - Site Survey Submittal and Environmental to Follow

Hi Assunta,

An EDP is not required as this is an enforcement matter. As per the attached letter now that the survey shows the structure is within the 5 m setback, staff will require a Remediation Plan to include:

- Detailing non-compliance with Official Community Plan Watercourse Protection Guidelines NE13
- Environmental Management Best Practices for the demo and restoration

Thanks,
Marie

Marie Maddatu

Environmental Protection Officer | District of West Vancouver
t: 604-921-2145 | westvancouver.ca

We acknowledge that we are on the traditional, ancestral and unceded territory of the Skwxwú7mesh Úxwumixw (Squamish Nation), səliłwetəł (Tseil-Waututh Nation), and xʷməθkʷəy̍əm (Musqueam Nation). We recognize and respect them as nations in this territory, as well as their historic connection to the lands and waters around us since time immemorial.

This email and any files transmitted with it are considered confidential and are intended solely for the use of the individual or entity to whom they are intended. If you are not the intended recipient or the person responsible for delivering the email to the intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you have received this email in error, please notify the sender immediately and delete all copies of this email and attachment(s). Thank you.

From: Assunta McCullough <assunta@roe-env.ca>
Sent: Friday, July 19, 2024 12:50 PM
To: Marie Maddatu <mmaddatu@westvancouver.ca>
Cc: Adriano Badaraco <abadaraco@westvancouver.ca>; Alan Fodor <afodor@westvancouver.ca>; Kamran Gerami [REDACTED] s. 22(1); Maziar Rahmati <mrahmati@panthergroup.ca>
Subject: Re: 1145 Chartwell Drive: Letter RE Works within a Watercourse Protection Area - Site Survey Submittal and Environmental to Follow

CAUTION: This email originated from outside the organization from email address assunta@roe-env.ca. Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Hello Marie,

We have been hired to assist with this project. We received the survey yesterday and have started working on it but I had a quick question:

Would you like an EDP for the structure removal? Or just an ESC and restoration plan for the demo?

Kind regards,

--

Assunta McCullough, RPBio

Senior Biologist

Office 604 987 5588 | Mobile 604 561 8783

assunta@roe-env.ca | roe-env.ca



For more than 15 years, we've operated as Sartori Environmental Inc., establishing an exceptional reputation for our reliable, responsible, and innovative approach. January 01, 2024 marked a significant milestone in our evolution as we launched our company's new name and brand: Roe Environmental.

On Fri, Jul 19, 2024 at 11:50 AM Maziar Rahmati <mrahmati@panthergroup.ca> wrote:

Dear Marie,

I will have the Qualified Environmental Professional submittals done today. Apologies on this delay.

Regards,
Maziar

Get [Outlook for iOS](#)

From: Marie Maddatu <mmaddatu@westvancouver.ca>

Sent: Friday, July 19, 2024 11:16

To: Maziar Rahmati <mrahmati@panthergroup.ca>

Cc: Adriano Badaraco <abadaraco@westvancouver.ca>; Alan Fodor <afodor@westvancouver.ca>; Kamran Gerami [REDACTED] s. 22(1); Assunta McCullough <assunta@roe-env.ca>

Subject: RE: 1145 Chartwell Drive: Letter RE Works within a Watercourse Protection Area - Site Survey Submittal and Environmental to Follow

Hi Maziar and Kamran,

Following up on the Qualified Environmental Professional submittals as staff do not receive any documents as per your email below.

Please be advised failure to comply with the requirements as per the letter may result in the issuance of tickets and/or enforcement action.

Thanks,
Marie

Marie Maddatu

Environmental Protection Officer | District of West Vancouver
t: 604-921-2145 | westvancouver.ca

We acknowledge that we are on the traditional, ancestral and unceded territory of the Skwxwú7mesh Úxwumixw (Squamish Nation), selilwetat (Tseil-Waututh Nation), and x̱məθḵəyəm (Musqueam Nation). We recognize and respect them as nations in this territory, as well as their historic connection to the lands and waters around us since time immemorial.

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intended. If you are not the intended recipient or the person responsible for delivering the email to the intended recipient, be advised that you have received this email in error and that any use, dissemination, forwarding, printing or copying of this email is strictly prohibited. If you have received this email in error, please notify the sender immediately and delete all copies of this email and attachment(s). Thank you.

From: Maziar Rahmati <mrahmati@panthergroup.ca>
Sent: Wednesday, July 17, 2024 5:10 PM
To: Marie Maddatu <mmaddatu@westvancouver.ca>
Cc: Adriano Badaraco <abadaraco@westvancouver.ca>; Alan Fodor <afodor@westvancouver.ca>; Kamran Gerami [REDACTED] s. 22(1); Assunta McCullough <assunta@roe-env.ca>
Subject: 1145 Chartwell Drive: Letter RE Works within a Watercourse Protection Area - Site Survey Submittal and Environmental to Follow

CAUTION: This email originated from outside the organization from email address mrahmati@panthergroup.ca. Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear Marie,

Re: 1145 Chartwell Drive: Letter RE Works within a Watercourse Protection Area - Site Survey Submittal and Environmental to Follow

Further to the requirements of the aforementioned letter, please find attached the updated Site Survey.

We are waiting to receive the documentation from Roe Environmental C/O Assunta. We will have this issued for Thursday July 18th.

We look forward to connecting further on this matter and your continued support is appreciated.

Best regards,



MAZIAR RAHMATI | Director

PANTHER GROUP

Unit #112 – 1533 Broadway St, Port Coquitlam, BC V3C 6P3

T 604 681 1298 x383 M 604 506 6564

BLOCKEDpanthergroup[.]caBLOCKED

From: Planning Department <planning@westvancouver.ca>

Sent: Thursday, April 10, 2025 3:49 PM

To: Maziar Rahmati <mrahmati@panthergroup.ca>

Cc: Kamran Gerami [REDACTED s. 22(1)]; [REDACTED s. 22(1)]
[REDACTED s. 22(1)]; Nathalie Baker <nbaker@eyfordpartners.com>

Subject: RE: 1145 Chartwell Drive - Request for Development Variance Permit Inquiry RE Works within a Watercourse Protection Area - Notice of Hardships

Hello Maziar,

Thank you for your email.

The unpermitted structure can not be legitimized through a Development Variance Permit or any other mechanism through Planning, Development & Environment Services as it does not meet the OCP NE 13 Guidelines.

Kind regards,

Jayne Kuzmich *she, her*

Planning Technician | Planning, Development & Environment Services | District of West Vancouver
t: 604-913-2712 | westvancouver.ca



We acknowledge that we are on the traditional, ancestral and unceded territory of the Skwxwú7mesh Úxwumixw (Squamish Nation), səliłwətał (Tsleil-Waututh Nation), and xʷməθkʷəy̓əm (Musqueam Nation). We recognize and respect them as nations in this territory, as well as their historic connection to the lands and waters around us since time immemorial.

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From: Maziar Rahmati <mrahmati@panthergroup.ca>

Sent: Monday, April 7, 2025 8:32 PM

To: Planning Department <planning@westvancouver.ca>

Cc: Kamran Gerami [REDACTED] s. 22(1) Nathalie Baker
<nbaker@eyfordpartners.com>

Subject: 1145 Chartwell Drive - Request for Development Variance Permit Inquiry RE Works within a Watercourse Protection Area - Notice of Hardships

Importance: High

CAUTION: This email originated from outside the organization from email address mrahmati@panthergroup.ca. Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Dear DWV Planning,

Re: 1145 Chartwell Drive - Request for Development Variance Permit Inquiry RE Works within a Watercourse Protection Area - Notice of Hardships

I am reaching out with respect to the homeowners at 1145 Chartwell Crescent.

The homeowners are currently dealing with a substantial hardship, which is the result of a fraudulent undertaking of a structure by a licensed builder within the DWV.

The current structure cannot comply to the OCP Watercourse Protection Guidelines NE13 in its current state and as such, they have no other course of action other than to request for a Development Variance Permit given the hardships are extremely dire.

As outlined in the below email notice to the DWV Environmental (Marrie Maddatu) and Building (Adriano Badaraco) Departments, there is a Lien on the property and an active Civil suit c/w Counterclaim in this regard. This fraudulent undertaking will have to go through the courts in order to obtain a judgement which will take time to administer.

The homeowners are looking for guidance from the DWV Planning Department as to what may be considered given they understand that this is not a Minor request, and if the building of the structure had proceeded per due process by the builder, the homeowners would not be in this position.

The environmental footprint to remove this structure would be far more impactful than if it were to remain; with concessions that could be facilitated between the homeowners and the DWV. Moreover, they would like to understand if there are any avenues to make the current structure comply.

I have attached the following documentation for your review and consideration:

1. Site Survey dated 24-07-17
2. Proposed Environmental Remediation Plan per OCP Watercourse Protection Guidelines NE13 dated 24-08-13 by Roe Environmental
3. Letter from DWV for Works within a Watercourse Protection Area dated 24-06-03
4. Lien documentation dated 24-11-27.

I look forward to hearing from you on this matter and please contact me at your convenience to discuss any questions or concerns you may have.

Yours truly,

MAZIAR RAHMATI | Director

PANTHER GROUP

Unit #112 – 1533 Broadway St, Port Coquitlam, BC V3C 6P3

T 604 681 1298 x383 M 604 506 6564

BLOCKEDpanthergroup@jcaBLOCKED

From: Maziar Rahmati <mrahmati@panthergroup.ca>

Sent: Monday, January 13, 2025 4:09 PM

To: Marie Maddatu <mmaddatu@westvancouver.ca>; Adriano Badaraco <abadaraco@westvancouver.ca>

Cc: Alan Fodor <afodor@westvancouver.ca>; slouie@westvancouver.ca

<slouie@westvancouver.ca>; Assunta McCullough <assunta@roe-env.ca>;

s. 22(1)

<[REDACTED]>; Kamran Gerami <[REDACTED]> s. 22(1)

Subject: 1145 Chartwell Drive: Letter RE Works within a Watercourse Protection Area - Environmental Remediation Plan and Notice of Hardships and Concerns

Dear Marie and Adriano,

Re: 1145 Chartwell Drive: Letter RE Works within a Watercourse Protection Area - Environmental Remediation Plan and Notice of Hardships and Concerns

Hope this email finds you well and wishing you a happy new year.

Please be advised that the Owners' are in receipt of the DWV's recent letter dated 24-12-28. They have also received all recent fines to date.

As noted to the DWV previously, we had retained Roe Environmental and had the Environmental Remediation Plan ready back in August of 2024. However, the Owners were in dire hardship and delayed the Plans submittal while trying to make sense of the matter via legal counsel reviews. I have attached the Remediation Plan from Roe dated 24-08-13 for your review, and to note the Owners are not fully ready to proceed into the work outlined within the Plan just yet.

Furthermore, the Owners have also been in receipt of a Lien on the property, which is attached for your reference. This Lien is in context to the matter at hand, as there is now an ongoing civil case with respect to the construction of the building in question. I would like to further stress the hardships on the Owners here, as the civil case is making false claims which is a direct result of why the Owners are in this situation in the first place. We understand that this Plaintiff on the civil case is still operating in the DWV, in which the DWV holds a form of accountability here as this Shahin Construction Ltd. is clearly



NATHALIE J. BAKER
DIRECT: 604-899-5232
NBAKER@EYFORDPARTNERS.COM

08 July 2025

FILE NO.: 10771-001

VIA EMAIL hdallas@westvancouver.ca

Attention: Hope Dallas

Dear Sirs/Mesdames:

RE: 1145 Chartwell Crescent, West Vancouver

We are legal counsel for Naib Gerami, Ayesheh Mansouri, and Omid Gerami, the owners of the above-referenced property.

We write further to your letter dated 30 June 2025 in which you advise that Council will be considering (1) placing a notice on title to the property and (2) pursuing a remedial action requirement relating to “unpermitted construction of a dwelling”.

As the District is aware, our clients have been trying to bring that portion of the building that encroaches within the environmental setback into compliance for months now. Specifically, on 07 April 2025 our clients attempted to apply for the necessary permits, but staff refused to even accept their application, instead advising on 10 April 2025 that “the unpermitted structure can not be legitimized through a Development Variance Permit or any other mechanism through Planning, Development & Environment Services as it does not meet the OCP NE 13 Guidelines”.

Our clients intend to apply for the necessary permits by the end of the week, and we ask that staff accept and process the application and make formal decision before Council considers any remedial action requirements. If the Director of Planning refuses to issue the permit, our client may also wish to have Council reconsider the decision per section 19.7 of the Development Procedures Bylaw.

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West Kelowna, BC V4T 3C1
P: 778 754 0285 F: 778 754 0287

Regardless, I will be on medical leave from July 10th to July 31st and ask that the District postpone consideration of the notice on title and remedial action requirement until at least my return in August.

Yours truly,

EYFORD PARTNERS LLP

Per:



Nathalie J. Baker*

*Practising through a Law Corporation

NJB/mmd
Encl.

cc. Kspooner@westvancouver.ca
jbailey@westvancouver.ca
slouie@westvancouver.ca

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



July 9, 2025

File: 10.15.06.2024

Nathalie J. Baker
Eyford Partners LLP
PO Box 49254
1744 -1055 Dunsmuir Street
Vancouver, BC V7X 1L2

VIA EMAIL nbaker@eyfordpartners.com

Dear Ms. Baker,

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

Thank you for your letter of July 8, 2025.

I have reviewed the District’s files regarding this matter and have confirmed that no application for any type of permit was submitted by your clients on April 7, 2025, or at any time thereafter. Mr. Rahmati of Panther Group advised on behalf of your clients on that date that “they have no other course of action other than to request for a Development Variance Permit”; however, no application for a DVP has been made. The Environmental Remediation Plan dated 24-08-13 by Roe Environmental, attached to Mr. Rahmati’s email of April 7, contemplates the demolition and removal of unpermitted structures and does not refer to any variance.

Your clients may submit an application for any type of permit at any time, and the District will intake and process such an application in due course. As an observation, a Development Variance Permit – which relates to land use issues covered by the District’s Zoning Bylaw – would not resolve the issues regarding the unpermitted dwelling on the Property having been constructed without a building permit under the District’s Building Bylaw or a development permit as required by the Local Government Act and the District’s Official Community Plan. I understand that a retroactive development permit application for the present structure in its current condition is unlikely to be approved, since the location of the structure does not align with the NE 13 DPA Guidelines in the Official Community Plan. I also understand that a retroactive building permit application is unlikely to be approved, given the difficulties with effective review and inspection of already covered elements of unlawful construction. However, the District will process and consider any applications as received and the appropriate staff member will make a decision on their respective contents after full review.

Given the substantial delays in addressing the infractions, which were first brought to your clients’ attention over a year ago in June of 2024; the need for sensitive environmental remediation work to be completed within the summer dry season before September 30; and the fact that July 21, 2025 is the final District Council meeting before the summer recess until September 8, 2025, the District must proceed with consideration of the RAR and section 57 issues at the July 21 Council meeting. Any written or oral submissions your clients may wish to make to Council will be presented and given due consideration before a decision is made regarding the passage of the suggested resolutions.

A copy of this letter and the staff report (for inclusion in the July 21, 2025 regular Council agenda, to be published on July 14, 2025) will be sent to your clients via registered mail.

Sincerely,

A handwritten signature in black ink that reads "Hope Dallas". The signature is written in a cursive, flowing style.

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

From: [Hope Dallas](#)
To: [Nathalie Baker](#); [Tania McCreight](#)
Cc: [Kevin Spooner](#); [Jim Bailey](#); [Stephanie Louie](#); [Melissa Dionne](#); [Heather Keith](#)
Subject: Re: 1145 Chartwell Crescent, West Vancouver
Date: Wednesday, July 9, 2025 3:24:05 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[Outlook-ijbksdkb.png](#)
[Outlook-4aut21mt.png](#)
[Outlook-lzwotwp3.png](#)
[Outlook-o1lgu4qb.png](#)

Hello Nathalie,

Thank you for your email. As stated in my letter of yesterday, I reviewed Mr. Rahmati's correspondence from April 7, which is not a permit application and does not attach a permit application. It does attach an Environmental Remediation Plan dated 24-08-13 by Roe Environmental, which sets out a plan for the demolition and removal of unpermitted structures and restoration of the watercourse protection area. To the extent that this may be the work your clients are wishing to complete, this is the same as what Council would direct if the recommended RAR is passed. In that case, there should be no conflict between a permit application to do that work and an RAR directing it.

Ms. Kuzmich's responding email notes the inability of a development variance permit to address the actual type of infractions on the site, as further detailed in my letter of yesterday, and the obstacle of the NE 13 Guidelines if retention of the unlawful construction is desired. She did not advise, and it has never been the case, that the District would not intake and review any permit application if submitted.

In all the circumstances, including the urgent need for the work outlined in the Roe Environmental Report to be completed by September 30 before the rainy season begins, the District cannot defer Council consideration of the RAR, since the next meeting after July 21 is not until September 8. However, given the owners' desire to obtain legal advice and your pending unavailability, I have discussed with staff and confirmed that the recommended resolution will be revised at the meeting to allow for 60 days rather than 30 days for the completion of the removal and remediation work by the owners, and a 30-day time period for any reconsideration request of the RAR. This will also allow time for any permit applications your client might wish to make after your return and before the expiry of the deadline for completion of the RAR.

Regards,
Hope

Hope Dallas

Senior Manager

Legislative Services/Corporate Officer | District of West Vancouver

t: 604-925-7045 | c: 604-360-7460 | westvancouver.ca



We acknowledge that we are on the traditional, ancestral, and unceded territory of the [Skwxwú7mesh Úxwumixw](#) (Squamish Nation), [səlílwətał](#) (Tseil-Waututh Nation) & [x̣m̄əθk̄w̄əȳəm](#) (Musqueam Nation). We recognize and respect them as nations in this territory, as well as their historic connection to the lands and waters around us since time immemorial. *Learn more about each of these Nations; click each name to visit their official website.*

From: Nathalie Baker <nbaker@eyfordpartners.com>

Sent: Wednesday, July 9, 2025 1:44 PM

To: Hope Dallas <hdallas@westvancouver.ca>; Tania McCreight <tmccreight@eyfordpartners.com>

Cc: Kevin Spooner <kspooner@westvancouver.ca>; Jim Bailey <jbailey@westvancouver.ca>;
Stephanie Louie <slouie@westvancouver.ca>; Melissa Dionne <mdionne@eyfordpartners.com>

Subject: RE: 1145 Chartwell Crescent, West Vancouver

CAUTION: This email originated from outside the organization from email address nbaker@eyfordpartners.com. Do not click links or open attachments unless you validate the sender and know the content is safe. If you believe this e-mail is suspicious, please report it to IT by marking it as SPAM.

Good afternoon, Hope.

Thank you for your letter. I understand your client wishing to move forward with the notice on title, but not the RAR. The latter can wait until our client's application has been submitted and processed. We again ask that you hold off on this as I'm having spinal surgery early tomorrow morning and will not be able to attend or even advise my client regarding the RAR in advance of the July 21st meeting.

Regarding your comment that our client did not apply for a permit, please see the attached correspondence from my client on April 7th. On April 10, 2025, our clients received the following response from planning:

Hello Maziar,

Thank you for your email.

The unpermitted structure can not be legitimized through a Development Variance Permit or any other mechanism through Planning, Development & Environment Services as it does not meet the OCP NE 13 Guidelines.

Kind regards,

Jayne Kuzmich *she, her*

Planning Technician | Planning, Development & Environment Services | District of West Vancouver

t: 604-913-2712 | westvancouver.ca

Thank you for confirming that the District will now accept our client's permit application. Our client will submit it as soon as possible.

Best,

Nathalie J. Baker*

Partner

t: 604 899 5232

f: 604 899 5216

*Practising through a Law Corporation

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From: Hope Dallas <hdallas@westvancouver.ca>

Sent: Wednesday, July 9, 2025 1:25 PM

To: Tania McCreight <tmccreight@eyfordpartners.com>

Cc: Kevin Spooner <kspooner@westvancouver.ca>; Jim Bailey <jbailey@westvancouver.ca>; Stephanie Louie <slouie@westvancouver.ca>; Nathalie Baker <nbaker@eyfordpartners.com>; Melissa Dionne <mdionne@eyfordpartners.com>

Subject: Re: 1145 Chartwell Crescent, West Vancouver

Hello Tania,

Please find attached letter and staff report.

Regards,

Hope

Hope Dallas

Senior Manager

Legislative Services/Corporate Officer | District of West Vancouver

t: 604-925-7045 | c: 604-360-7460 | westvancouver.ca



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From: Tania McCreight <tmccreight@eyfordpartners.com>

Sent: Tuesday, July 8, 2025 10:00 AM

To: Hope Dallas <hdallas@westvancouver.ca>

Cc: Kevin Spooner <kspooner@westvancouver.ca>; Jim Bailey <jbailey@westvancouver.ca>;
Stephanie Louie <slouie@westvancouver.ca>; Nathalie Baker <nbaker@eyfordpartners.com>;
Melissa Dionne <mdionne@eyfordpartners.com>

Subject: 1145 Chartwell Crescent, West Vancouver

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Please see attached our letter of today's date.

Tania McCreight
Legal Assistant

t: 604 899 5225

e: tmccreight@eyfordpartners.com

f: 604 899 5216



Eyford Partners LLP
1744 – 1055 Dunsmuir Street
Vancouver, BC, Canada V7X 1L2
reception: 604 899 5240
[BLOCKEDeyfordpartners\[.\]comBLOCKED](#)

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This is the 2nd incident in the last couple of weeks, I have heard of happening in West Vancouver.

How dare you? Why do you think that you are so special that rules don't apply to you. If you choose to live in Canada as opposed to the sh*t hole you came from, then you have to obey the rules and regulations.

It's obvious that you thought you were not going to be told if or what you could build on your own property and anyway you had no idea that if you didn't get the necessary permits etc that you would be forced to face demolition.

No-one believes that you are in litigation with the construction contractors, that's just a stall tactic on your part.

So pay the \$14,300 you owe in fines OR THE DISTRICT WILL PUT A LIEN ON YOUR PROPERTY. Tear down the building and take a lesson from this as to how we do things in Canada. If you want to live here - you are not special, you are just like the rest of us, even though your God is greed.

Think of this as a lesson in what you can expect if you continue to live here. OR - go back to where you came from - a real sh*t hole - where they put you in jail just for not wearing a face or head covering.

We are watching you - put one foot wrong and you will be reported.

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Date: August 19, 2025

To:

The District of West Vancouver
Planning & Development Services
750 17th Street
West Vancouver, BC V7V 3T3

Subject: Letter in Support of Reconsideration

Dear Sir/Madam,

We are writing to formally bring to your attention background information to the unpermitted construction of a gazebo at our residence at **1145 Chartwell Crescent**, completed by the original builder of our home, **Shahin Construction**.

To clarify, this structure was **not built as part of the original home** that we purchased. It was only **after we had moved in** and lived in the home for some time that we decided to enhance our outdoor space. We reached out to **Shahin Construction**, the builder who originally constructed our home, and **requested that the existing backyard deck be extended and enclosed, if possible**. Given Shanin Construction's familiarity with the property and his role as the original builder, we trusted him to carry out the work professionally and in full compliance with municipal requirements.

He agreed to take on the project, and over the course of nearly a year, the gazebo was completed. During our discussions, he assured us that, given he had built both the home and the original deck, he would handle all necessary permitting requirements. At no point were we advised otherwise, nor did we have any reason to believe that this critical step was being overlooked or ignored. It was only after the structure was fully built that we discovered that the building did not obtain permits from the District of West Vancouver.

Hardships We Have Faced

The consequences of this discovery have created a number of hardships for our family:

- **Financial Burden:** We now face unexpected expenses, fines, and possible full removal and reconstruction. These are costs we never anticipated when we initiated the project with a licensed builder.
- **Emotional and Mental Stress:** This situation has brought substantial stress into our lives. It's particularly distressing when we believed we had done everything right by hiring the original builder.

- **Public embarrassment and racist attacks:** The news report on Global and the City's response to it left our family exposed to devastating racist attacks, xenophobic remarks, and includes veiled threats of surveillance and retaliation (see the enclosed letter we received after the story aired).

Professional Insight

As a former shareholder of a licensed home-service company, we find this situation especially frustrating. In our industry, **obtaining the proper permits for gas appliance installations is not just standard, it is mandatory.** We are accountable to both homeowners and municipal authorities to adhere to strict protocols before and throughout the course of any installation. We uphold these practices at all times, and it is shocking to me that a licensed builder would bypass such basic legal obligations during a year-long construction project.

The fact that this structure was built so deliberately, over a lengthy timeline, under full control of the builder, and without any municipal oversight, is incredibly concerning. As professionals, we are expected to act in the best interest of homeowners. That trust was violated here.

Our Request

We kindly ask the District of West Vancouver to take into account that **this situation was not created by us**, the current homeowners. We acted in good faith by engaging the builder of our home to extend our deck and build the gazebo. We had every reason to believe he would follow all required procedures.

We are now left trying to resolve an issue we did not cause and could not have foreseen. We respectfully request your **support** as we work toward bringing the structure into compliance. We are fully committed to cooperating with the District of West Vancouver, completing any necessary inspections, and following the proper steps moving forward.

Thank you very much for your time and attention to this matter. We would appreciate the opportunity to speak further and provide any additional details or documentation that may assist in your review.

Sincerely,

The Gerami Family

Omid Gerani, Kamran Gerami,
Naib Gerami and Ayesheb Mansouri
1145 Chartwell Crescent
West Vancouver, B. C.
V7S 2P7



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