



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

COUNCIL REPORT

8.

Date:	January 6, 2022
From:	Stacy McSherry, Building Inspector Lindsay Wilson, Plumbing Inspector Kevin Spooner, Senior Manager of Permits, Inspections & Land Development
Subject:	6D 328 Taylor Way - <i>Community Charter</i> Section 57 Notice on Land Title
File:	2500-1

RECOMMENDATION

THAT the Corporate Officer file a notice in the Land Title Office that a resolution has been made relating to that land legally described as PID: 018-069-436, Strata Lot 130, District Lot 1039, Leasehold Strata Plan LMS445, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, with a civic address of 6D 328 Taylor Way, West Vancouver, BC, 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 purpose of this report is 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 that property legally described as PID: 018-069-436, Strata Lot 130, District Lot 1039, Leasehold Strata Plan LMS445, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, with a civic address of 6D 328 Taylor Way, West Vancouver, BC (the "Property").

2.0 Legislation/Bylaw/Policy

The relevant sections of the *Community Charter* are as follows:

- 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.

The relevant sections of the District of West Vancouver's Building Bylaw No. 4400, 2004 (the "Building Bylaw") provide as follows:

Part 5 General Prohibitions

5.1 No Construction of any *Building* or *Structure*, or part thereof, shall be carried out without a *Permit* being first obtained from the *Building Inspector*.

5.2 No person shall tamper with any notice posted or affixed to any *Building* pursuant to any provision of this Bylaw.

5.3 No person shall use or occupy any new *Building* or part thereof until an approval for occupancy has been granted by the *Building Inspector*.

5.4 No person shall do any work that is at variance with the approved plans or *Permits*, unless such change has been approved in writing by the *Building Inspector*...

Part 8 Owner Duties

8.1 Every *Owner* of a property or their Agent *shall*:

8.1.1 Obtain from the *Building Inspector* prior to commencement of work *Permits* relating to *Construction* of *Buildings* or *Structures*, or change in classification of occupancy; ...

8.1.2 Except for the Construction of a Part 3 Building, give at least 24 hours notice to the Building Inspector and obtain inspection and Building Inspector acceptance of the following aspects of the work prior to covering: ...

8.1.2.6 Rough plumbing, electrical, sprinklers and hot water heating; ...

Part 9 Building Permits

9.2 Notwithstanding other provisions of this Bylaw, the Owner must provide Professional Design and field review including evidence of professional liability insurance for all Registered Professionals in respect of a Permit for: ...

9.2.2 Structural components of Buildings that fall within the scope of Part 4 of the Building Code.

Part 12 Electrical Permits

12.1 Electrical Permits are issued to qualified persons in accordance with the provisions of the Safety Standards Act and associated regulations. Electrical Permits may also be issued to a homeowner for work on their own home as per Section 17 of the Electrical Safety Regulation.

12.2 All work is to be done in accordance with the Canadian Electrical Code, the Safety Standards Act and associated regulations.

3.0 Council Strategic Objectives

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

None.

5.0 Background

The Property consists of an apartment unit located in a multi-family development comprised of approximately 181 dwellings units, known as the West Royal Towers, which consists of two high-rise towers and a low-rise townhouse building situated over underground parking. The District is

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the fee simple owner of the lands and premises which make up the West Royal Towers, including the Property.

The units in the West Royal Towers are subdivided into a leasehold strata (Strata Plan LMS 445).

On May 19, 2021, Pacific Rim Plumbing and Heating submitted a plumbing permit application for replacement of 1 shower in the Property. Plumbing permit PL110407 was issued on May 20, 2021. A copy of the plumbing permit is attached as **Appendix A**. No inspections have yet been called for under this permit.

On August 19, 2021, a building permit application was submitted to carry out interior renovations at the Property, including the removal and addition of interior walls. Where a building permit application is made for a strata unit, the District's Permits and Inspections Department requires consent of the applicable strata in order to issue the permit. The building permit application for the Property was rejected for several reasons, including because the Strata had not approved the proposed work and because the plans were not sealed and signed by a registered structural engineering professional. A copy of the rejection notice is attached as **Appendix B**.

On December 9, 10 and 13, 2021, the District requested access to the Property for an inspection, which was refused. On December 17, 2021, District Building Inspection and Bylaw staff conducted an inspection of the Property under the authority of an Entry Warrant. The inspection showed and that significant building and electrical work had taken place without permits, including the addition of a new wall in the kitchen area, the removal of a wall in the kitchen area, the removal of a wall in the bathroom area, layout changes, and electrical work throughout the Property.

The December 17, 2021 inspection also showed that work under the plumbing permit, which authorizes only the replacement of a single shower fixture, was proceeding beyond the rough-in stage with no inspection having been called, contrary to Section 8.1.2.6 of the Building Bylaw. Specifically, plumbing for the primary shower valve has been covered without inspection. In addition, further plumbing work not authorized by PL110407, including the relocation and modification of plumbing and fixtures for the primary bathtub, the kitchen sink, and the bathroom sinks, has taken place without a permit, contrary to Section 5.1 of the Building Bylaw.

A copy of the Inspection Notice documenting these deficiencies is attached as **Appendix C**. A copy of photographs taken during the inspection on December 17, 2021 depicting the unpermitted work are attached as **Appendix D**.

The District Building Inspector posted a Stop Work Order on the Property stating that "construction commencing without first obtaining a permit; work proceeding to be covered without acceptance from the building inspector".

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The copy of the Stop Work Order posted on the Property was removed, contrary to the Building Bylaw, and was replaced by District Staff on December 22, 2021. The Stop Work Order remains in effect.

In order to address the unlawful work on the Property, permits must be applied for and issued for the building work, the electrical work, and the plumbing work not authorized by PL110407; and the plumbing rough-in for the shower fixture must be exposed for inspection by the Plumbing Inspector under Section 8.1.2.6. The necessary permissions from the Strata for these permits must be provided, and the appropriate professional plans and certifications, including sealed structural drawings, design details and professional schedules, must be submitted to the District's Permits and Inspections Department for review and approval.

6.0 Analysis

6.1 Discussion

Section 57(1)(b) of the *Community Charter* permits the filing of a notice in the Land Title Office if a building inspector “discovers that 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” and “the permit was not obtained or the inspection not satisfactorily completed”.

The plumbing work in the unit has proceeded beyond the rough-in stage without an inspection being called or passed by the District, contrary to Section 8.1.2.6 of the Building Bylaw. The addition and removal of walls, layout changes, additional plumbing work, and electrical work were carried out without the permits required under Section 8.1.1 and 12.1 of the Building Bylaw. As a result, section 57(1)(b) of the *Community Charter* is available to District Council.

If the Property is offered for sale in future, it may not be clear to prospective purchasers or leasehold owners that work has been done contrary to the Building Bylaw. A prospective purchaser/owner may erroneously conclude that the District permitted or now tolerates the unlawful work, either because of the age of the work or because the work is confused with permitted work.

Registering a Community Charter Section 57 notice on the title of the Property should alert the public and prospective purchasers of the unauthorized work.

Notified persons would be directed to Municipal Hall where they could obtain copies of the building file for the Property and this report. For this reason, the Manager of Permits and Inspections is recommending to Council that a Community Charter, Section 57 notice be placed on the land title of this Property.

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6.2 Other Communication, Consultation, and Research

The District has provided a copy of this Report to the leasehold owner in advance of the Council meeting, so as to provide for the required notice under section 57(2) of the *Community Charter*. They will be provided with the opportunity to make submissions to District Council when it considers this report.

7.0 Options

7.1 Recommended Option

That Council approve the resolution as written.

8.0 Conclusion

The placement of a Section 57 Notice on title to the Property is recommended to ensure protection of the public interest in compliance with provincial and municipal building regulations.

Authors: Stacy McSherry, Building Inspector



Lindsay Wilson, Plumbing Inspector



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



Appendices:

Appendix A – Plumbing Permit PL110407, May 20, 2021

Appendix B – Building Permit Application Rejection Notice, September 1, 2021

Appendix C – Inspection Notice, December 17, 2021

Appendix D – Inspection Photographs, December 17, 2021

Appendix A

The Corporation of the District of West Vancouver

750 - 17th Street West Vancouver, BC V7V 3T3 Ph. (604) 925-7040 Fax. (604) 925-7234

PERMITS AND INSPECTIONS DEPARTMENT

Permit #: **PL110407**

Issued Date: May 20, 2021

Expiry Date: Nov 21, 2022

Permit Type: **PLUMBING PERMIT - FIXTURES**

Description: 1 shower

Address: **6D 328 TAYLOR WAY**

Legal: S/LMS445/////130

Zone:

P.I.D. 018-069-436

Applicant: DAWKIN, DAVID

Phone: 6042401942

Address: PACIFIC RIM PLUMBING & HEATING 1120 24TH STREET WEST NORTH VANCOUVER BC V7P 2J2

Owner: THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER

Phone: 604-925-7192

Address: 750 17TH STREET WEST VANCOUVER BC V7V 3T3

Contractor: PACIFIC RIM PLUMBING & HEATING

Phone: 604-612-4229

Address: 1120 24TH STREET WEST NORTH VANCOUVER BC V7P 2J2

<u>Description</u>	<u>Quantity</u>	<u>Amount</u>	<u>Description</u>	<u>Quantity</u>	<u>Amount</u>
Fixtures	1.00	130.00			
			Total:		\$130.00

Permit Information:

Required Building Inspections:

* Inspections must be scheduled by e-mail inspections@westvancouver.ca or using your MyDistrict account. Inspections received by 8 a.m. Monday to Friday will be booked for the same day.

Special Conditions:

- IMPORTANT: BEFORE YOU DIG call BC OneCall, a free service to identify the location of underground services including buried cables, conduits, sewers and drains. Call*6886 bconecall.bc.ca
- The Corporation of the District of West Vancouver has relied on the certification of the registered professional in accordance with S. 290 of the local Government Act and S. 55 of the Community Charter, with Part 2 of the British Columbia Building Code.
- ON RENOVATIONS - REMOVAL OF CONSTRUCTION MATERIALS Inspections will be rejected if Hazardous Materials Survey and Clearance Report are not provided on site. These must be completed by a Qualified Person. For more information: www.worksafefbc.com
- Permits are valid for 18 months from the date of issuance.
- EFFECTIVE JULY 1, 2015 DUAL CHECK VALVES WILL NO LONGER BE ACCEPTED FOR RESIDENTIAL LAWN IRRIGATION BACKFLOW PREVENTION. A DCVA FORM WILL BE REQUIRED.

The Corporation of the District of West Vancouver

750 - 17th Street West Vancouver, BC V7V 3T3 Ph. (604) 925-7040 Fax. (604) 925-7234

PERMITS AND INSPECTIONS DEPARTMENT

Permit #: **PL110407**

This permit expires and the right of the owner shall terminate, if the work has not commenced, or if the work is not completed within the limits specified in the District's Building Bylaw, based on the value of the construction, from the date of issue of the permit. All construction shall conform to the current edition of the B.C. Building Code and approved drawings issued with the Application for Permit for erection, alteration, or repair of a building. No deviation from these drawings, including site plans, shall be made without written approval from the Building Inspector. All properties must be marked with the building permit placard provided. The District of West Vancouver accepts no responsibility if private services cannot be connected. Check with the District's Engineering Department.

Permit and the approval of any plans or specifications in support of the permit do not relieve me from conforming to the requirements of all statutes, bylaws and regulations in force in the District of West Vancouver.

Date: _____ Signature of Owner or Agent: _____

Please Print Name: _____

Appendix B

PRE-APPLICATION SCREENING REPORT



PERMITS & INSPECTIONS DEPT

750 17th Street
West Vancouver, BC V7V 3T3
Phone: 604-925-7040

Permit #: PAR00924 Submission Date: Sep 1, 2021

Permit Type: PRE APPLICATION REQUEST Description: BUILDING - Multi-Family Building Permit

Address: 6D 328 TAYLOR WAY Legal: STRATA LOT 130 DISTRICT LOT 1039 LEASEHOLD STRATA PLAN LMS445 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM 1.

Applicant: PHILIP GARROW
Phone: 604-710-6552
Email: PHIL@ADC-HOLDINGS.CA

PRE-APP SCREENING COMMENTS

Pre-Application Status: **REJECTED**

-
- Structural drawings not sealed and signed by Registered Professional.
 - Architectural plans bear incorrect suite address.
 - Scope of work not permitted by Strata. See Strata Letter conditions including 1. Removal of walls and drywall is not permitted under this approval; 3. Kitchen appliances to remain at the same location. 4. ...No removal of existing walls or building new walls is permitted under this approval.

- Strata Letter does not include the attached scope of work.

Additional Information

Due to the above deficiencies your Permit Application Request has been REJECTED
These items must be addressed **BEFORE** any further Permit application requests are made. Failure to do so will result in subsequent rejections.

Once all deficiencies have been addressed a **NEW** application request, with all necessary documents and drawings, must be submitted again.

- Go to www.westvancouver.ca/upload and submit your application

Email Reference #244852

Appendix C

SITE INSPECTION INSPECTION NOTICE

Address: 6D 328 TAYLOR WAY, WEST VANCOUVER
Permit Type: GENERAL

Permit #: GEN03400
Inspection Date: Dec 17, 2021

Description:

Inspection Status: REJECTED

THE BUILDER MUST ENSURE THE FOLLOWING ITEMS ARE COMPLETED

- **SITE INSPECTION (SDM) Dec 17/21 : STOP ALL WORK. CONSTRUCTION PROCEEDING WITHOUT INSPECTION APPROVAL - Plumbing rough in outstanding**
- **SITE INSPECTION (SDM) Dec 17/21 : BUILDING AND ELECTRICAL PERMITS REQUIRED. WALL BUILT IN KITCHEN AREA, WALL REMOVED IN KITCHEN AREA, LAYOUT CHANGES. WALL REMOVED IN BATHROOM BEHIND MAIN ENTRANCE. ELECTRICAL WORK THROUGHOUT.**

Building Official: STACY MCSHERRY

Initials: _____

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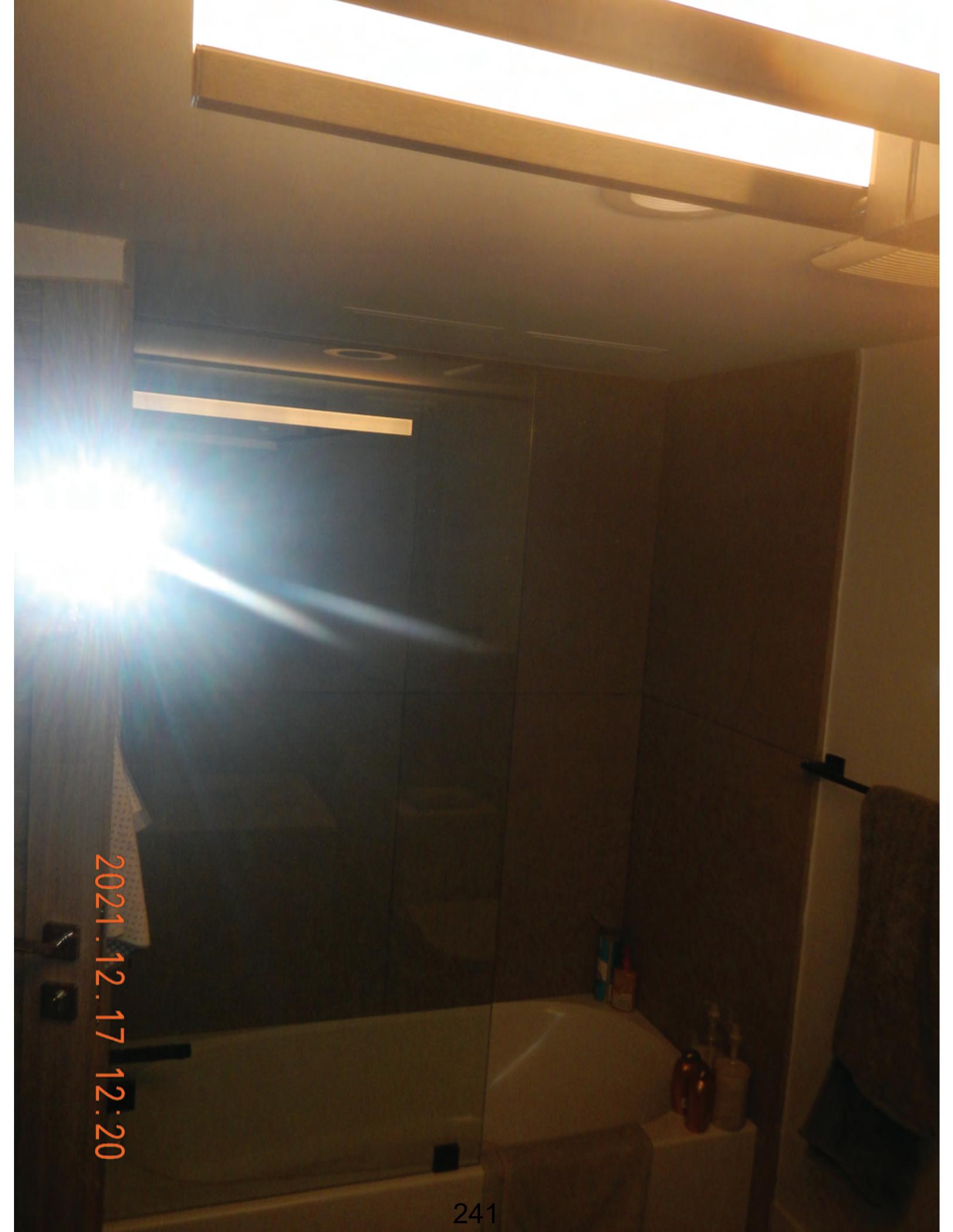
Appendix D



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2021.12.17 12:23

1. LIGHTS	2. LIGHTS
3. KITCHEN PLUG	4. RANGE
5. KITCHEN PLUG	6. RANGE
7. KITCHEN PLUG	8. DRIVER
9. KITCHEN PLUG	10. DRIVER
11. KITCHEN PLUG	12. HEAT
13. KITCHEN PLUG	14. HEAT
15. MICROWAVE	16. HEAT
17. Fridge	18. HEAT
19. WOODEN	20. HEAT
21. WOODEN	22. HEAT
23. WOODEN	24. JACUZZI
25. W.P.C.T.	26. LIGHTS
27. DIMMER	

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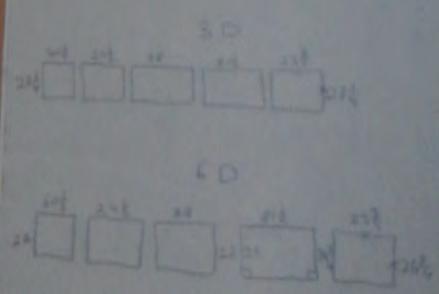


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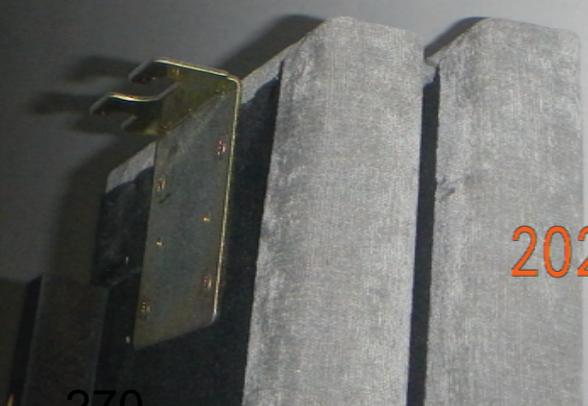
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THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER

All work on the building, or on the land, whereon this notice is posted is suspended by order of the Chief Building Official pursuant to the District of West Vancouver Building Bylaw 4400, 2004 and amendments.

STOP WORK

ORDER

NO FURTHER CONSTRUCTION IS PERMITTED UNTIL AUTHORIZED BY THE PERMITS AND INSPECTIONS DEPARTMENT.

ADDRESS: 6D 328 TAYLOR WAY
DATE: Dec 17/21 INSPECTOR: Stacy McSherry

Partial Stop Work Order Full Stop Work Order

INSPECTOR NOTES:

Construction commencing without first obtaining a permit
Works proceeding to be covered without acceptance from the building inspector

DO NOT REMOVE THIS ORDER UNTIL AUTHORIZED BY THE BUILDING INSPECTOR

Particulars of this Order may be obtained from the Permits & Inspections Department at Municipal Hall, 750 17th Street, West Vancouver. 604-925-7040 | permits@westvancouver.ca

WEST VANCOUVER

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