



## The Corporation of the District of Saanich

# Report

**To:** Mayor and Council

**From:** Angila Bains, Director of Legislative and Protective Services, Corporate Officer

**Date:** November 19, 2024

**Subject:** Recommendation of Notice on Title

**File:** Notice on Title - 67 Cadillac Avenue

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### RECOMMENDATIONS

That Council direct the Corporate Officer to register a Notice in the Land Title Office stating that a resolution has been made under Section 57 of the *Community Charter* relating to 67 Cadillac Avenue, legally described as: Lot 21, Block 7, Section 24, Victoria District, Plan 877, PID 000-396-729, or any subdivision of said lands as may be affected by the contravention(s).

### PURPOSE

The purpose of this report is to recommend that Council instruct the Corporate Officer to register a Section 57 Notice on Title for the property with the civic address 67 Cadillac Avenue for building without the required building/plumbing permits.

### BACKGROUND

The residential property located at 67 Cadillac Avenue in Saanich is a single-family dwelling. Saanich Bylaw Enforcement and a Saanich Building Official attended the property on February 6<sup>th</sup>, 2024, and confirmed that the basement/crawl space had been developed with new structural and plumbing work and was being used as a secondary suite. Two sets of exterior stairs have been built, the deck has had structural work, and a bedroom developed on top of the deck.

### DISCUSSION

Saanich Bylaw and Licensing Services Division received a complaint on November 28, 2023, of construction work completed without the required permits. Over the next four months email correspondence between a Bylaw Officer and property owner occurred. The property owner then assigned their realtor as the agent to submit the required building permit application for work completed without the benefit of building and plumbing permits.

- February 12, 2024, a certified letter sent to property owner outlining items which require a Building Permit application.
- March 25, 2024, email received from property owner's agent requesting clarification of the need for a permit.
- March 27<sup>th</sup>, 2024, email to agent outlining permit requirements.

- July 2<sup>nd</sup>, 2024, phone call to agent as no building permit application to date, agent advised they would be submitting building permit application in a few weeks.
- July – October 31, 2024, Bylaw Officer continued to check for building permit application, no applications have been received to date.
- October 24, 2024, the property at 67 Cadillac Avenue was posted for sale.

The owner has violated the following Sections of the building bylaw:

*4.1 A person must not commence or continue any construction, alteration, excavation, reconstruction, demolition, removal, or relocation or change the use or occupancy of any building or structure, including other work related to construction.*

*(a) except in conformity with the requirements of the Building Code and this Bylaw; and*

*(b) unless a building official has issued a valid and subsisting permit for the work under this Bylaw.*

## **COUNCIL OPTIONS**

1. That Council receive this report for information and take no further action.
2. That Council approve the recommendation as outlined in the staff report.
3. That Council provide alternative direction.

## **LEGAL IMPLICATIONS**

If a Notice on Title is not filed on the Land Title, the liability of the District is potentially increased and potential future owners may not be advised of a building inspection deficiency and may be exposed to potential loss.

## **FINANCIAL IMPLICATIONS**

There are no financial implications to the District of Saanich other than the cost of registering the Notice. The cost of the registration and enforcement will be covered when the Notice is removed from the Title. There is a fee of \$500.00 to remove the Notice from the Title once the property is brought into compliance with all the District regulations.

## **CONCLUSION**

Despite the best attempts of staff, the renovations remain non-compliant to District Bylaws. No building or plumbing permits have been obtained to rectify the construction that has been completed without obtaining required permits. Placing a Notice on Title on the property will reduce Saanich's liability exposure on this file and is recommended by the Manager of Inspection Services.

Prepared by: Roy Thomassen, Manager of Inspection Services

Reviewed by: Doug Roberts, Senior Manager, Building, Bylaw and Licensing Services

Approved by: Angila Bains, Director, Legislative and Protective Services/Corporate Officer

Attachments: Appendix 'A'

**ADMINISTRATOR'S COMMENTS:**

I endorse the recommendation from the Director of Legislative Services, Corporate Officer

Brent Reems,  
Chief Administrative Officer