



## The Corporation of the District of Saanich

# Report

**To:** Mayor and Council

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

**Date:** April 01, 2025

**Subject:** Recommendation of Notice on Title

**File:** Notice on Title - 323 Conway Road

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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 323 Conway Road, legally described as: Lot 6, Section 22 and 95, lake District, Plan 29502, PID 001-388-037, or any subdivision of said lands as may be affected by the contraventions(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 323 Conway Road for building without the required building /plumbing permits.

### BACKGROUND

The rural property located at 323 Conway Road in Saanich is a single-family dwelling with accessory buildings. Saanich Bylaw Enforcement and Saanich Building Official attended the property on July 13, 2023, and confirmed that a new building has been constructed with no permits. Accessory buildings have also had additions without permits and are being used as a duplex and triplex dwellings.

### DISCUSSION

Saanich Bylaw and License Division received a complaint on June 28, 2023, regarding accessory buildings being occupied as dwellings.

- July 13, 2023, site visit by Bylaw Officer and Building Official conducted.
- July 24, 2023, Letter sent to owner confirming additions to buildings, new building, and accessory buildings being used for dwelling purposes.
- Over several months of correspondence with the property owner's agent, no building or plumbing permits have been obtained.
- December 12, 2023, agent for owner requested a copy of letter sent to owner.
- April 2, 2025, letter sent to owner advising that the District of Saanich has not received any applications for building or plumbing permits and will be moving forward with a recommendation to Council to file a Notice on Title of the property.

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 of 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.*

*4.2 A person must not occupy or permit the occupancy of any building or structure or part of any building or structure*

*(a) unless a subsisting occupancy permit has been issued by a building official for the building or structure or the part of the building or structure; or*

*(b) contrary to the terms of any permit issued or any; notice given by a building official.*

*4.10 A person must not change the use, occupancy or both of a building or structure or a part of a building or structure without first applying for and obtaining a building permit under this Bylaw.*

## **COUNCIL OPTIONS**

1. That Council approve the recommendation as outlined in the staff report.
2. That Council receive this report for information and take no further action.
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 District regulations.

## **CONCLUSION**

Despite the best attempts of staff, the additions, new building and uses remain non-compliant to the 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 of Legislative and Protective Services, Corporate Officer

Attachments: Appendix 'A'

**ADMINISTRATOR'S COMMENTS:**

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

Brent Reems, Chief Administrative Officer