



## 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 – 4029 Quadra 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 4029 Quadra Avenue, legally described as: Lot 2, Section 64, Victoria District, Plan 16617, PID 003-995-640, or any subdivision of said land 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 4029 Quadra Avenue for building and occupying buildings without the required building /plumbing and occupancy permits.

### BACKGROUND

The residential property located at 4029 Quadra Avenue in Saanich is a single-family dwelling. Saanich Bylaw Enforcement, Saanich Building Official and Saanich Fire attended the property on February 1, 2024, and confirmed that the accessory building had been converted into three dwellings and the house was two dwellings. Both building and plumbing for these changes have been completed without obtaining the necessary building/plumbing permits.

### DISCUSSION

Saanich Bylaw and Licensing Services Division received a complaint January 11, 2024, regarding concerns of building safety. Multiple dwellings have been created without the benefit of obtaining the required permits. Over the next year correspondence with the owner and Bylaw Officer occurred.

- February 5, 2024, Letter sent to owner regarding the property review outlining the Bylaw issues of the work done without permits.
- July 29, 2024, Bylaw Officer and Building Official attended the site and confirmed that illegal dwelling units continued to be occupied.

- Many emails from Bylaw enforcement to the owner occurred over the remainder of the year.
- The owner states that the property will be redeveloped with two of the neighbors, however, this will take time, and no applications have been made to date.

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.*
- 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 an 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 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 back into compliance with all the district regulations.

## **CONCLUSION**

Despite the best attempts of staff, the dwelling units constructed 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 of 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