



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 – 1845 Fairburn Drive

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 1845 Fairburn Drive, legally described as: Lot 7, Section 58, Victoria District, Plan 10973, PID 005-180-589, 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 1845 Fairburn Drive for building without the required building/plumbing permits.

BACKGROUND

The residential property located at 1845 Fairburn Drive in Saanich is a single-family dwelling. Saanich Bylaw Enforcement, Saanich Building Official, and Fire Prevention attended the property on July 28th, 2022, and confirmed that the single-family dwelling has been developed into six rental suites.

DISCUSSION

Saanich Bylaw and Licensing Services Division received a complaint on July 7, 2022, of safety issues in the house with six kitchens. The work to develop six suites was completed without the benefit of obtaining required building/plumbing permits.

- August 25, 2022, certified letter sent to owner identifying issues observed from staff on inspection of the property.
- Many emails between the owner and District of Saanich occurred over several months.
- January 11, 2023, further inspection of the property with Technical Safety BC, Inspections, and Bylaw was conducted
- February 8, 2023, because of the January property review no occupancy notices were posted on the suites.
- February 9, 2023, certified letter sent to owner advising no occupancy postings on the suites and outlining bylaw contraventions.

- August 18, 2023, owner submitted a building permit application to remove 5 suites. No response has been received to address the deficiencies outlined from this permit application, which is now expired.

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 the 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 the 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 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 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 potentially 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 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