



Notice on Title - Section 57 of the Community Charter

The *Community Charter* (Bill 14-2003) provides that a Building Inspector, who observes a condition of a building which

- is considered in contravention of a municipal bylaw;
- is considered in contravention of a provincial regulation;
- a permit was not obtained; or,
- an inspection was not satisfactory completed;

may ask Council to review the matter with a request that a resolution be passed pursuant to Section 57 of the *Community Charter*.

The Municipal Clerk will advise the property owner, by letter, that the matter will be taken to Council and will invite the owner to attend the meeting to discuss the issue. Should Council agree that there is a contravention, it may pass a resolution pursuant to Section 57 of the *Community Charter*. The resolution would instruct the Municipal Clerk to file a notice on title with the Victoria Land Title Office that violations exist on the property. The Land Title Office will make a notation on the property title that there is a bylaw contravention. Any individual requesting a Title Search will then be aware that there are building concerns.

Why is the District concerned about safety issues?

The Building Department is responsible for regulating construction within the District. Once a hazardous condition is observed, the Building Inspector is responsible to attempt to have the deficiency corrected. If the inspector were to fail to take any action, the District may be held liable for any loss or injury sustained.

How can the notice be removed from title?

In order to undertake work to a building or structure, a permit is required, as outlined in the Building Bylaw. If the owner has taken the necessary steps to obtain a building permit, inspections would then be conducted to ensure the deficiency has been rectified. Additionally, there is a \$500 administrative fee to have the Notice on Title removed. If there are no further concerns, the Land Title Office will be notified by the Municipal Clerk and the notice will be removed.

Is there any other action that the District could take?

In addition to the Section 57, Notice on Title, Council may impose remedial action requirements in relation to hazardous conditions. This action may require the owner to remove or demolish the deficiency, bring it up to the bylaw standard and/or deal with the issue in a manner acceptable to Council. The resolution imposing a remedial action would specify a time frame in which the action must be completed. If the action is not completed as required, the District may finish the required work at the expense of the owner.

Members of the public requiring legal certainty as to the interpretation of statutes and bylaws prior to making financial or other commitments should consult their own professional advisers.

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