

DISTRICT OF FORT ST. JAMES
POLICY AND PROCEDURE MANUAL

POLICY GROUP:	Bylaw Enforcement
POLICY #:	8.3
SUBJECT:	Building Inspection – Filing Notice in Land Title Office of Building Bylaw Contraventions
ADOPTED:	June 15, 2005
REVISED:	
ADMINISTERED BY:	Administration

Procedures:

1. Building Inspector should inspect property. Take photos, date and sign, note details of contraventions of Building Bylaw or other regulations relating to buildings or structures and how contravention renders the building unsafe (if applicable) or unusable for its intended purpose.
2. Inspector should send a letter to owner/occupier detailing contraventions, citing contravened regulations, and directing remedial action within fourteen days, or otherwise court action may be taken to enforce the regulation or Section 57 of the *Community Charter* may be invoked. Send copy of Section 57. It may be effective to copy the letter to the mortgagees, as well.
3. On fifteenth day, inspect again. Note condition of property. Take photos if any change.
4. If no change, or further contraventions, Inspector prepares report and recommendation that a resolution to file notice against title pursuant to Section 57 be considered by Council and files it with the Administrator.
5. Administrator sends owner notice of the meeting of Council where Inspector's report and recommendation will be considered, together with copy of report and recommendation and Section 57, by registered mail. Administrator should prepare resolution. See Form A.
6. On day of meeting, item should be announced, and Mayor should ask if the owner of the property is present and wishes to make representations. Council should listen fairly to owner, as well as to Inspector. If Council decides that a notice should be filed against the title, Council should pass resolution. See Form B.
7. Administrator should prepare notice of resolution and send or deliver to Registrar of Land Titles together with payment of prescribed fee (probably \$20.00). See Form C.
8. If owner later requests cancellation of notice, notice and a fair hearing should be conducted before a decision is made. See Form D for cancellation notice.

Times are suggestion only, but should be reasonable in the circumstances, as well as fit the workload of the Building Inspector and the meeting schedule of the Council.

[Date]

[NAME]

[ADDRESS]

registered owner of

[LEGAL DESCRIPTION]

Dear Sir(s):

Re: **Section 57 Community Charter Notice
 Contravention(s) of District of Fort St. James Building Bylaw**

NOTICE IS HEREBY GIVEN that Council of the District of Fort St. James will, at its Regular Meeting, on *[day and time of regular meeting]*, in the Council Chamber at 477 W. Stuart Drive, Fort St. James, B.C., consider a request from the Building Inspector to register a notice on the title to *[legal description]* concerning alleged contravention(s) of the Municipality's Building Bylaw No. 731, 2000, *[sections number(s)]*, namely that *[describe contravention(s)]*. At the meeting the Building Inspector will present evidence in support of their request. At the same meeting you, as the affected property owner, will be provided an opportunity to make representations to Council concerning the matter.

After hearing the representations of the Building Inspector and the owner, if any, Council may pass a resolution directing the Administrator to file a Notice of the Resolution in the Land Title Office indicating that further information concerning the matter may be inspected by interested parties at the Municipal Office.

A copy of the Building Inspector's report and Section 57 is enclosed. Further information may be obtained from the Administrator at 477 West Stuart Drive, Fort St. James, B.C., during normal business hours 8:30 a.m. to 4:30 p.m. Monday through Friday, except statutory holidays.

Yours truly,

Administrator
District of Fort St. James

DISTRICT OF FORT ST. JAMES

RESOLUTION NO. []

A RESOLUTION TO FILE NOTICE IN THE LAND TITLE OFFICE OF BUILDING
BYLAW CONTRAVENTIONS AT [ADDRESS]

(SECTION 57 COMMUNITY CHARTER)

WHEREAS:

- A. The Building Inspector has submitted to the Council of the District of Fort St. James on this day a report entitled [] (the "Report") that, with respect to *[land, building or structure]* situated on *[legal description]* (the "Land")
1. He considers that there is a condition that:
 - (a) results from contravention of *[or is in contravention of]* Building Bylaw No. 731, 2000, Section [], and B.C. Building Code, article [] *[and B.C. Fire Code article _____]* and
 - (b) as a result of that condition, the building *[structure]* is unsafe for the purpose of [] or is unlikely to be useable for its intended purpose, namely [] during its normal lifetime.
 2. he discovered that *[describe what was done]* with respect to the *[building, structure or the construction of _____]* on the Land without a *[permit, inspection]* required under Building Bylaw No. 731, section [];
- B. The Building Inspector has requested the Council to confirm his recommendations and pass a resolution directing the Administrator to file a notice on the title to the Land in the Land Title Office under section 57 of the Community Charter;
- C. The Administrator notified *[name]*, the registered owner of the Land in accordance with section 57 and the owner *[attended, did not attend]* this meeting, and the Council heard submissions from the Building Inspector *[and the owner]* *[and other interested parties, namely _____]*;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Report and the recommendations to the Building Inspector are accepted and confirmed by this Council, and
2. The Administrator shall file a notice in the Land Title Office stating that a Resolution has been passed under Section 57 of the Community Charter by this Council relating to land legally described as *[legal description]*, and that further information respecting the resolution may be inspected at the offices of the Municipality at 477 West Stuart Drive, Fort St. James, BC, during office hours from 8:30 a.m. to 4:30 p.m.

Moved by Councillor _____ and seconded by Councillor _____ that the resolution be adopted.
Carried.

I hereby certify the foregoing to be the Original True Copy of Council Resolution No. _____,
adopted [date].

Administrator

LAND TITLE ACT NOTICE

COMMUNITY CHARTER SECTION 57

TAKE NOTICE THAT the Council of the District of Fort St. James at its meeting held on the [] day of [] 200____ passed a resolution made under Section 57 of the Community Charter relating to land described as *[legal description]*.

Further information respecting the Resolution may be inspected at the offices of the Municipality located at 477 West Stuart Drive between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday, except statutory holidays.

DATED at the District of Fort St. James this [] day of [], 200__.

Administrator
District of Fort St. James

COMMUNITY CHARTER SECTION 57

CANCELLATION NOTICE

To: Registrar of Titles
Land Title Office
[address]

I, _____, Administrator of the District of Fort St. James, hereby certify that the District Council on *[date]* passed a resolution directing me to file a cancellation of the notice filed under section 57 of the Community Charter in the Land Title Office under No. _____, against the following property:

PID: _____

Legal description: _____

I hereby request you to cancel the above notice pursuant to section 58 of the Community Charter.

DATED at Fort St. James this _____ day of _____ 200____.

DISTRICT OF FORT ST. JAMES

Administrator

(seal)