

Date: Tuesday, January 21, 2025

To: Elizabeth Tracy, Chief Administrative Officer

From: Gwendolyn Kennedy, Manager, Corporate & Legislative Services

Subject: Recommendation to File Notice on Title, 7474 Prospect Street

PURPOSE

The purpose of this report is to recommend filing a notice on title of the property located at 7474 Prospect Street, legally described as Lot 7 Block 4 District Lot 202 Lillooet District Plan 1624.

BACKGROUND

A section 57 notice on title informs any potential purchasers of a property that unauthorized or uninspected construction has taken place on the site and the purchaser should investigate the matter to determine, to their own satisfaction, whether or not they wish to proceed with the purchase of the property. If a property owner, having received a notice on their title, corrects the contravention to the satisfaction of the Village, they may apply to have the notice removed at their own expense. As set out in section 57 of the *Community Charter*, the property owner must be provided an opportunity to appear before Council to respond to the Village's recommendation that a notice be registered on the title of their property.

On January 9, 2025, the corporate officer received a memo from Building Official Johannes Oving recommending that a notice be filed on the title of the property located at 7474 Prospect Street because of construction work completed without a permit (**Appendix A**). In accordance with section 57(2), staff sent correspondence to the property owner on January 9, 2025, advising them of the recommendation to file a notice on title and of the opportunity to be heard by Council at the January 21st meeting or to provide a written response in advance of the meeting. The owner responded on January 9th in an email addressed to Mayor and Council, asking for information regarding how to resolve the issues that had prompted the recommendation. The correspondence is attached as **Appendix B**. On January 10th, Building Official Johannes Oving replied, outlining the requirements that would need to be satisfied for him to withdraw the recommendation prior to the January 21st meeting of Council (**Appendix C**).

The January 9th recommendation follows a similar recommendation to register a notice on title made on July 18, 2024 (**Appendix D**). The July recommendation did not proceed to Council because the property owner indicated willingness to comply with Building Bylaw No. 912, 2021 and requested time to obtain the necessary documents. Since then, the property owner has failed to provide the documents required by Building Official Oving, prompting the second recommendation to file a section 57 notice on title.

DISCUSSION & COMMENTS

Section 57 of the *Community Charter* provides Council with a tool to protect future purchasers and others with an interest in a property deemed to be in contravention of Village bylaws or Provincial legislation in relation to buildings or land. The owner of the property located at 7474 Prospect Street has not provided documents satisfying the building official's requirements, and, as such, the recommendation to file a notice on title stands.

COMMUNICATIONS

As required under section 57(2) of the *Community Charter*, the corporate officer notified property owner of the building official's recommendation to register a notice on title and of the opportunity to respond in writing or to address Council at the Council Meeting at which the matter is being considered.

LEGAL CONSIDERATIONS

Section 57 of the *Community Charter* sets out the process by which a local government may consider placing a notice on the title of a property.

BUDGET & STAFFING

The establishment of a Section 57 Notice on Title has been facilitated in-house; however, there will be some costs associated with the registration of the Notice on Title at the Land Title Office. These costs can be accommodated.

INTERDEPARTMENTAL IMPACT

The notice on title report was prepared with the support of Development Services staff.

COMMUNITY CLIMATE ACTION PLAN

This initiative has no impact on the Community Climate Action Plan strategies.

STRATEGIC PRIORITIES

Registering this notice on title, which informs interested parties of the presence of unpermitted work on the property, aligns with the strategic priority to *operate with excellence*.

IMPACT ON THE REGION

This initiative has no impact on other jurisdictions.

ALTERNATIVE OPTIONS

There are no alternative options.

RECOMMENDATIONS

THAT Council directs the corporate officer to file a notice in the land title office stating that:

- (a) a resolution relating to the land legally described as Lot 7 Block 4 District Lot 202 Lillooet District Plan 1624 has been made under section 57 of the *Community Charter*; and
- (b) further information respecting the resolution may be inspected at the Village of Pemberton Municipal Hall.

ATTACHMENTS:

Appendix A: Internal memo: recommendation to file a notice on title, January 9, 2025

Appendix B: Correspondence between property owner and corporate officer, January 9, 2025

Appendix C: Email correspondence from Building Official Oving to Adam Rice, January 10, 2025

Appendix D: Internal memo: recommendation to file a notice on title, July 18, 2024

Prepared by:	Gwendolyn Kennedy, Manager, Corporate & Legislative Services
CAO approval:	Elizabeth Tracy, Chief Administrative Officer