

**Date:** Thursday, January 9, 2025

**From:** Johannes Oving RBO, Contract Building Official

**Subject:** Notice on Title – 7474 Prospect St. – LOT 7 BLOCK 4 DISTRICT LOT 202 LILLOOET DISTRICT PLAN 1624

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This memo is written regarding the unpermitted foundation work at 7474 Prospect Street, LOT 7 BLOCK 4 DISTRICT LOT 202 LILLOOET DISTRICT PLAN 1624.

In June of 2024, the Village received a building permit application for a foundation repair at 7474 Prospect Street. The application was submitted by the property owner and was accompanied by document from the contractors quoting the work that must be done to the single-family dwelling. As per section 18.1 of the Village of Pemberton Building Bylaw No 912, 2021, the Building Official may issue the permit for which an application is made when the following conditions have been met:

- (a) the *owner* has submitted a completed application including all required supporting documentation
- (e) the *owner* has retained a professional engineer or geoscientist if required by the provisions of the *Engineers and Geoscientists Act*

On April 24, 2024, the property owner of 7474 Prospect Street reached out to the Village for foundation work and putting up a fence. On April 25, the property owner was informed in correspondence from Mia Bojic, Building and Planning Coordinator, that they will need a building permit for the mentioned foundation work. On May 2, 2024, correspondence was exchanged between the Village and the property owner requesting that no repair or levelling of the foundation is done without issuance of a building permit.

On June 4, 2024, at 4:50pm, the property owner of 7474 Prospect Street submitted their building permit application online at Cloudpermit.com. The permit application was supported by a 4-page document that was a quotation from the contracting company hired to do the foundation work. The building permit application was assigned to the Building Official for review. On June 15, 2024, at 1:37pm, the Building Official requested changes to be made to the permit application prior to issuance. The building permit application had no sign-off or support from any engineering.

There was no correspondence from the property owner after the changes were requested.

On July 10, 2024, the Bylaw officer visited the site at 7474 Prospect Street to witness continuous active construction. The Building Officials were contacted about the ongoing work at 7474 Prospect Street by the Development Services department. A Stop Work Order was prepared and signed off by the Building Official. The Building and Planning department offered the property owner to provide sufficient engineering as per the changes requested prior to the Council meeting on July 23, 2024. This was iterated in the letter accompanying the Stop Work Order.

On July 11, 2024, the Stop Work Order was issued, and the notice was posted on the door. The property owners were not on site at the time of the Stop Work Order being issued. The contractors were informed and handed the letter notifying them of the Stop Work Order. The property owner was also notified through email correspondence regarding the Stop Work Order.

On July 15, 2024, the Bylaw officer observed that the work was continuing at 7474 Prospect Street. The Stop Work Order notice on the door of the house at 7474 Prospect Street was also physically removed off the door.

On July 15, 2024, the Village issued two tickets in contravention of the Building Bylaw No. 912, 2021. The tickets and a second letter were delivered to the contractors as the property owner was not on site. The same letter and copies of the tickets were sent via email to the property owner.

On July 16, 2024, the Building Official wrote another letter stipulating the previous correspondence and that a section 57 Notice on Title would be placed for 7474 Prospect Street. Bylaw issued another ticket for contravention of section 8.1 work without a permit as per the Building Bylaw No. 912, 2021. The property owners were not on site. The ticket and letter were hand delivered to the contractor. The same information that was hand delivered was also mailed and emailed to the property owner.

On August 19, 2024, a letter was received from the owners opposing the recommendation to place a *Section 57* Notice on Title on the basis that the application was cumbersome to submit and therefore create a hardship in completing the works on time.

On October 28, 2024, the Village received a letter from Structural Solutions Engineering Inc. regarding the foundation repairs. This letter is sealed and signed by a structural engineer. Both myself and Zara Rockwell, a contract building official for the Village have reviewed this letter and do not find it satisfactory for the works that have been completed without a permit.

It is again recommended that a *Section 57* Notice on Title is registered on the lot at 7474 Prospect Street. *Section 57* of the *Community Charter* sets out the process by which a local government may consider placing a Notice on Title in which the Building Inspector observes a condition that is contravention of a bylaw. Previous case law related to this matter has found municipalities at fault when they neglected to register a notice on title regarding bylaw infractions.



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