



Planning and Land Use Committee Report

For the Meeting of August 21, 2014

To: Planning and Land Use Committee **Date:** July 16, 2014
From: Robert Woodland, Director of Legislative & Regulatory Services
Subject: Work without permit – 865 View Street, 12th Floor / Bylaw File #27577

Executive Summary


The purpose of this report is to recommend the filing of a Notice on Title in respect to work completed without permit in modifying the configuration of the 12th floor at 865 View Street. An inspection completed by City electrical, plumbing and building inspectors confirmed plumbing, electrical and building code violations. The building managers did complete an electrical survey but have failed to obtain the other necessary permits to legalize the remaining work without permit.

Recommendation

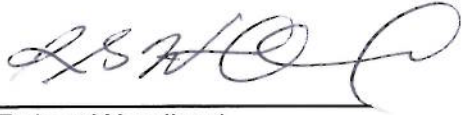
The Building Inspector recommends:

That the Committee direct the Corporate Administrator to file a notice on title in the Land Title Office in relation to the property located at 865 View Street, legally described as LOT A PLAN 31096 VICTORIA OF LOTS 294/295/296/297 indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the Property Maintenance Delegation Bylaw and advise that further information regarding this resolution may be inspected at the Legislative and Regulatory Services Department in Victoria City Hall.

Respectfully submitted,


Mia Frankl
Bylaw Officer
Bylaw and Licensing Services


Mark Hayden
Building Inspector / Manager
Bylaw and Licensing Services



Robert Woodland
Director
Legislative and Regulatory Services

Report accepted and recommended by the City Manager: _____

Date: _____ August 12, 2014

List of Attachments

- Appendix A – Map of property and surrounding area
- Appendix B – Photos of work without permit
- Appendix C – Letter to owner dated December 6, 2012
- Appendix D – Email with Tony regarding outstanding work without permit – September 5, 2013

Purpose

The purpose of this report is to advise the Planning & Land Use Committee about work without permit completed on the 12th floor of 865 View Street and of the enforcement action that has been taken in order to secure voluntary compliance with Section 2.2(1) of the Building Bylaw and Schedule F of the Zoning Regulation Bylaw. This report sets forth a recommendation to the Committee that under Section 57(3) of the *Community Charter* and the provisions of the Property Maintenance Delegation Bylaw, a notice be filed in the Land Title Office in respect to the illegal work.

Background

Section 57 of the *Community Charter* allows the City to file notice on title of any property where the Building Inspector:

- a) Observes a contravention of a municipal bylaw, provincial building regulation or another enactment that relates to the construction or safety of buildings or other structures; or
- b) Discovers that something was done without a permit or inspection.

Before notice may be filed under Section 57 of the *Community Charter*, Council must give the Building Inspector and property owner an opportunity to be heard.

For the purpose of filing notices under Section 57(1)(b) of the *Community Charter* the Manager of Bylaw & Licensing Services is a Building Inspector under the Building Bylaw. Under the provisions of the Property Maintenance Delegation Bylaw, Council has delegated the authority to hold hearings and make decisions under Section 57 of the *Community Charter* to the Planning and Land Use Committee.

Section 2.2 (1) of the Building Bylaw states that a person must not:

- a) Construct, or;
- b) Change the occupancy of a building unless the building's owner has obtained a building permit from the Building Inspector.

The Building Bylaw defines "occupancy" as the use or intended use of a building or part of a building for shelter or support of persons, animals or property according to the occupancy classifications for buildings set out in the Building Code.

Issues and Analysis

The property at 865 View Street is located in the Harris Green neighborhood and is zoned as an R3-C-C, Central Area, Multiple Dwelling District. The approved use of the twelfth floor per the building plans was for recreation rooms. The actual use upon inspection was comprised of a four bedroom suite complete with kitchen and bathroom, and two separate office spaces. The suite was installed without City permits and constitutes a violation of the Zoning Regulation Bylaw, Building Bylaw, Plumbing Bylaw and Electrical Safety Regulation Bylaw for illegal use and work without permit.

The property owners have been given substantial time to address the illegal work and to date have failed to make attempt to do so; having only completed an electrical safety survey and not addressing the remaining plumbing and building code violations. As representatives of this building have indicated the twelfth floor is not in use, there are no significant health and safety

concerns at this time. Further having completed the electrical safety survey provides assurance that outstanding work without permit does not pose a threat to public health and safety.

Options and Impacts

The filing of a notice on title is part of a graduated enforcement strategy intended to bring a property into compliance with the applicable bylaws and regulations. A notice on title provides incentive to the property owner to resolve the outstanding issues as it serves to warn lenders or prospective purchasers that work has been completed without a permit. Filing a notice on title under Section 57 of the *Community Charter* is therefore intended to ensure that a potential purchaser is aware of bylaw violations in respect to the self-contained dwelling unit in the basement and the accessory building in the yard. The notice can be easily removed once the property has been brought into compliance.

Public Engagement and Consultation

Committee consideration of this matter requires a hearing at which time the affected property owner may make direct representations to the Committee in respect of the recommendation or related issue. Other members of the public who have a direct interest in this matter may also provide input to the hearing, at the discretion of the Committee.

Conclusion

Despite ongoing extensions to bring the property into compliance, the property owner has repeatedly failed to take the action required to bring the property into compliance. As a result this Officer has determined that the appropriate course of action at this time is to proceed with filing a notice on title. Doing so will provide incentive to the owner to bring the property into compliance.

Recommendation

The Building Inspector recommends:

That the Committee direct the Corporate Administrator to file a notice on title in the Land Title Office in relation to the property located at 865 View Street, legally described as LOT A PLAN 31096 VICTORIA OF LOTS 294/295/296/297 indicating that a resolution relating to this property has been made under the authority delegated pursuant to Section 57(3) of the *Community Charter* and the provisions of the Property Maintenance Delegation Bylaw, and advise that further information regarding this resolution may be inspected at the Legislative and Regulatory Services Department in Victoria City Hall.

Unit 1200 photo of kitchen, to right of entrance



Kitchen installed without permits

Unit 1200 Photo of bathroom off kitchen



Bathroom installed
without permits

Unit 1200 hallway to left of entrance, leads to 2 bedrooms and one shared living space



walls and bedrooms
constructed without
permits-



December 6, 2012

Legislative and
Regulatory Services
Department

Gill-Am Investments Ltd.
3437 Mayfair Drive
Victoria, B.C.
V8P 1R2

Re: 865 View Street, Victoria / Bylaw File #27577

Bylaw and Licensing
Services Division

1 Centennial Square
Victoria BC V8W 1P6

Dear Sir,

This letter is a follow-up to the health and safety inspection conducted on the 12th floor of 865 View Street on November 6 and 22, 2012. The inspections were conducted by City officials including bylaw officers, electrical, plumbing and building inspectors. In summary, there are a number of zoning violations which need to be addressed in order to bring this property into compliance with the City of Victoria's Zoning Regulation Bylaw.

This property is currently zoned as R3-C-C, Central Area Residential. City records indicate that the legal use of the property as per the approved building plans is "multi family, minimal commercial." The building plans for this address show the 12th floor as approved for recreation use only; open space. The inspection revealed that the actual use of the 12th floor is dwelling units and office space.

Findings from inspection of Suite 1200 found the following violations:

Plumbing:

- North set of washrooms. Both altered from original layout.
- Fixtures have been relocated, added and removed. – Basin relocated, shower added, sink and dishwasher added, toilet and basin removed.
- Fixtures removed without proper cap offs.
- Many plumbing code violation and open sewer piping.
- Require all plumbing work to be permitted, exposed, corrected and inspected

Building:

- No permit for change of occupancy from recreational to residential
- Original configuration altered by addition of partitions and relocation of doors

To Contact

Telephone: 250.361.0215
E-Mail: bylawenforcement@victoria.ca

Fax: 250.361.0205
Web: www.victoria.ca

Findings from inspection of Suite 1202 and 1201 found the following violations:

Building:

- Not as per the original occupancy or layout indicated on the city plans – added walls

Summary of Electrical findings for 12th floor:

- Electrical work has been completed without permit since the building was constructed and will require an electrical safety survey

This work will require a permit to change the occupancy or return this space back to its original occupancy. Whether the 12th floor can be approved for change of use and occupancy remains unknown at this time. Should you choose to pursue this option, it is recommended that you hire a qualified home design professional to assist you. Another option would be to apply for the necessary permits to decommission the 12th floor from use for dwelling and office space. In the interim, you are required to make application for the building, plumbing, and or electrical permit(s) through the City's Permits and Inspections Department (250-361-0344) to address the unpermitted improvements on the 12th floor.

You are granted until March 5, 2013 to make application for the required permit(s) and/or rezoning to bring this property into compliance. Not doing so will result in the issuance of fines, the placing of a notice on land title, and/or further legal action. Thank you in advance for your cooperation in this matter. If you have any specific questions or concerns, please don't hesitate to contact me directly by telephone at 250-361-0540 or by email at mfrankl@victoria.ca.

Regards,



Mia Frankl
Bylaw Officer

Cc: Andrew Dolan, Senior Bylaw Officer – Bylaw & Licensing Services
Mike Staples, Electrical Inspector - Permits & Inspections Division
Ray Berkeley, Building Inspector – Permits & Inspections Division
Andy Wilson, Plumbing Inspector - Permits & Inspections Division
Brown Brothers – Brian Siddall

Mia Frankl

From: Mia Frankl
Sent: Thursday, Sep 5, 2013 8:35 AM
To: 'Anthony DeCesare'
Subject: RE:
Attachments: Ltr to RO Dec 6 2012.pdf

Tony,

I have attached a copy of the letter from December listing the provincial code violations – there are a number of items listed for plumbing, building and electrical. If you could, please send a copy of the electrical survey as it is not attached to the electrical permit.

I appreciate that the 12th floor may not be in use at this time but these matter remain outstanding and still need to be addressed.

Mia

From: Anthony DeCesare [<mailto:AnthonyDeCesare@brownbros.com>]
Sent: Tuesday, Sep 3, 2013 4:10 PM
To: Mia Frankl
Subject: FW:

Hi Mia

The safety survey has been done. My understanding is that an actual permit was not required, only a safety survey permit. The 12th floor is locked off and the owner is still undecided which direction to take. I believe according to the plumber that there were no safety concerns.

Thanks

Tony

From: gcorbyn [<mailto:gcorbyn@shaw.ca>]
Sent: April 30, 2013 3:33 PM
To: Anthony DeCesare
Subject: Re:

Hi tony

The permit has been taken out for 12 floor view st
Will do safety check on everything as per inspectors request

geoffrey corbyn

gnc industries

----- Original Message -----

From: Anthony DeCesare
To: 'gcorbyn@shaw.ca'
Sent: Thursday, April 25, 2013 09:19

Hi Geoff

I met with Mike Staples and wants either a safety survey permit taken out regarding the Chelsea 12th floor or perhaps disconnect the circuit. Please talk to him if you are not sure. There is some sort of urgency to this as the Bylaw Officer is getting impatient.

Thanks

Tony

**Legislative and
Regulatory
Services
Department**

Legislative Services

#1 Centennial Square

Victoria

British Columbia

V8W 1P6

Tel (250) 361-0571

Fax (250) 361-0348

www.victoria.ca



August 11, 2014

GILL-AM Investments Ltd.
3437 Mayfair Drive
Victoria BC V8P 1R2

Dear Sir / Madam:

Re: Work without Permit – 865 View Street – 12th Floor


Please be advised that City of Victoria staff is recommending to the Planning and Land Use Committee that the Corporate Administrator file a Notice in the Land Title Office regarding work without permit for 865 View Street. A copy of the report is attached for your records.

A hearing will be held before the Planning and Land Use Committee to grant the applicant an opportunity to address this matter. Therefore, the registered owner is hereby requested to attend the Planning and Land Use Committee meeting on **Thursday, August 21, 2014, at 1:00 p.m.**, in the Council Chambers, at Victoria City Hall, #1 Centennial Square (corner of Douglas and Pandora) to be heard by the Committee.

Further information respecting this matter may be obtained from the offices of the City of Victoria, Legislative & Regulatory Services, #1 Centennial Square, Victoria, BC between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

The agenda for this meeting will be produced on the Monday prior to the meeting and available from this office. Please advise Janice Appleby, Committee Secretary, at (250) 361-0571 local 2306, if you have any written materials you wish added to the agenda.

Yours truly,


Robert G. Woodland
Corporate Administrator

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Enclosure (1)

- c. M. Frankl, Bylaw Officer
M. Hayden, Manager, Bylaw & Licensing Services