

REGIONAL DISTRICT OF OKANAGAN-SIMILKAMEEN BOARD POLICY

POLICY: Enforcement of Building Bylaw Violations

AUTHORITY: Board Resolution No. B354/09 dated July 2, 2009.

AMENDED: Board Resolution No. **B420/12** dated November 15, 2012.¹
Board Resolution No. **B221/13** dated July 4, 2013.²
Administrative Review January 7, 2016

POLICY STATEMENT

Overseeing construction of sound and safe buildings that comply with local land use regulations is a key responsibility of the Regional District of Okanagan-Similkameen (RDOS). When Building Bylaw violations occur, bylaw enforcement actions need to be considered² to protect the health and safety of the public.¹

Enforcement of Building Bylaw violations will be subject to the limited financial resources of the Regional District.¹

PURPOSE

The purpose of this policy is to provide for a consistent and cost effective approach to the enforcement of Building Bylaw violations.

RESPONSIBILITIES

For violations of the Building Bylaw which are observed by the Building Official or which occur during the course of construction or building permit term¹, the following approach will be followed:

1. **Minor Deficiencies:** For Minor Deficiencies, a letter may² be sent to the owner of the property advising of the problem, advising that it is the responsibility of the owner to remedy the deficiency, advising that failure to do so is a breach of the RDOS Building Bylaw, and advising that the Regional District retains the right to take further enforcement steps.² The letter will be placed in the folio file.
2. **Major Deficiencies:** For Major Deficiencies, the RDOS may wish to consider putting² unsuspecting purchasers and lessees² on notice that the property is in breach of the Building Bylaw. For these deficiencies, the Building Official may make² a recommendation to the RDOS Board for a resolution to place a Section 57 Notice against the Title of the property.¹
3. **Health and Safety Deficiencies:** For Health and Safety Deficiencies, the Building Official² may make a recommendation¹ to the RDOS Board for a resolution to place a Section 57 Notice against the Title of the property and/or² to seek compliance with the Building Bylaw or the Building Code² through the courts with an application for injunctive remedies.² Prior to forwarding the file to the solicitor, a letter will be sent to the property owner advising of the Regional Board Resolution to seek injunctive remedies² and providing the owner one month to rectify the violation.

1. Policy amended November 15, 2012 by Board Resolution B420/12

2. Policy amended July 4, 2013 by Board Resolution B221/13

For violations of the Building Bylaw which occur after completion of the building and construction permit process, which do not require an additional building permit to remedy, the following approach will be followed:¹

Action will normally be initiated when complaints by persons other than the Building Official are made to the Regional District² in writing with full particulars of complainant disclosed;

1. **Minor Deficiencies**: A letter may² be forwarded to the offending property owner(s) advising of the breach and the requirement for remedy; or
2. **Major Deficiencies**: A bylaw notice(s) may be issued² pursuant to Schedule "A" of Bylaw No. 2507, 2010.
3. **Health & Safety Deficiencies**: Depending on the nature of the breach, and the severity of the health & safety risk, failure to remedy the breach may result in a Building Official's² recommendation to the RDOS Board for a resolution to place a Section 57 Notice against the Title of the property and/or to apply to court² for injunctive remedies².

2. Policy amended July 4, 2013 by Board Resolution B221/13