

DISTRICT OF SALMON ARM

POLICY NO. 3.2

TOPIC: Filing Notice in Land Title Office of Bylaw Contravention

PURPOSE:

With increasing litigation involving municipalities, the high cost of insurance, and prosecuting and enforcing our bylaws, it has become necessary to place a Notice on Title of any health, safety or contravention of bylaw infractions which staff have discovered respecting the use or development of property. A Notice on Title, initiated by the Municipality, is a speedy method of insuring that municipal liability is not incurred due to the negligence of an owner or occupier with respect to his property and notifying future prospective purchasers of possible infractions regarding a property.

POLICY:

1. The Building Inspector may recommend to Council that a resolution be considered to file a Notice in the Land Title Office of the bylaw contravention when he observes a condition with respect to land or building [or structure] which is in contravention of a District bylaw or regulation under the Municipal Act and as a result of the contravention is unsafe [or unlikely to be usable for its expected purpose during its normal lifetime] or where construction was done in part or in whole with respect to a building or structure without a required permit or inspection.
2. The Building Inspector shall “formally” notify the owner/occupier of bylaw, regulatory and safety item contravention and concerns with a specific outline of expected remedial actions to be provided within a reasonable “time frame”, by certified mail or delivery by the Bylaw Enforcement Officer.
3. Where safety to the public or owner/occupier is of prime concern, the “time frame” shall be evaluated with the Clerk and the Director of Development and Planning.
4. A review for positive remedial action should be taken by the Building Inspector within 30 days of the “formal notice”.
5. If there is no change, or if unacceptable progress towards remedial action is noted, the Building Inspector may recommend that a resolution to file notice against the title pursuant to Section 700 of the Municipal Act be considered by Municipal Council and file it with the Municipal Clerk.
6. The Clerk shall then send a Notice to the owner, by certified mail or delivery by the Bylaw Enforcement Officer, advising them of the time, date and place of a Hearing on the matter. The owner shall be given a minimum of 14 days advance notice. The owner is also provided with a copy of the Building Inspector’s report and recommendation.

7. On the evening of the Council Meeting the item should be announced and the Mayor should ask if the owner of the property is present and wishes to make representation, or if there is representation to be made on behalf of the owner. Council should listen fairly to the Building Inspector as well as to the owner or his representative and if Council decides that a notice should be filed against the title, Council should pass the resolution with appropriate amendments as Council deems necessary.
8. The Clerk should prepare notice of resolution and send it to the Registrar of Land Titles in Kamloops together with a payment of the prescribed fee.

Prepared by: Planner	Date: September 5, 1989
Approved by Council	Date: September 11, 1989
Replaced	Date: November 10, 1998