



AGENDA
TOWN OF LAKE COWICHAN
Special meeting of Council to be held on
Tuesday, November 14th, 2017 at 5:00 p.m.

1. CALL TO ORDER

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INTRODUCTION OF LATE ITEMS (if applicable)

2. APPROVAL OF AGENDA

3. ADOPTION OF MINUTES

4. BUSINESS ARISING AND UNFINISHED BUSINESS

5. DELEGATIONS AND REPRESENTATIONS

6. CORRESPONDENCE

7. REPORTS

(a) **Council and Other Committee Reports**

(b) **Other Reports**

(c) **Staff Reports**

- (i) CAO re: Development Permit for 276 Castley Heights.
- (ii) CAO re: Remedial Action- 127 North Shore Rd Property.
- (iii) Director Of Finance re: Property Insurance.

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8. BYLAWS

9. NEW BUSINESS

10. MAYOR'S REPORT

11. MEDIA / PUBLIC QUESTION PERIOD

12. IN CAMERA

13. ADJOURNMENT

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Staff Report



Date: October 26, 2017
To: Chief Administrative Officer
From: James van Hemert, Consulting Planner
Re: **Application for a Development Permit for 276 Castley Heights, Lot 8, BLK 14, Section 5, Renfrew District, Plan VIP 54940**

APPLICATION

The applicant requests a Development Permit to support construction of a single family residence.

BACKGROUND

The subject property is zoned **R-1 Urban Residential** and is currently undeveloped. The character of the adjacent property is single family residential.

RELEVANT TOWN BYLAWS

Official Community Plan .Development Permit Areas

The proposal is subject to Natural Hazard Lands DPA 2 guidelines.

Relevant guidelines are cited below, with a brief comment on the extent to which the proposal satisfies the guideline.

Guidelines for Natural Hazard Lands DPA 2

17.5.4.3

Steep slopes

a) Significant excavation or filling to accommodate buildings or structures or to alter existing slopes shall not be undertaken, nor shall any building or structure be erected, constructed or placed in areas subject to bank instability or potential damage from bank instability. To avoid areas subject to unstable slopes, buildings and structures shall be sited in accordance with building setbacks and other requirements as determined by a geotechnical engineer registered as a Professional Engineer in British Columbia.

b) All lands shown on Map 4 Natural Hazard Lands Development permit Area (DPA 2) with slopes of greater than 10% shall be subject to slope stability studies to determine where hazardous conditions exist prior to any development being permitted. These studies shall include but not be limited to identifying

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areas of slope equal to or greater than 30%, areas of springs and seepage and organic soils, the 200 year flood plain, and any areas with a high water table, and other studies as required. Reports shall be prepared, signed and sealed by a qualified practising engineer, licensed to practise in British Columbia. If fish habitat areas are potentially affected by proposed development, Council shall require a report prepared by a qualified fish biologist specifying how the proposal will meet all applicable Federal and Provincial regulations.

Comments:

The site is already subdivided for single family residences and the majority of lots are already developed. There is no opportunity to avoid the construction of retaining walls to address steep slopes.

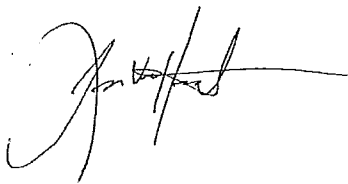
A WorkSafe BC Excavation Assessment by Ryzuk Geotechnical, dated September 28, 2017, notes that the extent of existing cut slopes and engineered rock fill and concludes that the site is safe for worker access. The report does not address the engineered design requirements for proposed rock retaining walls.

The concern to be addressed with the issuance of a development permit is to ensure long term safety for future residents of the property. This can be accomplished by mitigation of the steep slope risks via professionally engineered retaining walls and structures in all proposed locations on the property.

RECOMMENDATION

Approval of the issuance to the applicant of a Development with the following condition:

- 1) Prior to the issuance of a building permit, all proposed retaining walls and structures in the rear, front, and side yards are designed by a professional geoscientist engineer to the satisfaction of the town's building inspector.



James van Hemert, MCIP, RPP
Consulting Planner

Comments from the CAO

that the Development Permit be issued for the property described as 276 Castley Heights, subject to the owner applicant ensuring that all proposed retaining walls and structures are designed by a professional geoscientist and that all setback requirements are met.





Memo

TO: Mayor and Council

SUBJECT: Required Remedial Action – 127 North Shore Road Property

DATE: November 10, 2017

FROM: Chief Administrative Officer

BACKGROUND

With the public's concerns regarding vacant and inhabited buildings with respect to their dilapidated condition, as well as concerns about public safety, Council at various times have directed staff to work on resolving these issues. Municipal officials have tried to seek voluntary compliance from the owners but have not always been successful.

127 North Shore Road

The registered Owner of the property at the address at 127 North Shore Road, Daniel Wort, who lives in Japan and his current property manager, have been notified of the residential property posing a danger to life and limb of those living in or accessing the said property. Despite the dangers posed, the property was until very recently or may still be inhabited by two or more tenants.

On November 6th, 2017 the Fire Department had to attend to a fire at the address herein noted. Despite the fact that BC Hydro had shut off power to this address, the residence has continued to be inhabited with residents using a kerosene heater that resulted in a fire that caused a call-in to the fire department. The residents informed the fire department that a propane heater is also used for heating purposes.

Fire and carbon monoxide poisoning and used syringes pose ever-present dangers to residents and visitors and those having to respond to emergencies at this or adjacent properties. The property also has garbage strewn in and outside the building. Further, there is evidence of holes constructed in the flooring of the building.

In light of the foregoing and the dangers posed, the Fire Department has made it clear that it will only respond to fire calls at the address if accompanied by the police.

We have had written and verbal complaints of the subject property that it is incumbent on Council to act on this matter, if public safety is to be protected.

The Fire Department has also deemed the structure not suitable for human habitation at his time.

Under Division 12 of the Community Charter, Council may impose remedial action requirements in relation to hazardous conditions and/or nuisance related to buildings:

Council may impose remedial action requirements

- 72.(1) A council may impose remedial action requirements in relation to
- (a) matters or things referred to in section 73 [*hazardous conditions*],
 - (b) matters or things referred to in section 74 [*declared nuisances*], or
 - (c) circumstances referred to in section 75 [*harm to drainage or dike*].
- (2) In the case of matters or things referred to in section 73 or 74, a remedial action requirement
- (a) may be imposed on one or more of
 - (i) the owner or lessee of the matter or thing, and
 - (ii) the owner or occupier of the land on which it is located, and
 - (b) may require the person to
 - (i) remove or demolish the matter or thing,
 - (ii) fill it in, cover it over or alter it,
 - (iii) bring it up to a standard specified by bylaw, or
 - (iv) otherwise deal with it in accordance with the directions of council or a person authorized by council.
- (3) In the case of circumstances referred to in section 75, a remedial action requirement
- (a) may be imposed on the person referred to in that section, and
 - (b) may require the person to undertake restoration work in accordance with the directions of council or a person authorized by council.

2003-26-72.

Hazardous conditions

73. (1) Subject to subsection (2), a council may impose a remedial action requirement in relation to any of the following:
- (a) a building or other structure, an erection of any kind, or a similar matter or thing;
 - (b) a natural or artificial opening in the ground, or a similar matter or thing;
 - (c) a tree;
 - (d) wires, cables, or similar matters or things, that are on, in, over, under or along a highway;
 - (e) matters or things that are attached to a structure, erection or other matter or thing referred to in paragraph (a) that is on, in, over, under or along a highway.
- (2) A council may only impose the remedial action requirement if
- (a) the council considers that the matter or thing is in or creates an unsafe condition, or
 - (b) the matter or thing contravenes the Provincial building regulations or a bylaw under section 8 (3) (l) [*spheres of authority – buildings and other structures*] or Division 8 [*Building Regulation*] of this Part.

RECOMMENDATION

The Property at the address given current conditions has the potential to create hazardous conditions for the general public that it is recommended that Council pass the following resolution:

WHEREAS Division 12 of Part 3 of the Community Charter (the "Charter") authorizes Council to impose a remedial action requirement on the owner or owners of a building including a requirement to remove or demolish the building where:

- 1) Council considers that the buildings are in or create an unsafe condition;
- 2) Council considers that the buildings contravenes the Provincial building regulations or a Town bylaw under s. 8(3) (1) (buildings and other structures); and
- 3) Council declares the building is a nuisance;

AND WHEREAS Daniel Wort is the registered owner (the "Owner") of the property at 127 North Shore Road, Lake Cowichan, British Columbia, PID # 006- 912-940 (the Property);

AND WHEREAS the building on the Property are in a state of disrepair and have been left vacant and unsecure for a considerable period of time and are a threat to public safety and have not been repaired or demolished, despite the Town's efforts to persuade the owner to take action;

NOW THEREFORE, the Council of the Town of Lake Cowichan, in open meeting assembled, resolves as follows:

1. that Council hereby consider that the buildings located at 127 North Shore Road and legally described as PID # 006- 912-940, Lot C, Block 6, Section 5, Plan 1760 in a hazardous condition, within the meaning of Section 73(2)(b) of the Community Charter in that it contravenes the building regulations for British Columbia and the Town of Lake Cowichan Building Bylaw No. 987-2017 (the Building Bylaw) and the Town of Lake Cowichan Fire Protection Bylaw 865-2009 ;
2. that Council hereby considers that the buildings on the Property are in and create an unsafe condition within the meaning of Section 73(2)(a) of the Community Charter, as a result of the buildings being vacant and insecure, the buildings continuing to deteriorate and/or the building contravening the Building Bylaw;
3. that Council hereby declares that the buildings on the Property are a nuisance, within the meaning of Section 74(2) of the Community Charter, as Council considers the buildings on the Properties to be so dilapidated as to be offensive to the community;
4. that Council hereby requires pursuant to its remedial action powers under Part 3, Division 12 of the Community Charter that the Owner:
 - (a) demolish or remediate buildings on the Property and remove all remnants of the demolished buildings no later than thirty (30) days after notice of this remedial action requirement under s. 77 of the Charter has been sent by the Town to the Owner;
 - (b) must follow all BC WorkSafe Hazardous Materials requirements for the safe removal of any and all hazardous materials in the structures and provide evidence of such compliance; and

(c) fill in and level any hole created by the removal of the building no later than thirty (30) days after notice of this remedial action requirement under s. 77 of the Community Charter has been sent by the Town to the Owner;

6. and that Owner may request that Council reconsider the Remedial Action Requirement by providing the Town written notice within 14 days of the date on which notice under s. 77 of the Community Charter was sent and that if any or all of the actions required by the Remedial Action Requirement is not completed by the date specified for compliance, the Town may take action in accordance with Section 17 of the Community Charter and undertake any or all of the actions required by the Remedial Action requirement without further notice to and at the expense of the Owner.

CONCLUSION

It is quite apparent that neither the property owner nor the property manager has made any attempt to undertake repairs to any of the buildings or secure entry to the buildings as the building/s continue to be occupied.

It is recommended that immediate enforcement actions as outlined in the proposed resolution above should be commenced to compel the owner to remove or remediate the buildings and no human habitation of the premises are to occur until the remediation work is completed .



Joseph A. Fernandez



Memo

TO: Chief Administrative Officer
FROM: Director of Finance
DATE: November 10, 2017
SUBJECT: Property Insurance Renewal

The current property, equipment, crime and group accident insurance expired on November 1, 2017. The following insurance solutions were considered before the policies were renewed with Aon Risk Solutions.

Quotes:

- | | |
|--|--------------------------|
| 1. Aon Risk Solutions | \$ 40,279 |
| 2. Municipal Insurance Association (MIA) | Approx. \$ 40,000 + fees |
- MIA was reluctant to spend the time required to prepare a quote when their earthquake deductible policy had not changed from their last quote.
 - MIA's earthquake deductible is \$100,000 per building whereas Aon's is a 10% deductible. For this reason, it was decided to stay with Aon Risk Solutions. The quotes are very competitive.

Coverage:

- It is important to note that the margin clause has been removed as an appraisal was completed in 2016.
- Aon's coverage includes \$1 million coverage for unnamed locations. It is impossible to list all assets for coverage ie barriers at end of park etc.
- Aon, this year, has included \$50,000 Crime coverage – Social Engineering at no cost.
- Aon has provided quotes for the following coverages which have been declined:
 - Legal expense, cyber, active assailant and terrorism
- It is important to note MIA operates only in BC where Aon provides coverage in all Provinces.

Recommendation

It is recommended that Council ratify the insurance renewal with Aon Reed Stenhouse in the amount of \$40,279.

 _____ Ronnie Gill, CPA, CGA

