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## MEMORANDUM

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**TO:** CHIEF ADMINISTRATIVE OFFICER  
**FROM:** BRIGID REYNOLDS, CONSULTING TOWN PLANNER  
**SUBJECT:** DP2020-06 – 63 COWICHAN LAKE ROAD  
**MEETING DATE:** JUNE 24, 2025

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### Purpose

To provide an update on progress related to DP2020-06.

### Discussion

The following is a chronology of some of the activities for this property as related to

Local Government Act, Section 504 – Permit Lapses if relevant construction not substantially started.

**504** (1) Subject to the terms of the permit, if the holder of a land use permit does not substantially start any construction with respect to which the permit was issued within 2 years after the date it is issued, the permit lapses.

(2) Subject to

- (a) section 496 [additional security requirements in relation to temporary use permits], and
- (b) section 502 (3) [local government action to satisfy permit condition], if a land use permit lapses, the local government must return any security provided under section 502 (1) [requirement for security as condition of land use permit] to the person who provided it.

DP 2020-06 approved by Council August 25, 2020.

### RECOMMENDATION & APPROVAL CONDITIONS

That a Development Permit for property with the street address of 63 Cowichan Lake Road (PID 000-408-956 Lot A Plan VIP6727) be approved under the following conditions:

- 1) Development must comply with all Town Bylaws, specifically including, but not limited to:

- a. Zoning Bylaw;
  - b. Subdivision, Works, & Services Bylaw; and
  - c. Sign Regulation Bylaw.
- 2) The cedar trees, except for 3, be replaced with ornamental pear trees.
  - 3) Provision of surety for landscaping of \$12,690.
  - 4) Approval of this Development Permit does not constitute approval of a Building Permit and any required sign permits.

**September 15, 2020** Report to Council on identifying the following concerns

The consulting planner and the Superintendent of Public Works attended the site with the applicant on Wednesday the 9<sup>th</sup> of September 2020. Staff note the following concerns:

- 1) The trees are pinned to the south onto Town property and some trees are leaning.
- 2) For the most part the tree root systems will not penetrate the asphalt base underneath the berm.
- 3) Due to the shallow root system the trees are more likely to blow over, threatening pedestrians and users of the site.
- 4) If the trees grow taller, they may interfere with the overhead lines.
- 5) As the trees grow, they will thicken and widen, reducing the ability to see into the site.

The question of adequate on-site parking has been raised. Based on Schedule B of the Zoning Bylaw, two parking stalls are required per 10 seats. The proponent proposes 30 seats, which would require 6 stalls. The site plan identifies 6 stalls.

**September 29, 2020** Council meeting Minutes from the

**4. BUSINESS ARISING AND UNFINISHED BUSINESS**

- (a) Development Permit Application for 63 Cowichan Lake Road - Lake Service Garage was tabled to the next Financial and Administrative Committee meeting pending receipt of a report from the RCMP.

Nothing in the Oct 13, 2020 Fin and Admin cttee minutes, nor Nov 10, 2020, nor Dec 8, 2020. Didn't look through subsequent years minutes.

April 21, 2023 - Council report re. unsightly premises.

**April 25, 2023 Council resolution**

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

1. that Council hereby considers that the building or buildings and the property located at 63 Cowichan Lake Road, Lake Cowichan, BC are 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. 1075-2022 (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, because 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 declares that the buildings on the Property are nuisances, within the meaning of Section 74(2) of the Community Charter, as Council has received community complaints about the unsightliness of the Properties;
5. that Council hereby requires pursuant to its remedial action powers under Part 3, Division 12 of the Community Charter that the Owner:
  - a. remediate or demolish the 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. erect a strongly constructed fence at least 1.5 meters tall around the area where the building was formerly located immediately after the building is remediated or demolished, and removed and maintain the fence until the requirement in s. 5(c) of this resolution has been complied with; 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 the Town advise the Owner that he 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.

CARRIED

**May 3, 2023** letter to applicant with council resolution attached, providing 30 days to remediate affected buildings and remove all remnants. Letter appears to have been unclaimed.

**September 28, 2023** letter to applicant from the Town, asking the property owner to attend a meeting on October 13<sup>th</sup> to discuss future plans.

**October 24, 2023** Council minutes

The staff report on the matter of 63 Cowichan Lake Road and the update on the property remediation was treated as information.

Mayor McGonigle reported that he would enquire into the timelines for remediation and referred to the next Committee of the Whole meeting.

**June 27, 2024** Email from planner on stating “improvements to the former car wash building look great and they satisfy the DP guidelines. And I would consider this acceptable to move forward on a building permit for that building.”

Mention of the little store shops in the existing garage to create a bunch of retail spaces. The planner noted that parking will need to be addressed for the additional uses.

**September 10, 2024** COW meeting

The applicant attended to discuss the proposed plans for the 12 retail spaces.

The chair provided an opportunity for committee members to ask questions.

**February 27, 2025** – new contract planner received an email from the applicant with plans for a building permit application. I started working with the applicant to understand the state of the DP. Since that time the planner has been working with the applicant on revised

**May 5, 2025** – landscape bond of \$12,690.00 submitted to the town per the DP.

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On May 27, 2025 the property owner submitted the following email detailing the work that has been completed.

Dear Council and Staff,

I request that the 2020 Development Permit and Building Permit for my food service business at 63 Cowichan Lake Rd not be canceled, as substantial progress has been made. Below is a summary of work completed and remaining as of May 27, 2025.

**Completed Work (2020–2025):**

- Four environmental testing reports by Island EHS for main building, roof, paint, and car wash building.
- Removed and disposed of dilapidated materials (flaking paint, water-damaged drywall, insulation, roofing, unsafe fire-damaged north wall).
- Removed gas station pole sign.
- Landscaped south side with lawn, cedar trees, and stone wall.
- Installed a commercial membrane roof on the main building.
- Repaired and painted garage bay doors.
- Replaced north wall with engineered post-and-beam structure for seismic strength and courtyard access.
- Upgraded electrical wiring to code with new mast and ground (inspected/approved).
- Installed rough-in plumbing for four bathrooms, commercial kitchen sinks, and floor drain (inspected/approved).
- Received health department approval for a commercial kitchen plan.
- Removed south-side cedar trees per Joe Fernandez’s request, securing administrative approval for the take-out window in the car wash building.

- Regraded lawn for one-way aisle and parking.
- Sandblasted interior/exterior walls to remove old paint.
- Repaired leaking water connection and concrete pad between buildings.
- Repaired car wash drain tank lid and graded north-side land.
- Painted the main building's interior ceiling.

Remaining Work (6-Week Timeline):

1. Paint exterior of main and car wash buildings (prep done, painting started).
2. Finish repairing/painting garage bay doors (75% done).
3. Install/paint wood trim and gutters on the main building roofline.
4. Install commercial window/door frames and glazing (north elevation, washroom area, and post-and-beam wall).
5. Install steel connection plates per Hoel engineering.
6. Complete washroom interior walls, fixtures, and lighting.
7. Install epoxy floors and food-safe wall paint in the kitchen (revisions under review).
8. Install commercial kitchen equipment and task lighting.
9. Add parking spaces, planter boxes, and fences per revised landscape/parking plan (pending approval).
10. Install roof and wall signs per revised sign plan (submitted).
11. Complete landscaping per revised plan.
12. Work with staff on access /egress design to improve parking , turning movements and sitelines for Darnell and South Shore Rd.

**Context:**

The project, a take-out food business, faced unexpected cleanup costs that nearly bankrupted me. Financing secured last year enables completion. Since 2020, I've invested hundreds of thousands of dollars and countless hours. Last May, James van Hemert and Joe Fernandez assured me my DP and Building Permit remained valid after cedar tree removal.

Canceling the permits would delay completion by another year, leaving the site unfinished. I am committed to opening a thriving food business and expect to complete the remaining work in six weeks if permits are retained.

Sincerely,  
Michael Hallatt

**Conclusion**

Based on the notes on file, emails, etc and the Mr. Hallat's list of activities (above), it appears that the property owner has continued to undertake work on the property since DP2020-06 was approved. Based on this background information, it is the Contract Planner's interpretation that DP2020-06 remains valid therefore consistent with section 504 of the Local Government Ac.

Signed:



Brigid Reynolds RPP MCIP  
Contract Planner

Concurrence:

Reviewed 2025-06-20

**APPROVED BY:**



Mark Brown  
Chief Administrative Officer