



# Memo

**TO:** Chair, Committee of the Whole

**SUBJECT:** Relocation of Older Structures into Lake Cowichan

**DATE:** May 5, 2023

**FROM:** Chief Administrative Officer

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## Background

A request was made by a representative of Nickell Brothers on the behest of its client, Sabina Travers, to have a 1980's residence moved into Lake Cowichan. A similar request was also made by Nickell Brothers on October 27<sup>th</sup>, 2020, and on December 8<sup>th</sup>, 2020, at the Finance and Committee, at which the following resolution was passed, and which was later ratified by council:

*Moved: Councillor Sandhu*

*Seconded: Councillor Austin*

*that the Committee recommend that the Town of Lake Cowichan does not permit pre-1990 buildings and structures to be relocated or moved into Lake Cowichan.*

*CARRIED.*

Those anticipating plans for relocating recycled residences into Lake Cowichan had to begrudgingly accept the outcome of the council decision of the day. A property owner is now seeking to have the council revise its Building Regulations Bylaw to accommodate her and the commercial enterprise's interests. The question of fairness and consistency must be raised if the bylaw is to now be revised contrary to the council's previous stand on the matter.

The current building bylaw does permit the relocation of recycled homes so long as they were built after 1990. The relocation of pre-1990 homes bring risks that we can ill-afford to take. However, we still require the post-1990 homes to be provided with detailed hazardous materials reports that state that these comply with WorkSafe guidelines.

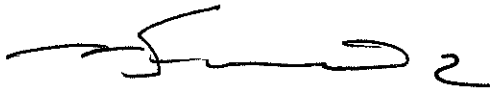
It also became prudent to require Clearance Certificates on existing buildings located in Town that were constructed prior to 1990 when renovations are undertaken. The safety of Town personnel and its residents should be of primary concern to Council. We still have had instances of renovations and demolitions occurring in Town without the required clearance certificates for hazardous materials. The Town personnel have only become aware of these infractions after complaints were lodged with WorkSafe.

The issue of affordability was raised as a benefit of re-locating a pre-1990 home. The Building Inspector, however, does not recommend changing the existing regulations on re-located homes for the following reasons:

- Hazmat issues such as asbestos, lead paint etc. needing to be addressed;
- Not meeting seismic requirements;
- Snow load compliance issues;
- Energy efficiency deficiencies;
- Mechanical requirements not meeting code; and
- Electrical requirements not meeting code.

By the time the pre-1990 home is upgraded to the required standards the argument that affordability makes this option economically viable becomes moot.

It is the responsibility of the council to ensure that the health and safety of its residents and its workforce are safeguarded. That includes protecting them from hazardous materials such as asbestos, lead and crystalline silica that could result in short-term and long-term health problems. For those wanting additional information on the severity of hazardous materials need only to refer to the handbook on “Safe Work Practices in Residential Construction” issued by WorkSafe BC.



Joseph A. Fernandez