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On behalf of the District of Metchosin

May 18, 2017
File No. 17/140

Tri-X Excavating Ltd.
Attn: Mr. [REDACTED]
1107 Goldstream Avenue
Victoria, BC V9B 2Y9

FOIPPA Section 22

Dear Mr. [REDACTED]

RE: Land Use, Fire Regulation and Soil Deposit issues at 3704 Sooke Road (Red Gate Access) legally described as Section 38, Goldstream District, Except Parts in Plans DD719241, 109 R/W, 305 R/W, 37686 And 50969, PID 009-835-431

The District of Metchosin on March 16, 2017 received complaints regarding Tri-X Excavating depositing demolition waste on the above noted property. An investigation was conducted and large volumes of demolition waste was found to be deposited on the property. In fact on March 17, 2017 the Metchosin Fire Department attended and extinguished an unattended illegal burn of demolition waste.

This property under the Metchosin Land Use Bylaw No. 259 is currently zoned Upland (UP) Zone which clearly does not allow under its "Permitted Uses" the deposit and processing of demolition waste materials.

A review of the property in relation to attendances by the Metchosin Fire Department has also been conducted. There has been three documented attendances at this property for fires in relation to demolition material burning. The first fire occurred on November 24, 2016 @ 0948 hrs, the second on January 19, 2017 @ 2148 hrs, and the third on March 17, 2017 @ 1400 hrs. Multiple offences under the "Fire Regulation and Prevention Bylaw No. 269, 1996" have occurred, see the below list and potential prescribed fine amounts:

- November 24, 2016 @ 0948 hrs, Fail to obtain fire permit, S. 22, \$ 100
- November 24, 2016 @ 0948 hrs, Burn prohibited material, S. 26(1), \$ 100
- January 19, 2017 @ 2148 hrs, Fail to obtain fire permit, S. 22, \$ 100
- January 19, 2017 @ 2148 hrs, Burn prohibited material, S. 26(1), \$ 100
- January 19, 2017 @ 2148 hrs, Burn between 6:00 p.m. and 8:00 a.m. without special permit, S. 26(2)(a), \$100
- March 17, 2017 @ 1400 hrs, Fail to obtain fire permit, S. 22, \$ 100
- March 17, 2017 @ 1400 hrs, Burn prohibited material, S. 26(1), \$ 100

In addition Section 28 of the "Fire Regulation and Prevention Bylaw No. 269, 1996" allows the District of Metchosin to make the person liable for the fire response, be also liable for the expenses incurred by the District of Metchosin.

28. Responsibilities for Outdoor Fires

(1) Every person who sets out, starts or kindles any outdoor fire, or fails to extinguish any outdoor fires set out, started or kindled at any time of the year, whether such fire was started under a permit or not, shall be responsible for such fire. If he lets such a fire get out of control, he shall be liable for all expenses incurred by the District in controlling and extinguishing such fire, and any other fire originating from such fire, and he shall also be liable for the wages of all the persons employed in controlling and extinguishing such fire, including wages for firefighters employed.

See the attached District of Metchosin Invoice No. 11242016 (\$7,050) in relation to costs incurred for the fire on November 24, 2016.

The District of Metchosin also has concerns with the volumes of fill material that has been observed on the property deposited to the east side of the main access road prior to the area of the demolition waste, contrary to the Soil Removal & Deposit Bylaw No. 402 (2001), which states;

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Prohibitions

8. No person shall do any of the following anywhere in the Municipality except in compliance with Metchosin Land Use Regulations Bylaw No. 259 and in accordance with either a valid Permit issued under this Bylaw or in accordance with at least one of the conditions for exemptions in section 9 or 10 of this Bylaw:
(3) Deposit any Soil or Compost Material.

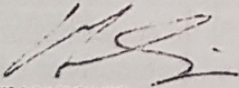
Section 10 exemptions do not appear to apply based on the observations of the fill area in this case, and thus a permit would be required for deposits of fill in excess of 80 cu.m. in a calendar year.

The District of Metchosin based on the multiple concern with activities related to Tri-X Excavating occurring at this property is considering the issuance of the above fines in relation to offences under the "Fire Regulation and Prevention Bylaw No. 269, 1996", as well as collection of the costs incurred as listed in Invoice No. 11242016 (\$7,050). The District is also considering initiating other enforcement measures which would potentially include the concerns under the Land Use and Soil deposit Bylaws.

Accept this letter as a request that you respond within 7 days with a commitment to bring the property into compliance with the Bylaws by ceasing delivery of and removing all demolition waste from the property, secondly that you cease bringing any further deposits of fill to the property until such time that a permit is obtained.

Failure to respond within 7 days from the date of this letter will result in the District of Metchosin considering the escalation of its enforcement options against you.

Sincerely



Wilf MARQUIS
Senior Bylaw Enforcement Officer

WM:
Encl.

Cc: Lisa URLACHER, CAO, District of Metchosin