

Association for the Protection of Rural Metchosin

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www.metchosinaprm.org

January 13, 2023

Mayor & Council,
District of Metchosin
4450 Happy Valley Road,
Victoria, B.C.
mayorandcouncil@metchosin.ca

Dear Mayor and Council:

As Metchosin moves forward with Bylaw Enforcement, and as the Agricultural Land Commission (ALC) celebrates its 50th year, the Association for the Protection of Rural Metchosin (APRM) would like to highlight the benefits of Notices on Title for both government bodies as a specific type of enforcement action.

As you may know, section 57 of the *Community Charter* specifies how local governments in BC may use Notices on Title as a tool to administer and enforce the BC Building Code and local building bylaws. Similarly, section 52 of the Agricultural Land Commission Act allows the ALC to issue orders (including remediation orders) and file those orders on title.

The benefits of a Notice on Title are numerous. “The purpose of a Notice on Title is to provide information to potential owners and stakeholders of a breach of bylaws or regulations. It also encourages voluntary compliance to reduce risk to the local government. The filing of a Notice with no further enforcement action is not intended to be a punitive action; rather, it is a method to protect future owners and others with an interest in the property¹.” The Notice on Title will also have impacts for the property owner that will also help encourage compliance. “Properties with a Notice on Title may be sold at any time; however, the presence of the Notice may negatively affect a property’s potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a Notice is registered or is recommended to be registered upon the title of a property, the owner should be advised to undertake inquiries with their lenders, insurance companies, and any other relevant parties to determine the impacts (Ibid).”

¹ Source: Cariboo Regional District, May 2021. “Notice on Title Information Sheet.” Located at: https://www.cariboord.ca/en/business-and-development/resources/Documents/BuildingPermitsandInspections/Newsletters/2021-05-20_Notice_on_Title_Information_Sheet.pdf

The purpose of this letter is twofold:

- a) To request Metchosin Council to adopt a policy of using Notice on Title as a form of encouraging bylaw compliance enforcement, and add it to the Metchosin Bylaw Enforcement Policy. A sample policy is found in the footnote below; and
- b) To recommend Metchosin Council write to the ALC CEO, Kim Grout, and the ALC Director, Avtar Sundher, asking that a Remediation Order be placed as a Notice on Title on the property at 4003 Sooke Road. Since the initial fill application was submitted in 2006, to April, 2020 when the ALC issued a stop work order, the original purpose of a turf farm has not materialized. During this time, significant volumes of fill that have been brought onto the property and have been placed on both the ALR and the non-ALR portions of the property. No remediation has occurred since 2020.

Notices on Title are a clearcut, well defined method of protecting future property owners and anyone else with an interest in a property, and are commonly employed by many local governments in the province. We encourage both Metchosin and the ALC to use them to protect Metchosin properties.

Yours sincerely,

A handwritten signature in cursive script that reads "K. Zimmerman".

Kathleen Zimmerman, APRM Treasurer