



REGIONAL DISTRICT OF NORTH OKANAGAN

NOTICE ON TITLE INFORMATION

This document provides a summary of Notices on Title and is for informational purposes only. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of sections 57 and 58 of the *Community Charter* and seek your own independent legal advice.

WHAT IS A NOTICE ON TITLE?

A Notice on Title is an enforcement tool used by local governments in British Columbia. It involves the local government placing a notice on the title of a property at the Land Title Office. Once in place, the notice will show up under the section on a title search entitled “Legal Notations”

A Notice on Title serves as notice to anyone searching the title of a property that the property in question may be in breach of local government bylaws or regulations. The Notice on Title itself does not disclose the details of any breach of bylaw or regulations, but rather, specifies that further information may be obtained from the local government office.

PURPOSE

To encourage compliance with the Regional District of North Okanagan (RDNO) Bylaws, the BC Building Code and other building regulations to reduce risk to the Regional District of North Okanagan for construction work done by property owners, business owners or contractors without building permits and inspections.

WHEN SHOULD A NOTICE ON TITLE BE FILED?

A Notice on Title may be filed by a local government in circumstances where there are building bylaw or building code issues in respect of a property. Specifically, a Notice on Title may be filed where a local government building inspector provides his or her written recommendation that a Notice on Title should be filed where the following conditions are observed:

- a) Construction has begun on a property without a valid building permit
- b) Construction deficiencies noted during an inspection have not been corrected
- c) Covering construction without required inspections
- d) A permit has expired and the owner refuses to reapply for a new permit; or
- e) Any such circumstances as the Building Inspector may deem necessary

HOW A NOTICE ON TITLE IS FILED?

- Step 1** The Building Official shall inspect the property, take photographs (dated and signed), note details of contravention(s) relating to the land, building or structures and how the contravention(s) render the building or structure unsafe (if applicable).
- Step 2**
- a) An informal notice to the owner of the property by an inspection slip notice issued by the inspector during an inspection. A notice period of fourteen (14) days should be given to allow for contact by the owner or that the issue/deficiency has been corrected and inspected prior to being covered.
 - b) When the non-compliance involves work that has been carried out without a permit, a notification is left on site and a registered letter is sent to the registered property owner(s). The notification and letter will detail the contravention(s), citing contravened regulations, and direct remedial action within a thirty (30) day period. The notification will further advise the owner(s) that if compliance is not met within the time period stated, a recommendation will be forwarded to the Regional District Board to place a Section 57 (*Community Charter*) Notice on Title and further legal court action may be undertaken.

The Building Official may provide for a shorter period of time to undertake compliance where there appears to be an immediate and serious safety concern.

- Step 3** If by the expiration of the first in-formal notice period under Step 2 a) above, no contact has been made by the owner and/or the deficiency has not been corrected, the building official shall send a second notice by "Registered" mail to the property owner(s) detailing the contravention(s), citing contravened regulations, and direct remedial action within a thirty (30) day period. The notification will further advise the owner(s) that if compliance is not met within the time period stated, a recommendation will be forwarded to the Regional District Board to place a Section 57 (*Community Charter*) Notice on Title and further legal court action may be undertaken.

The Building Official may provide for a shorter period of time to undertake compliance where there appears to be an immediate and serious safety concern.

- Step 4** At this juncture, if no response is made to the non-compliance issues, a preliminary report is prepared by the Chief Building Inspector and reviewed by the General Manager Planning and Building. The report is then referred to the Board of Directors and the Corporate Officer signs the letter to the property owner with invitation to attend the Board meeting. In municipalities, proposal to register a Notice on Title is referred to Council for resolution.

- Step 5** On the day of the meeting, the item shall be announced, and the Chair shall ask if the owner(s) of the property is present and wishes to make representations. The Board shall listen fairly to the owners for an approximate time of ten (10) minutes, as well as to the Building Official.

Step 6 Where a Notice on Title is authorized by the Board of Directors, three courses of action are possible after the Notice is filed:

- a) File is closed and no further action is undertaken.
- b) Staff are requested to actively pursue a resolution of the infractions with the property owner.
- c) The Regional District of North Okanagan commences legal action which should commence with a letter from the RDNO's solicitor with further action as determined by the Board of Directors.

HOW A NOTICE ON TITLE IS CANCELLED?

Once a Notice on Title is filed, it may be cancelled from the title of a property as follows:

- a) By the local government, on receiving a report from the building inspector confirming that the condition which caused the notice to be filed has been rectified and the fee has been paid by the owner(s) in the amount described in *Building Bylaw No. 1747, 2003* as amended.
- b) By the local government, on hearing from the registered owner(s) and passing a resolution to file a cancellation notice
- c) Upon the registered owner(s) obtaining an order from the British Columbia Supreme Court to cancel the Notice on Title (Provided the local government has not resolved to cancel the Notice on Title itself after being requested to do so by the registered owners)

NOTE: The vast majority of the building inspection processes are successfully carried out without the need to place a notice on title.

If you have any questions regarding this process, please contact the Chief Building Inspector / Bylaw Enforcement Manager at 250.550.3724.