

Date April 19, 2017

Hand Delivered by Bylaw Services



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424 Gibson Rd
Kelowna, BC
V1P 1C3

Re: 424 Gibson Rd Kelowna BC

On July 28, 2010 we wrote to you requesting that the construction occurring on the site (424 Gibson Rd) be done under permit(s). Since that time we have attempted to work with you and your consultants to mitigate the work done to date thru the permitting process. Your efforts to date to comply to the minimum requirements of by the City of Kelowna Zoning Bylaw, Building Bylaw and Nuisance Bylaw have fallen short of compliance. As you are aware all of your building permits have now been expired due to inactivity as required by the Building Bylaw. At this date we require you to remove all the non compliant work including but not limited to unpermitted structures, unpermitted retaining wall(s), unpermitted hard surfacing (site coverage), and exterior storage from this site as per the requirements of the City Bylaws.

The work identified above includes but is not limited to the following to meet compliance with the Zoning Bylaw No. 8000:

- 1) Removal of the Outdoor storage contrary to use in RU1 zone (site is considered RU1 Zoning Bylaw 1.7.1).
- 2) Removal of the site Coverage exceeding 50% for buildings and parking (contrary to Zoning Bylaw section 13.1.6(a))
- 3) Removal of the excess front yard parking. Parking is not permitted in a required front yard setback unless in front of a garage or carport - contrary to Zoning Bylaw Section 8.1.9(a)
- 4) Removal of the retaining walls in excess of 1.2m in height – contrary to Zoning Bylaw Section 7.5.9

The work required includes but is not limited to the following to meet compliance with the Building Bylaw, 1993, No. 7245

- 1) The Building exterior is to be repaired / completed to minimum Building Code standards (contrary to Building Bylaw section 4.9.7)
- 2) Removal of the site manufactured green house (contrary to Building Bylaw section(s) 3.5.1 & 4.1.1)

Please be advised that if you have not complied with the request or signed a compliance agreement with the City by May 31, 2017, we may contact your mortgage provider (if applicable) to define the non-compliance to the property, and we may also be seeking one or more of the following actions:

1. Registering of a Section 57 under the Community Charter onto your legal land title, and/or
2. Registering of a Section 72 under the Community Charter, and /or
3. Prosecution under the Offence Act; and/or
4. An application to the Supreme Court of British Columbia for a mandatory injunction

With respect to the Section 57, we would define that there are building deficiencies to any future owners at time of land transfer. This also may affect the ability to mortgage the property at a bank or other financial institution.

With respect to the Section 72 of the Community Charter, which references both Section 73 & 74 of the Community Charter, we would seek to have City Council declare this property a nuisance and/or hazard. This would be done so future owners at time of land transfer would be made aware of the site issues, if not fully resolved by you. This would also empower the City



Building & Permitting Branch
1435 Water Street
Kelowna, BC V1Y 1J4
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kelowna.ca

to hire consultants, contractors or City staff to bring the property into compliance. The cost associated with this work done by the City or its representatives would be added to the property taxes for this property.

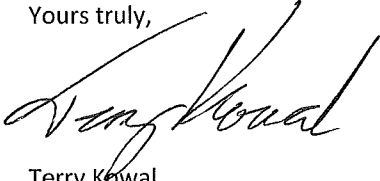
With respect to any prosecution, we would be seeking a conviction under the Offence Act plus significant fines.

With respect to an application to the Supreme Court, we would be seeking an order requiring you to comply with Kelowna Bylaws. Should you fail to obey any such order, once obtained, we would then bring contempt proceedings against you seeking a fine(s) and a correction order to pay our legal costs and direction from the courts to obtain compliance.

Your compliance within the allotted time frame will enable you to avoid these proceedings and associated costs. Please book an inspection with the City of Kelowna Building Department and Bylaw Services to verify compliance before the May 31 date. Please contact the city via the internet at Kelowna.ca or by phone at 250-469-8977 to book your inspection.

I suggest you contact your insurance provider to ask how this will affect your insurance coverage if compliance is not achieved. If you have any questions or concerns regarding this matter, please call 250-469-8579.

Yours truly,



Terry Kowal
Supervisor of Building, Plumbing and Gas Inspectors

cc: Greg Wise – Bylaw Services Manager
Doug Patan – Building & Permitting Manager
Ryan Smith – Community Planning Department Manager
Lance Kayfish – Risk Manager
Stephen Flemming – City Clerk and Acting Divisional Director of Corporate and Protective Services



ACCREDITED

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