



# How do I resolve a notice on title?

## ***When is notice 'discharged' or removed from title?***

Once the condition or contravention that gave rise to the filing of the notice has been corrected to the satisfaction of the Building Inspector, the TNRD files a discharge notice with the registrar of land titles. The fee to a discharge notice is \$200. Once resolved, the actual discharge takes about one week.

## ***How is a contravention resolved or corrected?***

- 1.) **Removal** (or demolition) of the entire un-permitted structure or building is the fastest and most direct resolution.
- 2.) **If Building Permit was issued but no (or not all) inspections were called**, then you may need to expose only the components of the building that must be inspected. You will also need to resolve BC Bldg Code infractions such as missing exhaust fans, guards/handrails, detectors, exit windows, and address energy efficiency requirements. Some professional submissions (e.g. engineering for trusses, beams, and/or foundations) may be required, if those portions of the construction were not inspected.
- 3.) **If no Building Permit was ever issued for a dwelling**, then the process is far more onerous. Building Permit application\* is required, inc.: 2 complete sets of construction drawings and site plan; specifications; energy efficiency calculations; and all truss/beam and other engineering; along with HPO registration and IHA septic system filing. Then once Building Permit is issued, inspections are required. These may have to be completed by a registered professional at the landowner's cost and include a report from an architect and/or engineer attesting to the building, in its entirety, meeting Part 9 of the BC Building Code.
- 4.) **If no Building Permit was ever issued for an addition or accessory building**, Building Permit application\* is required, inc.: 2 complete sets of construction drawings and site plan; specifications; and all truss/beam and other engineering. Then once Building Permit is issued, inspection(s) is required. Note that while accessory buildings have lesser code requirements, foundations and structure will likely still need to be exposed and some may require a professional engineers' assurances.

Since elements of construction and plumbing are typically covered up, it is **always** more onerous and expensive after the fact. Walls/ceilings may need to be dismantled for plumbing and insulation/vapour barrier review. Backfill at foundations may need to be excavated to expose footings for an engineer. Given it depends on the circumstance, each case is different. Also, Building Permit fees double for construction commenced without a permit.

## ***What kinds of submissions may be required?***

- In the case where no Building Permit was issued, full set of construction drawings (that would have been required for a permit) must be submitted *and these must accurately reflect what was built*.
- HPA (Homeowner Protection Act) registration must be completed for the warrantee in the case of dwellings.
- Septic system design and sign off by Registered Onsite Wastewater Practitioner (ROWP) and proof of filing with by Interior Health. The system must be certified by a ROWP or a professional engineer.
- Registered professional reports (carrying an indemnity and seal) for structural components; geotechnical conditions, mechanical and plumbing components; and any other aspect of the building and its construction.
- Exemption application including a report from a qualified engineer if the building is in a 1:200 year floodplain.

**\*See the TNRD "Guide to Building Permits" for a detailed overview of what is required for a complete application.**

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## ***What is a s. 57 notice?***

Section 57 of the *Community Charter* was provided to local government by the Province as a tool to administer and enforce the BC Building Code and local building bylaws. It enables registering of a notice, via the Land Title Office registrar, on the title of a property where there is or has been a building code or bylaw infraction, including where a permit is not held in good standing. For example:

- If a building permit lapsed yet work is incomplete /inspections are outstanding
- If work proceeded with no permit, or
- If there is a dangerous condition.