



Bylaw Contravention Notice on Property Title

What is a section 57 notice?

Section 57 of the *Community Charter* was provided to local governments by the Province of British Columbia as a tool to administer and enforce the BC Building Code and local building bylaws. It enables local governments to register 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, notices may be registered where:

- a building permit is lapsed but work has not been completed and/or inspections are outstanding
- work proceeded with no permit, or
- there is a dangerous condition.

Why file a s. 57 notice?

The filing of a notice of contravention is not intended to be a punitive action; rather, it is an efficient way to secure compliance to the BC Building Code and serves as a disclosure mechanism protecting future owners and other parties with an interest in the property.

It is important that owners involved in the building process understand the potential impacts of a s. 57 notice and the effects it may have on matters related to their property.

Thompson-Nicola Regional District Building Regulations Bylaw (the 'Bylaw')

The Bylaw requires that building construction be carried out with a building permit. Under the Bylaw, permits are valid for a period of 3 years from the date of issue. Owners of building construction projects that do not obtain a permit, do not complete the work in accordance with the Bylaw and the BC Building Code, or do not complete the work within the required time (without permit renewal), are in violation of the Bylaw and can be subject to a notice being filed on their property title. In order to disclose the status of deficiencies and code violations to prospective purchasers or other persons involved with these properties (insurers, mortgage companies, etc.), local governments are authorized to register a notice on the subject property title.

What impact will a s. 57 have on a property owner?

While properties with building bylaw contraventions may be sold at any time, the presence of a notice registered on title *may* negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a notice is registered upon the title of your land, you are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future.

How is a 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 cancellation or discharge notice with the registrar of land titles who then removes the notice from the property's title. Pursuant to the Bylaw, the TNRD's fee to issue a cancellation or discharge notice is \$200.

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