

Notice on Title – Section 57

What is a Notice on Title?

Section 57 of the *Community Charter* allows local governments such as the Regional District of Nanaimo (RDN) to register a notice on a property's title (Notice on Title) through the Land Title and Survey Authority of BC (LTSA). This may be considered when there are unresolved *BC Building Code* or Building Bylaw contraventions including unpermitted work that lacks verification for code compliance and may pose safety risks to occupants and the public.

The presence of a Notice on Title may negatively affect a property's sale, value, insurance and financing. Property owners are advised to undertake inquiries with their lenders, insurance companies, and any other relevant parties to determine how it may impact them now and in the future.

When Does the RDN Consider a Notice on Title?

- Construction on a property without a valid Building Permit.
- Construction deficiencies that were noted during an inspection that have not been corrected.
- Concealing construction without required inspections.
- Modifying construction or a structure without an approved Building Permit.
- Expired Building Permit.
- A dangerous condition exists on the property.
- Any other circumstances the Chief Building Inspector may deem necessary.

RDN Responsibilities

The role of the RDN Building Inspection Services is to ensure the health, safety and protection of people and property by confirming that buildings and their systems generally conform to RDN Bylaws, the *BC Building Code* and other applicable legislation. A Building Permit helps protect property values and ensures new development and construction meet basic standards by regulating the construction, demolition, alteration and repair of buildings and structures.

Why File a Notice on Title?

Filing a Notice on Title is not intended to be a punitive action. It is an efficient way to gain compliance with the Building Bylaw, *BC Building Code*, and serve as a disclosure mechanism protecting future owners, taxpayers and other parties with an interest in the property.

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Implementation – Placing a Notice on Title

The RDN Corporate Officer will notify the property owner in writing that the recommendation of a Notice on Title is being brought before the RDN Board. The property owner is given the opportunity to address the RDN Board. If the RDN Board confirms the recommendations of the RDN Building Official, it may pass a resolution under Section 57 of the *Community Charter*, directing the RDN Corporate Officer to register a notice on the property title with the LTSA. This notice will indicate to any interested party that a Building Bylaw contravention(s) is present.

Removal of a Notice on Title

To request the removal of a Section 57 Notice on Title, the property owner must contact RDN Building Inspection Services. Staff will review the relevant records to determine if removal is possible.

If eligibility for removal is confirmed, the following steps must be completed:

- Obtain a Building Permit.
- Complete all required inspections to confirm the bylaw contravention has been resolved.
- Pay the current fee of \$1000 to remove the Notice on Title.

Once these steps are successfully completed, the notice will be removed from the Title as per Section 58 of the *Community Charter*.

Further Enforcement Action


In addition to the issuance of Bylaw Notices (ticketing) and a Notice on Title, the RDN Board may impose further enforcement action including Remedial Action Requirements and Civil Injunction.

Bulletin Note

The Building Information Bulletins are prepared to provide convenient information for the public and should not be considered a replacement for reviewing the bylaws or associated legislation. If there is any contradiction between this bulletin and relevant bylaws and/or applicable legislation, please refer to the relevant bylaws and applicable legislation. If you have any questions or concerns as to the nature and effect of a Notice on Title, please refer to Sections 57 and 58 of the *Community Charter* and seek your own independent legal advice.

For more information, please contact:

Building Inspection Services
Regional District of Nanaimo

 250-390-6530

 buildings@rdn.bc.ca

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