

Whistler Arts Council is launching the Whistler Winter Arts Festival which will run through February and March. Information can be found online and in the newspaper for the program.

February 12th marks the one-year countdown to the opening of the 2010 Winter Games. Celebrations will be taking place in the village.

INFORMATION REPORTS

2009 Conference of the
 Federation of Canadian
 Municipalities
 Report No. 09-011
 File No. 2072.2

Moved by Councillor Milner
 Seconded by Councillor Forsyth

That Council receive this report on the Annual Conference of the Federation of Canadian Municipalities to be held in Whistler in 2009.

CARRIED

ADMINISTRATIVE REPORTS

Note Against Title That
 Building Regulations
 Contravened –
 3250 Arbutus Drive
 Report No. 09-001
 File No. RF039/3032.11

Moved by Councillor Forsyth
 Seconded by Councillor Milner

That Council acknowledge the recommendation of the Building Inspector that a notice on title be registered pursuant to Section 57 (1)(b) of the *Community Charter*; and

That Council direct the Corporate Officer to file a notice in the land title office stating that:

- (a) a resolution relating to the Land has been made under this section, and
- (b) further information about it may be inspected at the municipal hall.

Councillor Forsyth supports the recommendation, as it is an obvious contravention of the building and plumbing bylaw and to knowingly allow contraventions would be putting the Municipality at risk.

Councillor Milner supports the recommendation, as we need to enforce what our bylaw says, and because the owners did not attend the meeting to defend their position.

Councillor Quinlan supports the recommendation, because of concern for safety and because the owners did not show any representation or make attempts to rectify the situation.

Councillor Zeidler supports the recommendation, out of respect for the bylaw.

Councillor Lamont supports the recommendation, as it contravenes the bylaw and puts an undue burden on municipal services and facilities that they are not paying tax on.

Councillor Thompson supports the recommendation, in concern for the safety of the tenants

Mayor Melamed supports the recommendation, in interest of respect for the building bylaw and that due process be followed.

CARRIED

2165/2169 Timber Ridge
Garage Variance
Report No. 09-008
File No. DVPA 1005

Moved by Councillor Quinlan
Seconded by Councillor Forsyth

That Council approve Development Variance Permit Application No. 1005: 2165/2169 Timber Ridge, as illustrated in Architectural Plans A-1, A-2, A-3, A-4 by Blue Space Designs, dated July 25, 2008 and received August 12, 2008;

That Council amend Bayshores Land Use Contract, to allow for a garage height variance from 5 metres to 7.87 metres, subject to:

- A) Payment of any outstanding development permit application processing fees to date, and further;

That Council authorizes the Mayor and Corporate Officer to execute all documents necessary for the issuance of a Development Permit under Development Variance Permit Application No. 1005.

CARRIED

Funding Application –
Community Action on
Energy & Emissions
Report No. 09-009
File No. Vault

Moved by Councillor Forsyth
Seconded by Councillor Quinlan

That Council support the January 15th, 2009 submission to the Community Action on Energy and Emissions (CAEE) program; and further,

That Council support the CAEE target to: “Implement energy labeling pilot for homes or buildings by 2010”.

CARRIED

Resort Municipality Of
Whistler Land Use
Procedures And Fees
Bylaw No. 1821, 2007
Report No. 09-010
File No. 1821

Moved by Councillor Milner
Seconded by Councillor Quinlan

That Council consider giving first, second, and third reading to Resort Municipality of Whistler Land Use Procedures and Fees Bylaw No. 1821, 2007 as ltered, with a correction to the numbering and an addition regarding strata corporations.

CARRIED



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: January 27, 2009
FROM: Community Life
SUBJECT: NOTE AGAINST TITLE THAT BUILDING REGULATIONS CONTRAVENED –
3250 Arbutus Drive

REPORT: 09 - 001
FILE: RF039/3032.11

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER:

That the recommendation of the General Manager of Community Life be endorsed.

RECOMMENDATION

That Council acknowledge the recommendation of the Building Inspector that a notice on title be registered pursuant to Section 57 (1)(b) of the *Community Charter*; and

That Council direct the Corporate Officer to file a notice in the land title office stating that:

- (a) a resolution relating to the Land has been made under this section, and
- (b) further information about it may be inspected at the municipal hall.

REFERENCE

Owner: BRUNNER, ELSA M & BRUNNER, JOHN R
3250 ARBUTUS DR
WHISTLER BC V0N 1B3

Location: 3250 Arbutus Drive
LOT 21 PLAN 17377 BLOCK I DISTRICT LOT 4750 GROUP 1
(the 'Property')

PURPOSE OF REPORT

The purpose of this report is to provide Council with details of conditions at the subject property that have caused the Building Inspector to recommend that Council pass a resolution directing the Corporate Officer to file a notice in the land title office stating that a resolution relating to the Land has been made pursuant to Section 57 (1)(b) of the *Community Charter*.

DISCUSSION

Background

Section 57(1)(b) of the *Community Charter* provides a process under which the building inspector may recommend that Council authorize the registration of a ‘note against title that building regulations contravened’ where during the course of carrying out duties, the building inspector:

- (b) discovers that
 - (i) something was done with respect to a building or other structure, or the construction of a building or other structure that required a permit or an inspection under a bylaw, regulation or enactment referred to in paragraph (a) (i), and
 - (ii) the permit was not obtained or the inspection not satisfactorily completed.

Description

On February 16, 2008 the RMO Building Department received an e-mail complaint of an illegal 2nd suite at 3250 Arbutus Drive. Letters were sent to the owner on February 18, 2008 and March 20, 2008 requesting access into the dwelling to determine the validity of the complaint. On May 9, 2008 the owner, Mr. John Brunner allowed Joe Mooney, Manager of Building Services and Dan Giesen, Plan Checker access into the dwelling to investigate the complaint. The inspection revealed that a one bedroom suite had been constructed to the lower level of the dwelling (see photo’s in Appendix A).

A review of Municipal files revealed that a building permit had not been issued for the renovations and as of the date of this report the improvements have not been removed or legitimized.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Built Environment	Limits to growth are understood and respected	A section 57 note on title may encourage the owner to bring the property into conformance with the accepted neighborhood density

OTHER POLICY CONSIDERATIONS

The construction that has occurred on this property is in contravention of “Building and Plumbing Regulation Bylaw No. 1617, 2002” (constructing without valid building permits and building inspections). Section 57 1(b) of the *Community Charter* provides a mechanism by which the municipality may register a notice on title of the contraventions.

It is appropriate that a ‘Note against title that building regulations contravened’ be placed on title of the subject property because:

1. Potential health and safety problems may arise in unauthorized construction,

2. Anyone acquiring an interest in the property may be subject to an order requiring that the building be brought into compliance with all applicable bylaws, regulations or enactments relating to the construction or safety of the Property, and
3. The notice may provide the owner with an incentive to bring the Property into compliance.

BUDGET CONSIDERATIONS

There are no budget considerations.

SUMMARY

Based on the inspection of the property on May 9, 2008 and a review of Municipal files relating to the property the Building Inspector is satisfied that the property is in violation “Building and Plumbing Regulation Bylaw No. 1617, 2002” in that development was undertaken without a Building Permit from the Resort Municipality of Whistler.

Respectfully submitted,

Joe Mooney
MANAGER OF BUILDING SERVICES
for
Bob MacPherson
GENERAL MANAGER OF COMMUNITY LIFE

3250 Arbutus Drive
APPENDIX A

PHOTO #1



View of the entrance to the unauthorized suite

3250 Arbutus Drive
APPENDIX A

PHOTO #2



View of sleeping area in the unauthorized suite

3250 Arbutus Drive
APPENDIX A

PHOTO #3



View of kitchen area in the unauthorized suite

3250 Arbutus Drive
APPENDIX A

PHOTO #4



View of sliding door leading to living room of the unauthorized suite