

**Minutes of the Special Meeting
of the
Municipal Council of the District of North Saanich
Wednesday, January 24, 2007 at 6:00 p.m.**

PRESENT:

Mayor T. Daly
Councillors P. Chandler
C. Green
A. Scoones
B. Shaw
B. Williamson

ABSENT:

Councillor S. Fea

ATTENDING:

Chief Administrative Officer B. C. Williams
Director, Corporate Services S. M. Bowden
Director, Emergency Services G. R. Wilton
Director, Development & Community Services T. Olsen
Executive Secretary C. R. Nash

ALSO ATTENDING:

Lidstone Young Anderson G. Murray
Solicitor for Dr. Farthing A. Finall

Approval of Agenda

MOVED BY: COUNCILLOR SHAW
SECONDED: COUNCILLOR GREEN

36 That the agenda be approved as circulated.

CARRIED

Letter dated January 18, 2007 from Alice Finall, Solicitor, requesting an adjournment of the Special Council meeting scheduled for 6:00 p.m. on January 24, 2007

Alice Finall, Solicitor for Dr. Farthing, advised that Dr. Farthing was not attending tonight's meeting. She reviewed her letter of January 18, 2007 requesting Council to adjourn the meeting until after February 20, 2007.

Councillor Shaw asked Ms. Finall if Dr. Farthing was in the area, and whether or not it was his choice to not attend the meeting. Mr. Finall advised that Dr. Farthing is planning on leaving the area and that February 20, 2007 is the earliest date he can attend a meeting.

Councillor Green noted that she supports adjourning the meeting, but that the issues of non-compliance at 10975 Tuam Road should be resolved at the earliest opportunity.

Councillor Williamson reiterated Councillor Green's comments, and advised that he was also in agreement with adjourning the meeting.

Councillor Chandler noted that the proceedings would be more useful if Dr. Farthing was present, and asked if there would be any use in proceeding with the meeting. Ms. Finall responded that it may be beneficial to proceed with the meeting in order to receive comments from others present.

Councillor Scoones asked what the next steps would be if Council chose to postpone the meeting. District Solicitor Grant Murray advised that it is Council's choice to consider the proposed resolution, but that there would potentially be another hearing. He noted that the notice given to Dr. Farthing of tonight's meeting was provided as a courtesy and not mandated by law.

Councillor Shaw expressed support for continuing the meeting and addressing the recommendations outlined in the Staff report, noting that there will be ample opportunity for reconsideration.

WITHDRAWN

MOVED BY: COUNCILLOR CHANDLER
SECONDED: COUNCILLOR GREEN

37 That the Special Council meeting be adjourned.

MOTION WITHDRAWN

Bylaw Enforcement Issue: 10975 Tuam Road

Mayor Daly advised that the Special Council meeting is a quasi-judicial meeting to hear evidence and make a decision based on the evidence regarding the ongoing bylaw infractions at 10975 Tuam Road.

The Chief Administrative Officer reviewed his report dated December 22, 2006 noting that the boathouse at 10975 Tuam Road is not structurally sound and that any alterations undertaken have been without a building permit. He further noted that the Engineer who provided the engineering report was not allowed full access to Dr. Farthing's boathouse.

Councillor Chandler asked who would be responsible for ensuring Dr. Farthing carries out the work outlined in the staff recommendation, and what would happen if it is not done to the satisfaction of the District. Mr. Murray noted that it could be enforced in the courts.

Ms. Finall commented that it isn't clear if the main concern is the safety of the building or the neighbours' concerns. She noted that Dr. Farthing has not lived in the boathouse since entering into an agreement with the District in early 2006, and that Ms. Finall and Dr. Farthing have attempted to participate in mediation however the District did not disclose who would participate in the mediation and the expected outcome. Ms. Finall advised that Dr. Farthing has undertaken considerable improvements on the boathouse since the engineer's report was written.

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Ms. Finall outlined a number of Dr. Farthing's concerns, as follows:

- It is not clear what the District is seeking; to address the safety of the boathouse or the concerns of neighbours.
- The concerns of neighbours are not specified.
- Dr. Farthing is not comfortable addressing large groups.
- Dr. Farthing is also not comfortable with interruptions and heckling from meeting attendees.
- No one has ever spoken to Dr. Farthing in person or visited the building to advise him what needs to be done.
- Council has not made any attempt to visit the boathouse.
- Staff and Council have taken the words of his neighbours without asking his opinion.
- Dr. Farthing feels that the agreement he made not to live in the boathouse should have resolved the matter.
- Dr. Farthing is not the only resident in the District who is not in compliance with safety regulations.
- Dr. Farthing has agreed to mediation.
- Dr. Farthing feels he is being harassed.
- There are no visible signs of sagging or sinking with the boathouse.

Councillor Scoones asked if non-compliant hydro lines were still linking the boathouse to the main house. The Director of Emergency Services noted that it is still a concern but that this is regulated by provincial jurisdiction, and that Dr. Farthing has been advised of this non-compliance in the past.

Councillor Green asked if Dr. Farthing burns inappropriate materials in the woodstove located in the boathouse, and the Director of Emergency Services advised that Dr. Farthing admitted to burning such materials in the past. He further noted that there is no certification for the woodstove, which is a requirement of all woodstoves in the District of North Saanich.

Councillor Williamson asked if Dr. Farthing is currently residing in the boathouse. Mr. Murray noted that he spoke to the previous tenant of Dr. Farthing's house, and that she confirmed that Dr. Farthing resided in the boathouse from March 2006 to July 2006. Councillor Williamson also asked if there are adequate sanitary facilities in the boathouse, and the Director of Development and Community Services advised that she is not aware of adequate sanitary facilities and that Dr. Farthing has never allowed Building Inspectors full access to the boathouse.

Councillor Scoones noted concern with welding performed by Dr. Farthing in the boathouse, and the associated safety and noise concerns.

Ms. Finall asked if there has been an inspection of the boathouse since December 2004. The Director of Development and Community Services advised that no inspections have been conducted and that repairs being done by Dr. Farthing are not being done using good construction practices.

Councillor Williamson asked if Dr. Farthing is a registered engineer in the Province of British Columbia, and Ms. Finall was unable to verify this. Councillor Williamson noted

that the engineers report stipulates that work on the boathouse be undertaken by the registered engineer.

Ms. Finall asked what other concerns have been raised to Council and Staff. Mayor Daly noted that those issues are not being addressed before Council at this meeting.

Mayor Daly invited interested parties to make presentations on the structural safety of the boathouse.

Denis Paquette, 10965 Tuam Road, noted that he is concerned with his personal safety due to Dr. Farthing burning plastic, undertaking arc welding in the boathouse, and the noise associated with this.

George Harvey, 10969 Tuam Road, also advised that he is concerned with the safety of the boathouse and the potential for wide-spread fire.

Brenda Houston, 10965 Tuam Road, also expressed concerns with safety issues not being addressed at Dr. Farthing's boathouse, such as arc welding and the dumping of waste in the ocean.

Don Tarasoff, 2190 James White Blvd, Sidney, noted that his background is with the Provincial Heritage Branch. He advised that Dr. Farthing asked him to inspect the boathouse in 2002, and that he feels the boathouse has heritage value. He further noted that there are equivalencies under the building code for heritage structures. He also noted that Dr. Farthing did not wish to pursue a heritage report on the boathouse at that time.

MOVED BY: COUNCILLOR WILLIAMSON

SECONDED: COUNCILLOR SHAW

38 That the District of North Saanich authorize the boarding up and repair of a building that is in and creates an unsafe condition in the District of North Saanich:

WHEREAS Division 12 of Part 3 of the *Community Charter* authorizes Council to require the owner of a building to demolish or remove it or otherwise deal with it in accordance with the directions of Council where Council considers that the building is in or creates an unsafe condition;

AND WHEREAS Dr. Simon Farthing is the registered owner (the "Owner") of a property located at 10975 Tuam Road, North Saanich, BC, V8L 5P2 and legally described as legally described P.I.D.: 002-360-101, Lot 1, Section 19, Range 3 West, North Saanich District, Plan 26637 (the "Property");

AND WHEREAS the building shown in the photographs attached as Schedule "A" to this resolution (the "Building") is on the Property;

AND WHEREAS the Building, in the opinion of the Council, is in and creates an unsafe condition;

NOW THEREFORE the Council of the District of North Saanich, in open meeting assembled, resolves as follows:

1. Council considers that the building (the “Building”) located on the Property and as depicted in the photographs attached as Schedule “A” is in and creates an unsafe condition within the meaning of section 73(2) (a) of the *Community Charter* because the support system for the structure is in extremely poor condition.
2. The Owner should allow the District to inspect the upper floor of the Building, especially the roof supports, regarding possible safety concerns.
3. Council requires the Owner to:
 - (a) Empty the Building of all contents, except for fixtures;
 - (b) Completely cover every window and door on the Building with plywood or particle board no later than 30 days after notice of this resolution is delivered to the Owner;
 - (c) Apply for all necessary municipal permits to remove and replace all beams supporting the floor of the Building no later than 30 days after notice of this resolution is delivered to the Owner;
 - (d) Remove and replace all beams supporting the floor of the Building no later than 180 days after notice of this resolution is delivered to the Owner;
 - (e) Undertake the remedial work between the hours of 8:00 am and 5:00 pm, Monday through Friday. Remedial work shall not be undertaken on Saturday or Sunday.
 - (f) Cease occupancy of the Building after the requirements imposed under sections 3(a), 3(b) and 3(c) are completed, except to carry out the work required by paragraph 3(d). Once the work under 3(d) is complete, the Owner may occupy the Building.
4. If the Owner fails to perform the work required under section 3 within 30 days after a copy of this resolution is delivered to him, the District may by its own forces or those of a contractor engaged by the District, enter on the Property and do the work required under section 3.
5. In the event that the District takes action under section 4 of this resolution, the District may recover the expense from the Owner, together with costs and interest, in the same manner as municipal taxes in accordance with sections 17, 258 and 259 of the *Community Charter*.
6. As an alternative to sections 4 and 5, the District may seek an injunction in B.C. Supreme Court enforcing this resolution.

CARRIED UNANIMOUSLY

Special Council

Adjournment

MOVED BY: COUNCILLOR GREEN
SECONDED: COUNCILLOR SHAW

39 That the meeting be adjourned at 7:33 p.m.

CARRIED

CERTIFIED CORRECT

APPROVED AND CONFIRMED

Sandy Bowden
Director, Corporate Services

Ted Daly
Mayor