

REPEALED

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2440

A Bylaw to authorize the Repair or Demolition of a Building

WHEREAS the Municipal Council may by bylaw pursuant to Section 698 of the *Local Government Act*, authorize the demolition, removal or bringing up to a standard specified in the bylaw of a building structure or thing, in whole or in part, that contravenes a bylaw or that Council believes is in an unsafe condition;

AND WHEREAS Merle N. Tickner and/or her estate is the owner of property legally described as Lot A, Section 11 Esquimalt District Plan VIP68051 (the "land"), has owned the property since March 1999 and has, through her power of attorney, allowed Mr. Larry Tickner to construct a residential building;

AND WHEREAS Merle N. Tickner had through her power of attorney allowed a building to be constructed that is in contravention of Bylaw No. 2303, "A Bylaw for the Administration of the B.C. Building Code and the B.C. Plumbing Code", Section 200, which requires all construction to comply with the British Columbia Building Code, namely the use of materials and techniques that do not conform to Part 9 of the B.C. Building Code that have not been approved by a Registered Professional;

AND WHEREAS Merle N. Tickner had through her power of attorney allowed a building to be constructed that is in contravention of Bylaw No. 2303, Section 600 which requires a framing inspection prior to insulation and dry-wall being installed by allowing the building to be insulated and dry-walled prior to completing framing inspection, and by doing so has made it impossible to undertake a complete framing inspection without deconstruction of major portions of the structure.

AND WHEREAS Merle N. Tickner had through her power of attorney allowed a building to be constructed that is in contravention of Bylaw 2303, Section 300 (7), which requires that all work cease when a Stop Work Order is posted on the property by allowing the building to be insulated, dry-walled and final finishing to take place subsequent to the posting of a Stop Work Order;

NOW THEREFORE, the Municipal Council of the Corporation of the Township of Esquimalt, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "BUILDING REPAIR OR DEMOLITION BYLAW (973 LAMPSON PLACE), 2000, NO. 2440".

2. The residential building (the "building ") on the Land contravenes Parts 200 and 600 of the Building and Plumbing Bylaw, 1997, No. 2303 and is believed by Council to be in an unsafe condition.
3. The Municipal Council orders the estate of Merle N. Tickner and any other owners of the building to make repairs to the building as follows :
 - (1) structural members shall be repaired and or replaced in a manner that provides sufficient structural integrity to comply with the standard required by the British Columbia Building Code.
 - (2) all insulation and vapor barriers shall be repaired or replaced to comply with the standard required by the British Columbia Building Code.
 - (3) ventilation systems shall be repaired or replaced to comply with the standard required by the British Columbia Building Code.
 - (4) all such repairs and replacement shall be carried out in accordance with generally accepted standards of workmanship.
4. The repairs listed in Section 3 shall be commenced within thirty [30] days after notice of the adoption of this bylaw is delivered to the owner, tenant and occupiers of the building under Section 698 of the *Local Government Act* and the repairs are to be completed no later than sixty [60] days after the delivery of that notice.
5. As an alternative to undertaking repairs listed in Section 3, the owner may within sixty [60] days of delivery of notice under Section 698,
 - (1) demolish the building.
 - (2) provide Letters of Assurance that comply with the requirements of the British Columbia Building Code.
6. Should the owner not complete the repairs, demolition or provide Letters of Assurance as required by this bylaw, the Corporation of the Township of Esquimalt may enter on the lands and carry out the repair or demolition of the building or obtain Letters of Assurance at the expense of the owner of the building. Should the owner not reimburse the Corporation of the Township of Esquimalt for the cost of doing so by December 31st of the year in which the work is carried out, those expenses shall be added to the taxes payable on land as tax arrears, together with costs and interest at a rate prescribed under Section 11(3) of the *Taxation (Rural Area) Act* in accordance with Section 269 of the *Local Government Act*.

7. Bylaw No. 2424, cited as the "BUILDING REPAIR OR DEMOLITION BYLAW (973 LAMPSON PLACE), 2000, NO. 2424" is hereby repealed.

READ a first time by the Municipal Council on September 25, 2000.

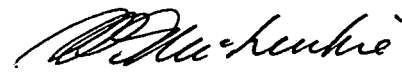
READ a second time by the Municipal Council on September 25, 2000.

READ a third time by the Municipal Council on September 25, 2000.

ADOPTED by the Municipal Council on October 2, 2000.



R. T. RICE
MAYOR



J.P.G. McLUCKIE
MUNICIPAL CLERK