
CITY OF KELOWNA

MEMORANDUM

Date: August 22, 2002
File No.: 3220-20

To: City Manager

From: Inspection Services Manager

Subject: FILING A NOTICE AGAINST 845 TOOVEY ROAD, KELOWNA, B. C.,
LOT 1, PLAN KAP46293, SECTION 24, TOWNSHIP 26
REPORT PREPARED BY - G. MOLLER

RECOMMENDATION

THAT Council authorize the City Clerk to file a Notice in the Land Title Office under Section 700 of the *Local Government Act*, against Lot 1, Section 24, Township 26, ODYD Plan KAP46293, being 845 Toovey Road, Kelowna, B.C., regarding the differential settlement and related damages to the building and structures, as well as the attempted remedial repairs to the residential dwelling that took place in or about the summer of 1994 without the required permits and inspections;

AND THAT the Notice state that:

1. A resolution relating to Lot 1, Section 24, Township 26, ODYD Plan KAP46293 has been made under Section 700 of the *Local Government Act*, and
2. Further information respecting the resolution may be inspected at the office of the Municipality;

AND FURTHER THAT the owner be responsible for all costs.

BACKGROUND

This residential dwelling, along with the swimming pool and various retaining walls, has suffered substantial differential settlement due to the improper handling of fill materials below these constructed items.

Without proper remedial work supervised by a professional engineer with experience in geotechnical engineering, who certifies that the land is safe for the intended use, the building and structures would unlikely be useful for their expected purpose during their normal lifetime. Because of the stresses applied by the settlement to the framework of the building a structural assessment should be a part of any remedial work.

The previous owner of the property, who was also the original builder, in or about the summer of 1994 took it upon himself to have some remedial work done without the knowledge of the City of Kelowna. These works were of questionable usefulness and were completed without the required permits and inspections from the City of Kelowna, and with no input from a professional engineer.

City Manager
Re: 845 Toovey Road

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August 21, 2002

This notice is being filed as a part of the mediation settlement and the purpose is to inform any prospective buyers of the aforementioned problems.

Gerry Moller
Inspections Supervisor

Keith Skinner
Inspection Services Manager