
City of Kelowna

MEMORANDUM

DATE: March 6, 2003
FILE: 3220-20

TO: City Manager

FROM: Inspections Services Manager

RE: FILING A NOTICE AGAINST 815 WEBSTER ROAD, KELOWNA, B. C.,
PART LOT 3, REGISTERED PLAN #603, SECTION 25, TOWNSHIP 26

REPORT PREPARED BY - GERRY 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 the title to The east 11 chains of Lot 3 measured along the north boundary thereof by the full depth of the said lot; Section 25, Township 26, ODYD Plan 603 except Plans B797, C.B. 157 and B4993, being 815 Webster Road, Kelowna, B. C., regarding the failure to comply in every respect with Article 2.2.1.(g) of the City of Kelowna Building Bylaw, 1993 No. 7245.

AND THAT the Notice state that:

1. A resolution relating to The east 11 chains of Lot 3 measured along the north boundary thereof by the full depth of the said lot; Section 25, Township 26, ODYD Plan 603 except Plans B797, C.B. 157 and B4993, being 815 Webster Road, Kelowna, B. C. 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 dwelling was damaged by fire, the damage was far in excess of 75% of its assessed value above the foundations, the point at which the Building Bylaw requires that the entire building is made to comply with the Building Code.

At a site meeting attended by Gerry Moller (Inspections Supervisor), Ron Ready (Building Inspector) and Balbir Wariache (Property Owner), the scope of the required work was discussed. Because of the extent of that work the owner on that day decided the house was going to be demolished, he later reconsidered his position and hired Kal-Tech Restorations to perform repairs to the existing dwelling. For some unknown reason the requirement to upgrade the foundations and floor system and create a crawl space that complied with the requirements of the code were not relayed to Kal-Tech

Restorations. I suggest that, had these requirements been known to Kal-Tech, their price quote for the work would have been cost prohibitive, and the house would have been once again scheduled for demolition rather than repair.

By the time that we next visited the site, substantial work had already been completed, and money invested. These facts now preclude demolition for financial reasons and therefor the decision to file a Notice was made.

This Notice is being filed to inform any prospective purchasers of the noted deficiencies and to inform them that the City of Kelowna will not be held liable for any damages to persons or property as a result of these deficiencies.

Gerry Moller – Inspections Supervisor

Keith Skinner – Manager of Inspection Services