

Section 57 - Notice on Title

Bylaw Contravention Notice on Property Title Information

Purpose

This document provides a summary of what may trigger a Notice on Title and what is required to remove it. If you have any questions or concerns as to the nature and effect of Notices on Title, please refer to the actual text of Sections 57 and 58 of the Community Charter and seek your own independent legal advice.

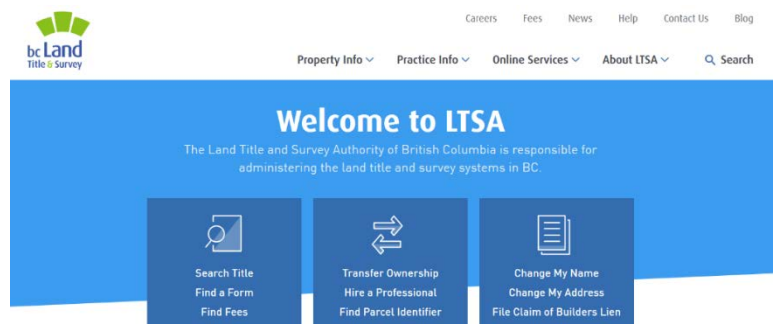
Background & References

The Building Department is responsible for ensuring that all buildings constructed within the City comply with the City's Building Bylaw and the BC Building Code and are safe for the use intended. Where work is completed without the necessary permit and inspections, it cannot be guaranteed that the work conforms to the established standards.

Reference:

- [City of Penticton Building Bylaw](#)
- [Community Charter - Sections 57 and 58](#)

A Notice on Title is an enforcement tool used by local governments in British Columbia. It involves the local government placing a notice on the title of a property at the Land Title Office. Once in place, the notice will show up under the section on a title search entitled "Legal Notations"



A Notice on Title serves as notice to anyone searching the title of a property that the property in question may be in breach of local government bylaws or regulations. The Notice on Title itself does not disclose the details of any breach of bylaw or regulations, but rather, specifies that further information may be obtained from the local government office.

Once registered at the Land Titles Office, the notice will serve to advise anyone with interest in the land of the regulations contravened; provide disclosure to future owners; and protect taxpayers from potential claims with regard to the contravention, as per [Section 57 of the Community Charter](#).

NOTE: The vast majority of the building inspection processes are successfully carried out without the need to place a notice on title.

Implementation

When a Notice is placed on Title

A Notice on Title may be filed where the following conditions are observed:

- a) Construction has begun on a property without a valid building permit (Stop Work posted)
- b) Construction deficiencies noted during an inspection have not been corrected
- c) Covering construction without required inspections
- d) Modify construction in contravention of approved permits
- e) A permit has expired and the owner refuses to reapply for a new permit; or
- f) Any such circumstances as the Chief Building Inspector may deem necessary

The Corporate Officer will advise the property owner, by letter, that the matter will be taken to Council and will invite the owner to attend the meeting to discuss the issue. Should Council agree that there is a contravention, it may pass a resolution pursuant to Section 57 of the Community Charter. The resolution would instruct the Corporate Officer to file a notice on title with the Land Title Office that violations exist on the property. The Land Title Office will make a notation on the property title that there is a bylaw contravention. Any individual requesting a Title Search will then be aware that there are building concerns.

Further Injunctive Action

In addition to the Section 57, Notice on Title, Council may impose injunctive action or remedial action requirements in relation to hazardous conditions. This action may require the owner to remove or demolish the deficiency, bring it up to the bylaw standard and/or deal with the issue in a manner acceptable to Council. The resolution imposing a remedial action would specify a time frame in which the action must be completed. If the action is not completed as required, the City may finish the required work at the expense of the owner.

Removal of a Notice on Title

Where a notice has been registered on the property title and the property owner wishes to rectify the issues, the owner must apply in writing to the Chief Building Inspector requesting consideration for removal of the notice. Upon receipt of a written request, the Chief Building Inspector will review the records pertaining to the condition that gave rise to the filing of the notice to determine if the request is feasible.

Should staff concur with the request the following steps shall be taken:

- Confirmation of a building or demolition permit, a permit extension or if a new owner is registered to the property, a new application may be required in order to close off an existing building permit.
- An inspection of the land, building or structure will be scheduled in order to verify that the contravention has been rectified.
- Payment of all applicable Permit fees and fines. A fee for removal of the legal notice from the land title is \$500 (confirm fee with current [Fees and Charges Bylaw](#)).

If all requirements are met, the Chief Building Inspector will notify the Corporate Officer to file for removal of Notice with Land Title Office.

Have questions? We're here to help. Please contact the Building Department at 250-490-2571 or buildinginfo@penticton.ca for more information.
