

# Report

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Date January 15, 2025

File:

Subject Remedial Action for 2961 Sherman Road

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## PURPOSE

To seek approval to issue a Remedial Action Requirement to the owners of 2961 Sherman Road to demolish the partially collapsed structure on this site.

## BACKGROUND

On February 1, 2024, a complaint was received by North Cowichan Bylaw Department regarding a collapsed structure at 2961 Sherman Road. Bylaw staff attended the site and observed an unoccupied house in partial collapse. Staff subsequently engaged with the property owner and advised of the need to demolish the building as it posed a risk to anyone entering it.

Subsequently, the collapsed house, easily visible from Sherman Road, has been the subject of numerous complaints referencing the unsightly nature of the structure and potential hazards.

Bylaw staff have since engaged with the owner's representative on several occasions to advise of the numerous unsightly complaints that the Bylaw Department has received and to request that the owner apply for a demolition permit to demolish the structure and remove the debris.

Correspondence from the Bylaw Department was sent to the property owner on January 8, 2025, advising them that this matter will be brought forward to Council for consideration on January 15, 2025.

## DISCUSSION

The property owner on which the collapsed house sits has had almost 12 months to address the hazardous and unsightly condition of the structure, but to date, no action has been taken. North Cowichan has the authority under Chapter 26, Part 2, Division 1 of the *Community Charter* to require that the owner of the subject property (2961 Sherman Road) take steps to remediate the structure, which is the subject of the order (s. 72). A remedial action requirement may be imposed if Council's determines that the subject property "*is in or creates an unsafe condition*" (s. 73(2) (a)) and/or if Council declares the subject property to be a nuisance because the structure on that site is "*so dilapidated or unclean as to be offensive to the community*" (s. 74(2)).

The remedial action requirement being sought in this case is that the owner of the subject property (or their representative) fence the entire perimeter of the derelict structure to prevent egress within 30 days and submit a complete application for a demolition permit to North Cowichan within 90 days of receiving notice of a remedial action requirement and comply with all requirements of that permit within 60 days of the permit's issuance. Those requirements include the removal of all associated debris, a hazardous materials assessment and compliance with *WorkSafe BC* requirements.

The owner of the subject property or their representative may seek reconsideration of a remedial action requirement by requesting that in writing within 14 days of receiving notice of a remedial action requirement (s. 78).

Should the owner fail to comply with the remedial action requirements within the specified time frames, North Cowichan is empowered to undertake the work and seek recovery of costs associated with fulfilling those requirements (s. 17).

The complete copy of the relevant sections of the *Community Charter* can be found in Attachment 1.

## OPTIONS

### 1. (Recommended Option)

- (1) THAT Council declares the subject property at 2961 Sherman Road a nuisance and determines that the partially collapsed structure is in and creates an unsafe condition.
  - (2) THAT Council imposes the following remedial action requirements on the property owner or their representative:
    - (a) **Fence Installation:** Erect a fence around the entire perimeter of the derelict structure within 30 days.
    - (b) **Demolition Permit Application:** Submit a demolition permit application within 90 days of receiving a "Notice to Affected Persons" regarding the partially collapsed structure on the property.
    - (c) **Demolition Permit Compliance:** Ensure all demolition permit requirements are satisfied within 60 days of the permit's issuance.
- This option will allow the property owner some time to address the concerns and comply with the demolition permit process requirements. If successfully completed, it will address the safety related concerns and the dilapidated condition of the structure. It also allows the North Cowichan to undertake the required work should the owner fail to do so.

### 2. THAT Council declares the subject property at 2961 Sherman Road a nuisance and determines that the partially collapsed structure is in and creates an unsafe condition.

- This option does not impose a remedial action requirement on the owner of the subject property but does enable that requirement to be imposed at a future date.

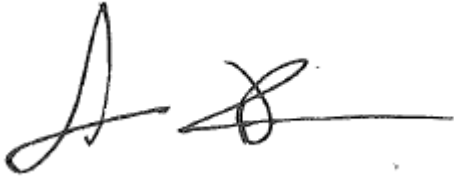
## IMPLICATIONS

It is worth noting that the expenses associated with this remedial action requirement may be considerable, depending on the nature and extent of any hazardous materials identified in the structure (asbestos, etc.) and on the weight and nature of materials taken to the landfill. As such, compliance may come at a considerable cost to the property owner. It is also the case that the structure clearly presents a hazard to anyone who might choose to enter the building and that there is a considerable risk of further collapse.

**RECOMMENDATION**

- (1) THAT Council declares the subject property at 2961 Sherman Road a nuisance and determines that the partially collapsed structure is in and creates an unsafe condition.
- (2) THAT Council imposes the following remedial action requirements on the property owner or their representative:
  - (a) **Fence Installation:** Erect a fence around the entire perimeter of the derelict structure within 30 days.
  - (b) **Demolition Permit Application:** Submit a demolition permit application within 90 days of receiving a "Notice to Affected Persons" regarding the partially collapsed structure on the property.
  - (c) **Demolition Permit Compliance:** Ensure all requirements of the demolition permit are satisfied within 60 days of the permit's issuance.

Report prepared by:



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John Horn  
Director, Social Planning and Protective Services

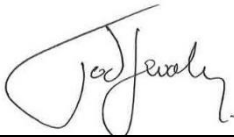
Report reviewed by:



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Bill Corsan  
General Manager, Corporate Services and  
Community Relations

**Approved to be forwarded to Council:**



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Ted Swabey  
Chief Administrative Officer

Attachments:

- (1) Relevant sections of the *Community Charter*
- (2) Images - hazardous structure 2961 Sherman Road

**Relevant Sections of the  
COMMUNITY CHARTER  
CHAPTER 26**

**PART 2 — MUNICIPAL PURPOSES AND POWERS**

**Division 1 — Purposes and Fundamental Powers**

*Fundamental powers*

- 8** (8) As examples, the powers to regulate, prohibit and impose requirements under this section include the following powers:
- (c) to require persons to do things with their property, to do things at their expense and to provide security for fulfilling a requirement.

**Division 3 — Ancillary Powers**

*Municipal action at defaulter's expense*

- 17** (1) The authority of a council under this or another Act to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the municipality may
- (a) fulfill the requirement at the expense of the person, and
  - (b) recover the costs incurred from that person as a debt.
- (2) Division 14 [Recovery of Special Fees] of Part 7 [Municipal Revenue] applies to an amount recoverable under subsection (1) that is incurred for work done or services provided in relation to land or improvements.

**PART 3 — ADDITIONAL POWERS AND LIMITS ON POWERS**

**Division 12 — Remedial Action Requirements**

*Council may impose remedial action requirements*

- 72** (1) A council may impose remedial action requirements in relation to
- (a) matters or things referred to in section 73 [hazardous conditions],
  - (b) matters or things referred to in section 74 [declared nuisances], or
  - (c) circumstances referred to in section 75 [harm to drainage or dike].

(2) In the case of matters or things referred to in section 73 or 74, a remedial action requirement

(a) may be imposed on one or more of

(i) the owner or lessee of the matter or thing, and

(ii) the owner or occupier of the land on which it is located, and

(b) may require the person to

(i) remove or demolish the matter or thing,

#### *Hazardous conditions*

**73** (1) Subject to subsection (2), a council may impose a remedial action requirement in relation to any of the following:

(a) a building or other structure, an erection of any kind, or a similar matter or thing;

(2) A council may only impose the remedial action requirement if

(a) the council considers that the matter or thing is in or creates an unsafe condition,  
or

#### *Declared nuisances*

**74** (1) A council may declare that any of the following is a nuisance and may impose a remedial action requirement in relation to the declared nuisance:

(a) a building or other structure, an erection of any kind, or a similar matter or thing;

(2) Subsection (1) also applies in relation to a thing that council considers is so dilapidated or unclean as to be offensive to the community.

#### *Notice to affected persons*

**77** (1) Notice of a remedial action requirement must be given by personal service or by registered mail to

(a) the person subject to the requirement, and

(b) the owner of the land where the required action is to be carried out.

#### *Person affected may request reconsideration by council*

**78** (1) A person who is required to be given notice under section 77 (1) [notice to affected persons] may request that the council reconsider the remedial action requirement.

## PART 7 — MUNICIPAL REVENUE

### Division 14 — Recovery of Special Fees

*Special fees may be collected as property taxes*

**258** (1) This section applies to the following:

- (a) fees imposed, under this Act or the *Local Government Act*, for work done or services provided to land or improvements;
- (b) fees imposed under section 196 (1) (a) [*fire and security alarms systems*];
- (c) amounts that a municipality is entitled to recover for work done or services provided to land or improvements under any other provision of this Act or the *Local Government Act* that authorizes the municipality to recover amounts in the event of default by a person.

(2) An amount referred to in subsection (1)

- (a) may be collected in the same manner and with the same remedies as property taxes, and
- (b) if it is due and payable by December 31 and unpaid on that date, is deemed to be taxes in arrear.

Images – hazardous structure 2961 Sherman Road



