

Builders and Homeowners Bulletin: Notice on Property Title

This bulletin is intended to provide clarification on what a Notice on Property Title is. Please be sure to consult the relevant Village of Pemberton Bylaws or contact staff if you have questions: developmentsservices@pemberton.ca

What is a Section 57 notice?

Section 57 of the [Community Charter](#) was provided to local governments by the Province of British Columbia as a tool to administer and enforce the BC Building Code and local building bylaws. It enables local governments to register a notice, via the Land Title Office registrar, on the title of a property where there is or has been a building code or bylaw infraction, including where a permit is not held in good standing. For example, notices may be registered where:

- A building permit is lapsed but work has not been completed and/or inspections are outstanding
- Work proceeded without a valid building permit
- The work completed does not comply with the BC Building Code, relevant Village Bylaws or any other enactment pertaining to safety and building regulations
- There is a dangerous condition or defect in the construction

Why file a Section 57 notice?

The filing of a notice of contravention is not intended to be a punitive action; rather, it is an efficient way to secure compliance to the BC Building Code and serves as a disclosure mechanism protecting future owners and other parties with an interest in the property. It is important that owners involved in the building process understand the potential impacts of a s. 57 notice and the effects it may have on matters related to their property.

Requirements of the Village of Pemberton Building Bylaw 912, 2021

[The Bylaw](#) requires that building construction within Village boundaries occurs with a valid Building Permit. A permit will expire and/or be cancelled if:

- the work authorized does not commence within twelve months of the date of issuance
- work is discontinued for 12 months or longer
- there has been no request for an inspection or field review by a registered professional within 12 months of the last recorded inspection
- the work is not completed within two years of issuance of the permit

Owners of building construction projects that do not obtain a permit, do not complete the work in accordance with the Bylaw and the BC Building Code, or do not complete the work within the required time (without permit renewal), are in violation of the Bylaw and can be subject to a notice being filed on their property title.

What impact will a Section 57 have on a property owner?

While properties with building bylaw contraventions may be sold at any time, the presence of a notice registered on title may negatively affect a property's potential sale, perceived property value, access to a mortgage, and/or (re)financing. If a notice is registered upon the title of your land, you are advised to undertake inquiries with your lenders, insurance companies, and any other relevant parties to determine how it may impact you now and in the future.



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How is a Section 57 registered on title?

Village staff 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 notice would then be filed on title with the Land Title Office, where they will put a notation on the property title that there is a bylaw contravention. Any individual requesting a Title Search will then be aware there are building concerns and could request to see the details of the notice at the Village office. The fee to register a Notice on Title is \$500 or cost + 10%, whichever is greater.

How is a notice 'discharged' or removed from title?

Once the condition or contravention that gave rise to the filing of the notice has been corrected to the satisfaction of the Building Inspector, the Village files a cancellation or discharge notice with the registrar of land titles who then removes the notice from the property's title. The fee to issue a cancellation or discharge notice is greater of \$500 or cost + 10% as per Schedule T – Building of the Village of Pemberton Fees and Charges Bylaw No. 905, 2021.

Questions?

Please contact developmentservices@pemberton.ca for any additional questions you may have.