



## AGENDA

**Agenda for the Special Meeting of the Tahsis Village Council  
to be held on March 29, 2022 in the Council Chambers at 1 p.m.  
Municipal Hall, 977 South Maquinna Drive and by electronic means**

**Remote access:** To attend this meeting remotely via Zoom/ phone

**Join the Zoom Meeting**

<https://zoom.us/j/7473599558>

**Dial by your location**

**+1 647 374 4685 Canada**

**Meeting ID: 747 359 9558**

**Find your local number: <https://zoom.us/j/7473599558>**

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**A. Call to Order**

Mayor Davis will call the meeting to order at 1:00 p.m.

Mayor Davis will acknowledge and respect that we are meeting upon  
Mowachaht/Muchalaht territory.

**B. Introduction of  
Late Items**

None.

**C. Approval of the  
Agenda**

**H. Business Arising**

**Report to Council Re: Hearing by Council to reconsider its Remedial Action Requirement  
Order under Division 12 of Part 3 of the Community Charter pertaining to the buildings  
at the property located at the civic address 1400 South  
Maquinna Drive, Tahsis, BC (the "Property") and owned by 1031249 B.C.  
Ltd. (the "Owner")**

**P. Adjournment**

# VILLAGE OF TAHSIS

## Report to Council

**To:** Mayor and Council

**From:** Chief Administrative Officer

**Date:** March 15, 2022

**Re:** Hearing by Council to reconsider its Remedial Action Requirement Order under Division 12 of Part 3 of the *Community Charter* pertaining to the buildings at the property located at the civic address 1400 South Maquinna Drive, Tahsis, BC (the “Property”) and owned by 1031249 B.C. Ltd. (the “Owner”)

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This report is prepared in anticipation of the Special Meeting of the Tahsis Village Council scheduled for Tuesday, March 29, 2022 at 1:00 p.m. for a Hearing (“the **Hearing**”) by Council, at the request of the Owner, to reconsider its Remedial Action Requirement Order (the “**Order**”) of September 21, 2021.

*See Attachment #1 – Remedial Action Requirement Order*

The property in question is more particularly described as follows: Lot 4, Plan VIP46590, District Lot 443, Nootka Land District, & DL 493 (PID: 011-442-280), with Civic Address: 1400 South Maquinna Drive, Tahsis, B.C. (the “**Property**”).

The owner in fee simple of the Property is 1031249 B.C. Ltd. (the “**Owner**”), which has its registered and records office at 353 Chemainus Road, Ladysmith, BC, V9G 1Y1. The Owner’s sole Director is Ms. Stace Nielsen, who shares the same address as the registered and records office of the Owner.

Staff have investigated title to the Property and there are no financial charges or mortgages registered on title. Accordingly, staff have given notice of the Hearing to the Owner and her legal counsel and there are otherwise no registered financial interest holders in the Property to whom to provide notice.

### **BACKGROUND**

Staff engaged members of the Strathcona Regional District (“**SRD**”) to conduct an initial inspection of the Property on June 17, 2021 under the Village’s service agreement with the SRD for bylaw and building inspection services.

The SRD staff who conducted the inspection of the Property on June 17, 2021 prepared a report of their observations, including photographs and video taken of the Property and the exteriors of the buildings on the Property (the “**June 2021 Inspection Report**”).

On September 21, 2021 at 2:30 PM, Tahsis Council convened a Special Meeting to receive a staff report and consider draft resolutions regarding the Property. The draft resolutions Council considered pertained to whether the Property was a nuisance and/or is so dilapidated and unclean as to be offensive to the community pursuant to s. 74 of the *Community Charter*.

The June 2021 Inspection Report provided to Council for the Special Meeting referred to four buildings on the Property, labelled and identified as “Building 1”, “Building 2”, “Building 3”, and “Building 4”.

Building 2 is further described as being located along South Maquinna Drive and being in the nature of a commercial centre.

Building 3 is further described as being located along the water side of Tahsis Inlet and is also identified as being in the nature of a former commercial centre.

Buildings 2 and 3 (the “**Buildings**”) are colloquially referred to by some members of the local community as the “mall”.

The June 2021 Inspection Report provided numerous photographs of all exterior sides of each of Building 2 and Building 3 and showed their condition.

At the Special Meeting of September 21, 2021, Ms. Nielsen, as Director of the Owner of the Property, attended and made submissions to Council in respect of the contemplated Remedial Action Requirement.

At the conclusion of the Special Meeting, Council issued the Remedial Action Requirement Order (*Attachment # 1*) in the presence of Ms. Nielsen.

SRD staff conducted a further inspection of the Property on January 20, 2022 and wrote a follow up Inspection Report (the “**January 2022 Inspection Report**”).

#### *January 20, 2022 Inspection Report – Attachment #2*

Formal Notice of the Order was served on the Owner on February 15, 2022 via registered mail, pursuant to s. 77 of the *Community Charter*. The 60 days specified under s. 3 of the Order will, accordingly, expire on April 18, 2022 should Council confirm the existing Order without amendments.

On February 25, 2022, Ms. Stace Nielsen, as Director of the Owner of the Property, wrote to Counsel for the Village to advise that she sought reconsideration by Council for the Village of Tahsis of its Remedial Action Requirement Order of September 21, 2021.

#### *Request for Reconsideration – Attachment #3*

Ms. Nielsen was subsequently advised that this Special Meeting of Council would be convened for the Hearing and that she would have opportunity to make submissions to Council in respect of Council’s reconsideration of the Order.

**RECONSIDERATION HEARING PROCEDURES**

In general, a reconsideration is not a trial. It is much more informal and the strict rules of evidence do not apply. The “evidence” will largely consist of a staff report that outlines the concerns with the property. A reconsideration is a hearing to which the rules of procedural fairness apply. The Owner has the right to appear, have counsel attend, hear and review the evidence, and ask questions of any witnesses.

Council may confirm, amend, or cancel the Remedial Action Requirement Order after hearing all of the evidence from staff and any reply from the Owner.

Village Staff have provided a copy of this Staff Report, Attachments #1, #2, and #3 to Ms. Nielsen and the Owner in advance of the Hearing and have advised, among other things, that should the Owner wish to make representations to the Council regarding these matters, the Owner should appear at the time, date and place of the Hearing set out above to make a presentation to the Council.



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Mark Tatchell,  
Chief Administrative Officer

Attachments:

- *Attachment #1 – Remedial Action Requirement Order, September 21, 2021*
- *Attachment #2 – Property Inspection Report, January 20, 2022*
- *Attachment #3 – Request for Reconsideration by the Owner, February 25, 2022*

# VILLAGE OF TAHSIS

## REMEDIAL ACTION ORDER UNDER DIVISION 12 OF PART 3 OF THE COMMUNITY CHARTER

The Council of the VILLAGE OF TAHSIS pursuant to Division 12 of Part 3 of the *Community Charter* hereby resolves and orders that:

1. The building more particularly described as the former commercial centre with white exterior paint and red paint trim located adjacent to South Maquinna Drive ("Building 2") on 1400 South Maquinna Drive, Tahsis, BC, legally described as Lot 4, Plan VIP46590, District Lot 443, Nootka Land District, & DL 493 (the "Property"), is so dilapidated and unclean as to be offensive to the community;
2. The building more particularly described as the former commercial centre adjacent to the foreshore of Tahsis Inlet with white exterior paint and red paint trim ("Building 3") on the Property is so dilapidated and unclean as to be offensive to the community;
3. The owner of the Property, 1031249 B.C. Ltd. (the "Owner"), is hereby ordered to take the following remedial actions within 60 days of its receipt of notice of this Order:
  - a. demolish and remove Building 2 and Building 3 in accordance with all applicable statutes and regulations;
  - b. dispose of the remains of Building 2 and Building 3 including any asbestos or hazardous materials in accordance with all applicable statutes and regulations; and
  - c. permanently fill in any openings in the ground resulting from the removal of Building 2 and/or Building 3.
4. The Village of Tahsis, its employees, agents and contractors are hereby authorized, in default of such remedial measures being completed by the Owner by the date specified, to carry out or have such work carried out and the expense charged to the Owner. If unpaid on December 31st in the year in which the work is done, the expense shall be added to and form part of the taxes to be paid on the real property as taxes in arrears or be collected as a debt.

DATED at the Village of Tahsis, British Columbia, this 21<sup>st</sup> day of September, 2021.

Certified a true copy this 21<sup>st</sup> day of September, 2021.



Mark Tatchell  
Corporate Officer

Attachment 2      Inspection Report of 1400 S.  
Maquinna Drive  
January 20, 2022

The follow observations were noted during the follow up exterior building inspection that was conducted on Thursday January 20, 2022, at the property and building located 1400 South Maquinna Drive between the hours of 11:30hrs. and 13:00hrs during rainy conditions. The inspection was conducted SRD Building Official Karl Neufeld and SRD Bylaw Compliance Officer Enzo Calla.

For inspection purposes the inspection was conducted to buildings two and three that were identified in the previous report. Attached is an arial photo that identifies the four buildings on the property.

For reference the buildings were labelled 1 through 4. The exterior inspection was conducted in a clockwise fashion with each side of the buildings give a letter from A through D.

Building 1- located at the South end of the property is identified as residential structure.

Building 2 - located along South Maquinna Drive is identified as a commercial center.

Building 3 – located along the water side is identified as a commercial center.

Building 4 - located at the North end of the property and is identified as the hotel/restaurant.

**BUILDING 2 SIDE A**



*Photo taken January 20,2022*



*Photo taken January 20,2022*

As seen in the photos above and below of Side A (Maquinna Drive,street side), there is no sign of any remediation done to the exterior of side A. The lack of vegetation shows the extent of dry rot at the base of the building 2 that was observed by inspectors and mentioned from the June 17,2021 inspection. Note the water pooling at the base of the building in the photo on the right.

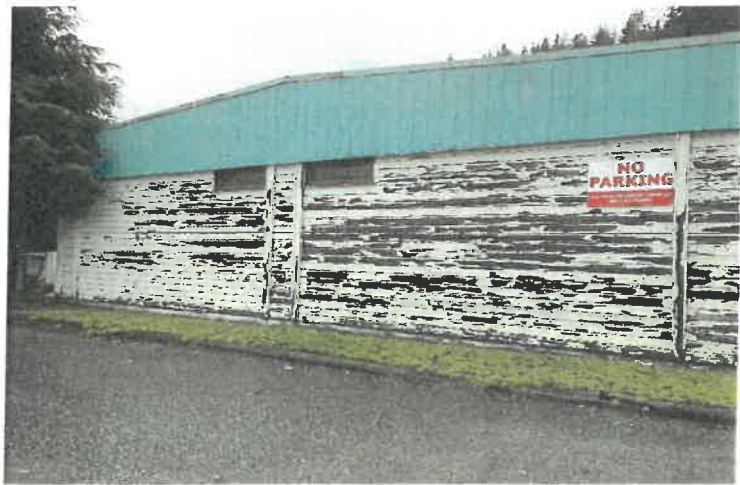


*Photo taken June 17,2021*



*Photo taken June 17,2021*

### **BUILDING 2 SIDE B**



*Photo taken January 20,2022*



*Photo taken June 17,2021*

With side B dry rot can be observed along the base of the building and the continued deterioration of the exterior wood where the paint has peeled away.

**BUILDING 2 SIDE C***Photo taken June 17, 2021**Photo taken June 17, 2021**Photo taken January 20, 2022**Photo taken January 20, 2022*

Photos taken above show the exterior of the building 2 side C there has been nothing been done. It was noted that there were some objects that were covered with tarps that were not present in the June 17, 2021, inspection. Roof appears to be in poor shape, indications of leaking visible and may have compromised the structure (a structural engineer will required evaluate to confirm this assumption).

The photos below show the drywall from the roof that has fallen along with mold that is staining the windows and walls of the interior in all the units of Building 2.

**BUILDING 2 SIDE C INTERIOR**



*Photos taken January 20,2022*



*Photos taken January 20, 2022*



*Photos taken January 20,2022*



*Photos taken January 20, 2022*



**BUILDING 2 SIDE C INTERIOR**

Of note that several other photos were taken of the interior to show dampness and water penetration on the floor of building 2. These photos did not turn out due to the reflections of window.



*Photo taken January 20, 2022*



*Photo taken January 20, 2022*



*Photo taken June 17, 2021*



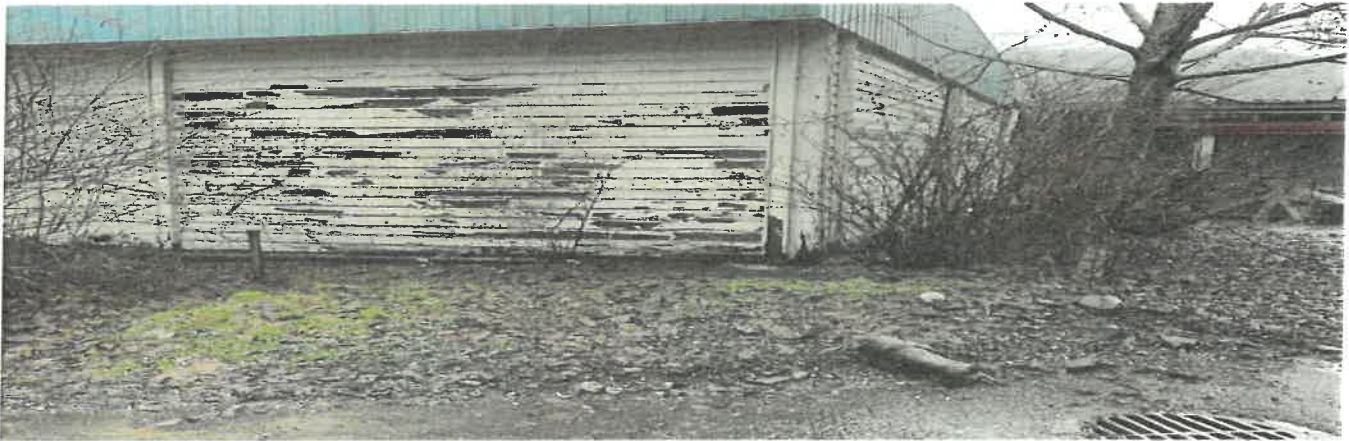
*Photo taken June 17, 2021*



*Photos taken January 20, 2022*

**BUILDING 2 SIDE D**

As with the previous report from June 17, 2021 where the video showed the side D of the building surrounded by vegetation, as seen in the photo below this side of the building still has vegetation, there has been no attempt to do improvements. Note again the pooling of water in the A/D corner. It was noted



*Photo taken January 20, 2022*

that water was pooling on the surface by the corner of the building and not draining into the catch basin at the street.

**BUILDING 3 SIDE A**

While the side A of the building is partially protected from the elements under the covered area. The plywood around the store front had numerous holes, rot along the wall in various areas peeling paint along with mold being seen on the windows. As seen in both the photos below from the June inspection and the January inspection the drainpipe. It was noted in the January 20, 2022, during the rain very little water was observed running out of the downspout for the front of the building from the roof as shown below.



*Photo taken June 17, 2021*



*Photo taken January 20, 2022*

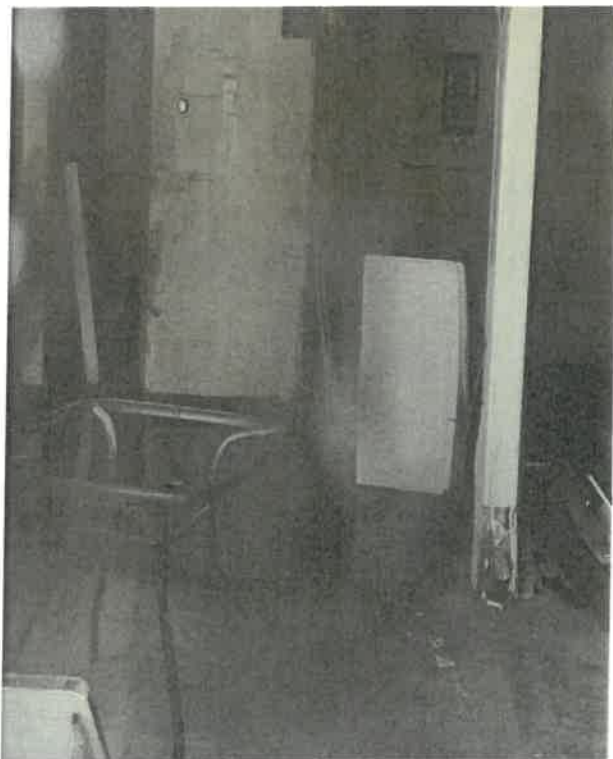
Tarps have been hung in the windows to prevent visibility into the building 3 Side A center section, this is the area where the roof has collapsed as will be seen in pictures from side\_C. Throughout side A it was observed by both building inspector and bylaw officer mold, water damage along with the drywall from ceiling that has fallen.



*Photo taken January 20,2022*



*Photo taken January 20, 2022*



*Photo taken January 20,2022*



*Photo taken January 20,2022*

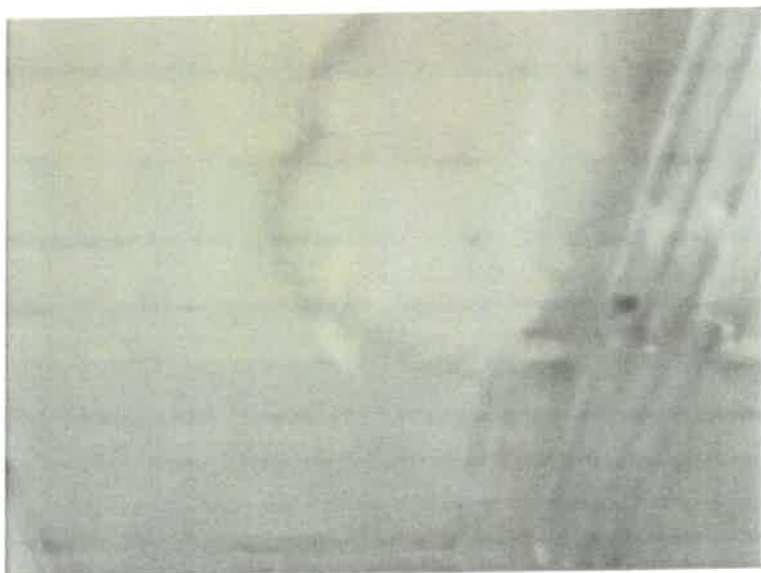
As with the pictures from Building 2, due to the reflections from the window the pictures do not properly depict the actual condition and moisture content that was observed by building inspector and bylaw officer of the interior of the structure.



*Photo taken January 20,2022*



*Photo taken January 20, 2022*



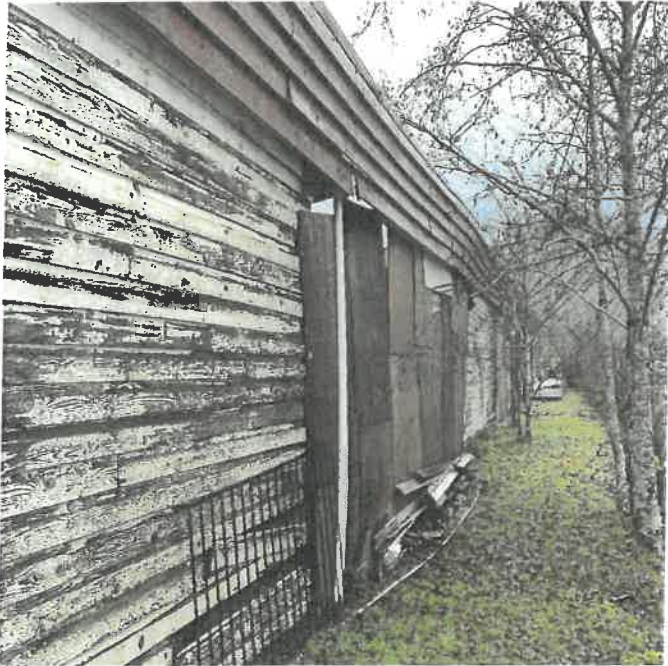
*Photo Taken January 20,2022*



*Photo taken June 17, 2021*

**BUILDING 3 SIDE B***Photo taken January 20,2022**Photo taken January 20,2022*

As with the rest of the building, due to drawn curtains it was unable to see into the structure. Nothing has been noted to be done except for the picnic tables placed at the by the B/C corner of the building to discourage access to rear of the building due the proximity to the water which was noted in the report from June 17, 2021. Of concern, an exterior light fixture was observed to be on (see photo above). This light was not noted in the prior inspection. Due to the deteriorating condition of the building and the exposure to water and moisture this poses a major hazard to life safety to anyone who enters this building.

**BUILDING 3 SIDE C***Photo taken January 20 ,2022**Photo taken January 20, 2022**Photo taken June 17,2021**Photo taken June 17, 2021*

No changes were noted to the C side of Building 3. Access to the C side from the B side of the building was restricted due to fencing that had been placed as a deterrent as noted in the June 17, 2021, report. As noted in the June report, here the roof can be seen to have collapsed along with a section of wall that has been covered with plywood. It is unknown what is supporting the roof and wall as no framing or cross bracing can be noted from the exterior. It is unknown to the writer why the metal railing was placed up against the building, or of what use the metal railing could be used in the support of the wall.

**BUILDING 3 SIDE C Continued**



*Photo taken January 20 ,2022*



*Photo taken January 20 ,2022*



*Photo taken June 17,2021*



*Photo taken January 20, 2022*

**BUILDING 3 SIDE C Continued**



*Photo taken January 20,2022*



*Photo taken January 20, 2022*



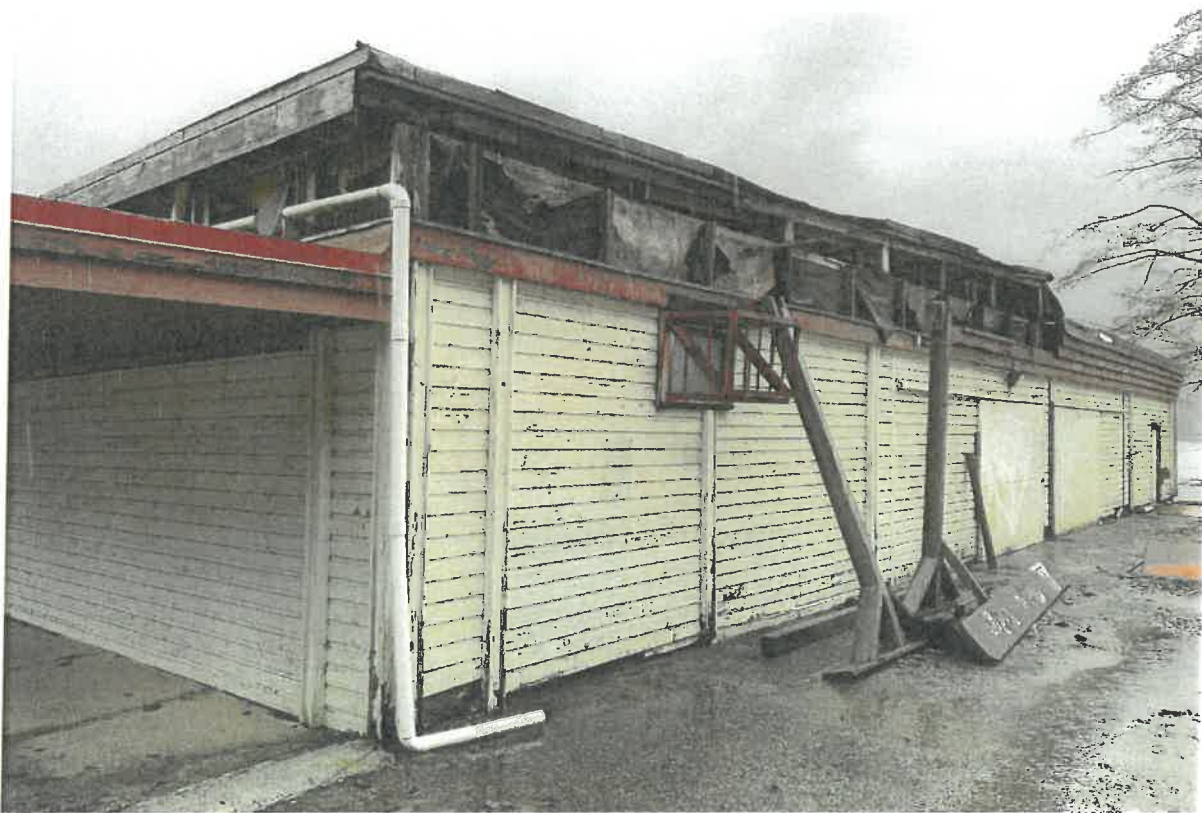
*Photo taken June 17 ,2021*



*Photo taken June 17, 2021*

**BUILDING 3 SIDE C Continued**

The wall and roof continue to be warped and deteriorating, the visual images note that the roof is compromised and likely collapse in the future. This was noted in the June Report where it was advised by SRD staff that a Structural Engineer should be engaged as the condition of the building along with a Geotech Engineer should also be engaged to evaluate the location due to the potential undermining of the foreshore. As seen in the photos on the previous pages (page 12), makeshift devices have been made and installed in the roof to assist with water drainage from the roof.

**BUILDING 3 SIDE D**

*Photo taken January 20, 2022*

As noted in the report from June, the roof area on the D and A side are open and exposed to the elements. Of note the placement of the roof drain in the A/D corner. Due to the position of the pipe, water was observed flowing out of the pipe and following the natural grade of the ground, the ground water due to the natural grade was observed running along the entire building towards the back.

**BUILDING 3 SIDE D Continued**



*Photo taken January 20, 2022*



*Photo taken June 17, 2021*

**BUILDING 3 SIDE D Continued**

This waterflow along the ground to the rear of the property is causing the rotting that has been observed and noted in both reports. SRD staff will recommend an Environmental Hygienist be engaged. A Hazardous Materials Assessment and Remediation of Buildings 2 and 3 will be required prior to any permits being issued for building 2 and 3.



# uMapIt (internal)

Property Lookup



▼ 1400 maquina X Q

Show search results for 1400 m...



20m

-126.66234 49.90948 Degrees

## Attachment 3

**From:** TIANA STACE <[ladysmithbc@yahoo.com](mailto:ladysmithbc@yahoo.com)>  
**Sent:** Friday, February 25, 2022 10:08 AM  
**To:** Josh Krusell <[jkrusell@sms.bc.ca](mailto:jkrusell@sms.bc.ca)>  
**Subject:** Fwd: VILLAGE OF TAHSIS Client File#253051

Note : This email was sent to you late last night but upon review this morning is being resent with corrections to the spots where the year 2020 should have been 2022 and was corrected and the original email is now being resent reflecting the correct dates as being in 2022.

Sent from my iPhone

Begin forwarded message:

**From:** TIANA STACE <[ladysmithbc@yahoo.com](mailto:ladysmithbc@yahoo.com)>  
**Date:** February 25, 2022 at 12:24:05 AM PST  
**To:** [jkrusell@sms.bc.ca](mailto:jkrusell@sms.bc.ca)  
**Subject:** Re: VILLAGE OF TAHSIS Client File#253051

To:  
 Joshua Krusell  
 Stewart McDannold Stuart Law Firm

RE: VILLAGE OF TAHSIS REMEDIAL ACTION ORDER

Mr. Krusell,

Your registered mail to me, postmarked in Victoria, February 11, 2022, and sent to 1031249 B.C. Ltd. at 353 Chemainus Road, Ladysmith, B.C., was picked up at the post office by my daughter and at my request delivered to myself in Campbell River just a little earlier this evening, February 24, 2022

The envelope you sent contained a letter to my company dated February 8th, 2022, signed by Mark Tatchell on Village of Tahsis letterhead and stated on it that it had been sent by registered mail on that date but to the very best of my knowledge this was not true and I would like to see proof from the post office that it was sent by him.

Your envelope which my daughter brought to me this evening also contained a copy of the Remedial Action Order issued under division 12 of part 3 of the community charter and the information is pertaining to the property located at Civic address 1400 South Maquinna Drive, Tahsis B.C. and owned by my company, 1031249 B.C. Ltd. and other information was also in the envelope and I would like thank you for that and wish to advise you, and the Mayor and Council of the Village of Tahsis, that I, Stace Nielsen, sole owner of 1031249 B.C. Ltd., would like the Village of Tahsis to reconsider the remedial action order which was issued September 21, 2021, and provide me with an opportunity, hopefully in mid to late March 2022, to make representations to the council with respect

to this and also  
ask to be given sufficient notice of the exact date and time to be able to make the necessary  
arrangements to attend personally.

Thank you.

Stace Nielsen,  
1031249 B.C. Ltd.

Sent from my iPhone