



ROCKLAND NEIGHBOURHOOD ASSOCIATION

May 5, 2010

Mayor and Council  
City of Victoria  
1 Centennial Square  
Victoria, B.C. V8W 1P6

Dear Mayor Fortin and Council,

Re: 1238 Richardson Street Application to Waive the Clean Hands Policy

Along with several concerned neighbours, we attended the April 22, 2010, PLUSC meeting, at which council voted “to delay consideration of Waiving Section E.2 of the Clean Hands Policy for 1238 Richardson Street” until the applicant returns to the country.

This decision concerns the Rockland Neighbourhood Association for several reasons:

1. The Clean Hands Policy was adopted a mere year ago in order to deal with community frustration with illegal construction and occupancy, yet Council appears reluctant to apply it, even when the situation is a clear violation.
2. By the owners’ own written admission, they purchased the property fully aware of the illegality of the suite.
3. Mr. Sikstrom writes that “the owners advise that they will undertake the necessary steps to seek legalization of the dwelling unit”; however, it is unclear as to how this can be achieved, given that the bylaws do not allow for suites in accessory buildings and that the building has no setbacks from the property lines.
4. If the owners’ intent is to join the main house to the accessory building, thereby creating one larger house, they would neither be in compliance with setback requirements nor meet secondary suite requirements, which state that a suite must not be created by altering the external walls of a house.
5. Mr. Sikstrom admits that if council elects to delay consideration, “illegal occupancy of the dwelling unit will continue.” Given that construction was illegal, who would be liable if a dangerous situation arose, such as a fire? In fact, last month a large branch broke through the roof.

The Association would like to voice its strong opposition to waiving the Clean Hands Policy for this property. The Policy exists to protect residents from the illegal construction and occupation of buildings, and we ask that you apply it in the better interest of the entire community.

Sincerely,

