

NORTH CEDAR IMPROVEMENT DISTRICT

BYLAW NO. 399

To Regulate the Installation of Water Systems Within Bare-Land Strata Subdivisions Bylaw 399

WHEREAS improvement districts are authorized under section 746 of the *Local Government Act* to regulate and require the provision of works on lands being subdivided and to establish penalties for non-compliance;

AND WHEREAS the Board of Trustees of the North Cedar Improvement District wishes to establish design and construction standards for water systems within bare land strata subdivisions and to prescribe penalties for non-compliance;

NOW THEREFORE the Board of Trustees of the North Cedar Improvement District, in open meeting assembled, enacts as follows:

(1) DEFINITIONS

In this bylaw:

“approving officer” means the provincial subdivision approving officer appointed under the *Land Title Act*;

“bare-land strata plan” means

- (a) a strata plan on which the boundaries of the strata lots are defined on a horizontal plane by reference to survey markers, and not by reference to the floors, walls and ceilings of a building, or
- (b) any other strata plan defined by regulation to be a bare land strata plan;

“common property” means the lands and buildings designated on the bare-land strata plan, or by the strata corporation, to be for the use of strata lot owners;

“district” means the North Cedar Improvement District and its Board of Trustees;

”enactment” means an Act or a regulation or a portion of an Act or regulation;

“include” means as an example of, but not limited to;

“regulation” includes a bylaw enacted by the District or Regional District of Nanaimo;

“private works” means pipes and other appurtenances on private strata property not installed or owned by the District and used to convey water from the District’s water system to the strata;

“standards” means design and construction standards for the District’s water system as set-out in Schedule ‘B’ of Bylaw No. 401 – Service Standards for Subdivision & Development of Land;

“strata corporation” means a strata corporation established under the *Strata Property Act*;

“strata council” means the council of the strata corporation through which the strata corporation exercises its powers and duties under the *Strata Property Act*;

“strata lot” means a lot shown on a bare-land strata plan;

“subdivision” or “bare land strata subdivision” means the subdivision of land under the *Strata Property Act* by the deposit of a bare land strata plan in a land title office.

“such as” means the same as include.

(2) GENERAL PROHIBITION AND PENALTIES

- (1) A person who:
 - (a) does or suffers any act or permits any act to be done in contravention of this bylaw; or
 - (b) neglects to do or refrains from doing any act or thing required by this bylaw;
 - (c) commits an offense.
- (2) A person who commits an offence under this bylaw is liable on summary conviction to a penalty in accordance with the *Offence Act*.

(3) INSPECTION AND RIGHT OF ACCESS

- (1) An officer, employee, agent or representative of the District may enter at all reasonable times upon land subject to this bylaw to ascertain whether the provisions of the bylaw are being obeyed, provided that:
 - (a) consent to inspect the land is obtained from the owner or occupier of the land; or
 - (b) where such consent has been refused, written notice of the intent to inspect is given to the owner or occupier no less than 24 hours prior to the time of inspection.
- (2) No person shall obstruct or prevent a person referred to in subsection (1) from carrying out any of the provisions of this bylaw.

(4) OTHER ENACTMENTS

Nothing contained in this bylaw relieves any person of the responsibility of seeking out and complying with other enactments applicable to their undertaking.

(5) APPROVAL OF BARE LAND STRATA SUBDIVISIONS

- (1) Under section 4 of the *Strata Property Act Bare Land Strata Regulations*, the subdivision approving officer must notify the District when a bare land strata plan has been received for approval.
- (2) Under section 12 of the *Strata Property Act Bare Land Strata Regulations*, the approving officer must not approve the bare land strata plan unless the water distribution system within the proposed subdivision and the works connecting it to the District’s water system have been designed and constructed in accordance with District standards.
- (3) The District will review an applicant’s request for water services and advise the subdivision approving officer on whether the proposed subdivision should be approved or denied.
- (4) In making a determination under subsection 3, the District will consider and advise the approving officer on:
 - (a) the District’s capacity to provide the requested service;
 - (b) whether the application complies with the serving requirements and standards established by the District; and
 - (c) whether the applicant has satisfied, or has agreed to satisfy, all such requirements.

(6) APPLICATION OF SERVICE STANDARDS BYLAW

- (1) All provisions of Bylaw No. 401 - Service Standards for Subdivision & Development of Land shall apply, except as determined by the District.
- (2) In addition to the service application requirements under subsection 1, the bare land strata plan shall show each and every strata lot to be created and all common property.

- (3) Despite subsection 1, provisions respecting street lighting requirements and standards shall not apply to bare land strata subdivisions.

(7) TERMS AND CONDITIONS OF WATER SERVICES

- (1) Upon deposit of the bare land strata plan in a land title office, the strata corporation:
- (a) will be subject to all applicable District bylaws;
 - (b) will be responsible for the payment of all tolls, taxes or other charges levied by the District; and
 - (c) will operate and maintain the water distribution and fire hydrant systems within the bare land strata subdivision in manner satisfactory to the District and in accordance with any District policies or standards.
- (2) Following the election or designation of a strata council in accordance with the *Strata Property Act*, the terms and conditions set out in subsection (1) will become the responsibility of the strata council.
- (3) To ensure that water distribution and fire hydrant systems are operated and maintained in accordance with subsection (1) (c), the Strata Corporation or strata council may be required to enter into an agreement with the District respecting the maintenance and repair of the private waterworks.
- (4) All costs associated with an agreement under subsection (3), including legal costs and costs associated with registering interests on title, are to be borne solely by the Strata Corporation or strata council.

(8) CITATION

This bylaw may be cited as “Bylaw No. 399 – Bare Land Strata Subdivision Regulations

INTRODUCED and given first reading by the Trustees on the 14 day of June, 2012.

RECONSIDERED and finally passed by the Trustees on the 14 day of June, 2012.

Chairperson of the Board of Trustees

I hereby certify under the seal of the North Cedar Improvement District that this a true copy of Bylaw No. 399.

Administrator to the Board of Trustees