

## THE CORPORATION OF THE DISTRICT OF PEACHLAND

### BYLAW NUMBER 1826

A Bylaw to Regulate and Impose Requirements Respecting  
Remediation of Real Property and Premises Damaged Through  
The Production, Trade or Use of Controlled Substances

*This is a consolidated bylaw prepared by the Corporation of the District of Peachland for convenience only. The Corporation does not warrant that the information contained in this consolidation is current. It is the responsibility of the person using this consolidation to ensure that it accurately reflects current bylaw provisions.*

Amended by: Bylaw No. 1937, Adopted on May 11, 2010  
Bylaw No. 2010, Adopted on October 25, 2011

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WHEREAS the *Community Charter*, S.B.C. 2003, Chapter 26, as amended, authorizes Council, by bylaw, to regulate trade and business activity, the construction and occupation of buildings, and the prohibition and abatement of nuisances, and to effect compliance with the bylaw to recover the expense of effecting compliance from any person who has failed to comply with the bylaw;

NOW THEREFORE, the Council of the Corporation of the District of Peachland, in open meeting assembled, HEREBY ENACTS AS FOLLOWS:

1. This bylaw may be cited as 'Controlled Substances Property Remediation Bylaw Number 1826, 2007.'

#### INTERPRETATION

2. In this bylaw:

**"Alteration"** means any change made to the structural, gas, plumbing, ventilation mechanical or electrical components of a Building;

**"Amphetamines"** include dextroamphetamines and methamphetamines;

**"Building"** means any Structure or construction used or intended for supporting or sheltering any use or occupancy;

**"Building Code"** means the *British Columbia Building Code 2006 as amended from time to time*.

**"Building Inspector"** means the Building Inspector for the District, and every Building Inspector appointed by the District to inspect Buildings or Structures in respect of building, plumbing, gas or electrical safety standards;

**"Bylaw Enforcement Officer"** means the Bylaw Enforcement Officer for the District, and every Bylaw Enforcement Officer appointed by the District to enforce the bylaws of the District;

**"Controlled Substance"** means a 'controlled substance' as defined and described in Schedules I, II or III of the *Controlled Drugs and Substances Act*, 1996, c. 19, as may be amended from time to time, but does not include a controlled substance that is permitted under that *Act* or otherwise lawfully permitted under the District's Business License Bylaw;

**"Controlled Substance Property"** means

- a) a Parcel contaminated by chemical or biological materials used in or produced by the trade or manufacture of a Controlled Substance; or
- b) a Building or other Structure altered to trade or manufacture a Controlled Substance;
- c) a Parcel which has been used for the manufacture, growing, sale, storage, trade or barter of a Controlled Substance therein or thereon; and

which does not meet applicable safety standards under the British Columbia Building Code, Gas and Electrical Codes, per B.C. *Safety Standards Act*, British Columbia *Fire Code*, *Health Act*, or other applicable safety regulations, including any bylaw requirement of the District, all as amended from time to time;

“**Council**” means the Council of the Corporation of the District of Peachland;

“**Dangerous Goods**” means those products or substances regulated by the *Transportation of Dangerous Goods Act* and its Regulations, both as amended from time to time.

“**District**” means the Corporation of the District of Peachland;

“**Fire Chief**” means the person who is appointed to be head of the Peachland Fire and Rescue Service and every person designated by Council under the *Community Charter* by name of office or otherwise to act in the place of the Fire Chief;

“**Grow Operation**” means the cultivation of marijuana plants, **psilocybin mushrooms** or the production of Amphetamines or the production of other Controlled Substances;

“**Hazardous Conditions**” means:

- a) any real or potential risk of fire;
- b) any real or potential risk to the health or safety of persons or property;
- c) any unapproved or unauthorized Building Alteration;
- d) repairs needed to a Building or Structure;
- (e) **any contraventions of the Building Code, British Columbia Fire Code, Safety Standards Act, or Health Act all as amended from time to time, or bylaws of the District**

arising or resulting from the use or contamination of a Parcel as a Controlled Substance Property;

“**Hazardous Conditions Requirement List**” means a list of hazardous conditions present on a parcel, and any work required to address or remove those hazardous conditions, prepared or compiled by the Building Inspector following an inspection or special safety inspection, and which may be in the form of Schedule “G”

“**Inspector**” means:

- a) the Fire Chief, and every person appointed by Council or the Fire Chief, as applicable, to be an officer or employee of Peachland Fire and Rescue Service;
- b) the Building Inspector for the District, and every Building Inspector appointed by the District to inspect Buildings or Structures in respect of building, plumbing, gas or electrical standards;

- c) the Bylaw Enforcement Officer for the District, and every Bylaw Enforcement Officer appointed by the District to enforce the bylaws of the District;
- d) a Peace Officer, including a member of the Royal Canadian Mounted Police;
- e) a Health Inspector appointed by Interior Health Authority;
- f) the deputy of a person, officer or employee referred to in paragraphs (a) through (e);
- g) other persons designated by Council by name of office or otherwise to act in the place of persons, officers, or employees referred to in paragraphs (a) through (f);

**“Meter Pit” means a chamber of installed below or above the ground over a residential or irrigation water service for the purpose of installing a Water Metre;**

**“Occupier”** and **“Occupant”** means a persons occupying a property within the District and includes the registered owner of the property where the owner is the person occupying or if the property is unoccupied;

**“Owner”** includes the registered owner in fee simple of real property located in the District and those persons defined as ‘owner’ in the *Community Charter*;

**“Parcel”** means land and improvements comprised in a parcel;

**“Parcel Boundary” means the line that defines the perimeter of a parcel;**

**“Pesticides”** means a substance or mixture, including a chemical, used to destroy, prevent, repel or mitigate fungi or animal pests or micro-organisms such as bacteria or viruses, and includes herbicides, fungicides, or other substances used to control pests, plant regulators, defoliant or dessicants;

**“Professional Cleaner”** means an individual or corporation that is experienced and qualified in removing contaminants from Buildings and/or Property and is licensed to carry on business in the District;

**“Property”** means all real Property, including but not limited to real Property used or intended to be used for residential and/or commercial uses, front yards, side yards, back yards, driveways, walkways and sidewalks, and shall include any building, structure, vehicle, chattel or fence located on such real Property;

**“Re-occupancy Permit”** means permission or authorization in the form attached as Schedule ‘F’ to re-occupy any Building or part thereof in respect of which an order to cease occupancy because of a Hazardous Condition has been issued;

**“Residential Premises”** means any Building or part of a Building that may lawfully be occupied as a dwelling unit by one or more persons;

**“Service Costs”** means fees in respect of all direct and indirect costs incurred by:

- a) the Peachland Fire and Rescue Service;
- b) the Royal Canadian Mounted Police;
- c) the District’s Business Licensing and Bylaw Enforcement Departments;
- d) the Interior Health Authority;

associated with the inspection and removal of a Grow Operation or the production of Controlled Substances, or illegal activities, materials associated with illegal activities, and by-products resulting from illegal activities at a Controlled Substance Property, and includes:

- e) administration and overhead associated with the inspection and removal;
- f) costs incurred for the lawful dismantling, disassembly, removal, clean up, transportation, storage, and disposal of equipment, substances, materials and other paraphernalia associated with the Grow Operation, or with the use, trade, business or manufacture of Controlled Substances;
- g) costs incurred from the replacement of consumables used, or the replacement of equipment following exposure to contaminants; and
- h) costs incurred as a result of the analysis of the materials found at the property and the health and safety conditions on the property

(which shall be determined according to the Schedule of Costs attached to this Bylaw as Schedule 'D');

**“ Special Safety Inspection” means an inspection coordinated with other such departments, jurisdictions, and contractors as necessary to ascertain hazardous conditions or enactments contraventions that may exist under the Building Code, Fire Code, *Health Act*, bylaws of the District or other enactments, all as amended from time to time.**

**“Structure”** means an erection, construction, repair, Alteration, addition, demolition, excavation or other construction which supports or shelters a use or occupancy;

**“Tenancy Agreement”** means an agreement, whether written or oral, express or implied, having a predetermined expiry date or not, between a landlord and tenant respecting possession of Residential Premises; and

**“Unsightly”** has the meaning given by the District’s “Unsightly Premises Bylaw No. 1333” as amended or replaced.

**“Utility” means a lawful provider of an electrical, water or natural gas service from a distribution system to consumers.**

**“Water Meter” means an apparatus or device used for measuring the volume of water passing through it, and includes any accessories such as a remote reader device and the connecting cable.**

#### BUILDING AND SAFETY STANDARDS

- 3. No person, other than a person authorized by the owner or operator of an electrical or water distribution system, shall disconnect from an electrical or water distribution system a meter installed for the purpose of ascertaining consumption of electricity or water.
- 4. No person will divert or install exhaust vents of hot water tanks or furnaces to exhaust into or within the Building instead of by way of an exhaust vent constructed or installed in compliance with applicable safety enactments.

**A person must not store or use dangerous goods in a building in quantities greater than permitted under the British Columbia Fire Code.**

5. No person may construct or install any obstruction of an exit or an access to an exit required under the *Building Code* or other safety enactment, or remove fire stopping that is provided or required under a safety enactment to contain the spread of fire within a Building.
6. No person may Alter a Structure or Building for the purpose of establishing or operating a Grow Operation or for producing or manufacturing Controlled Substances.
7. If, as a result of the use of a Parcel as a Controlled Substance Property,
  - a) the supply of electricity, water or natural gas to the Parcel has been disconnected by the District or any other lawful authority;
  - b) unauthorized Alterations have been made to structural, electrical, water or gas systems, equipment, appliances or other accessories of any kind on the Parcel; or
  - c) a Hazardous Condition exists on the Parcelno person may permanently reconnect the supply of electricity, water or natural gas and, subject to the *Residential Tenancy Act*, no person may use or occupy the Parcel until:
  - d) the Parcel has been inspected by the Building Inspector and all other lawful authorities having jurisdiction over the supply of electricity, water or natural gas, for compliance with all health and safety requirements of the District's bylaws and any provincial statute or regulation relating to building, electrical, water, health, gas or fire safety, as amended from time to time;
  - e) the Owner has obtained all permits, approvals or authorizations required to carry out the work necessary to bring the Parcel into compliance with the District's bylaws and all provincial statutes and regulations as amended from time to time;
  - f) all of the work referred to in this section has been completed and inspected by the Building Inspector and all other lawful authorities having jurisdiction and the Parcel is in compliance with the District's bylaws and all applicable provincial statutes and regulations, as amended from time to time; and
  - g) the Owner has paid all Service Fees and other fees imposed by Schedule 'D' of this bylaw and other relevant District bylaws in relation to the inspection of the Parcel and the issuance of permits, and the Building Inspector has issued a Re-occupancy Permit for the Parcel in the form attached to this Bylaw as Schedule 'F.'
8. The Building Inspector or Fire Chief **may coordinate a special safety inspection of the controlled substance property**; and post a notice containing the words "Unsafe – Do Not Enter or Occupy" in a conspicuous place at the entrances of a Controlled Substance Property in respect of which the:
  - a) Fire Chief has made an order to vacate; or
  - b) Building Inspector has made an order to vacate; or
  - c) Council has made an order to vacate under the *Community Charter*.
9. No person may:
  - a) interfere or obstruct the Building Inspector or the Fire Chief from posting a notice referred to in Section 8; or
  - b) remove, alter, cover or mutilate a notice posted under Section 8.

### NUISANCE

10. No Persons, Owner or Occupant shall cause, permit or allow a nuisance in the form of water, rubbish or noxious, offensive or unsightly matter to collect or accumulate around any Property in connection with the manufacture, ingestion, use, sharing, sale, storage, trade or barter of a Controlled Substance.

### HEALTH

11. No person may cause or allow a Building or Property to become subject to the growth on any portion of the Building of mould or fungus arising from or in relation to the cultivation of marijuana plants, **psilocybin mushrooms** or production of Amphetamines or other Controlled Substances in the Building.

### FIRE PROTECTION

12. Every Owner or Occupier of real property will undertake any action directed by the Fire Chief or other person authorized by Council to act in the place of the Fire Chief for the purpose of removing or reducing any thing or condition that the Fire Chief considers is a fire hazard or increases the danger of fire.

### DUTY OF THE OWNER

13. The Owner or Occupier of real property will not refuse entry to an Inspector who attends the real property at any reasonable time to determine whether there is compliance with this bylaw.

### TENANCIES

14. Every Owner of Residential Premises or other Building that is subject to a Tenancy Agreement must inspect the premises at least once every three months to ascertain whether this bylaw has been contravened.
15. Every Owner of a Residential Premises or other Building that is subject to a Tenancy Agreement who has knowledge of a contravention of this bylaw, in relation to the Residential Premises or other Building, must:
  - a) within 48 hours of the discovery of the contravention, deliver written notice to the District of the particulars of the contravention, and
  - b) subject to the *Residential Tenancy Act*, within two months of the delivery of the notice, take such actions as may be necessary to bring the Residential Premises into compliance with this bylaw.

### REMEDIATION REQUIREMENTS

16. If a Building has been used for a Grow Operation or for production of Controlled Substances, the Owner of the Building must, within 14 days after the Grow Operation or production of Controlled Substances has been removed, subject to the *Residential Tenancy Act*:
  - a) either remove and dispose of all carpets and curtains in the Building, or have all carpets and curtains in the Building cleaned by a Professional Cleaner;
  - b) if a Building is heated by forced air heating, have all air ducts cleaned by a Professional Cleaner or by a duct cleaning company;
  - c) either remove all mould or water-damaged materials such as, but not limited to, drywall or gyproc, or have all walls and ceilings in the Building cleaned and disinfected by a Professional Cleaner; and the District may deliver to the Owner and Occupier of the Building a letter in the form of Schedule 'B'; and

- (d) **the District may install a Meter Pit with a Water Meter at or near the Parcel Boundary of the parcel upon which the building is located, either on the parcel or on the adjacent highway.**

#### INSPECTION AND CERTIFICATION REQUIREMENT

17. After a Professional Cleaner has been engaged by the Owner and has completed the requirements of Section 16, an individual or corporation certified by the Canadian Registration Board of Occupational Hygienists or the American Board of Industrial Hygiene must inspect the Building and provide written certification, in the form of Schedule 'E', to the Building Inspector, confirming that the requirements of Section 16 have been satisfied and that the Building is substantially free of any Pesticides, fertilizers, toxic substances, moulds, or fungi, prior to the occupancy or re-occupancy of the Building.

#### OCCUPANCY

18. After a Grow Operation or production of Controlled Substances has been removed from a Building, and until the remedial measures prescribed by Section 16 of this bylaw have been completed and written certification has been provided to the Building Inspector under Section 17, the Building must not be occupied by any person.
19. Before a Building is re-occupied after removal of a Grow Operation or production of Controlled Substances, the Owner must notify the prospective occupants in writing that a Grow Operation or production of Controlled Substances has been removed and that the requirements of this bylaw have been met.

#### ALTERATIONS

20. A Building must not be re-occupied after the removal of a Grow Operation until:
- a) a Building Permit has been obtained for any proposed or remediation work, including an Alteration, which requires a permit under the District's building regulation bylaw;
  - b) the Building complies with the health and safety requirements of the British Columbia *Building Code*, the B.C. *Electrical Code*, the B.C. *Gas Code*, this bylaw, and all other health and safety requirements established by law;
  - c) the Owner has paid to the District all Service Fees and other fees due and owing under this or any other District bylaw;
  - d) the Building Inspector has confirmed that a satisfactory occupancy inspection of the Residential Premises by the District's Business Licensing and Bylaw Enforcement Departments has been completed;
  - e) a Re-occupancy permit as per Schedule 'F' has been issued; and
  - f) **a special safety inspection of the parcel has been carried out under section 22 c).**

#### FEES

21. The following fees apply under this bylaw:
- a) each time an Inspector enters on a Parcel to carry out an inspection in the exercise of authority by the District to regulate, prohibit or impose requirements under this bylaw, or another safety enactment, the Owner must pay the District the administration and inspection fees stipulated in Schedule 'A';

- b) an administration and inspection fee stipulated in Schedule 'A' must be paid to the District before confirmation is provided under Section 20(d);
- c) for each inspection prior to issuance of a Re-occupancy Permit, the Owner or Occupier must pay the District the Re-occupancy Permit fee stipulated in Schedule 'A';
- d) to obtain a Re-occupancy Permit, the Owner must pay the District the fee stipulated in Schedule 'A'; and
- d) every Owner whose Residential Premises or other Building is used as a Grow Operation or Controlled Substances Property must pay the District all Service Costs incurred by or on behalf of the District, unless that Owner has given the District notice pursuant to Section 15(a);
- f) every Person causing, permitting or allowing Property to become or remain a place for the trade, business or manufacture of a Controlled Substance shall, upon receipt of invoice, pay the service costs incurred by or on behalf of the Royal Canadian Mounted Police in the disassembly, removal, transportation, storage and disposal of equipment, substance, materials and other paraphernalia associated with such trade, business or manufacture.
- g) Despite section 21 (e) if any owner who rents out a property and inspects and reports a contravention to a Peace Officer under 15(a) of this bylaw, service costs arising in respect of the contravention may be waived in respect of that incident. This will not apply where the owner discovers the contravention after a Peace Officer attends the parcel and discovers the contravention.**
- (h) for the installation of a Meter Pit and Water Meter under Section 16.d, the Owner must pay to the District the Meter Pit and Water Meter installation fee stipulated in Schedule "A", whether or not the Owner has given the District notice under Section 15(a).**
- (i) Unless otherwise specified in this bylaw, Service Costs and Meter Pit and Water Meter Installation Fees payable by an Owner are due and payable within 30 days of the date on which an invoice setting out the amount of the fees is mailed to the address of the Owner as shown on the assessment roll for the property to which the fees relate, and if unpaid on December 31 of the year in which the fees become due and payable may be collected in the same manner and with the same remedies as property taxes.**

#### NOTICES AND INSPECTIONS

- 22. Subject to the *Community Charter*, an Inspector may attend or request the attendance of one or more other Inspectors to enter onto and inspect a Parcel, if
  - a) the Inspector believes the real property is not in compliance with this bylaw;
  - b) the Inspector is concerned for the health, safety or possible injury to a tenant, an occupant or the public;
  - c) the Inspector may coordinate a special safety inspection of the controlled substance property**
  - d) there is property damage to a Building which may affect the health or safety of a tenant, an occupant or the public.
- 23. Subject to the *Community Charter*, an Inspector may enter on a Parcel at reasonable times and in a reasonable manner, for the following purposes:

- a) to inspect and determine whether all regulations, prohibitions and requirements under this bylaw or other safety enactments are being met in relation to any manner for which the Council, a municipal officer or employee or a person authorized by the Council has exercised authority under this or another act to regulate, prohibit or impose requirements;
  - b) to take action authorized under Sections 28 and 29 of this bylaw; and
  - c) to inspect or to disconnect or remove a water service under Sections 3 or 26 of this bylaw.
24. The Building Inspector or a person acting under the direction of the Building Inspector may post a notice in the form of Schedule 'C' on any Building which has been used for a Grow Operation or production of Controlled Substances, advising of the regulations in this bylaw.
25. No person may interfere with an inspection or proposed inspection of Section 23 of this bylaw and no person shall remove or deface any notice posted under Section 24 of this bylaw.
26. **The District may pass a resolution to register a Notice on Title of the property where any part of this bylaw has been contravened.**

#### DISCONTINUANCE OF SERVICE

27. The District may discontinue providing water service to a Parcel if the water is being used for or in relation to a Grow Operation or production of Controlled Substances on the Parcel, subject to the requirements that the District must:
- a) give the Owner and Occupier of the parcel seven (7) days written notice of an opportunity to make representations to Council with respect to the proposed discontinuance of the water service; and
  - b) after the persons affected have had an opportunity to make representations to Council, the District must give the Owner and Occupier seven (7) days written notice of any proposed discontinuance of the water service.
  - c) **Despite s. 27 (a) and (b) where the Building Inspector reasonably considers that there is a risk of backflow or contamination to the District's water distribution system from a parcel used as a grow operation, and there is no apparent mechanism to prevent backflow into the District's water distribution system from the parcel, then:**
    - i) **the Building Inspector may discontinue the provision of water to the parcel within 2 hours of posting a notice on the front door of any building on the parcel advising that the District is shutting off the water supply to the parcel until such time as a mechanism to prevent backflow is installed, inspected and approved by the District;**
    - ii) **the Building Inspector must reconnect a water supply to a parcel that was disconnected under this section, upon being satisfied that there is a mechanism in place to prevent the backflow of water from the parcel into the District's water distribution system; and**
    - iii) **The owner may seek reconsideration at the next regular meeting of Council**

OFFENCE AND PENALTY

28. Every person who offends against any of the provisions of this bylaw, or who suffers or permits any act or thing to be done in contravention or refrains from doing anything required to be done by any of the provisions of this bylaw, or who does any act or thing which violates any of the provisions of this bylaw, shall be liable upon summary conviction to a penalty not exceeding the maximum penalty specified in the *Offence Act* from time to time. Each day that a violation continues to exist is a separate offence against this bylaw.

DEFAULT

29. If an Owner or Occupier of a Parcel fails to comply with a requirement of the District under this bylaw or another safety enactment, the District, within the time specified in the order or notice, may enter on the Parcel and take such action as may be required to correct the default, including to remediate the Parcel or bring it up to a standard specified in a safety enactment, at the expense of the Owner or Occupier who has failed to comply, and may recover the costs incurred as debt.

30. If the Owner has failed to pay the District’s costs of acting in default under **Section 29** before the 31<sup>st</sup> day of December in the year that the correction of the default was effected, the costs must be added to and form part of the taxes payable on the property as taxes in arrears.

SEVERABILITY

31. If any provision of this bylaw is held to be invalid, it shall be severed and the remainder of the bylaw shall remain in effect.

READ A FIRST TIME, this 12<sup>th</sup> day of June, 2007.

READ A SECOND TIME, this 12<sup>th</sup> day of June, 2007.

READ A THIRD TIME, this 10<sup>th</sup> day of July, 2007.

RECEIVED APPROVAL OF INTERIOR HEALTH AUTHORITY, this 30<sup>th</sup> day of August, 2007.

FINALLY RECONSIDERED AND ADOPTED, this 11<sup>th</sup> day of September, 2007.

(Original signed by Mayor & Corporate Officer)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer

Dated at Peachland, B.C.  
This day of , 2007.

**SCHEDULE 'A'**

**FEES**

1. The following fees apply under this bylaw:
- a) Special safety inspection, including initial property research,  
the posting of a notice of inspection and the initial inspection \$2,500
  - b) an additional \$300.00 for a subsequent inspection undertaken  
if the Owner or Occupier has failed to undertake action ordered  
by the Fire Chief, the District or a person authorized under the bylaw  
to order the action;
  - c) Shutting off a water service \$110.00  
Re-connecting a water service \$110.00  
Re-inspecting and resealing a water service after alteration or tampering \$600.00  
**For the installation of a Meter Pit and Water Meter under section 16.d, the  
Owner must pay to the District cost incurred by the District to install the Meter  
Pit and Water Meter, including the cost of the Pit and Meter.”**
  - d) to obtain a Re-occupancy Permit - \$250.00.
  - e) before confirmation is provided under Section 20(d), the Owner  
must pay to the District all applicable fees under the District's Building  
Bylaw, as amended from time to time

**SCHEDULE 'B'**

**LETTER TO PROPERTY OWNER**

**Re: Controlled Substance Property Remediation Bylaw Number 1826, 2007**

This letter is to notify you that the District of Peachland's 'Controlled Substance Property Remediation Bylaw Number 1826, 2007' establishes regulations concerning the cleaning and remediation of Residential Premises that have been used for marijuana grow operations or amphetamine production.

The District has been advised by the Royal Canadian Mounted Police that the Residential Premises at (insert address \_\_\_\_\_) were in use as a marijuana grow operation (or amphetamine production operation) which has been removed by the Police.

The bylaw requires that within 14 days, all carpets and curtains in the premises must be removed or cleaned, any forced air heating ducts in the premises must be cleaned, and all walls and ceilings must be cleaned and disinfected. That work must be carried out by a Professional Cleaner with experience in removing contaminants from Residential Premises. The Professional Cleaner must hold a license to carry on business in the District of Peachland.

After the cleaning is completed, an individual or corporation certified by the Canadian Registration Board of Occupational Hygienists or the American Board of Industrial Hygiene must certify that the premises are safe for human occupancy.

Until the cleaning and certification have been completed, Section 18 of the bylaw prohibits occupancy by any person. Before occupancy; you are required to notify prospective occupants that the requirements of the bylaw have been satisfied.

We enclose a copy of the bylaw for your reference. If you have any questions concerning the regulations in the bylaw, please call the District's Bylaw Enforcement Officer at 767-2647.

**SCHEDULE 'C'**

**NOTICE**

**TAKE NOTICE THAT** these premises have been used as a marijuana grow operation (or an amphetamine production operation.)

Pursuant to the District of Peachland's 'Controlled Substance Property Remediation Bylaw Number 1826, 2007, no person may occupy these premises until cleaning and remediation have been completed in accordance with that bylaw, and the Building Inspector or his designate has confirmed that a satisfactory occupancy inspection has been completed.

It is an offence to remove or deface this notice.

Any inquiries should be directed to the Bylaw Enforcement Officer at 767-2647.

**SCHEDULE 'D'**

**SCHEDULE OF COSTS FOR SERVICE FEES**

A. Staff Costs (2 hour minimum charge)

Bylaw Enforcement Officer	\$50.00 per hour
Building Inspector	\$50.00 per hour

B. Equipment Costs

Replacement of Equipment by Exposure to Contaminants	Cost to District
Replacement of Consumable Equipment	Cost to District
Analysis and Tests of Materials or Conditions Found at Property	Cost to District

C. Peachland Fire & Rescue Service (PFRS)

For Peachland Fire & Rescue Service firefighters and apparatus charges, the Rates and Fees Schedule from the Office of the Fire Commissioner Inter-Agency Working Group and the Province of British Columbia charge-out rates will be used and will be updated annually.

In the event the crew is smaller or larger than listed, the appropriate hourly rates shall be adjusted.

D. Administration

Administration and Overhead Costs	15%
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**SCHEDULE 'E'**  
**CERTIFICATION FORM**

TO: District of Peachland  
FROM: (Insert name of Professional Cleaner)  
RE: Premises at (insert address)

This is to certify that in accordance with Sections 16 and 17 of the 'Controlled Substance Property Remediation Bylaw Number 1826, 2007', the professional identified in this certification:

- a) meets the requirements for a professional inspector under Section 17 of the bylaw;
- b) has completed an inspection of the Premises on \_\_\_\_\_(date); and
- c) the Premises are remediated in accordance with Section 16 and as such, are substantially free from any pesticides, toxic chemicals, moulds or fungi normally associated with and found in a Grow Operation or production of Controlled Substances premises, and that the Premises are fit for human use and occupancy.

The undersigned professional may be contacted at: (insert business telephone number)

CERTIFIED AS OF \_\_\_\_\_ (insert date)

(insert name of professional inspector)

\_\_\_\_\_  
Signature of professional inspector

**SCHEDULE 'F'**  
**RE-OCCUPANCY PERMIT**

Address of Building

Legal Description

Approved Occupancy/Use

The Building remediated under the authority of Building Permit Number \_\_\_\_\_ is approved for Re-occupancy.

This Permit confirms that inspections pursuant to the District of Peachland 'Controlled Substance Property Remediation Bylaw Number 1826, 2007' have been completed and remediation requirements have been satisfied. This Permit is not a warranty that the subject Building complies with all Municipal and Provincial Regulations governing building construction, nor that it is without defect. It is only a formal comment on the remediated condition of the Building at the date of issue only.

This certificate shall be affixed to a conspicuous and permanent place in the said Building and shall not be removed.

\_\_\_\_\_  
Building Inspector

\_\_\_\_\_  
Date

**Schedule 'G'**  
**Hazardous Conditions Requirements List**

Re: \_\_\_\_\_ (the "Property")

Pursuant to the "District of Peachland Bylaw No. 1826" a special safety inspection has been carried out on the above Property, and the Property has been posted with a Notice that it may not be occupied due to hazardous conditions and unauthorized alterations on the Property.

No person is permitted to occupy the Property until this Notice has been removed. If you wish to reoccupy the Property, you are required to perform the following works, and provide the following certifications, as indicated:

- Provide evidence from the following utility providers that the Property has been properly connected to the following utilities:
  - Gas
  - Water
  - Electricity
- Vent all furnace/hot water tank/gas appliances in accordance with the Building Code
- Provide/Restore all egress points as required under the Building Code
- Provide/Restore all fire stopping materials as required under the Building Code
- Bring all electrical panels and circuits up to standards in Electrical Building Code
- Provide a report from a qualified professional engineer certifying that the building is safe for occupancy and complies with the Building Code
- Remove and dispose of all carpets and curtains
- Have the furnace, all air ducts, main distribution ducts, venting, and filtering cleaned by a qualified environmental professional or by a duct cleaning company
- Have all walls, floors and ceilings in the building replaced or cleaned and disinfected by a qualified environmental professional
- Have mold removed in compliance with the Bylaw, and in accordance with the *Mold Remediation Guidelines*
- Provide a certificate report in the form prescribed in Schedule E of the Bylaw, from a qualified environmental professional, certifying that the property has been remediated in accordance with the *Mold Remediation Guidelines* and meets the standards of this Bylaw for the removal of substantially all molds and/or hazardous substances.

You are required to obtain building permits from the District prior to performing any of the above works that may require a permit under the District's Building Bylaw.

Until the above requirements have been completed, and the Building Inspector has re-inspected the property and removed the Notice, the Bylaw prohibits occupancy of the Property by any person.

We enclose a copy of the Bylaw for your reference. If you have any questions concerning the regulations in the Bylaw, please call the District's Building Inspection Department at (250) 767-2647).