

REGIONAL DISTRICT OF CENTRAL OKANAGAN

BYLAW NO. 568

Being a bylaw pursuant to Section 735(1)(b) of the Municipal Act to require an owner of real property to alter an excavation which the Regional District Board believes is in an unsafe condition.

WHEREAS Burro Developments Ltd. is the registered owner of Lot A, Plan 39451, O.D.Y.D, located at Highway 97 in Winfield, B.C., in the Regional District of Central Okanagan;

AND WHEREAS Burro Developments Ltd. excavated, or caused to be excavated, portions of the land;

AND WHEREAS Interior Testing Services Ltd. prepared a geotechnical engineer's report dated November 20, 1992, which identified certain excavated slopes which required specified works to make them stable;

NOW THEREFORE the Regional District of Central Okanagan in open meeting assembled enacts as follows:

- 1) That the excavations identified in the report dated November 20, 1992 and prepared by Interior Testing Services are in an unsafe condition.
- 2) That the said excavation shall be altered in accordance with said report within the period of time specified in Section 4 of this bylaw, and such alterations are hereby authorized and ordered.
- 3) In default of such alterations being completed within that period of time specified in Section 4 hereof, the Regional District of Central Okanagan or its contractors are hereby authorized to enter upon the property known and described as Lot A, Plan 39451, O.D.Y.D. (Voyager R.V. Center) at Highway 97 in Winfield, B.C., and to complete the alterations of said excavation slopes in accordance with the report prepared by Interior Testing Services Ltd., dated November 20, 1992, and the Regional District of Central Okanagan shall recover the expense thereof with interest, at the rate of six percent (6%) per annum, with costs and like manner as property taxes.
- 4) Thirty (30) days notice of the alterations of the excavations as authorized and ordered by Sections 1, 2 and 3 hereof, shall be given to Burro Developments Ltd., and also to any tenant or occupant of the said land by personally serving a notice in the form set out in the appendix to this bylaw on each of the said Burro Developments Ltd. and any tenant or occupier of the said land.

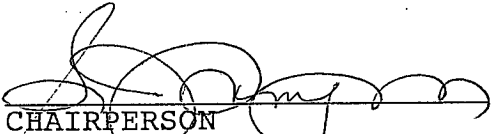
5) This bylaw may be cited for all purposes as the Voyager Unsafe Excavation Alteration Bylaw No. 568, 1993.

READ A FIRST TIME THIS 9th DAY OF August, 1993.

READ A SECOND TIME THIS 9th DAY OF August, 1993.

READ A THIRD TIME THIS 9th DAY OF August, 1993.

RECONSIDERED AND ADOPTED THIS 23rd DAY OF August, 1993.


CHAIRPERSON


SECRETARY


I hereby certify the foregoing to be a true and correct copy of Bylaw No. 568, cited as the "Voyager Unsafe Excavation Alteration Bylaw No. 568, 1993" as read a third time by the Regional Board this 9th day of August, 1993.

Dated at Kelowna, B.C. this
11th day of August, 1993.


Secretary

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 568, cited as the "Voyager Unsafe Excavation Alteration Bylaw No. 568, 1993" as adopted by the Regional Board on this 23rd day of August, 1993.

Dated at Kelowna, B.C. this
24th day of August, 1993.


Secretary

A P P E N D I X

N O T I C E

To: Burro Developments Ltd.
c/o Box 883
Winfield, B.C. V0H 2C0

and To: Any occupier or tenant at
Voyager R.V. Center
Highway 97, Winfield, B.C.
Lot A, Pl. 39451, O.D.Y.D.

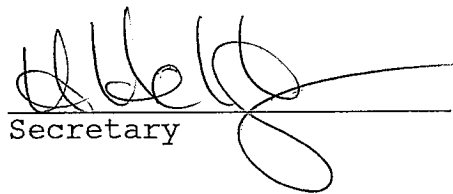
You are hereby notified that on the 23rd day of August, 1993, by Bylaw No. 568, the Regional District of Central Okanagan authorized and ordered the alteration of excavations on Lot A, Pl. 39451, O.D.Y.D., located at Highway 97, Winfield, B.C. and more commonly known as the Voyager R.V. Center, within the period of time hereinafter mentioned;

and that in default of such alteration of excavations by you to conform with the requirements of a report prepared by Interior Testing Ltd, dated November 20, 1992, within such period of time, the Regional District of Central Okanagan has authorized Regional District staff or contractors to enter upon the herein before described parcel or tract of land and to alter the excavation in accordance with the Interior Testing Ltd. report and such alterations shall be done at your expense, and the Regional District of Central Okanagan shall recover the expense thereof with interest, at the rate of six percent (6%) per annum with costs in like manner as property taxes;

and you are further notified that the work of alterations of said excavation shall be carried out and completed by you within the period of thirty (30) days from the service of this notice upon you and that in default by you to complete such work within such period, the work of alterations of said excavations will be carried out by the Regional District of Central Okanagan at any time after the expiry of thirty (30) days from the service of this notice upon you.

An appeal against this action may be made by you to the Supreme Court and notice of such appeal shall be given to the Regional District within 10 days from the date of this notice.

This notice is given by the Regional District of Central Okanagan this 24th day of August, 1993.


Secretary

Enclosure: Interior Testing Report
dated November 20, 1992.