IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Geddert v. Fraser Valley (Regional District),* 2026 BCSC 268

Date: 20260219
Docket: S07166
Registry: Abbotsford

Between:

Susan Linda Geddert

Petitioner

And:

Fraser Valley Regional District

Respondent

Before: The Honourable Justice Lawn

On judicial review from: An order of the Upper Fraser Valley Bylaw Adjudication System, dated March 11, 2025.

Reasons for Judgment

The Petitioner, appearing in person:	S. Geddert
Counsel for the Respondent:	M. Voell
Place and Date of Hearing:	New Westminster, B.C. December 4, 2025
Place and Date of Judgment:	Abbotsford, B.C. February 19, 2026

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Introduction

[1] This is a judicial review of the March 7, 2025 decision of an Upper Fraser Valley Bylaw Adjudicator.

[2] In May of 2023, a neighbour complained about an object located on the petitioner's property in Lake Errock, British Columbia. This led to various communications with the Fraser Valley Reginal District ("FVRD"), culminating in two Bylaw Enforcement Notices (BENs) sent on July 30, 2024.

[3] The crux of the dispute was whether the object was a structure or not. If so, it failed to comply with setback and building permit requirements, as set out in FVRD bylaws.

[4] In her affidavit sworn on December 3, 2025, the petitioner described the object on her property as "the legally built firewood storage shed on a 34-foot ICBC trailer frame." In her petition, she described it as a "firewood shed built on an MVA trailer." I refer to it below as either an "object" or a "shed", understanding that the true nature of it is very much a matter in dispute. At one time it was capable of being pulled on the roadway as a trailer, but it has not moved in some time and it was not clear to me whether it could still be moved: in her oral submissions, the petitioner stated that it was too big to move. It is my understanding that it has not moved at least since the petitioner built the firewood shed on top of the trailer frame.

[5] Sam Sidal, an FVRD bylaw officer, conducted a site visit in June 2023, and determined that the object was a structure. He explained to the petitioner on June 27, 2023 that it therefore fell to be regulated under the FVRD Building and Zoning Bylaws. After numerous attempts to resolve the matter, and two Bylaw Offence Warning Notices which were not complied with, the FVRD issued the BENs which are the subject matter of this dispute.

[6] The matter was heard on March 7, 2025 under the Upper Fraser Valley Bylaw Adjudication process. In his March 11, 2025 decision, the Adjudicator upheld the BENs. The petitioner now brings this proceeding for judicial review.

Petitioner's Position

[7] The petitioner's central submissions were:

a) The Adjudicator lacked jurisdiction, as shown by his reliance on the *Motor Vehicle Act,* R.S.B.C. 1996, c. 318 (the "*MVA*") in his decision. Therefore, the decision is open to review in this Court under s. 22(1) of the *Local Government Bylaw Notice Enforcement Act*, S.B.C. 2003, c. 60 ("the *Act*").

b) The matter is out of time, the six-month limitation period in s. 5 of the *Act* having expired. The petitioner says that the first bylaw officer came to see her in June of 2023; she received the first letter on October 6, 2023; but the fines were not levied (via the BENs) until July 30, 2024.

c) The hearing was procedurally unfair, as there were no transcripts or a recording. In her petition, the petitioner stated that therefore "the verdict was based on memory without proof of what was spoken during the hearing."

d) The petitioner seeks an order of mandamus against the FVRD, based on the refusals of five employees including two bylaw officers, two supervisors and the CAO, to do the following:

i. show proof of the FVRD jurisdiction to demand demolition of the shed;

ii. explain exactly how these two violations occurred; and

iii. engage in conversation to give her clarification.

Respondent's Position

[8] The respondent submits that the standard of review is reasonableness. The crux of the matter is whether the shed was a structure or not. If it was, then it fell to be regulated by the FVRD bylaws. The respondent submits that the Adjudicator's

decision that the shed was a structure fell within the range of possible and acceptable outcomes defensible in respect of the facts and the law.

[9] The respondent argues that the Adjudicator did not exceed his jurisdiction by mentioning the *MVA*: it was referred to because the petitioner alleged that the object was a vehicle.

[10] As for the limitation period, the respondent says these are ongoing infractions. The shed remains on the petitioner's property and remains in breach of the bylaws in question.

[11] Finally, the FVRD says that the petitioner's allegations regarding staff actions and communications are unparticularized and lack merit. They point to the multiple opportunities given to the petitioner, over more than a year, to bring her property into compliance, and say that there is no basis for the petitioner's allegations that their employees acted in bad faith.

[12] The respondent also argues that the petitioner's mandamus order fails to set out the relief sought, or what actions she would compel the public officials to take. The FVRD says that in the absence of a completed building permit application and supporting documents, the court cannot require it to issue a building permit, citing *English v. Richmond (City)*, 2021 BCCA 442 at paras. 123-139.

Issues

[13] The following issues fall to be determined:

1. What is the standard of review?

2. Was the Adjudicator's decision reasonable?

3. Were the bylaw notices out of time, under the limitation period in s. 5 of the *Act*?

4. Was the hearing procedurally fair?

5. Can this Court issue an order of mandamus?

[14] I will briefly set out the legal framework before addressing each of these issues.

The Legal Framework

[15] The petitioner's property is located within the boundaries of the FVRD, and is zoned Rural Residential 1 ("RR-1"). The FVRD is a local government authorized to enact bylaws which apply to the petitioner's property. At issue in this matter are two bylaws which the FVRD says the petitioner has breached.

[16] The *Fraser Valley Regional District Building Bylaw No. 1188*, 2013 (the "Building Bylaw") states, in part:

> **DEFINITIONS**
>
> In this bylaw:
>
> The following words and terms have the meanings set out in the British Columbia Building Code…. **building**...
>
> …
>
> **Construction** includes reconstruction, installation, replacement, erection, repair, alteration, enlargement, placement, addition, demolition, removal and excavation.
>
> **…**
>
> **Structure** means a ***construction*** or portion thereof of any kind, whether fixed to, supported by or sunk into land or water, but specifically excludes landscaping and paving.
>
> **…**
>
> 6.1 No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including excavation or other work related to construction until a building official has issued a valid and subsisting permit for the work unless such work is specifically exempted from the requirements for a building permit pursuant to section 5 of this bylaw.

[17] The *Fraser Valley Regional District Zoning Bylaw No. 1638*, 2021 (the "Zoning Bylaw") states, in part:

> PART 3: DEFINED TERMS
>
> **Accessory Building or Structure**

> **Definition**
>
> Means a building or structure with a use and size that is incidental, subordinate, and exclusively devoted to a permitted use on that lot.
>
> …
>
> **Storage Shed**
>
> **Definition**
>
> Means a detached accessory building
>
> …
>
> **Structure**
>
> **Definition**
>
> Means any construction fixed to, supported by, or sunk into land or water. Includes buildings, fences, and signage. Excludes lot surfacing or paving

[18] Section 9.14.3 of the same bylaw requires a minimum interior side yard setback, of 1.5 meters, for properties zoned RR-1, like the petitioner's.

[19] *Fraser Valley Regional District Bylaw Offence Notice Enforcement Bylaw No. 1415*, 2017 (the "Bylaw Notice Enforcement Bylaw") is also relevant. Section 4, Schedule A-1 and Schedule B of that Bylaw provide that s. 6.1 of the Building Bylaw and s. 9.14 of the Zoning Bylaw, may be enforced by way of Bylaw Notice.

[20] On or about July 30, 2024, FVRD staff issued two BENs to the petitioner as follows:

a) Bylaw Offence Notice No. 68784 ("BEN #68784"), alleging contravention of the Building Bylaw; and

b) Bylaw Offence Notice No. 68785 ("BEN #68785"), alleging contravention of the Zoning Bylaw.

[21] The petitioner disputed the two notices, under the mechanism set out at ss. 14-21 of the *Local Government Bylaw Notice Enforcement Act*, as referenced above. Section 21(1) of the *Act* provides, in part:

> **Adjudicator determination**
>
> **21** (1) The standard of proof for resolving a dispute referred to in section 14 *[local government dispute adjudication system]* is proof on a balance of probabilities.
>
> (2) If, after the hearing required under section 18 *[adjudication procedures]* in respect of a dispute referred to in section 14 (a) *[local government dispute adjudication system]*, the adjudicator is satisfied that the contravention alleged in the bylaw notice occurred as alleged, the adjudicator must order that the penalty set out in the notice is immediately due and payable to the local government indicated on the bylaw notice by the person to whom it was issued or deemed issued.
>
> …

[22] The petitioner was unsuccessful and has now turned to this Court for judicial review. I will discuss the Adjudicator's decision in detail below.

Analysis

1. What is the standard of review?

[23] The standard of review for this decision is reasonableness: see *Pringle v. Peace River (Regional District),* 2024 BCCA 322 at para. 29 and *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at para. 10.

[24] In brief, a reasonableness standard of review means that the court must examine the decision as a whole and ask whether it is fundamentally flawed in the sense that it is either irrational or illogical, or unjustified based on the underlying facts and law: see *Hildebrand v. Penticton (City)*, 2020 BCSC 353 at paras. 26 and 27. The burden is on the petitioner to show that the Adjudicator's decision was not reasonable.

2. Was the Adjudicator's decision reasonable?

[25] In determining whether the decision of an administrative body is reasonable, the reviewing court must examine the decision within its full factual and legal context. I have already set out the legal framework for this decision, being the *Act* and the relevant bylaws.

[26] The key question for the Adjudicator was whether or not the object was a structure. He was not required to determine whether it could also be registered or certified under the *MVA* as a trailer, nor whether the petitioner could have obtained a temporary operator permit from ICBC.

[27] The materials before the Adjudicator set out the BENs and various photographs taken by FVRD officials, as well as numerous communications between FVRD officials, bylaw enforcement officials, and the petitioner, who also supplied some of her own photographs. These communications began in June of 2023 and continued up until the hearing.

[28] At the hearing, the petitioner filed extensive written materials. She and the FVRD both made oral submissions, which the Adjudicator reviewed in his reasons. The petitioner submitted, as she did on judicial review, that the object was a trailer and not a structure.

[29] In determining that the object was, in fact, a structure, the Adjudicator referenced the following:

a) Photographs provided by the petitioner, showing construction consistent with a structure or shed built for the purpose of storage of materials;

b) The design and style of the object;

c) The object’s open-air siding, consistent with a structure and not a trailer or motor vehicle;

d) Information and photographs depicting a building constructed on top of a steel foundation and not a mobile trailer.

[30] The Adjudicator noted that the object was previously used as a mobile living unit; the camper portion having been demolished. It was clear from his decision that the Adjudicator appreciated that the object was built on a trailer frame that still had wheels. He viewed the impact of the changes to the use of the trailer as so

significant that *MVA* provisions or regulations would have applied, to require a re-inspection or re-certification, were it to be used as a mobile trailer.

[31] The Adjudicator was not required to make a finding, however, as to whether the object would have passed such a re-inspection. It is clear from a full and fair reading of his decision, that his discussion around the temporary permitting of the object under the *MVA*, was in the context of the petitioner's submissions. If the petitioner could have shown that the object had been inspected and permitted as a mobile trailer, she could have used this as evidence that the object was not, in fact, a structure. There was no such inspection or permit in evidence.

[32] The petitioner's position, absent such an inspection, would appear to have the object fall into a gap between the *MVA* regulations and the Building Bylaws – that this was a "trailer" unregistered and unregulated by the *MVA*, but by virtue of the trailer status, also not a structure, and so not bound by the FVRD's bylaws.

[33] In the circumstances, it was reasonable for the Adjudicator not to accede to this position. Even if the references to the *MVA* in his decision are removed, he made factual findings based on the photographs in evidence, that the design and style of the object were consistent with a "structure" and a "storage shed" as those terms are defined on the Zoning Bylaw. The terms are broadly defined, as are the relevant terms in the BC Building Code and the Building Bylaw. There is no indication that simply because a structure is built on a wheeled frame that once supported a mobile camper/trailer, it cannot be classified as a structure.

[34] I should add that at several points between June of 2023 and the hearing, various officials suggested to the petitioner, that her storage shed could in fact still be permitted and used as a trailer (assuming, I think it is fair to say, that it was found to be roadworthy at least on a temporary basis). These suggestions or assurances seem to have muddied the waters for the petitioner, who clung to her conception of the structure as a "trailer".

[35] In the end, however, it was up to the bylaw officers to make an assessment that the object had, in its modification, passed from being a trailer to being a structure. The petitioner disputed this assessment as she was entitled to do. The Adjudicator found on the evidence that the object was in fact a structure and fell to be regulated by the Bylaws. This decision was open to him on the facts and on the law.

[36] I find therefore that there is no basis to interfere with the decision of the Adjudicator, which was reasonable.

3. Were the Bylaw Enforcement Notices out of time?

[37] As noted above there is a six-month limitation period in s. 5 of the *Act*. I agree with the submission of the FVRD on this point. The structure remains on the petitioner's property, in breach of the Zoning Bylaw setback requirement and the Building Bylaw. This is a continuing violation.

4. Was the hearing procedurally unfair?

[38] The petitioner submitted in her petition that because there were no transcripts or a recording of the Adjudicator's hearing, "the verdict was based on memory without proof of what was spoken during the hearing." The petitioner also referenced the fact that the Adjudicator's decision did not contain any FVRD bylaw to prove FVRD jurisdiction.

[39] As stated by Justice G.P. Weatherill in *Hildebrande* at para. 28, the dispute process under the *Act* is designed to avoid more formal court procedures. There is nothing unfair about a less formal process which is entirely suitable for a municipal dispute: see also *Yard Investment Inc. v. Langley (Township)*, 2018 BCSC 1658 at paras. 94-95.

[40] The Adjudicator delivered his decision one week after the oral hearing with the benefit of written materials from both parties – including materials from the petitioner which he described as extensive. I do not find that the lack of a transcript or recording was material, particularly in view of the fact that the decision turns on

the evidence from the site inspection and photographs, some of which were provided by the petitioner herself.

[41] The Adjudicator's reasons are brief but in my view they are adequate. He sets out the bylaw numbers and relevant provisions. He also says the following about his jurisdiction:

> The Adjudicator's authority is set out in the Local Government Bylaw Notice Enforcement Act [SBC 2003] Section 21(1) of the legislation directs the Adjudicator to determine each case using the on the balance of probabilities standard. Sections 21(2) and 21(3) direct that if the Adjudicator is satisfied from the evidence presented that the bylaw contravention occurred as alleged, the Adjudicator must order the penalty set out in the notice is immediately due and payable. But if the Adjudicator determines the bylaw contravention did not occur as alleged, the Adjudicator must cancel the bylaw notice.

[42] This is adequate to explain the Adjudicator's jurisdiction.

[43] I do not find that the hearing was procedurally unfair.

5. Mandamus

[44] Finally, the petitioner seeks an order of mandamus. It is unclear to me exactly what actions she would compel the named public officials to take.

[45] In any event, the FVRD submits that absent a completed Building Permit application, I cannot make an order directing the FVRD to issue a building permit: see *English*, beginning at para. 123. I agree: even if it were appropriate on these facts, an order requiring the FVRD to issue a building permit in this case is not available to me.

[46] The petitioner also makes several allegations about the actions of Regional District officials. She says that for 21 months, five FVRD employees refused to show proof of the FVRD jurisdiction; refused to explain how the two violations occurred; refused to engage in conversation to give her clarification; and refused to give her their view of how their own bylaws are interpreted. She also states that they refused

to show her the source of their jurisdiction over a previously insured moveable trailer.

[47] I sympathize with the petitioner, in that she received an indication from some officials, that if her item were in fact able to meet the requirements of the *MVA* and ICBC with regard to licensing and registration, it might be found to be a trailer. This may have been confusing. She was also not referred to the Zoning Bylaw in writing until June of 2024. From the earliest communications, however, FVRD officials stated that they considered the object to be a building requiring a building permit and that it did not meet the setback requirements. Their communications in that regard included the following:

a) Mr. Sidal conducted a site visit on June 22, 2023 and returned on June 27, 2023 to explain to the petitioner that her shed exceeded 215 square feet and therefore required a building permit under the Building Bylaw. He also advised that the shed did not meet the setback requirements in the Zoning Bylaw, and explained the process of applying for a variance. I accept Mr. Sidal's evidence in this regard.

b) Mr. Sidal confirmed in his September 26, 2023 letter that an accessory structure exceeding 20 square meters without the required setback, had been built without a building permit. The letter attached photographs and referenced s. 6.1 of the Building Bylaw. Mr. Sidal also stated the FVRD's desire to work with the petitioner to bring her property into compliance with the *BC Building Code* and FVRD bylaws.

c) Bill Ozeroff, Manager of Inspection Services for the FVRD stated in an October 19, 2023 email that he determined the structure needed to be moved 1.2 meters from the property line. He also referred to inaccurate information having been discussed in the past. He did not reference a bylaw by name or number.

d) In a November 2, 2023 email, Mr. Ozeroff stated that it was clear that a structure had been built on a trailer frame. He did not reference a bylaw by name or number but he stated the setback requirement and that the structure had to meet the BC Building Code requirements. He wrote:

> …This is a structure built on a steel frame which the steel frame is a form of foundation supporting the structure. This structure falls within the requirements of the B.C. Building Code.
>
> A 'mobile home' is a structure on a steel frame and is required to meet the requirements of the B.C. Building Code in the same manner.
>
> …
>
> As stated I am willing to help resolve this matter. The fact remains that this structure needs to meet setback requirements to property lines. There are other concerns regarding the size and location of the structure in relation to the dwelling which also need to be considered. Again I am willing to work with you to a reasonable conclusion.

e) Mr. Ozeroff followed up on November 22, 2023 and January 18, 2024. He did not reference a bylaw by name or number and simply asked if there were any updates. On January 29 he asked if he could stop by to look at the situation. The petitioner did nothing throughout this time to rectify the situation.

f) On June 13, 2024, Mr. Sidal sent two Bylaw Offence Warning Notices referencing the Building and Zoning Bylaws by name and number and setting a July 12, 2024 deadline to select a compliance option. The petitioner responded by email on July 15, stating that while she understood that modifications to the trailer "may give it more of a building appearance from the exterior", the wheels were still in place and functional and the frame was original and not attached to the property.

g) The next communication was the letter of July 30, 2024 enclosing the BENs.

h) Bylaw Compliance and Enforcement Officer Louise Hinton wrote to the petitioner on September 26, 2024, following on a phone call. She sent the petitioner the text of the two bylaws and included copies of past bylaw letters

and emails to assist the petitioner in any reviews she might be conducting. Ms. Hinton then said:

> As a Note, we wanted to make sure that you were aware that if the unit is able to meet the requirements of the *Motor Vehicle Act* and ICBC in regard to registration and licencing with proper documentation then it maybe permissible to find that your unit maybe considered a trailer.

i) The petitioner emailed Ms. Hinton in response on October 18, 2024, detailing other communications and complaining about the FVRD's lack of response to many of her inquiries, and stating that she still did not understand how a modified trailer base magically turned into a building.

[48] In my view, it ought to have been clear to the petitioner from the explanation she received from Mr. Sidal on June 27, 2023, and the letter he sent on September 26, 2023, that the FVRD considered her shed to be in breach of the Building Bylaw and the Zoning Bylaw setback requirement, although the Zoning Bylaw was not referenced in the letter.

[49] The September 26, 2023 letter was very clear that the FVRD took the view that the petitioner's wood storage shed was "an accessory structure" and that it had been built without a building permit, which was required by s. 6.1 of the Building Bylaw. It set out s. 6.1 in full. In his November 2, 2023 email, Mr. Ozeroff acknowledged that the structure had been built on a trailer frame. Although he did not reference the definition of building in the BC Building Code, nor the definition of structure or shed in the Zoning Bylaw, the clear import of his email was that the FVRD considered the object to be a structure or a building and not a trailer, notwithstanding the fact that they acknowledged it was built upon a trailer base. Both his email, and the Sidal September 26 letter, reference the BC Building Code which is widely available online.

[50] Thus the petitioner knew as of 2023, that the Regional District considered the object on her property to be a structure, governed by the BC Building Code and FVRD bylaws.

[51] Subsequent communications were all directed towards bringing the petitioner into compliance, with some sensitivity and, I find, multiple statements to the effect that the FVRD was willing to work with the petitioner to find a solution, even up until the June 2024 Warning Notices, which clearly referenced the two bylaws by name, and which were followed by the BENs.

[52] A review of the totality of the communications indicates that the FVRD's position was clear. This shed was a structure and not a trailer. It was open to the petitioner to disagree with the FVRD. She did so, and the matter went to an Adjudicator who made a decision I have found to be reasonable.

[53] This is so notwithstanding the indication from Ms. Hinton, and others, that *if the unit were able to meet the requirements of the Motor Vehicle Act*, it "maybe" considered a trailer. The petitioner was not told that her shed was in fact a trailer: she was offered a suggestion as to how she might be able to show the FVRD that it was. There was no indication in the file, however, that the petitioner ever obtained such registration and licensing documentation. Nor is the question before me, as to whether if such documentation had been obtained, the shed could still have been considered a structure nonetheless.

[54] In my view, the FVRD cannot be faulted for a lack of clarity in setting out its position. Nor were they obligated to provide more information or engage in more clarifying conversations, than was set out in the communications referenced above.

Conclusion

[55] The petition is therefore dismissed. If the parties cannot agree as to costs, they are at liberty to submit written submissions on costs within 10 days to Supreme Court Scheduling, with a copy to the other side. Such submissions are to be limited to five pages each, typed and double-spaced.

"Lawn J."