

DATE OF MEETING | April 18, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 3533 & 3535 BONNIE DRIVE |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3533 and 3535 Bonnie Drive. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 3533 and 3535 Bonnie Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Building regulations for the City of Nanaimo are outlined in the “Building Bylaw 2016 No. 7224” and are enforced by the Building Inspections section and where necessary, Bylaw Services.

Where construction has been undertaken without a building permit, and in violation of the Building Bylaw, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

DISCUSSION

An inspection on 2023-NOV-23, 2023-DEC-14 and 2023-DEC-27 of the two houses at the above-noted property (considered detached duplex) revealed illegal suites have been installed in both houses without a permit or inspections. A Stop Work Order was posted on both dwelling units. Under the current Zoning Bylaw, two units are permitted on this residential lot (the existing two houses), and therefore, a building permit could not be issued to rectify the illegal construction of the two additional units.

Due to the Province enacting *Bill 44: Housing Statutes (Residential Development)*, the owners were provided with two options. The first option was to remove the illegal construction, including all suite components, returning the houses to single-family dwellings as constructed under the building permits (BP128135 & BP128136) completed in April/May 2023. The second option was to submit a building permit application by 2024-AUG-30 if the City’s Zoning Bylaw allows for this housing form after 2024-JUN-30. The owners opted for the second option.

In the interim, pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the above-noted property title to reflect the work undertaken without a permit or inspections in contravention of “Building Bylaw 2016 No. 7224.”

This matter will be referred to Bylaw Services for removal of the illegal units if a complete building permit application is not received by 2024-AUG-30. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- This building form is not permitted under the current Zoning Bylaw.
- The property owner has been provided an extension on enforcement measures due to the Province enacting *Bill 44: Housing Statutes (Residential Development)*.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement, following the 2024-AUG-30 deadline, if required.

Submitted by:

Darcy Fox
Manager, Building Inspections |

Concurrence by:

Jeremy Holm
Director, Planning & Development |