



AGENDA

FOR THE SPECIAL MEETING OF THE COUNCIL OF THE CITY OF NANAIMO (PUBLIC HEARING)

Thursday, March 1, 2018, 7:00 P.M.

SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

Pages

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER:

2. INTRODUCTION OF LATE ITEMS:

3. ADOPTION OF AGENDA:

4. CALL THE PUBLIC HEARING TO ORDER:

5. PUBLIC HEARING AGENDA

Lainya Rowett, Manager, Current Planning and Subdivision, to explain the required procedures in conducting a Public Hearing and the regulations contained within Part 14 of the *Local Government Act*.

a. Rezoning Application No. RA378 - 2560 Bowen Road - Bylaw 4500.117

7 - 16

To be introduced by Tamera Rogers, Planner.

Presentation: Patrick Brandreth, Island West Coast Development Ltd., applicant.

Call for Submissions from the Public.

6. FINAL CALL FOR SUBMISSIONS:

Following the close of a Public Hearing, no further submission or comments from the public or interested persons can be accepted by members of City Council, as established by provincial case law. This is to ensure a fair Public Hearing process and provide a reasonable opportunity for people to respond.

7. ADJOURNMENT OF THE PUBLIC HEARING

8. **BYLAWS:** 17
- a. "Zoning Amendment Bylaw 2018 No. 4500.117" 18 - 19
- That "Zoning Amendment Bylaw 2018 No. 4500.117" (RA378 – To rezone a portion of 2560 Bowen Road to allow a site-specific use permitting automobile sales, service and rental in the Community Corridor Zone [COR3]) pass third reading.
9. **REPORTS:**
- a. Reconsideration of Remedial Action Order - 1853 Bartlett Street 20 - 22
- To be introduced by Dale Lindsay, Director of Community of Development.
- Purpose: To seek Council's direction on a request from the owner of 1853 Bartlett Street to reconsider the Remedial Action Order.*
- It is requested that Council hear anyone wishing to speak with respect to Remedial Action Order - 1853 Bartlett Street.
- Recommendation: That Council direct Staff to proceed with the Remedial Action Order approved at its regular meeting held on 2017-NOV-06.
- b. Bylaw Contravention Notices - Secondary Suites - 913 Howard Avenue 23 - 24
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the property listed within this report.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 913 Howard Avenue.
- 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 following property:
1. 913 Howard Avenue – illegal secondary suite

- c. Bylaw Contravention Notice - Construction Started Without a Building Permit - 981 Howard Avenue 25 - 26
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 981 Howard Avenue.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 981 Howard Avenue.
- 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 981 Howard Avenue for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- d. Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 1451 Bowen Road 27 - 28
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1451 Bowen Road.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 1451 Bowen Road.
- 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 1451 Bowen Road for construction not completed as per the conditions of the building permit.
- e. Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 6470 Ptarmigan Way 29 - 30
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6470 Ptarmigan Way.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 6470 Ptarmigan Way.
- 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 6470 Ptarmigan Way for construction not completed as per the conditions of the building permit.

- f. Bylaw Contravention Notice - Construction Started Without a Building Permit - 6470 Ptarmigan Way 31 - 32
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6470 Ptarmigan Way.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 6470 Ptarmigan Way.
- 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 6470 Ptarmigan Way for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- g. Bylaw Contravention Notice - Construction Started Without a Building Permit - 1716 Kidson Road 33 - 34
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1716 Kidson Road.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 1716 Kidson Road.
- 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 1716 Kidson Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- h. Bylaw Contravention Notice - Construction Started Without a Building Permit - 29 Commercial Street 35 - 36
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 29 Commercial Street.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 29 Commercial Street.
- 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 29 Commercial Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- i. Bylaw Contravention Notice - Construction Started Without a Building Permit - 3047 Little John Way 37 - 38
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3047 Little John Way.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 3047 Little John Way.
- 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 3047 Little John Way for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- j. Bylaw Contravention Notice - Construction Started Without a Building Permit - 366 Selby Street 39 - 40
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 366 Selby Street.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 366 Selby Street.
- 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 366 Selby Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- k. Bylaw Contravention Notice - Construction Started Without a Building Permit - 420 Drake Street 41 - 42
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 420 Drake Street.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 420 Drake Street.
- 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 420 Drake Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- I. Bylaw Contravention Notice - Construction Started Without a Building Permit - 88 Princess Street 43 - 44

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 88 Princess Street.

It is requested Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 88 Princess Street.

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 88 Princess Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- m. Nuisance Property - #204 - 311 Mt. Benson Street 45 - 46

To be introduced by Karen Fry, Fire Chief and Director of Public Safety.

Purpose: To obtain Council authorization to have #204-311 Mt. Benson Street declared a nuisance property.

Recommendations: That Council declare #204-311 Mt. Benson Street a nuisance pursuant to "Nuisance Abatement and Cost Recovery Bylaw 2003 No. 5645" and authorize Staff to record and charge for municipal service including police required to abate the nuisance.

10. **ADJOURNMENT:**

DATE OF MEETING February 5, 2018

AUTHORED BY TAMERA ROGERS, PLANNER, CURRENT PLANNING AND
SUBDIVISION

SUBJECT REZONING APPLICATION NO. RA378 – 2560 BOWEN ROAD

OVERVIEW

Purpose of Report

To present Council with an application to rezone a portion of 2560 Bowen Road to allow a site-specific automobile sales, service and rental use in the Community Corridor (COR3) Zone.

Recommendation

1. That “Zoning Amendment Bylaw 2018 No. 4500.117” [RA378 – To rezone a portion of 2560 Bowen Road to allow a site-specific automobile sales, service and rental use in the Community Corridor (COR3) Zone] pass first reading;
2. That “Zoning Amendment Bylaw 2018 No. 4500.117” pass second reading; and,
3. That Council direct Staff to secure an amended covenant for use restrictions prior to the adoption of the bylaw, should Council support the bylaw at third reading.

BACKGROUND

A rezoning application (RA378) for a portion of 2560 Bowen Road was received from Island West Coast Developments Ltd. (Mr. Patrick Brandreth) on behalf of the property owner Bowen Road Developments Ltd. The applicant is proposing to rezone a portion of the subject property to allow a site-specific automobile sales, service and rental use in the Community Corridor (COR3) Zone.

On 2017-NOV-06, the subject property received Council approval for an Official Community Plan amendment (OCP66) to change the future land use designation from Industrial to Corridor. The property was also rezoned (RA288) at the same meeting from High Tech Industrial (I3) to Community Corridor (COR3) to allow a commercial and residential development on six proposed lots to be created through a future subdivision.

Through the OCP/zoning amendment, significant roadworks were required to support residential or commercial development, including the extension of Kenworth Road to Labieux Road, and the construction of a roundabout at the Kenworth/Labieux intersection. The uses on the subject property were restricted by a covenant registered on title to limit the permitted uses to ensure traffic demand would not exceed the capacity of the road network. The uses were limited to the following:

- Proposed Lots 2 and 3: Automobile Sales, Service and Rental
- Proposed Lot 4 (subject of this application): Furniture and Appliance Sales

- Proposed Lot 5: Retail, Seniors Congregate Housing and Multiple Family
- Proposed Lot 6: Office and Multiple Family
- Proposed Lot 7: Office

The applicant is seeking an amendment to allow Automobile Sales, Service and Rental on proposed Lot 4 in order to permit a car dealership.

See Attachment B – Proposed Subdivision Plan.

Subject Property

<i>Location</i>	The subject property is located between the Island Highway/Bowen Road intersection and Labieux Road.
<i>Total Lot Area</i>	2560 Bowen Road: 22,861m ²
<i>Proposed Lot Area to be Rezoned</i>	4,270m ²
<i>Current Zone</i>	COR3 – Community Corridor
<i>Proposed Zone</i>	COR3 – Community Corridor with site specific automobile sales, service and rental use.
<i>Official Community Plan Designation</i>	Corridor

The subject property is now vacant as the buildings onsite were recently demolished. Beban Park is located to the southeast on the other side of Labieux Road, and the City's pump house station is directly northeast of the site. Adjacent businesses include the Laird Wheaton GM car dealership (2590 Bowen Road) and St. John's Ambulance (2250 Labieux Road).

A small portion of proposed Lot 4 fronts the Island Highway. Site access is from Kenworth Road. Connection across the Island Highway is limited to the intersection at Bowen Road.

DISCUSSION

Proposed Development

This portion of the subject property at 2560 Bowen Road (proposed Lot 4) only permits a Furniture and Appliance Sales use. The applicant is proposing to rezone proposed Lot 4 to add a site-specific Automobile Sales, Service and Rental use in the COR3 zone.

The previous rezoning application (RA288) allowed Automobile Sales, Service and Rental as a site-specific use on proposed Lots 2 and 3, located west of proposed Lot 4, fronting the Island Highway.

The applicant submitted an updated traffic impact assessment as part of the current rezoning application that supports the change in use on proposed Lot 4. No additional road works are required; however, the restrictive covenant must be amended to add Automobile Sales, Service and Rental as a permitted use.

Official Community Plan

A mix of residential, commercial, professional, and service uses with medium density residential development characterizes the Corridor designation. The original rezoning application (RA288) rezoned 2560 Bowen Road to create a comprehensive development with a mix of residential and commercial uses. The proposed lots fronting the Island Highway were zoned for commercial uses, and the southern lots were zoned to allow for mixed-use.

The Automobile Sales, Service and Rental use on proposed Lot 4 would complement the auto-oriented uses already supported for proposed Lots 2 and 3, creating a cluster with highway exposure in an area of Nanaimo already characterized as an automobile precinct. The subject property is also in close proximity to the Shenton Road industrial area, where OCP policy supports rezoning to allow for Automobile Sales, Service and Rental uses.

The required works and services for this development will include sidewalks, which will provide pedestrian connectivity through the subdivision and to adjacent properties in accordance with OCP policy. The site and building design for the proposed use would be addressed through a future development permit application.

Community Contribution

As outlined in Section 7.3 of the OCP, in exchange for value conferred on land through a rezoning, the applicant should provide a community contribution. In the previous rezoning application (RA288), a \$191,569 community contribution was secured to fund improvements to Beban Park. Staff recommend that no additional community contribution be required through this subsequent rezoning application.

Conditions of Rezoning

Should Council support this application and pass third reading of Bylaw No. 4500.117, Staff recommend an amended covenant be registered prior to final adoption of the bylaw to update the uses permitted on proposed Lot 4.

SUMMARY POINTS

- The application is to rezone a portion of the subject property to allow a site-specific Automobile Sales, Service and Rental use in the Community Corridor (COR3) zone to allow a car dealership on proposed Lot 4.
- Together with the development proposal of the previous rezoning application (RA288), the current proposal meets the policy objectives of the OCP to allow for mixed-use development in urban areas close to amenities.
- The proposed rezoning would facilitate the redevelopment of an existing brownfield site with new commercial development.

ATTACHMENTS

ATTACHMENT A: Location Plan

ATTACHMENT B: Proposed Plan of Subdivision

ATTACHMENT C: Conceptual Context Plan

ATTACHMENT D: Aerial Photo

“Zoning Amendment Bylaw 2018 No. 4500.117” |

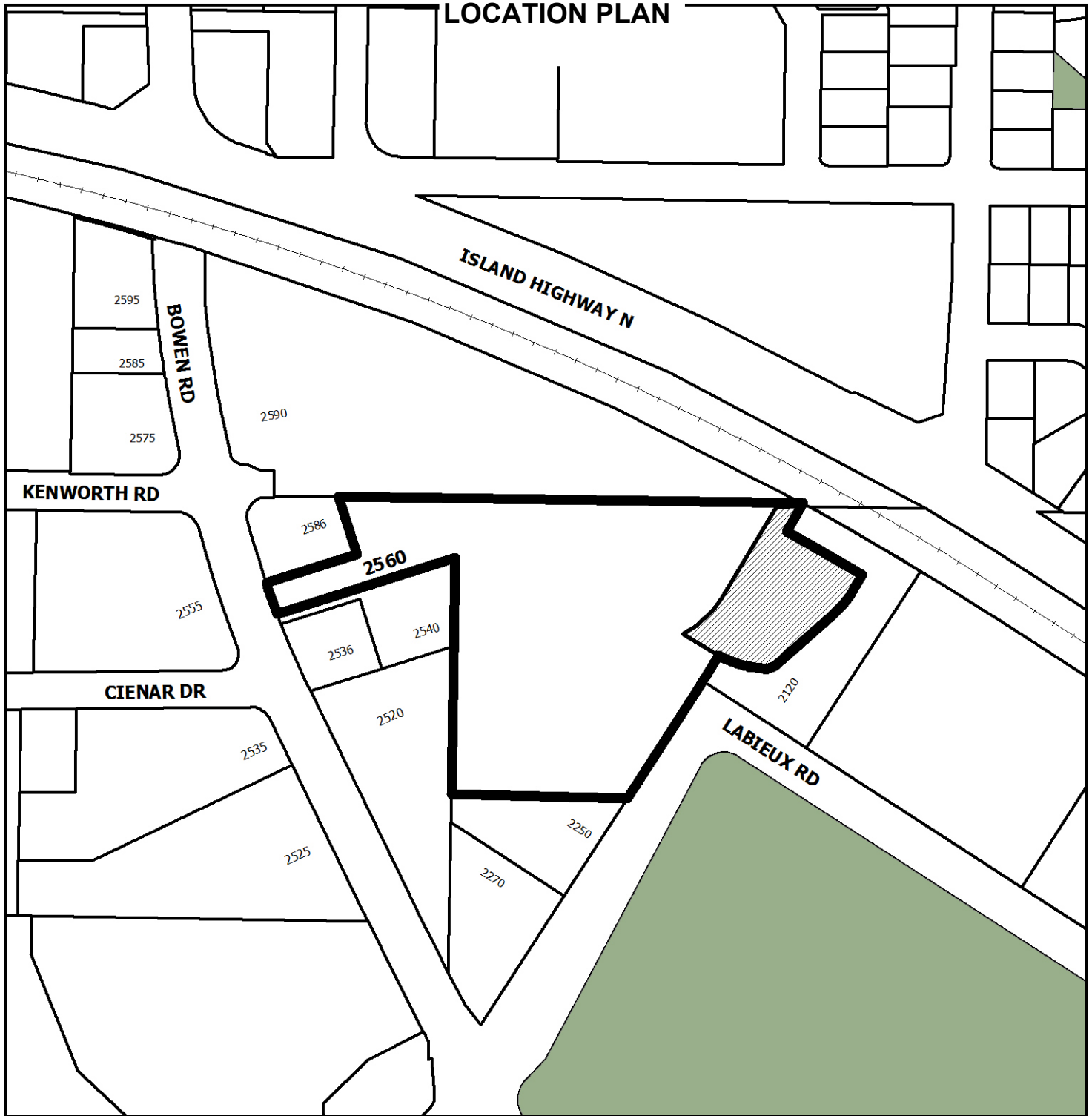
Submitted by:

L. Rowett
Manager, Current Planning & Subdivision

Concurrence by:

D. Lindsay, Director
Community Development


ATTACHMENT A LOCATION PLAN



REZONING APPLICATION NO. RA000378

LOCATION PLAN

Civic : 2560 Bowen Road
Lot 1, Section 20, Ranges 6 and 7,
Mountain District, Plan EPP67724

-  Subject Properties
-  Portion to be Rezoned
-  Parks & Open Spaces



ATTACHMENT B PROPOSED PLAN OF SUBDIVISION

CITY OF NANAIMO PRELIMINARY LAYOUT ACCEPTANCE

2017-NOV-17 *[Signature]*
Date Approved By
2018-NOV-17
Expiry Date

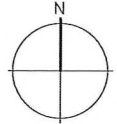


TABLE OF NEW LOT AREAS	
LEGAL DESCRIPTION	AREA (ha)
PROPOSED LOT 1	1.417
PROPOSED LOT 2	0.800
PROPOSED LOT 3	0.800
PROPOSED LOT 4	0.427
PROPOSED LOT 5	0.122
PROPOSED LOT 6	0.395
PROPOSED LOT 7	0.237
PROPOSED LOT 8	0.389
PROPOSED NEW ROAD DEDICATION	0.447
TOTAL AREA	5.741

TABLE OF PARENT LOT AREAS		
CITY ADDRESS	LEGAL DESCRIPTION	AREA (ha)
1550 BOWEN ROAD	LOT 1, SECTION 22, WELLINGTON DISTRICT, PLAN 14534 (DD 3932421)	2.287
3260 BOWEN ROAD	LOT 1, SECTION 22, FRANCES S.S. 7, MOUNTAIN DISTRICT, PLAN EPP67724	2.343
2155 LABEUX ROAD	LOT 1, SECTION 22, FRANCES S.S. 7, MOUNTAIN DISTRICT, PLAN EPP67724	0.511
LABEUX ROAD	PART OF LABEUX ROAD (PORTION TO BE CLOSED)	0.600
TOTAL AREA		5.741

NOTES:
DISTANCES ARE IN METRES.
THIS PLAN PURPORTS TO POSITION ONLY THE ACTUAL AND / OR PROPOSED IMPROVEMENT(S) SHOWN RELATIVE TO ONLY THE BOUNDARIES SHOWN OF OR APPURTENANT TO THE SUBJECT PARCELS(S).
THIS PLAN PROVIDES NO WARRANTY OR REPRESENTATION WHATSOEVER WITH RESPECT TO THE LOCATION OF ANY OTHER ACTUAL OR PROPOSED IMPROVEMENT(S) RELATIVE TO ANY BOUNDARY OF OR APPURTENANT TO THE SUBJECT PARCELS(S).
AERIAL IMAGE IS CITY OF NANAIMO 2014 ORTHOPHOTOGRAPHY.
LOT ALIQUOT AND AREAS ARE PRELIMINARY AND DERIVED FROM REGISTERED PLANS. THESE PARCELS MAY BE SUBJECT TO THE REGISTERED NOTATIONS, CHARGES & PERMITS NOTED ON THEIR TITLES. THIS PLAN DOES NOT PURPORT TO VERIFY COMPLIANCE WITH THE RESTRICTIONS THEREON.

NO.	DATE	REVISION
01	DEC. 15, 2016	FIRST ISSUE
02	MAY 9, 2017	NEW TRAVELER DRIVE ALIQUOT, 2 m FRONTYARD DEDICATION
03	NOV. 15, 2017	OUT OF LOT 7 AND REUSE WEST END OF KENWORTH ROAD
04		ADDED ADDITIONAL PROPOSED EASEMENTS AND SHW AREAS

PROJECT: MADILL CITY CENTER
COMMERCIAL SUBDIVISION
CLIENT: ISLAND WEST COAST
DEVELOPMENTS LTD.

DRAWING: PRELIMINARY LOT LAYOUT

SCALE: 1:750

DRAWN: TJH

FILE: 150204 PLA
DATE PLAN 15020
SHEET: 1 OF 1

WILLIAMSON & ASSOCIATES
PROFESSIONAL SURVEYORS
3058 BAYVIEW ROAD NANAIMO B.C. V1T 4B5
PHONE: (250) 758-7723 FACSIMILE: (250) 758-7724
EMAIL: WAF@TELUS.NET

Proposed Lot 4
(subject of rezoning
application)

ATTACHMENT C CONCEPTUAL CONTEXT PLAN



**PROPOSED REZONING
LOT 4
MADILL CITY CENTER
Nanaimo, B.C.**

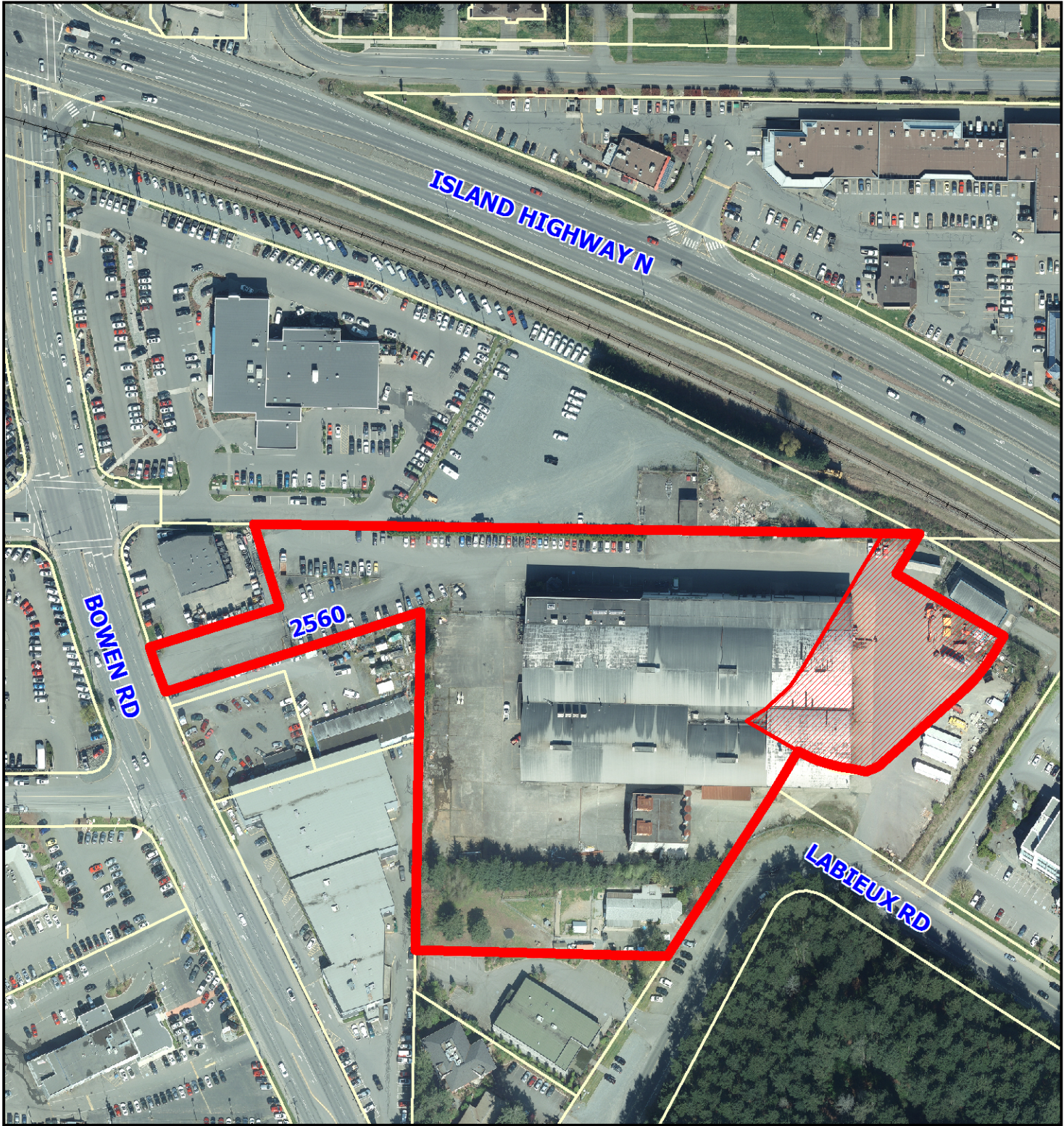
PROJECT #: 61328.09.14
ISSUED: 14 DEC 2016
REVISED: 17 MAR 2017

DRAWING #:

**RECEIVED
RA000378
2017-APR-12**
Context Planning & Development



PR2

ATTACHMENT D
AERIAL PHOTO



REZONING APPLICATION NO. RA000378



-  Subject Property
-  Portion to be Rezoned

CITY OF NANAIMO

BYLAW NO. 4500.117

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

THEREFORE BE IT RESOLVED the Municipal Council of the City of Nanaimo, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "ZONING AMENDMENT BYLAW 2018 NO. 4500.117".

2. The City of Nanaimo "ZONING BYLAW 2011 NO. 4500" is hereby amended as follows:

By rezoning a portion of the lands legally described as LOT 1, SECTION 20, RANGES 6 AND 7, MOUNTAIN DISTRICT, PLAN EPP67724 (2560 Bowen Road) to allow a site-specific use permitting Automobile Sales, Service and Rental in the Community Corridor zone (COR3), as shown on Schedule A.

3. By amending the table in subsection 9.2.3 by adding "2560 Bowen Road" as a permitted location for the site specific use "Automobile Sales, Service and Rental" as follows:

Automobile Sales, Service and Rental	2560 Bowen Road	LOT 1, SECTION 20, RANGES 6 AND 7, MOUNTAIN DISTRICT, PLAN EPP67724
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PASSED FIRST READING: _____

PASSED SECOND READING: _____

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE _____

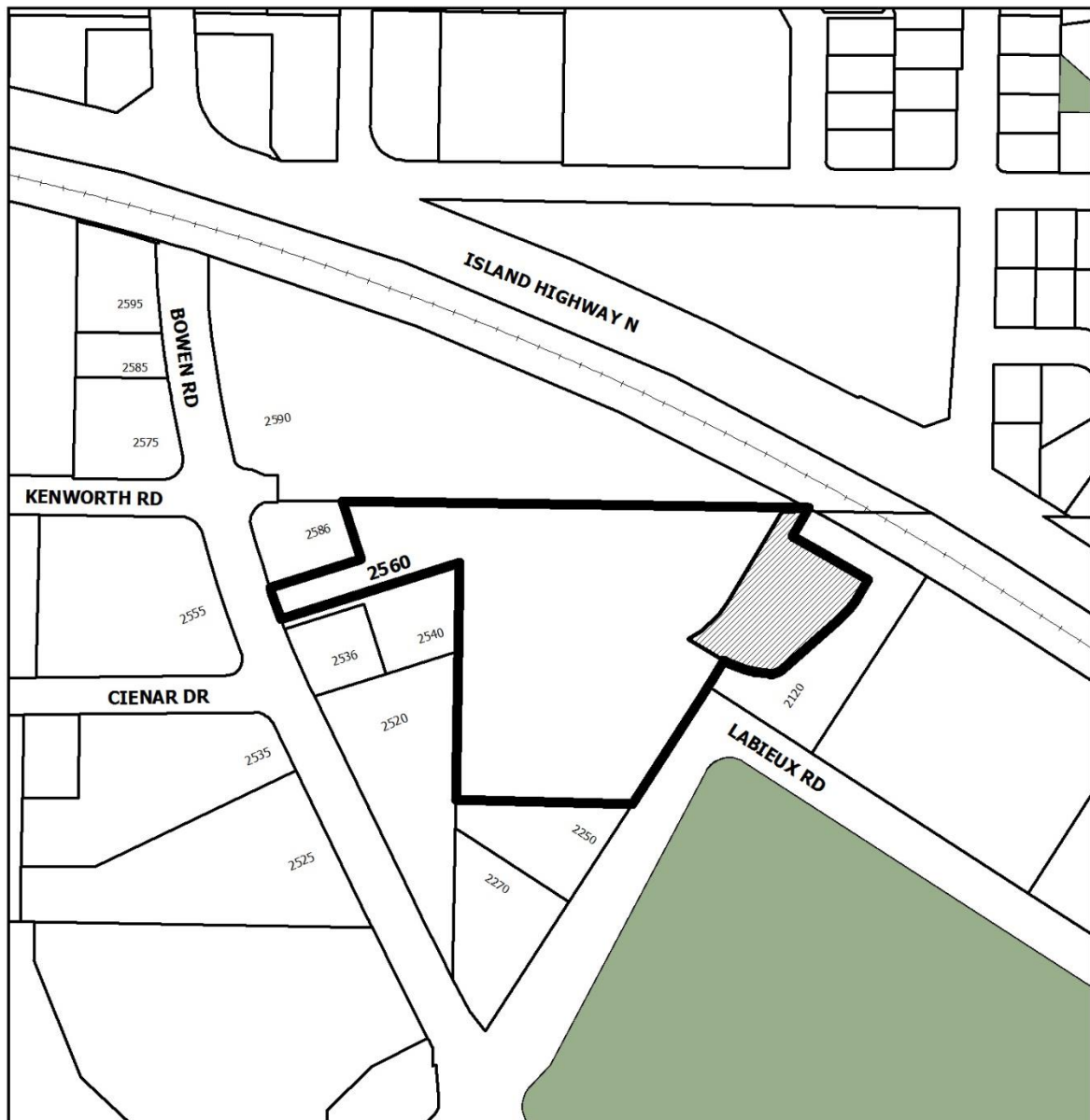
COVENANT REGISTERED _____

ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000378
Address: 2560 Bowen Road



REZONING APPLICATION NO. RA000378

LOCATION PLAN

Civic : 2560 Bowen Road
Lot 1, Section 20, Ranges 6 and 7,
Mountain District, Plan EPP67724



-  Subject Properties
-  Portion to be Rezoned
-  Parks & Open Spaces

8. Bylaw

CITY OF NANAIMO

BYLAW NO. 4500.117

A BYLAW TO AMEND THE CITY OF NANAIMO "ZONING BYLAW 2011 NO. 4500"

WHEREAS the Council may zone land, by bylaw, pursuant to Sections 464, 465, 469, 477, 479, 480, 481, 482, and 548 of the *Local Government Act*;

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By rezoning a portion of the lands legally described as LOT 1, SECTION 20, RANGES 6 AND 7, MOUNTAIN DISTRICT, PLAN EPP67724 (2560 Bowen Road) to allow a site-specific use permitting Automobile Sales, Service and Rental in the Community Corridor zone (COR3), as shown on Schedule A.

3. By amending the table in subsection 9.2.3 by adding "2560 Bowen Road" as a permitted location for the site specific use "Automobile Sales, Service and Rental" as follows:

Automobile Sales, Service and Rental	2560 Bowen Road	LOT 1, SECTION 20, RANGES 6 AND 7, MOUNTAIN DISTRICT, PLAN EPP67724
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PASSED FIRST READING: 2018-FEB-05

PASSED SECOND READING: 2018-FEB-05

PUBLIC HEARING HELD _____

PASSED THIRD READING _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE _____

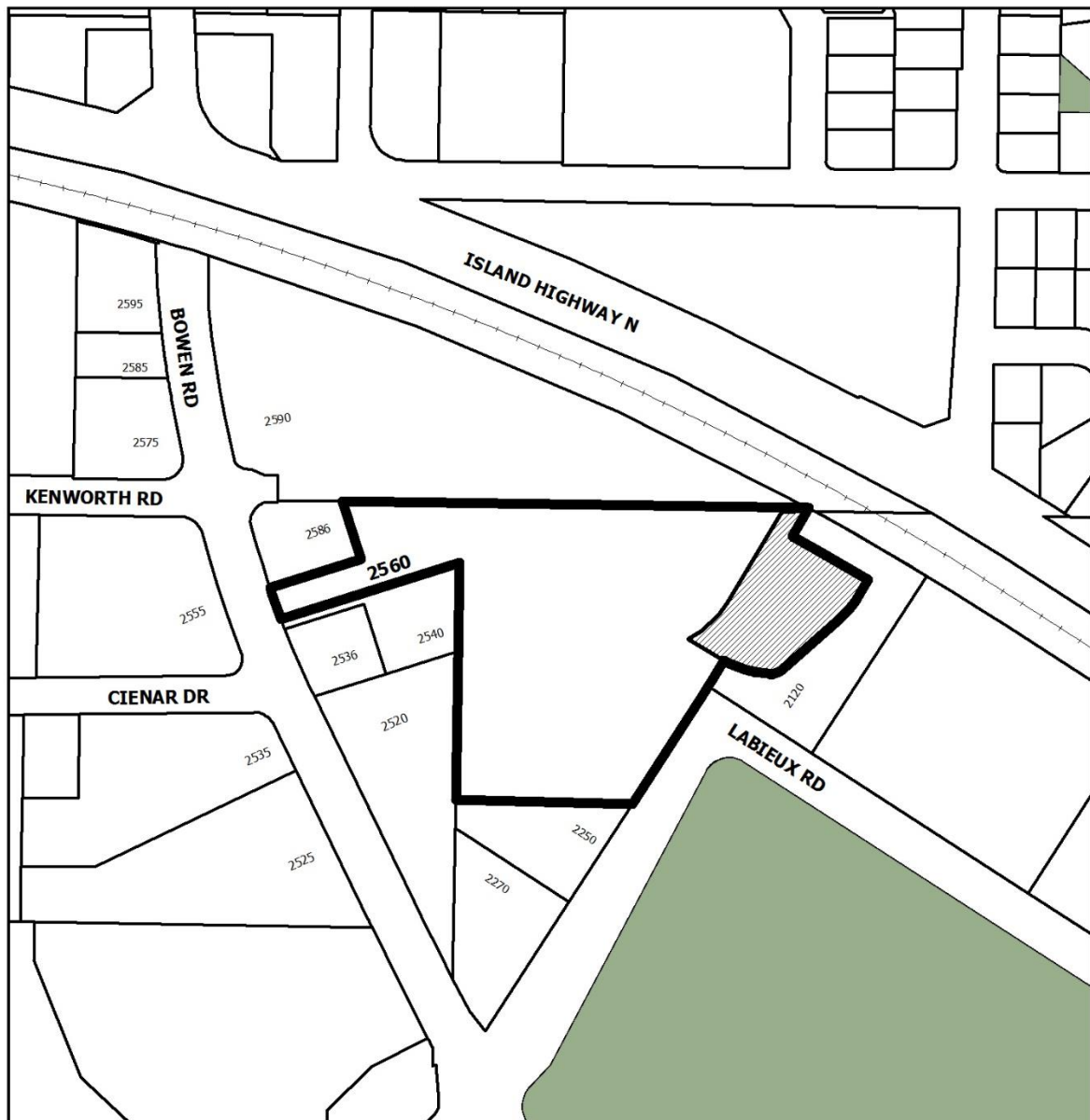
COVENANT REGISTERED _____

ADOPTED _____

MAYOR

CORPORATE OFFICER

File: RA000378
Address: 2560 Bowen Road



REZONING APPLICATION NO. RA000378

LOCATION PLAN

Civic : 2560 Bowen Road
Lot 1, Section 20, Ranges 6 and 7,
Mountain District, Plan EPP67724



-  Subject Properties
-  Portion to be Rezoned
-  Parks & Open Spaces

DATE OF MEETING MARCH 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT RECONSIDERATION OF REMEDIAL ACTION ORDER –
1583 BARTLETT STREET**

OVERVIEW

Purpose of Report

To seek Council's direction on a request from the owner of 1583 Bartlett Street to reconsider the Remedial Action Order.

Recommendation

That Council direct Staff to proceed with the Remedial Action Order approved at its regular meeting held on 2017-NOV-06.

BACKGROUND

A roof structure was constructed over an existing landing and stairs at the main entrance of the dwelling without a building permit. The structure has not been constructed to the minimum standards of the BC Building Code, and therefore, represents a safety issue.

The matter was brought before Council at the 2017-SEP-11 Regular Council Meeting, at which time Council made a motion as follows:

"It was moved and seconded that Council to defer consideration of Remedial Action Order – 1583 Bartlett Street for 30 days."

A visual inspection on 2017-OCT-11 found that the structure was still in place.

The matter was brought back to Council at the 2017-NOV-06 meeting, at which time Council made a motion as follows.

- "1. Issue a Removal Order at 1583 Bartlett Street pursuant to Sections 72 and 73 of the *Community Charter*;
2. Advise the owners that they may request that Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent; and,
3. Direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution."

On 2017-NOV-16, the owner submitted a request that Council reconsider the Remedial Action Order.

OPTIONS

1. Council has the option of rescinding the remedial action order.
 - **Legal Implication:** The works completed do not comply with the requirements of the BC Building Code, and in the opinion of the building inspector, constitute a hazard. If a failure were to occur, the City would potentially be open to liability for not enforcing the order.
2. Enforce the Remedial Action Order.

SUMMARY POINTS

- The covered roof was constructed without a permit or the required inspections.
- Council gave the owner 30 days to rectify the issue.
- Council issued a remedial action order.
- The owner has requested reconsideration of the order.

ATTACHMENTS

ATTACHMENT A: Site Photo

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Direction, Community Development

ATTACHMENT A



Staff Report for Decision

DATE OF MEETING March 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT **BYLAW CONTRAVENTION NOTICES – SECONDARY SUITES**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the property listed within this report.

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 following property:

1. 913 Howard Avenue – illegal secondary suite

BACKGROUND

Illegal Secondary Suites

The following is a property where an illegal secondary suite has been identified and where a building permit application has not yet been received:

- 913 Howard Avenue

As such, the Building Inspections Section, with the assistance of the Bylaw Enforcement Section, will seek further action and/or removal of the secondary suite.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

As per the Secondary Suite Enforcement Policy, a Bylaw Contravention Notice is required to be registered on the title of the affected property in order to identify construction that was originally completed without a building permit and it is therefore unknown if the completed works are compliant with the standards of the BC Building Code.

SUMMARY POINTS

- A Bylaw Contravention Notice is being registered in compliance with the Secondary Suite Enforcement Policy.
- 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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING March 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 981 HOWARD AVENUE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 981 Howard Avenue.

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 981 Howard Avenue for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection on 2017-SEP-14 revealed that construction has previously taken place to enclose the carport and create living space, including a secondary suite, and to significantly extend the deck. A post-inspection letter was forwarded to the owners outlining deficiencies and detailing what is required in order to legalize the suite. On 2017-DEC-18, an inspection confirmed the secondary suite components had been successfully removed; however, pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The secondary suite has been successfully removed; however, there still remains a significant amount of construction that has taken place without permit or required inspections.
- 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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING March 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 1451 BOWEN ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1451 Bowen Road.

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 1451 Bowen Road for construction not completed as per the conditions of the building permit.

BACKGROUND

Building Permit No. 118207 (BP118207) was issued 2013-JAN-29 and work started to renovate the existing building and add additional floor area on the second floor. The building permit was renewed once and cannot be renewed again. The building permit has now expired with inspections and deficiencies remaining outstanding. A new building permit has not been obtained to complete the deficiencies outstanding. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the incomplete work that remains outstanding.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction was not completed as per the conditions of the permit.
- The building permit was renewed once and cannot be renewed again.
- 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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING March 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 6470 PTARMIGAN WAY

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6470 Ptarmigan Way.

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 6470 Ptarmigan Way for construction not completed as per the conditions of the building permit.

BACKGROUND

A building permit (BP121520) was issued 2016-JAN-13 for the construction of an in-ground swimming pool. An inspection conducted 2017-DEC-20 revealed that the pool had been completed without the required inspections as part of the building permit. The permit has since been retired with deficiencies remaining outstanding. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without inspections in contravention of “Building Bylaw 2016 No 7224”.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction was not completed as per the conditions of the permit.
- 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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING March 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 6470 PTARMIGAN WAY

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6470 Ptarmigan Way.

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 6470 Ptarmigan Way for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

As the result of a site visit, the inspector observed that a retaining wall had been constructed without a building permit. The home owner was advised that a building permit was required for the existing retaining wall. A building permit application was subsequently received 2016-NOV-24. However, the permit was never picked up and has now expired. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- 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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING March 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1716 KIDSON ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1716 Kidson Road.

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 1716 Kidson Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

During the course of a business licence application inspection, the Building Inspector discovered that an additional Commercial Rental Unit (CRU) had been constructed within the building without a building permit and required inspections. A building permit (BP122133) for 1716 Kidson Road had already been issued for the installation of plumbing in the existing CRU. The owner was requested to either revise the current building permit, or submit a new building permit application to include the additional CRU by 2017-NOV-06. To date, neither a complete revision for BP122133, nor a new application has been received. Therefore, a notice on title pursuant to Section 57 of the *Community Charter* is recommended to reflect the construction undertaken without a permit. This matter will be referred to Bylaw Services for removal of the additional CRU.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- 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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING March 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 29 COMMERCIAL STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 29 Commercial Street.

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 29 Commercial Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection conducted as a result of a business licence referral revealed that construction had previously taken place to alter the upper floor layout, including the relocation of plumbing, without permit or inspections. Correspondence was forwarded to the owners detailing what is required in order to bring the building into compliance under a building permit. The deadline for a building permit application was 2017-OCT-25. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- 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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING March 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 3047 LITTLE JOHN WAY

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3047 Little John Way.

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 3047 Little John Way for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection was completed on 2017-NOV-22 in response to a complaint received regarding illegal construction. The inspection confirmed that deconstruction of an exterior deck and removal of garage walls was taking place, a retaining wall had been constructed, and drainage repairs had been done without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required prior to proceeding with any construction. The deadline for a building permit application was 2018-JAN-03. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- 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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING March 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 366 SELBY STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 366 Selby Street.

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 366 Selby Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection conducted 2017-APR-26 as a result of a business licence referral revealed that illegal construction to enclose an exterior stairway to the upper floor residential unit at the rear of the building had previously taken place without a building permit. A building permit was subsequently completed that addressed safety items; however, pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No. 7224".

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- 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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING March 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 420 DRAKE STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 420 Drake Street.

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 420 Drake Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection was completed on 2017-OCT-17 in response to a complaint regarding illegal construction. The inspection confirmed that work had been completed to construct a concrete foundation and drainage system under the left wall of the house without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for a building permit application was 2017-DEC-11. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- 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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING March 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 88 PRINCESS STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 88 Princess Street.

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 88 Princess Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection was completed on 2017-DEC-13 in response to a complaint regarding illegal construction. The inspection confirmed that work was underway to renovate the basement, including installing new plumbing and framing, without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required prior to proceeding with any construction. The deadline for a building permit application was 2018-JAN-04. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- 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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING | March 1, 2018 |

AUTHORED BY Karen Fry, Fire Chief & Director – Public Safety

SUBJECT NUISANCE PROPERTY – #204-311 Mt. Benson Street

OVERVIEW

Purpose of Report

To obtain Council authorization to have #204-311 Mt. Benson Street declared a nuisance property.

Recommendation

That Council declare #204-311 Mt. Benson Street a nuisance pursuant to “Nuisance Abatement and Cost Recovery Bylaw 2003 No. 5645” and authorize Staff to record and charge for municipal service including police required to abate the nuisance.

BACKGROUND

This property is a strata apartment building which is managed by Concise Strata Management of Nanaimo. The Owner of this residence resided in Unit #204. RCMP have stated that the Owner is the person responsible for the nuisance activity, such as but not limited to, yelling and screaming within the building and at pedestrians passing by, banging on neighbouring doors, damaging the apartment building and vehicles associated with the building. The nuisance disturbances resulting from the activities at this residence have significantly impacted other residents in the building and are unreasonable and a nuisance at law. Since May of 2017 there have been twenty (20) RCMP calls to this residence, thirteen (13) of which can be associated to nuisance activity. The RCMP and a Bylaw Officer have been in touch with the Owner and Concise Strata Management and advised the nuisance activity must be abated.

OPTIONS

1. That Council declare #204-311 Mt. Benson Street a nuisance pursuant to “Nuisance Abatement and Cost Recovery Bylaw 2003 No. 5645” and authorize Staff to record and charge for municipal services including police required to abate the nuisance.
2. That Council provide alternate direction.

SUMMARY POINTS

- There have been thirteen (13) police calls for service, which may be considered to have an element or elements of a nuisance as defined by the City of Nanaimo bylaw, to the address since May of 2017.
- The property is occupied by an individual that displays behaviours associated with drug and mental health issues.
- RCMP and Bylaw have tried to deal with the matter.
- The nuisance activity continues.

Submitted by:

Karen Fry
Fire Chief & Director, Public Safety |

Concurrence by:

Victor Mema
Deputy Chief Administrative Officer |

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