



**AGENDA
SPECIAL COUNCIL MEETING**

Thursday, October 22, 2020, 7:00 p.m.

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

SCHEDULED RECESS 9:00 P.M.

Pages

1. **CALL THE MEETING TO ORDER:**
2. **INTRODUCTION OF LATE ITEMS**
3. **APPROVAL OF THE AGENDA:**
4. **REPORTS:**

a. Nuisance Property - 2538 Rosstown Road

4 - 9

To be introduced by Dale Lindsay, General Manager, Development Services.

Purpose: To inform Council of ongoing activities at 2538 Rosstown Road, Nanaimo, BC, which substantially and unreasonably interfere with other persons' use and enjoyment of property, and require repeated calls for police services to abate nuisances.

Delegation:

1. Jim McMurray

Recommendation: That Council declare 2538 Rosstown Road a "Nuisance" pursuant to the "Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250", and to authorize Staff to record and charge for municipal services, including policing required to abate nuisance activity.

b. Bylaw Contravention Notices - Secondary Suites

10 - 11

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the properties 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 properties:

1. 1055 Old Victoria Road – authorized secondary suite
2. 396 Wakesiah Avenue – authorized secondary suite
3. 379 Cariboo Drive – authorized secondary suite
4. 443 Fourth Street – illegal secondary suite

- c. Bylaw Contravention Notice - Construction Not Completed As Per Conditions of Building Permit - 143 Wildlife Place 12 - 13

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 143 Wildlife Place.

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 143 Wildlife Place for construction not completed as per the conditions of the building permit.

- d. Bylaw Contravention Notice - Construction Not Completed As Per Conditions of Building Permit - 182 Colvilleton Trail 14 - 15

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 182 Colvilleton Trail.

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 182 Colvilleton Trail 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 - 4867 Logan's Run 16 - 17

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4867 Logan's Run.

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 4867 Logan's Run for construction not completed as per the conditions of the

building permit.

- f. Bylaw Contravention Notice - Construction Not Completed As Per Conditions of Building Permit - 3372 Opal Road 18 - 19

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3372 Opal 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 3372 Opal Road for construction not completed as per the conditions of the building permit.

- g. Bylaw Contravention Notice - Construction Started Without a Building Permit - 443 Fourth Street 20 - 21

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 443 Fourth 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 443 Fourth Street 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 - 4585 Hammond Bay Road 22 - 23

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4585 Hammond Bay 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 4585 Hammond Bay Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

5. **OTHER BUSINESS:**

6. **ADJOURNMENT:**

DATE OF MEETING October 22, 2020

AUTHORED BY DAVID LABERGE, MANAGER OF COMMUNITY SAFETY

SUBJECT NUISANCE PROPERTY – 2538 ROSSTOWN ROAD

OVERVIEW

Purpose of Report

To inform Council of ongoing activities at 2538 Rosstown Road, Nanaimo, BC, which substantially and unreasonably interfere with other persons' use and enjoyment of property, and require repeated calls for police services to abate nuisances.

Recommendation

That Council declare 2538 Rosstown Road a "Nuisance" pursuant to the "Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250", and to authorize Staff to record and charge for municipal services, including policing required to abate nuisance activity.

BACKGROUND

The RCMP have informed the City they have received numerous calls for service for nuisance-related matters at 2538 Rosstown Road. Police have attended to this property on 12 occasions since January 2020, and determined 9 of the calls were for nuisance activities.

The calls typically involved house parties, loud music, fighting, and discharge of fireworks. Police advise the owner has not been responsive in mitigating the disturbances arising from this property.

Several neighborhood residents have subsequently contacted the Bylaw Section expressing concern about repeated house parties at this property, which are causing safety concerns and disrupting the peace and enjoyment of the community.

The owner has been contacted police and bylaw services and advised that further enforcement action may be taken if these disturbances are not abated..

OPTIONS

1. That Council declare 2538 Rosstown Road a "Nuisance" pursuant to the "Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250", and to authorize Staff to record and charge for municipal services, including policing required to abate nuisance activity.
2. That Council provide Staff with alternative direction.

SUMMARY POINTS

- Nanaimo RCMP have attended to 2538 Rosstown Road for 12 calls for service in 2020, 9 of which were nuisance-related matters.
- The calls typically involved house parties with loud music, fighting, and discharge of fireworks. The property owner has not been responsive in mitigating these disturbances.
- Police have recommended the City designate the property as a nuisance, which would authorize Staff to record and charge for municipal services, including policing required to abate future nuisance activity.

ATTACHMENTS:

ATTACHMENT A: RCMP Letter dated September 23, 2020
ATTACHMENT B: RCMP Summary of Calls to 2538 Rosstown Road
ATTACHMENT C: City of Nanaimo Letter dated 2020-AUG-26

Submitted by:

Dave LaBerge
Manager, Bylaw Services

Concurrence by:

Bill Corsan
Director, Community Development

Dale Lindsay
General Manager, Development Services



Royal Canadian
Mounted Police

ATTACHMENT A

Gendarmerie royale
du Canada

Security Classification
/Designation
Classification/désignation

RCMP Nanaimo
303 Prideaux Street
Nanaimo, BC V9R 2N3

Your File - Votre référence

Our File - Notre référence

City of Nanaimo

Attention: Manager of Bylaw Services

Date

September 23, 2020

Re: Nuisance Property Abatement Bylaw
Address:

To Dave Laberge

Please be advised that the Nanaimo RCMP Detachment has received an increasing number of police calls for service regarding a residential property located at 2538 Rosstown Road in Nanaimo, BC. The owner of this property is aware of the activities originating from this residence.

This property has been associated with 12 police calls for service since January 2020. Of these calls for service, 9 of them, or 75 percent, could be considered to have an element or elements of a nuisance as defined by the City of Nanaimo bylaw.

Constable [REDACTED] of the Nanaimo RCMP Bike Unit has reviewed the police calls for service and has attached a break down with the dates, file numbers and details of the police calls for this property.

Should you require further information or assistance, please contact Constable [REDACTED] of the Nanaimo RCMP Bike Unit at 250-755-3271.

Yours truly,

[REDACTED], Inspector
Operations Officer
Nanaimo RCMP Detachment

Canada

ATTACHMENT B

Address: 2538 Rosstown Road, Nanaimo, BC

RCMP Nuisance Property File Number: [REDACTED]

Nuisance police call breakdown starting

Date	File Number	Details of Nuisance
2020-01-13	[REDACTED]	Report of a disturbance involving fireworks. Neighbours reported hearing loud bangs (fireworks) being set off by persons on the property.
2020-02-03	[REDACTED]	Second report of a disturbance involving fireworks. Neighbours reported hearing loud bangs (fireworks) being set off by persons on the property all evening. Very disruptive.
2020-02-15	[REDACTED]	Report of a disturbance involving two people who were fighting and yelling on the property causing damage.
2020-05-08	[REDACTED]	Report of a disturbance involving a loud party on the property(residence).
2020-07-15	[REDACTED]	Report of a disturbance involving fireworks. Neighbours reported hearing loud bangs (fireworks) being set off by persons on the property.
2020-07-15	[REDACTED]	Second report of a disturbance involving fireworks on July 15. Neighbours reported hearing loud bangs (fireworks) being set off by persons on the property. Police attended a second time.
2020-08-19	[REDACTED]	Report of a disturbance involving five persons who were fighting on the property. Yelling and screaming could be heard.
2020-08-24	[REDACTED]	Reported Disturbance. Complainant reported hearing yelling and screaming coming from the property.
2020-09-22	[REDACTED]	Reported Disturbance. Complainant reported hearing loud music and yelling from the residence.

ATTACHMENT C



2020-AUG-26

[REDACTED]
2538 Rosstown Road
Nanaimo, BC V9T 3R8

Re: 2538 Rosstown Rd, Nanaimo BC – Noise Complaint

Bylaw Services has received a complaint regarding noise emanating from the above property, specifically loud music.

Your attention is drawn to the provisions of the City of Nanaimo "Noise Control Bylaw 1994 No. 4750", Section 3 which states:

No person shall make, cause or permit to be made any noise or sound in or on a highway or elsewhere, in a private or public place, in the Municipality, which disturbs or tends to disturb the quiet, peace, rest, enjoyment, comfort or convenience of the neighbourhood or of persons in the vicinity.

In addition to the above, Bylaw Services has received complaints of nuisance activity including swearing and drunkenness.

This letter is for your information. If more complaints are received, further enforcement action may be taken.

If you have any questions regarding the above, please contact me at 250-755-4422.

Yours truly,


Leah Monteith
Bylaw Enforcement Officer

File No. 436887

Delegation Request

Delegation's Information:

Jim McMurray has requested an appearance before Council.

City: Nanaimo
Province: BC

Delegation Details:

The requested date is October 22, 2020.

The requested meeting is:
Special Council

Bringing a presentation: No

Details of the Presentation:

Would like to speak in favour of the property at 2538 Rosstown Road, being declared nuisance.

DATE OF MEETING | October 22, 2020 |

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 properties 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 properties:

1. 1055 Old Victoria Road – authorized secondary suite
2. 396 Wakesiah Avenue – authorized secondary suite
3. 379 Cariboo Drive – authorized secondary suite
4. 443 Fourth Street – illegal secondary suite |

BACKGROUND

As determined through an inspection, the secondary suites located at the following addresses were constructed prior to 2005. As per Council's Secondary Suite Enforcement Policy adopted on 2005-FEB-07, the suites are permitted to remain if upgrades are completed, through the issuance and completion of a building permit as per "Building Bylaw 2016 No. 7224", to ensure that life safety issues are addressed.

Authorized Suites

A building permit application has been received to upgrade and authorize the secondary suites located at each of the following properties:

- 1055 Old Victoria Road
- 396 Wakesiah Avenue
- 379 Cariboo Drive

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:

- 443 Fourth Street

As such, the Building Inspections Section, with the assistance of the Bylaw Services 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 properties 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

- Bylaw Contravention Notices are 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:

Jeremy Holm,
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

DATE OF MEETING October 22, 2020

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 143 WILDLIFE PLACE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 143 Wildlife Place.

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 143 Wildlife Place for construction not completed as per the conditions of the building permit.

BACKGROUND

A building permit for construction of a secondary suite was issued 2017-FEB-20. However, the permit has now expired with deficiencies remaining outstanding in contravention of the Building Bylaw. Correspondence was forwarded to the owner advising of the expiring permit and providing opportunity to rectify the outstanding deficiencies, but to date, the deficiencies have not been resolved. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the 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.
- The deadline to renew the permit 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:

Jeremy Holm
Director, Development Services

Dale Lindsay
General Manager, Development Services

DATE OF MEETING October 22, 2020

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 182 COLVILLETON TRAIL

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 182 Colvilleton Trail.

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 182 Colvilleton Trail for construction not completed as per the conditions of the building permit.

BACKGROUND

A building permit for closing in the existing deck and to alter the existing bathroom was issued 2017-FEB-27. However, the permit has now expired with deficiencies remaining outstanding, in contravention of the Building Bylaw. Correspondence was forwarded to the owner advising of the expiring permit and providing opportunity to rectify the outstanding deficiencies, but to date, the deficiencies have not been resolved. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the 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.
- The deadline to renew the permit 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:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

DATE OF MEETING October 22, 2020

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 4867 LOGAN’S RUN

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4867 Logan’s Run.

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 4867 Logan’s Run for construction not completed as per the conditions of the building permit.

BACKGROUND

As the result of a Stop Work Order being posted for work started without a permit, a building permit for finishing the basement was applied for and subsequently issued 2017-APR-10. However, the permit has now expired with deficiencies remaining outstanding, in contravention of the Building Bylaw. Correspondence was forwarded to the owner advising of the expiring permit. A monitoring inspection 2019-OCT-24 confirmed deficiencies remained, and opportunity was provided to rectify the outstanding deficiencies, but to date, the deficiencies have not been resolved. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the 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.
- The deadline to renew the permit 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:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

DATE OF MEETING October 22, 2020

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 3372 OPAL ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3372 Opal 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 3372 Opal Road for construction not completed as per the conditions of the building permit.

BACKGROUND

A building permit for construction of a legal suite was issued 2017-DEC-07. However, the permit has now expired with deficiencies remaining outstanding in contravention of the Building Bylaw. Correspondence was forwarded to the owner advising of the expiring permit and providing opportunity to rectify the outstanding deficiencies, but to date, the deficiencies have not been resolved. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the contravention of “Building Bylaw 2016 No 7224”.

As the suite construction is substantially completed, this matter will be referred to Bylaw Services for suite removal enforcement.

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 deadline to renew the permit 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.
- As the suite is substantially completed, this matter will be referred to Bylaw Services for suite removal enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Community Development

Dale Lindsay
General Manager, Development Services

DATE OF MEETING | October 22, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 443 FOURTH STREET |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 443 Fourth 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 443 Fourth Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2019-APR-09 in response to a complaint received regarding illegal construction. The inspection confirmed that a two-storey addition was under construction without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising a building permit was required for the work with an application deadline of 2019-NOV-21. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended 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:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

DATE OF MEETING | October 22, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 4585 HAMMOND BAY ROAD |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4585 Hammond Bay 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 4585 Hammond Bay Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

As the result of complaints received regarding activities and illegal construction, an inspection 2019-JUN-24 and an additional inspection 2019-JUL-11, while accompanying a Bylaw Officer, revealed two additions and decks had been constructed onto an existing building without a building permit or required inspections. Correspondence was forwarded to the property owner advising the property owner to contact Planning Staff with regard to requirements for the change of use of the building and to resolve any issues regarding zoning (gross floor area), as well as a deadline of 2020-AUG-14 to submit a building permit application for the work. To date, Planning Staff have not been contacted, and a building permit application has not been received.

A further complaint and subsequent inspection 2020-SEP-11 found that work had been undertaken to construct a metal roof cover over part of the rear deck on the accessory building. A Stop Work Order was posted. Staff became aware the Stop Work Order may have been removed, which was confirmed during a site visit 2020-SEP-16. A second Stop Work Order was then posted. During this inspection, it was found work had continued on the deck covering with the erection of walls to enclose the space. Correspondence was forwarded to the property owner 2020-SEP-22 advising the deck covering and enclosure was required to be removed by 2020-OCT-07. To date, the structure remains.

Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the contravention of “Building Bylaw 2016 No 7224”.

Subsequent to the hearing of this matter in front of Council, the matter will be referred to Bylaw Services for removal/enforcement of the illegally-constructed works |

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.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services