



AGENDA
SPECIAL COUNCIL MEETING

Thursday, November 19, 2020, 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 MEETING TO ORDER:
2. INTRODUCTION OF LATE ITEMS
3. APPROVAL OF THE AGENDA:
4. REPORTS:

a. Illegal Structure - 3532 Stephenson Pt Road

6 - 14

To be introduced by David LaBerge, Manager, Bylaw Services.

Purpose: To obtain Council authorization to enforce the provisions of the Community Charter related to an unauthorized structure.

Delegation:

1. Robert Scott Turgeon 3rd

Recommendation: That Council:

1. issue a Remedial Action Order at 3532 Stephenson Pt Road pursuant to Sections 72, 73 and 74 of the *Community Charter*;
2. Direct Staff or their 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; and
3. Direct the remedial action consist of removing the illegal structure.

b. Illegal Structure - 4259 Clubhouse Drive

15 - 30

To be introduced by David LaBerge, Manager, Bylaw Services.

Purpose: To obtain Council authorization to enforce the provisions of the Community Charter, related to an unauthorized structure.

Recommendation: That Council:

1. issue a Remedial Action Order at 4259 Clubhouse Drive pursuant to Sections 72, 73 and 74 of the *Community Charter*;
2. direct Staff or their 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; and
3. direct the remedial action consist of removing the illegal structure.

c. Bylaw Contravention Notices - Secondary Suites

31 - 32

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 property:

- 4909 Ney Drive – authorized secondary suite

d. Bylaw Contravention Notice - Construction Started Without a Building Permit - 129 Yon Place

33 - 35

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 129 Yon Place.

Delegation:

1. Sandeep Kamboj

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 129 Yon Place for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

e. Bylaw Contravention Notice - Construction Started Without a Building Permit - 3042 McCauley Drive

36 - 37

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 3042 McCauley 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 3042 McCauley Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- f. Bylaw Contravention Notice - Construction Started Without a Building Permit - 3528 Osprey Lookout 38 - 39

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 3528 Osprey Lookout.

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 3528 Osprey Lookout 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 - 2005 Boxwood Road 40 - 41

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 2005 Boxwood 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 2005 Boxwood 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 - 323 Shepherd Avenue 42 - 43

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 323 Shepherd 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 323 Shepherd Avenue 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 - 44 - 45

430 Renfrew Street

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 430 Renfrew 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 430 Renfrew Street 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 - 746 Railway Avenue 46 - 47

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 746 Railway 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 746 Railway Avenue for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

k. Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 2340 Highland Boulevard 48 - 49

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 2340 Highland Boulevard.

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 2340 Highland Boulevard for construction not completed as per the conditions of the building permit.

l. Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 1021 Nelson Road 50 - 51

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 1021 Nelson 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 1021 Nelson Road for construction not completed as per the conditions of the building permit.

- m. Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 5 Gillespie Street

52 - 53

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 5 Gillespie 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 5 Gillespie Street for construction not completed as per the conditions of the building permit.

5. OTHER BUSINESS:

6. ADJOURNMENT:

DATE OF MEETING November 19, 2020

AUTHORED BY DAVID LABERGE, MANAGER OF COMMUNITY SAFETY

SUBJECT ILLEGAL STRUCTURE – 3532 STEPHENSON PT ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to enforce the provisions of the Community Charter related to an unauthorized structure.

Recommendation

That Council:

1. issue a Remedial Action Order at 3532 Stephenson Pt Road pursuant to Sections 72, 73 and 74 of the *Community Charter*;
2. Direct Staff or their 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; and
3. Direct the remedial action consist of removing the illegal structure.

BACKGROUND

The City received information from the public that prompted an inspection of the property at 3532 Stephenson Pt Road on 2020-MAY-25 by a building inspector.

An accessory building in excess of 107 sq. ft. was observed in the northwest corner of the property that encroached into the front yard setback from the roadway and that had been constructed without a permit. Information received indicated the structure was constructed in 2018.

The building inspector determined that glass and anchor features on the structure would have required a structural engineering design and supervision of construction. The inspector's photographs show that the building is situated at the property edge immediately adjacent to the roadway.

The Building Inspections Section forwarded the inspection report to the Bylaw Services Section advising that the building was constructed without a permit, did not conform to the BC Building Code, and was encroaching into the front yard setback.

The Bylaw Services Section inspected the property on 2020-JUN-19, confirming this information. The property owners were notified in writing on 2020-SEP-29 that Council would consider a Remedial Action Order pursuant to sections 72, 73 and 74 of the *Community Charter* to require the removal of the illegal structure.

The property owner contacted the Bylaw Services Section on 2020-OCT-06 asking for an exception to keep the accessory building where it was situated, and to question the accuracy of the building inspector's measurements, suggesting it was under 100 sq. ft. The owner expressed an intention to speak to Council regarding these matters.

DISCUSSION

A building inspector has determined that the structure is more than 107 sq. ft., was constructed without a permit, would require a structural engineering design, and does not conform to the BC Building Code. The structure is situated at the property edge immediately adjacent to the roadway.

OPTIONS

1. That Council:
 1. issue a Remedial Action Order at 3532 Stephenson Pt Road pursuant to Sections 72, 73 and 74 of the *Community Charter*;
 2. Direct Staff or their 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; and
 3. Direct the remedial action consist of removing the illegal structure.
2. Take no action.
3. Provide alternative direction.

SUMMARY POINTS

- The City received information from the public that prompted an inspection of the property at 3532 Stephenson Pt Road on 2020-MAY-25.
- A building Inspector observed an accessory building in excess of 107 sq. ft. that had been constructed without a permit, would require a structural engineering design, and did not conform to the BC Building Code.
- The structure was situated at the property edge encroaching on the front yard setback.
- A Remedial Action Order is recommended directing the removal of the illegal structure.

ATTACHMENTS:

ATTACHMENT A: Building Inspection Report 2020-MAY-25
ATTACHMENT B: Letter to Owner dated 2020-SEP-29 |

Submitted by:

Dave LaBerge
Manager, Bylaw Services |

Concurrence by:

Bill Corsan
Director, Community Development

Dale Lindsay
General Manager, Development Services |

ATTACHMENT A

BUILDING INSPECTION REPORT 2020-MAY-25



BUILDING INSPECTION REPORT

CIB05532 - 3532 STEPHENSON PT ROAD

Date of Inspection: 2020-05-25

Inspector: Joey Bergey

OWNER NAME:



OWNER MAILING ADDRESS:



OWNER EMAIL ADDRESS:

OWNER PHONE NUMBER:

TENANT NAME:

RECOMMENDATIONS: Based on information received from the public a site visit was conducted at the above address. On site, there was an accessory building in the North West corner of the property. The building is over 107 sq. ft. and would have required a permit at the time it was constructed, 2018 according to the information received. Additionally it looks to be encroaching on the front yard setback, as it is right up beside the road. Construction does not look to conform to the BC Building code and the glass and the anchors used would have required a structural engineers design and supervision of construction. The owner of the property is well know to building inspection staff. As this work was, possibly, completed two years ago, a stop work was not posted. The following pictures were taken on site.



South side. Note the glass panel attachments.



South side. Unable to verify bearing situation.

ATTACHMENT B
LETTER TO OWNER DATED 2020-SEP-29



REGISTERED MAIL

2020-SEP-29



Dear Sir/Madam:

Re: **3532 Stephenson Pt Road, Nanaimo, BC**
LT 1, DL 29, LD 58, PLN 3902
Illegal Construction

A recent inspection of the above noted property revealed there is an accessory building that was constructed in the side yard setback area without a building permit. A City of Nanaimo building permit is required and a building must be located 1.5m from a side yard property line.

You are directed to remove the accessory building forthwith. Should you fail to do so, Council will, at its meeting scheduled for **2020-NOV-19** at 7:00 p.m. in the Shaw Auditorium, Port of Nanaimo Centre, 80 Commercial Street, Nanaimo, BC, consider ordering the building removed pursuant to Sections 72 and 73 of the *Community Charter*. You may attend this meeting and show cause why Council should not proceed.

If you choose to attend the Council meeting and speak to the matter, you will be required to register in advance. The City is currently taking measures to ensure your safety and the safety of Council and staff. If you are not feeling sick, have not travelled outside Canada in the past 14 days, or you have not provided care of, or have been in close contact with a person with COVID-19, (probable or confirmed), you may submit a delegation request by filling out the online form found at (<https://www.nanaimo.ca/goto/delegation>). If your request is approved, you will receive detailed instructions from the Legislative Services Department regarding COVID-19 safety procedures. In-person attendance is limited and you will not be permitted to bring anyone with you. Once the matter is heard, you will be required to vacate the meeting.

Please contact **Mike Edwards**, Bylaw Enforcement Officer at 250-755-4422 for further information.

Yours truly,

A handwritten signature in black ink, appearing to read "Laberge", written over the printed name.

Dave Laberge
Manager of Community Safety

File No. 432182

Delegation Request

Delegation's Information:

Robert Scott Turgeon 3rd has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is November 19, 2020.

The requested meeting is:
Special Council

Bringing a presentation: Yes

Details of the Presentation:

Responding to a by-law infraction claim file # 432182.

DATE OF MEETING November 19, 2020

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT ILLEGAL STRUCTURE - 4259 CLUBHOUSE DRIVE

OVERVIEW

Purpose of Report

To obtain Council authorization to enforce the provisions of the *Community Charter*, related to an unauthorized structure.

Recommendation

That Council:

1. issue a Remedial Action Order at 4259 Clubhouse Drive pursuant to Sections 72, 73 and 74 of the *Community Charter*;
2. direct Staff or their 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; and
3. direct the remedial action consist of removing the illegal structure.

BACKGROUND

The Building Inspections Section inspected the property at 4259 Clubhouse Drive on 2019-JUN-24, in response to information received from the public.

A building inspector met with the owner on site and observed two accessory buildings in the back yard. Both structures are 16'2 x 10'2 in dimension. The inspector determined the structures were on unsuitable bearing, consisting of two 12" x 12" patio stones supporting a 4x4 post as a beam. The front beam appears to be situated on asphalt shingles, laid on the grass. The structures are situated less than 1.5m to the back property line.

The inspector informed the owner that the structures do not meet building code or comply with bylaws and requires removal. In addition, a notice of bylaw contraventions would be placed on the property title to reflect the structures were completed without a building permit or inspections, contrary to "Building Bylaw 2016 No 7224".

The property owner informed the inspector the City could proceed with placing a notice on title with the intention to keep the structures in place until such time the property is sold.

The Building Inspections Section referred this matter to the Bylaw Services Section in March 2020. A bylaw officer inspected the property on 2020-MAR-11, confirming the illegal structures had not been removed. The property owner reaffirmed the perspective of keeping the structures until the property is sold.

The property owner was informed in writing on 2020-APR-02 that the two structures had been constructed without permits and required immediate removal. The property owner subsequently contacted the Bylaw Services Section by phone advising no removal of the structures until such time as the property is sold.

DISCUSSION

The two accessory buildings were constructed without a building permit, encroach on the rear-yard setback, and do not conform to the BC Building Code or bylaws.

OPTIONS

1. That Council:
 1. issue a Remedial Action Order at 4259 Clubhouse Drive pursuant to Sections 72, 73 and 74 of the *Community Charter*;
 2. direct Staff or their 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; and
 3. direct the remedial action consist of removing the illegal structure.

SUMMARY POINTS

- The Building Inspections Section inspected the property at 4259 Clubhouse Drive in response to information received from the public.
- Two accessory buildings 16'2 x 10'2 in dimension were observed in the back yard. The structures had been constructed without permits, encroached on property setbacks, and did not conform to BC Building Code or bylaws.
- The Property Owner has expressed an intention to refuse direction to remove the structures until such time as the property is sold.

ATTACHMENTS:

ATTACHMENT A: Building Inspection Report dated 2019-JUN-24
ATTACHMENT B: Notice on Title Report for Bylaw Contravention
ATTACHMENT C: Stop Work Order letter dated 2019-JUN-28
ATTACHMENT D: Letter to Property Owner dated 2020-APR-02
ATTACHMENT E: Letter to Property Owner dated 2020-SEP-29

Submitted by:

David LaBerge
Manager, Bylaw Services

Concurrence by:

Bill Corsan
Director, Community Development

Dale Lindsay
General Manager, Development Services

ATTACHMENT A

BUILDING INSPECTION REPORT 2019-JUN-24



BUILDING INSPECTION REPORT CIB05316 - 4259 CLUBHOUSE DRIVE

Date of Inspection: 2019-06-24

Inspector: Joey Bergey

OWNER NAME:

████████████████████

OWNER MAILING ADDRESS:

4259 CLUBHOUSE DRIVE
NANAIMO BC V9T 4H8

OWNER EMAIL ADDRESS:

RECOMMENDATIONS: Based on a complaint received and an initial site visit that confirmed there was a structure in the back yard, I was scheduled to inspect this property.

I met the owner on site and we reviewed the structures. In the back yard there are two accessory buildings. Both structures are 16' 2" x 10' 2", within the rear yard setback and on unsuitable bearing. Currently the bearing is 2 12"x12" patio stones supporting a 4x4 post as a beam. The front beam looks to be sitting on asphalt shingles laid on grass.

I discussed that the buildings would most likely have to be removed as they do not meet code and they currently do not comply with the bylaw. Once the discussion regarding options was complete █ asked what would happen if █ left them as is and I mentioned a notice could be placed on title for construction that does not comply with city bylaws or the building code. To that █ stated that █ wanted that option. █ believes that with the notice on title █ can keep █ "temporary" sheds till █ goes to sell then remove them and apply for a notice removal. Based on this and the fact that all construction has been completed I did not post a stop work order.

The following pictures are from todays visit.



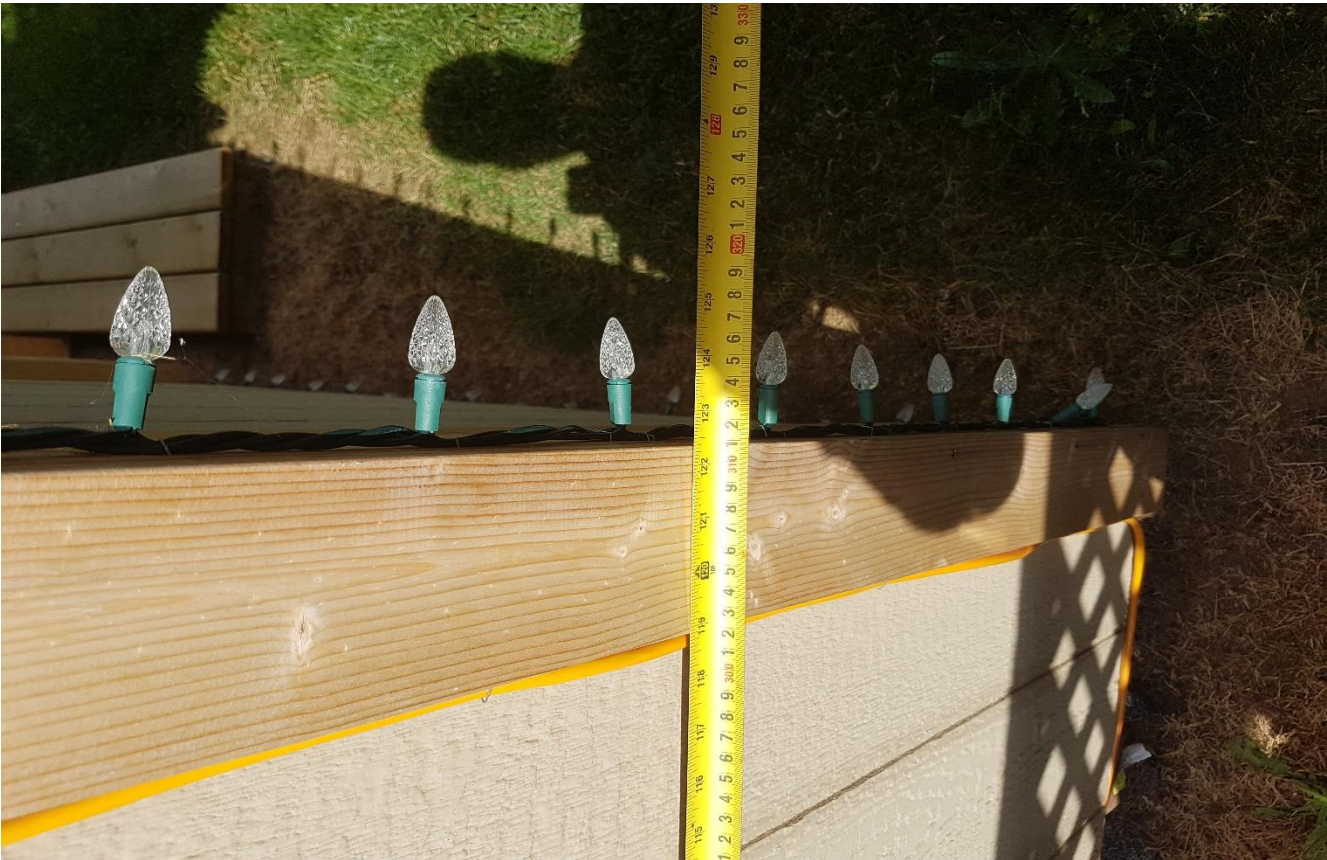
Left shed.



Right shed.



Typical bearding.





Heating unit for left shed. Claims this is a man cave.



Sheds are closer than 1.5 m to rear yard.

Update – 2019-07-16

No work done to remove non-conforming structures. Owner stated [REDACTED] will be in to get the notice off before [REDACTED] sells the place.



ATTACHMENT B

NOTICE ON TITLE REPORT FOR BYLAW CONTRAVENTION



REPORT TO: DARCY FOX, MANAGER, BUILDING INSPECTIONS

FROM: LINDSAY FITZGERALD, SUPERVISOR

RE: NOTICE ON TITLE

SUBJECT PROPERTY:

Folder Number CIB05316

Civic Address 4259 CLUBHOUSE DRIVE

Property Owner [REDACTED]

RECOMMENDATION:

That a Bylaw Contravention Notice be placed on the title of the subject property.

JUSTIFICATION:

An inspection was completed on 2019-JUN-24 in response to a complaint received regarding illegal construction. The inspection confirmed that two accessory buildings had been built in the rear yard without a building permit. Correspondence was forwarded to the owner advising that a building permit was required in order to retain the structures. A follow-up inspection to confirm removal of the structures was conducted 2019-JUL-16; however, the inspector observed the structures remained in place. The owner indicated at that time [REDACTED] preference to keep the structures and have a notice placed on the property title. 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".

| | | | | | |
|----------------------------------|-------------------------------------|-----------------------|--------------------------|------------------------------|--------------------------|
| Refer to Bylaws for enforcement? | <input checked="" type="checkbox"/> | Pursue Removal Order? | <input type="checkbox"/> | Pursue Safety Upgrade Order? | <input type="checkbox"/> |
|----------------------------------|-------------------------------------|-----------------------|--------------------------|------------------------------|--------------------------|

Report submitted by: _____

Lindsay Fitzgerald

Date of report: 07/01/2020

Approved by: _____

Darcy Fox

Date approved: Jan 15/2020

ATTACHMENT C
STOP WORK ORDER LETTER 2019-JUN-28



2019-JUN-28

File No. CIB05316

[REDACTED]
4259 Clubhouse Drive
Nanaimo BC V9T 4H8

Dear Property Owner:

RE: 4259 CLUBHOUSE DRIVE – STOP WORK ORDER

This letter is to advise you that a City of Nanaimo building inspector attended the above-noted property on 2019-JUN-24 and observed that work had been completed to construct two accessory buildings in the rear yard. Our records indicate that a building permit was not issued for this work.

For your information, the City of Nanaimo Building Bylaw 2016 No. 7224 states:

“No person shall commence or continue any construction, alteration, reconstruction, demolition, removal, relocation or change the occupancy of any building or structure, including other work related to construction, unless a Building Official has issued a valid and subsisting permit for the work.”

As such, the illegally-constructed structures must be removed. An inspection to verify the removals will be conducted **2019-JUL-16**, with an inspector arriving between **10:00 a.m. and 11:00 a.m.**

Should the inspector find that the structures have not been removed, be advised Staff will forward this matter to the Bylaw Services Section for removal enforcement.

If you have any questions, please feel free to contact me at 250-755-4429 or by email at lindsay.fitzgerald@nanaimo.ca.

Yours truly,


Lindsay Fitzgerald, RBO
Supervisor of Building Inspections
COMMUNITY DEVELOPMENT

LF/kd/keb

ATTACHMENT D

LETTER TO PROPERTY OWNER 2020-APR-02



2020 April 02

[REDACTED]
4259 Clubhouse Drive
Nanaimo, BC V9T 4H8

Dear [REDACTED]

RE: 4259 Clubhouse Drive, Nanaimo, BC – Unlawful Accessory Buildings

This letter is further to correspondence sent to you from the City of Nanaimo Building Inspection Division. In that correspondence, you were directed to remove two accessory buildings from the rear yard that have been constructed without permits.

To date, the buildings have not been removed and this matter has been referred to the Bylaw, Regulation and Security Division. To preclude enforcement action, the accessory buildings must be removed forthwith. Please contact me at 250-755-4422 to advise when this work will be completed. A further inspection will be necessary to ensure compliance.

Your co-operation is appreciated.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Mike Edwards', is located below the 'Yours truly,' text.

Mike Edwards
Bylaw Enforcement Officer
Bylaw, Regulation and Security

pc Lindsay Fitzgerald, Supervisor, Building Inspection Division

ATTACHMENT E

LETTER TO PROPERTY OWNER 2020-SEP-29



REGISTERED MAIL

2020-SEP-29

[REDACTED]
4259 Clubhouse Drive
Nanaimo, BC V9T 4H8

Dear [REDACTED]

Re: **4259 Clubhouse Drive, Nanaimo, BC**
LT 13, DL 19, PL 32186, LD 58
Illegal Accessory Buildings

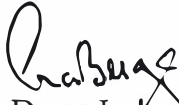
A recent inspection of the above noted property revealed two illegal accessory buildings that were constructed in the rear yard without a building permit. A building permit cannot be approved as the accessory buildings do not meet the BC Building Code or comply with the City of Nanaimo Building Bylaw.

You are directed to remove the two accessory buildings forthwith. Should you fail to do so, Council will, at its meeting scheduled for **2020-NOV-19** at 7:00 p.m. in the Shaw Auditorium, Port of Nanaimo Centre, 80 Commercial Street, Nanaimo, BC, consider ordering the building removed pursuant to Sections 72 and 73 of the *Community Charter*. You may attend this meeting and show cause why Council should not proceed.

If you choose to attend the Council meeting and speak to the matter, you will be required to register in advance. The City is currently taking measures to ensure your safety and the safety of Council and staff. If you are not feeling sick, have not travelled outside Canada in the past 14 days, or you have not provided the care of, or have been in close contact with a person with COVID-19, (probable or confirmed), you may submit a delegation request by filling out the online form found at (<https://www.nanaimo.ca/goto/delegation>). If your request is approved, you will receive detailed instructions from the Legislative Services Department regarding COVID-19 safety procedures. In-person attendance is limited and you will not be permitted to bring anyone with you. Once the matter is heard, you will be required to vacate the meeting.

Please contact **Mike Edwards**, Bylaw Enforcement Officer at 250-755-4422 for further information.

Yours truly,

A handwritten signature in black ink, appearing to read 'Laberge', written over the printed name 'Dave Laberge'.

Dave Laberge
Manager of Community Safety

pc: Canadian Imperial Bank of Commerce

File No. 428473

DATE OF MEETING | November 19, 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 property:

- 4909 Ney Drive – authorized secondary suite |

BACKGROUND

As determined through an inspection, the secondary suite located at the following address was constructed prior to 2005. As per Council's Secondary Suite Enforcement Policy adopted on 2005-FEB-07, the suite is 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 and completed to upgrade and authorize the secondary suite located at the following property:

- 4909 Ney Drive |

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 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:

Jeremy Holm
Director, Community Development

Dale Lindsay
General Manager, Development Services

DATE OF MEETING | November 19, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 129 YON PLACE |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 129 Yon 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 129 Yon Place for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2019-NOV-08 as part of an inspection for permit BP123733 (to construct a staircase at the same address). The inspection confirmed work had been completed to enclose the under part of the existing deck without a building permit. The owner was given a deadline of 2020-MAR-20 to submit a building permit application. 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”. |

The originally constructed deck was permitted to project into the rear yard setback 2m, but the enclosure of the space now constitutes an addition to the single family dwelling, and, therefore, is not allowed to encroach into the rear yard setback and must be removed. As such, further to the registration of this notice, this matter will be referred to Bylaw Services for 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 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 this notice, this matter will be referred to Bylaw Services for removal enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

Delegation Request

Delegation's Information:

Sandeep Kamboj has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is November 19, 2020.

The requested meeting is:
Special Council

Bringing a presentation: Yes

Details of the Presentation:

Will be showing images and measurements of the shed from inside and outside so Council will have better idea what I am talking about.

DATE OF MEETING | November 19, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 3042 MCCAULEY DRIVE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3042 McCauley 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 3042 McCauley Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2019-JUN-24 in response to a complaint received regarding multiple illegal construction projects at the property, including a ground-level addition to the dwelling and the enclosing of the back deck. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that the illegal construction works were to be removed and guardrails on the deck reinstated. The deadline for removal was 2019-JUL-12. A drive-by inspection 2020-FEB-27 revealed the illegal construction remains. 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”.

Further to the registration of this notice, this matter will be referred to Bylaw Services for further enforcement (upgrade or removal).

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 this 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

DATE OF MEETING | November 19, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 3528 OSPREY LOOKOUT**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3528 Osprey Lookout. |

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 3528 Osprey Lookout for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2019-NOV-18 in response to a complaint received regarding illegal construction. The inspection confirmed work had been completed to convert the existing garage to a home office, including laundry room, without a building permit. Correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for a building permit application was 2020-MAR-19. 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 | November 19, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2005 BOXWOOD ROAD** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2005 Boxwood 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 2005 Boxwood Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

During a drive-by observation on 2019-OCT-28, the building inspector observed work was underway to enclose an attached steel structure on the northwest side of the main building, and a covered structure had been constructed on the southeast side. A Stop Work Order was posted on site and correspondence was forwarded to the owner advising that a building permit was required for the structures. The deadline for a building permit application was 2019-NOV-19. 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”.

Further to the registration of this notice, this matter will be referred to Bylaw Services for further enforcement (removal or upgrade).

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 this 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

DATE OF MEETING | November 19, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 323 SHEPHERD AVENUE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 323 Shepherd 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 323 Shepherd Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2020-APR-02 in response to a complaint received regarding illegal construction. The inspection confirmed work to construct an addition onto the single family dwelling had been completed without a building permit or inspections. 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 2020-MAY-05. 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”.

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

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 this 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

DATE OF MEETING | November 19, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 430 RENFREW STREET** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 430 Renfrew 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 430 Renfrew Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Inspections were completed on 2020-FEB-24 and 2020-MAR-04 in response to a complaint received regarding illegal construction. The inspection confirmed work had been completed to enclose part of the area under the rear deck to convert to living space 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 2020-MAR-23. 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 | November 19, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 746 RAILWAY AVENUE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 746 Railway 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 746 Railway Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2020-FEB-26 in response to a complaint received regarding illegal construction. The inspection confirmed work was underway to significantly alter the dwelling, including installing new foundation underpinning, new slab, new floor structure, new plumbing, and changes to window and door sizes, 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. The deadline for a building permit application was 2020-JUN-02. 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 November 19, 2020

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 2340 HIGHLAND BOULEVARD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2340 Highland Boulevard.

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 2340 Highland Boulevard for construction not completed as per the conditions of the building permit.

BACKGROUND

An inspection was completed on 2016-MAY-30 in response to a complaint received regarding illegal construction. The inspection confirmed work had been completed to enclose the existing carport without a building permit. Correspondence was forwarded to the owner advising a building permit was required for the work. A building permit was subsequently received and issued 2016-JUL-14, but expired with deficiencies remaining outstanding. Another building permit to complete the first was received and issued 2019-JAN-07, but has also expired with deficiencies remaining outstanding. 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 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 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 November 19, 2020

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 1021 NELSON ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1021 Nelson 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 1021 Nelson Road for construction not completed as per the conditions of the building permit.

BACKGROUND

A building permit for reconstruction of the rear deck was issued 2018-APR-17. 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".

Further to the registration of this notice, this matter will be referred to Bylaw Services for further enforcement (removal or upgrade).

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.
- Further to the registration of this 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

DATE OF MEETING November 19, 2020

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 5 GILLESPIE STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5 Gillespie 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 5 Gillespie Street 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 the construction of a deck and sunroom was applied for and subsequently issued 2018-APR-17. However, no inspections were ever called and 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