



AMENDED AGENDA
PUBLIC HEARING

Thursday, January 21, 2021, 7:00 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Pages

1. CALL THE MEETING TO ORDER:

2. INTRODUCTION OF LATE ITEMS:

- a. Remove Agenda Item 6(d) - Bylaw Contravention Notice - Construction Started Without a Building Permit - 3844 Sundown Drive
- b. Remove Agenda Item 6 (g) - Bylaw Contravention Notice - Construction Started Without a Building Permit - 6384 Icarus Drive

3. ADOPTION OF AGENDA:

4. PUBLIC HEARING PROCEDURES:

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

5. CALL THE PUBLIC HEARING TO ORDER FOR COVENANT AMENDMENT APPLICATION NO. CA14 - 6010 BRICKYARD ROAD

- a. Covenant Amendment Application No. CA14 - 6010 Brickyard Road

4 - 9

To be introduced by Lainya Rowett, Manager, Current Planning.

Call for submissions from the Applicant and the Public.

FINAL CALL FOR SUBMISSIONS:

Following the close of the Public Hearing for Covenant Amendment Application No. CA14 - 6010 Brickyard Road, no further submissions or comments from the public or interested persons can be accepted by members of City Council.

ADJOURN THE PUBLIC HEARING FOR CA14 - 6010 BRICKYARD ROAD

Recommendation: That Council direct Staff to discharge a Section 219

Covenant at 6010 Brickyard Road that restricts the subject property to "medical offices with optional drug dispensary facilities and lab facilities" in order to allow the full range of uses permitted in the existing COR3 zone.

6. REPORTS:

- a. 3111 Departure Bay Road - Nuisance Property 10 - 15
- To be introduced by Dave LaBerge, Manager, Bylaw Services.
- Purpose: To inform Council of ongoing activities at 3111 Departure Bay 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. Zhibin Li
- Recommendation: That Council declare 3111 Departure Bay 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 police required to abate nuisance activity.
- b. Bylaw Contravention Notice - Secondary Suite 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 135 Townsite 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 suite authorization at 1135 Townsite Road.
- c. Bylaw Contravention Notice - Construction Started Without a Building Permit - 563 Bradley Street 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 563 Bradley 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 563 Bradley Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- d. Bylaw Contravention Notice - Construction Started Without a Building Permit - 20 - 21

5433 Metral Drive

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 5433 Metral 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 5433 Metral Drive 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 - 235 Nicol Street 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 235 Nicol 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 235 Nicol Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

1. *Replace report titled "Bylaw Contravention Notice - Construction Started Without a Building Permit - 235 Nicol Street"* 24 - 25

7. **ADJOURNMENT:**

DATE OF MEETING | December 21, 2020 |

AUTHORED BY | LAINY STEVENSON, PLANNER, CURRENT PLANNING |

SUBJECT | **COVENANT AMENDMENT APPLICATION NO. CA14 –
6010 BRICKYARD ROAD** |

OVERVIEW

Purpose of Report

To seek direction from Council regarding Covenant Amendment application No. CA14 at 6010 Brickyard Road.

Recommendation

That Council direct Staff to proceed with public notification prior to Council's consideration of Covenant Amendment Application No. CA14 at an upcoming Public Hearing.

BACKGROUND

A covenant amendment application, CA14, was received from F.M. Laing Consulting, on behalf of Fairhaven Properties Inc., to discharge an existing Section 219 Covenant on the property title of 6010 Brickyard Road. The existing covenant (EC083186) was registered on the subject property in 1989 as a condition of rezoning and dictates that the property can only be used for “medical offices with optional drug dispensary facilities and lab facilities”. The applicant is proposing to discharge the existing covenant in order to allow the full range of uses permitted in the existing Community Corridor zone (COR3).

The City of Nanaimo’s Covenant Amendment Process Policy (No. 8-3360-02) states that where a covenant amendment pertains to land use, density, or community contributions, Council may choose to direct the application to a Public Hearing.

Subject Property and Site Context

<i>Location</i>	The subject property is located at the northeast corner of the intersection of Brickyard Road and Hammond Bay Road.
<i>Total Lot Area</i>	0.47ha
<i>Current Zoning</i>	COR3 – Community Corridor
<i>Official Community Plan (OCP) Future Land Use Designation</i>	Corridor

The subject property is currently developed with an existing commercial building, Brickyard Clinic. The building was approved in 1994 (DP321) as a medical clinic with approximately 1,510m² of gross floor area. The medical clinic’s parking was later expanded onto the adjacent parcel to the north at the intersection of Brickyard Road and Newport Drive. A Section 219

Covenant (EK003688) restricts the use of the adjacent parcel to parking purposes only and prevents the lots from being sold independently.

At the time the covenant was registered to restrict the subject property to “medical offices with optional drug dispensary facilities and lab facilities”, the zoning was Mixed Use Commercial (C-4) under “City of Nanaimo Zoning Bylaw 1993 No. 4000”. This zone allowed for a similar mix of uses as the current COR3 zoning. The medical clinic has recently relocated to another site, leaving a large portion of the existing building vacant with the covenant restriction on use.

Surrounding land uses are predominantly single residential dwellings and low-density residential development.

DISCUSSION

Proposed Development

The applicant proposes to remove the existing covenant restricting the use of the subject property to “medical offices with optional drug dispensary facilities and lab facilities” (EC083186), in order to allow the full range of uses under the existing COR3 zoning. The proposed immediate use of the building is for general office use and for the expansion of Brickyard Physiotherapy. The covenant restricting the northern parcel to parking only (EK003688) will not be discharged as part of this application.

Proposed Amendment

By removing the existing covenant, which restricts the uses on the property to “medical offices with optional drug dispensary facilities and lab facilities” only, a wider variety of uses would be permitted by the underlying COR3 zone such as:

- Commercial School;
- Financial Institution;
- Live/Work;
- Multiple Family Dwelling;
- Office;
- Personal Care Facility;
- Restaurant;
- Retail; and
- Seniors’ Congregate Housing.

Community Consultation

The subject property lies within the area of the Dover Community Association and was referred for their comment. A representative of the association inquired about the permitted uses and indicated that neighbours may have concerns with the compatibility of some of the site-specific uses in the COR3 zone (e.g., automobile sales and rental) with nearby residential uses as a result of discharging the covenant. Staff confirmed the site-specific uses in the COR3 zone (including automobile sales and rental) are not permitted on this property without rezoning, and

the uses permitted in the COR3 zone are intended to be compatible with residential uses. The association had no further concerns.

Policy Context

Official Community Plan

The Official Community Plan (OCP) identifies the subject property as within the Corridor future land use designation. Development in Corridors is characterized by a mix of residential, mixed-use commercial/residential, and office land uses. The proposed covenant amendment to allow for the full range of uses under the COR3 zone meets the intent of the OCP future land use designation.

Staff support the proposed discharge of existing covenant EC083186.

SUMMARY POINTS

- Covenant Amendment Application No. CA14 proposes to discharge an existing Section 219 Covenant on the property title of 6010 Brickyard Road.
- The existing covenant (EC083186) dictates that the property must be used for “medical offices with optional drug dispensary facilities and lab facilities”. The applicant is proposing to discharge the existing covenant in favour of the uses permitted within the existing Community Corridor zone (COR3).
- Staff support the proposed covenant amendment application.

ATTACHMENTS

ATTACHMENT A: Context Map
ATTACHMENT B: Location Plan
ATTACHMENT C: Aerial Photo

Submitted by:

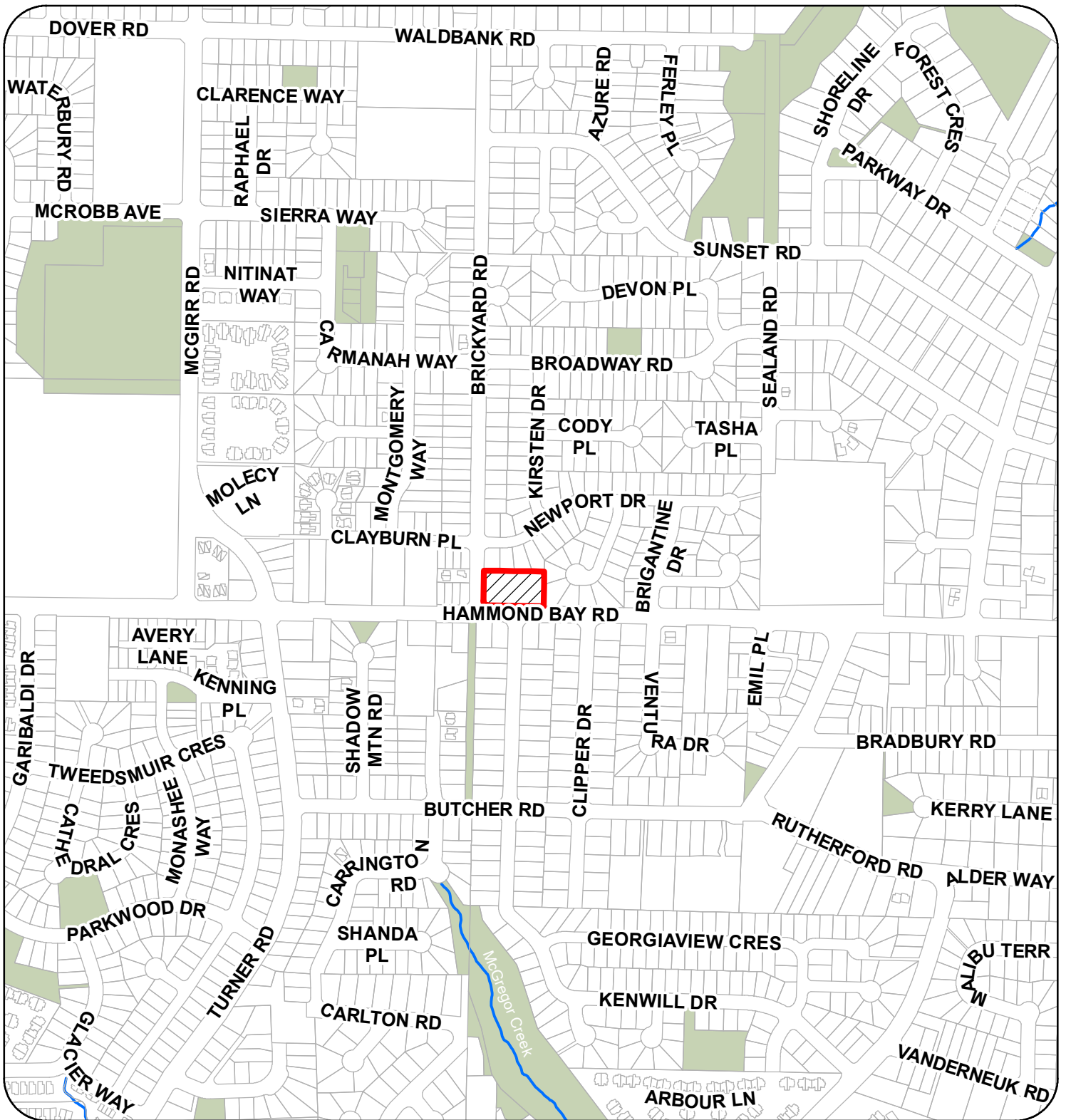
Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

ATTACHMENT A CONTEXT MAP

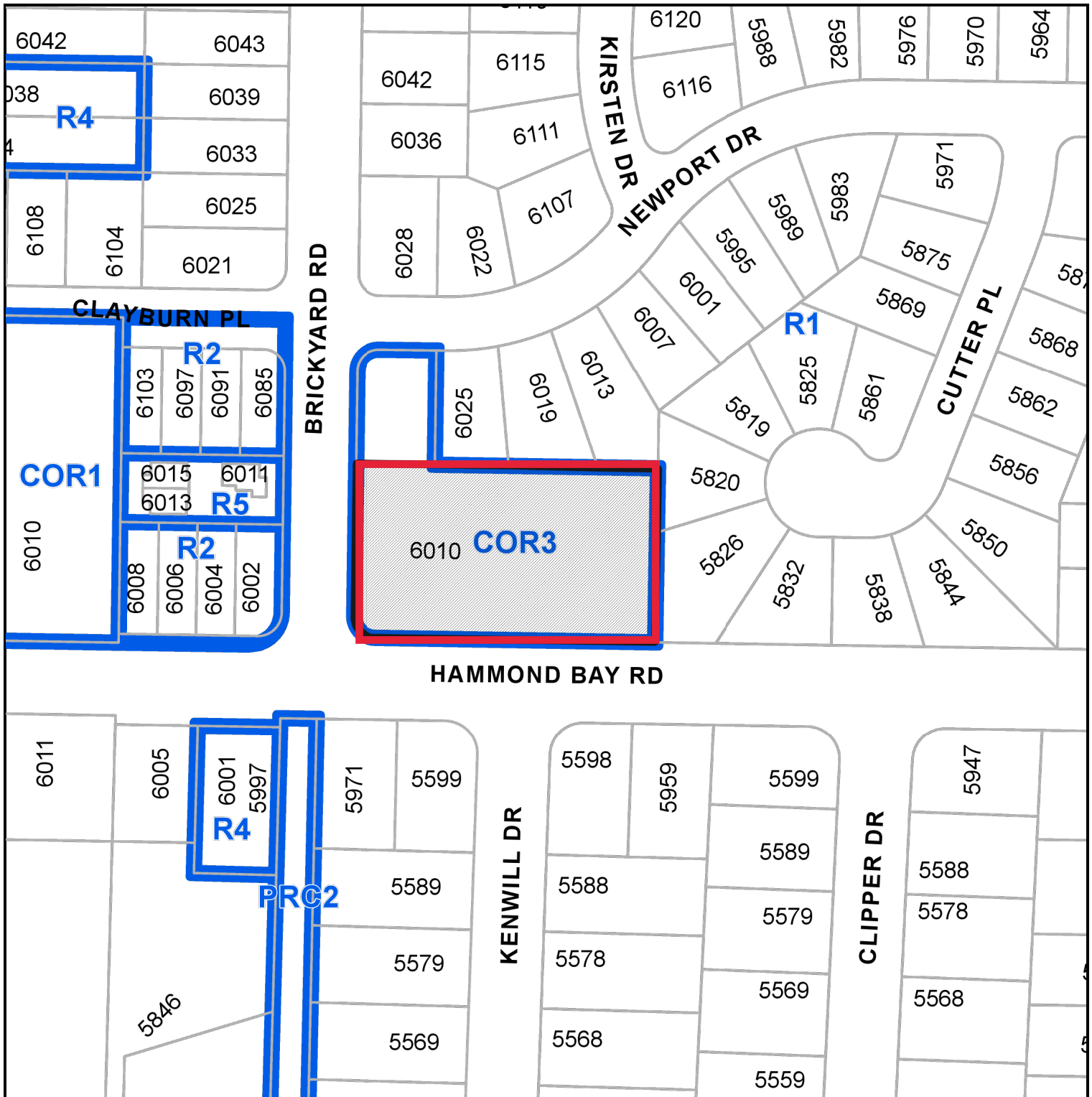


COVENANT AMENDMENT APPLICATION NO. CA000014



6010 BRICKYARD ROAD

ATTACHMENT B LOCATION PLAN



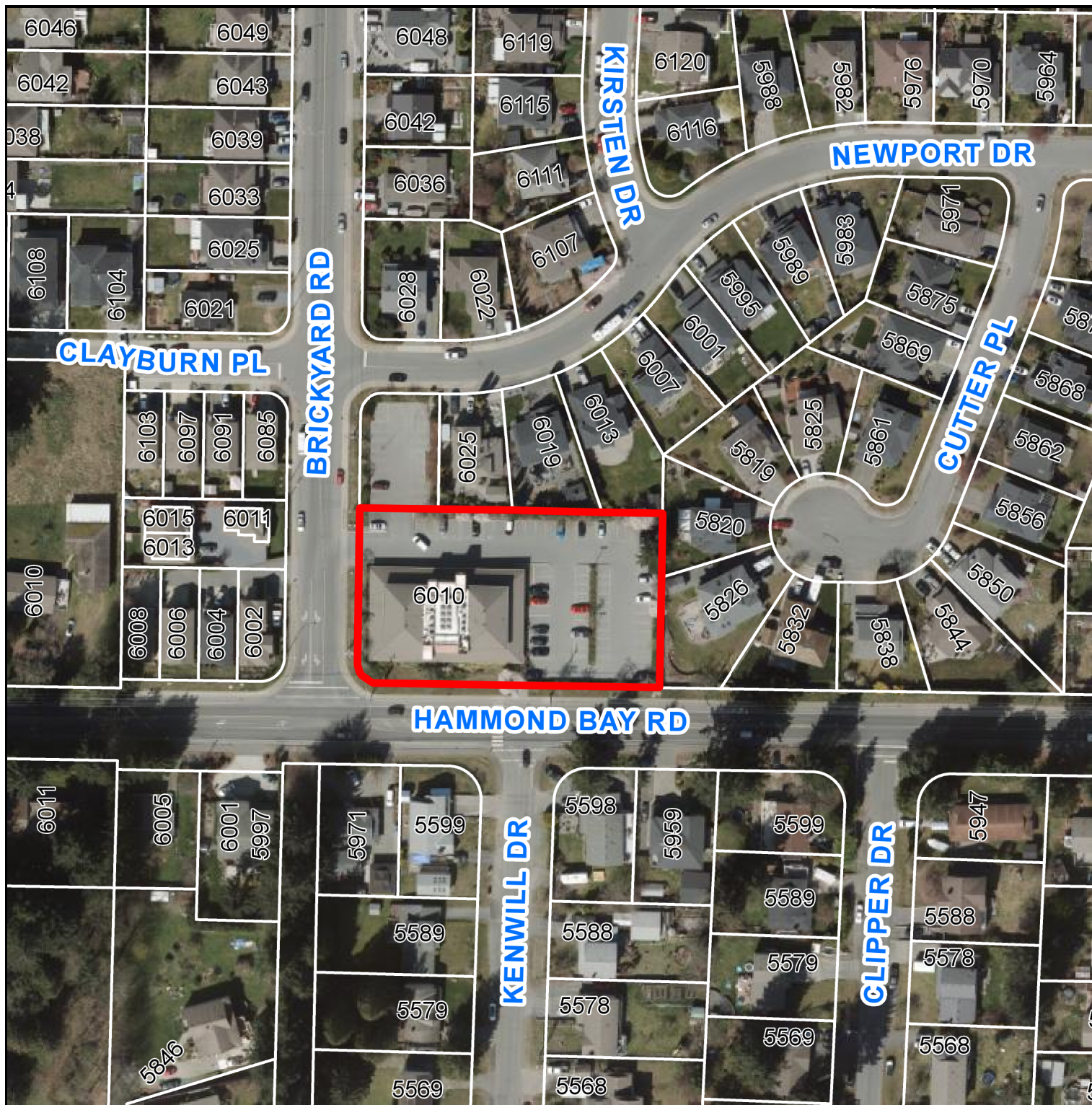
Subject Property

COVENANT AMENDMENT APPLICATION NO. CA0000

CIVIC: 6010 BRICKYARD ROAD

LEGAL: LOT A, DISTRICT LOT 25, PLAN 41197, LOT 23 DISTRICT LOT 25, PLAN
VIP53636, WELLINGTON DISTRICT

ATTACHMENT C
AERIAL PHOTO



Subject Property

COVENANT AMENDMENT APPLICATION NO. CA000014

CIVIC: 6010 BRICKYARD ROAD

LEGAL: LOT A, DISTRICT LOT 25, PLAN 41197, LOT 23 DISTRICT LOT 25, PLAN
VIP53636, WELLINGTON DISTRICT

DATE OF MEETING January 21, 2021

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT 3111 DEPARTURE BAY ROAD – NUISANCE PROPERTY

OVERVIEW

Purpose of Report

To inform Council of ongoing activities at 3111 Departure Bay 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 3111 Departure Bay 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 police required to abate nuisance activity.

BACKGROUND

The RCMP have informed the City that they have received a significant number of nuisance-related police calls for service at the property at 3111 Departure Bay Road in 2020.

Police responded to 54 calls to this property between January and November, of which 18 (33%) were considered to be nuisance-related matters. The details of these calls included incidents of disturbances, yelling, family disputes, fighting (including a minor stabbing incident), loud music, and disruptions caused by unwanted guests.

The City's Bylaw Services Section also has an ongoing investigation into contraventions of the "Property Maintenance and Standards Bylaw 2017 No. 7242", which opened in October 2020, in response to complaints from the neighborhood about unsightly conditions on this property. A Bylaw Officer inspected the property and found furniture and garbage littered around the property, which is falling into a nearby park.

This a residential-zoned property with a dwelling house consisting of an upstairs suite occupied by the owner, and a lower rental suite. Discourse on the property substantially arises from tenants in the lower suite. The owner has reported that he has lost control of his tenants, and that they have ceased paying rent. Staff met with the owner to discuss measures that can be taken, but the owner speaks very little English and is reluctant to solicit family members or other resources which could assist. The owner has been directed to the Provincial Tenancy Branch, but there is no indication that any action has been undertaken that will abate further nuisance issues from occurring.

The RCMP recommend the City consider designating this property as a Nuisance to prevent and abate further disturbances, which disrupt the peace and enjoyment of the community.

OPTIONS

1. That Council declare 3111 Departure Bay 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 police required to abate nuisance activity.
2. That Council provide Staff with alternative direction. |

SUMMARY POINTS

- Nanaimo RCMP responded to 54 matters related to the property in 2020, including 18 calls to the property to abate nuisance activity that disturbed the peace, quiet, and enjoyment of the neighborhood.
- The Bylaw Services Section is investigating contraventions of the “Property Maintenance and Standards Bylaw 2017 No. 7242” for unsightly conditions on the property.
- 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 2020-NOV-04
ATTACHMENT B: RCMP breakdown of calls |

Submitted by:

David LaBerge
Manager, Bylaw Services

Concurrence by:

Bill Corsan
Director, Community Services

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

November 24, 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 3111 (basement suite) Departure Bay Road in Nanaimo, BC.

This property has been associated with 54 police calls for service since January 2020. Of these calls for service, 18 of them, or 33 percent, could be considered to have an element or elements of a nuisance as defined by the City of Nanaimo bylaw. This can arguably be considered a high call volume for nuisance related matters for one property.

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-[REDACTED].

Yours truly,

[REDACTED] Inspector
Operations Officer
Nanaimo RCMP Detachment

ATTACHMENT B

Address: 3111 (Bsmt) Departure Bay Road, Nanaimo, BC

RCMP Nuisance Property File Number: [REDACTED]

Nuisance police call breakdown starting

Date	File Number	Details of Nuisance
2020-02-11	[REDACTED]	Reported Disturbance. Disturbance involved the tenant's brother who was intoxicated, yelling and refusing to leave the property. Police were required to attend and remove the brother. Disturbance was likely disruptive to the neighbourhood based on circumstances.
2020-03-01	[REDACTED]	Reported Disturbance. Disturbance involved the tenant's brother who was intoxicated, yelling and refusing to leave the property. Police were required to attend, however, the brother was gone on arrival. Disturbance was likely disruptive to the neighbourhood based on the circumstances.
2020-03-02	[REDACTED]	Reported Disturbance. Disturbance involved the tenant's brother who was intoxicated, yelling and refusing to leave the property. Police were required to attend, however, the brother was gone on arrival. Disturbance was likely disruptive to the neighbourhood based on the circumstances.
2020-03-29	[REDACTED]	Reported Disturbance. Disturbance involved the tenant's father who was intoxicated and yelling. Police were required to attend and observed both persons yelling at each other. The disturbance was likely disruptive to the neighbourhood based on the circumstances.
2020-05-03	[REDACTED]	Reported Disturbance. Disturbance involved a family fight. Police were required to attend and subsequently arrested the aggressive party. The disturbance was likely disruptive to the neighbourhood based on the circumstances.
2020-06-03	[REDACTED]	Reported Disturbance. Disturbance involved a heated argument between upstairs tenant and the basement tenant. Police were required to attend and speak with both units. The disturbance was likely disruptive to the neighbourhood based on the circumstances.
2020-06-15	[REDACTED]	Reported Disturbance. Disturbance involved the tenant's brother who was yelling and refusing to leave the property. Police were required to attend, however, the brother was gone on arrival. Disturbance was likely disruptive to the neighbourhood based on the circumstances.
2020-06-16	[REDACTED]	Reported Disturbance. Disturbance involved the tenant's brother who was yelling and refusing to leave the property. Police were required to attend and separate both parties. The incident was likely disruptive to the neighbourhood based on the circumstances.
2020-06-20	[REDACTED]	Reported Disturbance. Complainant reported that there were multiple people yelling inside the basement suite. Police attended and were required to separate two persons and one person was instructed to leave to prevent any further disturbance.
2020-06-23	[REDACTED]	Reported Disturbance. The disturbance involved a male who was freaking out and yelling. Police attended and the male was gone on

		arrival. The disturbance was likely disruptive to the neighbourhood based on the circumstances.
2020-06-26	██████████	Reported Disturbance. Disturbance involved the tenant's father who was causing issues. Police were required to attend and warn the tenant's father against any further incident.
2020-08-02	██████████	Reported Disturbance and assault. Incident involved multiple persons and one of the persons was stabbed (minor injury). Police attended and multiple people were arrested.
2020-08-08	██████████	Reported Disturbance and fight. Complainant reported there was a fight involving two people inside the residence. Police attended and separated the parties involved. Police instructed one person to depart to prevent further disturbance.
2020-09-06	██████████	Reported noise complaint. Complainant reported loud music coming from the basement suite at 1:53 AM. The music was described as being disruptive and loud.
2020-09-06	██████████	Reported disturbance involving the basement suite tenant and the upper suite tenant. Police attended and warned both parties against any further disturbances.
2020-09-08	██████████	Reported disturbance involving multiple people in the basement suite. Police attended and subsequently arrested one of the parties for other offences.
2020-09-09	██████████	Reported disturbance involving a male who was causing issues and refusing to leave the basement suite. Police attended and the male was instructed to leave.
2020-09-20	██████████	Reported disturbance involving a male who had exited the basement suite and started knocking on a neighbouring residence with no shirt on. Police attended and the male was gone on arrival. Police spoke with the basement suite tenant who admitted the male had been her ex-boyfriend and he had been causing issues.
2020-10-04	██████████	Reported disturbance involving a male who had exited the basement suite and started yelling and screaming in the street. Police attended and the male had been located inside. Police spoke with the male and warned him against any further incidents.

Delegation Request

Delegation's Information:

Zhibin Li has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is January 21, 2021.

The requested meeting is:
Special Council

Bringing a presentation: Yes

Details of the Presentation:

To state the reason why the property has been the subject of neighbourhood complaints.

Staff Report for Decision

DATE OF MEETING | January 21, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE – SECONDARY SUITE** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 135 Townsite 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 suite authorization at 1135 Townsite Road. |

BACKGROUND

As determined through an inspection, the secondary suite located at 135 Townsite Road 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.

A building permit application has been received and completed to upgrade and authorize the secondary suite located at 135 Townsite Road.

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

- 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:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

DATE OF MEETING | January 21, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 563 BRADLEY STREET |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 563 Bradley 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 563 Bradley Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2020-AUG-19 in response to a complaint received regarding illegal construction. The inspection confirmed that basement renovations were underway, including work undertaken affecting the structural footings of the dwelling, as well as framing erected over the existing deck without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that the framing erected over the existing deck had to be removed, and a building permit was required for the remaining work. The deadline for removal of the over-the-deck framing and submission of a building permit application was 2020-SEP-25. To date, the illegal over-the-deck framing remains and 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”.

Following registration of a notice, this matter will be forwarded to Bylaw Services for removal enforcement of the illegal over-the-deck framing. |

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, Community Development

Dale Lindsay
General Manager, Development Services

DATE OF MEETING | January 21, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 5433 METRAL DRIVE** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5433 Metral 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 5433 Metral Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection 2020-SEP-24 was conducted in conjunction with Bylaw Services as the result of a complaint received with respect to a grow operation (“grow-op”). The inspector found the building to be altered to change the use of the dwelling to accommodate the grow-op, as well as work undertaken to fill in the carport and to construct a sundeck on pier block foundations without permit. During a follow-up inspection with Bylaw Services and Public Works 2020-NOV-06, a Do Not Occupy Order was posted and will be in effect until the dwelling is deemed habitable through the successful completion of a building permit. A building permit application to remediate the grow-op and associated building deficiencies has been received; however, the application is incomplete and efforts to obtain the required documents remain unresolved. Pursuant to Section 57 of the *Community Charter*, a notice on title is recommended for the work completed without a building permit as well as to reflect that the dwelling was used for the purpose of growing marijuana. |

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 | January 21, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 235 NICOL STREET** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 235 Nicol 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 235 Nicol Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2020-AUG-18 in response to a complaint received regarding illegal construction. The inspection confirmed the rear deck and roof had been rebuilt, including the enclosure of the area below the deck, 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 2020-OCT-01. 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, Community Development

Dale Lindsay
General Manager, Development Services

DATE OF MEETING | January 21, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 235 NICOL STREET** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 235 Nicol 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 235 Nicol Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2020-AUG-18 in response to a complaint received regarding illegal construction. The inspection confirmed the rear deck and roof had been rebuilt, including the enclosure of the area below the deck, 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 2020-OCT-01. 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 the notice, this matter will be referred to Bylaw Services for further 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 the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

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