



ADDENDUM
SPECIAL COUNCIL MEETING (PUBLIC HEARING)

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

Pages

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

6. REPORTS:

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

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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:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Community Development

Dale Lindsay
General Manager, Development Services