



AGENDA
FOR THE SPECIAL COUNCIL MEETING (PUBLIC HEARING)

Thursday, March 18, 2021, 7:00 P.M.

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

SCHEDULED RECESS 9:00 P.M.

Pages

1. CALL THE MEETING TO ORDER:

2. INTRODUCTION OF LATE ITEMS:

3. 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 REZONING APPLICATION NO. RA459 - 2345 and 2355 Kenworth Road

a. Rezoning Application No. RA459 - 2345 and 2355 Kenworth Road

4 - 16

To be introduced by Lisa Brinkman, Planner.

Call for submissions from the Applicant and the Public.

FINAL CALL FOR SUBMISSIONS:

Following the close of the Public Hearing for Rezoning Application No. RA459 - 2345 and 2355 Kenworth 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 RA459 - 2345 and 2355 Kenworth Road.

Bylaw:

That "Zoning Amendment Bylaw 2021 No. 4500.183" (To amend the Corridor Three [COR3] zone to allow 'automobile sales, service and rental' as a site-

specific use within 2355 Kenworth Road and a portion of 2345 Kenworth Road) pass third reading.

6. REPORTS:

- a. Bylaw Contravention Notice - Construction Not Completed As Per Conditions of Building Permit - 5862 Broadway Road 17 - 18
- To be introduced by Jeremy Holm, Director, Development Approvals.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5862 Broadway 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 5862 Broadway Road for construction not completed as per the conditions of the building permit.
- b. Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 2883 Glen Eagle Crescent 19 - 21
- To be introduced by Jeremy Holm, Director, Development Approvals.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2883 Glen Eagle Crescent.*
- Delegation:
1. Jennifer Peters.
- 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 2883 Glen Eagle Crescent for construction not completed as per the conditions of the building permit.
- c. Bylaw Contravention Notice - Construction Not Completed As Per Conditions of Building Permit - 617 Sunderland Avenue 22 - 23
- To be introduced by Jeremy Holm, Director, Development Approvals.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 617 Sunderland 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 617 Sunderland Avenue for construction not completed as per the conditions of the building permit.

- d. Bylaw Contravention Notice - Construction Started Without a Building Permit - 5 Durham Street 24 - 25

To be introduced by Jeremy Holm, Director, Development Approvals.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5 Durham 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 Durham Street 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 - 520 Nova Street 26 - 27

To be introduced by Jeremy Holm, Director, Development Approvals.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 520 Nova 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 520 Nova Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

7. ADJOURNMENT:

DATE OF MEETING | March 1, 2021 |

AUTHORED BY | LISA BRINKMAN, PLANNER, CURRENT PLANNING |

SUBJECT | **REZONING APPLICATION NO. RA459 – 2345 & 2355 KENWORTH ROAD** |

OVERVIEW

Purpose of Report

To present Council with an application to rezone 2355 Kenworth Road and a portion of 2345 Kenworth Road to allow automobile sales, service, and rental as a site-specific use in the Community Corridor (COR3) zone.

Recommendation

That:

1. "Zoning Amendment Bylaw 2021 No. 4500.183" (To amend the Corridor Three [COR3] zone to allow 'automobile sales, service and rental' as a site-specific use within 2355 Kenworth Road and a portion of 2345 Kenworth Road) pass first reading;
2. "Zoning Amendment Bylaw 2021 No. 4500.183" pass second reading; and
3. Prior to adoption of "Zoning Amendment Bylaw 2021 No. 4500.183", Council direct that:
 - a) Staff secure a covenant for use restrictions to replace Covenants CA6887004 and CA6318912;
 - b) the applicant obtain subdivision approval for a lot line adjustment between 2355 and 2345 Kenworth Road; and
 - c) the applicant provide a signed statement from a Contaminated Sites Approved Professional that the Certificate of Compliance is valid for the proposed land uses for proposed Lots A and B.

BACKGROUND

A rezoning application (RA459) was received from Brian J. Senini on behalf of the property owner, Bowen Road Developments Ltd. The applicant is proposing to amend the Corridor Three (COR3) zone to allow 'automobile sales, service and rental' as a site-specific use on a new parcel that would include 2355 Kenworth Road and a portion of 2345 Kenworth Road.

In 2017, the Official Community Plan land use designation for 2345 and 2355 Kenworth Road and portions of other adjacent parcels was changed from Industrial to Corridor (OCP66), and the zoning was changed from High Tech Industrial (I3) to Community Corridor (COR3, RA288). To ensure the permitted uses on the parcels would not exceed the capacity of the road network in the area, a covenant (CA6318912) was placed on the parcel titles to restrict the permitted uses on the lands as a condition of the rezoning. Since 2017, portions of the original parcel were rezoned to add automobile sales, service and rental as a site-specific use on three of the lots from the original subdivision.

Subject Property

| | |
|--|---|
| <i>Location</i> | The subject properties are located between the Island Highway/Bowen Road intersection and Labieux Road. |
| <i>Total Lot Areas</i> | 2355 Kenworth Road – 3,946m ² 2345 Kenworth Road – 8,216m ² |
| <i>Current Zone</i> | COR3 – Community Corridor |
| <i>Proposed Zone</i> | COR3 – Community Corridor with site-specific automobile sales, service and rental use |
| <i>Official Community Plan (OCP) Designation</i> | Corridor |

The subject properties are accessed from Kenworth Road and Labieux Road, and they are currently vacant. Car dealership businesses will be located to the north, and are currently located to the west. A building containing home improvement businesses is located to the southwest. St. John Ambulance is located to the south, and Beban Park is located to the southeast.

DISCUSSION

Proposed Development

The applicant is proposing a lot line adjustment between 2355 and 2345 Kenworth Road, such that 2355 Kenworth Road becomes a larger parcel (Lot A), approximately 7,760m² in size, for the purpose of locating a new car dealership and independent office on the new parcel. The parcel at 2345 Kenworth Road would be reduced from 8,216m² to approximately 4,420m² (Lot B), and is proposed to be the site of a personal care facility and multi-family development.

The following steps are proposed to accommodate the application:

- i. Amend the COR3 zone in “City of Nanaimo Zoning Bylaw 2011 No. 4500” to allow ‘automobile sales, service and rental’ as a site-specific use at 2355 Kenworth Road and a portion of 2345 Kenworth Road.
- ii. Replace covenants CA6318912 and CA6887004 with a new covenant specific to the proposed new Lots A and B. These two covenants were placed on the title of the land during the previous two rezoning processes to restrict the land uses to what was envisioned at that time and supportable with the existing road network. In order to facilitate the current proposal, a new covenant is required to update the use restrictions. In support of the proposed rezoning, the applicant provided an updated Traffic Assessment Memo from Adept Transportation Solutions (2020-APR-22) verifying the road network can support the proposed uses.

- iii. The new covenant would maintain the uses previously permitted, with the addition of the new proposal, as follows:

| Current Covenant(s) | New Covenant |
|---|---|
| The permitted uses at 2355 Kenworth Road are a combination of office and multiple-family dwelling. | The permitted uses on the new proposed Lot A are multiple-family dwelling; or a combination of automobile sales, service and rental and independent office use. |
| The permitted uses at 2345 Kenworth Road are a combination of retail store, and either seniors' congregate housing or multiple-family dwelling. | The permitted uses on the new proposed Lot B are multiple-family dwelling, personal care facility, seniors' congregate housing, or office use or any combination thereof. |

- iv. The applicant has submitted a subdivision application (SUB1415) for the boundary adjustment between 2345 and 2355 Kenworth Road to create the new Lots A and B. Staff are recommending that as a condition of rezoning, subdivision approval be required to complete the lot line adjustment between the two parcels.
- v. In addition, staff from the Land Remediation Section of the Ministry of Environment recommended the applicant provide a signed statement from a Contaminated Sites Approved Professional (CSAP) verifying that the current Certificate of Compliance is valid for the proposed land uses and development of Lots A and B. This confirmation is needed to ensure the future development of these lots will be in accordance with the requirements and conditions of the issued Certificate of Compliance. This would be confirmed again at the detailed design of the site.

Official Community Plan (OCP)

The 'Corridor' designation supports a mix of residential, commercial, professional, and service uses. Both automobile sales and independent office use are proposed for new Lot A; and personal care facility, multi-family residential, and office use are proposed for new Lot B. The automobile sales use on proposed Lot A would complement the cluster of uses in the area, creating an automobile sales precinct with highway exposure. The proposed rezoning meets the intent of the OCP Corridor designation, and supports the original vision for a mixed-use development on the parent parcel.

Transportation Master Plan

The subject property is within the Country Club mobility hub area and is centrally located to access transit, recreation, and services. A new sidewalk and bike lane has recently been constructed in this area along Bowen Road, and streets within mobility hubs will increasingly be designed to better accommodate public transit, pedestrians, and cyclists.

Community Consultation

The applicant posted a notice in the Nanaimo News Bulletin in December 2020 advising the public of the proposed rezoning. No inquiries have been received as a result of this notification. A rezoning sign was posted on the property in December 2020 to inform the neighbourhood of

the proposed rezoning. Also, the City referred the rezoning application to the Wellington Community Association and they have no concerns with the proposal.

Community Amenity Contribution

As part of the original rezoning of the land in 2017, the property owner contributed \$191,569.00 as a community amenity contribution. These funds are to be used towards improvements at Beban Park. Staff are of the opinion that this rezoning (RA459) does not result in an additional land lift, thus a community amenity contribution is not proposed.

Conditions of Rezoning

Should Council support this application and pass third reading of “Zoning Amendment Bylaw 2021 No. 4500.183”, Staff recommend the following items be secured prior to adoption of the bylaw:

- a) Staff secure a covenant for use restrictions to replace Covenants CA6887004 and CA6318912;
- b) the applicant obtain subdivision approval for a lot line adjustment between 2355 and 2345 Kenworth Road; and
- c) the applicant provide a signed statement from a Contaminated Sites Approved Professional that the Certificate of Compliance is valid for the proposed land uses for proposed Lots A and B.

SUMMARY POINTS

- An application has been received to amend the COR3 zone to allow ‘automobile sales, service and rental’ as a site-specific use on a new parcel that includes 2355 Kenworth Road and portion of 2345 Kenworth Road; and to replace two Section 219 covenants registered on the titles of the subject properties with a new covenant.
- The proposed rezoning will allow for mixed-use development on the properties and is consistent with the ‘Corridor’ policy objectives of the Official Community Plan.

ATTACHMENTS

ATTACHMENT A: Context Map
ATTACHMENT B: Location Plan
ATTACHMENT C: Conceptual Site Plan
ATTACHMENT D: Plan of Proposed Subdivision
ATTACHMENT E: Aerial Photo
“Zoning Amendment Bylaw 2021 No. 4500.183”

Submitted by:

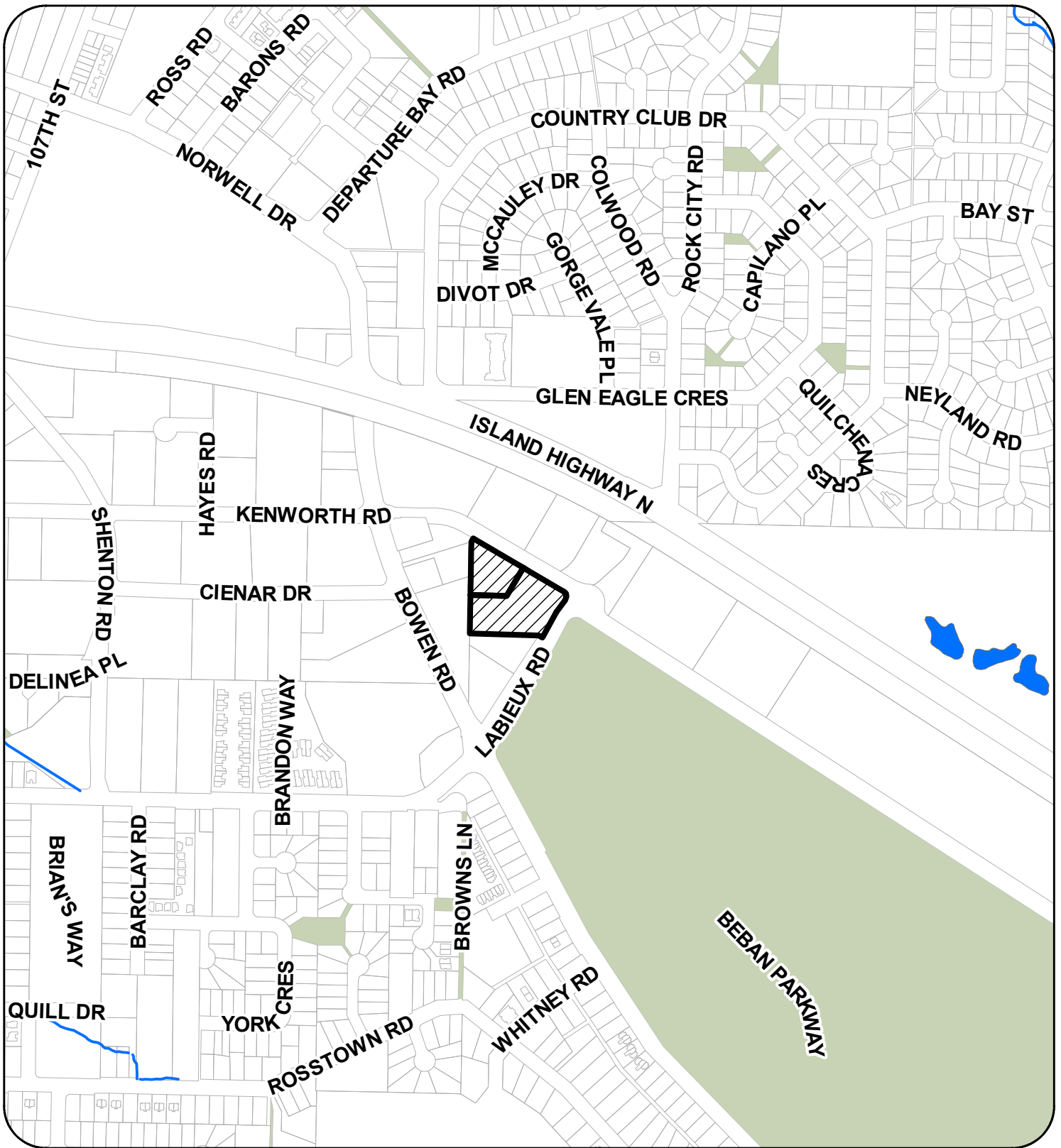
Lainya Rowett
Manager, Current Planning

Concurrence by:

Jeremy Holm
Director, Development Approvals

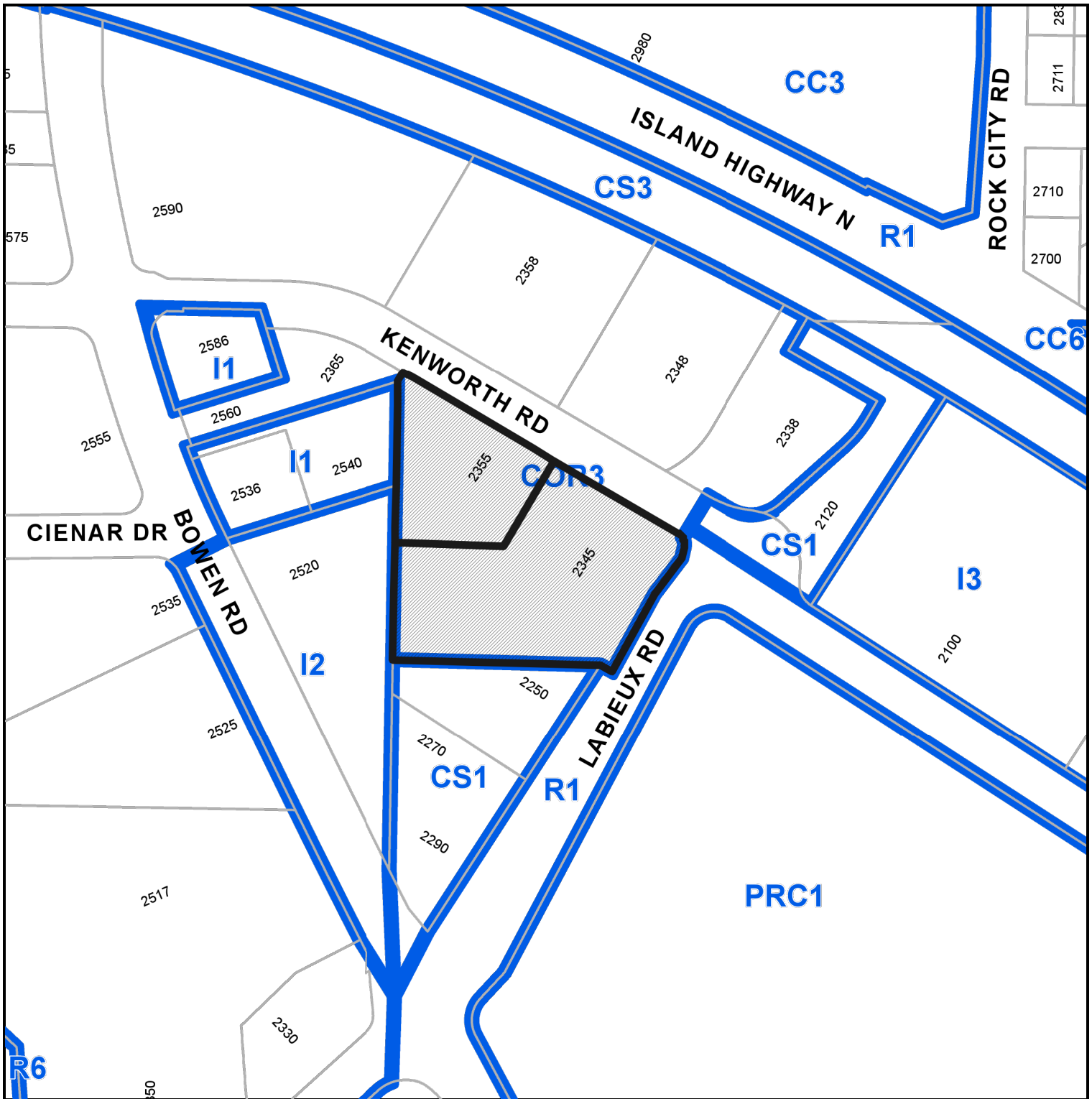
Dale Lindsay
General Manager, Development Services

ATTACHMENT A CONTEXT MAP



2345 & 2355 KENWORTH ROAD

ATTACHMENT B LOCATION PLAN



Subject Property

REZONING APPLICATION NO. RA000459

CIVIC: 2345 & 2355 KENWORTH ROAD

LEGAL: LOTS 5 & 6, DISTRICT LOT 20, RANGE 7, MOUNTAIN DISTRICT PLAN
EPP92969

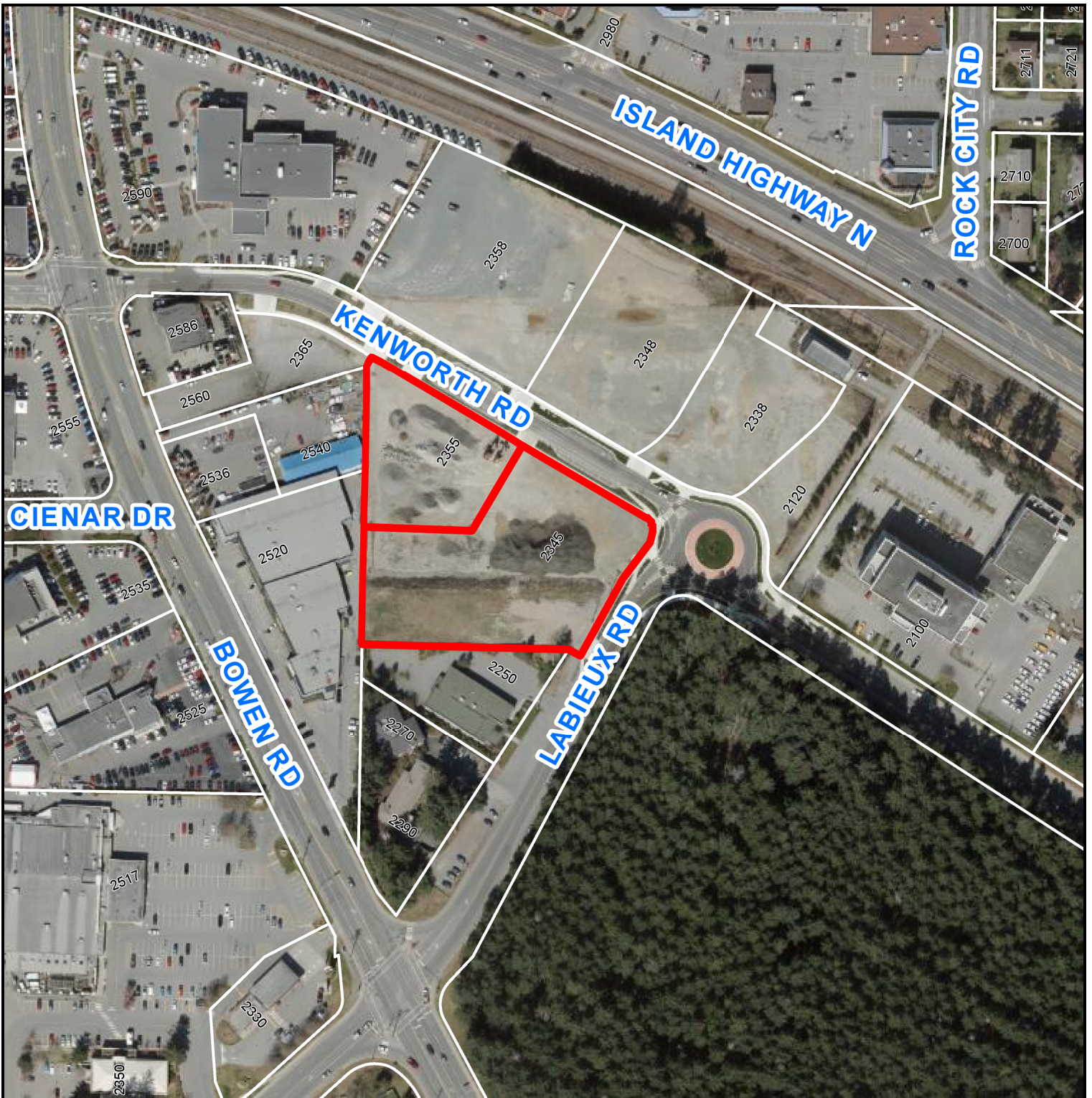
ATTACHMENT C CONCEPTUAL SITE PLAN



 **SITE PLAN**

[illegible]

**ATTACHMENT E
AERIAL PHOTO**



REZONING APPLICATION NO. RA000459



2345 & 2355 KENWORTH ROAD

Current Bylaw

CITY OF NANAIMO

BYLAW NO. 4500.183

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

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

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

1. This Bylaw may be cited as the "Zoning Amendment Bylaw 2021 No. 4500.183".
2. The "City of Nanaimo Zoning Bylaw 2011 No. 4500" is hereby amended as follows:

By rezoning the lands legally described as Lot 6, Section 20, Range 7, Mountain District, EPP92969, and a portion of Lot 5, District Lot 20, Range 7, Mountain District, Plan EPP92969 to allow Automobile Sales, Service and Rental as a site-specific use within the Community Corridor (COR3) Zone, as shown on Schedule A.

PASSED FIRST READING: 2021-MAR-01

PASSED SECOND READING: 2021-MAR-01

PUBLIC HEARING HELD: _____

PASSED THIRD READING: _____

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE: _____

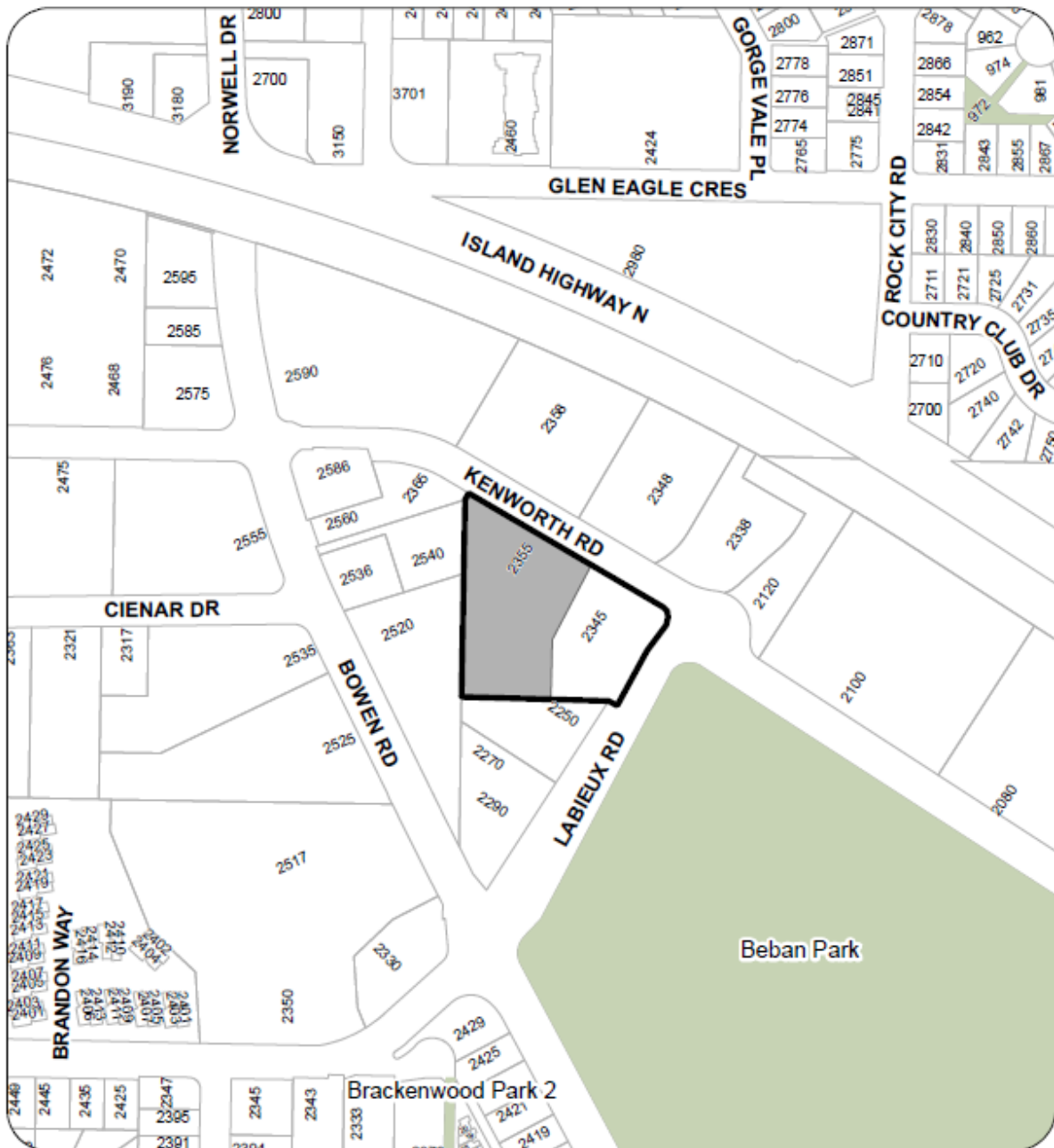
ADOPTED: _____

MAYOR

CORPORATE OFFICER

File: RA000459
Address: 2345 and 2355 Kenworth Road

Schedule A



DATE OF MEETING March 18, 2021

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 5862 BROADWAY ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5862 Broadway 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 5862 Broadway Road for construction not completed as per the conditions of the building permit.

BACKGROUND

A building permit application (BP123562) to install a swimming pool was received 2017-AUG-02. During the site visit for the permit application, the inspector observed the swimming pool had already been installed without the required permit having been issued or inspections done. Correspondence was forwarded to owner advising of the requirement for revised drawings for the already-installed pool. The requested as-built drawings were not submitted and the permit application subsequently expired. A new permit application was submitted and issued 2019-SEP-06 (BP124999); however, no inspections were called and the permit expired. Correspondence was forwarded to the owner 2020-OCT-20 advising of the deficiencies remaining to be rectified; however, the City became aware the property had been sold and was under new ownership. Correspondence was forwarded to the new owners 2020-NOV-24 advising of the outstanding permit, with opportunity given to rectify the outstanding deficiencies, but to date, the deficiencies have not been rectified. 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 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 March 18, 2021

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT
COMPLETED AS PER CONDITIONS OF BUILDING PERMIT –
2883 GLEN EAGLE CRESCENT**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2883 Glen Eagle Crescent.

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 2883 Glen Eagle Crescent for construction not completed as per the conditions of the building permit.

BACKGROUND

An inspection on 2017-JUN-12 revealed that a secondary suite was constructed within the single-family dwelling sometime after 2005 without a permit or inspections. A post-inspection letter was forwarded to the owners outlining deficiencies and detailing what is required in order to legalize the suite. The owners contacted the City and an inspection to confirm removal of the suite was conducted on 2017-NOV-27, the results of which found deficiencies remaining, including an intact kitchen. The deadline for a building permit application of 2018-JAN-03 to retain the kitchen was not met and the matter was referred to Council.

At the 2018-APR-05 Special Council meeting, Council referred the matter back to Staff for further consultation with the homeowner. Consequently, a building permit application was issued 2018-NOV-28 to decommission the illegal suite and return the building back to a single family dwelling with included seasonal kitchen in the basement as part of the main dwelling. This required the removal of a stairwell wall and the installation of an open guard in its place, as well as the exposing and review of plumbing installed for a laundry and the kitchen sink previously installed. However, no inspections were conducted under the permit, and the permit subsequently expired.

A monitoring inspection conducted 2020-OCT-21 found that all the work had been completed without the required inspections having been done. Therefore, a notice on title is recommended to reflect the construction undertaken without the required 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

Delegation Request

Delegations Information:

Jennifer Peters has requested an appearance before Council.

City: Nanaimo
Province: BC

Delegation Details:

The requested date is March 18, 2021.

The requested meeting is:
Special Council

Bringing a presentation: No

Details of the Presentation:

A final inspection further to requests of March 11, 2019 and May 7, 2019.

DATE OF MEETING March 18, 2021
AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS
SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 617 SUNDERLAND AVENUE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 617 Sunderland 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 617 Sunderland Avenue for construction not completed as per the conditions of the building permit.

BACKGROUND

As the result of a complaint, an inspection was conducted on 2019-JUN-07 and confirmed a full house renovation was underway, including the construction of a new front 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. A building permit (BP125598) was subsequently received and issued 2019-JUL-16.

On 2020-SEP-10, the building inspector observed further work was underway, outside of the scope of issued permit BP125598, to enclose the underside of the deck, resulting in another Stop Work Order being posted. Correspondence was sent to the home owner with a deadline of 2020-OCT-01 for a new building permit application or revision to the existing BP125598 to incorporate this new construction. A building permit application (BP126776) was applied for 2020-OCT-06 for the enclosure of the underside of the deck. However, the application was incomplete and correspondence was forwarded to the property owner 2020-OCT-06 and again 2020-DEC-09 advising of the required documentation to deem the application “received”. The 30-day deadline passed and the required documentation was not received. As such, the application was cancelled.

BP125598 expired 2020-OCT-08 as no inspections had been called for in the previous 12 months. Correspondence was sent to the property owner 2020-OCT-16 advising of the expired permit, scheduling a monitoring inspection, and providing a window of opportunity to correct any deficiencies found during the inspection. A monitoring inspection 2020-NOV-04 confirmed all the work under expired BP125598 and not-yet-issued BP126776 had been completed without the required inspections having been done. To date, no further inspections have been called to rectify deficiencies and no new permit applications have been received to legitimize the construction.

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 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 | March 18, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 5 DURHAM 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 Durham 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 Durham Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An external inspection was conducted on 2020-AUG-13 in response to a complaint received regarding illegal construction, during which the inspector observed extensive alterations to the dwelling were underway, including construction of an upper-storey addition, new front entry, and a new deck and carport. A Stop Work was posted and correspondence forwarded to the property owner advising of the requirement for full access to the dwelling to ascertain the extent of construction. A follow-up inspection took place 2020-AUG-20 and correspondence was forwarded to the property owner advising that a building permit was required for the work. 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”.

This matter will be forwarded to Bylaw Services for removal enforcement of the illegal construction.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) on the title of the affected property is to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services

DATE OF MEETING | March 18, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 520 NOVA STREET |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 520 Nova 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 520 Nova Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was conducted on 2020-OCT-22 in response to a complaint received regarding illegal construction in an accessory building. The inspector was unable to gain entry for a full inspection, but based on external observations, was able to determine after a search of records that renovations had taken place without a required permit. A Stop Work Order was posted on the job site 2021-OCT-23 and correspondence was forwarded to the owner advising of the requirement for a full inspection. A full inspection was conducted 2020-DEC-04, during which the inspector observed a suite had been constructed within the accessory building. As a permitted suite already exists in the main dwelling, correspondence was forwarded to the property owner advising of the requirement to remove the suite in the accessory building in accordance with “City of Nanaimo Zoning Bylaw 2011 No. 4500”, which allows for only one suite per single family dwelling, and advising of a scheduled inspection to verify the required removal. A response from the property owner acknowledged the inspection; however, when the inspector arrived on the pre-scheduled date of 2021-JAN-29, no one was on site to provide access. 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”.

In accordance with the letter to the owner, as the suite could not be verified as having been removed, this matter will be forwarded 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

- A second suite was constructed on the property without permit, which violates “City of Nanaimo Zoning Bylaw 2011 No. 4500” and “Building Bylaw 2016 No. 7224”.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services