



AGENDA
SPECIAL COUNCIL MEETING

Thursday, April 15, 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
3. APPROVAL OF THE AGENDA:
4. REPORTS:

a. Illegal Construction – 3042 McCauley Drive

5 - 12

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

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

Delegation:

1. Dacia Douhaibi

Recommendation: That Council:

1. issue a Remedial Action Order at 3042 McCauley Drive pursuant to Sections 72, 73 and 74 of the Community Charter;
2. direct Staff or its 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 that the remedial action consist of removing the illegal structures and reinstating the guardrails.

b. Unsafe Structure - 45/47 Haliburton Street

13 - 21

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

Purpose: To provide Council with background information respecting a

structure at 47 Haliburton Street that has been extensively damaged by fire, is dilapidated and unsafe, and to seek approval to impose remedial action requirements pursuant to the provisions of the Community Charter to have the structure removed or demolished.

Recommendation: That Council:

1. issue a Remedial Action Order at 45/47 Haliburton Street pursuant to Sections 72 and 73 of the Community Charter;
2. direct Staff to advise the owner that they may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its 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
4. direct the remedial action consist of removal or demolition of the fire-damaged structure.

c. Remedial Action Order - 4470 Burma Road

22 - 26

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

Purpose: To provide Council with background information respecting a shed structure constructed without a permit, having no potable water, sewer, or electricity services, being used as a residence on a 30-acre, rural, residential property at 4470 Burma Road, and to seek approval to impose remedial action requirements pursuant to the provisions of the Community Charter to have the structure removed or demolished.

Recommendation: That Council:

1. issue a Remedial Action Order at 4470 Burma Road pursuant to Sections 72 and 73 of the Community Charter;
2. direct Staff to advise the owner they may request that Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its 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
4. direct the remedial action consist of removal or demolition of the shed structure.

- d. Bylaw Contravention Notice – Construction Not Completed As Per Conditions Of Building Permit – 341 Chesterlea Avenue 27 - 29
- 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 341 Chesterlea Avenue.*
- Delegation:
1. Jiemin Hong
- 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 341 Chesterlea Avenue for construction not completed as per the conditions of the building permit.
- e. Bylaw Contravention Notice – Construction Started Without a Building Permit – 179 Capt Morgans Boulevard 30 - 31
- 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 179 Capt Morgans 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 179 Capt Morgans Boulevard 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 – 1058 Shelby Ann Avenue 32 - 33
- 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 1058 Shelby Ann 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 1058 Shelby Ann Avenue 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 – 3538 Departure Bay Road 34 - 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 3538 Departure Bay Road.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the Community Charter for the property located at 3538 Departure Bay Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- h. Bylaw Contravention Notice – Construction Not Completed As Per Conditions Of Building Permit – 4376 Boban 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 4376 Boban 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 4376 Boban Drive for construction not completed as per the conditions of the building permit.

5. OTHER BUSINESS:

6. ADJOURNMENT:

DATE OF MEETING APRIL 15, 2021

AUTHORED BY DAVID LABERGE, MANAGERY BYLAW SERVICES

SUBJECT ILLEGAL CONSTRUCTION – 3042 MCCAULEY 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 3042 McCauley Drive pursuant to Sections 72, 73 and 74 of the *Community Charter*;
2. direct Staff or its 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 that the remedial action consist of removing the illegal structures and reinstating the guardrails.

BACKGROUND

The City received information from the public which prompted an inspection of the property at 3042 McCauley Drive on 2019-JUN-24.

The building inspector determined there were 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 structures were to be removed and guardrails on the deck reinstated. The deadline for removal was 2019-JUL-12. An inspection on 2020-FEB-28 revealed that the illegal construction remained.

The Council of the City of Nanaimo, during the Public Hearing/Special Meeting held on 2020-NOV-19 passed a resolution respecting a contravention of "Building Bylaw 2016 No. 7224" and a bylaw contravention notice was registered on the property.

The Building Inspections Section forwarded the inspection report to the Bylaw Services Section on 2020-DEC-02 requesting removal enforcement.

The Bylaw Services Section inspected the property on 2020-DEC-31 confirming that the illegal construction had not been removed. The property owners were notified in writing on 2021-JAN-06 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.

DISCUSSION

Notice was given to the property owners to remove the illegal structures and reinstate the guardrails. To date, the illegal structures remain.

OPTIONS

1. That Council:
 1. issue a Remedial Action Order at 3042 McCauley Drive pursuant to Sections 72, 73 and 74 of the *Community Charter*;
 2. direct Staff or its 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 that the remedial action consist of removing the illegal structures and reinstating the guardrails.
2. That Council take no action.
3. That Council provide alternative direction.

SUMMARY POINTS

- The City received information from the public that prompted an inspection of the property at 3042 McCauley Drive on 2019-JUN-24.
- The building inspector determined there were multiple illegal construction projects at the property.
- A Remedial Action Order is recommended directing the removal of the illegal structures and reinstating the guardrails.

ATTACHMENTS:

ATTACHMENT A: Letter to Owner dated 2019-JUN-28

ATTACHMENT B: Letter to Owner dated 2021-JAN-06

ATTACHMENT C: Photos of structure |

Submitted by:

Dave LaBerge
Manager, Bylaw Services|

Concurrence by:

Bill Corsan
Director, Community Development

Dale Lindsay
General Manager, Development Services|

ATTACHMENT A



2019-JUN-28

File No. CIB05333

Via Email: [REDACTED]

Dear Property Owner:

RE: 3042 MCCAULEY 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 work underway to construct a ground-level addition enclosing the rear door, and to remove the guardrails of the rear deck and erect an enclosure. Our records, however, indicate that a building permit was not issued for this work. As a result, a Stop Work Order has been issued and posted at the job site.

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 are to be removed and the guardrail replaced on the deck. An inspection to verify the structure removals and guardrail replacement will be conducted **2019-JUL-12** with an inspector arriving between **10:00 a.m. and 11:00 a.m.**

Should the inspector find that the work to remedy the illegal construction has not been completed, 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,

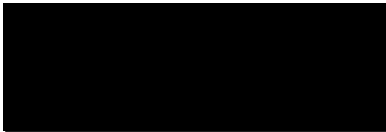
Lindsay Fitzgerald, RBO
Supervisor of Building Inspections
COMMUNITY DEVELOPMENT

LF/kd/keb

ATTACHMENT B



2021-JAN-06



Dear [REDACTED]

Re: **3042 McCauley Drive, Nanaimo, BC**
LT 58, SEC 5, PL 20975, LD 58
Illegal Structures

A recent inspection of the above noted property revealed illegally constructed structures including a ground-level addition enclosing the rear door and an enclosure of the rear deck.

You are directed to remove the illegally-constructed structures and replace the guardrail on the deck forthwith. Should you fail to do so, Council will, at its meeting scheduled for **2021-FEB-18** at 7:00 p.m. in the Shaw Auditorium, Port of Nanaimo Centre, 80 Commercial Street, Nanaimo, BC, consider ordering the structures removed and guardrails replaced pursuant to Sections 72 and 73 of the *Community Charter*. You may attend this meeting via Zoom or telephone and show cause why Council should not proceed.

Due to COVID-19 and the amended Public Health Order dated 2020-DEC-04, the public is now restricted from attending all local government meetings and public hearings in person. Registered delegations will be able to present electronically via Zoom or telephone. To submit a delegation request, please fill out the online form (<https://www.nanaimo.ca/goto/delegation>). Your delegation request must be received prior to 11:00 a.m. the Friday before the meeting. If your delegation request is approved, you will receive detailed instructions from the Legislative Services Department.

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

Yours truly,


Dave Laberge
Manager of Community Safety

ATTACHMENT C

3042 McCauley Drive



3042 McCauley Drive



Delegation Request

Delegation's Information:

Dacia Douhaibi has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is April 15, 2021.

The requested meeting is:
Special Council

Bringing a presentation: No

Details of the Presentation: I am representing my father, Mustapha Douhaibi, in response to correspondence sent from the City of Nanaimo on February 24, 2021. This issue (Removal of Illegal Structures) will be discussed at the Council meeting on April 15th. Bylaw Officers and representatives of the City have indicated two conflicting actions regarding this issue: removal of structures as well as a note on title. It is our desire to affirm a conclusive decision as these are mutually exclusive decisions.

DATE OF MEETING APRIL 15, 2021

AUTHORED BY DAVE LABERGE, MANAGER, BYLAW SERVICES

SUBJECT UNSAFE STRUCTURE – 45/47 HALIBURTON STREET

OVERVIEW

Purpose of Report

To provide Council with background information respecting a structure at 47 Haliburton Street that has been extensively damaged by fire, is dilapidated and unsafe, and to seek approval to impose remedial action requirements pursuant to the provisions of the *Community Charter* to have the structure removed or demolished.

Recommendation

That Council:

1. issue a Remedial Action Order at 45/47 Haliburton Street pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner that they may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its 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
4. direct the remedial action consist of removal or demolition of the fire-damaged structure.

BACKGROUND

The property at Lot 3, Block 8, Section 1, Nanaimo District, Plan 584 is a medium-density residential lot with two civic addresses (45 and 47 Haliburton Street) and two residences.

The residence at 47 Haliburton Street, a single family dwelling with basement suite, was extensively damaged by fire on 2018-JUL-15 and is irreparable (see Attachment A). The structure has been boarded up and vacant since the fire incident, and is currently in an unsafe and dilapidated state.

Sections 72 and 73 of the *Community Charter* authorize Council to impose a remedial action requirement in relation to a building or other structure that creates an unsafe condition. A remedial action requirement may include demolition, removal, alteration, bringing it up to a standard specified by bylaw, or otherwise to deal with it in accordance with the directions of Council.

Building Inspections Staff have determined there is no option to renovate or restore the structure to meet code requirements, as it is a total loss. The owner needs to apply for a demolition permit.

A registered letter was sent to the owners of the property in December 2019, directing the removal of the structure. The letter was returned as undelivered. The property was subsequently sold in

April, 2020. A registered letter was delivered to the new owners on 2020-SEP-24 directing the removal of the burned structure. The owners have not responded to the letter or otherwise applied for a demolition permit. A subsequent letter was delivered on 2020-DEC-30 informing the owners that a remedial action order would be considered by Council on 2021-FEB-18; however, the February meeting was cancelled by the City, and as such, further correspondence was sent separately advising the owners of the cancellation (sent 2021-FEB-03) and then of the new schedule meeting date of 2021-APR-15 (sent 2021-FEB-24).

OPTIONS

1. That Council:
 1. issue a Remedial Action Order at 45/47 Haliburton Street pursuant to Sections 72 and 73 of the *Community Charter*;
 2. direct Staff to advise the owner that they may request Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
 3. direct Staff or its 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
 4. direct the remedial action consist of removal or demolition of the fire-damaged structure.

SUMMARY POINTS

- The structure at 47 Haliburton Street was extensively damaged by fire on 2018-JUL-15. An inspection has determined the structure is unsafe and in dilapidated condition.
- The owners of the property have been directed in writing to remove the fire-damaged structure.
- The *Community Charter* authorizes Council to impose a remedial action requirement in relation to an unsafe structure and to require its removal

ATTACHMENTS:

ATTACHMENT A: Site photos

ATTACHMENT B: Letter to the property owner sent 2020-SEP-24

ATTACHMENT C: Letter to the property owner sent 2020-DEC-30

ATTACHMENT D: Letters sent to the property owner 2021-FEB-03 and 2021-FEB-24

Submitted by:

Dave LaBerge
Manager, Bylaw Services

Concurrence by:

Bill Corsan
Director, Community Development

Dale Lindsay
General Manager, Development Services

ATTACHMENT A

47 Haliburton Street



ATTACHMENT B



2020-SEP-24



Dear Sir/Madam:

Re: 45/47 Haliburton , Nanaimo, BC
LT 3, BLK 8, SEC 1, PLN, 584, LD 32
UNSAFE STRUCUTRE

A recent inspection of the above noted property revealed a fire-damaged structure on the property. The structure is unsafe.

You are directed to remove the fire-damaged structure forthwith. A City of Nanaimo building permit for the demolition of the structure will be required prior to any work being undertaken and can be obtained through the City of Nanaimo Online Building Permit Application page. Please contact the Building Department at 250-755-4429 for additional support on how to obtain a demolition permit.

If the structure is not removed, Council will, at a future meeting, give consideration to ordering the structure removed.

If you require further information, please contact Walter Taylor, Bylaw Enforcement Officer, at 250-755-4422.

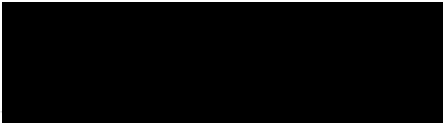
Yours truly,

Dave LaBerge,
Manager of Community Safety
Bylaw, Regulation and Security



2020-DEC-30

REGISTERED MAIL



Dear Sir/Madam:

Re: 45/47 Haliburton , Nanaimo, BC
LT 3, BLK 8, SEC 1, PLN, 584, LD 32
UNSAFE STRUCTURE

A recent inspection of the above noted property revealed a fire-damaged structure on the property. The structure is unsafe.

You are directed to remove the fire-damaged structure forthwith. A City of Nanaimo building permit for the demolition of the structure will be required prior to any work being undertaken and can be obtained through the City of Nanaimo Online Building Permit Application page. Please contact the Building Department at 250-755-4429 for additional support on how to obtain a demolition permit.

If the structure is not removed, Council will, at its meeting scheduled for **2021-FEB-18** at 7:00 p.m. in the Shaw Auditorium, Port of Nanaimo Centre, 80 Commercial Street, Nanaimo, BC, give consideration to declaring this property unsafe and may direct that the unsafe structure be 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. 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.

If you require further information, please contact Walter Taylor, Bylaw Enforcement Officer, at 250-755-4422.

Yours truly,



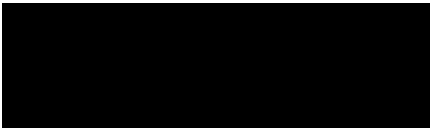
Dave LaBerge,
Manager of Community Safety
Bylaw, Regulation and Security



ATTACHMENT D



2021-FEB-03



Dear Sir/Madam:

Re: 45/47 Haliburton Street, Nanaimo, BC
LT 3, BLK 8, SEC 1, PLN 584, LD 32
UNSAFE STRUCTURE

This letter is further to correspondence sent to you on 2020-DEC-30, advising that the above noted matter will go forward to Council at their meeting to be held on 2021-FEB-18.

Please be advised, the meeting has been cancelled and will be rescheduled at a later date.

If you require further information, please contact Bylaw Enforcement Officer Walter Taylor at 250-755-4422.

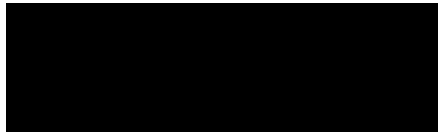
Yours truly,

Dave LaBerge
Manager of Community Safety
Bylaw, Regulation and Security



REGISTERED MAIL

2021-FEB-24



Dear Sir/Madam:

Re: 45/47 Haliburton St, Nanaimo, BC
LT 3, BLK 8, SEC 1, PLN, 584, LD 32
REMOVAL OF UNSAFE STRUCTURE

This letter is further to correspondence sent to you on 2021-FEB-03 advising that the Council Meeting on 2021-FEB-18 would be cancelled and rescheduled at a later date.

Please be advised that the above noted matter will go forward to Council at their meeting to be held on **2021-APR-15** at 7:00 p.m. in the Shaw Auditorium, Port of Nanaimo Centre, 80 Commercial Street, Nanaimo, BC.

Due to COVID-19 and the amended Public Health Order dated 2020-DEC-04, the public is now restricted from attending all local government meetings and public hearings in person. Registered delegations will be able to present electronically via Zoom or telephone. To submit a delegation request, please fill out the online form (<https://www.nanaimo.ca/goto/delegation>). If your delegation request is approved, you will receive detailed instructions from the Legislative Services Department.

If you have any questions, please contact Bylaw Enforcement Officer Walter Taylor at 250-755-4422.

Yours truly,

A handwritten signature in blue ink that reads "LaBerge".

Dave LaBerge
Manager of Community Safety
Bylaw, Regulation and Security

DATE OF MEETING APRIL 15, 2021

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT REMEDIAL ACTION ORDER – 4470 BURMA ROAD

OVERVIEW

Purpose of Report

To provide Council with background information respecting a shed structure constructed without a permit, having no potable water, sewer, or electricity services, being used as a residence on a 30-acre, rural, residential property at 4470 Burma Road, and to seek approval to impose remedial action requirements pursuant to the provisions of the Community Charter to have the structure removed or demolished.

Recommendation

That Council:

1. issue a Remedial Action Order at 4470 Burma Road pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner they may request that Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its 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
4. direct the remedial action consist of removal or demolition of the shed structure.

BACKGROUND

4470 Burma Road is a 30-acre agricultural, rural, residential-zoned property. On 2019-OCT-30, the dwelling situated on the property was extensively damaged by fire, rendering it uninhabitable. The residence had been occupied by tenants who were renting the property.

City Staff inspected the property several days after the fire incident, and found that people were living in several recreational vehicles (trailers) on the property using power service from the burned-out house. Utility services to the property were discontinued, and direction was given to remove the trailers from the property. Subsequent inspections confirmed the property was vacant and uninhabited.

The property owner applied for a demolition permit to remove the burned residential building on 2020-JUN-29. A 2020-OCT-26 inspection confirmed the building had been removed.

On 2020-JAN-29, the City received information from the community that a person was living in a shed on the property that had been constructed from materials salvaged from the burned house. There were a number of concerns expressed about activities occurring on the property, which also involved police attendance. The matter relevant for consideration by Council is that an inspection determined that a wooden shed structure had been constructed and was being

occupied as a dwelling. The use of the structure would not meet the definition of principle use as a dwelling, as there was no potable water, sewer or electrical service. A metal chimney suggests that the shed is heated with a wood-burning appliance. The Building Inspections Section declined to attend to view the property in the circumstances as the use of an accessory structure built without a principle-use structure and without inspection or permit without services would not be permitted.

The person occupying the shed was eventually contacted, and advised that she has been a caretaker for the property for six years and is living in the shed periodically. When advised that she could not use the shed as a dwelling, the occupant advised she only stayed there periodically to be with her dogs.

The property owner was contacted by a bylaw officer and informed that the structure had to be removed as it was constructed without inspection or building permit, and could not be occupied as a dwelling. The owner advised that the occupant had a lease and could do what she wanted on the property, and that he would deal with the shed when a new building permit was obtained.

The bylaw officer observed the shed structure was listed for sale on Facebook Marketplace several days later. It was still on the property at the time of the last inspection.

On 2021-MAR-09, the Fire Rescue Department attended the property to extinguish a rubbish fire.

DISCUSSION

The shed structure was constructed without inspection or building permit. Accessory structures are only permitted when the principal use of the property is being performed. The shed would not meet the definition of residential use building without potable water, sewer or electrical service. The residential building situated on the property was destroyed by fire in 2019. The Fire Rescue Department extinguished a rubbish fire on the property in 2021. The shed is being used as a dwelling and appears to be heated with a wood-burning appliance. The property owner is aware of the requirement to remove the structure.

OPTIONS

1. That Council:

1. issue a Remedial Action Order at 4470 Burma Road pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner they may request that Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its 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
4. direct the remedial action consist of removal or demolition of the shed structure.

- Advantages: The structure contravenes the "City of Nanaimo Zoning Bylaw 2011 No. 4500", was constructed without a permit, and is uninspected. It is a hazard and liability to permit it to be used as a dwelling.

- Disadvantages: The removal of the structure will displace the occupant who has lived on the property for six years.
2. That Council direct Staff to take alternative action.
 3. That Council take no action.
 - Advantages: The property occupant would not be displaced.
 - Disadvantages: The City is aware that the shed is being used as a residence contrary to zoning regulations. It is uninspected and appears to be heated with a wood-burning appliance. There have been two fires on the property. It is a hazard and potential liability.

SUMMARY POINTS

- The residence on the property at 4470 Burma Road was destroyed by fire in 2019.
- A demolition permit was obtained, and the burned-out structure was removed in 2020.
- A shed was built without a permit or inspection using materials from the burned-out structure that is now being occupied as a temporary residence.
- An accessory building cannot be constructed without a principle-use structure, and cannot be occupied as a residence.
- A Remedial Action Order consisting of the removal or demolition of the shed structure is recommended.

ATTACHMENTS:

ATTACHMENT A: Letter to Owner dated 2021-FEB-24

ATTACHMENT B: Photos of structure

Submitted by:

David LaBerge
Manager, Bylaw Services

Concurrence by:

Bill Corsan
Director, Community Development

Dale Lindsay
General Manager, Development Services

ATTACHMENT A



REGISTERED MAIL

2021-FEB-24

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]:

Re: **4470 Burma Road, Nanaimo, BC**
LT A (DD61833), DL 55, PLN 47991, LD 58
Illegal Structure

As a result of a complaint, a Bylaw Enforcement Officer attended the above noted property and found an illegal structure that is also being used for accommodation.

You are directed to remove the illegal structure forthwith. If you fail to do so, Council will, at its meeting scheduled for **2021-APR-15** at 7:00 p.m. in the Shaw Auditorium, Port of Nanaimo Centre, 80 Commercial Street, Nanaimo, BC, give consideration to ordering the illegal structure removed pursuant to Sections 72 and 73 of the *Community Charter*. You may attend this meeting via Zoom or telephone and show cause why Council should not proceed.

Due to COVID-19 and the amended Public Health Order dated 2020-DEC-04, the public is now restricted from attending all local government meetings and public hearings in person. Registered delegations will be able to present electronically via Zoom or telephone. To submit a delegation request, please fill out the online form (<https://www.nanaimo.ca/goto/delegation>). If your delegation request is approved, you will receive detailed instructions from the Legislative Services Department.

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

Yours truly,


Dave Laberge

Manager of Community Safety

ATTACHMENT B

4470 Burma Road



DATE OF MEETING April 15, 2021

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 341 CHESTERLEA AVENUE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 341 Chesterlea 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 341 Chesterlea Avenue for construction not completed as per the conditions of the building permit.

BACKGROUND

An inspection was completed on 2018-OCT-03 in response to a complaint received regarding illegal construction. The inspection confirmed that extensive structure repairs, including new beams, new exterior walls with new windows, and new plumbing were underway 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 2018-OCT-25, which was extended to 2018-NOV-09 and again to 2018-NOV-30. A building permit application was subsequently received and issued 2019-JUL-18. However, no inspections were called and the permit expired as incomplete. Correspondence was forwarded to the property owner advising of the expired permit and providing opportunity to correct outstanding deficiencies or to submit a new building permit application. However, to date, a building permit application has not been received, nor has the City been contacted regarding inspections for corrected deficiencies. 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

Delegation Request

Delegation's Information:

Jiemin Hong has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is April 15, 2021.

The requested meeting is:
Special Council

Bringing a presentation: Yes

Details of the Presentation: Due to the pandemic, I was not able to finish the deck before the building permit expired in 2020. I need more time to re-apply the building permit and finish the work. Before you take any further action, your kind consideration to granting me a grace period of time will save my family from this difficult situation. Much appreciated!

DATE OF MEETING | April 15, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE – CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 179 CAPT MORGANS BOULEVARD |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 179 Capt Morgans 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 179 Capt Morgans Boulevard for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2020-OCT-27 in response to a complaint received regarding illegal construction. The inspection confirmed that work was underway to construct an accessory building exceeding 10m² without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that the structure was to be reduced to less than 10m² in size, or that a building permit was required for the work, with a deadline provided for compliance of 2020-NOV-29. To date, a building permit application has not been received. An inspection 2021-MAR-09 found the structure to remain unmodified. 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 | April 15, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1058 SHELBY ANN AVENUE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1058 Shelby Ann 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 1058 Shelby Ann Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2021-JAN-27 in response to a complaint regarding a second suite within the dwelling. The inspection revealed that a second suite had been constructed within the lower level of the dwelling, next to the existing legal, permitted suite, in violation of “City of Nanaimo Zoning Bylaw 2011 No. 4500” and “Building Bylaw 2016 No. 7224”. Correspondence was forwarded to the property owner with a deadline to remove the second suite of 2021-MAR-04, with an inspection scheduled same day. During the inspection 2021-MAR-04, the inspector found the suite had not been removed. Therefore, pursuant to Section 57 of the *Community Charter*, a notice on title is recommended to reflect the construction undertaken without a permit.

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

DISCUSSION

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

SUMMARY POINTS

- Construction 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 | April 15, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE – CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 3538 DEPARTURE BAY ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3538 Departure Bay Road. |

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 3538 Departure Bay Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2019-SEP-30 in response to a complaint received regarding illegal construction. The inspection confirmed work was underway to enclose the underside of an existing deck 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. A building permit application (BP126937) was received 2020-JAN-10 to close in the under-the-deck area. However, during a site inspection 2020-APR-30, the inspector found the scope of the work had changed to include the addition of a set of stairs and landing. Correspondence was forwarded to the owner advising of the requirement for revised drawings for the additional construction; revised drawings were not submitted. A further site inspection 2020-SEP-24 found the majority of illegal construction had been removed, but with a small portion of the illegally-constructed deck and stairs remaining. Correspondence was forwarded to the owner advising revised plans for the deck change were required for the existing permit application. To date, revised drawings have not been received, and the permit application has now expired. 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 April 15, 2021

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 4376 BOBAN DRIVE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4376 Boban 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 4376 Boban Drive for construction not completed as per the conditions of the building permit.

BACKGROUND

A building permit for a spray booth with dry-chemical fire suppression and HVAC equipment was issued 2019-SEP-30. However, no inspections were 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”.

Further to the registration of the notice on title, 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 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 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