



AGENDA
SPECIAL COUNCIL MEETING

Thursday, June 17, 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. Bylaw Contravention Notices - Secondary Suites

3 - 4

To be introduced by Darcy Fox, Manager, Building Inspections.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the properties listed within this report.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the following properties:

1. 428 Milton Street – authorized secondary suite
2. 2525 Glenayr Drive – authorized secondary suite

- b. Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit and Work Started Without Permit - 341 Chesterlea Avenue

5 - 6

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.

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 and for work started without permit.

- c. Bylaw Contravention Notice - Construction Started Without a Building Permit - 5200 Dublin Way

7 - 8

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 5200 Dublin Way.

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 5200 Dublin Way for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

5. OTHER BUSINESS:

6. ADJOURNMENT:

DATE OF MEETING June 17, 2021

AUTHORED BY [DARCY FOX, MANAGER, BUILDING INSPECTIONS]

SUBJECT [BYLAW CONTRAVENTION NOTICES – SECONDARY SUITES]

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the properties listed within this report.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the following properties:

1. 428 Milton Street – authorized secondary suite
2. 2525 Glenayr Drive – authorized secondary suite

BACKGROUND

As determined through permit application, the secondary suites located at the following addresses were constructed prior to 2005. As per Council’s Secondary Suite Enforcement Policy adopted on 2005-FEB-07, the suites are permitted to remain if upgrades are completed through the issuance and completion of a building permit as per “Building Bylaw 2016 No. 7224”, to ensure that life-safety issues are addressed.

Authorized Suites

A building permit application has been received to upgrade and authorize the secondary suite located at each of the following properties:

- 428 Milton Street
- 2525 Glenayr Drive

DISCUSSION

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

As per the Secondary Suite Enforcement Policy, a Bylaw Contravention Notice is required to be registered on the title of the affected properties in order to identify construction that was

originally completed without a building permit and it is, therefore, unknown if the completed works are compliant with the standards of the BC Building Code.

SUMMARY POINTS

- Bylaw Contravention Notices are 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 Manger, Development Services

DATE OF MEETING June 17, 2021

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT AND WORK STARTED WITHOUT 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 and for work started without 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 alterations, 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 (BP125051) 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. As staff were not advised of whether deficiencies had been corrected, and a new permit was not received, Staff presented this matter to Council at the 2021-APR-15 Special Meeting, at which Council determined this matter should be deferred to an upcoming Council meeting.

An inspection on 2021-APR-21 found further illegal construction underway to construct a deck onto the front and left side of the dwelling. 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 2021-MAY-27.

On 2021-MAY-25, a complaint was received regarding construction continuing under the posted Stop Work Order. Inspections staff attended the site on 2021-MAY-26; however, no one was home to provide access. As evidence of construction was observed, correspondence

was delivered to the property owner 2021-MAY-26 advising of a scheduled inspection for 2021-MAY-28. Again, however, no one was home for this schedule inspection and access was not granted. The inspector did observe that work had continued on the deck.

To date, a building permit application has not been received.

Additionally, during a site visit on 2020-NOV-30 in relation to an inspection for BP125051, the inspector observed work underway to alter the existing accessory building, including the addition of windows and doors and the closing-over of the overhead door. The inspector issued a verbal Stop Work warning and directed the property owner to make application for a building permit for the work. As no application was received, correspondence was sent to the property owner 2021-APR-21 providing a deadline of 2021-MAY-19 to submit the required building permit application. To date, a building permit application has not been received.

Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”.

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.
- Further work requiring a building permit has occurred.
- 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 | June 17, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 5200 DUBLIN WAY |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5200 Dublin Way. |

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 5200 Dublin Way for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection conducted on 2020-NOV-25 as a result of a business licence referral revealed that construction, including plumbing works, had previously taken place without permit or inspections. Correspondence was forwarded to the property owner advising of the need for a building permit for this work. The deadline for a building permit application was 2021-JAN-07. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”. |

DISCUSSION

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

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.

- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services