



AGENDA SPECIAL COUNCIL MEETING

Thursday, February 15, 2024, 7:00 p.m.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

Pages

1. CALL THE MEETING TO ORDER:
2. INTRODUCTION OF LATE ITEMS:
3. APPROVAL OF THE AGENDA:
4. REPORTS:

- a. Bylaw Contravention Notice - Construction Started Without a Building Permit - 395 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 395 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 395 Chesterlea Avenue for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- b. Remedial Action Requirement for Illegal Construction - 395 Chesterlea Avenue

7 - 10

To be introduced by David Laberge, Director, Public Safety.

Purpose: To inform Council that a living space has been constructed in a detached garage at 395 Chesterlea Avenue without a building permit, and to recommend remedial action requirements be imposed pursuant to the provisions of the Community Charter requiring full deconstruction and removal of all construction completed to the detached garage structure without a permit, as well as remediating the structural modifications to the building to make it safe, through an approved building permit.

Recommendation: That Council:

1. Issue a Remedial Action Requirement at 395 Chesterlea Avenue pursuant to Sections 72 and 73 of the *Community Charter*;
2. Direct Staff to advise the owner(s) that they may request Council reconsider the Remedial Action Requirement 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 require full deconstruction and removal of all construction completed to the detached structure without permit, and to remediate the structural modifications to make the building safe, through an approved building permit.

c. Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 5181 Metral Drive

11 - 12

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 5181 Metral Drive.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 5181 Metral Drive for construction not completed as per the conditions of the building permit.

d. Bylaw Contravention Notice - Construction Started Without a Building Permit - 2595 Battersea Road

13 - 14

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 2595 Battersea 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 2595 Battersea Road 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 - 371 Hillcrest Avenue

15 - 16

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 371 Hillcrest 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 371 Hillcrest Avenue 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 - 144 Cilaire Drive 17 - 18

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 144 Cilaire 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 144 Cilaire Drive 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 - 521 Larch Street 19 - 20

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 521 Larch 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 521 Larch Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- h. Bylaw Contravention Notice - Construction Started Without a Building Permit - 6374 Icarus Drive 21 - 22

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 6374 Icarus 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 6374 Icarus Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

i. Bylaw Contravention Notice - Construction Started Without a Building Permit - 240 Caledonia Avenue

23 - 24

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 240 Caledonia 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 240 Caledonia Avenue for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

5. **ADJOURNMENT:**

DATE OF MEETING | February 15, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 395 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 395 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 395 Chesterlea Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Building regulations for the City of Nanaimo are outlined in the “Building Bylaw 2016 No. 7224” and are enforced by the Building Inspections section and where necessary, Bylaw Services.

Where construction has been undertaken without a building permit, and in violation of the Building Bylaw, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice 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. |

DISCUSSION

An inspection on 2023-OCT-05 following a complaint received revealed construction of a living space in a detached garage. A Stop Work Order was posted on the building and correspondence was sent to the owner advising the structure does not comply with the City of Nanaimo’s Building Bylaws, or with BC Building Code, and that full deconstruction of the interior work done to install a living space in the garage was required. An inspector attended the property on 2023-DEC-13 to confirm removal and no one was onsite to provide access. The owner has refused to come into compliance and remove the illegal construction or to apply for a permit to remediate the structural deficiencies identified in the inspections.

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

Further to the registration of this notice, the matter has also been forwarded to Bylaw Services for enforcement action as the condition of the building is unsafe for occupancy. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed and no application has been submitted.
- 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, Planning & Development

DATE OF MEETING FEBRUARY 15, 2024

AUTHORED BY DAVID LABERGE, DIRECTOR, PUBLIC SAFETY

SUBJECT ILLEGAL CONSTRUCTION – 395 CHESTERLEA AVENUE

OVERVIEW

Purpose of Report

To inform Council that a living space has been constructed in a detached garage at 395 Chesterlea Avenue without a building permit, and to recommend remedial action requirements be imposed pursuant to the provisions of the Community Charter requiring full deconstruction and removal of all construction completed to the detached garage structure without a permit, as well as remediating the structural modifications to the building to make it safe, through an approved building permit.

Recommendation

That Council:

1. Issue a Remedial Action Requirement at 395 Chesterlea Avenue pursuant to Sections 72 and 73 of the *Community Charter*;
2. Direct staff to advise the owner(s) that they may request Council reconsider the Remedial Action Requirement 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 require full deconstruction and removal of all construction completed to the detached structure without permit, and to remediate the structural modifications to make the building safe, though an approved building permit.

BACKGROUND

A City of Nanaimo building inspector attended to 395 Chesterlea Avenue on **2023-OCT-05** and observed that construction of a living space in a detached garage was underway without a building permit. A Stop Work Order was issued and posted at the jobsite.

The construction is in contravention of City of Nanaimo Building Bylaw 2016. No 7224 which states;

“No person shall commence or continue any construction, alteration, reconstruction, demolition, removal 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.”

The building inspector determined that the structure does not comply with the BC Building Code, and that construction deficiencies have created hazardous conditions. One hazard identified is the installation of a double swing door installed in the exterior loadbearing concrete block wall. This work would have required the design and review of a professional engineer to ensure that the loads imposed by the roof above have been adequately addressed and transferred to the sides of the opening and down to the building's foundation.

A living area has been constructed inside the garage structure which includes a three piece washroom, living space, dining space, a sink, hot plate, and barbeque. Interior walls have been built in front of the overhead garage doors. The building has a lower level accessible by a staircase which was secured by a locked door. The owner claimed to not have keys to open the door so access was not permitted to the building inspector.

The owner was directed to fully deconstruct the interior work on or before **2023-DEC-13** at which time a building inspector would re-attend the property to confirm removal. Further, if the construction was not removed by that date, Staff would refer this matter to Council recommending a Bylaw Contravention Notice be registered on the property title pursuant to Section 57 of the *Community Charter*.

The property owner contacted the Building Inspections section in writing on **2023-DEC-08** advising that;

- The building inspector did not display proper credentials when the inspection was conducted and therefore the Stop Work Order is null and void.
- The only work done to the property were necessary repairs to replace leaking skylights, and that no other changes or additions were made to existing space.
- legal action would be taken if the City of Nanaimo takes enforcement action.

The current owner came into possession of the property on **2022-DEC-22**. A real estate listing for the property dated **2022-NOV-21** depicts photos of the interior of the detached garage structure which confirms that substantial construction has occurred since that time.

DISCUSSION

Substantial construction and alteration of the detached garage structure has been undertaken without a building permit in contravention of the City's Building Bylaw, and the construction does not comply with the BC Building Code. A building inspector has determined that existing deficiencies are hazardous.

Pursuant to Section 72(1) of the *Community Charter*, Council may impose a remedial action requirement in relation to hazardous conditions. A remedial action requirement may require the owner to remove an unsafe structure, bring it up to a standard specified by bylaw, or otherwise deal with it in accordance with the direction of Council.

OPTIONS

1. That Council:

1. Issue a Remedial Action Requirement at 395 Chesterlea Avenue pursuant to Sections 72 and 73 of the *Community Charter*;
2. Direct staff to advise the owner(s) that they may request Council reconsider the Remedial Action Requirement 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 require full deconstruction and removal of all construction completed to the detached garage structure without a permit, and remediate and make safe any structural alterations through an approved building permit.

The advantages of this option:

- Building contraventions are addressed
- Hazardous conditions are addressed

The disadvantages of this option:

- Considerable staff time is required

Financial Considerations

- Potential for future litigation

2. That Council provide alternative direction. |

SUMMARY POINTS

- Construction was undertaken at 395 Chesterlea Avenue to install a living space in a detached garage without a building permit.
- A Stop Work Order has been issued.
- The construction is in contravention of Building Bylaws and the BC Building Code and is hazardous.
- A remedial action requirement is recommended to deconstruct and remove all illegal construction and remediate any unsafe conditions to the structure of the building through an approved building permit.

Submitted by:

David LaBerge
Director, Public Safety

Concurrence by:

Darcy Fox
Manager, Building Inspections

Richard Harding
General Manager, Community Services

Dale Lindsay
CAO

DATE OF MEETING February 15, 2024

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 5181 METRAL DRIVE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5181 Metral Drive.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 5181 Metral Drive for construction not completed as per the conditions of the building permit.

BACKGROUND

All building permits issued by the City of Nanaimo are required to complete the terms and conditions outlined in each permit as regulated in the “Building Bylaw 2016 No. 7224” and enforced by the Building Inspections section.

When conditions of a building permit are not met, and deficiencies are still in place, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice 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. |

DISCUSSION

A building permit (BP126156) for a two-storey addition to the back of a house was issued on 2011-JUL-06. The permit expired after four years with deficiencies remaining outstanding. A building permit (BP121074) was issued on 2015-NOV-12 to complete the previous permit. This permit was retired on 2018-APR-19 and a new permit (BP124263) was issued on 2018-MAY-29 to finish the work of the previous two permits. This permit was retired on 2020-JAN-23 and a new permit (BP126156) was issued to finish the work of the previous three permits. This 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 that a notice be registered on the above-noted property title to reflect the work undertaken that does not meet the terms and conditions of the issued permits in contravention of “Building Bylaw 2016 No. 7224.” |

SUMMARY POINTS

- Construction was not completed as per the conditions of the permits.
- 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, Planning & Development

DATE OF MEETING | February 15, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2595 BATTERSEA ROAD |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2595 Battersea 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 2595 Battersea Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Building regulations for the City of Nanaimo are outlined in the “Building Bylaw 2016 No. 7224” and are enforced by the Building Inspections section and where necessary, Bylaw Services.

Where construction has been undertaken without a building permit, and in violation of the Building Bylaw, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice 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. |

DISCUSSION

An inspection was completed on 2022-OCT-05 in response to a complaint received regarding illegal construction. The inspection confirmed that construction of several retaining walls, and a new lower deck constructed and supported by retaining walls, were underway without a building permit. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that a building permit was required for the work. A building permit application was subsequently received; however, the permit was never issued as it was incomplete and has now been cancelled with the illegal works remaining.

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

Further to the registration of this notice, the matter will be forwarded to Bylaw Services for enforcement action. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed. An application was received but was incomplete and has not been issued.
- 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, Planning & Development

DATE OF MEETING | February 15, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 371 HILLCREST AVENUE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 371 Hillcrest 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 371 Hillcrest Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Building regulations for the City of Nanaimo are outlined in the “Building Bylaw 2016 No. 7224” and are enforced by the Building Inspections section and where necessary, Bylaw Services.

Where construction has been undertaken without a building permit, and in violation of the Building Bylaw, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice 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. |

DISCUSSION

An inspection was completed on 2023-AUG-17 and again on 2023-SEP-07 in response to a complaint received regarding illegal construction. The inspections confirmed a secondary suite had been installed without a building permit. A Stop Work Order was posted on the dwelling 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 2023-NOV-08. To date, a building permit application has not been received.

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

Further to the registration of this notice, the matter will be forwarded to Bylaw Services for enforcement action. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed and no application has been received.
- 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, Planning & Development

DATE OF MEETING | February 15, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 144 CILAIRE DRIVE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 144 Cilaire 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 144 Cilaire Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Building regulations for the City of Nanaimo are outlined in the “Building Bylaw 2016 No. 7224” and are enforced by the Building Inspections section and where necessary, Bylaw Services.

As determined through an inspection, the secondary suite located at the above-noted property was constructed prior to 2005. As per Council’s Secondary Suite Enforcement Policy adopted on 2005-FEB-07, the suite is permitted to remain if upgrades are completed, through the issuance and completion of a building permit as per “Building Bylaw 2016 No. 7224”, to ensure that life safety issues are addressed. |

DISCUSSION

An inspection was completed on 2023-MAR-31 and on 2023-MAY-16 in response to a complaint of a secondary suite being constructed in the lower floor of the dwelling. The inspection revealed the suite had been constructed prior to 2005. A complete building permit application to authorize an existing secondary suite was issued on 2023-DEC-14.

As per Council’s Secondary Suite Policy, and pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the above-noted property title to reflect the work undertaken without a permit or inspections.

No further action will be required following the registration of the notice on title. |

SUMMARY POINTS

- Construction of a secondary suite within the dwelling was completed prior to 2005 without a building permit.
- A building permit was issued to authorize the suite.
- 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 and to align with Council's Secondary Suite Policy.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Planning & Development

DATE OF MEETING | February 15, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 521 LARCH STREET |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 521 Larch 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 521 Larch Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Building regulations for the City of Nanaimo are outlined in the “Building Bylaw 2016 No. 7224” and are enforced by the Building Inspections section and where necessary, Bylaw Services.

Where construction has been undertaken without a building permit, and in violation of the Building Bylaw, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice 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. |

DISCUSSION

An inspection was completed on 2020-APR-27 in response to a complaint received regarding illegal construction. The inspection confirmed that alterations to the existing dwelling were underway which included an addition to the dwelling without a building permit. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that a building permit was required for the work. An application for a building permit (BP126500) was received 2020-JUN-15; however, the application was incomplete and the requested missing documentation was not supplied and the application was cancelled after 30 days. Another building permit application (BP127888) was submitted on 2021-OCT-06, and again, the application was incomplete and subsequently cancelled. During a site inspection on 2021-OCT-21 to ascertain the status of construction, the inspector observed that, with the Stop Work Order still in place and without a valid building permit, the work had been completed.

The ownership of the property then changed on 2021-DEC-20. Correspondence was sent to the new owner in 2023 giving them an opportunity to apply for a building permit with a deadline of 2023-OCT-18. To date, a building permit application has not been received.

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

Further to the registration of this notice, the matter will be forwarded to Bylaw Services for enforcement action due to safety issues. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed and no application has been received.
- 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, Planning & Development |

DATE OF MEETING | February 15, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 6374 ICARUS DRIVE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6374 Icarus 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 6374 Icarus Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Building regulations for the City of Nanaimo are outlined in the “Building Bylaw 2016 No. 7224” and are enforced by the Building Inspections section and where necessary, Bylaw Services.

Where construction has been undertaken without a building permit, and in violation of the Building Bylaw, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice 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. |

DISCUSSION

A building permit application (BP128256) to create a secondary suite was received on 2022-FEB-18. Once the application was complete with all items, the permit was ready for issuance as of 2022-OCT-06 but payment was not received and issuance never took place. Correspondence was forwarded to the owner on 2023-MAR-07 advising that the application had expired. A follow-up inspection on 2023-MAR-22 to confirm work had not started revealed that a secondary suite was constructed without a permit or inspections and is currently occupied. A post-inspection letter advised the owner that a new building permit application was required to retain the secondary suite. The application deadline was 2023-MAY-18. An application (BP129233) was received on 2023-MAY-12, but again, the property owner has failed to make payment and the permit remains unissued.

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

Further to the registration of this notice, the matter will be forwarded to Bylaw Services for enforcement action. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed and the permit remains unissued.
- 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, Planning & Development |

DATE OF MEETING | February 15, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 240 CALEDONIA AVENUE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 240 Caledonia 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 240 Caledonia Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

Building regulations for the City of Nanaimo are outlined in the “Building Bylaw 2016 No. 7224” and are enforced by the Building Inspections section and where necessary, Bylaw Services.

Where construction has been undertaken without a building permit, and in violation of the Building Bylaw, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice 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. |

DISCUSSION

An inspection was completed on 2023-OCT-26 and on 2023-NOV-02 in response to a complaint received regarding illegal construction. The inspections confirmed that extensive alterations to the 4-unit building were underway, including the addition of a fifth unit, without a building permit. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that a building permit was required for the work. The owner was given the option to have a discussion with Current Planning regarding a development permit in order to keep the fifth unit or to submit a building permit application under the supervision of a qualified Architect to return the structure to a 4-unit building. The deadline for a building permit application was 2024-JAN-23. To date, a building permit application has not been received.

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

Further to the registration of this notice, the matter will be forwarded to Bylaw Services for enforcement action. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed and no application has been received.
- 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.

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