



AGENDA SPECIAL COUNCIL MEETING

Thursday, July 18, 2024, 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 Notice - Construction Not Completed As Per Conditions Of Building Permit - 5804 Tweedsmuir Crescent

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 5804 Tweedsmuir Crescent.

Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 5804 Tweedsmuir Crescent for construction not completed as per the conditions of the building permit.

- b. Bylaw Contravention Notice - Construction Not Completed As Per Conditions Of Building Permit - 930 Woodpecker Lane

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 930 Woodpecker Lane.

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 930 Woodpecker Lane for construction not completed as per the conditions of the building permit.

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| c. | <u>Bylaw Contravention Notice - Construction Started Without A Building Permit - 120 Swan Place</u> | 9 - 10 |
| | <p>To be introduced by Darcy Fox, Manager, Building Inspections.</p> <p><i>Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 120 Swan Place.</i></p> <p>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 <i>Community Charter</i> for the property located at 120 Swan Place for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".</p> | |
| d. | <u>Bylaw Contravention Notice - Construction Started Without A Building Permit - 176 McKinnon Place</u> | 11 - 12 |
| | <p>To be introduced by Darcy Fox, Manager, Building Inspections.</p> <p><i>Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 176 McKinnon Place.</i></p> <p>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 <i>Community Charter</i> for the property located at 176 McKinnon Place for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".</p> | |
| e. | <u>Bylaw Contravention Notice - Construction Started Without A Building Permit - 18 Machleary Street</u> | 13 - 14 |
| | <p>To be introduced by Darcy Fox, Manager, Building Inspections.</p> <p><i>Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 18 Machleary Street.</i></p> <p>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 <i>Community Charter</i> for the property located at 18 Machleary Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".</p> | |
| f. | <u>Bylaw Contravention Notice - Construction Started Without A Building Permit - 836 Douglas Avenue</u> | 15 - 16 |
| | <p>To be introduced by Darcy Fox, Manager, Building Inspections.</p> <p><i>Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 836 Douglas Avenue.</i></p> | |

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 836 Douglas Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.

g. Illegal Construction - 3712 Sundown Drive

17 - 20

To be introduced by Dave LaBerge, Director, Public Safety.

Purpose: To inform Council that substantial alterations and additions have been made to exterior stairs and raised decks at 3712 Sundown Drive without a building permit rendering the structure unsafe and in contravention of the BC Building Code, and to recommend that a Remedial Action Requirement be issued.

Recommendation: That Council:

1. Declare that the exterior stairs and decks at 3712 Sundown Drive are unsafe, contravene the Provincial building regulations, and creates hazardous conditions.
2. Impose remedial action requirements in relation to the provisions of Sections 72 and 73 of the *Community Charter*.
3. Direct the remedial action requirements to include:
 - a. A building permit application signed by all owners on title must be submitted within 90 days from the date the remedial action requirement is imposed. The permit application must include:
 1. BC Building Code-compliant, designer-quality drawings.
 2. A signed/sealed survey prepared by a BC Land Surveyor, with all decks and stairs meeting City of Nanaimo Zoning Bylaw setback requirements without encroaching into Statutory Right-of-Ways.
 3. Structural Engineer’s sealed design and Schedule B for design and field review of the foundation and framing.
 4. Geotechnical Engineer’s sealed Schedule B for design and field review of bearing capacity of soil, compaction of engineered fill, structural considerations of soil including slope stability and seismic loading.
 5. Geotechnical Engineer sign off on the bearing capacity of foundations which have already been poured or the foundations must be removed and re-excavated for inspection.
 6. Design and field review (Schedule B) of glass guards on upper decks completed by an engineer or an Architectural

Schedule B for structural capacity of architectural components.

- b. The building permit must be picked up and paid in full within 14 days of issuance.
 - c. The scope of work set out in the building permit application must be completed within 90 days from the date the building permit is issued.
- 4. 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.
 - 5. 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 the timeline set out in Council's resolution.

5. ADJOURNMENT:

DATE OF MEETING July 18, 2024

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 5804 TWEEDSMUIR CRESCENT

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5804 Tweedsmuir Crescent.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 5804 Tweedsmuir Crescent 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 for the construction of a front entrance, deck and stairs was issued on 2022-MAY-11. However, 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 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 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, Planning & Development

DATE OF MEETING July 18, 2024

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 930 WOODPECKER LANE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 930 Woodpecker Lane.

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 930 Woodpecker Lane 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 for the construction of a secondary suite, an additional bathroom upstairs, and a small addition at the rear was issued on 2020-DEC-01. However, 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 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.”

The construction is considered a safety issue and will be referred to Bylaw Services for a Safety Upgrade Order. |

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, Planning & Development

DATE OF MEETING July 18, 2024

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 120 SWAN PLACE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 120 Swan Place.

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 120 Swan Place 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

As the result of a Stop Work Order being posted on 2021-JAN-26 for work started without a permit, a building permit (BP127611) for enclosing and finishing the basement was applied for and subsequently issued 2021-NOV-29. The permit was revised on 2022-APR-06 to include the exterior stairs and landings. 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 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.”

The construction is considered a safety issue and will be referred to Bylaw Services for a Safety Upgrade Order.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A building permit was issued but has now expired with the illegal works remaining and deficiencies outstanding.
- 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 July 18, 2024

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 176 MCKINNON PLACE**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 176 McKinnon Place.

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 176 McKinnon Place 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 Stop Work Order was posted on 2020-SEP-08 for a renovation of a dwelling requiring a permit. A building permit (BP126794) was applied for on 2020-OCT-14 and subsequently cancelled. A new permit (BP126961) was applied for and was issued on 2021-JAN-07. This permit was not completed and a new permit (BP128341) was issued 2022-MAY-10 to complete the previous permit. However, 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 without a permit or inspections in contravention of “Building Bylaw 2016 No. 7224.”

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A building permit was issued but has now expired with the illegal works remaining and deficiencies outstanding.
- 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 July 18, 2024

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 18 MACHLEARY STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 18 Machleary 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 18 Machleary 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

As the result of a Stop Work Order being posted on 2020-OCT-09 for work started without a permit, a building permit (BP127169) to construct a front porch with a roof was applied for and subsequently issued 2021-MAY-18. However, 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 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.”

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A building permit was issued but has now expired with deficiencies outstanding.
- 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 July 18, 2024

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 836 DOUGLAS AVENUE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 836 Douglas 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 836 Douglas 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

A building inspector attended the property on 2024-JAN-16 in response to a complaint received regarding illegal construction. The inspection confirmed that work to the front and rear decks was underway. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that a building permit was required for this work and scheduling a subsequent inspection of the remainder of the dwelling. The construction continued despite the Stop Work and the Stop Work placards were removed. The inspector attended again on FEB-12 and FEB-14 to replace the placards. The inspector attended again on FEB-28 for a full inspection and at that inspection, the inspector observed a secondary suite had been installed on the lower level. Correspondence was sent to the property owner requiring a building permit application for the front deck, the rear deck, and the secondary suite. The deadline for a building permit application was 2024-MAY-06. 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, including suite removal. |

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, Planning & Development |

DATE OF MEETING JULY 18, 2024

AUTHORED BY DAVID LABERGE, DIRECTOR, PUBLIC SAFETY

SUBJECT ILLEGAL CONSTRUCTION – 3712 SUNDOWN DRIVE

OVERVIEW

Purpose of Report

To inform Council that substantial alterations and additions have been made to exterior stairs and raised decks at 3712 Sundown Drive without a building permit rendering the structure unsafe and in contravention of the BC Building Code, and to recommend that a Remedial Action Requirement be issued.

Recommendation

That Council:

1. Declare that the exterior stairs and decks at 3712 Sundown Drive are unsafe, contravene the Provincial building regulations, and creates hazardous conditions.
2. Impose remedial action requirements in relation to the provisions of Sections 72 and 73 of the *Community Charter*.
3. Direct the remedial action requirements to include:
 - a. A building permit application signed by all owners on title must be submitted within 90 days from the date the remedial action requirement is imposed. The permit application must include:
 1. BC Building Code-compliant, designer-quality drawings.
 2. A signed/sealed survey prepared by a BC Land Surveyor, with all decks and stairs meeting City of Nanaimo Zoning Bylaw setback requirements without encroaching into Statutory Right-of-Ways.
 3. Structural Engineer's sealed design and Schedule B for design and field review of the foundation and framing.
 4. Geotechnical Engineer's sealed Schedule B for design and field review of bearing capacity of soil, compaction of engineered fill, structural considerations of soil including slope stability and seismic loading.
 5. Geotechnical Engineer sign off on the bearing capacity of foundations which have already been poured or the foundations must be removed and re-excavated for inspection.
 6. Design and field review (Schedule B) of glass guards on upper decks completed by an engineer or an Architectural Schedule B for structural capacity of architectural components.
 - b. The building permit must be picked up and paid in full within 14 days of issuance.

- c. The scope of work set out in the building permit application must be completed within 90 days from the date the building permit is issued.
4. 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.
5. 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 the timeline set out in Council's resolution.

BACKGROUND

In October 2022, Building Inspections became aware that significant work was being undertaken on three deck structures and exterior stairs attached to the residence at 3712 Sundown Drive without permit or inspections. A building inspector attended to the property and observed numerous building code deficiencies which are hazardous. A Stop Work Order was posted on 2022-OCT-26.

The owners were informed of the Stop Work Order by letter and directed to submit a complete building application with BC Building Code compliant designer-quality drawings by 2023-JAN-16. The owners contacted Building Inspections acknowledging the correspondence and advised that they had been unaware that a permit was required for the work that had been undertaken and that a permit application would be submitted as directed.

A building permit application was received on 2023-JAN-06 but was incomplete and subsequently canceled.

Council authorized staff to register notice of bylaw contravention on the property title in accordance with Section 57 of the *Community Charter* at the 2023-MAY-18 Public Hearing. The matter was forwarded to the Bylaw Department for enforcement action.

A second building permit application was received 2024-JAN-01 but was incomplete and could not be processed. The application was cancelled after 60 days, and no further application has been received.

DISCUSSION

Substantial construction and alteration have been undertaken without a building permit, and the decks and exterior stair structures have not been constructed to BC Building Code standards. A building inspector has determined that existing deficiencies are hazardous. Detailed information on the requirements for a building permit application have been provided.

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. Declare that the exterior stairs and decks at 3712 Sundown Drive are unsafe, contravene the Provincial building regulations, and creates hazardous conditions.
2. Impose remedial action requirements in relation to the provisions of Sections 72 and 73 of the *Community Charter*.
3. Direct the remedial action requirements to include:
 - a. A building permit application signed by all owners on title must be submitted within 90 days from the date the remedial action requirement is imposed. The permit application must include:
 1. BC Building Code-compliant, designer-quality drawings.
 2. A signed/sealed survey prepared by a BC Land Surveyor, with all decks and stairs meeting City of Nanaimo Zoning Bylaw setback requirements without encroaching into Statutory Right-of-Ways.
 3. Structural Engineer's sealed design and Schedule B for design and field review of the foundation and framing.
 4. Geotechnical Engineer's sealed Schedule B for design and field review of bearing capacity of soil, compaction of engineered fill, structural considerations of soil including slope stability and seismic loading.
 5. Geotechnical Engineer sign off on the bearing capacity of foundations which have already been poured or the foundations must be removed and re-excavated for inspection.
 6. Design and field review (Schedule B) of glass guards on upper decks completed by an engineer or an Architectural Schedule B for structural capacity of architectural components.
 - b. The building permit must be picked up and paid in full within 14 days of issuance.
 - c. The scope of work set out in the building permit application must be completed within 90 days from the date the building permit is issued.
4. 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.
5. 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 the timeline set out in Council's resolution.

2. That Council direction is sought. |

SUMMARY POINTS

- Extensive construction and renovations to three decks and exterior stairs has been undertaken at 3712 Sundown Drive without a building permit or inspection.
- A Stop Work Order was issued and notice of bylaw contravention has been registered on title.
- Two incomplete applications for a building permit to undertake work to bring the structures into compliance with the Building Code have been submitted.
- A remedial action requirement is recommended to compel the owner to obtain a building permit and complete necessary work to bring the property into compliance with the BC Building Code and to mitigate hazardous conditions.

Submitted by:

David LaBerge
Director, Public Safety

Concurrence by:

Darcy Fox
Manager, Building Inspections

Richard Harding
General Manager, Community
Services/Deputy CAO