



AGENDA SPECIAL COUNCIL MEETING

Thursday, November 21, 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. Nuisance Property Abatement - 2212 Meredith Road

4 - 5

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

Purpose: To inform Council of ongoing activities at 2212 Meredith Road which substantially and unreasonably interfere with other persons' use and enjoyment of property resulting in repeated calls for bylaw enforcement measures to abate nuisances.

Recommendation: That Council declare 2212 Meredith Road a "Nuisance" pursuant to the "Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250" and to authorize Staff to record and charge for municipal services including policing required to abate nuisance activity.

- b. Bylaw Contravention Notice - Construction Started Without a Building Permit - 1714 Mallard Drive

6 - 7

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 1714 Mallard 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 1714 Mallard Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- c. Bylaw Contravention Notice - Construction Started Without a Building Permit - 6680 Dickinson Road 8 - 9

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 6680 Dickinson 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 6680 Dickinson Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- d. Bylaw Contravention Notice - Construction Started Without a Building Permit - 6480 Ptarmigan Way 10 - 11

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 6480 Ptarmigan 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 6480 Ptarmigan Way 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 - 4918 Fillinger Crescent 12 - 13

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 4918 Fillinger 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 4918 Fillinger Crescent 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 - 70 Church Street 14 - 15

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 70 Church 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 70 Church Street 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 - 3860 Norwell Drive

16 - 17

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 3860 Norwell 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 3860 Norwell Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.

5. ADJOURNMENT:

DATE OF MEETING NOVEMBER 21, 2024
AUTHORED BY DAVID LABERGE DIRECTOR, PUBLIC SAFETY
SUBJECT NUISANCE PROPERTY ABATEMENT – 2212 MEREDITH RD

OVERVIEW

Purpose of Report

To inform Council of ongoing activities at 2212 Meredith Road which substantially and unreasonably interfere with other persons' use and enjoyment of property resulting in repeated calls for bylaw enforcement measures to abate nuisances.

Recommendation

That Council declare 2212 Meredith Road a "Nuisance" pursuant to the "Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250" and to authorize Staff to record and charge for municipal services including policing required to abate nuisance activity.

BACKGROUND

The Bylaw Department has received numerous complaints of noise and music disturbances originating from the property at 2212 Meredith Road from multiple complainants beginning in August, 2023. Neighbours reported that a male living at this residence would habitually sit in the back yard and play amplified music until 2 am at levels that could be heard inside their homes with doors and windows closed.

A second complaint was received in August 2023 reporting that the noise disturbances were persisting and that the resident had installed floodlights directed into the yards of adjacent homes projecting blinding light in their direction all night.

A third complaint was initiated in June 2024 reporting that the noise and light disturbances were persisting. The bylaw department delivered several letters to the property owners at 2212 Meredith Road informing them of the complaints and cautioned that enforcement action would be taken if the disturbances continued.

A fourth complaint was received in August 2024 from multiple neighbours reporting that disturbances were persistent and escalating. The complainants have submitted noise logs and dozens of video files alleging that the resident at 2212 Meredith Road:

- Plays music for up to seven to eight hours every day.
- Plays the same song repetitively for hours.
- Yells out profanities at all hours of the day and night.
- Yells remarks such as "don't lose any sleep" and "sleep well" late at night after playing music for hours.
- Points bright floodlights into neighbours' yards during night hours.

The Nanaimo RCMP have been contacted on three occasions, but have not taken enforcement action.

The Bylaw Department has issued twelve (12) tickets for contraventions of Noise Bylaw 4750 for noise causing disturbance. The property owner has been spoken to in person, and informed of ongoing complaints by letter and e-mail. The investigating bylaw officer characterized the conduct as an “attempt to threaten, agitate, demoralize and rob neighbours of peace.” Area residents have endured these disturbances for over a year and are exasperated. |

OPTIONS

1. That Council declare 2212 Meredith Road a “Nuisance” pursuant to the “Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250” and to authorize Staff to record and charge for municipal services including policing required to abate nuisance activity.
2. That Council provide alternative direction. |

SUMMARY POINTS

- The City has received calls from multiple complainants reporting recurring noise disturbances at 2212 Meredith Road including loud music played for up to eight hours at a time and the yelling of profanities during day and nighttime hours.
- The pattern of disturbances appear to be a deliberate attempt to harass and disrupt neighbours.
- Twelve tickets have been issued for contraventions of the Noise Bylaw.
- Nuisance property designation is recommended.

Submitted by:

David LaBerge
Director, Public Safety |

Concurrence by:

Richard Harding
General Manager, Development Services and
Deputy CAO |

DATE OF MEETING | November 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1714 MALLARD DRIVE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1714 Mallard 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 1714 Mallard 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

An inspector attended the above-noted property on 2024-MAY-15 in response to a complaint received regarding illegal construction. The inspector could not enter the building as it was constructed prior to 1990 and the dwelling was under active construction. It was visible through a back window that renovations were underway without a building permit and that a wall had been removed between the dining room and kitchen. A closet that used to be located within the foyer was reframed to service the kitchen as a pantry. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that Hazardous Materials Assessment reports were required prior to a building official inspecting the property to determine the full extent of the construction due to Worksafe BC regulations. The deadline for these reports was 2024-JUN-14. To date, nothing has 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”. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- An inspector could not enter the building due to Worksafe BC regulations as it was constructed prior to 1990.
- The deadline to submit Hazardous Materials Assessment reports 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 | November 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 6680 DICKINSON ROAD |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6680 Dickinson 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 6680 Dickinson 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 2024-MAY-22 in response to a complaint received regarding illegal construction. The inspection confirmed that a pre-engineered metal accessory building was installed without a building permit. Correspondence was forwarded to the owner advising that a discussion regarding setback requirements with the Current Planning section was required prior to a building permit application or, alternatively, the structure could be removed. The deadline for Planning approval or removal was 2024-SEP-12. Current Planning has provided requirements for a Development Permit but to date, an 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”.

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

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The location of the building is within the property setbacks.
- Current Planning provided requirements for a Development Permit. The deadline for a Development Permit application or removal 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 | November 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 6480 PTARMIGAN WAY |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6480 Ptarmigan 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 6480 Ptarmigan Way 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 2024-AUG-15 in response to a complaint received regarding illegal construction. The inspection confirmed that a retaining wall was under construction in the rear yard. The construction is not permitted in this location as per the covenant registered on title. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that complete deconstruction and removal of the retaining wall, as well as a slope stability assessment and/or necessary remediation completed by a Geotechnical Engineer, is required by 2024-NOV-30.

As a building permit cannot be issued to resolve this construction, and 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”. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- Construction in this location is not permitted as per a registered covenant and complete deconstruction and removal is required as well as remediation of the covenant area.
- 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 | November 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 4918 FILLINGER CRESCENT |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4918 Fillinger 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 4918 Fillinger Crescent 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-JUL-18 in response to a complaint received regarding illegal construction. A City of Nanaimo Building Inspector and the Environmental Protection Officer observed the construction of decks, stairs, pathways and benches constructed in the marine foreshore to provide access to the ocean. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that all illegal construction must be removed and that a Development Permit would be required prior to construction of decks, concrete patios and benches within the Development Permit Area - DPA1. The deadline for removal was 2024-JUL-08. To date, the illegal construction remains.

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”.

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

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The illegal construction must be removed and a Development Permit is required prior to construction within the Development Permit Area – DPA1.
- The deadline for removal 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 | November 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 70 CHURCH STREET |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 70 Church 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 70 Church 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 conducted as a result of a business licence application revealed that alterations to the Commercial Rental Unit, located at 91 Front Street, Unit 2B, had taken place without a permit or inspections. Correspondence was forwarded to the owner advising of the need for a building permit for this work. The deadline for a building permit application was 2023-DEC-12. A building permit application was subsequently received; however, the permit was never issued as the application was incomplete. The applicant was advised as to what was missing and given the opportunity to re-apply. A building permit application was received again but was also deemed incomplete.

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”. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A building permit application was received on two occasions but never issued as both applications were incomplete.
- 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 | November 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 3860 NORWELL DRIVE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3860 Norwell 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 3860 Norwell 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

An inspection was completed on 2024-MAY-29 in response to a complaint received regarding illegal construction. The inspection confirmed that construction was underway for an accessory building and adjoining deck without a building permit. The construction is within the 15m setback from the wetland boundary of Long Lake and is in contravention of the Zoning Bylaw (including Development Permit Area 1). A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that complete deconstruction and removal was required by 2024-AUG-08. An inspector returned to the site on 2024-AUG-08 and confirmed no changes have taken place.

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”.

As the construction is within the setbacks and is in contravention of the Zoning Bylaw, this 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 construction is within the 15m setback from the wetland boundary of Long Lake and is in contravention of the Zoning Bylaw (including Development Permit Area 1).
- The deadline to remove the construction 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