



## AGENDA SPECIAL COUNCIL MEETING

Thursday, February 20, 2025, 7:00 p.m.  
Shaw Auditorium, Vancouver Island Conference Centre  
80 Commercial Street, Nanaimo, BC

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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 - 624 Victoria Road

4 - 5

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 624 Victoria 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 624 Victoria Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- b. Bylaw Contravention Notice - Construction Started Without a Building Permit - 312 Pine Street

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 312 Pine 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 312 Pine Street 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 - 380 Wakesiah Avenue 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 380 Wakesiah 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 380 Wakesiah Avenue 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 - 5451 Mildmay Road 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 5451 Mildmay 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 5451 Mildmay 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 - 1011 Old Victoria Road 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 1011 Old Victoria 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 1011 Old Victoria Road 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 - 445 Kennedy 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 445 Kennedy 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 445 Kennedy 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 - 113 Linmark Way (Dwelling) 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 113 Linmark Way for alterations to the dwelling.*

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 113 Linmark Way 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 - 113 Linmark Way (Accessory Buildings) 18 - 19

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 113 Linmark Way for two accessory buildings.*

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 113 Linmark Way for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.

**5. ADJOURNMENT:**

DATE OF MEETING February 20, 2025

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 624 VICTORIA ROAD**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 624 Victoria 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 624 Victoria 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-MAY-19 in response to a complaint received regarding illegal construction. The inspection confirmed that an extensive exterior and interior renovation, including structural repair work, was underway without the required building permit on the single-family dwelling. A Stop Work Order was posted on the jobsite. Correspondence was forwarded to the owner advising a building permit was required for the work. A building permit (BP128629), issued on 2022-OCT-26, expired on 2024-OCT-26 with deficiencies remaining outstanding.

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 further enforcement action. |

**SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The building permit to resolve the construction has now expired and the work is not completed and the required inspections remaining 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 enforcement action.

**Submitted by:**

Darcy Fox  
Manager, Building Inspections |

**Concurrence by:**

Jeremy Holm  
Director, Planning & Development |

DATE OF MEETING February 20, 2025

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 312 PINE STREET**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 312 Pine 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 312 Pine 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 2024-AUG-12 in response to a complaint received regarding illegal construction. The inspection confirmed the construction of a deck and two sets of exterior stairs took place without a building permit. The deck is attached to the northernmost corner of the dwelling and provides the principal access to the building. 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 (BP130391) was received 2024-OCT-21; however, the application was incomplete, and the requested revised drawings were not supplied so the application was subsequently cancelled.

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 further enforcement action. |

**SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A building permit application was received but was incomplete and subsequently cancelled.
- 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 enforcement action.

**Submitted by:**

Darcy Fox  
Manager, Building Inspections |

**Concurrence by:**

Jeremy Holm  
Director, Planning & Development |

DATE OF MEETING | February 20, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 380 WAKESIAH AVENUE |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 380 Wakesiah 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 380 Wakesiah 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 2024-JUL-09 in response to a complaint received regarding construction of an accessory building in the rear yard. The inspection confirmed that construction of an accessory building larger than 10m<sup>2</sup> was underway without a building permit. A Stop Work Order was posted on the jobsite. In a phone conversation with the property owner, it was discussed reducing the accessory building to less than 10m<sup>2</sup>. Following that conversation, correspondence was forwarded to the owner advising of the deadline of 2024-NOV-20 to either reduce the size of the current structure or for removal. A follow up inspection on 2025-JAN-16 confirmed that the building has not been reduced in size. To date, no action to resolve the construction has 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”.



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 reduce the size of the accessory building 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 | February 20, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 5451 MILDMAY ROAD |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5451 Mildmay 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 5451 Mildmay 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-08 in response to a complaint received regarding illegal construction. The inspection confirmed the construction of a deck at the back of the property, located within the riparian zone of Brannen Lake, without a building permit. 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-JUN-30 due to the location of the construction within the 15m watercourse setback. Following removal, there were further requirements for the area of disturbance to develop and implement a restoration plan, under the supervision of a Qualified Environmental Professional and approved by the City of Nanaimo Environmental Protection Officer. An inspector returned to the site on 2024-AUG-29 and confirmed no action to resolve the construction has 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 located within the 15m watercourse setback 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 not permitted in this location and removal is required with a restoration plan completed by a qualified environmental professional.
- 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 removal enforcement.

**Submitted by:**

Darcy Fox  
Manager, Building Inspections |

**Concurrence by:**

Jeremy Holm  
Director, Planning & Development |

DATE OF MEETING | February 20, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT                    BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1011 OLD VICTORIA ROAD**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1011 Old Victoria 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 1011 Old Victoria 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**

Following the submission of a building permit application to amend the existing sprinkler layout, an inspection on 2023-FEB-14 revealed that construction of an illegal mezzanine had taken place without the required permits within the warehouse/office building. Correspondence was forwarded to the owner advising that the application received would not be accepted as submitted and that a building permit was required for the mezzanine work with an application deadline of 2023-APR-21. A building permit application was received 2023-OCT-31. The application was incomplete and staff worked with the applicant to fulfill the application requirements but the application has now expired with items remaining outstanding. The application has now been cancelled and the construction that has taken place without a permit is not resolved.

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.

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

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A building permit application was submitted but was incomplete and has now expired with items remaining 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 February 20, 2025

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 445 KENNEDY STREET**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 445 Kennedy 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 445 Kennedy 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 2024-JUL-24 and 2024-AUG-14 in response to a complaint received regarding illegal construction. The inspections confirmed that structural alterations in the attic of the single-family dwelling 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 submitted on 2024-SEP-05 but the drawings submitted did not meet the minimum requirements. Correspondence was forwarded to the owner advising the application was incomplete without code-compliant drawings and requested new drawings be submitted. No new drawings were submitted, and the application was subsequently cancelled on 2024-DEC-03. The construction without a permit remains unresolved.

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 further enforcement action.

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A building permit application was received but the drawings submitted did not meet requirements and the application was subsequently cancelled.
- 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 enforcement action.

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Jeremy Holm  
Director, Planning & Development

DATE OF MEETING | February 20, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 113 LINMARK WAY (DWELLING) |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 113 Linmark Way for alterations to the dwelling. |

### **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 113 Linmark 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**

Inspections took place on 2024-JUL-29 and JUL-30 in response to a complaint received regarding illegal construction of an additional suite being created within the dwelling. A Stop Work Order was posted on the dwelling for the creation of the third unit, construction of a second storey deck, and alterations to the exiting for the existing legal suite. Correspondence was forwarded to the owner advising that a building permit was required for the construction of a third unit in the dwelling and deconstruction under the deck would be required for exiting purposes from the existing suite. At a follow-up inspection on 2025-JAN-02, it was confirmed that the deconstruction of the walls enclosing the deck had taken place. The deadline for a building permit application was 2024-NOV-21. 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, 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.
- Some deconstruction has taken place but 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 February 20, 2025

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 113 LINMARK WAY (ACCESSORY BUILDINGS)**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 113 Linmark Way for two accessory buildings. |

### **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 113 Linmark 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-JUL-29 in response to a complaint received regarding illegal construction. The inspection confirmed the construction of two accessory buildings exceeding 10m<sup>2</sup> were underway without a building permit. Correspondence was forwarded to the owner advising that the structures could not remain as constructed as they were not compliant with BC Building Code, the Zoning Bylaw, and the Building Bylaw. The owner was given the option to reduce both structures to 10m<sup>2</sup> and comply with Zoning regulations or complete removal by 2024-NOV-21. At a follow-up inspection conducted on 2024-JAN-02, the inspector observed that the roof had been removed from the larger of the two accessory buildings but no further action had taken place. The owner communicated to the inspector that there was an intention to submit a building permit application. To date, a building permit application has not been received.

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

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

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The two accessory buildings do not comply with BC Building Code or with Zoning Bylaw requirements (setbacks, etc.).
- 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 removal enforcement.

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Jeremy Holm  
Director, Planning & Development