



AGENDA SPECIAL COUNCIL MEETING

Thursday, April 17, 2025, 7:00 p.m.
Shaw Auditorium, Vancouver Island Conference Centre
80 Commercial Street, Nanaimo, BC

SCHEDULED RECESS AT 9:00 P.M.

Pages

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

- a. Illegal Construction - 3860 Norwell Drive

4 - 7

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

Purpose: To inform Council that a two-storey accessory building and adjoining deck were constructed without a permit or inspections on the property at 3860 Norwell Drive, and to recommend that a Remedial Action Requirement be issued requiring the removal of all unauthorized structures.

Recommendation: That Council:

1. Declare that construction of the two-storey accessory building and adjoining deck structure at 3860 Norwell Drive is in contravention of City of Nanaimo "Building Bylaw 2016 No. 7224" and the Provincial Building Code.
2. Impose remedial action requirements in relation to the provisions of Sections 72 and 73 of the *Community Charter*.
3. Direct the remedial action requirement to include that all construction completed without required inspections or permit must be completely removed by no later than 60 days after the remedial action requirement 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 their authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice to remove all unauthorized construction at the owner's expense if the said remedial action requirement is not undertaken within the time limit set out in the Council resolution.

b. Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 1228 Manzanita Place

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 1228 Manzanita 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 1228 Manzanita Place for construction not completed as per the conditions of the building permit.

c. Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 223 Milton Street

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 223 Milton 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 223 Milton Street for construction not completed as per the conditions of the building permit.

d. Bylaw Contravention Notice - Construction Started Without a Building Permit - 2253 Wilgress Road

12 - 14

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

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2253 Wilgress Road.

Delegation:

1. George Wen

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 2253 Wilgress 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 - 2480 Kenworth Road 15 - 16

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

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2480 Kenworth 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 2480 Kenworth 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 - 4552 Laguna Way 17 - 18

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

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4552 Laguna 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 4552 Laguna Way 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 - 63 Howard Avenue 19 - 20

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

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 63 Howard 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 63 Howard Avenue for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

5. **BYLAWS:**

- a. "Home Energy Retrofit Financing Program Bylaw 2025 No. 7393" 21 - 25

That "Home Energy Retrofit Financing Program Bylaw 2025 No. 7393" (to initiate the City of Nanaimo's retrofit financing program) be adopted.

6. **ADJOURNMENT:**

DATE OF MEETING APRIL 17, 2025

AUTHORED BY DAVE LABERGE, DIRECTOR, PUBLIC SAFETY

SUBJECT ILLEGAL CONSTRUCTION – 3860 NORWELL DRIVE

OVERVIEW

Purpose of Report

To inform Council that a two-storey accessory building and adjoining deck were constructed without a permit or inspections on the property at 3860 Norwell Drive, and to recommend that a Remedial Action Requirement be issued requiring the removal of all unauthorized structures.

Recommendation

That Council:

1. Declare that construction of the two-storey accessory building and adjoining deck structure at 3860 Norwell Drive is in contravention of City of Nanaimo “Building Bylaw 2016 No. 7224” and the Provincial Building Code.
2. Impose remedial action requirements in relation to the provisions of Sections 72 and 73 of the *Community Charter*.
3. Direct the remedial action requirement to include that all construction completed without required inspections or permit must be completely removed by no later than 60 days after the remedial action requirement 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 their authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice to remove all unauthorized construction at the owner’s expense if the said remedial action requirement is not undertaken within the time limit set out in the Council resolution.

BACKGROUND

3860 Norwell Drive is an R5 zoned waterfront property. The current owner acquired the property in the spring of 2022.

In May 2024, Building Inspections section became aware that a two-storey accessory building and deck was being constructed within the riparian area. On 29-MAY-2024 an inspector attended and found a new building that had been constructed without a required permit. A 'Stop Work' order was posted. It was noted that the building encroached within the 15 m. leave strip around Long Lake. Buildings, structures, roads, parking lots, driveways, patios, games courts or other impermeable surfaces are not permitted within a leave strip as per s. 6.3.2 of Zoning Bylaw 4500. The municipal environmental protection officer attended the site on 30-MAY-2024 and noted significant landscaping and additional pathways installed within the 15m lake setback.

The owner has stated the position that there has been a building structure on this footprint for many years and the current building is, in fact, a product of ongoing repair and maintenance. A review of the air photo history showed that an old, dilapidated structure once existed but was removed sometime after 2021. (The owner reports that it was built in 1973) The current area of disturbance (construction) is larger than the historic footprint. Therefore, the structure does not qualify for a 'maintenance and repair exemption' under Development Permit 1.

The owner has been directed to remove the accessory building and deck structure. Once removal is completed a qualified environmental professional will have to be engaged to provide a condition and impact assessment of the riparian area and to prepare a restoration plan.

The building inspector took note that the building and deck both contained numerous building code infractions including non-compliant foundations, framing deficiencies and lacking required guard rails.

At the 21-NOV-2024 Public Hearing, Council considered a staff recommendation to register notice of bylaw contravention on the property title of 3860 Norwell Drive. The owner appeared as a delegation and informed Council that the building was not 'new construction' rather it had been repaired 'piece-by-piece', proposing that a building permit was not required and that the riparian encroachment should be grandfathered. A motion to register notice of bylaw contravention on title was passed.

The Building Inspections section has forwarded this matter to the bylaw department for enforcement.

DISCUSSION

Council may impose remedial action requirements in accordance with Sections 72 and 73 of the *Community Charter* if a building or structure creates an unsafe condition, or if it contravenes the provincial building regulations or a building bylaw.

The construction has been completed without permit or inspection in contravention of the Building Bylaw. A building inspector has noted that the new construction contains foundation and framing deficiencies that contravene the BC Building Code.

The Building Inspections section has determined that the original structure has been completely removed and replaced with a newly constructed two-storey accessory building and deck which is larger than the original footprint. The construction was not completed piece by piece as the building would have to be removed for the replacement of footings and foundation. The structure does not qualify for an exemption for maintenance and repair and must be removed.

OPTIONS

1. That Council:
 1. Declare that construction of the two-storey accessory building and adjoining deck structure at 3860 Norwell Drive is in contravention of City of Nanaimo “Building Bylaw 2016 No. 7224” and the Provincial Building Code.
 2. Impose remedial action requirements in relation to the provisions of Sections 72 and 73 of the *Community Charter*.
 3. Direct the remedial action requirement to include that all construction completed without required inspections or permit must be completely removed by no later than 60 days after the remedial action requirement 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 their authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice to remove all unauthorized construction at the owner’s expense if the said remedial action requirement is not undertaken within the time limit set out in the Council resolution.
 - The advantages of this option:
This action will address building and zoning contraventions
 - The disadvantages of this option:
Considerable staff time is required
 - Financial Implications:
Potential for future litigation
2. That Council provide alternative direction or take no action.

SUMMARY POINTS

- A dilapidated shed situated in a riparian zone has been removed and replaced with a new accessory building and deck.
- The construction was completed without permit or inspection and is in contravention of zoning regulations and the BC Building Code.
- Notice of bylaw contravention has been registered on property title.
- A remedial action requirement to remove the illegal construction is recommended.

Submitted by:

David LaBerge
Director, Public Safety

Concurrence by:

Darcy Fox
Manager, Building Inspections

Dale Lindsay
Chief Administrative Officer

DATE OF MEETING April 17, 2025

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 1228 MANZANITA PLACE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1228 Manzanita 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 1228 Manzanita Place 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 3-storey single-family dwelling was issued on 2021-JUN-14. 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 and a new building permit application has not been received to complete the previously expired permit.

Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the contravention of “Building Bylaw 2016 No 7224”. |

SUMMARY POINTS

- Construction was not completed as per the conditions of the permit.
- The building permit has expired and a new building permit application has not been received to resolve the expired permit.
- 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 April 17, 2025

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 223 MILTON STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 223 Milton 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 223 Milton Street 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 (BP126438) for a detached garage was issued on 2020-SEP-29. Only the foundation of the building was completed under this permit before expiring on 2022-SEP-29. A building permit (BP128878) was issued on 2023-OCT-04 to complete the previous permit. This permit has now expired as no inspections were called within the six months of issuance. Correspondence was forwarded to the owner advising of the expiring permit. The building inspector attended the property to confirm the status of the permit and observed that the project had been completed without the required inspections.

Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the 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 | April 17, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 2253 WILGRESS ROAD |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2253 Wilgress 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 2253 Wilgress 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

A fire inspection conducted by FLPD on 2025-MAR-11 revealed a commercial unit being used as a residential suite. Following that inspection, a building inspector attended to confirm the status of the building on 2025-MAR-17 and 2025-MAR-19. The inspections revealed a previous grow operation in parts of the building and one CRU being used as a residential suite. The required demising walls and fire stopping had been removed as part of the grow operation and work was underway without a permit to remediate the issues. The resulting modifications to the existing structure have changed the use of the building and have made portions of the building unsafe for occupancy. As a result, a Do Not Occupy order was posted and requirements for the remediation plan have been communicated to the property owner.

Pursuant to Section 57 of the *Community Charter*, a notice on title is recommended until such time as the building deficiencies are resolved. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A Do Not Occupy order was posted and requirements for a remediation plan was communicated to the owner.
- 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

Delegation Request

Delegation's Information:

George Wen has requested an appearance before Council.

City: Nanaimo

Province: BC

Delegation Details:

The requested date is 2025-APR-17

Bringing a presentation: Yes

Details of the Presentation: To provide context on plans and intentions for the property, and requesting additional time to address any concerns.

DATE OF MEETING April 17, 2025

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2480 KENWORTH ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2480 Kenworth 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 2480 Kenworth 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

A site visit in July 2018, as a result of a business licence application, revealed construction had taken place without a building permit. A building permit application was subsequently received on 2018-AUG-09; however, the application was incomplete, and the permit was never issued. Another site visit took place on 2019-MAY-01 to view the scope of illegal construction that had taken place over the years. The inspection confirmed several units had been altered with incomplete fire separation between units, demising walls removed and several mezzanines altered or constructed all without a building permit. An inspection on 2021-JUN-29 revealed work was underway to rectify some illegal construction. The owner was told a building permit application was required for work to continue. A building permit was received on 2022-JAN-27 but was never issued. The permit application expired and 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, the matter will be forwarded to Bylaw Services for enforcement action. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed.
- 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 | April 17, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 4552 LAGUNA WAY |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4552 Laguna 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 4552 Laguna 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

A footing inspection for BP129483 (a single-family dwelling with secondary suite) on 2024-JUN-05 revealed a large retaining wall constructed at the rear of the property without a building permit. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner. A building permit application was subsequently received; however, the application was cancelled as the proposed plans submitted did not meet the requirements of the City of Nanaimo’s Zoning Bylaw. The applicant was advised as to what was required and was given the opportunity to re-apply. A new application was received on 2025-MAR-15 (BP130758). As the retaining wall work is a requirement of the building permit for the single-family dwelling, BP129483 will remain unissued and on hold until the Stop Work Order for the retaining wall issue is resolved.

Due to the significant time delay, and the affect it is having on surrounding properties, 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.
- A building permit application was subsequently received; however, the application was cancelled as the proposed plans submitted did not meet the requirements of the City of Nanaimo's Zoning Bylaw.
- A second building permit application has been received, but due to the significant time delay and the affect it is having on surrounding properties, 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 | April 17, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 63 HOWARD AVENUE |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 63 Howard 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 63 Howard 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-SEP-03 in response to a complaint received regarding illegal construction. The inspection confirmed that work was underway to construct a carport without a building permit. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that the construction does not comply with City of Nanaimo Zoning and Building Bylaws, as well as BC Building Code, therefore, full deconstruction and removal were required. The deadline for deconstruction and removal was 2024-NOV-20. To date, only a partial deconstruction 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 for full deconstruction and removal has passed and only partial deconstruction has taken place.
- 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

CITY OF NANAIMO

BYLAW NO. 7393

A BYLAW TO ESTABLISH THE HOME ENERGY RETROFIT FINANCING PROGRAM

WHEREAS the City of Nanaimo in its City Plan Bylaw 2022 No. 6600 has established community-wide greenhouse gas emission reduction targets, together with a policy of supporting the upgrade of existing buildings to achieve the goal of net-zero greenhouse gas emissions for all buildings in the City of Nanaimo by the year 2050.

AND WHEREAS Council for the City of Nanaimo wishes to establish a property assessed clean energy (“PACE”) style financing program to enable owners of eligible dwellings to carry out improvements to decrease greenhouse gas emissions and energy consumption and improve climate change resiliency.

AND WHEREAS Council wishes for the financing program to be structured as a local area service.

NOW THEREFORE the Council of the City of Nanaimo in open meeting assembled enacts as follows:

Title

1. This Bylaw may be cited for all purposes as “Home Energy Retrofit Financing Program Bylaw 2025 No. 7393”.

Definitions

2. In this Bylaw:

| | |
|-----------------|--|
| “ADMINISTRATOR” | means a person, including an individual, society or other corporation, contracted by the City to administer the Program. |
| “APPLICANT” | means an Eligible Owner who applies for the Program. |
| “CHARGE” | means an annual liability to repay the financing amount under the Program, as authorized by a local area service bylaw. |
| “COUNCIL” | means the Municipal Council of The City of Nanaimo. |

| | |
|-------------------------------|--|
| "ELIGIBLE DWELLING" | means one of the following dwelling types: <ul style="list-style-type: none">(i) Single Residential Dwelling; and,(ii) a unit in a duplex, triplex, row house or town house, where the unit has its own separate meter for hydroelectricity. |
| "ELIGIBLE OWNER" | means the registered owner in fee simple of an Eligible Dwelling. |
| "GREENHOUSE GAS" | means any or all of carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulphur hexafluoride or any other substance prescribed by regulation. |
| "FINANCING AMOUNT" | means a loan to the Applicant to finance a Qualified Improvement as part of the Program. |
| "FINANCING AGREEMENT" | means an agreement between the City and the Applicant, which sets out the terms of financing for the Program. |
| "FOSSIL FUEL" | means fuels such as coal, gasoline, natural gas, oil, diesel, etc., that are sourced from organic materials formed over a long geological time period. |
| "NON-ENERGY RELATED MEASURES" | means work or improvements that are incidental to a Qualified Improvement but have a purpose other than decreasing Greenhouse Gas emissions or energy consumption, including but not limited to an electrical service upgrade necessary for a heat pump, additional heat pump air filtration, or asbestos testing and removal. |
| "PETITION" | means a petition for the Program to be offered as a local area service, pursuant to section 212 of the <i>Community Charter</i> , SBC 2003, c. 26. |

"PRE-INSTALLATION ELIGIBILITY
REQUIREMENTS"

means all requirements that must be carried out by the Applicant prior to entering into the Financing Agreement, including but not limited to: carrying out an EnerGuide Evaluation on the Eligible Dwelling, registering for the Home Energy Navigator Program, and securing a quote for the Qualified Improvement.

"PROGRAM"

means a financing program established under this Bylaw to enable an Eligible Owner in the City to make Qualified Improvements.

"PROGRAM
REGISTRATION FORM"

means a registration form completed by the Applicant and submitted to the administrator, to demonstrate that the Applicant is eligible to participate in the Program.

"QUALIFIED IMPROVEMENT"

means any of the following permanent improvements affixed to real property and intended to decrease Greenhouse Gas emissions or energy consumption or improve climate change resiliency:

- (i) electric heat pump, including any air filtration components and necessary duct work
- (ii) solar photovoltaic (PV) system
- (iii) backup battery
- (iv) building envelope repairs and improvements

"SINGLE RESIDENTIAL DWELLING"

has the meaning assigned in the Zoning Bylaw.

"ZONING BYLAW"

means City of Nanaimo Zoning Bylaw 2011 No. 4500, as amended or replaced from time to time.

3. Program Administration

- 3.1 An Applicant may apply to the Program by delivering to the Administrator the Program Registration Form and a Petition.
- 3.2 Upon receipt and validation of the Petition, Council may, in its sole discretion, adopt a local area service bylaw, to offer the Program as a local area service.

- 3.3 If Council adopts a local area service bylaw, the Applicant may secure the financing through:
 - (i) Completing the Pre-Installation Eligibility Requirements; and,
 - (ii) Entering into a Financing Agreement with the City.
 - 3.4 Once the Qualified Improvement is complete, the Financing Amount shall be disbursed and collected in accordance with the Financing Agreement.
 - 3.5 The Applicant shall repay the Financing Amount to the City by means of a parcel tax, to be included on the annual property tax notice for the eligible property. The Financing Amount will be repaid over a ten (10) year period, with the possibility of paying the outstanding balance at any point as a lump sum amount.
 - 3.6 Nothing in section 3.1 or 3.2 precludes an Applicant or the Council from proceeding by way of council initiative subject to petition against or subject to elector assent.
4. Delegation
 - 4.1 Council delegates to the General Manager, Corporate Services or their designate the administrative authority to enter into Financing Agreements for the Program.
5. Eligible Costs
 - 5.1 Program financing established under this Bylaw may include:
 - 5.1.1. disposal fees and cost of labor for the removal of the Fossil Fuel tank and Fossil Fuel-burning equipment that was used as a primary space or water heating source.
 - 5.1.2 the cost of materials and labor necessary for installation or modification of a Qualified Improvement.
 - 5.1.3 permit and inspection fees.
 - 5.1.4 Post-installation EnerGuide evaluation costs.
 - 5.1.5 other fees or costs that may be incurred by the owner incidental to the installation, modification or improvement on a specific or pro rata basis.
 - 5.2 The maximum Financing Amount available through the Program is fifteen thousand (\$15,000) dollars including all applicable taxes.
 - 5.3 Not more than thirty percent (30%) of the Financing Amount shall be used for Non-Energy Related Measures.

Effective Date

6. This bylaw shall take effect on April 7, 2025.

PASSED FIRST READING: 2025-MAR-17
PASSED SECOND READING: 2025-MAR-17
PASSED THIRD READING: 2025-MAR-17
ADOPTED: _____

MAYOR

CORPORATE OFFICER