



**AGENDA**  
**SPECIAL COUNCIL MEETING (PUBLIC HEARING)**

Thursday, May 15, 2025, 7:00 p.m.  
Shaw Auditorium, Vancouver Island Conference Centre  
80 Commercial Street, Nanaimo, BC

SCHEDULED RECESS AT 9:00 P.M.

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**Pages**

**1. CALL THE MEETING TO ORDER:**

**2. INTRODUCTION OF LATE ITEMS:**

**3. ADOPTION OF AGENDA:**

**4. PUBLIC HEARING REQUIREMENTS:**

Chair to explain the Public Hearing process.

**5. CALL THE PUBLIC HEARING TO ORDER FOR COVENANT AMENDMENT APPLICATION NO. CA19 - 6340 MCROBB AVENUE**

a. Covenant Amendment Application No. CA19 - 6340 McRobb Avenue

4 - 12

[Note: Please click to view the [Public Hearing Written Submissions](#).]

To be introduced by Staff.

The Applicant to be provided an opportunity to outline their proposal.

Comments from the Public.

Following the close of the Public Hearing for Covenant Amendment Application No. CA19 - 6340 McRobb Avenue, no further comments or submissions can be accepted by members of City Council.

ADJOURN THE PUBLIC HEARING FOR CA19 - 6340 MCROBB AVENUE

Recommendation: That Council direct Staff to discharge and replace existing Section 219 covenants at 6340 McRobb Avenue as proposed through Covenant Amendment Application No. CA19 - 6340 McRobb Avenue.

**6. REPORTS:**

- a. Bylaw Contravention Notice - Construction Started Without a Building Permit - 431 Maple Street 13 - 15
- To be introduced by Jeremy Holm, Director, Planning and Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 431 Maple Street.*
- Delegation:
1. Han Lei Huang
- 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 431 Maple Street 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 - 5380 Fillinger Crescent 16 - 17
- To be introduced by Jeremy Holm, Director, Planning and Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5380 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 5380 Fillinger Crescent 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 - 668 Pine Street 18 - 19
- To be introduced by Jeremy Holm, Director, Planning and Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 668 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 668 Pine Street 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 - 2306 Pheasant Terrace 20 - 21
- To be introduced by Jeremy Holm, Director, Planning and Development.
- Purpose: To obtain Council authorization to proceed with the registration of a*

*Bylaw Contravention Notice on the property title of 2306 Pheasant Terrace.*

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 2306 Pheasant Terrace 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 - 5326 Dewar Road

22 - 23

To be introduced by Jeremy Holm, Director, Planning and Development.

*Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5326 Dewar Road.*

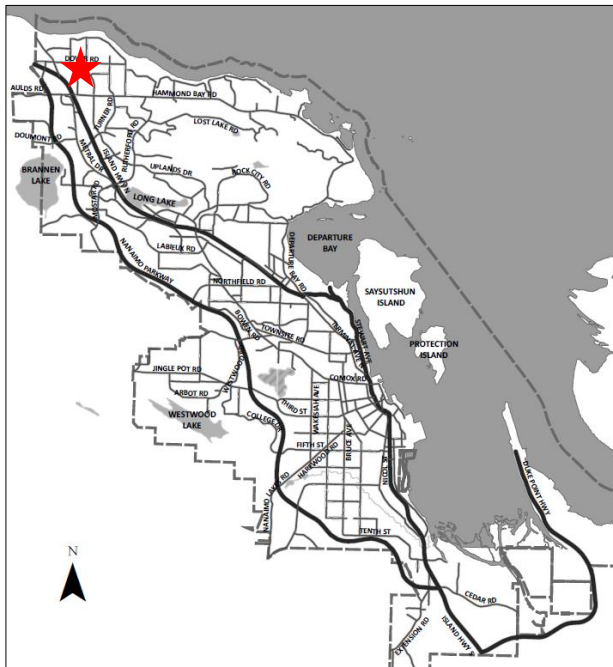
Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 5326 Dewar Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

**7. ADJOURNMENT:**

DATE OF MEETING | April 7, 2025

AUTHORED BY | CALEB HORN, PLANNER, CURRENT PLANNING

**SUBJECT** | **COVENANT AMENDMENT APPLICATION NO. CA19 – 6340**  
**McROBB AVENUE**



## Proposal:

To amend covenants on the property title to facilitate the development of a multi-family residential project

## Zoning:

R9 – High Density Residential

## City Plan Land Use Designation:

Woodgrove Secondary Urban Centre

## Development Permit Areas:

DPA8 – Form and Character

## Lot Area:

1.28ha – *Total Lot Area*

1.04ha – *Buildings 2 and 3 Area*

CA



City Aerial Photo 2024



## **OVERVIEW**

### **Purpose of Report**

To seek Council's direction on an application to amend previously approved Section 219 covenants at 6340 McRobb Avenue, in order to facilitate the development of a proposed multi-family residential project.

### **Recommendation**

That Council direct Staff to proceed with a Public Hearing for the proposed Covenant Amendment for 6340 McRobb Avenue.

## **BACKGROUND**

A Covenant Amendment application, CA19, was received from Townsite Planning Inc., on behalf of 6340 McRobb Holdings Ltd., to amend previously approved Section 219 covenants for the property located at 6340 McRobb Avenue. The amendments would facilitate the proposed development of Buildings 2 and 3 for a multi-family residential project. Building 1, branded as "The Mint", is a 6-storey building currently under construction on the easterly portion of the lot and will consist of 66 residential dwelling units.

The subject property is zoned for high-density residential use and allows a maximum 20-storey building height. Section 219 covenants that dictate development conditions were registered on the property title in 2005 and 2009 through rezoning. Subsequent modification covenants were registered in 2020 to allow Building 1 to proceed as a 6-storey building.

At its special meeting of 2023-NOV-16, Council directed Staff to discharge and replace the existing Section 219 covenants as proposed through Covenant Amendment application CA17 (see Attachment D). Those amendments were to facilitate a change in the proposed building form for the remaining phases from 20 storeys to 6 storeys. Since that time, the applicant has proposed changes to Buildings 2 and 3 in order to accommodate a purpose-built rental component (CA19).

A Development Permit application for Buildings 2 and 3, DP1260, is being reviewed concurrently and will be considered for approval if the Covenant Amendment is approved.

### **Subject Property and Site Context**

The subject property is located in north Nanaimo in the Woodgrove Secondary Urban Centre. The property is generally flat and has previously been cleared of most vegetation except for some stands of trees. Sentinal Drive, a privately maintained road with public access, borders the northeast portion of the property and connects to McRobb Avenue. Another portion of Sentinal Drive bisects the lot to connect with Calinda Street and separates the undeveloped portion of the site from Building 1.

The surrounding neighbourhood is a mix of medium-density residential, institutional, and commercial uses. Adjacent properties include a 16-unit townhouse development to the north in addition to other multi-family apartment buildings across Sentinal Drive. Residential building heights on neighbouring properties range from two to six storeys. Nearby amenities in walking

distance (within 500m) include retail and restaurant services (e.g. Woodgrove Shopping Centre), McGirr Sports Fields, Dover Bay Secondary School, and the Vancouver Island Regional Library.

## **DISCUSSION**

### **Proposed Development**

The proposed site and building design for Buildings 2 & 3 will be considered through the associated Development Permit (DP1260). The design is generally the same as presented through CA17 in 2023, with some minor form and character changes on the north elevation of Building 3 including an increased setback and reduced window openings to address concerns of overlook raised during the CA17 process.

Along with the minor form and character change, the owner is proposing to increase the combined number of dwelling units for Buildings 2 and 3 from 266 to 296 if Building 2 is constructed as purpose-built rental. This flexibility will allow a change in unit composition, with fewer three-bedroom units and more one- and two-bedroom.

### **Proposed Covenant Amendment**

In order to facilitate the proposed development, the applicant is proposing revisions to the covenant terms approved through CA17. A comparison of the original covenant terms, the approved CA17 terms, and the current proposal (CA19) is summarized in the below table, with the proposed CA19 items underlined:

<b>Covenant Term</b>	<b>Original Covenants (2005, 2009, 2020)</b>	<b>Approved CA17 (2023) Covenant</b>	<b>Proposed CA19 Covenant</b>
<i>Maximum Building Height</i>	66.0m and 20 storeys	20.5m and 6 storeys	20.5m and 6 storeys
<i>Maximum Number of Dwelling Units (Combined Buildings 2 &amp; 3)</i>	308 units	266 units	266 units, or <u>296 units if Building 2 is 100% purpose-built rental</u>
<i>Minimum Setback from North Property Line</i>	17.0m	7.5m; 10.0m for uppermost floor	<u>8.4m</u> ; 10.0m for uppermost floor
<i>Parking</i>	Minimum 95% underground	Minimum 95% underground	Minimum 95% underground
<i>Maximum Building Footprint</i>	809m <sup>2</sup> – West Tower 838m <sup>2</sup> – East Tower	n/a	n/a
<i>Minimum Separation Between Buildings</i>	23.0m	n/a	n/a

The proposed general terms of the covenant are included as Attachment B. While the total number of units proposed (296) has increased since 2023 (266), the proposed number of units in

Buildings 2 and 3 will still be less than what is permitted by the original covenant (308). The applicant intends to develop Building 2 as a purpose-built rental building, but would like to keep flexibility for market ownership units in the event that unforeseen circumstances impact financing for purpose-built rental. The proposed terms include a restriction on the number of units (266) as approved through CA17 if rental tenure is not provided. Additionally, the proposed covenant terms will secure shared access for residents to the outdoor common amenity spaces located between Buildings 2 and 3 (e.g. walkways, seating area, play areas) regardless of tenure.

The covenant terms will maintain the requirement for the Community Amenity Contribution of \$175,000 to be paid at the time of the first Building Permit, as previously approved through rezoning.

## Policy Context

### *City Plan*

City Plan identifies the subject property within the Woodgrove Secondary Urban Centre future land use designation where residential uses are supported in apartment building forms with typical building heights between two and 12 storeys. Staff support the proposed Covenant Amendment which is consistent with City Plan objectives to allow for greater flexibility in housing types and tenure. |

## **OPTIONS**

Council's *Covenant Amendment Process Policy* outlines the process for considering an amendment to a covenant previously secured through rezoning. Where the proposed Covenant Amendment pertains to land use, density, or community contributions, Council may choose to direct the application to a Public Hearing. A Public Hearing for a Covenant Amendment is not a statutory requirement and is not impacted by provincial legislation for Public Hearings in the *Local Government Act*. Given that CA19 pertains to density and includes revisions to CA17 which was previously considered at a Public Hearing, Staff recommend directing CA19 to a Public Hearing.

Per the City's Policy, should Council not direct the application to a Public Hearing, the Covenant Amendment can be considered for approval at an upcoming regular Council meeting in a manner consistent with notification requirements for Development Variance Permits. The two options available to Council are outlined as follows.

1. That Council direct Staff to proceed with notification to consider the proposed Covenant Amendment at an upcoming Public Hearing.
  - *The advantages of this option:* Neighbours will be given the opportunity to be heard at a Public Hearing which is consistent with the previous Covenant Amendment application (CA17).
  - *The disadvantages of this option:* The application will need to wait until the next available Public Hearing which is scheduled in May.

2. That Council direct Staff to proceed with notification to consider the proposed Covenant Amendment at an upcoming regular Council meeting.
- *The advantages of this option:* The application may be considered earlier based on Council's meeting schedule than by proceeding with Public Hearing.
  - *The disadvantages of this option:* The format for neighbours to be heard would not be consistent with the previous Covenant Amendment application (CA17).

#### **SUMMARY POINTS**

- Covenant Amendment Application No. CA19 proposes to amend previously approved Section 219 covenants at 6340 McRobb Avenue to facilitate the development of Buildings 2 and 3 of a multi-family residential project.
- At its special meeting of 2023-NOV-16, Council directed Staff to discharge and replace the existing Section 219 covenants in accordance with Covenant Amendment application CA17.
- Since that time, the applicant has proposed changes to Buildings 2 and 3 in order to accommodate a purpose-built rental component (CA19).
- Staff support the proposed Covenant Amendment which is consistent with City Plan objectives to allow for greater flexibility in housing types and tenure.

#### **ATTACHMENTS**

ATTACHMENT A: Subject Property Map  
ATTACHMENT B: Proposed General Covenant Terms  
ATTACHMENT C: Proposed Site Plan  
ATTACHMENT D: Link to Report to Council 2023-OCT-16 – Covenant Amendment Application CA17

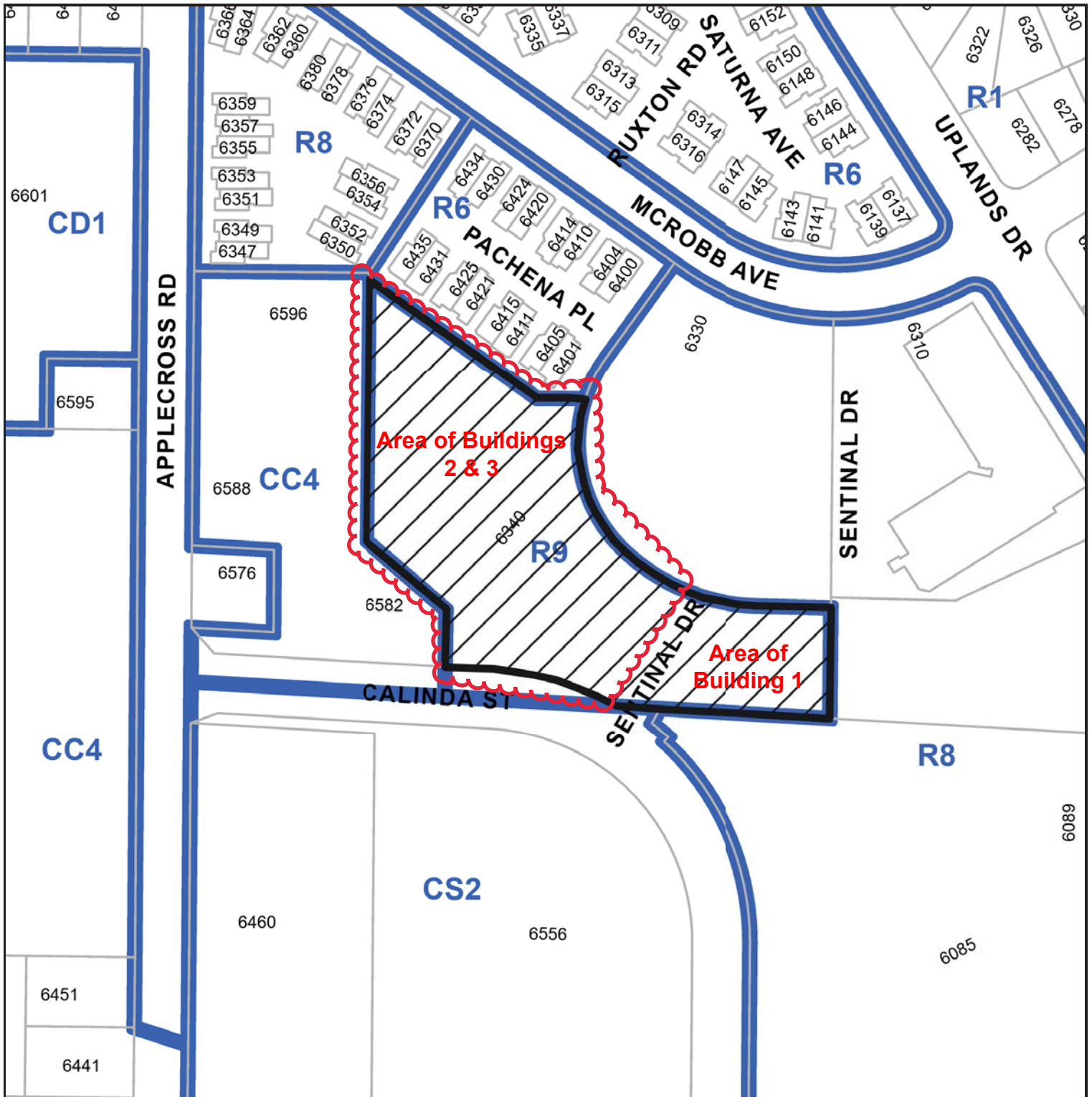
#### **Submitted by:**

Lainya Rowett  
Manager, Current Planning

#### **Concurrence by:**

Claire Negrin  
Acting Director, Planning & Development

ATTACHMENT A  
SUBJECT PROPERTY MAP



## ATTACHMENT B PROPOSED GENERAL COVENANT TERMS

### 6340 McRobb Avenue – General Covenant Terms – CA17 and CA19

<i>Development Details</i>	
1.1	Limit Building 1 on the easterly portion of the lot to: <ul style="list-style-type: none"> <li>• A maximum of six storeys; and</li> <li>• A maximum of 66 residential dwelling units.</li> </ul>
1.2	Limit Buildings 2 and 3 on the westerly portion of the lot to: <ul style="list-style-type: none"> <li>• A maximum of six storeys and 20.5m; and</li> <li>• A combined maximum of 266 residential dwelling units. <u>Should Building 2 be secured as a purpose-built rental building, then the maximum combined number of dwelling units of Buildings 2 and 3 must not exceed 296.</u></li> </ul>
1.3	<u>Require a minimum setback of 8.4m from the north property line for any portion of building above finished grade</u> , except the uppermost floor which will require a minimum setback of 10.0m from the north property line.
1.4	Require a minimum of 95% of all vehicle parking provided to be underground with vehicle access only from Calinda Street.
<i>Outdoor Space</i>	
2.1	<u>Outdoor common amenity spaces located within the central area between Buildings 2 and 3 will be shared between and available to residents in both buildings.</u>
<i>Amenity Contributions</i>	
3.1	A monetary contribution of \$175,000 will be paid towards the City's Housing Legacy Reserve Fund prior to building permit issuance for Building 2 or 3, whichever occurs first.

Items underlined are revisions proposed through CA19



# ATTACHMENT C PROPOSED SITE PLAN



THIS DRAWING, AN INSTRUMENT OF SERVICE, IS THE PROPERTY OF SALEHI ARCHITECT INC. AND MAY NOT BE REPRODUCED WITHOUT HIS PERMISSION. ALL INFORMATION SHOWN ON THE DRAWING IS FOR THE USE OF THIS SPECIFIC PROJECT ONLY AND WILL NOT BE USED OTHERWISE WITHOUT WRITTEN PERMISSION FROM THIS OFFICE.

CONTRACTORS WILL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS ON THE JOB. THIS OFFICE WILL BE INFORMED OF ANY DISCREPANCIES AND VARIATIONS SHOWN ON DRAWING. THESE DESIGN DOCUMENTS ARE PREPARED SOLELY FOR THE USE BY THE PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS ENTERED INTO A CONTRACT AND THERE ARE NO REPRESENTATIONS OF ANY KIND MADE BY THE DESIGN PROFESSIONAL TO ANY PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT.

NO	DESCRIPTION	DATE
1	FOR OWNER REVIEW	02-10-2024
2	ISSUED FOR MEETING WITH OWNER	04-21-2024
3	ISSUED FOR COORDINATION	10-11-2023
4	ISSUED FOR CIVIL CONSULTANT	10-18-2023
5	ISSUED FOR DP	10-27-2023
6	ISSUED FOR A.D.P.	03-03-2023
7	ISSUED FOR A.D.P. PRESENTATION	03-01-2023
8	REISSUED FOR D.P.	05-09-2024
9	REISSUED FOR D.P.	01-17-2026
10	COMBINED SITE PLAN FOR PHASES 2 & 3	02-01-2026

**RECEIVED**  
**CA19**  
**2025-FEB-21**  
Current Planning

**SALEHI ARCHITECT INC.**

205-930 HARBOURSIDE DR.  
NORTH VANCOUVER  
V7P 3B7  
TEL : 778-596 7833  
EMAIL : HS.ALSHI@SALEHARCHITECT.CA

**CLIENT :**  
Mr. Ahmet Nishori  
Mint Residential Ltd.

**PROJECT NO.** 03 - 18

**PROJECT :**  
6340 Mc Robb Ave.

**DRAWING TITLE :**  
SITE PLAN  
PHASES 2 & 3

**SEAL**  
REGISTERED ARCHITECT  
BRITISH COLUMBIA  
A-01

**DATE :** 02-28-2024  
**SCALE :** 1/32"=1'-0"

**DRAWN :** M.K.  
**CHECKED :** R.S.

## **ATTACHMENT D**

### **2023-OCT-16 CA17 STAFF REPORT TO COUNCIL**

Link to 2023-OCT-16 CA17 Staff Report to Council:

<https://pub-nanaimo.escribemeetings.com/Meeting.aspx?Id=bedd482a-4143-4b9f-9ee6-e0111347b7fa&Agenda=Merged&lang=English&Item=25&Tab=attachments>

DATE OF MEETING | May 15, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED  
WITHOUT A BUILDING PERMIT – 431 MAPLE STREET |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 431 Maple 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 431 Maple 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-MAY-15 in response to a complaint received regarding illegal construction. The inspection confirmed that an addition at the back of the building was underway, as well as some interior renovations, without a building permit. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for a building permit application was 2024-JUN-28. To date, a building permit application has not been received. A building inspector attended the property again on 2025-MAR-28 as part of a follow up inspection and confirmed work had continued despite no issued building permit.

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.
- Work has continued despite no issued building 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 |

## Delegation Request

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### **Delegation's Information:**

Han Lei Huang has requested an appearance before Council regarding 431 Maple Street.

City: Nanaimo

Province: BC

### **Delegation Details:**

The requested date is 2025-MAY-15

Bringing a presentation: Yes

Details of the Presentation: To discuss circumstances and explore options and alternatives.

DATE OF MEETING | May 15, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 5380 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 5380 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 5380 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**

A Building Inspector and Bylaw Enforcement Officer attended the property in response to a complaint received regarding illegal construction and were denied access on 2024-APR-25 and 2024-OCT-24. A follow-up inspection was completed on 2024-DEC-16. The inspection confirmed that a detached garage had been converted to living space without a building permit. A Stop Work Order was posted on the accessory building. Correspondence was forwarded to the owner advising that full deconstruction was required to return the structure to a garage as the building was not compliant with BC Building Code to create a living space. A Building Inspector attended the site again on 2025-MAR-20 and confirmed that no action has been taken by the property owner.

Pursuant to Section 57 of the *Community Charter*, a notice on title is recommended to reflect the construction undertaken without a permit.

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 deconstruction 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 | May 15, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED  
WITHOUT A BUILDING PERMIT – 668 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 668 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 668 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**

A fire inspection conducted by FLPD on 2021-MAR-04 revealed a previous grow operation and structural alterations to the building had taken place. At that time, the owner was maintaining the premises in such a state of disrepair that a fire starting in it might spread rapidly to endanger life or other property. As a result, a Fire Order and Do Not Occupy order were posted. The owner was notified that a building permit application was to be submitted to repair the building to comply with zoning, fire and building codes and to remediate damages from a previous grow operation. The property owner denied access to the building for a follow-up inspection and took no action to resolve the issues.

The property was sold to new owners in February 2025 and the new owner was made aware of the Do Not Occupy Order. In March 2025, there was a complaint received that construction was taking place within the building. In a follow-up inspection on 2025-MAR-19, the building inspector observed alterations to the building were underway and a work crew was working within the

building. At the inspection, the lower floor Do Not Occupy was reposted. Correspondence with the new owner and several meetings have taken place regarding the Do Not Occupy Order that remains in place. Following the registration of the notice, further action will be required to resolve the outstanding issues.

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**

- A fire inspection revealed a previous grow operation and structural alterations had taken place within the building at 668 Pine Street.
- A Fire Order and Do Not Occupy Order were posted in March 2021.
- The property ownership changed in February 2025.
- The Do Not Occupy Order was reposted in March 2025.
- 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 | May 15, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2306 PHEASANT TERRACE |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2306 Pheasant Terrace. |

### **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 2306 Pheasant Terrace 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-NOV-06 after a building inspector noticed construction underway while conducting an inspection at a neighbouring property. The inspection confirmed framing of a new front porch roof was 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. The deadline for a building permit application was 2025-FEB-10. 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”.

As the construction is considered a safety hazard, following the registration of this notice, the matter will be forwarded to Bylaw Services for enforcement action. |

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed and no application has been received.
- Registration of a Bylaw Contravention Notice is required on the title of the affected property to advise those with an interest in the property of the regulations contravened, to provide disclosure to future owners and to protect taxpayers against potential claims with regard to the regulations contravened.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Jeremy Holm  
Director, Planning & Development

DATE OF MEETING | May 15, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED  
WITHOUT A BUILDING PERMIT – 5326 DEWAR ROAD** |

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 5326 Dewar 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 5326 Dewar 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-OCT-18 and 2024-DEC-11 in response to a complaint received regarding illegal suites within the dwelling. The inspections confirmed interior alterations took place on the middle floor to create a short-term rental unit without a building permit. A Stop Work Order was posted and correspondence was forwarded to the owner advising that a building permit was required for the work; or alternatively, removal of the illegal construction to return the dwelling to a single-family dwelling with a secondary suite. The deadline for a building permit application or inspection for removal was 2025-FEB-18. Following the notification of the matter being brought forward to Council, the property owner scheduled an inspection and a building inspector attended the property on 2025-MAY-07. The inspector observed that partial removal of the illegal construction had taken place but some 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, 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