



AGENDA SPECIAL COUNCIL MEETING

Thursday, February 1, 2018, 7:00 P.M.

SHAW AUDITORIUM, 80 COMMERCIAL STREET, NANAIMO, BC

SCHEDULED RECESS AT 9:00 P.M.

Pages

1. CALL THE SPECIAL MEETING OF COUNCIL TO ORDER
2. INTRODUCTION OF LATE ITEMS
3. ADOPTION OF AGENDA
4. ADOPTION OF MINUTES
5. PUBLIC SERVICES

- a. Bylaw Contravention Notices - Secondary Suites - 913 Howard Avenue

6 - 7

To be introduced by Dale Lindsay, Director of Community Development.

Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the property listed within this report.

It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 913 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 following property:

1. 913 Howard Avenue – illegal secondary suite

- b. Bylaw Contravention Notice - Construction Started Without a Building Permit - 981 Howard Avenue 8 - 9
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 981 Howard Avenue.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 981 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 981 Howard Avenue for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- c. Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 1451 Bowen Road 10 - 11
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1451 Bowen Road.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 1451 Bowen 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 1451 Bowen Road for construction not completed as per the conditions of the building permit.
- d. Bylaw Contravention Notice - Construction Not Completed as Per Conditions of Building Permit - 6470 Ptarmigan Way 12 - 13
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6470 Ptarmigan Way.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 6470 Ptarmigan Way.
- Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 6470 Ptarmigan Way for construction not completed as per the conditions of the building permit.

- e. Bylaw Contravention Notice - Construction Started Without a Building Permit - 6470 Ptarmigan Way 14 - 15
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6470 Ptarmigan Way.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 6470 Ptarmigan Way.
- Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 6470 Ptarmigan Way 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 - 141 Nottingham Drive 16 - 17
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 141 Nottingham Drive.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 141 Nottingham Drive.
- Recommendation: That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 141 Nottingham Drive 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 - 1716 Kidson Road 18 - 19
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1716 Kidson Road.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 1716 Kidson 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 1716 Kidson Road 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 - 29 Commercial Street 20 - 21
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 29 Commercial Street.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 29 Commercial 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 29 Commercial Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- i. Bylaw Contravention Notice - Construction Started Without a Building Permit - 3047 Little John Way 22 - 23
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3047 Little John Way.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 3047 Little John 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 3047 Little John Way for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- j. Bylaw Contravention Notice - Construction Started Without a Building Permit - 366 Selby Street 24 - 25
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 366 Selby Street.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 366 Selby 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 366 Selby Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

- k. Bylaw Contravention Notice - Construction Started Without a Building Permit - 420 Drake Street 26 - 27
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 420 Drake Street.*
- It is requested that Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 420 Drake 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 420 Drake Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- l. Bylaw Contravention Notice - Construction Started Without a Building Permit - 88 Princess Street 28 - 29
- To be introduced by Dale Lindsay, Director of Community Development.
- Purpose: To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 88 Princess Street.*
- It is requested Council hear anyone wishing to speak with respect to Bylaw Contravention Notice - 88 Princess 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 88 Princess Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".
- m. Reconsideration of Remedial Action Order - 1853 Bartlett Street 30 - 32
- To be introduced by Dale Lindsay, Director of Community of Development.
- Purpose: To seek Council's direction on a request from the owner of 1853 Bartlett Street to reconsider the Remedial Action Order.*
- It is requested that Council hear anyone wishing to speak with respect to Remedial Action Order - 1853 Bartlett Street.
- Recommendation: That Council direct Staff to proceed with the Remedial Action Order approved at its regular meeting held on 2017-NOV-06.

6. **QUESTION PERIOD (Agenda Items Only)**

7. **ADJOURNMENT OF THE SPECIAL COUNCIL MEETING**

Staff Report for Decision

DATE OF MEETING February 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICES – SECONDARY SUITES

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of the property listed within this report.

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 following property:

1. 913 Howard Avenue – illegal secondary suite

BACKGROUND

Illegal Secondary Suites

The following is a property where an illegal secondary suite has been identified and where a building permit application has not yet been received:

- 913 Howard Avenue

As such, the Building Inspections Section, with the assistance of the Bylaw Enforcement Section, will seek further action and/or removal of the secondary suite.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

As per the Secondary Suite Enforcement Policy, a Bylaw Contravention Notice is required to be registered on the title of the affected property in order to identify construction that was originally completed without a building permit and it is therefore unknown if the completed works are compliant with the standards of the BC Building Code.

SUMMARY POINTS

- A Bylaw Contravention Notice is being registered in compliance with the Secondary Suite Enforcement Policy.
- 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:

Dale Lindsay
Director, Community Development

DATE OF MEETING | February 1, 2018 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 981 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 981 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 981 Howard Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection on 2017-SEP-14 revealed that construction has previously taken place to enclose the carport and create living space, including a secondary suite, and to significantly extend the deck. A post-inspection letter was forwarded to the owners outlining deficiencies and detailing what is required in order to legalize the suite. On 2017-DEC-18, an inspection confirmed the secondary suite components had been successfully removed; however, pursuant to Section 57 of the *Community Charter*, it is recommended that 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”. |

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The secondary suite has been successfully removed; however, there still remains a significant amount of construction that has taken place without permit or required inspections.
- 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:

Dale Lindsay
Director, Community Development

DATE OF MEETING February 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 1451 BOWEN ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1451 Bowen 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 1451 Bowen Road for construction not completed as per the conditions of the building permit.

BACKGROUND

Building Permit No. 118207 (BP118207) was issued 2013-JAN-29 and work started to renovate the existing building and add additional floor area on the second floor. The building permit was renewed once and cannot be renewed again. The building permit has now expired with inspections and deficiencies remaining outstanding. A new building permit has not been obtained to complete the deficiencies outstanding. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the incomplete work that remains outstanding.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction was not completed as per the conditions of the permit.
- The building permit was renewed once and cannot be renewed again.
- 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:

Dale Lindsay
Director, Community Development

DATE OF MEETING February 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 6470 PTARMIGAN WAY

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6470 Ptarmigan Way.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 6470 Ptarmigan Way for construction not completed as per the conditions of the building permit.

BACKGROUND

A building permit (BP121520) was issued 2016-JAN-13 for the construction of an in-ground swimming pool. An inspection conducted 2017-DEC-20 revealed that the pool had been completed without the required inspections as part of the building permit. The permit has since been retired with deficiencies remaining outstanding. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without inspections in contravention of “Building Bylaw 2016 No 7224”.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction was not completed as per the conditions of the 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:

Dale Lindsay
Director, Community Development

DATE OF MEETING February 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 6470 PTARMIGAN WAY**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6470 Ptarmigan Way.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 6470 Ptarmigan Way for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.

BACKGROUND

As the result of a site visit, the inspector observed that a retaining wall had been constructed without a building permit. The home owner was advised that a building permit was required for the existing retaining wall. A building permit application was subsequently received 2016-NOV-24. However, the permit was never picked up and has now expired. Pursuant to Section 57 of the *Community Charter*, it is recommended that 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”.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a 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:

Dale Lindsay
Director, Community Development

DATE OF MEETING February 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 141 NOTTINGHAM DRIVE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 141 Nottingham Drive.

Recommendation

That Council direct the Corporate Officer to file a Bylaw Contravention Notice at the Land Title and Survey Authority of British Columbia under Section 57 of the *Community Charter* for the property located at 141 Nottingham Drive for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection was completed on 2017-OCT-11 in response to a complaint regarding illegal construction. The inspection confirmed that windows had been installed in the shear wall at the front of the dwelling without a building permit. Correspondence was forwarded to the property owners advising that a building permit application was required to be submitted for the work. The deadline for a building permit application was 2017-NOV-29. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING February 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1716 KIDSON ROAD

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1716 Kidson 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 1716 Kidson Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

During the course of a business licence application inspection, the Building Inspector discovered that an additional Commercial Rental Unit (CRU) had been constructed within the building without a building permit and required inspections. A building permit (BP122133) for 1716 Kidson Road had already been issued for the installation of plumbing in the existing CRU. The owner was requested to either revise the current building permit, or submit a new building permit application to include the additional CRU by 2017-NOV-06. To date, neither a complete revision for BP122133, nor a new application has been received. Therefore, a notice on title pursuant to Section 57 of the *Community Charter* is recommended to reflect the construction undertaken without a permit. This matter will be referred to Bylaw Services for removal of the additional CRU.

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a 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:

Dale Lindsay
Director, Community Development

DATE OF MEETING February 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 29 COMMERCIAL STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 29 Commercial 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 29 Commercial Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection conducted as a result of a business licence referral revealed that construction had previously taken place to alter the upper floor layout, including the relocation of plumbing, without permit or inspections. Correspondence was forwarded to the owners detailing what is required in order to bring the building into compliance under a building permit. The deadline for a building permit application was 2017-OCT-25. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING February 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 3047 LITTLE JOHN WAY

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3047 Little John 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 3047 Little John Way for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection was completed on 2017-NOV-22 in response to a complaint received regarding illegal construction. The inspection confirmed that deconstruction of an exterior deck and removal of garage walls was taking place, a retaining wall had been constructed, and drainage repairs had been done without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required prior to proceeding with any construction. The deadline for a building permit application was 2018-JAN-03. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING | February 1, 2018 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 366 SELBY STREET |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 366 Selby 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 366 Selby Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection conducted 2017-APR-26 as a result of a business licence referral revealed that illegal construction to enclose an exterior stairway to the upper floor residential unit at the rear of the building had previously taken place without a building permit. A building permit was subsequently completed that addressed safety items; however, pursuant to Section 57 of the *Community Charter*, it is recommended that 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”. |

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a 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:

Dale Lindsay
Director, Community Development

DATE OF MEETING February 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 420 DRAKE STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 420 Drake 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 420 Drake Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection was completed on 2017-OCT-17 in response to a complaint regarding illegal construction. The inspection confirmed that work had been completed to construct a concrete foundation and drainage system under the left wall of the house without a building permit. A Stop Work Order was posted on the job site 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 2017-DEC-11. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING February 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 88 PRINCESS STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 88 Princess 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 88 Princess Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224".

BACKGROUND

An inspection was completed on 2017-DEC-13 in response to a complaint regarding illegal construction. The inspection confirmed that work was underway to renovate the basement, including installing new plumbing and framing, without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required prior to proceeding with any construction. The deadline for a building permit application was 2018-JAN-04. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of "Building Bylaw 2016 No 7224".

DISCUSSION

The purpose of registering a Bylaw Contravention Notice (Section 57 of the *Community Charter*) 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.

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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Dale Lindsay
Director, Community Development

DATE OF MEETING FEBRUARY 1, 2018

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT RECONSIDERATION OF REMEDIAL ACTION ORDER –
1583 BARTLETT STREET**

OVERVIEW

Purpose of Report

To seek Council's direction on a request from the owner of 1583 Bartlett Street to reconsider the Remedial Action Order.

Recommendation

That Council direct Staff to proceed with the Remedial Action Order approved at its regular meeting held on 2017-NOV-06.

BACKGROUND

A roof structure was constructed over an existing landing and stairs at the main entrance of the dwelling without a building permit. The structure has not been constructed to the minimum standards of the BC Building Code, and therefore, represents a safety issue.

The matter was brought before Council at the 2017-SEP-11 Regular Council Meeting, at which time Council made a motion as follows:

"It was moved and seconded that Council to defer consideration of Remedial Action Order – 1583 Bartlett Street for 30 days."

A visual inspection on 2017-OCT-11 found that the structure was still in place.

The matter was brought back to Council at the 2017-NOV-06 meeting, at which time Council made a motion as follows.

- "1. Issue a Removal Order at 1583 Bartlett Street pursuant to Sections 72 and 73 of the *Community Charter*;
2. Advise the owners that they may request that Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent; and,
3. Direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution."

On 2017-NOV-16, the owner submitted a request that Council reconsider the Remedial Action Order.

OPTIONS

1. Council has the option of rescinding the remedial action order.
 - **Legal Implication:** The works completed do not comply with the requirements of the BC Building Code, and in the opinion of the building inspector, constitute a hazard. If a failure were to occur, the City would potentially be open to liability for not enforcing the order.
2. Enforce the Remedial Action Order. |

SUMMARY POINTS

- The covered roof was constructed without a permit or the required inspections.
- Council gave the owner 30 days to rectify the issue.
- Council issued a remedial action order.
- The owner has requested reconsideration of the order. |

ATTACHMENTS

ATTACHMENT A: Site Photo

Submitted by:

Darcy Fox
Manager, Building Inspections |

Concurrence by:

Dale Lindsay
Direction, Community Development |

ATTACHMENT A

