

DATE OF MEETING | August 2, 2018 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1 CHAPEL STREET** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1 Chapel 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 1 Chapel Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". |

BACKGROUND

A building inspector attended Suite No. 1107 on 2015-SEP-25 in response to a concern regarding possible illegal construction. During the inspection, it was revealed that 18 additional units had been created by dividing established apartments and incorporating a kitchen and a bathroom to create separate suites. Our records, however, indicate that building permits were not issued for the works undertaken. Building permits were issued to legitimize the work; however, after the issuance of the permits, it was discovered by the professionals engaged to oversee the upgrades that the original scope of the permit could not be achieved. Subsequently, the permit was revised on 2018-FEB-20 to convert only two of the original two-bedroom suites into four individual one-bedroom suites. The remainder of the illegal suites were to be converted back to their originally permitted form. Although permits for this work have been issued, no inspections have been called and the permits have now expired. Therefore, pursuant to Section 57 of the *Community Charter*, a notice on title is recommended to reflect the construction undertaken without a permit.

Subsequent to the Council meeting and the approval to register the legal notification, this matter will be referred to Bylaw Services to remove all suites constructed without a building permit. |

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.
- Permits for this work subsequently applied for and issued have now expired with no inspections called.
- 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:

Dale Lindsay
Director, Community Development