

DATE OF MEETING July 15, 2019

AUTHORED BY JEREMY HOLM, DIRECTOR OF DEVELOPMENT APPROVALS

SUBJECT **150 NICOL STREET – STONE SOUP KITCHEN**

OVERVIEW

Purpose of Report:

To provide information regarding the City's role in addressing non-permitted construction related to Stone Soup kitchen at 150 Nicol Street.

BACKGROUND

On 2019-FEB-26, the City of Nanaimo received a complaint about the activities and possible illegal structures built on the property at 150 Nicol Street. The activities and structures of concern related to an operating soup kitchen known as the Stone Soup kitchen.

Anytime the City receives a property complaint, Bylaw Inspectors investigate, take the opportunity to educate property owners, and attempt to gain compliance, prior to issuing an infraction.

Upon inspection of 150 Nicol Street, Bylaw Inspectors identified that significant infrastructure had been constructed on the property without required permits or adherence to "City of Nanaimo Building Bylaw 2016 No. 7224" (the "Building Bylaw") and the BC Building Code (the "Building Code"). A notice was subsequently sent to the property owner informing him that the non-permitted structures would need to be removed from the property no later than 2019-MAR-04. The City performed a follow-up inspection and found that only part of the structures had been removed.

The landlord, of his own accord, sent the tenants / soup kitchen operators an eviction notice indicating they were in breach of their rental contract. The landlord and tenant went to the Residential Tenancy Branch over the eviction notice, and on Monday, 2019-JUN-17, the arbitrator ruled in favour of the landlord. The tenants were given until 2019-JUN-30 to vacate the property.

DISCUSSION

The City, responding to a complaint regarding activities and structures on the subject property, identified that significant infrastructure had been constructed on the property without required permits or adherence to the Building Bylaw. Regardless of the good intent behind the operation of the Stone Soup kitchen, there is a public safety risk anytime that construction and development takes place without following proper permitting and adherence to the Building

Code and Building Bylaw. Proper permitting and inspections are a crucial part of ensuring that all development is safe and respectful for property residents and their neighbours.

Property owners are ultimately responsible for ensuring construction on their property adheres to municipal bylaws and the Building Code. In this case, the landlord has stated the structures were constructed without his permission. The landlord took action to evict the tenants / soup kitchen operators, stating they were in breach of their rental contract. The landlord's action was supported by a decision of the Residential Tenancy Branch. The City is not involved in landlord / tenant disputes and eviction arbitration.

SUMMARY POINTS

- The City responded to complaints regarding the property and identified that significant infrastructure had been constructed on the property without required permits or adherence to the Building Code or Building Bylaw.
- The landlord has stated the structures were constructed without his permission, and of his own accord, took action to evict the tenants / soup kitchen operators, stating they were in breach of their rental contract.
- The landlord's action was supported by a decision of the Residential Tenancy Branch. The City is not involved in landlord / tenant disputes and eviction arbitration.

Submitted by:

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Concurrence by:

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