

DATE OF MEETING September 19, 2019

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT UNAUTHORIZED STRUCTURE – 479 PARK AVENUE

OVERVIEW

Purpose of Report

To obtain Council authorization to enforce the provisions of the *Community Charter* related to an unauthorized structure.

Recommendation

That Council:

1. issue a Remedial Action Order at 479 Park Avenue pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner that he may request 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;
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; and
4. direct that the remedial action consist of removal of the unauthorized lean-to structure.

BACKGROUND

The City's Building Inspections Section Staff attended to the property at 479 Park Avenue on 2019-JAN-21 and determined a lean-to structure had been built onto the existing building, and had been constructed without a building permit. As such, the structure has not been inspected or otherwise confirmed to be in compliance with the BC Building Code, City of Nanaimo "Building Bylaw 2016 No. 7224", or "City of Nanaimo Zoning Bylaw 2011 No. 4500" and therefore cannot be considered to be safe. The property owner was informed in writing to remove the structure and a Stop Work Order was issued on 2019-MAR-11.

DISCUSSION

The property owner met in person with Staff and was directed by hand-delivered correspondence dated 2019-MAR-29 to remove the structure. Subsequent inspection by the City Bylaw Enforcement Staff revealed the owner has taken no action and the structure is still in place.

OPTIONS

1. That Council:
 - a) issue a Remedial Action Order at 479 Park Avenue pursuant to Sections 72 and 73 of the *Community Charter*;
 - b) direct Staff to advise the owner that he may request 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;
 - c) 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; and
 - d) that the remedial action consist of removal of the unauthorized lean-to structure.

2. That Council provide alternative direction. |

SUMMARY POINTS

- An illegal structure has been constructed on the property.
- The lean-to structure cannot comply with the BC Building Code, City of Nanaimo "Building Bylaw 2016 No. 7224" and the "City of Nanaimo Zoning Bylaw 2011 No. 4500".
- The property owner has been directed to remove the structure.

ATTACHMENTS:

ATTACHMENT A: Photos of unauthorized structure (lean-to) |

Submitted by:

David LaBerge
Manager, Bylaw Services

Concurrence by:

Bill Corsan
Director, Community Development

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Dale Lindsay
General Manager, Development Services