

Staff Report for Decision

DATE OF MEETING September 19, 2019
AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES
SUBJECT **UNAUTHORIZED SUITE REMOVAL – 515 STEWART AVENUE**

OVERVIEW

Purpose of Report

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

Recommendation

That Council, pursuant to Sections 72 and 73 of the *Community Charter*, order the owners of 515 Stewart Avenue to remove the unauthorized suite to bring the property into compliance within 30 days.

BACKGROUND

The dwelling at 515 Stewart Avenue is a single family dwelling with an unauthorized suite. Alterations were done without a building permit, as required by City of Nanaimo “Building Bylaw 2016 No. 7224”.

Correspondence was directed to the property owner outlining the requirements to retain the suite or remove it.

- The Building Inspections Section conducted an inspection of the suite on 2018-MAY-28. The suite was constructed in the single family dwelling after 2005 without a building permit.
- Post-inspection correspondence was directed to the property owner advising they must obtain a building permit or remove the suite prior to 2018-NOV-31.
- A Building Contravention notice was registered on the title of the property on 2019-JAN-16.
- The property owner did not take steps to legalize the suite, and, as such, enforcement action was commenced on 2019-APR-01.
- The matter was set to go forward to Council on 2019-JUL-22 to seek a removal order. The matter was pulled from that meeting and correspondence was hand delivered on 2019-JUL-11 to the property owner advising that the meeting would be rescheduled.
- To date, the property is not in compliance.

DISCUSSION

Opportunity has been provided for the property owners to bring the single family dwelling into compliance. To date, the illegal suite remains in the dwelling. Correspondence was received

from the owner 2019-SEP-09 in which the City was advised the owner has received financing and expects a building permit to be submitted in the first part of October 2019.

Staff are seeking authorization for a Removal Order from Council for the illegal suite, with a 30-day window in which the owner has opportunity to abide by the City's requirement for a building permit submission.

OPTIONS

1. That Council, pursuant to Sections 72 and 73 of the *Community Charter*, order the property owners of 515 Stewart Avenue to remove the unauthorized suite to bring the property into compliance within 30 days.
2. That Council provide alternative direction.

SUMMARY POINTS

- The Property at 515 Stewart Avenue contains an unauthorized suite.
- Efforts were made to bring the property into compliance.
- As compliance was not achieved, the property has been forwarded to Council for authorization to enforce the provisions of Sections 72 and 73 of the *Community Charter*, with a 30-day window in which to bring the property into compliance.

Submitted by:

Dave LaBerge
Manager, Bylaw Services

Concurrence by:

Bill Corsan
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Dale Lindsay
General Manager, Development Services