

DATE OF MEETING March 5, 2020

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT 1667 EXTENSION ROAD – ILLEGAL CONSTRUCTION

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 1667 Extension Road 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 the remedial action consisting of removal of the unauthorized structure.

BACKGROUND

The property at Lot 10, Section 17, Range 4, Cranberry District, Plan 8000 (1667 Extension Road) is a single family dwelling.

A deck was constructed at 1667 Extension Road without permit, in contravention of City of Nanaimo "Building Bylaw 2003 No. 5693".

Correspondence was forwarded to the property owner advising a building permit would be required for the work. A permit was received for the work, but the permit expired with deficiencies remaining outstanding.

- Building Inspections observed the illegal deck on 2016-MAY-05.
- Correspondence was sent to the property owner on 2016-MAY-06 providing opportunity to submit a permit for the work.
- A building permit was received for the work and issued 2016-NOV-10.
- The permit expired 2018-OCT-30 without being completed and correspondence was forwarded to the property owner providing opportunity to rectify the outstanding deficiencies.

- No further inspections were called and the building permit was retired as incomplete 2019-MAR-30 with deficiencies remaining outstanding. The file was forwarded to Bylaw Services for enforcement action.
- Building Bylaw Contravention Notice (*Community Charter* Section 57) was registered on title 2016-AUG-10.
- The file was received by Bylaw Services Mar 2019.
- A Bylaw Officer attended the property April 2019. No response was received; it appeared to no one was home.
- A Bylaw Officer telephoned the residence in May 2019. No response received.
- A recent site inspection In December 2019 confirmed the illegal deck structure is still in place and Building Inspections Staff consider this to be a safety issue that must be addressed.

DISCUSSION

Opportunity has been provided to the property owners to legitimize or remove the illegal construction. To date, the illegal construction remains.

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

OPTIONS

1. That Council:
 1. issue a Remedial Action Order at 1667 Extension Road 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 the remedial action consisting of removal of the unauthorized structure.

SUMMARY POINTS

- An illegally-constructed deck was observed at the property at 1667 Extension Road.
- The owner was provided opportunity to legitimize or remove the illegal construction.
- 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
Director, Community Development

Dale Lindsay
General Manager, Development Services