

DATE OF MEETING | October 22, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 4585 HAMMOND BAY ROAD |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4585 Hammond Bay Road. |

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 4585 Hammond Bay Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

As the result of complaints received regarding activities and illegal construction, an inspection 2019-JUN-24 and an additional inspection 2019-JUL-11, while accompanying a Bylaw Officer, revealed two additions and decks had been constructed onto an existing building without a building permit or required inspections. Correspondence was forwarded to the property owner advising the property owner to contact Planning Staff with regard to requirements for the change of use of the building and to resolve any issues regarding zoning (gross floor area), as well as a deadline of 2020-AUG-14 to submit a building permit application for the work. To date, Planning Staff have not been contacted, and a building permit application has not been received.

A further complaint and subsequent inspection 2020-SEP-11 found that work had been undertaken to construct a metal roof cover over part of the rear deck on the accessory building. A Stop Work Order was posted. Staff became aware the Stop Work Order may have been removed, which was confirmed during a site visit 2020-SEP-16. A second Stop Work Order was then posted. During this inspection, it was found work had continued on the deck covering with the erection of walls to enclose the space. Correspondence was forwarded to the property owner 2020-SEP-22 advising the deck covering and enclosure was required to be removed by 2020-OCT-07. To date, the structure remains.

Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the contravention of “Building Bylaw 2016 No 7224”.

Subsequent to the hearing of this matter in front of Council, the matter will be referred to Bylaw Services for removal enforcement of the illegally-constructed works |

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.
- The deadline to submit a building permit application has passed.
- 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:

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Concurrence by:

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Dale Lindsay
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