

DATE OF MEETING | November 19, 2020 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 129 YON PLACE |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 129 Yon Place. |

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 129 Yon Place for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2019-NOV-08 as part of an inspection for permit BP123733 (to construct a staircase at the same address). The inspection confirmed work had been completed to enclose the under part of the existing deck without a building permit. The owner was given a deadline of 2020-MAR-20 to submit a building permit application. To date, a building permit application has not been received. Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No. 7224”. |

The originally constructed deck was permitted to project into the rear yard setback 2m, but the enclosure of the space now constitutes an addition to the single family dwelling, and, therefore, is not allowed to encroach into the rear yard setback and must be removed. As such, further to the registration of this notice, this matter will be referred to Bylaw Services for removal enforcement. |

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 this notice, this matter will be referred to Bylaw Services for removal enforcement.

Submitted by:

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Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
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