

DATE OF MEETING March 18, 2021
AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 617 SUNDERLAND AVENUE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 617 Sunderland Avenue.

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 617 Sunderland Avenue for construction not completed as per the conditions of the building permit.

BACKGROUND

As the result of a complaint, an inspection was conducted on 2019-JUN-07 and confirmed a full house renovation was underway, including the construction of a new front deck, without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that a building permit was required for the work. A building permit (BP125598) was subsequently received and issued 2019-JUL-16.

On 2020-SEP-10, the building inspector observed further work was underway, outside of the scope of issued permit BP125598, to enclose the underside of the deck, resulting in another Stop Work Order being posted. Correspondence was sent to the home owner with a deadline of 2020-OCT-01 for a new building permit application or revision to the existing BP125598 to incorporate this new construction. A building permit application (BP126776) was applied for 2020-OCT-06 for the enclosure of the underside of the deck. However, the application was incomplete and correspondence was forwarded to the property owner 2020-OCT-06 and again 2020-DEC-09 advising of the required documentation to deem the application “received”. The 30-day deadline passed and the required documentation was not received. As such, the application was cancelled.

BP125598 expired 2020-OCT-08 as no inspections had been called for in the previous 12 months. Correspondence was sent to the property owner 2020-OCT-16 advising of the expired permit, scheduling a monitoring inspection, and providing a window of opportunity to correct any deficiencies found during the inspection. A monitoring inspection 2020-NOV-04 confirmed all the work under expired BP125598 and not-yet-issued BP126776 had been completed without the required inspections having been done. To date, no further inspections have been called to rectify deficiencies and no new permit applications have been received to legitimize the construction.

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”.

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 was not completed as per the conditions of the permit.
- The deadline to renew the permit 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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services