

DATE OF MEETING | March 18, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 520 NOVA STREET |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 520 Nova Street. |

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 520 Nova Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was conducted on 2020-OCT-22 in response to a complaint received regarding illegal construction in an accessory building. The inspector was unable to gain entry for a full inspection, but based on external observations, was able to determine after a search of records that renovations had taken place without a required permit. A Stop Work Order was posted on the job site 2021-OCT-23 and correspondence was forwarded to the owner advising of the requirement for a full inspection. A full inspection was conducted 2020-DEC-04, during which the inspector observed a suite had been constructed within the accessory building. As a permitted suite already exists in the main dwelling, correspondence was forwarded to the property owner advising of the requirement to remove the suite in the accessory building in accordance with “City of Nanaimo Zoning Bylaw 2011 No. 4500”, which allows for only one suite per single family dwelling, and advising of a scheduled inspection to verify the required removal. A response from the property owner acknowledged the inspection; however, when the inspector arrived on the pre-scheduled date of 2021-JAN-29, no one was on site to provide access. 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”.

In accordance with the letter to the owner, as the suite could not be verified as having been removed, this matter will be forwarded 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

- A second suite was constructed on the property without permit, which violates “City of Nanaimo Zoning Bylaw 2011 No. 4500” and “Building Bylaw 2016 No. 7224”.
- 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:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
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