

DATE OF MEETING | April 15, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1058 SHELBY ANN AVENUE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1058 Shelby Ann 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 1058 Shelby Ann Avenue for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2021-JAN-27 in response to a complaint regarding a second suite within the dwelling. The inspection revealed that a second suite had been constructed within the lower level of the dwelling, next to the existing legal, permitted suite, in violation of “City of Nanaimo Zoning Bylaw 2011 No. 4500” and “Building Bylaw 2016 No. 7224”. Correspondence was forwarded to the property owner with a deadline to remove the second suite of 2021-MAR-04, with an inspection scheduled same day. During the inspection 2021-MAR-04, the inspector found the suite had not been removed. Therefore, pursuant to Section 57 of the *Community Charter*, a notice on title is recommended to reflect the construction undertaken without a permit.

Further to the registration of the notice, this matter will be referred to Bylaw Services for suite 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 the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

Darcy Fox
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Concurrence by:

Jeremy Holm
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Dale Lindsay
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