

DATE OF MEETING | April 15, 2021 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE – CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 3538 DEPARTURE 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 3538 Departure 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 3538 Departure Bay Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

## **BACKGROUND**

An inspection was completed on 2019-SEP-30 in response to a complaint received regarding illegal construction. The inspection confirmed work was underway to enclose the underside of an existing deck without a building permit. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising a building permit was required for the work. A building permit application (BP126937) was received 2020-JAN-10 to close in the under-the-deck area. However, during a site inspection 2020-APR-30, the inspector found the scope of the work had changed to include the addition of a set of stairs and landing. Correspondence was forwarded to the owner advising of the requirement for revised drawings for the additional construction; revised drawings were not submitted. A further site inspection 2020-SEP-24 found the majority of illegal construction had been removed, but with a small portion of the illegally-constructed deck and stairs remaining. Correspondence was forwarded to the owner advising revised plans for the deck change were required for the existing permit application. To date, revised drawings have not been received, and the permit application has now expired. 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 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.

**Submitted by:**

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**Concurrence by:**

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