

DATE OF MEETING    APRIL 15, 2021

AUTHORED BY        DAVID LABERGE, MANAGERY BYLAW SERVICES

SUBJECT             ILLEGAL CONSTRUCTION – 3042 MCCAULEY DRIVE

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to enforce the provisions of the *Community Charter* related to an unauthorized structure.

### **Recommendation**

That Council:

1. issue a Remedial Action Order at 3042 McCauley Drive pursuant to Sections 72, 73 and 74 of the *Community Charter*;
2. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and
3. direct that the remedial action consist of removing the illegal structures and reinstating the guardrails.

## **BACKGROUND**

The City received information from the public which prompted an inspection of the property at 3042 McCauley Drive on 2019-JUN-24.

The building inspector determined there were multiple illegal construction projects at the property, including a ground-level addition to the dwelling and the enclosing of the back deck. A Stop Work Order was posted on the job site and correspondence was forwarded to the owner advising that the illegal structures were to be removed and guardrails on the deck reinstated. The deadline for removal was 2019-JUL-12. An inspection on 2020-FEB-28 revealed that the illegal construction remained.

The Council of the City of Nanaimo, during the Public Hearing/Special Meeting held on 2020-NOV-19 passed a resolution respecting a contravention of "Building Bylaw 2016 No. 7224" and a bylaw contravention notice was registered on the property.

The Building Inspections Section forwarded the inspection report to the Bylaw Services Section on 2020-DEC-02 requesting removal enforcement.

The Bylaw Services Section inspected the property on 2020-DEC-31 confirming that the illegal construction had not been removed. The property owners were notified in writing on 2021-JAN-06 that Council would consider a Remedial Action Order pursuant to sections 72, 73 and 74 of the *Community Charter* to require the removal of the illegal structure.

## **DISCUSSION**

Notice was given to the property owners to remove the illegal structures and reinstate the guardrails. To date, the illegal structures remain.

## **OPTIONS**

1. That Council:
  1. issue a Remedial Action Order at 3042 McCauley Drive pursuant to Sections 72, 73 and 74 of the *Community Charter*;
  2. direct Staff or its authorized agents to take action in accordance with Section 17 of the Community Charter without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and
  3. direct that the remedial action consist of removing the illegal structures and reinstating the guardrails.
2. That Council take no action.
3. That Council provide alternative direction.

## **SUMMARY POINTS**

- The City received information from the public that prompted an inspection of the property at 3042 McCauley Drive on 2019-JUN-24.
- The building inspector determined there were multiple illegal construction projects at the property.
- A Remedial Action Order is recommended directing the removal of the illegal structures and reinstating the guardrails.

## **ATTACHMENTS:**

ATTACHMENT A: Letter to Owner dated 2019-JUN-28

ATTACHMENT B: Letter to Owner dated 2021-JAN-06

ATTACHMENT C: Photos of structure |

### **Submitted by:**

Dave LaBerge  
Manager, Bylaw Services|

### **Concurrence by:**

Bill Corsan  
Director, Community Development

Dale Lindsay  
General Manager, Development Services|