

**MINUTES**  
SPECIAL COUNCIL MEETING  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC  
THURSDAY, 2021-APR-15, AT 7:00 P.M.

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Present: Mayor L. Krog, Chair  
Councillor S. D. Armstrong (joined electronically)  
Councillor D. Bonner (joined electronically)  
Councillor T. Brown (joined electronically)  
Councillor B. Geselbracht  
Councillor E. Hemmens  
Councillor Z. Maartman  
Councillor I. W. Thorpe  
Councillor J. Turley

Staff: J. Holm, Director, Development Approvals  
D. Fox, Manager, Building Inspections  
D. LaBerge, Manager, Bylaw Services  
S. Snelgrove, Deputy Corporate Officer  
J. Vanderhoef, Recording Secretary

1. CALL THE SPECIAL COUNCIL MEETING TO ORDER:

The Special Meeting was called to order at 7:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Remove Agenda Item 4(b) - Unsafe Structure - 45/47 Haliburton Street.
- (b) Remove Agenda Item 4(f) – Bylaw Contravention Notice – Construction Started Without a Building Permit – 1058 Shelby Ann Avenue.

3. ADOPTION OF AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

4. REPORTS:

- (a) Illegal Construction – 3042 McCauley Drive

Introduced by Dave LaBerge, Manager, Bylaw Services.

Delegation:

- 1. Dacia Douhaibi spoke regarding communication between the Bylaw and Building Departments and a previous conversation regarding a notice on title.

She stated that the purpose of enclosing the deck was for safety reasons to prevent children from climbing the railing to pick cherries, and that the construction was stopped when the stop work order was received. She noted that the owner began removing the construction; however, stopped due to confusion regarding the notice on title and the requirement to remove. The owner would like to retain the smaller shelter on the ground level near the base of the stairs, but is prepared to remove the deck.

Council discussion took place regarding the process for removing the notice on title.

Darcy Fox, Manager, Building Inspections, explained that if the work was removed and brought into compliance the owner would need to request an inspection and submit an application to the Building Inspections Department to remove the notice on title.

It was moved and seconded 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.

The motion carried unanimously.

(b) Remedial Action Order - 4470 Burma Road

Introduced by Dave LaBerge, Manager, Bylaw Services.

It was moved and seconded that Council:

1. issue a Remedial Action Order at 4470 Burma Road pursuant to Sections 72 and 73 of the *Community Charter*;
2. direct Staff to advise the owner they may request that Council reconsider the Remedial Action Order by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. 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
4. direct the remedial action consist of removal or demolition of the shed structure.

The motion carried unanimously.

(c) Bylaw Contravention Notice – Construction Not Completed As Per Conditions of Building Permit – 341 Chesterlea Avenue

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Introduced by Darcy Fox, Manager, Building Inspections.

Delegation:

1. Jiemin Hong provided a PowerPoint presentation and spoke regarding the original permit application in 2019 and a misunderstanding regarding the timeframe to complete the first inspection within six months. She noted there had been many delays and hurdles that arose due to the pandemic. She spoke regarding the theft of the building materials stored in the garage, increasing costs, and no workers being available during the pandemic. She is trying to apply for another building permit.

Council discussion took place. Highlights included:

- Potentially deferring this topic for 60 days
- Implications of a notice on title when applying for funding
- Potentially deferring this topic for one month
- Issue has been ongoing for two years
- Type/scope of renovations

It was moved and seconded that Council defer consideration of “Bylaw Contravention Notice – Construction Not Completed as per Conditions of Building Permit – 341 Chesterlea Avenue” to the 2021-MAY-20 Special Council Meeting (Public Hearing). The motion carried.  
Opposed: Mayor Krog

(d) Bylaw Contravention Notice – Construction Started Without a Building Permit – 179 Capt Morgans Boulevard

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Introduced by Darcy Fox, Manager, Building Inspections.

It was moved and seconded 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 179 Capt Morgans Boulevard for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(e) Bylaw Contravention Notice – Construction Started Without a Building Permit – 3538 Departure Bay Road

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Introduced by Darcy Fox, Manager, Building Inspections.

It was moved and seconded 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”. The motion carried unanimously.

- (f) Bylaw Contravention Notice – Construction Not Completed As Per Conditions of Building Permit – 4376 Boban Drive

Introduced by Darcy Fox, Manager, Building Inspections.

It was moved and seconded 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 4376 Boban Drive for construction not completed as per the conditions of the building permit. The motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 7:52 p.m. that the Special Council meeting be adjourned. The motion carried unanimously.

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CHAIR

CERTIFIED CORRECT:

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CORPORATE OFFICER