

DATE OF MEETING June 16, 2022

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 411 HERON PLACE**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 411 Heron Place.

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 411 Heron Place for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.

BACKGROUND

An inspection was conducted on 2022-JAN-14 in response to a complaint received regarding illegal construction. The inspection confirmed that a staircase on the side of the dwelling had been illegally constructed. As the staircase was constructed within the required setbacks, and not constructed in compliance with British Columbia Building Code, a deadline of 2022-APR-14 was given to remove the staircase. An inspection 2022-APR-14 confirmed that the structure was still in place.

Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the property title to reflect the work undertaken without a permit or inspections in contravention of “Building Bylaw 2016 No. 7224” and the violation of “Zoning Bylaw 2011 No. 4500.”

Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement, as the staircase is not permitted to be constructed in the setbacks.

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 remove the construction 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:

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Concurrence by:

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