

DATE OF MEETING OCTOBER 24, 2022

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT ILLEGAL CONSTRUCTION – 2005 BOXWOOD ROAD

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 2005 Boxwood Road pursuant to Sections 72 and 73 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 structures constructed on each side of the main building without a permit.

BACKGROUND

2005 Boxwood Road is an I3 – high tech industrial zoned property utilized for a construction business.

On 2019-OCT-28, a building inspector attended to the property in response to information received, and observed illegal construction on both sides of the main building. To one side, an existing 469 m² attached steel canopy had been enclosed with posts and sheeting attached to the existing parking surface. On the opposite side, a covered area had been constructed over another parking surface. No permits had been issued, and the date of construction was unknown. A Stop Work Order was posted on site.

The property owner was notified in a letter dated 2019-NOV-05 that a building inspector had observed two unpermitted structures and had issued a Stop Work Order at the job site. The owner was directed to submit a building permit application by 2019-NOV-19 or the matter would be referred to Council recommending a Bylaw Contravention Notice be registered on the property title pursuant to Section 57 of the *Community Charter*.

The property owner was given additional time to apply for a building permit through the period of the COVID-19 Pandemic, and no further regulatory action was undertaken until more than a year

later. The owner was informed in letter dated 2020-NOV-03 that Council would consider a report prepared by the Building Inspections Section recommending a notice be registered on the property title pursuant to Section 57 of the *Community Charter*. On 2020-NOV-19, Council passed a resolution respecting a contravention of the Building Bylaw.

The Building Department continued to give the owner additional time to apply for a building permit and did not immediately register the Bylaw Contravention Notice on the property title to provide opportunity to bring the property into compliance.

An application for a building permit was submitted on 2020-DEC-07 and found to be incomplete. The applicant was notified in writing of information required to process the application to issue a permit. The file was closed and deemed incomplete on 2021-FEB-23 when no further information was received.

A bylaw contravention notice has now been filed.

The matter was referred to the Bylaw Department on 2022-AUG-25 requesting enforcement action.

DISCUSSION

The property is the site of a large construction company and the additions which have been added to the main building are substantial structures which enclose equipment, building materials and intended work areas. These structures have been constructed without permit or inspection. Engineering reports, structural drawings, fire suppression installations and building details are required. The property owners would be fully aware of requirements to obtain building permits before commencing construction on these significant construction projects. They were directed to Stop Work and obtain a building permit three years ago.

Staff recommend that Council issue a Remedial Action Order pursuant to Sections 72 and 73 of the *Community Charter* requiring removal of the two structures which were constructed without building permits, and further to direct Staff to take action in accordance with Section 17 if the Remedial Action is not undertaken within 30 days of the Council resolution.

OPTIONS

1. That Council:
 1. issue a Remedial Action Order at 2005 Boxwood Road pursuant to Sections 72 and 73 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 structures constructed on each side of the main building without a permit.

- The advantages of this option: A building or structure erected without permit or inspection is a potentially hazardous condition. A Remedial Action Order will compel the owner to bring the illegal construction into compliance or to remove it.
- The disadvantages of this option: If the property owner fails to undertake the remedial action requirement, the City may be required to undertake the work.
- Financial Implications: The costs of work to enforce the remedial action requirement may be imposed on the property owner.

2. That Council provide alternative direction. |

SUMMARY POINTS

- Two additions have been constructed onto the main building on the property at 2005 Boxwood Road without building permits or inspection. A Stop Work Order has been issued.
- The property owner has been directed to apply for a building permit to bring the construction into compliance, or to remove it.
- Notice of Bylaw Contravention has been filed on the property title.
- Three years has elapsed since the property owner was informed of bylaw contraventions, and no building permit has been issued.
- A Remedial Action Order pursuant to Sections 27 and 73 of the *Community Charter* is recommended.

ATTACHMENTS:

ATTACHMENT A: Photographs of illegal construction at 2005 Boxwood Road |

Submitted by:

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Concurrence by:

Dale Lindsay
General Manager, Development Services /
Deputy CAO |