

DATE OF MEETING DECEMBER 15, 2022

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT UNAUTHORIZED SUITE REMOVAL – 900 DARSHAN PLACE

OVERVIEW

Purpose of Report

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

Recommendation

That Council:

1. issue a Remedial Action Order at 900 Darshan Place 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 unauthorized suite in accordance to direction of the Building Department.

BACKGROUND

The Building Department attended to the property at 900 Darshan Place in May 2021 to investigate a complaint that an unauthorized secondary suite had been installed without a building permit.

Inspectors found a number of building code and zoning contraventions. A set of stairs had been built off the rear second storey deck without a permit, and did not meet code requirements. The residence originally consisted of a primary dwelling and a legal secondary suite, but it was found that an additional secondary suite had been installed without permit. The new construction included the installation of cabinetry and a sink, a stove, relocation of a door to the furnace room, and a new interior door to separate the suite from the rest of the house. Two secondary suites are not permitted by Zoning regulations.

The property owners were informed of inspection deficiencies in writing, and directed to remove the suite. A follow-up inspection was conducted in September 2021 after the owners confirmed that they had removed the suite as directed. Inspectors found that the doorway was still in place and cabinetry had been detached from the walls, but were still onsite. The stove wiring was still

intact and connected to the panel, and while the sink had been detached, the plumbing was still intact.

The owners were notified of the inspection deficiencies in writing again, and informed that the matter would be taken to Council recommending a Bylaw Contravention Notice be registered on the property title pursuant to Section 57 of the *Community Charter* if the required work was not completed by a follow up inspection in November 2021.

The required work was not completed, and the City of Nanaimo Council passed a resolution respecting a contravention of the Building Bylaw during the Special Meeting held on 2022-JUN-16, and a Bylaw Contravention Notice was registered on the property title. The matter was subsequently forwarded to Bylaw Services for enforcement removal action.

The owners contacted the City in September 2022 advising that the suite removal had been completed and to request a follow-up inspection. An inspection found that the wiring and plumbing had not been removed, capped or covered with drywall, and that separating doorway and some of the cabinetry was still in place.

The owners continued to communicate with the Building Department through October 2022 requesting that they be permitted to keep the door framing and plumbing in place. This was declined, as it was evident that the intention was to restore the illegal secondary suite. A bylaw officer followed up with the owners a final time in November 2022 and attended to the property and confirmed that the contraventions have not been rectified. |

DISCUSSION

|The (second) secondary suite was installed without permit and is in contravention of zoning and building regulations. The owners have been informed of requirements to rectify the contraventions and have been given ample time and notice to complete the work.

Council has passed a resolution respecting contravention of the Building Bylaw, and a Bylaw Contravention Notice has been registered on the property title. |

OPTIONS

That Council:

1. issue a Remedial Action Order at Darshan Place 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 unauthorized suite in accordance to direction of the Building Department.

SUMMARY POINTS

- A secondary suite was constructed in the residence at 900 Darshan Place without a permit and in contravention of Zoning and Building Regulations.
- The owners have been provided with details of inspection deficiencies and directed to remove the suite.
- Multiple follow-up inspections have determined that the contraventions have not been rectified.
- Notice of Bylaw Contravention has been filed on the property title.
- A remedial action order requiring the removal of the suite is recommended to bring the property into compliance.

ATTACHMENTS:

ATTACHMENT A: Site photographs taken 2022-NOV-08 |

Submitted by:

Dave LaBerge
Manager, Bylaw Services
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Concurrence by:

Dale Lindsay
General Manager, Development Services /
Deputy CAO |