

DATE OF MEETING | December 15, 2022 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | **BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 527 FIFTH STREET** |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 527 Fifth Street. |

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 527 Fifth Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

BACKGROUND

An inspection was completed on 2022-JUN-20 in response to a complaint received regarding illegal construction. The inspection confirmed that the renovations to the interior of the dwelling were underway without a building permit, however this assessment was limited to what could be observed through a window as access to the interior was not possible. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that a completed hazardous materials assessment is required prior to a building official entering the property to determine scope of work. As per Worksafe BC guidelines, a hazardous materials assessment and Clean Air Report is required for houses constructed prior to 1990 before a building inspector can safely enter. To date, the hazardous materials assessment and Clean Air Report have not been received, nor has a building permit application been submitted.

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

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 submit a building permit application 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.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay
General Manager, Development Services /
Deputy CAO