

DATE OF MEETING March 16, 2023

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the two property titles with incomplete building permits.

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* respecting the properties listed below for construction not completed as per the conditions of the building permit in contravention of the “Building Bylaw 2016 No. 7224” including:

- (a) 3120 Robin Hood Drive; and,
- (b) 3125 Robin Hood Drive.

BACKGROUND

All building permits issued by the City of Nanaimo are required to complete the terms and conditions outlined in each permit as regulated in the “Building Bylaw 2016 No. 7224” and enforced by the Building Inspections section.

When conditions of a building permit are not met, and deficiencies are still in place, a report is brought forward for a resolution of Council to file a Bylaw Contravention Notice on the property title under Section 57 of the *Community Charter*. The purpose of registering a Bylaw Contravention Notice 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.

DISCUSSION

The following properties have not completed the terms and conditions outlined in the issued building permits.

- (a) **3120 Robin Hood Drive, BP124800** – Renovation of a deck

A building permit to rebuild the deck on the above-noted property was issued on **2018-NOV-02**. However, the permit has now expired with deficiencies remaining outstanding in contravention of the Building Bylaw. Correspondence was forwarded to the owner advising of the expiring permit and providing opportunity to rectify the outstanding deficiencies, but to date, the deficiencies have not been resolved.

(b) **3125 Robin Hood Drive, BP126164** – Renovation of a secondary suite

A building permit for a full renovation of a secondary suite in the basement of the above-noted property was issued on **2020-JUL-07**. The permit has now expired with deficiencies remaining outstanding in contravention of the Building Bylaw. Correspondence was forwarded to the owner advising of the expiring permit and providing opportunity to rectify the outstanding deficiencies, but to date, the deficiencies have not been resolved.

Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on all above-noted property titles to reflect the work undertaken that does not meet the terms and conditions of the issued permits in contravention of “Building Bylaw 2016 No. 7224.”

SUMMARY POINTS

- Construction was not completed as per the conditions of the permit on both properties listed above.
- The deadline to rectify deficiencies 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