

DATE OF MEETING MARCH 16, 2023

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT ILLEGAL CONSTRUCTION – 840 ST. GEORGE STREET

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 840 St. George Street 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 illegal deck structure.

BACKGROUND

In May 2022, the City of Nanaimo became aware that a second-storey deck structure had been installed on the residence at 840 St. George Street without a permit or inspection.

A building inspector attended to the property and determined that the structure does not conform to the 2018 BC Building Code and identified significant deficiencies and safety concerns. The distance between supporting beams is over the permitted span length, and the joist hangers and beams are inadequate and structurally very weak. The posts holding up the structure are resting on a concrete slab without proper footings required for load-bearing posts.

The residence is occupied by tenants who have been informed that the deck is unsafe and cannot be used. A Stop Work Order was issued at the time of inspection.

The Property Owner was informed of the building inspection and the Stop Work Order in writing in June 2022 and instructed to complete a building permit application within sixty days.

The Owner did not submit a permit application, and was subsequently informed that Council would consider a report prepared by the Building Inspections Section recommending a notice be registered on the title of the property pursuant to Section 57 of the *Community Charter*.

At the Public Hearing held on 2022-DEC-15, Council passed a resolution to register a Bylaw Contravention Notice at the Land Title Office to serve those with an interest in the property of the regulations contraventions.

The Owner has not taken any action to obtain a building permit or to communicate any intention to bring the deck structure into regulatory compliance.

DISCUSSION

Council may impose remedial action requirements in relation to hazardous conditions as set out in Sections 72 and 73 of the *Community Charter*, and require the Owner to remove or demolish a hazardous building or structure, to alter it, or bring it up to a standard specified by bylaw if Council considers it to be unsafe or to be in contravention of the Provincial building regulations or a bylaw.

If the Owner subject to the requirement fails to take the required action, the municipality may fulfill the requirement at the Owner's expense, and recover the costs incurred in accordance with Section 17 of the *Community Charter*.

OPTIONS

1. That Council:
 1. Issue a Remedial Action Order at 840 St. George Street 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 illegal deck structure.
2. That Council provide alternative direction. |

SUMMARY POINTS

- A second-storey deck structure was constructed on the residence at 840 St George Street without a building permit or inspection.
- A building inspector determined that the structure does not conform to BC Building Code and is unsafe.
- A Stop Work Order was posted and notice of bylaw contravention has been registered on title.
- The Owner has taken no action to remove the structure or to bring it into regulatory compliance.
- A remedial action order to remove the illegal deck structure is recommended.

ATTACHMENTS:

ATTACHMENT A: Site Photographs |

Submitted by:

David LaBerge
Manager, Bylaw Services |

Concurrence by:

Dale Lindsay
General Manager, Development Services /
Deputy CAO |
