

DATE OF MEETING MARCH 16, 2023

AUTHORED BY DAVID LABERGE, MANAGER, BYLAW SERVICES

SUBJECT ILLEGAL CONSTRUCTION – 124 HAIDA TRAIL

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 124 Haida Trail 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 structure.

BACKGROUND

In August 2022, the City of Nanaimo became aware that two enclosed structures had been constructed on the residence at 124 Haida Trail without permits or inspection.

One of the structures was a framed room with roof that had been constructed on top of a foundation that was attached to the front of the house and situated along the property line. This structure was removed by the Owner after a Stop Work Order was posted and is no longer an enforcement issue.

To the back of the house, an existing deck structure has been framed in and windows have been installed to create a living space. A non-compliant set of metal stairs have been installed to access the deck surface, and a roof structure has been built over the deck. The construction was completed without permit or inspection and is significantly unsafe and non-compliant to BC Building Code.

The property was inspected 2022-AUG-05 and a Stop Work Order was issued and posted. The Building Inspections Section notified the Owner of deficiencies in writing and directed that the roof structure be removed, and that a building permit application be submitted to remediate the remaining unpermitted construction.

The deadlines for a building permit application passed without any response from the Owner, and the matter was brought before Council on 2022-DEC-15. A resolution was passed to register a Bylaw Contravention Notice at the Land Title Office to serve those with an interest in the property of the bylaw contraventions.

The Building Inspections Section has forwarded this matter to Bylaw Services for enforcement action.

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 124 Haida Trail 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 structure.
2. That Council provide alternative direction.

SUMMARY POINTS

- An illegal structure has been constructed at 124 Haida Trail without permit or inspection.
- The structure is not compliant with building code regulations and is hazardous.
- The Owner was directed to remove the structure or submit a building permit to rectify the building contraventions.
- The owner did not respond to the direction and notice of bylaw contravention has been filed on the property title.
- It is recommended that Council issue a remedial action order requiring the removal of the illegal structure.

ATTACHMENTS:

ATTACHMENT A: Site Photographs |

Submitted by:

David LaBerge
Manager, Bylaw Services |

Concurrence by:

Dale Lindsay
General Manager, Development Services /
Deputy CAO |
