

DATE OF MEETING | March 16, 2023 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED  
WITHOUT A BUILDING PERMIT |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on several property titles. |

### **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 started without a building permit in contravention of "Building Bylaw 2016 No. 7224" including:

- (a) 1611 Bowen Road (Unit #1);
- (b) 3047 Little John Way;
- (c) 126 Wildlife Place; and,
- (d) 126 Wildlife Place.

## **BACKGROUND**

Building regulations for the City of Nanaimo are outlined in the "Building Bylaw 2016 No. 7224" and are enforced by the Building Inspections section and where necessary, Bylaw Services.

Where construction has been undertaken without a building permit, and in violation of the Building Bylaw, 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 undertaken work without a building permit in place.

- (a) **1611 Bowen Road (Unit #1)**, CIB05778 – Illegal Construction in commercial unit

An inspection on the above-noted property conducted on 2021-JUL-23 as a result of a business licence referral revealed that there was a change of use which modified the occupancy type from Group D to Group E. Additionally, an overhead door for a loading bay had been installed without permit or inspections. Correspondence was forwarded advising of the need for a building permit for this work. The deadline for a building permit application was 2021-AUG-30. A building permit application was received on

2021-AUG-11 but was incomplete. Additional items were requested by the plan checker and to date, those items have not been received. The application expired on 2022-AUG-11.

Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

(b) **3047 Little John Way**, CIB05950 – Illegal Construction – accessory building, deck, stairs

An inspection at the above-noted property was completed on 2022-SEP-14 in response to a complaint received regarding illegal construction. The inspection confirmed that work was underway to construct a carport including a deck with a set of stairs without a building permit. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that a complete building permit application with drawings was required for the work. A building permit application was received on 2022-OCT-31 but was deemed incomplete. No further information has been received for the permit application.

Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

(c) **126 Wildlife Place**, CIB05893 – Illegal Construction – enclosing a covered deck space

An inspection at the above-noted property was completed on 2022-MAY-25 in response to a complaint received regarding illegal construction. The inspection confirmed that work was underway to enclose a covered second storey deck space into a workshop space without a building permit. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that the work observed on site did not meet 2018 BC Building Code requirements and would therefore be required to be removed by 2022-JUL-07. The deadline has passed and no corrective action has taken place.

Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

(d) **126 Wildlife Place**, CIB05962 – Illegal Construction – Accessory Building

An inspection at the above-noted property was completed on 2022-OCT-06 in response to a complaint received regarding illegal construction. The inspection confirmed that work was underway to construct an accessory building without a building permit. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that a building permit was required for the work. The deadline for a building permit application was 2022-NOV-14. To date, a building permit application has not been received.

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 without a permit or inspections in contravention of "Building Bylaw 2016 No. 7224." |

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken on all properties listed without first obtaining a permit.
- On all properties, the deadline to submit a complete 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.
- Where applicable to each property, this matter will also be referred to Bylaw Services for further enforcement.

#### **Submitted by:**

Darcy Fox  
Manager, Building Inspections

#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay,  
General Manager, Development Services /  
Deputy CAO