

DATE OF MEETING | April 20, 2023 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT (1985 BOXWOOD ROAD, 5918 WALDBANK ROAD, 2324 DEPARTURE BAY ROAD) |**

## 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”:

- (a) 1985 Boxwood Road – illegal construction in commercial unit;
- (b) 5918 Waldbank Road – illegal construction in basement; and,
- (c) 2324 Departure Bay Road – illegal construction of an accessory building. |

## 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) **1985 Boxwood Road**, CIB05605 – Illegal Construction in commercial unit

An inspection was completed on 2022-OCT-20 in response to a complaint received regarding illegal construction. The inspection confirmed that alterations to the space had taken place and created an additional Commercial Rental Unit (CRU). Correspondence was forwarded to the owner advising that a building permit was required for the work. To date, a building permit application has not been received.

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

(b) **5918 Waldbank Road**, CIB06056 – Illegal construction in basement of dwelling

During an inspection for framing as related to an active building permit (BP128165) for a main floor renovation, it was noted that there was a newer secondary suite in the basement. Review of the original building permit drawings show only one kitchen and one laundry on the upper level. There are no records of the basement kitchen, laundry, washroom or bedrooms. It appears all these areas have been constructed and finished without a required building permit.

Staff are working with the property owners under the current permit to turn the area portioned off as suite into part of the main dwelling unit. This is being accomplished by opening the suite area up to the remainder of the house and keeping the secondary kitchen in place, but a notice is required to reflect the construction that could not be verified by inspection (i.e. plumbing, etc.).

(c) **2324 Departure Bay Road**, CIB06010 – Illegal construction of an accessory building

An inspection was completed on 2023-JAN-03 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 the structure does not comply with BC Building Code and the City of Nanaimo's Zoning and Building bylaws and will therefore, need to be removed. To date, removal of the structure has not occurred.

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

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:**

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**Concurrence by:**

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