

DATE OF MEETING | May 18, 2023 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED  
WITHOUT A BUILDING PERMIT – 3712 SUNDOWN DRIVE |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3712 Sundown Drive. |

### **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* for the property located at 3712 Sundown Drive for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. |

## **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.

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**

An inspection was completed on 2022-OCT-26 in response to a complaint received regarding illegal construction. The inspection confirmed that construction of three decks and a set of exterior stairs were underway 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 2023-JAN-16. A building permit application was received on 2023-JAN-06 but was incomplete and subsequently cancelled.

Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on all above-noted property title to reflect the work undertaken without a permit or inspections in contravention of “Building Bylaw 2016 No. 7224.”

Further to the registration of this notice, the matter will be forwarded to Bylaw Services for enforcement action. |

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed. An application was received but was incomplete and subsequently cancelled.
- 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.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

#### **Submitted by:**

Darcy Fox  
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#### **Concurrence by:**

Jeremy Holm  
Director, Development Approvals

Dale Lindsay,  
General Manager, Development Services /  
Deputy CAO