

DATE OF MEETING June 15, 2023

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1236 OKANAGAN PLACE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1236 Okanagan Place.

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 1236 Okanagan Place for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”.

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

An inspection on 2017-JUN-05 as the result of a complaint revealed that a secondary suite was constructed within the single family dwelling sometime after 2005 without a permit or inspections. A post-inspection letter was forwarded to the owners outlining deficiencies and detailing what is required in order to legalize the suite. A building permit application was subsequently received, and a permit issued 2018-DEC-19. To date, no inspections have been called and the permit has now expired. Correspondence was forwarded to the property owner providing opportunity to rectify the outstanding deficiencies; however, to date, the City has not been contacted.

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 of a secondary suite requiring a building permit was undertaken without first obtaining a permit.
- A building permit was issued to rectify the issues but the permit was never completed.
- 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
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Development Approvals

Dale Lindsay,
General Manager, Development Services /
Deputy CAO