

DATE OF MEETING | November 16, 2023 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1050 CEDAR ROAD |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1050 Cedar Road. |

### **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 1050 Cedar Road 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 was completed on 2023-MAR-08 in response to a complaint received regarding illegal construction. The inspection confirmed that a detached garage had been illegally converted into two dwelling units without inspections. The garage converted into two 1-bedroom units is non-compliant with the current zoning of the property and the units are not compliant with BC Building Code and the Building Bylaw.

A deadline of 2023-JUL-18 was given to schedule an inspection to confirm the return of the garage structure back to its original use. An inspection 2023-JUL-17 confirmed that the dwelling units are still there.

A building permit was received on 2023-JUL-16 however it was incomplete, and after further conversations with the owner on what would be required to legalize the dwelling units, the owner made the decision not to proceed.

Pursuant to Section 57 of the *Community Charter*, it is recommended that a notice be registered on the 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, if required.

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A building permit application has been received but is incomplete and through further conversation with the property owners on what would be required to legalize the dwelling units, the owner made the decision not to proceed.
- 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.
- An incomplete permit application was received and after further conversations on what was required, the owner decided not to proceed with the permit.
- 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, Planning & Development