

DATE OF MEETING | November 16, 2023 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 458 STIRLING AVENUE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 458 Stirling Avenue. |

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 458 Stirling Avenue 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-JAN-25 in response to a complaint regarding illegal construction. The inspection confirmed that extensive renovations to the dwelling 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. A building permit application was received on 2023-MAR-30; however, the permit was incomplete and never issued and has now expired with the illegal works remaining. A subsequent application was received on 2023-OCT-10 but is substantially incomplete.

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 as the condition of the dwelling is considered a safety issue. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline to submit a building permit application has passed and both applications received have been incomplete.
- 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, Planning & Development