

DATE OF MEETING | November 16, 2023 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 46 PIRATES LANE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 46 Pirates Lane. |

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 46 Pirates Lane 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

Inspections took place on 2023-JAN-21, 2023-FEB-21 and 2023-MAR-14 in response to complaints received regarding illegal construction. A conversation between the building inspector and contractor occurred at the first inspection and the contractor was made aware that if only the deck surface was being replaced no permit was necessary. At the second inspection it was apparent that structural framing members had been replaced and two sets of stairs had been constructed. Numerous building code deficiencies were noted. 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-MAY-09; however, the permit was never issued as the application was incomplete and has now expired with the illegal works remaining. A subsequent application was received on 2023-AUG-22 and is pending issuance and payment. Once the permit has been completed, the notice can be removed from title.

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.” |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- One incomplete application has been cancelled, a subsequent one has been made and is currently being processed. The bylaw contravention remains outstanding.
- 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.

Submitted by:

Darcy Fox
Manager, Building Inspections |

Concurrence by:

Jeremy Holm
Director, Planning & Development |