

DATE OF MEETING | November 16, 2023 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 6220 ICARUS DRIVE |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6220 Icarus 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 6220 Icarus Drive 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 completed on 2023-JUN-23 confirmed that construction was underway to convert a carport into a garage and home office 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 submitted on 2023-OCT-05, however, it was incomplete and could not be issued.

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.
- A building permit application has been received but the permit was incomplete and could not be issued.
- 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