

DATE OF MEETING NOVEMBER 16, 2023
AUTHORED BY DAVID LABERGE, DIRECTOR, BYLAW SERVICES
SUBJECT REMEDIAL ACTION REQUIREMENT – 30 ROBARTS STREET

OVERVIEW

Purpose of Report

To inform Council that a retaining wall on the property at 30 Robarts Street has failed and is hazardous, and to recommend remedial action requirements be imposed pursuant to the provisions of the Community Charter requiring a full geotechnical review and replacement of the retaining wall in accordance with the Engineers and Geoscientists BC guidelines with an approved building permit.

Recommendation

That Council:

1. issue a Remedial Action Requirement at 30 Robarts Street pursuant to Sections 72 and 73 of the *Community Charter*,
2. direct Staff to advise the owner(s) that they may request Council reconsider the Remedial Action Requirement by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
3. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and,
4. direct the remedial action require the removal of the failed retaining wall, completion of a full geotechnical review, and installation of a new retaining wall engineered to EGBC guidelines with an approved building permit.

BACKGROUND

Robarts Street is a steeply sloped roadway, and many of the properties on the street are terraced with retaining walls. 30 Robarts Street is a DT9 – Old City Central zoned property with a single, multi-family residence. The concrete retaining wall on the west side property line has failed and collapsed into the back of a commercial business in the adjacent lot.

A City of Nanaimo building inspector attended the property in June 2023 and has reported that the wall and slope stability poses a hazard and a full geotechnical review should be undertaken immediately.

The property owner has been contacted and is aware of the hazardous situation but has not taken any steps to apply for a building permit or otherwise remediate the damaged wall. The wall has already structurally collapsed and the slope may continue to deteriorate with seasonal inclement weather. |

DISCUSSION

The failed retaining wall is a hazard and must be repaired in a timely manner. Staff recommend that Council issue a remedial action requirement directing the property owner to have a full geotechnical review completed and to install a new engineered retaining wall with an approved building permit.

Engineers and Geoscientists BC (EGBC) has completed and issued Professional Practice Guidelines on the design of retaining walls to provide engineering professionals, statutory decision-makers, regulators, and the public with a standard of practice to be followed when designing and constructing retaining walls in BC.

Pursuant to section 72(1) of the Community Charter, Council may impose a remedial action requirement in relation to hazardous conditions. A remedial action requirement may require the owner to remove an unsafe structure, bring it up to a standard specified by bylaw, or otherwise deal with it in accordance with the direction of Council. |

OPTIONS

1. That Council
 1. issue a Remedial Action Requirement at 30 Robarts Street pursuant to Sections 72 and 73 of the *Community Charter*;
 2. direct Staff to advise the owner(s) that they may request Council reconsider the Remedial Action Requirement by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent;
 3. direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within 30 days of Council's resolution; and,
 4. direct the remedial action require the removal of the failed retaining wall, completion of a full geotechnical review and installation of a new retaining wall engineered to EGBC guidelines with an approved building permit.
- The advantages of this option: The failed wall has collapsed into a building on an adjacent property and is a hazard. Council may impose remedial action requirements to deal with hazardous structures.
- The disadvantages of this option: None.
- Financial Implications: Remediation costs are the responsibility of the property owner.

2. That Council provide alternative direction or take no action.
- The advantages of this option: None.
 - The disadvantages of this option: Hazardous conditions exist and may increase if unaddressed, affecting adjacent properties.
 - Financial Implications: Liability potential if the hazard is not mitigated. |

SUMMARY POINTS

- The property at 30 Robarts Street is terraced with a retaining wall to create a level area on the sloping site.
- The retaining wall has failed and collapsed into a building on the adjacent property and is a hazard.
- It is staff's recommendation that Council issue a remedial action requirement requiring the property owner to have a full geotechnical review completed and to install a new retaining wall conforming to EGBC guidelines with an approved building permit.

Submitted by:

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Director, Bylaw Services |

Concurrence by:

Darcy Fox
Manager, Building Inspections

Dale Lindsay
Chief Administrative Officer |