

DATE OF MEETING | February 15, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 6374 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 6374 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 6374 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

A building permit application (BP128256) to create a secondary suite was received on 2022-FEB-18. Once the application was complete with all items, the permit was ready for issuance as of 2022-OCT-06 but payment was not received and issuance never took place. Correspondence was forwarded to the owner on 2023-MAR-07 advising that the application had expired. A follow-up inspection on 2023-MAR-22 to confirm work had not started revealed that a secondary suite was constructed without a permit or inspections and is currently occupied. A post-inspection letter advised the owner that a new building permit application was required to retain the secondary suite. The application deadline was 2023-MAY-18. An application (BP129233) was received on 2023-MAY-12, but again, the property owner has failed to make payment and the permit remains unissued.

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. |

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 the permit remains unissued.
- 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 |