

DATE OF MEETING | February 15, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 144 CILAIRE DRIVE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 144 Cilaire 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 144 Cilaire 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.

As determined through an inspection, the secondary suite located at the above-noted property was constructed prior to 2005. As per Council’s Secondary Suite Enforcement Policy adopted on 2005-FEB-07, the suite is permitted to remain if upgrades are completed, through the issuance and completion of a building permit as per “Building Bylaw 2016 No. 7224”, to ensure that life safety issues are addressed. |

DISCUSSION

An inspection was completed on 2023-MAR-31 and on 2023-MAY-16 in response to a complaint of a secondary suite being constructed in the lower floor of the dwelling. The inspection revealed the suite had been constructed prior to 2005. A complete building permit application to authorize an existing secondary suite was issued on 2023-DEC-14.

As per Council’s Secondary Suite Policy, and 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.

No further action will be required following the registration of the notice on title. |

SUMMARY POINTS

- Construction of a secondary suite within the dwelling was completed prior to 2005 without a building permit.
- A building permit was issued to authorize the suite.
- 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 and to align with Council's Secondary Suite Policy.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Planning & Development