



## **MINUTES**

### **SPECIAL COUNCIL MEETING**

Thursday, February 15, 2024, 7:00 P.M.  
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE  
80 COMMERCIAL STREET, NANAIMO, BC

- Members: Mayor L. Krog, Chair  
Councillor T. Brown\*  
Councillor B. Geselbracht\*  
Councillor E. Hemmens  
Councillor P. Manly  
Councillor J. Perrino  
Councillor I. Thorpe
- Absent: Councillor S. Armstrong  
Councillor H. Eastmure
- Staff: J. Holm, Director, Planning and Development  
D. LaBerge, Director, Public Safety  
D. Fox, Manager, Building Inspections  
K. Robertson, Deputy Corporate Officer  
K. Lundgren, Recording Secretary

#### **1. CALL THE MEETING TO ORDER:**

The Special Council Meeting was called to order at 7:00 p.m.

#### **2. INTRODUCTION OF LATE ITEMS:**

- (a) Agenda Item 4(i) Bylaw Contravention Notice – Construction Started Without a Building Permit – 240 Caledonia Avenue – Add the following delegations:

\* Denotes electronic meeting participation as authorized by “Council Procedure Bylaw 2018 No. 7272”

1. Sarah Tang and Brad Herzke
2. Shane Ballance
3. Rasila Herman

**3. APPROVAL OF THE AGENDA:**

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

**4. REPORTS:**

a. Bylaw Contravention Notice - Construction Started Without a Building Permit - 395 Chesterlea Avenue

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 395 Chesterlea Avenue.

It was moved and seconded 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 395 Chesterlea Avenue for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

b. Remedial Action Requirement for Illegal Construction - 395 Chesterlea Avenue

Introduced by Dave LaBerge, Director, Public Safety.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak with respect to Remedial Action Requirement for Illegal Construction - 395 Chesterlea Avenue.

It was moved and seconded that Council:

1. Issue a Remedial Action Requirement at 395 Chesterlea Avenue 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 full deconstruction and removal of all construction completed to the detached structure without permit, and to remediate the structural modifications to make the building safe, through an approved building permit.

The motion carried unanimously.

- c. Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 5181 Metral Drive

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 5181 Metral Drive.

It was moved and seconded 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 5181 Metral Drive for construction not completed as per the conditions of the building permit. The motion carried unanimously.

- d. Bylaw Contravention Notice - Construction Started Without a Building Permit - 2595 Battersea Road

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 2595 Battersea Road.

It was moved and seconded 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 2595 Battersea Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

e. Bylaw Contravention Notice - Construction Started Without a Building Permit - 371 Hillcrest Avenue

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started Without a Building Permit - 371 Hillcrest Avenue.

It was moved and seconded 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 371 Hillcrest Avenue for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

f. Bylaw Contravention Notice - Construction Started without a Building Permit - 144 Cilaire Drive

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak with respect to Bylaw Contravention Notice - Construction Started without a Building Permit - 144 Cilaire Drive.

It was moved and seconded 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". The motion carried unanimously.

g. Bylaw Contravention Notice - Construction Started Without a Building Permit - 521 Larch Street

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

1. Rahul Poojary, Property Owner, informed Council that he was unaware of the non-compliance on the property when he had purchased the property. He spoke regarding the steps he has taken to rectify the issue, and expressed concerns regarding the notice on title affecting financing. He requested more time to fix the issue.

Council requested clarification regarding the notice on title.

Darcy Fox, Manager, Building Inspections, noted that the purpose of the notice on title is to provide awareness of the contravention and advised that there is opportunity to remove the notice once the building permit and inspections are successful.

It was moved and seconded 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 521 Larch Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

h. Bylaw Contravention Notice - Construction Started Without a Building Permit - 6374 Icarus Drive

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

1. Wei Jiang, Property Owner, and her husband (did not state name) spoke regarding the purchase of the property, building permits, renovation plans and delays with the renovation company. They informed Council of their desire to rectify the situation and requested more time to be able to do that.

Council requested clarification regarding building permits.

Darcy Fox, Manager, Building Inspections, informed Council that building permits are required for a second kitchen in a home as the plumbing will need to be inspected.

Council informed the property owner that the notice serves as an alert to potential buyers, and the City has a legal obligation to add the notice to the title. The notice can be removed once the issue is rectified.

It was moved and seconded 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".

The motion carried.

Opposed: *Councillor Brown*

Councillor Thorpe vacated the Shaw Auditorium at 7:36 p.m. declaring a conflict of interest as he is familiar with one of the delegations.

i. Bylaw Contravention Notice - Construction Started Without a Building Permit - 240 Caledonia Avenue

Introduced by Darcy Fox, Manager, Building Inspections.

Delegations:

1. Sarah Tang, spoke on behalf of the property owner, to provide an explanation of the situation on the property, an overview of the events that took place, and causes for delays. She expressed concern regarding the notice impacting the property owner's financing, and requested an extension for the application.
2. Shane Ballance, spoke regarding the loan required to complete the renovations, the property not being in a good condition to sell, and informed Council that the property owner has since taken necessary steps and understands what needs to be done. He spoke regarding damage done by the previous tenant and requested an extension for the application.
3. Rasila Herman was not in attendance.

It was moved and seconded 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 240 Caledonia Avenue for construction started without

a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

Councillor Thorpe returned to the Shaw Auditorium at 7:53 p.m.

**5. ADJOURNMENT:**

It was moved and seconded at 7:53 p.m. that the meeting adjourn. The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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DEPUTY CORPORATE OFFICER