

DATE OF MEETING | March 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 180 RAINBOW CRESCENT |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 180 Rainbow Crescent. |

### **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 180 Rainbow Crescent 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**

Following a complaint of a dwelling being illegally divided into three rental units, an inspection on 2023-NOV-28 revealed that a third suite was constructed on the middle floor without permit or inspections within the single family dwelling with an authorized suite. A post-inspection letter was forwarded to the owner on 2023-DEC-15 advising the alterations are in violation of City bylaws and the BC Building Code and that deconstruction is required to return the building to a single family dwelling with authorized suite with a deadline of 2024-FEB-20.

The owner requested an extension on enforcement measures due to the Province enacting *Bill 44: Housing Statutes (Residential Development)*.

Staff provided a deadline for a building permit application of 2024-AUG-30 if the City’s Zoning Bylaw allows for this housing form after 2024-JUN-30.

In the interim, pursuant to Section 57 of the *Community Charter*, a notice on title is recommended to reflect the construction undertaken without a permit.

This matter will be referred to Bylaw Services for removal of the illegal unit if a complete building permit application is not received by 2024-AUG-30. |

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- This building form is not permitted under the current Zoning Bylaw.
- The property owner has requested an extension on enforcement measures due to the Province enacting *Bill 44: Housing Statutes (Residential Development)*.
- 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, following the 2024-AUG-30 deadline, if required.

**Submitted by:**

Darcy Fox  
Manager, Building Inspections |

**Concurrence by:**

Jeremy Holm  
Director, Planning & Development |