

DATE OF MEETING | March 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2067 HONEYSUCKLE TERRACE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2067 Honeysuckle Terrace. |

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 2067 Honeysuckle Terrace 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 inspector attended the property on 2023-OCT-10 following a complaint of a single family dwelling being rented out as a short-term four-unit rental building. An inspection was conducted on 2023-NOV-02 but full access to the entire dwelling was not provided to the inspector. A further inspection on 2023-NOV-16 revealed that the lower suite area in the single family dwelling had been divided into three separate units, making the building four units in total. A post-inspection letter was forwarded to the owner on 2023-DEC-19 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 suite with a deadline for removal of 2024-FEB-21. An email from the owner in February 2024 requested a delay in enforcement due to the Province enacting *Bill 44: Housing Statutes (Residential Development)*. In a response, 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.

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.”

This matter will be referred to Bylaw Services for removal of the illegal units 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 |