

DATE OF MEETING | March 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 44 PIRATES LANE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 44 Pirates Lane. |

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 44 Pirates Lane 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

An inspection was completed on 2023-AUG-29 in response to a complaint received regarding illegal construction. The inspection confirmed that the foundation had previously been replaced (several years prior) and basement renovations were underway without a building permit. Following communications with the property owners, a Stop Work Order was subsequently posted on the jobsite on 2023-OCT-03 and correspondence was forwarded to the owner advising that a building permit was required for the work. A building permit for finishing the basement was applied for 2024-JAN-03 and issued on 2024-FEB-14. The building permit process will correct most of the illegal construction, however, the foundations have been constructed without a permit and required inspections.

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.”

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A building permit has now been issued but a notice is required for the work that cannot be rectified through the permit process.
- 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.

Submitted by:

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Concurrence by:

Jeremy Holm
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