

DATE OF MEETING | March 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED  
WITHOUT A BUILDING PERMIT – 3804 HAMMOND BAY ROAD |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 3804 Hammond Bay Road. |

### **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 3804 Hammond Bay Road 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**

A building permit application (BP129662) to authorize an existing secondary suite constructed prior to 2005 was submitted on 2023-DEC-01, and the permit was issued on 2024-JAN-31.

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 and the completion of the building permit. |

### **SUMMARY POINTS**

- Construction of a secondary suite within the dwelling was completed prior to 2005 without a building permit.
- A building permit has now been 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