

DATE OF MEETING | March 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 517 MILLSTONE AVENUE |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 517 Millstone Avenue. |

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 517 Millstone Avenue 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-MAR-20 in response to a complaint received regarding illegal construction. The inspection confirmed that construction was underway to install an addition to the attic space as well as renovations to the front entry deck all without a building permit. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that a building permit was required for the work. A building permit application (BP129264) was subsequently submitted and through further correspondence with the property owner it was revealed that the garage had previously been converted to living space as a secondary suite, including a new concrete foundation. The building permit has now been issued as of 2023-NOV-20 for repairs to the dormer roof, renovations to the front entry deck, and removal of the illegal suite. The converted garage will remain as living space but a notice is required to identify the construction was not completed with a permit or the 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 to rectify most of the construction but a notice is required for the conversion of the garage into living space without permit or inspections.
- 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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