

DATE OF MEETING | May 16, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 430 MILFORD CRESCENT |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 430 Milford 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 430 Milford 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

An inspection was completed on 2024-FEB-14 in response to a complaint received regarding illegal construction. The inspection confirmed that construction of a suite in the unfinished basement of the duplex dwelling and garage was underway without a building permit. A Stop Work Order was posted on the jobsite. Correspondence was forwarded to the owner advising the current Zoning Bylaw does not permit secondary suites in multi-family dwellings. They were given two options to proceed and were asked to provide a response by 2024-APR-05. The illegal construction could be removed or they could apply for a building permit to legalize the construction if the City’s Zoning Bylaw allows for this housing form after the municipal review of the Province enacting Bill 44. To date, no response has been received.

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

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 was given the option of an extension on enforcement measures due to the Province enacting *Bill 44: Housing Statutes (Residential Development)* but has not provided a response.
- 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:

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