

DATE OF MEETING JUNE 20, 2024

AUTHORED BY DAVID LABERGE, DIRECTOR, PUBLIC SAFETY

SUBJECT ILLEGAL CONSTRUCTION – 1506 WILSON ROAD

OVERVIEW

Purpose of Report

To inform Council that substantial alterations have been made to the residence at 1506 Wilson Road without a building permit rendering the structure unsafe and in contravention of the BC Building Code, and to recommend that a Remedial Action Requirement be issued.

Recommendation

That Council:

1. Declare that the building is unsafe, contravenes the Provincial building regulations, and creates hazardous conditions.
2. Impose remedial action requirements in relation to the provisions of sections 72 and 73 of the *Community Charter*.
3. Direct the remedial action requirements to include:
 - a. The owner must make a complete building permit application with all required documentation which includes a complete set of drawings which have been reviewed and approved by a structural engineer (schedule B and design), and by an architect for the building envelope (schedule B and design), and a hazardous materials survey done by a registered environmental company in accordance with WorkSafeBC guidelines.
 - b. The complete building permit application must be submitted within 90 days from the date the remedial action requirement is imposed.
 - c. The building permit must be picked up and paid in full within 14 days of issuance.
 - d. The scope of work set out in the building permit application must be completed within six months from the date the building permit is issued.
4. Direct staff to advise the owner(s) that they may request Council reconsider the Remedial Action Requirement by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent.
5. Direct Staff or its authorized agents to take action in accordance with Section 17 of the Community Charter without further notice and at the owner's expense if the said remedial action is not undertaken within the timeline set out in Council's resolution.

BACKGROUND

1506 Wilson Road is a single dwelling residential property. Building Inspections became aware that construction had been undertaken to the residence without a permit in January 2023. A 2023-JAN-19 inspection confirmed that interior and exterior renovations were underway, and a stop work order was issued.

An inspector found that extensive alterations had been made to exterior wall framing including the addition and removal of windows and the removal of studs and wall sheathing which would compromise the integrity of the structure. A stairwell and stairs that were non-code compliant had been added. Insulation had been removed, and exposed live wires were observed in various locations. A rear deck structure was undergoing structural alteration.

Extensive construction had been undertaken without a permit and without inspection. There are numerous deficiencies and contraventions of the BC Building Code, and the building is unsafe.

The owner was informed in writing on 2023-JAN-27 that a Stop Work Order had been issued, and that a complete building permit application with designer-quality drawings would be required by 2023-MAR-28, along with structural engineering and Hazmat assessments.

The owner did not submit a building permit application as required by the March 28 deadline and was informed in writing that Council would consider a report prepared by the building inspections section recommending a bylaw contravention notice on property title pursuant to Section 57 of the *Community Charter* on 2023-MAY-18.

Council passed a resolution respecting the bylaw contravention notice. The owner was notified in writing in a letter dated 2023-JUL-05.

A building inspector attended to the property on 2024-JAN-29 and posted a 'Do Not Occupy' order in accordance with s. 29.5 of "Building Bylaw 2016 No. 7224" due to the unsafe condition of the building. The owner was informed of the Order in writing and again directed to submit a building permit application by 2024-MAR-26.

The matter was forwarded to Bylaw Services for enforcement action. Bylaw Enforcement Officers inspected the property periodically over the following months. On 2024-MAR-25, enforcement officers inspected the property and determined that the owner was occupying the residence and continuing to work through the Stop Work Order.

Bylaw officers inspected the property again on 2024-APR-09 and found the owner in the residence and doing work.

DISCUSSION

Substantial construction and alteration have been undertaken without a building permit, and the structure is in contravention of the City's Zoning and Building bylaws and the BC Building Code. A building inspector has determined that existing deficiencies are hazardous. The structure and general conditions of the property are a visual blight to the neighbourhood.

The owner continues to work on and occupy the residence contrary to posted orders. Notice of bylaw contravention has been registered on the property title. The owner has been unresponsive to direction to obtain a building permit and undertake work to remediate the hazardous conditions and to bring the structure into building code compliance.

Pursuant to Section 72(1) of the *Community Charter*, Council may impose a remedial action requirement in relation to hazardous conditions. A remedial action requirement may require the owner to remove an unsafe structure, bring it up to a standard specified by bylaw, or otherwise deal with it in accordance with the direction of Council.

OPTIONS

1. That Council:

1. Declare that the building at 1506 Wilson Road is unsafe, contravenes the Provincial building regulations, and creates hazardous conditions.
2. Impose remedial action requirements in relation to the provisions of s. 72 and 73 of the *Community Charter*.
3. Direct the remedial action requirements to include:
 - a. The owner must make a complete building permit application with all required documentation which includes a complete set of drawings which have been reviewed and approved by a structural engineer (schedule B and design), and by an architect for the building envelope (schedule B and design), and a hazardous materials survey done by a registered environmental company in accordance with WorkSafeBC guidelines.
 - b. The complete building permit application must be submitted within 90 days from the date the remedial action requirement is imposed.
 - c. The building permit must be picked up and paid in full within 14 days of issuance.
 - d. The scope of work set out in the building permit application must be completed within six months from the date the building permit is issued.
4. Direct staff to advise the owner(s) that they may request Council reconsider the Remedial Action Requirement by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent.
5. Direct Staff or its authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice and at the owner's expense if the said remedial action is not undertaken within the timeline set out in Council's resolution.

The advantages of this option:

- The property owner will be required to take remedial actions to resolve bylaw contraventions and hazardous conditions within a certain time frame.

The disadvantages of this option:

- Considerable staff time is required.

Financial Considerations

- Potential for future litigation.

2. That Council direction is sought. |

SUMMARY POINTS

- Extensive alterations have been made to the residence at 1506 Wilson Road without a building permit or inspections.
- Stop Work and Do Not Occupy orders have been issued and are being contravened by the owner.
- The construction is in contravention of Zoning and Building Bylaws and the BC Building Code and is hazardous.
- A remedial action requirement is recommended to compel the owner to obtain a building permit and complete necessary work to bring the property into compliance with the BC Building Code and to mitigate hazardous conditions.

Submitted by:

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Concurrence by:

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