

DATE OF MEETING JUNE 20, 2024

AUTHORED BY DAVID LABERGE, DIRECTOR, PUBLIC SAFETY

**SUBJECT ILLEGAL CONSTRUCTION – 1724 MEREDITH ROAD**

## **OVERVIEW**

### **Purpose of Report**

To inform Council that alterations have taken place to add living space to the carport on the residence at 1724 Meredith Road without a building permit, and to recommend that a Remedial Action Requirement be issued.

### **Recommendation**

That Council:

1. Declare that construction, alteration and occupancy of the building is in contravention of the City of Nanaimo “Building Bylaw 2016 No. 7224” and the Provincial Building Code.
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. All construction completed without required inspections or permit must be removed by no later than 60 days after the remedial action requirement 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**

The Building Inspection section became aware that an illegal suite had been constructed within a carport at the residence at 1724 Meredith Road in August 2023. A building inspector attended to the property on 2023-AUG-25 and observed that walls had been constructed to enclose the area under the carport roof, with concrete curb walls poured along the perimeter of the structure. A living space had been created and was finished with drywall. Plumbing rough-ins for a washroom and sink were noted.

All work had been completed without a building permit or inspection. A Stop Work Order was posted.

A follow-up inspection was conducted with the homeowner on 2023-SEP-21. The living space consists of two finished rooms, a front entry area and a bathroom. The bathroom was roughed-in and under construction at the time of the inspection. The homeowner was informed that total deconstruction was required to bring the area back to the originally purposed carport.

The property owner applied for a building permit on 2023-NOV-27 to enclose the carport to be used for unheated storage. No permit was issued as full deconstruction was required as part of the permit process. The owner was unresponsive, and the application was canceled.

The property owner was informed in writing that Council would consider a recommendation to file notice of bylaw contravention on property title at the 2024-APR-18 Public Hearing. Council passed a resolution and notice was filed on property title. The matter was subsequently referred to Bylaw Services for enforcement action.

The property owner has not provided any commitment to removing the construction.

## **DISCUSSION**

Council may impose remedial action requirements in accordance with Sections 72 and 73 of the *Community Charter* if a building or structure creates an unsafe condition, or if it contravenes the provincial building regulations or a building bylaw.

The construction has been completed without permit or inspection in contravention of the Building Bylaw and provincial building regulations and must be removed.

## **OPTIONS**

1. That Council:
  1. Declare that construction, alteration and occupancy of the building is in contravention of the City of Nanaimo “Building Bylaw 2016 No. 7224” and the Provincial Building Code.
  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. All construction completed without required inspections or permit must be removed by no later than 60 days after the remedial action requirement 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.
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The advantages of this option:

- The property owner will be required to take remedial actions to resolve bylaw and building code contraventions 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**

- A living space was constructed in the carport of the residence at 1724 Meredith Road without a building permit or inspection in contravention of the building bylaw and provincial building regulations.
- Notice of bylaw contravention has been registered on property title.
- A remedial action requirement to remove the illegal construction is recommended.

**Submitted by:**

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**Concurrence by:**

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Manager, Building Inspection

Richard Harding  
General Manager, Community Services &  
Deputy CAO