



MINUTES
SPECIAL COUNCIL MEETING

Thursday, July 18, 2024, 7:00 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Members: Mayor L. Krog, Chair (arrived 7:13 p.m., assumed the Chair 7:16 p.m.)
Acting Mayor, Councillor E. Hemmens, Chair
Councillor S. Armstrong
Councillor T. Brown
Councillor H. Eastmure
Councillor B. Geselbracht*

Absent: Councillor P. Manly
Councillor J. Perrino
Councillor I. Thorpe

Staff: J. Holm, Director, Planning & Development
D. LaBerge, Director, Public Safety
D. Fox, Manager, Building Inspections
K. Robertson, Deputy Corporate Officer
A.Chanakos, Recording Secretary

1. CALL THE MEETING TO ORDER:

The Special Council Meeting was called to order at 7:00 p.m.

2. INTRODUCTION OF LATE ITEMS:

- (a) Remove Agenda Item 4(d) Bylaw Contravention Notice – Construction Started Without A Building Permit – 176 McKinnon Place

3. APPROVAL OF THE AGENDA:

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

4. REPORTS:

- a. Bylaw Contravention Notice - Construction Not Completed As Per Conditions Of Building Permit - 5804 Tweedsmuir Crescent

Introduced by Darcy Fox, Manager, Building Inspections.

Councillor Hemmens asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak with respect to Bylaw Contravention Notice – Construction Not Completed As Per Conditions of Building Permit – 5804 Tweedsmuir Crescent.

It was moved and seconded 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 5804 Tweedsmuir Crescent for construction not completed as per the conditions of the building permit. The motion carried unanimously.

- b. Bylaw Contravention Notice - Construction Not Completed As Per Conditions Of Building Permit - 930 Woodpecker Lane

Introduced by Darcy Fox, Manager, Building Inspections.

Councillor Hemmens asked if the property owner was in attendance and wished to speak.

No one in attendance wished to speak with respect to Bylaw Contravention Notice – Construction Not Completed As Per Conditions of Building Permit – 930 Woodpecker Lane.

It was moved and seconded 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 930 Woodpecker Lane for construction not completed as per the conditions of the building permit. The motion carried unanimously.

- c. Bylaw Contravention Notice - Construction Started Without A Building Permit - 120 Swan Place

Introduced by Darcy Fox, Manager, Building Inspections.

The Chair asked if the property owner was in attendance and wished to speak.

Christine Douglas, property owner, spoke regarding amendments to the Building Permit and the change in placement of exterior stairs due to an existing fir tree. Ms. Douglas noted they were unaware of any deficiencies in the project, because they did not receive the final Building Inspection Report.

Council and Staff discussion took place. Highlights included:

- The Building Inspector report was sent to the engineers identified as the agent on file
- Construction was completed prior to the amendment so Staff were unable to identify that the stairs were not compliant with the BC Building Code. To rectify the issue, a new Building Permit Application would be required

Mayor Krog entered the Shaw Auditorium at 7:13 p.m.

It was moved and seconded 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 120 Swan Place for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

Mayor Krog assumed the Chair at 7:16 p.m.

d. Bylaw Contravention Notice - Construction Started Without A Building Permit - 18 Machleary Street

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

Neil MacDonald, representative of the property owner, spoke regarding delays in the project due to health and financial issues.

It was moved and seconded 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 18 Machleary Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

e. Bylaw Contravention Notice - Construction Started Without A Building Permit - 836 Douglas Avenue

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog asked if the property owner was in attendance and wished to speak.

Geoff Bramwel, property owner, spoke, via Zoom, regarding concerns over displacing the current tenant from the existing illegal suite.

It was moved and seconded 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 836 Douglas Avenue for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

f. Illegal Construction - 3712 Sundown Drive

Introduced by Dave LaBerge, Director, Public Safety.

Mayor Krog asked if the property owner was in attendance and wished to speak.

Mitra Saki, property owner, spoke regarding replacement of the previously unsafe deck, and noted they were unaware a permit was required for the work. They also noted that the required paperwork has been received and a new Building Permit Application will be submitted in the next few days.

It was moved and seconded that Council:

1. Declare that the exterior stairs and decks at 3712 Sundown Drive are unsafe, contravene 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. A building permit application signed by all owners on title must be submitted within 90 days from the date the remedial action requirement is imposed. The permit application must include:
 1. BC Building Code-compliant, designer-quality drawings.

2. A signed/sealed survey prepared by a BC Land Surveyor, with all decks and stairs meeting City of Nanaimo Zoning Bylaw setback requirements without encroaching into Statutory Right-of-Ways.
3. Structural Engineer's sealed design and Schedule B for design and field review of the foundation and framing.
4. Geotechnical Engineer's sealed Schedule B for design and field review of bearing capacity of soil, compaction of engineered fill, structural considerations of soil including slope stability and seismic loading.
5. Geotechnical Engineer sign off on the bearing capacity of foundations which have already been poured or the foundations must be removed and re-excavated for inspection.
6. Design and field review (Schedule B) of glass guards on upper decks completed by an engineer or an Architectural Schedule B for structural capacity of architectural components.
 - b. The building permit must be picked up and paid in full within 14 days of issuance.
 - c. The scope of work set out in the building permit application must be completed within 90 days 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 motion carried unanimously.

5. ADJOURNMENT:

It was moved and seconded at 7:36 p.m. that the meeting adjourn. The motion carried unanimously.

CHAIR

ACTING CHAIR

CERTIFIED CORRECT:

DEPUTY CORPORATE OFFICER