

DATE OF MEETING | September 26, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 6415 INVERMERE ROAD |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6415 Invermere Road. |

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 6415 Invermere Road 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-APR-12 in response to a complaint received regarding illegal construction. The inspection confirmed that an accessory building had been constructed over a shipping container on the steep slope portion of the property. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner. The construction is located within Development Permit Area 6: Steep Slope Development and has a covenant on title restricting construction on a portion of the lot. As the accessory building is not permitted in this portion of the lot, a deadline of 2023-SEP-12 was given to remove the structure. An inspection 2023-SEP-12 confirmed that the structure was still in place.

Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the work completed without a permit or inspections in contravention of “Building Bylaw 2016 No 7224”.

This matter will be referred to Bylaw Services for further enforcement. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The construction is located within Development Permit Area 6: Steep Slope Development and has a covenant on title restricting construction on a portion of the lot.
- The deadline to remove the structure has passed.
- 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.
- Further to the registration of the notice, this matter will be referred to Bylaw Services for further enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Planning & Development