



MINUTES
SPECIAL COUNCIL MEETING

Thursday, September 26, 2024, 7:00 P.M.
SHAW AUDITORIUM, VANCOUVER ISLAND CONFERENCE CENTRE
80 COMMERCIAL STREET, NANAIMO, BC

Present: Mayor L. Krog, Chair
Councillor S. Armstrong*
Councillor T. Brown*
Councillor H. Eastmure
Councillor E. Hemmens (vacated 7:01 p.m.; returned 7:14 p.m.)
Councillor P. Manly*
Councillor J. Perrino

Absent: Councillor B. Geselbracht
Councillor I. Thorpe

Staff: J. Holm, Director, Planning and Development
D. LaBerge, Director, Public Safety
K. Robertson, Deputy Corporate Officer
N. Vracar, Deputy Corporate Officer
A. Chanakos, Steno, Legislative Services
K. Lundgren, 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(i) Bylaw Contravention Notice – Construction Started Without a Building Permit – 3860 Norwell Drive.

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

- (b) Agenda Item 5(a) – add "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.21".

3. APPROVAL OF THE AGENDA:

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

4. REPORTS:

Councillor Hemmens vacated the Shaw Auditorium at 7:01 p.m. declaring a conflict of interest as the building at 540 Haliburton Street is in their immediate neighbourhood.

a. 540 Haliburton Street - Remedial Action Requirement

Introduced by Dave Laberge, Director, Public Safety.

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

Nicole (last name not provided), and Aeman Inder Singh Narwal, Property Owners, noted they were unaware of the building's extensive history and damage, which has caused delays to remedial action and increased the project cost. They advised they are currently waiting for the renewal of the demolition permit, and plan to pursue a development permit.

It was moved and seconded that Council:

1. Declare that the building at 540 Haliburton Street is unsafe and creates hazardous conditions and is so dilapidated as to be offensive to the community.
2. Impose remedial action requirements in relation to the provisions of sections 72, 73 and 74 of the *Community Charter*.
3. Direct the remedial action requirements to include:
 - a. The owner must retain a qualified structural engineer who does not have an interest in the property to conduct a thorough assessment of the building. The assessment should determine whether the building is safe to remain as is.
 - b. If the structural assessment reveals significant safety issues, the owner must:
 - i. Submit the findings to the City of Nanaimo Building Inspection Department for review, and,

- ii. Submit 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 and a hazardous materials survey done by a registered environmental company in accordance with WorkSafeBC guidelines which details a scope of work to completely remediate all hazardous conditions and structural deficiencies, or,
 - iii. Obtain an approved permit and demolish the building.
 - c. The structural assessment must be completed and submitted to the Building Inspection Department for review within 30 days from the date the remedial action requirement is imposed.
 - d. If the structural assessment reveals significant safety issues, a complete building permit or demolition permit application must be submitted within 60 days from the date the remedial action requirement is imposed.
 - e. The building or demolition permit must be picked up and paid in full within 14 days of issuance.
 - f. The scope of work set out in the building permit or building demolition must be completed within 90 days of the date the permit is issued.
- 4. Direct Staff to advise the owner 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 authorized agents to act 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 the Council resolution.

The motion carried unanimously.

Councillor Hemmens returned to the Shaw Auditorium at 7:14 p.m.

- b. Nuisance Property Abatement - 454 Watfield Avenue
Introduced by Dave Laberge, Director, Public Safety.

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

Patricia Stewart, Property Owner, noted they were unaware of many of the complaints and police reports against the property. They spoke regarding an incident that had allegedly occurred when a police and bylaw officer attended the property, and advised that the yard is maintained and no one is living in vehicles on the property.

Councillor Perrino requested clarification from Staff on how a “Nuisance” declaration could be removed from a property.

Dave Laberge, Director, Public Safety, advised that the designation would remain in effect until the calls for service cease for a minimum of six months.

It was moved and seconded that Council declare 454 Watfield Avenue a “Nuisance” pursuant to "Nuisance Abatement and Cost Recovery Bylaw 2019 No. 7250" and to authorize Staff to record and charge for municipal services including policing required to abate nuisance activity. The motion carried unanimously.

c. Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 4470 Burma Road

To be introduced by Jeremy Holm, Director, Planning and Development.

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

The property owner was not in attendance to speak to the matter.

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 4470 Burma Road for construction not completed as per the conditions of the building permit. The motion carried unanimously.

d. Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 477 Wallace Street

Introduced by Jeremy Holm, Director, Planning and Development.

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

The property owner was not in attendance to speak to the matter.

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 477 Wallace Street for construction not completed as per the conditions of the building permit. The motion carried unanimously.

- e. Bylaw Contravention Notice - Construction Started Without a Building Permit - 1013 Bruce Avenue

Introduced by Jeremy Holm, Director, Planning and Development.

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

The property owner was not in attendance to speak to the matter.

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 1013 Bruce Avenue for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

- f. Bylaw Contravention Notice - Construction Started Without a Building Permit - 405 Prideaux Street

Introduced by Jeremy Holm, Director, Planning and Development.

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

The property owner was not in attendance to speak to the matter.

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 405 Prideaux Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

- g. Bylaw Contravention Notice - Construction Started Without a Building Permit - 5607 Big Bear Ridge

Introduced by Jeremy Holm, Director, Planning and Development.

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

The property owner was not in attendance to speak to the matter.

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 5607 Big Bear Ridge for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

- h. Bylaw Contravention Notice - Construction Started Without a Building Permit - 6415 Invermere Road

Introduced by Jeremy Holm, Director, Planning and Development.

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

The property owner was not in attendance to speak to the matter.

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 6415 Invermere Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

5. BYLAWS:

- a. "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.21"

It was moved and seconded that "Bylaw Notice Enforcement Amendment Bylaw 2024 No. 7159.21" (to amend Schedules B and C – Registry Agreement to authorize the Cowichan Valley Regional District to participate in the City's Dispute Adjudication Registry System) be adopted. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 7:33 p.m. that the meeting adjourn. The motion carried unanimously.

CERTIFIED CORRECT:

MAYOR

DEPUTY CORPORATE OFFICER