

DATE OF MEETING | November 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 1714 MALLARD DRIVE |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 1714 Mallard Drive. |

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 1714 Mallard Drive 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 inspector attended the above-noted property on 2024-MAY-15 in response to a complaint received regarding illegal construction. The inspector could not enter the building as it was constructed prior to 1990 and the dwelling was under active construction. It was visible through a back window that renovations were underway without a building permit and that a wall had been removed between the dining room and kitchen. A closet that used to be located within the foyer was reframed to service the kitchen as a pantry. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that Hazardous Materials Assessment reports were required prior to a building official inspecting the property to determine the full extent of the construction due to Worksafe BC regulations. The deadline for these reports was 2024-JUN-14. To date, nothing has been received.

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”. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- An inspector could not enter the building due to Worksafe BC regulations as it was constructed prior to 1990.
- The deadline to submit Hazardous Materials Assessment reports 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.

Submitted by:

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Concurrence by:

Jeremy Holm
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