

DATE OF MEETING | November 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 4918 FILLINGER CRESCENT |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4918 Fillinger Crescent. |

### **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 4918 Fillinger Crescent 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-JUL-18 in response to a complaint received regarding illegal construction. A City of Nanaimo Building Inspector and the Environmental Protection Officer observed the construction of decks, stairs, pathways and benches constructed in the marine foreshore to provide access to the ocean. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that all illegal construction must be removed and that a Development Permit would be required prior to construction of decks, concrete patios and benches within the Development Permit Area - DPA1. The deadline for removal was 2024-JUL-08. To date, the illegal construction remains.

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”.

Further to the registration of this notice, this matter will be referred to Bylaw Services for removal enforcement.

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The illegal construction must be removed and a Development Permit is required prior to construction within the Development Permit Area – DPA1.
- The deadline for removal 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