

DATE OF MEETING | November 21, 2024 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 6480 PTARMIGAN WAY |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 6480 Ptarmigan Way. |

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 6480 Ptarmigan Way 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 2024-AUG-15 in response to a complaint received regarding illegal construction. The inspection confirmed that a retaining wall was under construction in the rear yard. The construction is not permitted in this location as per the covenant registered on title. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that complete deconstruction and removal of the retaining wall, as well as a slope stability assessment and/or necessary remediation completed by a Geotechnical Engineer, is required by 2024-NOV-30.

As a building permit cannot be issued to resolve this construction, and 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.
- Construction in this location is not permitted as per a registered covenant and complete deconstruction and removal is required as well as remediation of the covenant area.
- 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:

Darcy Fox
Manager, Building Inspections

Concurrence by:

Jeremy Holm
Director, Planning & Development