

DATE OF MEETING | February 20, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 113 LINMARK WAY (DWELLING) |

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 113 Linmark Way for alterations to the dwelling. |

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 113 Linmark 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

Inspections took place on 2024-JUL-29 and JUL-30 in response to a complaint received regarding illegal construction of an additional suite being created within the dwelling. A Stop Work Order was posted on the dwelling for the creation of the third unit, construction of a second storey deck, and alterations to the exiting for the existing legal suite. Correspondence was forwarded to the owner advising that a building permit was required for the construction of a third unit in the dwelling and deconstruction under the deck would be required for exiting purposes from the existing suite. At a follow-up inspection on 2025-JAN-02, it was confirmed that the deconstruction of the walls enclosing the deck had taken place. The deadline for a building permit application was 2024-NOV-21. To date, an application has not 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”.

Further to the registration of this notice, the matter will be forwarded to Bylaw Services for enforcement action. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- Some deconstruction has taken place but the deadline to submit a building permit application 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 |