

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 (ACCESSORY BUILDINGS)**

## **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 two accessory buildings. |

### **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**

An inspection was completed on 2024-JUL-29 in response to a complaint received regarding illegal construction. The inspection confirmed the construction of two accessory buildings exceeding 10m<sup>2</sup> were underway without a building permit. Correspondence was forwarded to the owner advising that the structures could not remain as constructed as they were not compliant with BC Building Code, the Zoning Bylaw, and the Building Bylaw. The owner was given the option to reduce both structures to 10m<sup>2</sup> and comply with Zoning regulations or complete removal by 2024-NOV-21. At a follow-up inspection conducted on 2024-JAN-02, the inspector observed that the roof had been removed from the larger of the two accessory buildings but no further action had taken place. The owner communicated to the inspector that there was an intention to submit a building permit application. To date, a building permit 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, this matter will be referred to Bylaw Services for further enforcement action.

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The two accessory buildings do not comply with BC Building Code or with Zoning Bylaw requirements (setbacks, etc.).
- 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 removal enforcement.

**Submitted by:**

Darcy Fox  
Manager, Building Inspections

**Concurrence by:**

Jeremy Holm  
Director, Planning & Development