

DATE OF MEETING February 20, 2025

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 445 KENNEDY STREET

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 445 Kennedy Street. |

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 445 Kennedy Street 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-24 and 2024-AUG-14 in response to a complaint received regarding illegal construction. The inspections confirmed that structural alterations in the attic of the single-family dwelling were underway without a building permit. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner advising that a building permit was required for the work. A building permit application was submitted on 2024-SEP-05 but the drawings submitted did not meet the minimum requirements. Correspondence was forwarded to the owner advising the application was incomplete without code-compliant drawings and requested new drawings be submitted. No new drawings were submitted, and the application was subsequently cancelled on 2024-DEC-03. The construction without a permit remains unresolved.

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.
- A building permit application was received but the drawings submitted did not meet requirements and the application was subsequently cancelled.
- 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 enforcement action.

Submitted by:

Darcy Fox
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Concurrence by:

Jeremy Holm
Director, Planning & Development