



**MINUTES**  
**SPECIAL COUNCIL MEETING**

Thursday, February 20, 2025, 7:00 P.M.  
Shaw Auditorium, Vancouver Island Conference Centre  
80 Commercial Street, Nanaimo, BC

Members: Mayor L. Krog, Chair  
Councillor S. Armstrong\*  
Councillor H. Eastmure  
Councillor E. Hemmens  
Councillor P. Manly\*  
Councillor J. Perrino\*  
Councillor I. Thorpe

Absent: Councillor T. Brown  
Councillor B. Geselbracht

Staff: J. Holm, Director, Planning and Development  
D. Fox, Manager, Building Inspections  
N. Vracar, Deputy Corporate Officer  
A. Chanakos, Recording Secretary

**1. CALL THE MEETING TO ORDER:**

The Special Council Meeting was called to order at 7:00 p.m.

**2. INTRODUCTION OF LATE ITEMS:**

- (a) Remove Agenda Item 4(c) Bylaw Contravention Notice – Construction Started Without a Building Permit – 380 Wakesiah Avenue.
- (b) Agenda Item 4(d) Bylaw Contravention Notice – Construction Started Without a Building Permit – 5451 Mildmay Road – Add delegation from Shelley Toomer.

\* Denotes electronic meeting participation as authorized by “Council Procedure Bylaw 2018 No. 7272”

(b) Agenda Item 4(e) Bylaw Contravention Notice – Construction Started Without a Building Permit – 1011 Old Victoria Road – Add the following delegations:

1. Nick Stockton
2. Natalie Lima

**3. APPROVAL OF THE AGENDA:**

It was moved and seconded that the Agenda, as amended, be adopted. The motion carried unanimously.

**4. REPORTS:**

(a) Bylaw Contravention Notice - Construction Started Without a Building Permit - 624 Victoria Road

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog inquired if the property owner was in attendance and wished to speak.

The property owner was not in attendance to speak to the matter.

It was moved and seconded 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 624 Victoria Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(b) Bylaw Contravention Notice - Construction Started Without a Building Permit - 312 Pine Street

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog inquired if the property owner was in attendance and wished to speak.

1. Larson Bjorn, property owner, noted that they were unaware that a permit was required when they started the project and will work with the Building Department to ensure the proper paperwork is complete before conducting any further work.

It was moved and seconded 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 312 Pine Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

(c) Bylaw Contravention Notice - Construction Started Without a Building Permit - 5451 Mildmay Road

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog inquired if the property owner was in attendance and wished to speak.

1. Shelley Toomer, property owner, spoke via Zoom advising that they were unaware a permit was required prior to the construction of the deck, and noted that disturbance to the riparian area was minimal and limited to the installation of four concrete posts. They also advised that removal of the deck would require an excavator, which would cause more disturbance to the riparian area than if the deck were to be completed.

In response to inquiries from Council, Staff advised that the property owner is required to work with a qualified professional to remove the constructed deck and restoration of the riparian area would be part of the process.

It was moved and seconded 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 5451 Mildmay Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

(d) Bylaw Contravention Notice - Construction Started Without a Building Permit - 1011 Old Victoria Road

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog inquired if the property owner was in attendance and wished to speak.

1. Nick Stockton, Project Manager, Landmark, spoke, via Zoom, regarding communication challenges between the project architect and the Building Department, and requested more open communication going forward.

2. Natalie Lima, Architect, Planworks Architecture Inc., spoke, via Zoom, regarding challenges during the initial application process, and noted that a new application has been submitted to replace the expired application.

It was moved and seconded 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 1011 Old Victoria Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

(e) Bylaw Contravention Notice - Construction Started Without a Building Permit - 445 Kennedy Street

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog inquired if the property owner was in attendance and wished to speak.

1. Jeff David, property owner, spoke regarding roof repairs, and noted they were unaware a permit was required. A building permit application has been submitted, and any additional work is on hold.

It was moved and seconded 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". The motion carried unanimously.

(f) Bylaw Contravention Notice - Construction Started Without a Building Permit - 113 Linmark Way (Dwelling)

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog inquired if the property owner was in attendance and wished to speak.

1. Harjinder Kahlon, property owner, advised that architectural drawings have been received, and a building permit application was submitted the week of 2025-FEB-10. They also noted that the additional suite will be occupied by the second property owner's parents and is not operating as a third rental suite.

It was moved and seconded 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”. The motion carried unanimously.

(g) Bylaw Contravention Notice - Construction Started Without a Building Permit - 113 Linmark Way (Accessory Buildings)

Introduced by Darcy Fox, Manager, Building Inspections.

Mayor Krog inquired if the property owner was in attendance and wished to speak.

1. Harjinder Kahlon, property owner, requested clarification regarding the timeline for submitting a permit.

It was moved and seconded 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”. The motion carried unanimously.

**5. ADJOURNMENT:**

It was moved and seconded at 7:45 p.m. that the meeting adjourn. The motion carried unanimously.

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MAYOR

CERTIFIED CORRECT:

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DEPUTY CORPORATE OFFICER