

DATE OF MEETING April 17, 2025

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

**SUBJECT BYLAW CONTRAVENTION NOTICE – CONSTRUCTION NOT COMPLETED AS PER CONDITIONS OF BUILDING PERMIT – 223 MILTON STREET**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 223 Milton 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 223 Milton Street for construction not completed as per the conditions of the building permit.

## **BACKGROUND**

All building permits issued by the City of Nanaimo are required to complete the terms and conditions outlined in each permit as regulated in the “Building Bylaw 2016 No. 7224” and enforced by the Building Inspections section.

When conditions of a building permit are not met, and deficiencies are still in place, 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**

A building permit (BP126438) for a detached garage was issued on 2020-SEP-29. Only the foundation of the building was completed under this permit before expiring on 2022-SEP-29. A building permit (BP128878) was issued on 2023-OCT-04 to complete the previous permit. This permit has now expired as no inspections were called within the six months of issuance. Correspondence was forwarded to the owner advising of the expiring permit. The building inspector attended the property to confirm the status of the permit and observed that the project had been completed without the required inspections.

Pursuant to Section 57 of the *Community Charter*, it is recommended a notice be registered on the property title to reflect the contravention of “Building Bylaw 2016 No 7224”. |

### **SUMMARY POINTS**

- Construction was not completed as per the conditions of the permit.
- The deadline to renew the permit 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.

#### **Submitted by:**

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#### **Concurrence by:**

Jeremy Holm  
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