

DATE OF MEETING | April 17, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 2253 WILGRESS ROAD |**

## **OVERVIEW**

### **Purpose of Report**

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 2253 Wilgress Road. |

### **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 2253 Wilgress Road 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**

A fire inspection conducted by FLPD on 2025-MAR-11 revealed a commercial unit being used as a residential suite. Following that inspection, a building inspector attended to confirm the status of the building on 2025-MAR-17 and 2025-MAR-19. The inspections revealed a previous grow operation in parts of the building and one CRU being used as a residential suite. The required demising walls and fire stopping had been removed as part of the grow operation and work was underway without a permit to remediate the issues. The resulting modifications to the existing structure have changed the use of the building and have made portions of the building unsafe for occupancy. As a result, a Do Not Occupy order was posted and requirements for the remediation plan have been communicated to the property owner.

Pursuant to Section 57 of the *Community Charter*, a notice on title is recommended until such time as the building deficiencies are resolved. |

### **SUMMARY POINTS**

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A Do Not Occupy order was posted and requirements for a remediation plan was communicated to the owner.
- 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:**

Darcy Fox  
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**Concurrence by:**

Jeremy Holm  
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