

DATE OF MEETING | April 17, 2025 |

AUTHORED BY | DARCY FOX, MANAGER, BUILDING INSPECTIONS |

**SUBJECT | BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED
WITHOUT A BUILDING PERMIT – 4552 LAGUNA WAY |**

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 4552 Laguna Way. |

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 4552 Laguna 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

A footing inspection for BP129483 (a single-family dwelling with secondary suite) on 2024-JUN-05 revealed a large retaining wall constructed at the rear of the property without a building permit. A Stop Work Order was posted on the jobsite and correspondence was forwarded to the owner. A building permit application was subsequently received; however, the application was cancelled as the proposed plans submitted did not meet the requirements of the City of Nanaimo’s Zoning Bylaw. The applicant was advised as to what was required and was given the opportunity to re-apply. A new application was received on 2025-MAR-15 (BP130758). As the retaining wall work is a requirement of the building permit for the single-family dwelling, BP129483 will remain unissued and on hold until the Stop Work Order for the retaining wall issue is resolved.

Due to the significant time delay, and the affect it is having on surrounding properties, 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, the matter will be forwarded to Bylaw Services for enforcement action. |

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- A building permit application was subsequently received; however, the application was cancelled as the proposed plans submitted did not meet the requirements of the City of Nanaimo's Zoning Bylaw.
- A second building permit application has been received, but due to the significant time delay and the affect it is having on surrounding properties, 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 further enforcement.

Submitted by:

Darcy Fox
Manager, Building Inspections |

Concurrence by:

Jeremy Holm
Director, Planning & Development |