



MINUTES
SPECIAL COUNCIL MEETING

Thursday, April 17, 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 B. Geselbracht*
Councillor E. Hemmens
Councillor J. Perrino*
Councillor I. Thorpe

Absent: Councillor T. Brown
Councillor H. Eastmure
Councillor P. Manly

Staff: J. Holm, Director, Planning & Development
D. LaBerge, Director, Public Safety
D. Fox, Manager, Building Inspections
K. Robertson, 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 Not Completed as per Conditions of Building Permit - 223 Milton Street

3. APPROVAL OF THE AGENDA:

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

* Denotes electronic meeting participation as authorized by "Council Procedure Bylaw 2018 No. 7272"

4. REPORTS:

(a) Illegal Construction - 3860 Norwell Drive

Introduced by Dave LaBerge, Director, Public Safety.

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

1. Kelly Funk, representative of the property owner, spoke regarding the following:
 - The property owner spoke with City Staff and had Staff attend the property prior to commencing any work, to determine what would be permissible in the Riparian Zone
 - The property owner also reached out to the Provincial Government to determine if the original shed would be grandfathered in, as the Riparian Areas Regulation was enacted after the original shed was constructed
 - City Staff advised that a permit could not be issued within the Riparian Zone; however, as long as the shed was not torn down, it could be repaired piece by piece
 - Due to an aging structure and weather damage, the shed required repairs to ensure it was safe to use. Repairs were constructed within the original shed footprint and base; however, the property owner has confirmed that the current shed is slightly larger, and has offered to decrease the size of the shed to conform with the original footprint
 - On 2024-MAY-29, following a complaint regarding construction without a permit, a Stop Work Order was issued; however, the property owner had not applied for a permit as Staff advised a permit would not be granted
 - Most of the original shed material was unable to be reused due to rot, and was considered unsafe
 - The property owner noted that the current concern from Staff relates to the ratio of old wood to new wood used to repair the shed. They have advised that they are willing to incorporate the remaining salvageable wood into the shed
 - The property owner is requesting an opportunity to remedy the situation by completing the shed using the remaining salvageable wood, or to be granted the opportunity to apply for a building permit for the construction

Council conveyed the following:

- An email was received by Council on 2025-APR-13 advising that the property owner had conducted 10 renovation projects, in addition to the current shed rebuild
- Photos presented at the 2024-NOV-21 Special Council Meeting showed a previously dilapidated shed replaced with a structure that would require a building permit
- Council directed Staff to file a Bylaw Contravention Notice on the property at the 2024-NOV-21 Special Council Meeting

It was moved and seconded that Council:

1. Declare that construction of the two-storey accessory building and adjoining deck structure at 3860 Norwell Drive is in contravention of City of Nanaimo "Building Bylaw 2016 No. 7224" and the Provincial Building Code.
2. Impose remedial action requirements in relation to the provisions of Sections 72 and 73 of the *Community Charter*.
3. Direct the remedial action requirement to include that all construction completed without required inspections or permit must be completely removed by no later than 60 days after the remedial action requirement is issued.
4. Direct Staff to advise the owner(s) that they may request Council reconsider the remedial action requirement by providing written notice within 14 days of the date on which notice of the remedial action requirement was sent.
5. Direct Staff or their authorized agents to take action in accordance with Section 17 of the *Community Charter* without further notice to remove all unauthorized construction at the owner's expense if the said remedial action requirement is not undertaken within the time limit set out in the Council resolution.

The motion carried unanimously.

- (b) Bylaw Contravention Notice - Construction Not Completed as per Conditions of Building Permit - 1228 Manzanita Place

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 1228 Manzanita Place for construction not completed as per the conditions of the building permit. The motion carried unanimously.

(c) Bylaw Contravention Notice - Construction Started Without a Building Permit - 2253 Wilgress Road

Introduced by Darcy Fox, Manager, Building Inspections.

Delegation:

1. George Wen, property owner, noted that they took ownership of the property on 2025-MAR-01 and will continue working to address the numerous safety concerns with the building.

In response to inquiries from Council, Staff advised that one unit in the building has had repairs done and still has occupancy; however, the remainder of the building is not safe for occupancy at this time.

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 2253 Wilgress 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 - 2480 Kenworth 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 2480 Kenworth 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 - 4552 Laguna Way

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 4552 Laguna Way 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 - 63 Howard Avenue

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 63 Howard Avenue for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

5. BYLAWS:

(a) "Home Energy Retrofit Financing Program Bylaw 2025 No. 7393"

It was moved and seconded that "Home Energy Retrofit Financing Program Bylaw 2025 No. 7393" (to initiate the City of Nanaimo's retrofit financing program) be adopted. The motion carried unanimously.

6. ADJOURNMENT:

It was moved and seconded at 7:33 p.m. that the meeting adjourn. The motion carried unanimously.

CERTIFIED CORRECT:

MAYOR

DEPUTY CORPORATE OFFICER