

DATE OF MEETING June 19, 2025

AUTHORED BY DARCY FOX, MANAGER, BUILDING INSPECTIONS

SUBJECT BYLAW CONTRAVENTION NOTICE - CONSTRUCTION STARTED WITHOUT A BUILDING PERMIT – 475 HAMILTON AVENUE

OVERVIEW

Purpose of Report

To obtain Council authorization to proceed with the registration of a Bylaw Contravention Notice on the property title of 475 Hamilton Avenue.

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 475 Hamilton Avenue 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

An inspection conducted on 2024-DEC-09, as a result of a business licence application for a short-term rental licence, revealed that the basement of the dwelling had been finished as a secondary suite without a permit. The ceiling height of the basement area does not meet the minimum ceiling height requirements in the BC Building Code. Correspondence was sent to the owners advising all construction needed to be removed and returned to an unfinished basement. An inspector attended the property on 2025-FEB-20 to confirm removal and the illegal construction remains. A building permit application was received on 2025-FEB-26 but the proposed plans did not address the ceiling height and other requirements. The application was subsequently cancelled.

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.

This matter will be referred to Bylaw Services for removal enforcement.

SUMMARY POINTS

- Construction requiring a building permit was undertaken without first obtaining a permit.
- The deadline for removal has passed and the illegal construction remains.
- 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