



**MINUTES**  
**SPECIAL COUNCIL MEETING**

Thursday, September 18, 2025, 7:00 P.M.  
Shaw Auditorium, Vancouver Island Conference Centre  
80 Commercial Street, Nanaimo, BC

Present: Mayor L. Krog, Chair  
Councillor S. Armstrong  
Councillor T. Brown\*  
Councillor H. Eastmure\*  
Councillor B. Geselbracht\* (joined at 7:13 p.m.)  
Councillor Hemmens  
Councillor P. Manly\*  
Councillor J. Perrino

Absent: Councillor I. Thorpe

Staff: J. Holm, Director, Planning and Development  
D. LaBerge, Director, Public Safety  
N. Vracar, Deputy Corporate Officer  
D. Fox, Manager, Building Inspections  
L. Young, Recording Secretary

**1. CALL THE MEETING TO ORDER:**

The Special Council Meeting was called to order at 7:00 p.m.

**2. APPROVAL OF THE AGENDA:**

It was moved and seconded that the agenda be adopted. The motion carried unanimously.

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

### 3. REPORTS:

#### (a) Remedial Action Requirement - 4918 Fillinger Crescent

Dave LaBerge, Director, Public Safety, provided an overview of the report in the agenda package.

Mayor Krog asked 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:

1. Declare that the decks, stairs, pathways, benches and improvements constructed within DPA1 ESA – 15m setback from the natural boundary of the ocean at 4918 Fillinger Crescent are in contravention of the City of Nanaimo “Building Bylaw 2016 No. 7224” and “Zoning Bylaw No. 4500” and not permitted within the DPA1: Environmentally Sensitive Area.
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:
  - Completion of a BC Land Survey with staked markers placed on the property.
  - Removal of all concrete trails and benches, with concrete to be disposed of at the landfill.
  - Removal of all stairs above grade and decks.
  - All work must be completed by no later than 90 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 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 Started Without a Building Permit - 3047 Little John Way

Darcy Fox, Manager, Building Inspections, provided an overview of the report in the agenda package.

D. LaBerge, Director, Public Safety, advised that this property has a long history of non-compliance. Due to the likelihood of litigation, Staff are recommending pursuing the Bylaw Contravention Notice and a Remedial Action Requirement simultaneously.

Mayor Krog asked 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 3047 Little John Way for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

*- The remainder of this page is intentionally left blank -*

It was moved and seconded that Council:

1. Declare that renovations of the single family dwelling and carport without a permit at 3047 Little John Way are 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 repair 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.

(c) Bylaw Contravention Notice - Construction Started Without a Building Permit - 123 Nicol Street

D. Fox, Manager, Building Inspections, provided an overview of the report in the agenda package.

Mayor Krog asked 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 123 Nicol Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(d) Bylaw Contravention Notice - Construction not Completed as per Conditions of Building Permit - 718 Connaught Avenue

D. Fox, Manager, Building Inspections, provided an overview of the report in the agenda package.

Mayor Krog asked 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 718 Connaught Avenue for construction not completed as per the conditions of the building permit. The motion carried unanimously.

(e) Bylaw Contravention Notice - Construction not Completed as per Conditions of Building Permit - 244 Laurence Park Way

D. Fox, Manager, Building Inspections, provided an overview of the report in the agenda package.

Mayor Krog asked 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 244 Laurence Park Way for construction not completed as per the conditions of the building permit. The motion carried unanimously.

(f) Bylaw Contravention Notice - Construction Started Without a Building Permit - 407 Milton Street

D. Fox, Manager, Building Inspections, provided an overview of the report in the agenda package.

Councillor Geselbracht joined the meeting electronically at 7:13 p.m.

Mayor Krog asked 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 407 Milton Street for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(g) Bylaw Contravention Notice - Construction Started Without a Building Permit - 1716 Kidson Road

D. Fox, Manager, Building Inspections, provided an overview of the report in the agenda package.

Mayor Krog asked 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 1716 Kidson Road for construction started without a building permit in contravention of “Building Bylaw 2016 No. 7224”. The motion carried unanimously.

(h) Bylaw Contravention Notice - Construction Started Without a Building Permit - 524 Dundas Street

D. Fox, Manager, Building Inspections, provided an overview of the report in the agenda package.

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

1. Steve Thompson, property owner, advised that they received the drawings required for the building permit application this week, and that they intend to submit the required documentation to the City next week. The property owner cited costs associated with the building permit and contravention notice as a concern.

In response to inquiries from Council, Staff advised that the cost of the building permit is based on the estimated value of construction, and the cost to remove the bylaw contravention notice from the title would be approximately \$300.

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 524 Dundas Street for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

(i) Bylaw Contravention Notice - Construction Started Without a Building Permit - 690 Montague Road

D. Fox, Manager, Building Inspections, provided an overview of the report in the agenda package.

Mayor Krog asked 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 690 Montague Road for construction started without a building permit in contravention of "Building Bylaw 2016 No. 7224". The motion carried unanimously.

**4. ADJOURNMENT:**

It was moved and seconded at 7:26 p.m. that the meeting adjourn. The motion carried unanimously.

---

MAYOR

CERTIFIED CORRECT:

---

DEPUTY CORPORATE OFFICER