



REGIONAL  
DISTRICT  
OF NANAIMO

## **3629 Jingle Pot Road – Building Bylaw Contravention**

### **RECOMMENDATION**

That the Corporate Officer be authorized to file a Notice at the Land Title Office stating that a resolution has been made under Section 57 of the *Community Charter* by the Regional District of Nanaimo Board against title of 3629 Jingle Pot Road, Lot 1, Section 18, Range 4, Mountain District, Plan 3307.

### **BACKGROUND**

In June 2022, the Regional District of Nanaimo (RDN) received complaints of construction occurring without building permits on the subject property, located in a residential area of Electoral Area C (see Attachment No. 1 – Subject Property Map). Upon initial inspection by RDN Staff, it was confirmed that the following construction had taken place or was continuing, without building permit approvals (see Attachment No. 2 - Photos):

- Expansion of a dwelling with legal non-conforming status. The original basement was a 3-foot crawl space; however, the height had been increased to approximately 9-10 feet in height.
- The addition of a structure (approximately 12 feet by 33 feet) had been made with a beam connecting to the dwelling.

The work was conducted by the co-owner of the property. A Building Official determined that the structures and renovations are of questionable structural integrity, do not meet basic construction methods, and are non-compliant with the BC Building Code (see Attachment No. 2 - photos). Correspondence was sent to both owners of the property.

### **DISCUSSION**

Over a period of approximately 13 months, RDN staff provided extensive guidance to the property owners on compliance and regulatory/permitting requirements as follows:

#### **June to August 2022**

- Property inspected and verbal advice provided to owner and builder on zoning and building bylaw requirements.
- A Stop Work Order was issued.
- A Bylaw Officer completed a report to Technical Safety BC to report the findings on the property.
- A letter and Bylaw Offence Notice was hand delivered to the Property Owner.
- A Bylaw Officer re-inspected the property, where it was observed that construction was continuing.
- A subsequent Bylaw Offence Notice was issued to the Property Owner.
- The Property Owner submitted an incomplete building permit application.

### **November and December 2022**

- A letter regarding the missing documents for the building permit application was sent to the Property Owner.
- The Property Owner was informed that a Building Official would need to inspect the dwelling to assess and determine the value of the addition and work done to the dwelling.

### **February to May 2023**

- The building permit application was cancelled as the application was not completed.
- The property owner initially agreed to allow staff to conduct a full inspection; however, on the date of the inspection RDN staff were refused access into the dwelling, only allowing an external inspection. The Building Official determined that the illegal construction was unsafe.
- A Bylaw Officer issued two Bylaw Offence Notices.
- The Property Owners ignored any further attempts by RDN staff to gain voluntary compliance.

Pursuant to Section 57 of the *Community Charter*, a Building Official may recommend that a Notice be registered against a land title if the Building Official observes a condition, with respect to land or a building or other structure, that results from the contravention of, or is in contravention of a Regional District bylaw, Provincial building regulation or any other enactment that relates to the construction or safety of buildings or structures.

The filing of a Notice of Bylaw Contravention on title is not intended to be a punitive action, rather it is a tool available to local government to secure compliance with building regulations. A Notice on title serves as a disclosure mechanism protecting prospective purchasers, taxpayers, and other parties with an interest in the property.

Despite the foregoing guidance and enforcement action by RDN Staff, the structures have not been removed or brought up to Building Code standards. The property remains in contravention of RDN and Provincial regulations; therefore, it is recommended that the Corporate Officer be authorized to file a Notice at the Land Title Office stating that a resolution has been made in accordance with Section 57 of the *Community Charter* as a result of RDN bylaw and Building Code contraventions.

### **FINANCIAL IMPLICATIONS**

There are no financial implications for the RDN in the registration of a Notice on title. Once the bylaw contraventions are corrected, the property owner may apply to have the Notice removed upon payment of a fee in accordance with Building Regulations Fees and Charges Bylaw No. 1595, 2010.

### **STRATEGIC PLAN ALIGNMENT**

There are no implications related to the 2023 – 2026 Board Strategic Plan.

### **REVIEWED BY:**

- Dion Klassen, Acting Manager Building and Bylaw Services
- L. Grant, General Manager, Development and Emergency Services
- D. Holmes, Chief Administrative Officer

**ATTACHMENTS**

1. Subject Property Map
2. Photos