



Building Inspections

Section 57 Bylaw Contravention Notice on Property Title

The *Community Charter* of the Province of British Columbia provides that a Building Inspector who observes a condition, with respect to land or a building or other structure, that the Inspector deems is the result of, or is in contravention of, a municipal bylaw, Provincial building regulation, or any other enactment that relates to the construction and safety of buildings or other structures, and that as a result of the condition, the land, building or structure is unsafe or is unlikely to be usable for its expected purpose, or discovers that something was done with respect to a building or other structure, without the required permit and inspections, may recommend to the Council that it consider passing a resolution under Section 57 of the *Community Charter*. The recommendation would direct the Corporate Officer to file a Notice in the Land Title Office (LTO) stating that a resolution relating to that land has been made and further information about it may be inspected at the municipal hall.

The Registrar of LTO must make a Note of the filing against the title to the land that is affected by the Notice. The Notice will advise individuals with interest in the land of the regulations contravened and provides disclosure to future owners to protect taxpayers of potential claims against the contravention.

WHY IS THE CITY OF NANAIMO CONCERNED ABOUT BUILDING SAFETY ISSUES?

The City, Building Inspections Section is responsible to ensure that all buildings constructed within the City of Nanaimo are in compliance with the BCBC and safe for the use intended. Where work is observed to be completed without the necessary permits and inspections, no assurance can be provided that the work conforms to the accepted standard that has been established by the BCBC.

HOW CAN THE NOTICE BE REMOVED FROM TITLE?

Where a property has a Notice on title, and the property owner is of the opinion the Notice can be removed, the owner must apply in writing to the Building Inspector, requesting consideration for removal of the Notice. Upon receipt of a written request, Staff will review the records pertaining to the condition that gave rise to the filing of the Notice to determine if the request is feasible. Should Staff concur with the request, based on the review and information provided, an inspection of the land, building or structure will be necessary to verify that the contravention is rectified. If there are no further concerns and the required fee, currently \$300.00, is paid to remove the Notice, the Corporate Officer will notify the LTO office requesting that the Notice be removed.