

**Regional District of Nanaimo Board – Meeting Date: September 6, 2022**

*This document contains closed ‘in-camera’ meeting decisions that have been released because they are no longer considered sensitive.*

**790 - 796 Nanaimo River Road - Hazardous Property**

WHEREAS Section 305 of the Local Government Act authorizes the Board to impose remedial action requirements in relation to hazardous conditions under Division 12 of Part 3 of the Community Charter on the owner(s) or lessee(s) of a matter or thing and the owner or occupier of the land on which it is located, including a requirement to remove or demolish the structure, alter it, bring it up to a standard specified by bylaw or otherwise deal with it in accordance with the directions of the Board;

AND WHEREAS Division 12 of Part 3 of the Community Charter also authorizes the Board to impose a remedial action requirement in relation to a building, structure, erection of any kind which is in or creates an unsafe condition, or which contravenes Provincial Building regulations or a building bylaw;

AND WHEREAS the Regional District of Nanaimo has consistently received complaints from residents and the RCMP and local Fire Departments about the hazardous state of the buildings, structures and debris located at 790/796 Nanaimo River Road;

AND WHEREAS multiple fires involving structures, vehicles, debris and hazardous materials have occurred at 790/796 Nanaimo River Road posing significant risk to life and property of the occupants and neighbouring lands;

NOW THEREFORE the Board of the Regional District of Nanaimo resolves as follows:

**22-IC-220**

It was moved and seconded that the Board considers that the buildings and structures are, and create, an unsafe condition within the meaning of s. 73(2)(a) of the Community Charter and also contravene the requirements of Building Regulations Bylaw No. 1250, 2010.

CARRIED UNANIMOUSLY

**22-IC-221**

It was moved and seconded that pursuant to its remedial action powers under Part 3, Division 12 of the Community Charter, the Board hereby requires that the Estate of Earl Ferstel, Brian Ferstel and Ray Ferstel

undertake the following actions to address the unsafe conditions created by the buildings, structures, erections and associated materials, at their sole cost;

- Removal of all occupied recreational vehicles and structures constructed and used in contravention of Building Regulations Bylaw No. 1250, 2010.
- Removal of all non-approved electrical and sewage connections to the occupied recreational vehicles and structures.
- Removal of all garbage, derelict vehicles, debris, and discarded materials on the premises.

CARRIED UNANIMOUSLY

#### 22-IC-222

It was moved and seconded that the Estate of Earl Ferstel, Brian Ferstel and Ray Ferstel must complete the above listed repairs to the premises within 30 days of receipt of the notice of remedial action requirement.

CARRIED UNANIMOUSLY

#### 22-IC-223

It was moved and seconded that the Board considers that there is a significant risk to health or safety if the required actions are not taken within timeframes set out in paragraph 3.

CARRIED UNANIMOUSLY

#### 22-IC-224

It was moved and seconded that the Estate of Earl Ferstel, Brian Ferstel and Ray Ferstel must carry out the work in compliance with all applicable bylaws and enactments, including the BC Building Code, the Building Regulations Bylaw, and all applicable bylaws and enactments respecting safety.

CARRIED UNANIMOUSLY

#### 22-IC-225

It was moved and seconded that the Regional District shall provide notice of this remedial action requirement to the persons entitled to notice under s. 77 of the Community Charter, including a copy of this resolution.

CARRIED UNANIMOUSLY

#### 22-IC-226

It was moved and seconded that the Regional District shall notify the persons entitled to notice under s. 77(1) of the Community Charter that they may request that the Board reconsider the remedial action requirement pursuant to s. 78 of the Community Charter, by providing the Board written notice within 14 days of the date on which notice under s. 77 of the Community Charter was sent.

CARRIED UNANIMOUSLY

#### 22-IC-227

It was moved and seconded that if any or all of the actions in paragraphs 2 and 3 of this remedial action requirement are not completed by the dates set out above, the Regional District may undertake any or all of those actions required by this remedial action requirement at the expense of the Estate of Earl Ferstel, Brian Ferstel and Ray Ferstel and recover the costs of doing so as a debt or unpaid property taxes owing by the Estate of Earl Ferstel to the Regional District, as authorized by sections 305, 399, and 418 of the Local Government Act and section 80 of the Community Charter.

CARRIED UNANIMOUSLY

22-IC-228

It was moved and seconded that, if any or all of the actions in paragraphs 2 and 3 of this remedial action requirement are not completed by the dates set out above, the Board authorizes the Regional District staff to, in the alternative to undertaking the actions permitted by paragraph 8, proceed with seeking injunctive relief against the owners and occupiers of the Property pursuant to section 420 of the Local Government Act and section 274 of the Community Charter.

CARRIED UNANIMOUSLY

Released: September 6, 2022