



Building Inspections

Secondary Suites – Policy

Secondary Suites have been established as a permitted use since 2005-FEB-07 in all Single Residential Zones and Agriculture Rural Residential Zones. Secondary Suites are also permitted in other Residential Zones and Commercial Zones where only one principal dwelling and no other uses are sited on a lot. Secondary Suites are subject to the requirements of “BUILDING BYLAW 2003 NO. 5693”, “ZONING BYLAW 2011 NO. 4500” and the *BC Building Code*. The following is provided for information on the Secondary Suite policy and process for:

1. Existing upgraded (Notice on Title) Secondary Suites.
2. Legalizing an existing (Notice on Title or Illegal) Secondary Suite.
3. Upgrading an existing (Illegal) Secondary Suite.
4. Construction of new Secondary Suites.
5. Filing a Complaint regarding a Secondary Suite.
6. Removing an existing Secondary Suite.

Existing Upgraded (Notice on Title) Secondary Suites

Prior to the adoption of “ZONING BYLAW AMENDMENT BYLAW 2004 NO. 4000.336” providing for the establishment of Secondary Suites, Suites which were identified, generally through complaint, were inspected by City Staff and reviewed on a case-by-case basis before City Council. Suites that met, or could be upgraded to meet, the policy and safety requirements established at the time were permitted to remain in existence as “Illegal Secondary Suites”. To date, there are a significant number of these Suites in existence in the City that are identified by a notice placed on the title of the property identifying their existing contravention of “BUILDING BYLAW 2003 NO. 5693”. Subject to the receipt of a complaint regarding a property with an upgraded illegal Suite, the City does not contemplate taking further action to require these Suites to be upgraded to the full requirements of “BUILDING BYLAW 2003 NO. 5693”, “ZONING BYLAW 2011 NO. 4500” or the *BC Building Code*.

Legalizing an Existing (Notice on Title or Illegal) Secondary Suite

If a property owner wishes to legalize an existing Secondary Suite, the construction of the Suite must conform to all of the requirements of “ZONING BYLAW 2011 NO. 4500”, “BUILDING BYLAW 2003 NO. 5693” and the provisions of Section 9.36 of the *BC Building Code*. Outlines of these requirements are included in the handouts “New Secondary Suites-Development Requirements” and “Secondary Suites-Building Code Requirements” available at the Permit Centre or on-line at www.nanaimo.ca. To upgrade an existing Suite to legal status, a Building Permit application for the Suite is required, including two sets of drawings indicating:

1. Site plan of the principle dwelling, indicating location of all buildings on the site, required set backs, parking etc.
2. Building elevations, indicating size and location of windows and doors.
3. Floor plans of all levels of the dwelling indicating intended use of all spaces, locations of smoke detectors, required fire separations etc.
4. Building and wall sections, as appropriate, to detail the construction.
5. Other documentation necessary to demonstrate *BC Building Code* compliance (ie, proof of electrical permit).

Suites in this category have already been constructed and, as a result a certain amount of deconstruction to expose underlying construction for inspection is in most cases required to allow the Building Inspector to perform the required inspections and accept the construction. Details of this requirement are reviewed on a case-by-case basis. Existing Suites upgraded to meet the full requirements will be approved as Legal Suites. In addition, the owners of existing (Notice on Title) Suites who upgrade the Suite to meet the full requirements can make application to the City to have the notice on title removed.

Applicants interested in the possibility of legalizing an existing Suite are advised to contact the Building Inspection Division at the Permit Centre for further information and to discuss the requirements. Building Inspectors are also available to schedule a "Special Inspection" (\$100.00 fee), if desired, to review the existing Suite on site prior to application.

Upgrading an Existing (Illegal) Secondary Suite

In addition to the previously identified and upgraded illegal Secondary Suites, there exist a large number of illegal Suites in the City of Nanaimo, which, to date, have not been inspected by the City's Building Inspection and Bylaw Enforcement Divisions. Suites in this category (which include all Suites constructed prior to 2005-FEB-07), once identified, will be subject to review and inspection by City Staff. Suites shown to meet the basic requirements of "ZONING BYLAW 2011 NO. 4500" and the basic life safety provisions, or upgraded under a Building Permit to meet these requirements can be retained. A notice will be registered on the title of the property identifying the non-conformance of "BUILDING BYLAW 2003 NO. 5693" for the construction of the Suite and that the Suite is considered as 'authorized' though not legal.

In reviewing an existing illegal Suite for basic compliance with the provisions of "ZONING BYLAW 2011 NO. 4500", City staff will be looking for compliance with:

1. one additional off-street parking stall; and
2. compliance with the size restrictions – maximum of 40 percent of the living space within the house to a maximum area of 90 square meters (968 square feet); and
3. maximum of two bedrooms.

In reviewing an existing illegal Suite for basic compliance with the provisions of "BUILDING BYLAW 2003 NO. 5693", City staff will be looking for compliance with basic safety requirements including:

1. interconnected heating systems (not preferred); and
2. smoke alarms (additional interconnected photoelectric smoke detectors required); and
3. ceiling heights (minimum 2 meter (6' 7") ceiling height at lowest point); and
4. minimum window areas and windows in bedrooms which allow for an exit; and
5. means of egress; and
6. fire separations between the Suite and main portion of the building, and between the furnace room and Suite; and
7. exit stairs; and
8. review of electrical system for adequacy and/or proof of Electrical Permit for upgrades; and
9. other obvious safety concerns.

If upgrading to meet the basic Zoning and Life Safety requirements is necessary, the work required must be completed under a Building Permit from the City of Nanaimo. The requirements for application can be obtained from the Permit Centre at 238 Franklyn Street, by telephone (250) 755-4429, or online at www.nanaimo.ca. If it is not possible to upgrade the Suite to meet the basic Zoning and Life Safety requirements, approval by Council of an order to remove the Suite will be sought (pursuant to the provisions of the *Local Government Act* and *Community Charter*).

Construction of New Secondary Suites

All Secondary Suites constructed after 2005-FEB-07 are subject to the full requirements of the current Zoning and Building Bylaws and Section 9.36 of the *BC Building Code*. The two handouts: “New Secondary Suites - Development Requirements” and “Secondary Suites - Building Code Requirements” available at the Permit Centre or on-line at www.nanaimo.ca provide details on the requirements for the establishment of a new Secondary Suite.

New Suites not in full compliance with these requirements, including construction without a valid Building Permit, will be subject to enforcement action up to and including removal.

Filing a Complaint Regarding a Secondary Suite

Complaints regarding the existence of unauthorized and/or illegal Secondary Suites should be directed to the City of Nanaimo Building Inspections Section. Complaints can be made in person at 238 Franklyn Street or by telephone to (250) 755-4429. All complaints received by the City are investigated; however, given the significant number of Secondary Suites estimated to exist in the City, Council has established the following priorities for enforcement action:

1. Suites with known safety hazards.
2. Newly constructed Suites.
3. Suites located in Multi-family dwellings (duplexes, triplexes).
4. Suites in out-buildings or accessory buildings (please note Suites are permitted in accessory buildings on corner lots, lots with lanes, and/or lots over 800 m² in size).
5. New complaints.
6. Suites identified by the City of Nanaimo Finance Department and not yet inspected.

Removing an Existing Secondary Suite

In cases where:

1. existing illegal Suites cannot be upgraded to meet the minimum “ZONING BYLAW 2011 NO. 4500” and “BUILDING BYLAW 2003 NO. 5693” requirements; and
2. new Suites that have been constructed without a Building Permit and cannot be approved, or in a Zone not permitting Suites; and
3. where a Suite has been established in a multiple-family dwelling or commercial building; and
4. if an owner elects not to complete required upgrades.

City Council will review the matter and may approve a removal order for the Suite to be removed from the building (pursuant to the provisions of the *Local Government Act* and *Community Charter*). In order for the City of Nanaimo to consider the Suite as having been removed, the following must be completed:

1. removal of cooking facilities; and
2. wiring for stove, includes outlet and wiring back to the electrical panel; and
3. plumbing for sink; and
4. cupboards (upper); and
5. locking doors between Suites.

A Final Inspection will be required to confirm removal and that the building consists of one dwelling unit and is used or intended to be used as the residence of one family, as per “ZONING BYLAW 2011 NO. 4500”.

	New Suites	Existing Suites		
Age of Suite	Suites constructed after 2005-Feb-07 (Includes existing Suites upgraded to legal status)	Suites existing prior to 2005-Feb-07 not known to exist at time of Bylaw adoption - <i>existing (Illegal) Suites</i>	Suites known to exist; not dealt with by Council - <i>existing (illegal) Suites</i>	Suites known to exist and dealt with by Council - <i>existing (Notice on Title) Suites</i>
Full Building Code compliance required	✓	X	X	X
Meets basic life safety requirements and has Notice placed on Title	X	✓	✓	✓
Must meet maximum size requirements (see Zoning requirements for detail)	✓	✓	✓	✓
Meets minimum requirements for onsite parking (1 additional space)	✓	✓	✓	✓
Limited to two occupants (see Zoning requirements for detail)	✓	✓	✓	✓
Building Permit required	✓	✓	✓	X

Further information on the requirements for Secondary Suites, new and existing, can be obtained by contacting the Building Inspection Section at the Permit Centre, 238 Franklyn Street, by telephone at (250) 755-4429 or on-line at www.nanaimo.ca.