



<b>RCRS Secondary:</b>	GOV-02	<b>Effective Date:</b>	1989-JAN-30 COUNCIL
<b>Policy Number:</b>	COU-059	<b>Amendment Date/s:</b>	1997-OCT-06 COUNCIL, 1997-NOV-03 COUNCIL, 1997-DEC-08 COUNCIL, 2003-FEB-10 COUNCIL, 2003-MAR-10 COUNCIL, 2004-NOV-29 COUNCIL, 2005-FEB-21 COUNCIL, 2013-NOV-18 COUNCIL 2016-NOV-14 COW
<b>Title:</b>	Secondary Suites	<b>Repeal Date:</b>	
<b>Department:</b>	Development Approvals	<b>Approval Date:</b>	1989-JAN-30 COUNCIL

**PURPOSE:**

To establish a process and policy for the authorization and legalization of secondary suites.

**DEFINITIONS:**

N/A

**SCOPE:**

N/A

**POLICY:**

That until such time Council has received and considered the requested report, that Council direct Staff to amend the existing Secondary Suite Enforcement Policy to:

- limit the inspection of secondary suite to only those units for which formal complaints have been received.
- not proceed with removal orders for historic or known suites that are in contravention of zoning, provided that life safety issues have been addressed.
- a review of the enforcement policy will take place in three months, February 2017.

*(2016-NOV-14) Committee of the Whole*

Secondary Suites in Duplexes:

1. existing and proposed duplexes that contain suites are required to comply with zoning or apply for rezoning;
2. existing suites (built prior to 2013-JAN-01) are required to be “authorized” including addressing life-safety issues and the registration of a notice on title; and,
3. suites in duplexes built on or after 2013-JAN-01 are required to be “legalized”, including full compliance with the Building Code, the Building Bylaw, and the Parking Bylaw.

*(2013-NOV-18)*

Secondary Suite Enforcement Policy:

Council:

- Adopted the following New Secondary Suite Enforcement Policy;

**SUITE ENFORCEMENT POLICY**

**Specific to Residential and Rural Residential Zoned Properties**

Age of suite	Suites constructed prior to 2005-Feb-07			
	Suites constructed after 2005-Feb-07	Suites existing prior to 2005-Feb-07 not known to exist at time of bylaw adoption	Suites known to exist; not dealt with by Council	Suites known to exist and dealt with by Council (Notice on Title)
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	✓	✓	✓	✓
Meets minimum requirements for onsite parking	✓	✓	✓	✓
Limited to two occupants	✓	✓	✓	✓
Building Permit required	✓	✓	✓	X

And;

- Confirmed its priority for enforcement activity as follows:

- suites with known safety hazards;
- newly constructed suites;
- suites located in multi-family dwellings;
- suites in outbuildings;
- new complaints; and,
- list of units identified by Finance and as yet uninspected.

(2005-FEB-21)

Secondary Suites Public Consultation:

Council:

- Discontinued the moratorium on secondary suites when contained in multi-family dwellings (Duplex / Triplex / Fourplex) or in secondary buildings.
- Adopted the following recommendations from Option B of the report:

Primary Decisions:

- secondary suites to be permitted in all single-family and rural zones; and,
- secondary suites not to be permitted in multi-family dwellings.

### Occupancy Decisions:

- (a) owner occupancy to not be required as a condition of having a secondary suite.

### Cost Recovery Decisions:

- (a) sewer and garbage rates to be charged at the same rate as the principal dwelling unit; and,
- (b) the Business Licence Bylaw to not be amended in order to require licensing for suites.

### Implementation Decisions:

- (a) building permits to be required for all new suites and that the status quo be maintained (i.e. Section 57 Notices and user rates) for existing suites;
- (b) a Standards of Maintenance Bylaw referred to Budget discussions; and,
- (c) building permit fees for conversion of existing illegal suites to be waived for the period of one year following the adoption of the Bylaw.

### Zoning Decisions:

- (a) the following definition of secondary suites to be included in the Zoning Bylaw: "Secondary Suite means a dwelling unit which is clearly subordinate to the principal dwelling";
- (b) secondary suites to be limited to a maximum of 40 percent habitable floor space of the principal building to a maximum of 90 square metres (968 square feet);
- (c) secondary suites to be limited to a maximum of two bedrooms and a maximum of two unrelated persons (at present, the Zoning Bylaw limits occupancy of a dwelling to five unrelated persons);
- (d) one additional on-site parking stall to be required for the suite;
- (e) all suites to be contained with the principal building (i.e. not in accessory buildings);
- (f) homes with suites are required to split their maximum of 100 square metres for a home-based business between the principal and secondary unit. The unit area of a home-based business in a principal building will be limited to 60 square metres and the floor area in a secondary suite would be limited to 40 square metres;
- (g) the home-based business within a suite not to be permitted to have a non-resident employee (the Bylaw would continue to allow one non-resident employee for any home-based business within the principal dwelling unit); and,
- (h) the Bylaw to continue to require one additional parking stall for each home-based business and continue to limit the number of vehicle trips to / from the property to five per day.

[Note: Refer to the City's Zoning Bylaw for zoning regulations pertaining to Secondary Suites.]  
(2004-NOV-29)

NOTE: All of the regulations adopted by Council at the Regular Meeting 2004-NOV-29 (noted above) are still in force. The following updates to the policy deal with enforcement of secondary suite policies.

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### Interim Secondary Suites Policy:

Suite removal will continue to be sought in the following situations:

1. where the suite is located in a secondary building such that two or more dwellings are constructed on one single family lot;
2. where upgrades are sought to facilitate occupancy but the owner is not cooperating;

3. where suites have previously been removed as a result of Council direction and new complaints are received; and,
4. where multiple unauthorized suites are detected in a single family zoned dwelling or more than two additional suites are discovered in a duplex.

(2003-MAR-10)

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Council temporarily suspended the Suite Removal Enforcement Program for a period of six months, ending 2003-AUG-10.

(2003-FEB-10)

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Council directed Staff to amend the present policy for dealing with illegal suites as follows:

1. Staff to respond only to written complaints from individuals residing within a 100 metre radius of the illegal suite and which allege a life safety hazard exists. A written complaint must include responses to questions, outlined in Schedule A\*;
2. where the complaint involves a single illegal suite located in a single family dwelling and an inspection has identified safety infractions, the owner will be given 45 days to correct the deficiencies. Safety infractions will consist of items outlined in Schedule B\*;
3. Notice on Title under Section 700 of the *Municipal Act* will be recommended on all properties on which an illegal suite is located. Reports to Council will be reduced in scope as per the form outlined in Schedule C\*; and,
4. when an illegal suite has been identified and any safety issues noted have not been corrected within the 45 days, or where the suite is under construction or is located in a structure where an occupancy certificate has not been issued, legal action will be initiated to remove the suite.

\*Schedules A, B and C are attached to the original 1997-DEC-08 report to Council.

(1997-DEC-08)

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Staff to implement a program on a low priority basis to identify all existing suites to allow charging user fees on the same basis as other suites are already charged.

(1997-NOV-03)

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Staff to continue with the current policy of enforcement on a complaint basis only.

(1997-OCT-06)

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Council endorsed a policy of enforcement utilizing Section 750.1 of the *Municipal Act* whereby Staff members ensure that the City is relieved of financial responsibility while also advising prospective purchasers, mortgage holders and insurance companies of the illegal situation. Unsafe situations can also be dealt with via Section 735 of the *Act* and other related legislation.

(1989-JAN-30)

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**PROCESS:**

See Schedule "A" "B" and "C" Attached

**RELATED DOCUMENTS:**

*Local Government Act*

Zoning Bylaw No. 4500

“Building Bylaw 2016 No. 7224”

“Off-Street Parking Regulations Bylaw 2018 No. 7266”.

BC Building Code

**REPEAL/AMENDS:**

N/A

SCHEDULE A

INFORMATION REQUIRED FROM COMPLAINANT

1. Does the complainant live within 100m radius of the alleged illegal suite? \_\_\_\_\_  
\_\_\_\_\_
2. Does the complainant have reason to believe that a suite exists? \_\_\_\_\_  
\_\_\_\_\_
3. Is the complainant aware of any life safety concerns in the suite? \_\_\_\_\_  
\_\_\_\_\_

- **If the complainant answers no to any of these questions, the complaint is not processed further.**

LOCATION OF ALLEGED OFFENCE: \_\_\_\_\_

DATE OF COMPLAINT: \_\_\_\_\_

COMPLAINANTS NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

Is the suite occupied? \_\_\_\_\_

When was the suite constructed? \_\_\_\_\_

Does the property owner live in the house? \_\_\_\_\_

Do the occupants of the house have boarders? \_\_\_\_\_

The following information will assist in determining if an illegal suite exists:

Is there a kitchen in the suite? \_\_\_\_\_

Other cooking facilities? \_\_\_\_\_

Number of bedrooms? \_\_\_\_\_

Number of people living in suite? \_\_\_\_\_

Number of parking stalls on property? \_\_\_\_\_

Are tenants parking on their own property or is there insufficient parking? \_\_\_\_\_

Is there extra garbage generated by the suite? \_\_\_\_\_

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## SCHEDULE B

### INSPECTION WILL INVOLVE THE FOLLOWING LIFE SAFETY ISSUES

When undertaking an inspection of a single family dwelling containing an illegal suite, identification of deficiencies will consist of the following life safety issues specified in Section 9.36 of the latest edition of the BC Building Code.

- 9.36.2.3(2) Minimum Window Areas
- 9.36.2.4 Exit Stairs
- 9.36.2.7 Means of Egress
- 9.36.2.8 Fire Separations for Exits
- 9.36.2.9 Openings Near Unenclosed Exit Stairs and Ramps
- 9.36.2.10 Doors in a Means of Egress
- 9.36.2.11 Travel Limit to Exits or Egress Doors
- 9.36.2.12 Shared Egress Facilities
- 9.36.2.15 Combustible Water Pipes
- 9.36.2.16 Combustible Drain, Waste and Vent Piping
- 9.36.2.17 Separation of Residential Suites
- 9.36.2.18 Separation of Public Corridors
- 9.36.2.20 Air Ducts and Fire Dampers
- 9.36.2.21 Exposing Building Face of Houses
- 9.36.2.22 Smoke Alarms

Also, the inspection will review if there are any:

- unsafe wood stove installations
- exposed electrical systems (refer to Provincial Electrical Inspector for follow up)

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SCHEDULE C

SAMPLE COUNCIL REPORT TO PLACE NOTICE ON TITLE

**RECOMMENDATION:**

That Council, by resolution, instruct the City Clerk to file a notice in the Land Title Office under Section 700 of the Municipal Act that:

- a) a resolution relating to the properties noted in this report be made under this section and;
- b) further information respecting these properties may be viewed at the offices of the Municipality.

**BACKGROUND:**

The properties noted in this report contain bylaw infractions that have not been rectified. Property owners have been contacted and advised that unless these deficiencies are corrected prior to 1998-Jan-12, the matter will be referred to Council's meeting of 1998-Jan-19, with the above-noted recommendations.

**DISCUSSION:**

Following is a summary of infractions on specified properties.

- 1) Property Owners Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Summary of infraction: An illegal suite has been identified in this single family dwelling. Illegal suite contravenes the City Zoning Bylaw and does not meet all the requirements of the Building Code.
- 2) As example above.

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