

## What does The Village consider a “Secondary Suite”?

In Lions Bay, a Secondary Suite is defined as a Dwelling unit accessory (“extra” or “subordinate”) to a Single Family Dwelling. A Dwelling is a self-contained set of habitable rooms containing not more than one set of cooking facilities and located in a building; As further explanation, a Secondary Suite is an area of the house separate from the rest of the house, by means of being walled off and having a doorway). It contains a bedroom (i.e. sleeping facility), a bathroom (i.e. sanitary facility) and cooking facilities. Usually the cooking facilities are a stove or microwave, but a stove plug in the kitchen is also considered a cooking facility, since having this power source would enable quick and easy installation of a stove. Creating Secondary Suites in accessory buildings like garages, or out-buildings is not permitted, although those built before September 7th, 2010 may continue in operation as Suites.

## If I have a second kitchen, do I have a Secondary Suite?

If there are two or more sets of self-contained, habitable rooms in a residence, each with its own cooking facilities, it is probably reasonable to say that there are two dwellings present - a main dwelling unit and a Secondary Suite. However, the extra set of cooking facilities may not necessarily indicate there is a Secondary Suite. They could be for use by the family in the main dwelling unit – a downstairs barbecue or entertaining area, for example, or in use for another purpose such as a day care. The important distinction that must be made when there are two sets of cooking facilities in the home is – can this cooking area, a bathroom and a bedroom be separated off from the rest of the house just by closing a door or two? If so, the area might be considered a Secondary Suite. However, where there is no natural separation of a kitchen/bedroom/bathroom area from the rest of the house, there is likely no Secondary Suite present.

If you are in doubt, you can make an appointment with the Building Inspector to do a brief inspection, after which he will discuss with you whether an area of your home does qualify as a Secondary Suite or not.

Secondary Suites are encouraged in Lions Bay, to provide additional affordable housing units in the community and assist home owners by allowing ‘mortgage helpers’.

The Secondary Suite Zoning bylaw lays down regulations requiring them to be built correctly for the health and safety of inhabitants, and for minimizing neighborhood impact (e.g. through parking).

This pamphlet's intention is to answer some common questions regarding Secondary Suites.



## Village of Lions Bay

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## Village of Lions Bay

# SECONDARY SUITE INFORMATION GUIDE

The Village of Lions Bay has a Zoning bylaw and a Policy allowing Secondary Suites in the Village subject to certain conditions.

This guide's intention is to familiarize residents and property owners with new regulations and answer some questions on process for creating a new Secondary Suite or renovating or legalizing an existing suite.

Council's primary goals in allowing Secondary Suites are to provide additional housing units in the community, assist home owners by allowing ‘mortgage helpers’, and ensure that Secondary Suites are safe for the inhabitants.

[www.lionsbay.ca](http://www.lionsbay.ca)



## Secondary Suites Information Guide

### How do I create a new legal Secondary Suite or legalize an existing illegal Secondary Suite?

1. Prepare drawings of the Secondary Suite that show that this Secondary Suite will meet BC Building Code requirements and the requirements laid out in the (amended) Zoning bylaw regarding Secondary Suites.
2. Make a building permit application and submit your drawings
3. Receive a building permit (after the application drawings have been checked by the Village's Building Inspector)
4. Do the work that is required, as shown in the approved drawings.
5. Get the work inspected by the Village's Building Inspector. After the Secondary Suite receives final inspection and approval from the Building Inspector you will receive a letter confirming that you have a legal Secondary Suite.

### What determines if a Secondary Suite is legal?

A Secondary Suite is legal if it was created with a Building Permit.

### This is the only way a Secondary Suite can be considered to be legal.

The Village has a record of all Building Permits issued, back to the early 1990's. If no permit exists that describes the creation of a secondary Suite then the Secondary Suite is not an authorized or legal Secondary Suite.

### Payment of the Secondary Suite surcharge to The Village does not mean a Secondary Suite is legal.

To find out if your Secondary Suite was created with a permit, contact the Village Building Inspector.

### What if I already have a Secondary Suite and it is not legal?

It depends on when your Secondary Suite was created. The Village's policy is that if your suite was built before Sept 7, 2010, it may continue in operation as a Secondary Suite. No Village-ordered inspection or upgrade will apply, except in the circumstances outlined in the paragraph below. If the house changes hands, the new owners can also operate the Secondary Suite in the same way you did. The Village, however, encourages owners to consider doing upgrades anyway. It is a good idea in terms of health and safety for yourself and your tenants.

If you undertake a renovation to a Secondary Suite (legal or not), you must first obtain a building permit and arrange a visit from the Building Inspector. Under these circumstances, the Building Inspector may order improvements or upgrades. Also note that if a building safety or health hazard is reported at any residence, the Village may inspect the site and order improvements or upgrades.

Finally, if your Secondary Suite was constructed (or is being constructed) without a building permit after Sept 7, 2010, your choices will be twofold; you must upgrade it to meet the requirements of the BC Building Code and the Zoning bylaw, or close it.

### If my Secondary Suite is not occupied do I still have to pay the Secondary Suite surcharge?

No.

In the bill for utility charges that you receive early each year, you will be asked to indicate whether you have a Secondary Suite that is occupied. The Secondary Suite surcharge will not apply if your suite is unoccupied, or if its occupants are immediate family members: these include parents, brothers, sisters, children (including adopted children), father-in-law, mother-in-law, sister-in-law, and brother-in-law, and in addition, other relatives in the area that they are being supported financially by the homeowner.

### How are complaints dealt with?

The Village will investigate the following types of complaints regarding Secondary Suites:

1. Renovations or construction of Secondary Suites without a proper building permit
2. Concerns over safety or health hazards
3. More than one Secondary Suite in a single family residence
4. Secondary Suites in accessory buildings or out-buildings
5. Non-resident owners of Secondary Suites
6. Noise, parking issues or unsightly premises

Complaints must be in writing and should be directed to the Village Manager, Village of Lions Bay, PO Box 141, Lions Bay, BC V0N 2E0.

### What does the Village do regarding complaints about Secondary Suites?

If a Secondary Suite was or is being created or renovated after September 7 2010, without a building permit, and the Village is informed of it, the owners will be given two choices:

- 1) Remove the Secondary Suite; Or.
- 2) Bring the Secondary Suite into compliance with the BC Building Code and with Village Zoning regulations.

Otherwise, if a Secondary Suite was created before September 7, 2010, as long as it does not become a source of serious health or safety concerns, then present Village policy is not to take any enforcement against its owners, except in the circumstances outlined in the next paragraph.

If a Secondary Suite created at any time does cause serious health or safety concerns, or persistent neighborhood impact (e.g. noise, parking, unsightly premises), then the Village will investigate and take enforcement action based on the circumstances. If a progressive process of enforcement does not resolve the issues, then action to close down a Secondary Suite may be taken. Enforcement occurs this way because the Village puts priority on maintaining the supply of affordable housing.