



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



## **Secondary Suite Surcharge 2011 Bylaw**

### **Bylaw No. 427, 2011**

**Adopted February 23, 2011**

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## **Bylaw No. 427, 2011**

### **Secondary Suite Surcharge 2011 Bylaw**

**A bylaw to provide for the setting of the rate for the Surcharge applied to Secondary Suites in residential properties.**

The Council of the Village of Lions Bay in open meeting assembled enacts as follows:

1. This Bylaw may be cited for all purposes as "Secondary Suite Surcharge Bylaw No. 427, 2011".
2. If any section or other part of this bylaw is held invalid by a court, the invalid portion shall be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion.
3. The Secondary Suite surcharge shall be based on and added to the annual charges (before prompt payment discount) for solid waste, recycling, yard waste, and water user fees. The level of the surcharge shall be 40% of the utility billing for solid waste, recycling, yard waste, and water user fees.
4. If the property contains a Secondary Suite, the property owner must pay the Secondary Suite Surcharge. The property owner will be exempted from the Surcharge if the Secondary Suite is unoccupied or if the suite is accommodating the property owner's "immediate family members".

In this Bylaw, "immediate family members" are defined as 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 case that they are being supported financially by the property homeowner.

In this Bylaw, “occupied” means as occupied at any time during the calendar year.

5. When remitting Village utilities taxes yearly, all property owners are henceforth required to report on:
  - a. Whether the property contains a Secondary Suite; and
  - b. If so, whether the Secondary Suite is occupied; and
  - c. If so, whether the Secondary Suite is accommodating the homeowner’s immediate family, i.e. 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 case that they are being supported financially by the property homeowner.
  
6. This bylaw is designated under section 264(1)(a) of the Community Charter as a bylaw that may be enforced by means of a municipal ticket information under the Community Charter, and is also designated under section 4 of the Local Government Bylaw Notice Enforcement Act as a bylaw that may be enforced by means of a bylaw notice.
  
7. Every person who:
  - a. Makes a false report under Section 5 of this bylaw; or
  - b. Neglects to report under Section 5 and is later found to have a Secondary Suite on the propertyshall be deemed to have committed an offence, and upon a summary conviction is liable to a minimum fine of \$2,500 and a maximum of \$10,000; and shall immediately remit the appropriate amount of the Secondary Suite Surcharge, if it is due.
  
8. The rate established hereunder shall commence effective for the calendar year 2011.

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<b>READ A FIRST TIME</b>	<b>January 24, 2011</b>
<b>READ A SECOND TIME</b>	<b>January 24, 2011</b>
<b>READ A THIRD TIME</b>	<b>February 7, 2011</b>
<b>THIRD READING RESCINDED</b>	<b>February 21, 2011</b>
<b>AMENDED AND REREAD A THIRD TIME, AS AMENDED,</b>	<b>February 21, 2011</b>
<b>ADOPTED</b>	<b>February 23, 2011</b>

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**Mayor**

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**Village Manager**

**Certified a true copy of  
Bylaw No. 427, 2011 as adopted.**

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**Village Manager**

## **SCHEDULE "A"**

### **Attached to and forming part of Bylaw No. 427, 2011**

#### **SECONDARY SUITE SURCHARGE RATES**

**40 % of Annual Utility Billing**

1. Single Family Residence

\$ 358.40 for 2011