

Notes on Meeting of May 29, 2010 – Secondary Suites

Attendees: Councillors Akerhielm and Ronsley, and 12 residents of Lions Bay

Resident #1

- Few people are here
- No Councillors are here and the Mayor is not here. How will Council hear what people say?
- There is a problem with this process
- Initiative is being “masked” by OCP, which is cited often but has little substance. Few residents participated in its formulation and it was done over glasses of wine, then turned over to a professional writer, so it is not necessarily the view of the Village
- This is a tax grab; it is not fair
- Future administrative costs of this initiative will exceed revenues. There is little understanding of the administrative costs
- If you have an electric frypan or a microwave in your house somewhere it could lead to harassment by the Village when you have a guest over
- The building inspector said that this resident’s house is the most inspected house on the North Shore, due to harassment by neighbors who called in to the Village to report e.g. when he was putting in double-glazed windows
- Phoned West Vancouver fire and administration people and found that there are 4,000 suites in West Vancouver and only 20 have been registered thus far
- A major obstacle to parents and children living together. The Village should not check on whether there are families in homes.
- Spirit of Lions Bay is different from that of other municipalities. We are not Coquitlam so should not have bylaws like Coquitlam’s.
- Suites will bring poor people to Lions Bay. Why bring poor people to Lions Bay?
- No understanding of what family is or what a family needs. The federal and provincial government can understand the needs of families but a municipality can’t?
- No honest person could say why someone should have to pay more in taxes if their 90 year old parents are living in a suite, regardless of the number of sinks in a house.
- Some people water their gardens all year and have an entire forest to water, and a swimming pool but pay the same water rates as other people. Water should be metered instead
- There are other issues in the Village to pay attention to
- This is Communist-style cruelty
- A public vote should be required, because Councillors on this Council were not elected

Resident #2

- Offering a personal opinion, not carrying view of the Mayor
- Context overall should be looked at
- When Council ran for office, there was a concern about vacant homes and empty nesters

- We need to look at the bigger picture
- Concerned about the assumptions behind the presentation
 - That construction of suites is due to “economics” – huge numbers of suites are built for family members – the old and the young family of residents
 - That a surcharge at \$500 yearly would only add 12% maximum to the average cost of taxes and utilities. There are some very well –off people in Lions Bay and this skews the average
- Also the community context – what problem are we trying to solve? What is the desired outcome?
- An attempted fix could generate new issues
- We do need to encourage a financial balance but Council should be cautious

Resident #5

- It has been said that currently serving Councilors have not been elected. On the contrary, they have been elected unanimously.
- To diminish the service they are providing is simply self-serving and untrue.

Resident #6

- Has concerns about what problem we’re trying to fix
- His neighbors won’t participate in this debate because they have no issue with suites
- Bothers him that we would apply a surcharge to a house with extra people in it
- Houses were built to support families
- They can support more than just the family once the nest is empty
- Some suites have actually been built under the BC Building Code and may have been inspected by the Building Inspector
- OCP – we all as residents did participate in its formation and if it has been passed, we do need to apply it. He applauds Council for doing this
- Should get suites registered and have the Village be aware of where they are
- Some municipalities charge a higher surcharge for a legal (new or upgraded) suite vs an older (illegal) suite. This is not a bad idea. It encourages upgrades
- Consider more options to have suites upgraded and made legal. We need to be seen as encouraging people to bring suites up to electrical and fire codes

Councillor Ronsley here commented on the inclusiveness and participation in the OCP process. Also, we have met with the Building Inspector. Safety is a big issue. There have been fires recently that have occurred in illegal suites

Councillor Akerhielm commented that she and Councillor Ronsley have changed their original recommendation, which was for an inspection of existing suites for basic life safety hazards, due to feedback from residents who felt it would lead to closures of suites and loss of affordable housing. However, she invited participants at the meeting to feed back on ideas such as requiring all owners of existing suites to upgrade/legalize them within 5 years (as suggested by one correspondent) or upon

purchase of a house by a new owner. These would be alternatives to requiring inspection/upgrade of suites. There was no feedback at the meeting, on these ideas, although she brought them up, twice

Resident #7

- The OCP was brought in by other levels of government to balance pressures from developers vs residents in overall developed. A checklist was made up of other issues to respond to in our OCP. Councils have found that our OCPs are deficient. The OCP is not an action document, that Councils are required to follow. Councils can choose which of its clauses to follow up on.
- Has a concern that if we are going to regulate, the end result must be better than the current situation
- Would have a concern if only the OCP is driving the initiative.
- Is existence of suites a real problem? Are suites safe? Many homeowners have in fact renovated their houses – not just suites but other parts of their houses – without building permits. The building inspector should know if there has been electrical and plumbing inspection, however
- So questions are a) is there a problem b) will the fix work, and c) will the result be better
- Should be guided by what people need.
- There are only 12 people here. Most people don't care enough to participate

Resident #8

- Am the chair of the Board of Variance, but am presenting personal views
- As the bylaw amendment applies to new units being built, he has no problems with what is proposed
- Feels that both bylaws on construction and zoning should be reviewed and updated
- *[here Councillor Ronsley interjected that Council and Councillors are very willing to meet with the Board of Variance on a review of the Zoning and Building bylaws]*
- As large houses are being built, there are too many references coming to the Board of Variance
- Parking should be required to be closer in to the house, so the Board of Variance is not constantly being asked to allow parking municipal property or within the required setbacks
- Feels we should be careful how we register existing suites, as there is a big chance of being dragged into litigation
- Would look only to new suites and forget about existing suites
- Concerned that for us to register suites might be to attract liability

[Here Councillor Akerhielm referred to our having checked with legal counsel on this question, and his not being concerned that lack of inspection would attract liability, as long as Council has explainable reasons why its policy is not to inspect, e.g. concern over loss of affordable housing, or shortage of resources to inspect and enforce)

Resident #9

- What are we trying to achieve with this legislation

[Here Councillor Akerhielm intervened, since the question had now been asked several times. Via the zoning amendment bylaw, we are trying to achieve two chief things. The first is compliance with the BC Building Code during the construction of new suites, bringing them under the building permit process. The second is, by the policy around administration of the new regulations, which will include a registry of suites and a suites surcharge, to achieve a fair contribution to the cost of Village services, by suite owners, as called for in two successive OCPs]

Question (not clear whom)

- Large families use more water than small families and we are not charging them more, now. Why charge more, for more people in a suite?
- Also, fires can happen in any home, not just in a suite

Answer: Councillor Ronsley: We all pay school taxes regardless of whether we have a child in school, and we all pay for roads no matter how often we drive on them. There are community services that have to be paid for somehow, and the question is achieving a fair balance on how. A suite is two dwellings inside one residence. And we are listening to those who are not here – many were in touch with us when we ran for Council, and more have been in touch with us personally, recently, in favour of this approach. Councillors were also elected

Resident #2 (Speaking again)

- Correcting the statement by Councillor Ronsley – the Mayor was elected but Councillors were acclaimed. They were not elected

Resident #7

- Liability may not flow to the Village in court, if there is a suite registry, but it doesn't mean that you won't be made to deal with lawyers in any actions should something hazardous occur in an illegal suite, and there would be a cost for defense.

Resident #2 (Speaking again)

- Lions Bay is a leader in the Lower Mainland
- It doesn't lead by regulation, but by inclusion
- Go slow
- We do not have a legal department and should not get into dealing with lawyers
- His understanding is that other municipalities cannot enforce their suites legislation
- Bylaw inspection is a small activity in Lions Bay; we cannot afford to spend a lot on it

Resident #1 (speaking again)

- He did not understand the point about paying for education when you have no children in school
- The surcharge would be onerous

[Councillor Ronsley re-explained the point about needing to fund Village services, and said that what the two Councillors are proposing is a fair, non-onerous charge]

Resident #3

- Does not have a suite and does not intend to have one
- Very impressed with work done by Councillors, and all the information – just here at the meeting to inform herself
- Understands that you would only have a suite if you had a separate entrance to the home?
- [Councillor Akerhielm responds that while a new suite would be required to have a separate entrance, in fact a suite is defined as a “self-enclosed set of rooms with certain features” and those don’t include a separate entrance. So, for example, existing suites would still be defined as suites, despite not having a separate entrance]
- When is the demand on a septic system exceeded? How well is this understood, how a suite creates the extra demand on the system?
- [Resident #8 kindly responded that the septic system as originally built was based on the number of bedrooms in the house. Hence, if a new suite is put into a house, inside the house, the septic system should be able to handle it. However, if an addition is put on, the septic system may not be able to handle it]

Resident #4

- When they bought their house, it had a suite. They have rented it out, although they are not resident
- Likes the Coquitlam approach of a higher surcharge to encourage people to upgrade existing suites that are illegal.
- There should be a fire inspection.
- Could home-owners be required to comply with the Building Code at the time?
- [Resident #8, a professional engineer, here noted that if the Building Code is changed, retro-active compliance is not necessary. However, as a suite owner it is your responsibility to make sure the suite is safe, and you should upgrade it]

Resident #10

- Has a suite
- What would we be trying to achieve by requiring upgrades to suites?
- We have a volunteer Fire Department who need to live in the Village
- Village rents are cheaper than in other municipalities e.g. North Van, West Van
- To require upgrades to a suite would result in rent increases

- I have an interest in making sure that the electrical wiring in my house is safe, so I had a licensed electrician put it in correctly
- I don't need to have a tenant anymore and I might not rent the suite at all if I have to meet new requirements
- I do support the requirements for new suites being constructed, while grandfathering existing suites

Resident #9 (speaking again)

- (*Debating Resident #10's point*) So what do we do about existing suites if we do not require upgrades?
- The BC Building Code is what lays down the safety requirements, and the Village is raising concerns about the safety of suites that were put in illegally, with no inspection
- [Response: Councillor Akerhielm – this is a difficult issue. We have heard from other residents beside Resident #10 that to impose requirements for upgrades would change the economics of whether people want to rent to tenants, and thus affect the supply of affordable housing]

Resident #4 (Speaking again)

- What happens if a house has more than one suite in it?
- Background – these residents are not yet resident in Lions Bay but hope to be within a couple of years
- [Answer: both Councillors. Our recommendation is that if a residence is currently renting to more than one set of tenants, via a suite, that the owner be given one year to come into compliance with the requirement to reside. Otherwise, one of the rental units should be closed]

Resident #7

- Pleased we have gotten to the point of separating out new from existing construction
- Expects that the new regulations will encourage the construction of new suites, which is a good thing
- It would only make sense, when building a house now, to put a suite into it
- However, once you undertake anything, you are required to follow through
- May be that in registering a suite you are not absolving yourself of having to defend yourself from attempts by lawyers to involve you in lawsuits around something that occurred in an illegal suite. That would raise the cost of insurance for the Village
- Suggests moving forward and registering new suites but not old suites
- We should not acknowledge the existence of existing suites; just ignore them totally
- There is also too much regulation going on in government
- However, applauds Council for trying to do *something*

Resident #8 (Speaking again)

- Does not feel we should inspect existing suites, and the cost of upgrades can be considerable

Resident #11

- The village should still be aware of where there are two families in a dwelling, for safety reasons
- Suggested a method for listing where this is occurring, and charging a fee for bringing in the fire chief to inspect(?) Fees could support a legal defense fund in case the Village did get involved in lawsuits

Resident #6 (Speaking again)

- Re liability: if there is a problem and you have taken all the reasonable steps to address it, you are not liable
- If Council is not aware that illegal suites exist, it has no liability for them
- If there was a fire in an illegal suite, and the Village has inspected and found that the cause for the fire was in an illegal suite, there would be a need for follow-up
- Not to know that may be a good thing
- The idea of having "illegal" suites – this is driven by economics
- If we really want to absolve ourselves of liability, we should door-knock and ask how many people are in the house
- Fire Chief could do an inspection – could do basic checks
- [Here Councillor Akerhielm pointed out that a basic life safety hazard check was discussed with Village staff including the Building Inspector, and it was found that such a check likely could not find fire hazard problems e.g. faulty wiring under wall-board, or improper installation of a wood burning stove's flue, which is concealed. In this situation, Village staff would have been into an illegal suite but not found the "real" hazards]
- If Village staff didn't see the hazards, that is still better than doing nothing