

# Secondary Suites Legislation and Policy

May 29, 2010



# Introduction

- »» What will we do today?  
What's been done to date?

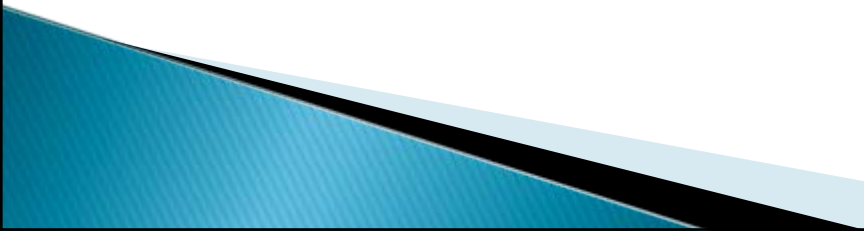
# Our aim today

- ▶ Address “What’s happening, and why?”
- ▶ Describe the two thrusts that are occurring
  1. The draft Zoning amendment bylaw
  2. Village policy in administration / enforcement of bylaw clauses
- ▶ Outline what we, as Councillors, are recommending
- ▶ Get your thoughts

# What's happening?

- ▶ An amendment to the Zoning bylaw is making its way through Council
  - **It would legalize construction of secondary suites**
  - **Contains regulations for their construction**
- ▶ Policy is being developed for how the Village would administer these regulations
  - Would the regulations apply to existing suites or just new ones, for example
  - How a Suites registry would work
  - What Suites surcharge would apply

# Two thrusts – unusual?

- ▶ No
  - ▶ Most municipalities' zoning clauses regulating suites look very similar
    - Contain basic regulations, like ours
  - ▶ Above that, each municipality develops its own policy on how the bylaw then is to be applied
  - ▶ Councils can do that with any bylaw, provided the policy makes sense for local needs and municipal resources
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# What Has Been Done To Date?

- November, 2008 – Examined OCP clauses around Secondary Suites
- Research then ongoing: contacted numerous municipalities re bylaws, policies, practices. Consulted study done by Ministry of Community Development, looking at eight municipalities from large to small
- First presentation to Council, March 2009
- In early September, 2009, discussed initiative with Council, agreed on timing for 2011 financial year

## What Has Been Done To Date? (Cont'd)

- Article published in the September 2009 Village Update, inviting residents to a public meeting.
- Public meetings occurred on Oct. 14, 2009 and May 5, 2010. Residents were invited to contact both Councillors afterwards, with questions or comments.
- Draft bylaw with regulations on secondary suites received first two readings on May 17<sup>th</sup>
- Reports made available on website, and now by E-Post

# The Background

- »» What the OCP says
- Council's view on suites



# The Official Community Plan

- ▶ OCP Section 4.3(a) says:
  - “Provide for secondary suites within single family dwellings through changes to the Zoning bylaw. Suites should be regulated to requirements for health, safety, onsite parking and adequate septic services, and to ensure owners make a fair contribution to the cost of services through municipal taxes. A secondary suite should only be allowed if the owner lives on the property.”

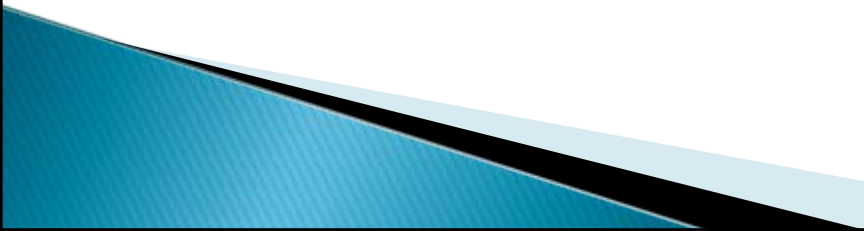
# Council view on suites

- ▶ An excellent, affordable housing choice
- ▶ “Green” – More people – smaller residential footprint
- ▶ Appeals to younger people, young families, seniors
- ▶ Council wishes to
  - Carry out intent of OCP
  - Recognize existing suites
  - Have new suites built to standards
  - Ensure health and safety of tenants
    - Tenants are our residents!

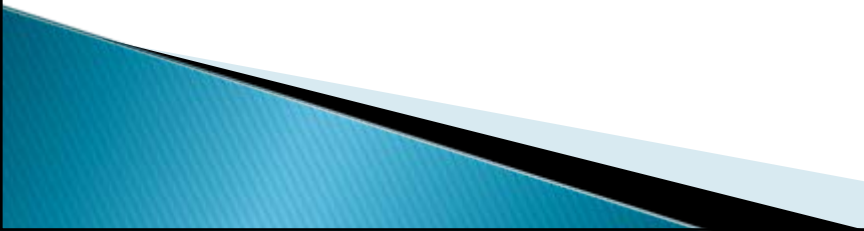
# Zoning Bylaw Amendment

- » Our bylaw now
- Proposed amendment clauses

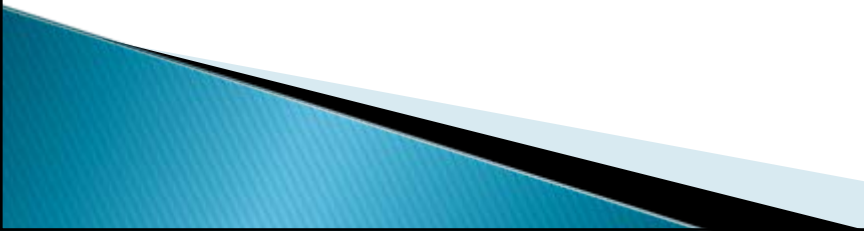
# Current Zoning Bylaw

- ▶ Contains no definition of a suite
  - ▶ Does not include “suite” as a legal use
    - All existing suites are therefore illegal
  - ▶ Has no regulations regarding construction, how many suites per dwelling, parking space, etc
  - ▶ In lacking such regulation, we are behind nearly all other municipalities, from Pemberton through to Chilliwack
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# Result of Current Zoning bylaw

- ▶ Numerous suites have been built in the Village
  - ▶ Construction has been driven by economics of home ownership
  - ▶ All suites have been built illegally
  - ▶ No building permits – no inspection for electrical, plumbing, minimum code requirements
  - ▶ Creates safety risks
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# The Zoning Amendment bylaw

- ▶ Creates new definitions for suites, kitchen, cooking facilities. Adds definitions not currently existing in Zoning bylaw, e.g. single family dwelling
  - ▶ Makes a secondary suite a “legal use”
  - ▶ Specifies that a home with a suite must have one extra parking space beyond normal
  - ▶ Then lays out eleven regulations
- 

# Immediate impact...

- ▶ The immediate impact of the Zoning bylaw amendment
  - Makes it legal to build new suites
  - Requires new suites to be built according to regulations
- ▶ Does not make existing suites “legal” – they were built illegally

# What's new re suites

- ▶ What's new in the Zoning bylaw amendment is text shown in red
- ▶ Comments or background are in black



# Definition of a Secondary Suite

- ▶ “A Dwelling unit accessory to a Single Family Dwelling use, contained within the principal building.”
- ▶ In our existing Zoning Bylaw #362, 2004, a Dwelling is already defined as a self-contained set of habitable rooms containing not more than one set of cooking facilities and located in a building.

# Parking requirements

- ▶ “2 (spaces) for each Single Family Dwelling without a Secondary Suite and 3 for each Single Family Dwelling with a Secondary Suite”
- ▶ Most municipalities who have legalized suites specify one extra parking space per suite

# Eleven new regulations

- ▶ Very similar to regulations in other municipalities

# 1. One suite per parcel

- ▶ “A maximum of one such use is permitted per parcel”
- ▶ A parcel, roughly defined is the piece of land together with the residence on it

## 2. Suite is within principal building

- ▶ “The Secondary Suite must not be detached from the principal building”
- ▶ It is within the principal residence or in a building physically contiguous with the primary residence.
- ▶ No separate garages with suite above – known as carriage houses/homes
  - Not called for in OCP
  - Garage conversions can put more parking on streets

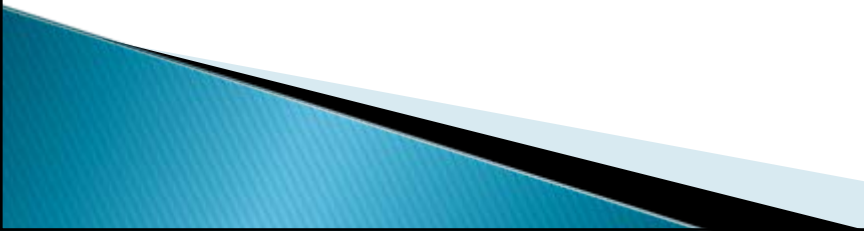
# 3. Maximum size of suite

- ▶ “The Secondary Suite must occupy a maximum floor area of either 90 square meters (968 square feet) or 40% of the total floor area of the building, excluding garage space, whichever is less.”
- ▶ Maximum sizes for suites are governed by the BC Building Code

# 4. Landlord must reside

- ▶ “The registered owner of the lot must occupy, as his/her principal place of residence, either the Principal Dwelling Unit or the Secondary Suite”
- ▶ NB: This was specified in our OCP
- ▶ A requirement in e.g. West Vancouver, North Vancouver, Langley
- ▶ “Principal residence” in practice is residence claimed for BC Homeowner Grant

# 5. Compliance with Building Code

- ▶ “The Secondary Suite must comply fully with the requirements of the BC Building Code”
  - ▶ This sets the basic requirement
  - ▶ NB: A reminder – Council can choose approaches (later) to how this is enforced e.g. for existing suites vs new suites
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## 6. Building permit application and Secondary Suite registry

- ▶ “The Secondary Suite must be inspected and approved for compliance with all requirements by way of a building permit application, and recorded in a Secondary Suites registry maintained by the municipality of the Village of Lions Bay”
- ▶ This means that a building permit requirement applies to new suites

# 7. Septic requirements

- ▶ “Where a Dwelling has a septic system or field, extra demand on that system or field from the Secondary Suite must not cause its capacity to be exceeded”
- ▶ Normal building permit process would ensure this, for new suites

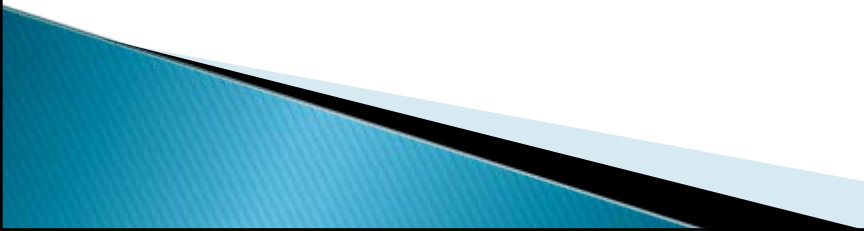
# 8. Separate entrance

- ▶ “The principal entrance to a Secondary Suite must be a separate exterior entrance from that of the Principal Dwelling Unit”
- ▶ Common in municipal legislation

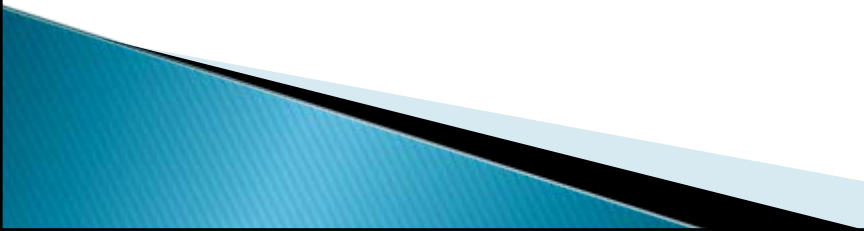
# 9. No de facto duplexes

- ▶ “The Secondary Suite must not be subdivided from the Principal Dwelling Unit under the Land Title Act or the Strata Property Act; and
- ▶ Any creation of duplexes should be a separate policy question for Council

# 10. No separate services

- ▶ Water service and electrical service for the Secondary Suite and the Principal Dwelling Unit must not be metered separately.”
  - ▶ Avoids proliferation of lines going into a residence.
  - ▶ Electrical lines are unsightly, while new water lines create workload for the Village
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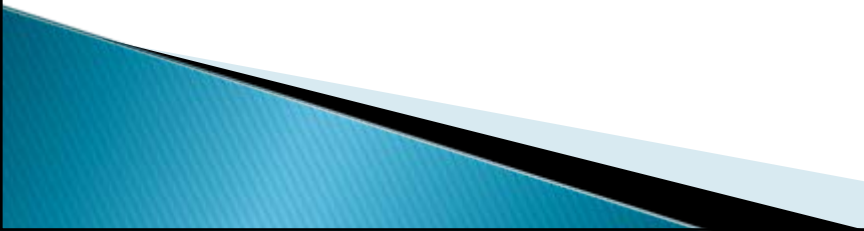
# 11. Tenant parking space

- ▶ “The additional vehicle parking space for the Secondary Suite must be located so that any vehicle parked there may exit the parcel without the need to maneuver other vehicles.”
  - ▶ The need to juggle cars on long driveways is one reason why tenant cars end up parked on the street
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# Village Policy on Enforcement / Administration

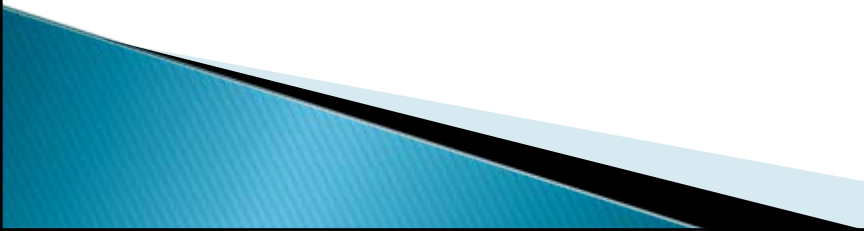
- »» How regulations would apply to existing vs new suites – Current recommendations

# Parking – extra tenant space?

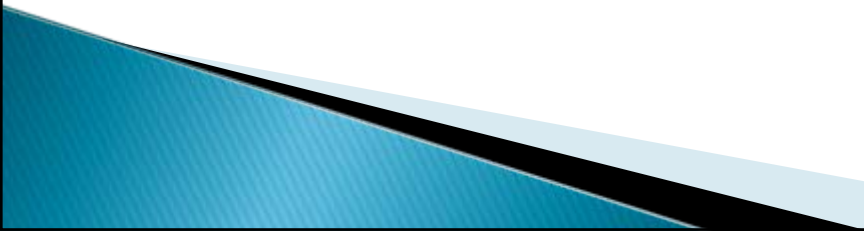
- ▶ Recommendations for policy
  - ▶ Existing suites – doesn't apply
  - ▶ New suites in existing houses – does apply
  - ▶ New suites in new homes – does apply
- 



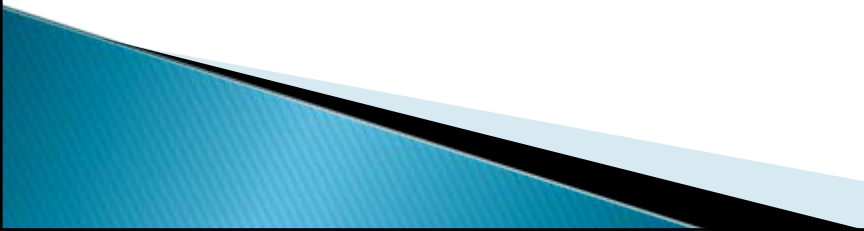
# One suite per parcel

- ▶ Recommendations for policy
  - ▶ Existing suites – If more than one suite – would require closing all but one. Enforce upon complaint only
  - ▶ New suites in existing houses – does apply
  - ▶ New suites in new homes – does apply
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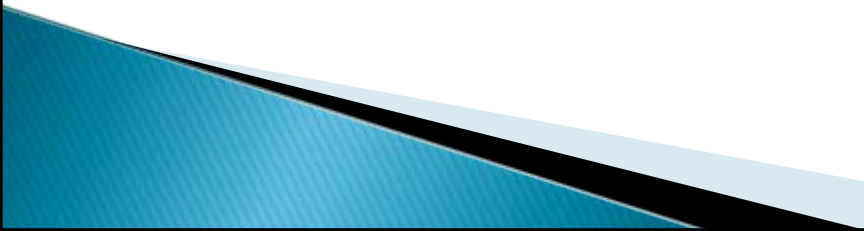
# Inside principal building

- ▶ Recommendations for policy
  - ▶ Existing suites – If a suite is detached, suite should be closed. Enforce upon complaint only
  - ▶ New suites in existing houses – does apply
  - ▶ New suites in new homes – does apply
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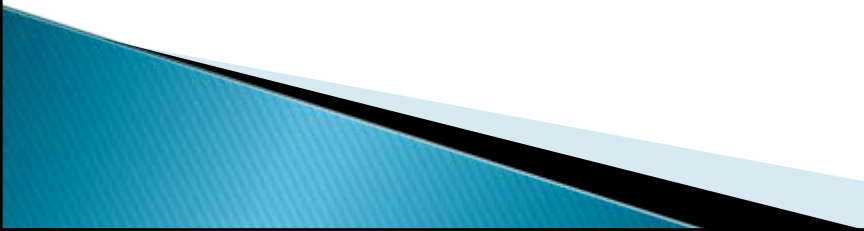
# Maximum area 90 sq metres

- ▶ Recommendations for policy
  - ▶ Existing suites – A suite larger than 90 sq metres may continue but not be enlarged further
  - ▶ New suites in existing houses – does apply
  - ▶ New suites in new homes – does apply
- 

# Owner must reside on premises

- ▶ Recommendations for policy
  - ▶ Existing suites – does apply. Give owner one year after legislation passes, to comply
  - ▶ New suites in existing houses – does apply
  - ▶ New suites in new homes – does apply
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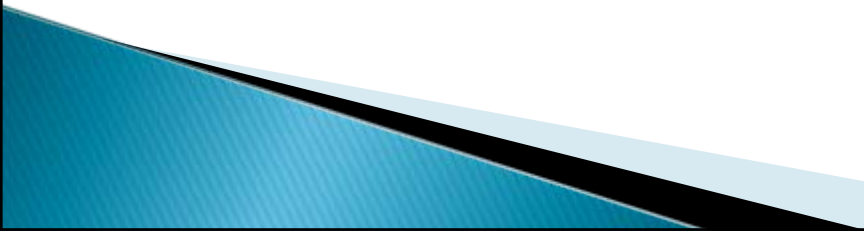
# Comply with Building Code

- ▶ Recommendations for policy
  - ▶ Existing suites – does not apply
  - ▶ New suites in existing houses – does apply – BC Building Code recognizes different standards in existing houses
  - ▶ New suites in new homes – does apply
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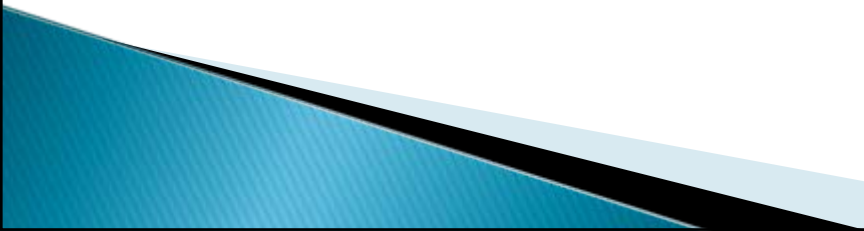
# Explanation: Why not inspect existing suites?

- ▶ We first recommended a basic life safety inspection
- ▶ Staff said: Inspection might not catch safety problems hidden under finishing details
- ▶ Rip out finishings/fixtures to properly inspect wiring, plumbing? Not realistic
- ▶ Residents said: we fear cost of upgrades, loss of rental accommodation
- ▶ Your thoughts? Require full Code compliance after 5 years? Or on selling the house?

# Building permit for suite

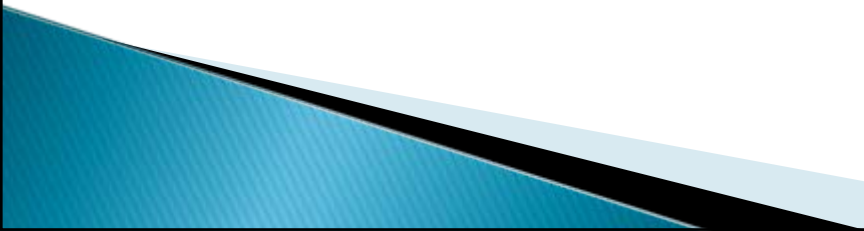
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# Suite registered with Village

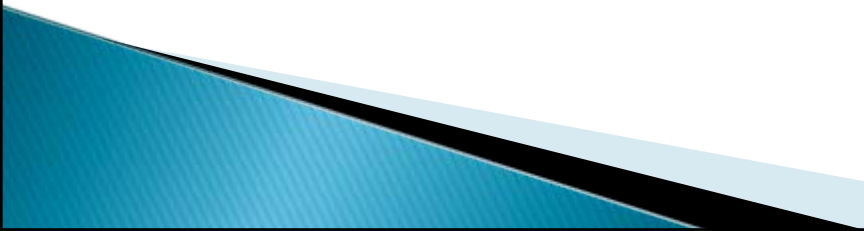
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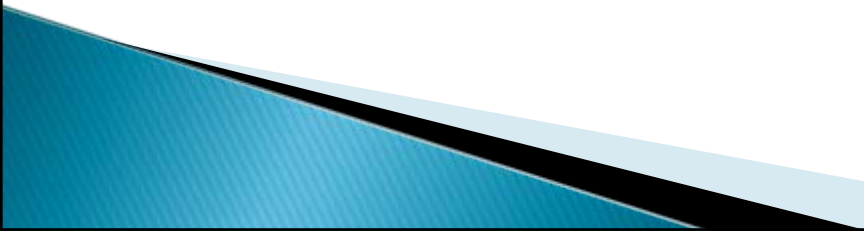
# Septic capacity

- ▶ Recommendations for policy
  - ▶ Existing suites – does not apply
  - ▶ New suites in existing houses – does apply
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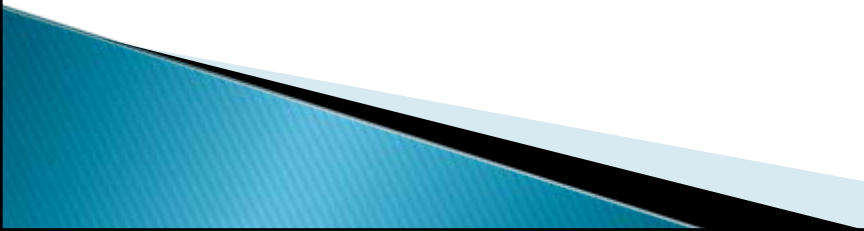
# Separate principal entrance

- ▶ Recommendations for policy
  - ▶ Existing suites – does not apply
  - ▶ New suites in existing houses – does apply
  - ▶ New suites in new homes – does apply
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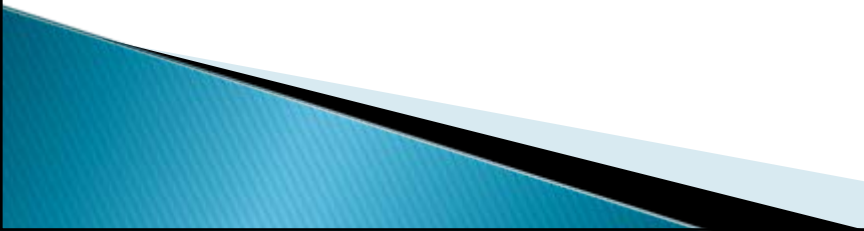
# No subdivision: strata, duplex

- ▶ Recommendations for policy
  - ▶ Existing suites – does apply
  - ▶ New suites in existing houses – does apply
  - ▶ New suites in new homes – does apply
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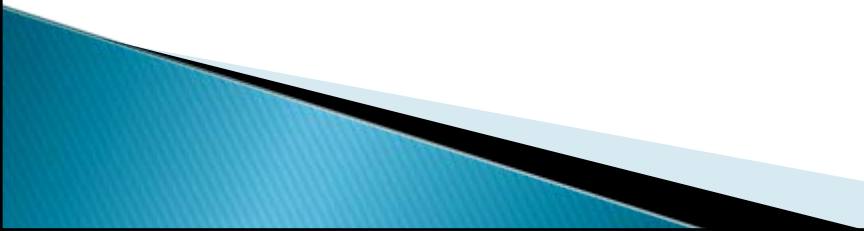
# No separate services (water etc)

- ▶ Recommendations for policy
  - ▶ Existing suites – Existing wiring, if separate, will not require re-metering
  - ▶ New suites in existing houses – does apply
  - ▶ New suites in new homes – does apply
- 

# Parking space – no maneuvering

- ▶ Recommendations for policy
  - ▶ Existing suites – does not apply
  - ▶ New suites in existing houses – does apply
  - ▶ New suites in new homes – does apply
- 

# Policy issues raised thus far...

1. Suites surcharge (and exemptions from it)  
OCP: “...ensure owners make a fair contribution to the cost of services through municipal taxes”
  2. Rules around residing in house with suite
  3. Suite Registry: list to be maintained by Village of residences with suites
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# Suite Surcharges

- OCP says “fair share” – qualitative
- There is no accepted methodology and insufficient data to calculate or allocate actual increase in Village costs due to suites
- However, in the big picture, a house with a suite is two dwellings – residents of each demand full range of Village services

## Suite Surcharges around us...

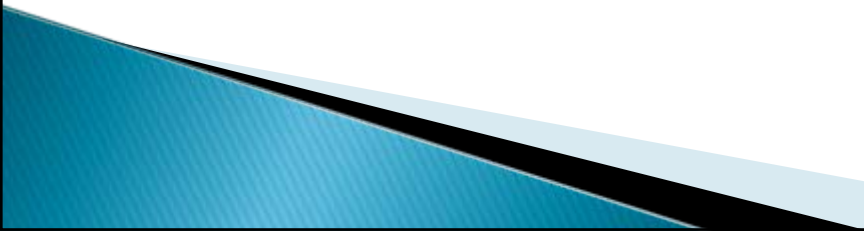
- Whistler 0
- Pemberton: \$375
- Squamish: \$540
- West Vancouver \$250/\$400 (this year)
- Vancouver \$193
- Coquitlam \$693 illegal / \$277 legal
- North Vancouver \$407
- District of  
North Vancouver \$452
- Burnaby \$300



# Suite surcharges – method

- All municipalities shown except West Vancouver charge extra percentage payment on municipal utilities (water, garbage, sewer, recycling) – 40% is common
- West Vancouver – first year of bylaw – using Business License flat fee
  - Cons: Requires Fees and Charges bylaw, and new administrative process to chase a landlord who does not pay

# Suite surcharges: “Fair Share?”

- ▶ Average Lions Bay household in 2009 paid \$4,321 in taxes and utilities
  - ▶ A \$400–\$500 suite surcharge would represent less than 12% more towards the cost of Village services, despite two dwellings in the household
  - ▶ To most, this might seem a “fair share”
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# Suite surcharges: exemptions?

- ▶ In some municipalities, suite owners can sign a form every year (statutory declaration) for
  - Empty suites/suites not being rented, and/or
  - Suites with near relatives in them

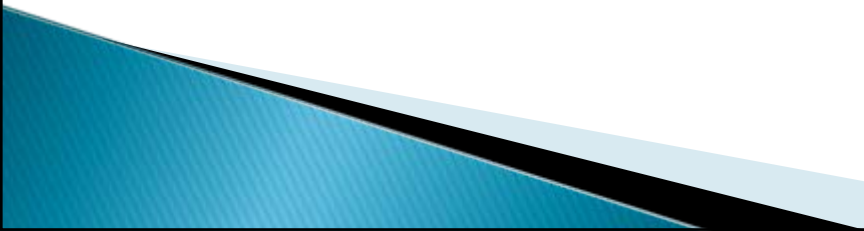
# Suite surcharges: exemptions?

- ▶ Policy recommendation: only exempt owners of empty suites
  - OCP concept is “suite owner”, not “landlord”
  - Surcharge relates to people in the extra dwelling (suite) and creating demand on Village services
  - Relatives/nannies in a suite create the same extra demands on Village services as paying tenants
  - Checking on whether people are relatives or not is an enforcement challenge

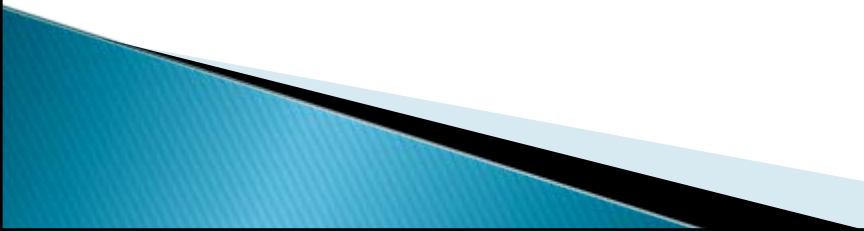
# Residing in house with suite

- ▶ What happens when you travel?
- ▶ Current recommendation
- ▶ When absent, a suite owner can rent out the entire house to one set of tenants. The house could not be rented out to two sets of tenants.

# Suite registry

- ▶ Would contain legal and illegal suites
  - ▶ Nomenclature: conforming vs non-conforming, or Building Code Compliant vs Not Building Code Compliant
  - ▶ Village would not elicit reporting
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# Why register a suite?

- ▶ You will be in compliance with Village law
  - ▶ Your tenants will be visible, feel part of Village
  - ▶ You will avoid issues with neighbors
  - ▶ You could avoid fines or extra suite surcharges for operating an illegal suite
- 

Questions? Input?

