

## **Information Bulletin – Legislative Changes for Small Scale Multi Unit Housing (SSMUH)**

### **Overview of the Legislative Changes**

In November 2023, the province introduced Small-Scale Multi-Unit Housing (SSMUH) legislation affecting municipalities in British Columbia with a population over 5,000. The aim of the SSMUH legislation is to increase the supply and affordability of housing and diversify housing choices across B.C. as part of the province's [Homes for People Action Plan](#).



**4-Unit Example (Tri-plex w/ Carriage Suite)**  
**Credit: Cover Architectural Collaborative**

The legislation requires that local governments amend their Zoning Bylaws to permit up to 4 units on residential parcels within “Restricted Zones” that meet certain criteria. Restricted Zones are defined as zones where the residential use is restricted to Single Family and Duplex housing. On February 18, 2025, the District of Sooke updated its Zoning Bylaw to comply with provincial legislation for SSMUH.

### **What is Small Scale Multi Unit Housing (SSMUH)?**

The province defines SSMUH as a range of buildings and housing units that can provide more affordable and attainable housing for middle income families. Examples of SSMUH include secondary suites in Single Family or Duplexes dwellings, detached accessory dwelling units, and 3- or 4-unit townhomes.

### **How has the District of Sooke implemented the SSMUH legislation?**

SSMUH dwelling typologies are now permitted in select residential zones, up to a maximum of 4 units, on the condition that the subject property is:

- located within the Community Growth Area;
- connected to municipal water and sewer;
- 280 sq. m. to 4,050 sq. m. in area; and
- located outside the Agricultural Land Reserve.

Where a residential property does not meet the above criteria, the legislation requires that zoning permits, at minimum, a Secondary Suite and/or detached Small Suite.



The Zoning Bylaw has been amended to include the term “**Small-Scale Multi-Unit Residential Dwelling**”, which means *a residential building comprised of up to four dwelling units which may consist of a duplex, townhouse, or stacked townhouse, but excludes an apartment building, a cluster dwelling, a manufactured home, a rowhouse, or a single-family dwelling*. Small Scale Multi Unit Residential Dwelling is a permitted use only in SMMUH zones (R1, R2, and R3) and is intended to consolidate multiple dwelling typologies into a single term.

#### Important Notes:

- Detached Small Suites are not permitted on properties less than 1 ha unless connected to community sewer. Detached Small Suites on properties over 1 ha may be serviced by septic.
- Single Family Dwelling remains a permitted use in SSMUH zones. The legislation and Zoning Bylaw changes do not *require* 4 units to be constructed.
- Residential-zoned properties less than 280 sq. m. that otherwise meet the noted parcel area, location, and servicing requirements are permitted up to 3 units.

#### **What can I build on my property under the new regulations?**

The following list provides examples of the combinations of dwelling units permitted within Small-Scale Multi-Unit Residential Zones (R1, R2, and R3) to achieve up to 4 dwelling units:

- Single Family Dwelling (1)
- Single Family Dwelling (1) w/ Secondary Suite (1) or Small Suite (1)
- Single Family Dwelling (1) w/ Secondary Suite (1) and Small Suite (1)
- Duplex (2)
- Duplex (2) w/ Secondary Suite (1) or Small Suite (1)
- Duplex (2) w/ Secondary Suites (2) or Small Suites (2)
- Duplex (2) w/ Secondary Suite (1) and Small Suite (1)
- 3-unit townhouse (3)
- 3-unit townhouse (3) w/ Secondary Suite (1) or Small Suite (1)
- 4-unit townhouse (4)

#### Important Notes:

- The numbers reflected above, e.g., “(1)”, note the number of dwelling units.
- Small Suites are detached accessory dwelling units, whereas Secondary Suites are contained within the principal dwelling unit.
- Affected Rural Zones (RU1, RU2, RU3, RU4, and RU5) and Comprehensive Development Zones (CD1, CD2, CD3, CD5, CD9, CD12, and CD14) are not



included in the list above – please see Zoning Bylaw No. 600 for development regulations of these zones.

- There could be limiting factors that do not enable the development of up to 4 units on a property. The content in this bulletin is for information purposes only. Please consult the District's Zoning Bylaw for all development regulations.

## **Parking, Height, Setbacks, Parcel Coverage and General Regulations**

Council directed staff to utilize the [Provincial Policy Manual](#) for SSMUH to guide changes related to certain development regulations in the Zoning Bylaw, such as height, parking requirements, setbacks, and parcel coverage. In addition, the legislation required municipalities to consider the Provincial Policy Manual and its Site Standards when amending its Zoning Bylaw.

SSMUH dwelling types require 1.5 parking stalls per dwelling unit. All parking must be contained on site and be developed in accordance with Section 4 of the Zoning Bylaw. Additional parking requirements may apply for any accessory uses, such as a Secondary Suite or Home-based Business.

Height, setbacks, parcel coverage, and other development regulations were amended to align with the Site Standards in the Provincial Policy Manual, where appropriate. Please see the Zoning Bylaw for specific changes in each zone.

### **General Regulations**

Part 3 of the Zoning Bylaw provides general regulations, including additional regulations for Secondary Suites and detached Small Suites, including size limitations and other general regulations. While these unit types are permitted in all residential zones, there are some limitations.

Changes to the Zoning Bylaw to align with SSMUH legislation introduced a requirement that for lots less than 1 ha in area, a small suite must be connected to a community sewer system. This change is in alignment with the Provincial Policy Manual, the *Drinking Water Protection Act*, and Sewerage System Regulation.

## **Utility Servicing and Infrastructure, Development Cost Charges, Building, and Development Permit Considerations**

### **Utility Servicing and Infrastructure**

All servicing considerations are determined and reviewed by the District's Engineering Division. In some cases, infrastructure may need to be upgraded to support additional



units in accordance with the District's Subdivision and Development Standards Bylaw No. 404. A Sewer Serviceability Review (SSR) may be requested at the time of development to assess infrastructure needs. It is advised to contact the Engineering Division early in your planning to determine what may be required (see contact below).

### Development Cost Charges

Development Cost Charges (DCCs) will be collected on all residential development in Sooke in accordance with the DCC Bylaw No. 775. Additional DCCs are collected for Capital Regional District (CRD) water services as per the applicable [CRD Development Cost Charges Bylaw](#).

Development Cost Charges may vary depending on the development scenario being considered. For SSMUH developments, DCCs are generally collected at time of building permit. The District has a [DCC Brochure](#) which provides high level information on DCCs. For specific questions or rates, please contact the District's Building Division or Subdivision and Land Development team (see contact below).

### Development Permits

As per the District's Official Community Plan (OCP) Bylaw No.400, Development Permits are required for SSMUH developments that include a principal building containing three or more principal dwelling units (e.g., 3- and 4-unit townhouses), unless specifically exempt – please see Section 7 of the OCP.

Development consisting of a Single-family or Duplex dwelling, with or without accessory dwelling units (e.g., Secondary Suites and/or Small Suites), is exempt from a Development Permit.

### Building Permits

All residential construction and/or conversions within the District require a Building Permit issued by the District's Building Division. If you have an existing suite or dwelling unit that may not have been legalized through the building permit process, a building permit is required to legalize the unit, despite the new zoning regulations. Please contact the Building Division regarding building permit requirements (see contact below).

### **Other Provincial and Federal Regulations**

All existing legislation and regulations enforced by provincial and federal levels of government will continue to apply where applicable, such as regulations related to environmental protection. These regulations would be determined on a site-by-site basis.

## Frequently Asked Questions

### What zones were affected by the provincial changes?

The RU1, RU2, RU3, RU4, RU5, R1, R2, R3, CD1, CD2, CD3, CD5, CD9, CD12, and CD14 were determined to be *Restricted Zones* per the legislation; therefore, amendments were made to align with the requirements. Not all zones stated permit up to 4 units as they do not meet the requirements to do so. Each zone has its own unique development regulations as per the District's Zoning Bylaw.

### What is the maximum size of a Secondary Suite or Small Suite?

Additional regulations for both Secondary Suites and Small Suites can be found in Part 3 of the Zoning Bylaw. Secondary Suites are limited to 40% of the habitable floor area of the principal dwelling unit and shall not have a floor area exceeding 90 m<sup>2</sup> or less than 40 m<sup>2</sup>. The floor area of a Small Suite must not exceed 90 m<sup>2</sup>.

### How do these changes impact short-term accommodation in Sooke?

The District's Zoning Bylaw permits Vacation Accommodation Unit and Bed and Breakfast use in select zones as accessory uses. The Provincial [Short Term Rental Accommodations Act](#) limits short term rentals to the principal residence, a secondary suite in a principal residence, or an accessory dwelling unit on the same property as a principal residence. The *Act* also prescribes principal residence requirements.

In Sooke, a Vacation Accommodation Unit is permitted in Single Family Dwellings, Secondary Suites or Small Suites and requires issuance of a business licence to operate.

Bed and Breakfast is permitted within a Single Family Dwelling or in an accessory building and is further regulated under Part 4 of the Zoning Bylaw. **Note:** Bed and Breakfast is not permitted on a property that includes a small suite or secondary suite.

### How does SSMUH impact strata developments?

The provincial legislation and changes to the District's Zoning Bylaw apply to all *Restricted Zones* as defined in the legislation, which may include stratified properties. It is recommended that you contact a lawyer regarding what the changes may mean for your strata and its bylaws.

### Can covenants be registered to limit the number of units on a property?

As per the Provincial Policy Manual, pre-existing section 219 covenants restricting density of a property are not affected by the SSMUH legislation. However, local governments



should not pursue new covenants that would prevent the prescribed residential densities required under the SSMUH legislation. However, covenants may still be requested for health, safety, and the protection of the natural environment.

Can SSMUH housing typologies become stratified? If so, under what conditions?

The SSMUH legislation and changes to the District's Zoning Bylaw does not regulate the tenure of housing units but rather focuses on the supply of housing in communities where housing choice is largely limited to Single Family and Duplex dwellings.

Stratification of multi-unit dwellings is regulated through the *Strata Property Act*. The form of tenure they take may be determined by the owner of the property subject to certain conditions.

Important Notes:

- Strata conversions within the District are regulated by the [Residential Strata Conversion Policy No. 8.6](#). Under Policy 8.6, previously occupied dwellings wishing to stratify must make an application to the District and is limited to the conversion of Single Family Dwellings and Duplexes. Applications to stratify dwellings consisting of three or more units will not be accepted.
- The District's Zoning Bylaw does not permit the stratification of Secondary Suites or detached Small Suites.

If I have an illegal suite or dwelling unit on my property, do the changes make it legal?

Should you have an illegal suite or dwelling on your property, the changes do not legalize the additional dwelling(s) and will require a building permit and any other necessary permitting from the District.

**Still have questions?** Contact the District's Planning office at (250) 642-1634 or [planning@sooke.ca](mailto:planning@sooke.ca)

**Additional Contacts:**

- Building Division: [building@sooke.ca](mailto:building@sooke.ca) or 250-642-1634
- Business Licensing: [businesslicence@sooke.ca](mailto:businesslicence@sooke.ca) or 250-642-1634
- Engineering Division: [engineering@sooke.ca](mailto:engineering@sooke.ca) or 250-642-1634
- Subdivision and Land Development: [subdivision@sooke.ca](mailto:subdivision@sooke.ca) or 250-642-1634
- General Information: [info@sooke.ca](mailto:info@sooke.ca) or 250-642-1634