



## ***Secondary and Small Suites Policy, 2011***

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### **1. INTRODUCTION**

Secondary and small suites provide the residents of Sooke with affordable and attainable housing options. Suites increase the range of housing types available to residents and offer benefits to the occupants of the suites, the property owners and the community as a whole.

Unauthorized secondary and small suites add to costs related to increases in utility usage and the management of complaints, investigations and safety inspections.

The safety of all secondary and small suites is a priority. Inspections by the District of all secondary and small suites are required to determine if current health and safety standards are being met. For older homes, the District is willing to consider easier alternatives that meet current health and safety standards.

### **2. PURPOSE**

The purpose of this policy is to maintain the diversity, safety standards and integrity of the community's housing stock, by outlining the District's approach to all secondary and small suites, both existing and newly created, within the municipality.

### **3. TERMINOLOGY**

Over the years, the District's zoning bylaws have allowed both secondary suites and small suites as permitted uses. The key distinction between the two types of suites is location. Secondary suites can only be located within a single family dwelling as an accessory use. A small suite has been defined as a single dwelling unit within a self-contained building that is an accessory use to a single family dwelling on the same property.

For the purposes of this policy's readability, the term "suite" encompasses both secondary and small suites, except when the policy statement only applies to one of the two types of suites, in which case, the more specific term is used.

### **4. AUTHORIZED AND UNAUTHORIZED SUITES**

An authorized suite is a suite that has received a valid certificate of occupancy from the District or its predecessors. The certificate of occupancy may have been issued immediately after construction was finished or else issued once an unauthorized suite has been inspected by the District, met the health and safety standards of the BC Building Code and is compliant with the District's bylaws. An authorized suite must be a permitted use under the current zoning bylaw or else have been constructed and received a certificate of occupancy at a time when it was a permitted use of the property. An authorized suite is compliant with the setbacks required by the zoning bylaw unless a variance has been obtained.

An unauthorized suite is a suite without a valid certificate of occupancy. An unauthorized suite is not necessarily compliant with the current zoning of the property.

## **5. COMPLIANCE WITH ZONING**

- a. All authorized suites must comply with the Zoning Bylaw or have been compliant at the time they were constructed.
- b. If the current zoning of the property where the suite is located does not allow for that use, then the owner will be given the option of either decommissioning the suite or else making application for a rezoning.
- c. If the property owner elects to make application to rezone a property to a zone that permits suites, then the application must be submitted within six months of the date of the District advising the owner of this requirement.
- d. If the application for rezoning is unsuccessful, then the suite must be decommissioned within twelve (12) months of the date of rejection by the Council.
- e. If the application for rezoning is successful, the property owner then has six months from the date of final reading of the amending bylaw to submit a building permit application.
- f. If the owner does not comply with these timelines for seeking the appropriate approvals, the District may commence legal action and will actively enforce its bylaws.
- g. If the prevailing zoning bylaw permits suites on the property but the suite is not compliant with the required setbacks, then the owner must apply for a development variance permit or a Board of Variance Order. Alternatively, the owner may submit a building permit application that will render the suite compliant with the required setbacks by the end of construction.

## **6. BUILDING PERMITS**

- a. Any secondary suites must be clearly labeled on the plans submitted as part of the building permit application.
- b. No building permits or other approvals related to building will be issued for unauthorized suites unless the Zoning Bylaw permits the use on the property.
- c. If an unauthorized suite is not compliant with the setbacks required by the current zoning bylaw, then a development variance permit or a Board of Variance Order will be required before a building permit can be issued otherwise the building plans which are submitted to the District must indicate compliance with all the required setbacks by the end of construction.
- d. If the District receives a building permit application for a single family dwelling that:
  - (i) includes drawings indicating there will be roughed-in plumbing; and

- (ii) during construction of the project, the Building Department becomes aware that an additional 220 amp service is being provided over and above those normally required for a single family dwelling;
- then the property owner must also provide a statutory declaration acknowledging the requirement to obtain a valid building permit prior to making any changes that would convert any part of the single family dwelling into a secondary suite at some future date.
- e. If the District receives an application for a building permit for an accessory building that includes drawings indicating there will be three or more plumbing fixtures in the building or there is additional roughed-in plumbing and during construction or the Building Department becomes aware that a 220 amp service is being provided to the accessory building, then the property owner must also provide a statutory declaration acknowledging the requirement to obtain a valid building permit prior to making any changes that would convert any part of the accessory building into a dwelling unit at some future date.
- f. If prior to final inspection, roughed-in plumbing that was not shown on the building permit application drawings is added to a single family dwelling and 220 amp service is also being provided other than to the main kitchen then the property owner must also provide a statutory declaration acknowledging the requirement to obtain a valid building permit prior to making any changes that would convert at some future date, any part of either the single family dwelling into a secondary suite.
- g. If prior to final inspection, roughed-in plumbing that was not shown on the building permit application drawings is added to an accessory building during its construction and 220 amp service is also being provided to the accessory building, then the property owner must also provide a statutory declaration acknowledging the requirement to obtain a valid building permit prior to making any changes that would convert, at some future date, the accessory building into a small suite.

## **7. INSPECTION OF ALL SUITES REQUIRED**

All suites within the District must be inspected and approved by the District. Inspections will be carried out during the building permit process or enforcement of bylaws.

## **8. ALTERNATIVE STANDARDS**

- a. Alternative Solutions (*formerly Equivalent Life Safety Standards*) are alternative measures that could be implemented in order to provide a standard of safety equivalent to those specified in the BC Building Code. Alternative solutions can reduce the costs required to meet current health and safety standards. The District will consider those alternative solutions proposed by applicants.
- b. All proposals for alternative solutions must be submitted in the form of a unique letter or report specific to the property and will be subject to approval of the District.
- c. If District staff notices that a specific alternative solution(s) is being accepted on a regular basis by the Building Department, then staff may prepare an information bulletin which specifies the alternative standard(s) that is acceptable and will no longer

require a unique letter or report for that standard. An example might be specifying reduced ceiling height below the height established by the BC Building Code.

## **9. UTILITY CHARGES**

- a. For each family dwelling unit, a parcel tax fee is charged for sewer in accordance with *Sooke Core Sewer Specified Area Cost Recovery Bylaw No. 150*. Single family dwelling units containing a secondary suite are charged an additional 0.7% of the parcel tax fee.
- b. Each small suite is charged a parcel tax fee for sewer in accordance with *Sooke Core Sewer Specified Area Cost Recovery Bylaw No. 150*.
- c. The parcel tax fee for suites will be charged regardless of whether or not the suite is authorized or unauthorized.
- d. In order to not be charged the parcel tax fee for an existing suite, the suite must first be decommissioned to the satisfaction of the District of Sooke Building Inspections Department.
- e. If a property owner advises the District that a parcel tax fee has been charged for a suite that does not exist then the District must first inspect the property to confirm that there is no suite. The charge will be then be reversed.
- f. Water rates are charged on a consumptive basis which covers the additional demands placed on the water system by suites.

## **10. DECOMMISSIONING A SUITE**

- a. To decommission an unauthorized suite, the cooking facilities must be permanently removed from the suite. Cooking facilities, including but not are not limited to stoves, hood fans, microwaves, convection ovens, toaster ovens, cook tops, hot plates, camping stoves, barbeques, crock pots, electric fry pans, rice cookers, woks, grills and griddles.
- b. To permanently remove gas cooking facilities, a gas permit from the BC Safety Authority for the removal of a gas stove must be obtained. The stove and hood fan must be permanently removed from the premises and all associated gas piping. After the work is completed, the BC Safety Authority inspector must be called for an inspection. After the work has been approved by the BC Safety Authority inspector, the District of Sooke Building Department must be contacted for an inspection of the premises to confirm that the suite has been properly decommissioned. The District must be provided with a copy of the permit from the BC Safety Authority.
- c. For electric cooking facilities, an electrical permit from the BC Safety Authority for the removal of an electric stove must be obtained. The stove and hood fan must be permanently removed from the premises. The wiring for the stove and hood fan must be terminated at the wall panel. Where removal of the wiring is impractical, the wiring must be capped a minimum twelve inches from the former wall plug and at the connection to the panel box. After the work is completed, the BC Safety Authority

Inspector must be called for an inspection. After the work has been approved by a BC Safety Authority inspector, the District of Sooke Building Department must be contacted and allowed to inspect the premises to confirm that the suite has been properly decommissioned. The District must be provided with a copy of the permit from the BC Safety Authority for the removal of the electric cooking facilities.

## 11. ENFORCEMENT

- a. If the District receives two or more written complaints regarding an unauthorized suite, the Bylaw Enforcement Officer and other District staff as authorized may attend the premises and require entry into the premises.
- b. If, during the regular course of their duties, a staff member becomes aware of an unauthorized suite, the staff member will advise the Bylaw Enforcement Officer and as required, the Building Official, Fire Chief and other authorities.
- c. The property owner will be advised at least forty-eight hours in advance that the Bylaw Enforcement Officer and if required, a Building Inspector(s) and Fire Department members, will need to enter the suite and in the case of secondary suites, also enter the main dwelling unit. All inspections by the District will be scheduled to occur between the hours of 8:30 am to 4:30 pm unless there are exceptional circumstances.
- d. It is the responsibility of the property owner to advise all and any tenants that District staff will be entering their rental premises and that the timing of their notification to the their tenants complies with provincial legislation.
- e. District staff must have the tenant, the landlord or another staff member present when carrying out an inspection of an occupied dwelling unit.
- f. In exceptional cases, when there are immediate and extreme life-safety issues, shorter notice that the District requires access to the premises is acceptable.
- g. If it is determined that a suite is unauthorized, the Bylaw Enforcement Officer will issue a Municipal Information Ticket (MTI) and advise the Finance and Building Departments that a ticket has been issued.
- h. The Building Department will charge double permit fees at the time of for all building permits for unauthorized suite for which a MTI has been issued.
- i. To encourage compliance, for a twelve month period from the date of adoption of this policy, all building permit fees will be waived for any building permit application made for an unauthorized suite that already exists as of the date of adoption of this policy.
- j. If, after inspection of an unauthorized suite, staff determines that the life safety issues are serious enough to place the tenants in jeopardy, then the landlord will be directed in writing to terminate the tenancy agreement with the occupants pursuant to sub-section 47(1) k of the *Residential Tenancy Act*. An example of a serious life-safety issue would be the lack of a potable water supply.
- k. If, after inspection of an unauthorized suite, staff determines that it is a permitted use but it is not compliant with the Building Regulations Bylaw and the owner is unwilling to

- either make the suite compliant or decommission the suite, then a Building Official may make recommendation to Council for its consideration of registering a notice pursuant to section 57 of the Community Charter on the property title after the necessary notifications have been sent to the property owner. A section 57 notice registered on title alerts potential purchasers of the property to contact the District of Sooke for further information on the circumstances leading to the registration of the notice. It also relieves the District of any liabilities that may arise from the unauthorized construction.
- I. If, after inspection of an unauthorized suite, the property owner does not take action to remedy the situation within one year of the date of the inspection, then staff will bring the matter forward to Council for consideration. Where there are life-safety issues or suites are not a use permitted by the zoning of the subject property, staff will recommend to Council that it impose remedial action requirements pursuant to either section 73 or 74 of the *Community Charter*. Other courses of action may be also be recommended depending on the circumstances.
  - m. This policy applies to all properties in the District regardless of whether or not they are in or outside of the Sewer Specified Area.

## **12. RECORDS**

The District will enter the presence of all suites into its municipal records system.