



COUNCIL REPORT

To: Paul Gipps, CAO

Date: November 22, 2022

From: Kandice Brzezynski, Senior Business Licensing
and Building Official

File No: P 22-06

Subject: **Secondary Suite Council Policy Removal**

RECOMMENDATION

THAT Council consider and resolve to give first, second, and third reading to amend the Fees and Charges Bylaw No. 0028.74; and

THAT Council consider and resolve to give first, second, and third reading to amend the Business Licensing and Regulations Bylaw 2010 No. 0087.16.

STRATEGIC PRIORITIES

Economic Growth and Prosperity: We will work with our partners on the Greater Westside and throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

BACKGROUND

The existing Secondary Suite Policy came into effect in 2010 and was intended to address tracking concerns with legal secondary suites and work to legalize illegal secondary suites within the City. The Policy outlined the municipal requirements for both new and existing secondary suites, including the need for a business license.

With ongoing Building Permit practices and processes including the use of CityView – the City's application tracking software, this Council Policy is no longer needed. Rescinding the Secondary Suite Policy and adopting the proposed amendments in the Business Licensing and Regulations Bylaw and the Fees and Charges Bylaw will create efficiencies for staff and streamline the creation of secondary suites.

DISCUSSION

Secondary Suite Application Processes

When a property owner wants to build or legalize a secondary suite they are required to apply for a Building Permit. The City's Building Permit practices include a review of all applicable bylaws as well as the BC Building Code for construction requirements. The Building Permit process ensures new and existing secondary suites are constructed to the current regulations. The City's application tracking software, CityView, tracks Building Permits for statistical analysis, and the Finance department can be notified of occupancies for utility billing purposes. These processes and tools make the existing Council Policy no longer needed as long as some of these processes overlap and the remaining elements of the policy are proposed to be integrated into City bylaws.

Statutory Declaration for legal secondary suite Utility Billing

The Secondary Suite Council Policy has a statutory declaration that staff can use as a tool to allow homeowners to pause their business licensing fees and utility fees when not renting the unit to the public. This is a useful tool/trigger for the Finance Department as it allows staff to know when charges shall apply. It is being recommended that the statutory declaration be kept as a procedure for staff to use at their discretion.

Business Licensing and Regulation Bylaw Amendments

Appeal to Council

The proposed amendment will revise Sections 2.7 and 2.8 of the Business Licensing and Regulations Bylaw to allow for rewording and consistency with the *Community Charter* around refusal, suspension, and cancellation of business licenses. The current Bylaw splits Section 60 of the *Community Charter* into sections 2.7 and 2.8 with paraphrasing that is inaccurate. By revising the wording, the Bylaw will become more direct and be an accurate representation of the *Community Charter*. Section 2.8 has also been expanded to outline the process for Council to reconsider a business license decision.

Business License Fee

The proposed amendment will delete Section 2.13 of the Business Licensing and Regulations Bylaw which requires secondary suites and carriage house owners to hold a valid business license. The purpose of having a business licensing fee for secondary suites and carriage houses was mainly for tracking purposes as identified in the Council Policy. With the Building Permit process replacing the tracking of these units, the business licensing fee itself is not necessary and is an additional fee to homeowners.

Fees and Charges Bylaw Amendment

The proposed amendments will remove the \$60.00 business license fee required for secondary suites and carriage houses as this will no longer be a City process.

CONCLUSION

It is recommended that the Secondary Suite Policy be rescinded, and the proposed Bylaw amendments be given first, second, and third readings to ensure that processes are streamlined, overlapping processes are removed and the provision of additional housing is as clear and direct as possible.

NEXT STEPS

Should the bylaw amendments be adopted, the Secondary Suite Policy will be rescinded in its entirety.

REVIEWED BY

Jeremy Frick, Building and Licensing Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

Current Council Policy for Secondary Suites

Bylaw Amendment 0028.74

Bylaw Amendment 0087.16