



DISTRICT OF WEST KELOWNA

COUNCIL POLICY MANUAL

Pages: 1 of 5

Approval Date: February 11, 2014

SUBJECT: SECONDARY SUITES

1.0 **Goal:**

Secondary suites are an important form of affordable rental housing in the District of West Kelowna with recognized benefits for homeowners, tenants and the community. The District aims to ensure that the provision of secondary suites within the community is a safe, viable and attainable choice of rental housing.

2.0 **Purpose:**

The purpose of this policy is to outline municipal requirements in relation to both new and existing secondary suites in the District.

3.0 **Objectives:**

The objectives of the Secondary Suites Policy are:

3.1 To build and maintain an inventory of legal secondary suites in the District, which:

3.1.1 provide affordable rental accommodation; and

3.1.2 meet or exceed acceptable health and safety standards.

3.2 To decommission dangerous and illegal suites if they cannot meet acceptable BC Building Code health and safety standards within a reasonable period of time.

3.3 To maintain an accurate inventory of the housing stock for appropriate government administration (i.e. long-range planning, infrastructure servicing and obtaining population-related funding).

4.0 **Policy:**

The District's Zoning Bylaw outlines the parameters under which secondary suites may be established and includes regulations in terms of appropriate zones, maximum size of suites, and parking requirements. This policy aims to provide additional direction for the construction of new secondary suites, to bring existing secondary suites into compliance and the decommissioning of existing secondary suites.

4.1. New Secondary Suites in New Single Detached Dwellings

Development of new single detached dwellings presents a prime opportunity for the addition of new secondary suites to the community's housing inventory. The benefits of developing a suite at the time of initial home construction includes the ability to achieve full compliance with the British Columbia Building Code (BCBC) and lower suite development costs with initial home construction as opposed to renovation.

4.2. New Secondary Suites in Existing Single Detached Dwellings

The District has an abundant supply of existing single detached dwellings. Creating new secondary suites within existing dwellings is a means of achieving sensitive infill development with negligible impacts upon neighbourhood character. New secondary suites within existing dwellings are required to meet the same regulations as new secondary suites in new single detached dwellings where possible. For older dwellings unable to satisfy those requirements, it may be possible to bring the suite into compliance with the BCBC Alternative Life Safety Standards for existing suites, with specific regulation of such matters as:

- Separate egress to outdoors / safe exiting
- Interconnected smoke alarms
- Bedroom windows
- Fire separation /compartmentalization
- Ceiling height
- Proof of electrical and/or gas permits

4.3. Existing Non-Compliant Secondary Suites in Existing Single Detached Dwellings

Homeowners are encouraged to consult with the District to identify municipal requirements and potential building retrofits needed for their suites to become compliant. Owners will require an inspection, according to the rate established in the District's Fees and Charges Bylaw, by District staff to review the suite prior to application in order to discuss potential required building upgrades.

Following an inspection, a homeowner may choose to pursue legalization of the suite or to formally decommission the suite.

Existing suites are required to satisfy the same requirements as new secondary suites as outlined above.

4.4. Failure to Comply

If homeowners choose not to comply with the District's requirements, the District may use its authority to levy fines for non-compliance on a per diem basis (See Section 4.7 for further information). If it is not possible to upgrade the secondary suite to meet the BCBC Alternative Life Safety Standards and compliance with District bylaws is not achieved, approval by Council of an order to remove the secondary suite will be sought (pursuant to the provisions of the *Local Government Act* and *Community Charter*).

4.5. Decommissioning Existing Secondary Suites

A homeowner may choose, or be directed by Council, to decommission an existing Suite. There are two options for decommissioning a suite:

Option 1: Suite Decommission

The kitchen cooking functions of the non-compliant suite must be permanently removed to be considered decommissioned. The process for Option 1 includes:

1. Obtaining a building permit from the District.
2. Performing any required building alterations to comply with the District's Building Regulation Bylaw and any BCBC requirements.
3. Arranging for a District Building Inspector to inspect and verify the decommissioning of the suite.

Option 2 - Submitting a Statutory Declaration to the District of West Kelowna

Where both the primary dwelling and the compliant secondary suite are utilized solely by the owner of the property as one dwelling unit and all occupants of the home are living as one household, the suite can be considered to be decommissioned through statutory declaration. This option does not permanently eliminate the suite and there is potential for the suite to be reinstated for rental accommodation in the future.

Homeowners wishing to take advantage of this option must submit a sworn Statutory Declaration/Affidavit attesting that:

1. The suite is not being used for rental accommodation;
2. That the property is being used by only one household living communally; and
3. That, at such time as the suite will be used for rental accommodation, the homeowner shall notify the District of West Kelowna and comply with all necessary requirements to legalize the suite.

4.6. Taxes, Utilities and Fees for Secondary Suites

4.6.1. Utility Charges

Homeowners of all known but unregistered suites in the District of West Kelowna shall be charged sewer fees for the suites equal to the prescribed rate for a single detached dwelling. For legal suites, sewer fees for the suite shall be a reduced rate as specified in the District's Fees and Charges Bylaw.

A registered secondary suite will contribute to water and waste management related utility/infrastructure fees through the current process which requires that:

- A second flat rate be applied to all known illegal and legal suites. The water meter is set up to measure water use for the residential property in a manner that accounts for two units with a lower rate (note that if water usage for both units increases beyond the capacity of the initial unit rate, then the measured units would increase to the next unit level charge).

- Garbage collection is based on the number of bins and related usage charges (each single detached housing property requires a minimum of one set of garbage collection bins). In an effort to promote waste reduction within the community, additional bins for property owners with all known secondary suites will only be distributed upon request.

The current Development Cost Charges (DCC) Bylaw does not apply DCCs to the development of secondary suites; however this practice may be revisited at such a time when the DCC Bylaw is reviewed.

4.6.2. BC Assessment Notification

BC Assessment should be notified of all registered secondary suites via building permit applications to adjust property assessments accordingly. Conversely, BC Assessment should be asked to regularly update the District of known suites which it identifies through property disclosure statements.

4.6.3. Inspection Fee

All secondary suite Building Permit applications will require an on-site inspection by a Building Inspector for a fee outlined in the District's Fees and Charges Bylaw. Should the homeowner chose to pursue the legalization of the suite, this fee is eligible to be applied to the cost of the related building permit.

4.6.4. Registration Fee

All secondary suites are required to be registered with the District. Secondary suites can contribute to increased costs for the District related to the management of complaints and safety inspections. Registration fees are established in the District's Fees and Charges Bylaw and include two different categories of fees: a lesser fee for suites where legalization is achieved voluntarily and a greater fee for suites where legalization is achieved by way of enforcement. These fees help to offset the costs of processing secondary suite matters.

To be granted an exemption from the registration fee, a homeowner must not be using the secondary suite as an independent dwelling unit and/or for rental accommodation. Exemption approval will be granted following the receipt of a signed affidavit verifying that the suite is not being used as an independent dwelling unit and/or for rental accommodation and that the property is being utilized by a single household.

At such time the owner chooses to use the secondary suite as a rental accommodation or as an independent suite for family members, the owner shall inform the District to reinstate the secondary suite as an independent or rental accommodation through registration prior to its' use in this manner.

4.6.5. Business License

A Business Licence is required for all suites regardless of the occupant and their relationship to the other residents in the dwelling or whether rent is being charged; If a suite is utilized as an independent dwelling a business licence is required. This must be obtained prior to legalization and registration of a suite. The fee for a business license is established in the District's Fees and Charges Bylaw.

4.7. Enforcement

The District maintains a complaint-driven approach to enforcement and complaints are investigated on a case-by-case basis. Property owners found with non-compliant suites have an opportunity to either:

- Legalize and register their suites; or
- Decommission their suites.