



Committee of the Whole Agenda

The agenda for the **Committee of the Whole (Planning Committee - Secondary Suites)** meeting to be held in the **Conference Room** of the Municipal Hall, 8645 Stave Lake Street, Mission, British Columbia on Tuesday, April 24, 2012, commencing at 9:30 a.m.

1. CALL TO ORDER

2. ADOPTION OF AGENDA

3. NEW BUSINESS

- (a) Possible Revisions to Policy and Bylaws Related to Secondary Suites

Page 2

4. ADJOURNMENT

FILE: ADM.BYL.PRO
Land Use

To: Chief Administrative Officer
From: Planner
Date: April 24, 2012
Subject: **Possible Revisions to Policy and Bylaws Related to Secondary Suites**

Recommendation

That this report be received as information.

Background and Purpose

At a special Council meeting on March 22, 2012, a draft copy of a comprehensive secondary suite policy was presented to Council. Given the discussion raised at the meeting, Council required for clarification on a number of issues. The main issues raised are summarized below:

- How many properties have secondary suites according to municipal records?
- How does the policy address properties with more than one accessory suite?
- What is an acceptable implementation date for policy changes to take effect?
- What is a proper penalty for non-compliance after the implementation date?
- From a staffing and cost perspective, how does the policy revision affect the municipality?

Staff was instructed to revisit the secondary suite policy and provide minor modifications to address the issues raised. The secondary suite policy proposed herein should only be considered a draft and may experience modification after a comprehensive public consultation; whereby staff will report back to Council with citizen feedback.

Planning Analysis

Statistics

- There are currently only 39 properties within the district which meet full secondary suite compliance (zoning bylaw and BC Building Code compliance);
- There are currently 1077 properties which are billed for additional services received. Only a small amount of those are for legal duplexes; whereby the vast majority of additional billing is for secondary suites that do not meet zoning or BC building Code.
- An average of 71 unauthorized secondary suites are discovered and billed accordingly per year (using data from the last 4 years). This number of discovered suites was garnered using a proactive search regimen.

Properties with More Than One Suite

The zoning bylaw does not permit a single family dwelling to have more than one secondary suite. Therefore, any residence with more than one suite would be contravening the zoning bylaw and

would be required to remove the suite. The policy has been revised to reiterate the zoning bylaw requirement.

Acceptable Implementation Date

In order to provide citizens ample time to provide any improvements and to allow staff enough 'lead up' time for inspections, the policy proposes an 'amnesty date' (implementation date) of January 1, 2014. Many residents look for changes to be implemented on the first of the year; therefore, the implementation date will not 'blindsided' residents.

Penalties

In order to provide incentive for residents to provide the necessary life safety upgrades to their suites and to deter property owners that do not register their suites. The policy would require (only after the implementation date) the property owner to pay up to one year's utilities, \$75.00 inspection fee and any other inspection fees if need be.

Implications

- *Residents – Existing Homes (before and after January 1, 2014)*

The policy requires that all secondary suites must provide for a basic life safety standards; accordingly, the proposed requirement will provide challenges for some district residents. Property owners with existing unauthorized secondary suites or found to have an unauthorized suite in the future will be required to bring the suite up to a basic life safety standard. However, given the minimal basic life safety requirements; most suites should not require significant or expensive upgrades. Otherwise, if they do not wish to attain the basic life safety standard, the suite will have to be removed at the cost of the homeowner. Removal of an 'unsafe' suite could be expensive for the homeowner and would eliminate rental income garnered from the suite.

- *New Construction (after January 1, 2014)*

The policy requires that new homes (where appropriate) must be built with suite ready improvements. There may be additional costs involved with providing suite ready improvements in new homes; however, these additional costs would be offset by the potential 'marketability' of homes that are readily converted to provide a secondary suite.

- *Municipality - Staffing (before and after January 1, 2014)*

From a staffing perspective, additional staff time will be needed to investigate unauthorized secondary suites and inspect properties for policy compliance. Although not requiring additional staff, the workloads prior or close to the January 1, 2014 likely increase due to the influx of building permit applications/inspections. It should be noted, that the amnesty date (January 1, 2014) provides sufficient time for property owners to comply; therefore, the inspection/processing workload will be spread-out over a period of time. An increase activity is based on the assumption that residents will wish to comply with the new reduced secondary suite building standards within existing homes.

Once the amnesty date has passed, it is expected that there would be fewer inspections required and there would only be minimal additional administrative time required to address billing, tracking and record keeping requirements.

Proposed Modifications - Summarized

All changes can be seen within the draft secondary suite policy attached as **Appendix 1**. To be brief, the main modifications to the secondary suite policy are summarized below (items 1-2 have not been modified since initial draft inception):

1. Allow a secondary suite as a permitted accessory use in all residential zones;
2. Where appropriate, formally request all new single family homes be built 'secondary suite ready';
3. Require 'basic life safety' standards within (a) all presently known and (b) all future unauthorized secondary suites within existing single family homes by January 1, 2014. These basic life safety improvements amount to proper egress, smoke alarms and carbon monoxide detectors.
4. Only one secondary suite, which meets the requirements of the policy, will be permitted within a single family home. Any additional dwellings will need to be removed or comply with all aspects of the BC Building Code and Zoning Bylaw (e.g. rezone to a triplex or fourplex zone).
5. The policy outlines penalties that will be incurred by property owners if they do not register their secondary suites by January 1, 2014.
6. Penalties - Once the amnesty date has passed, any non-registered suite must:
 - A. Meet the safety requirements of the policy (smoke/carbon monoxide detectors and safe egress);
 - B. Levied a \$75. 00 inspection fee;
 - C. Responsible for payment of up to one year's utilities fees; and
 - D. Accountable for inspection fee costs (above and beyond the initial 75.00 inspection fee – if applicable).

Communication Strategy – Moving Forward

Provided Council generally supports the draft policy herein, a comprehensive notification campaign should be executed in order to obtain feedback and comments from district residents and stakeholders. Possible public notification avenues could involve the following, prior to any further implementation of the changes herein:

- At least two (2) public open houses (i.e. Leisure Centre - with surveys and questionnaires)
Dates: Late June and September.
- Notice boards located within municipal hall and Leisure Centre
- Distribution of a secondary suite brochure (*brochure template already created by planning staff*);
- District website information and updates;
- Direct mail (within the 'Municipal News' brochure circulated at tax time - to notify people of the secondary suite public open houses); and
- Newspaper Notifications/Information (*i.e. City Page*)



Erik Wilhelm
Planner



Sharon Fletcher
Director of Planning

Appendix 1

Proposed 'Unified' Secondary Suite Policy

LAND USE

SECONDARY SUITE POLICY

LAN.58

Goals and Rationale

The Secondary Suite Policy contains all policies related to authorized and unauthorized secondary suites within the District of Mission. The goal of this policy is to encourage the inclusion of authorized secondary suites within properties zoned to permit a secondary suite use. As an alternative, this policy encourages the installation of 'suite ready' improvements during initial residential construction in new developments. 'Suite ready' residences will avoid costly demolition and/or modification of the residence for future owners wishing to install an authorized secondary suite.

This policy also aims to ensure basic life safety standards in all secondary suites and outlines the guidelines to be followed when staff is made aware of an unauthorized secondary suite.

Secondary Suite Policies

New Construction

- Where appropriate, a homebuilder shall be strongly encouraged to either (1) fully construct a secondary suite or (2) provide 'suite ready' improvements within all new residences. The 'suite ready' requirements are listed below:
 - ✓ Floor plan must show location and size of potential suite and the designations of future rooms.
 - ✓ The full extent of the suite ceiling must be dry walled with 5/8" Type X drywall to create required fire separation.
 - ✓ Vertical fire separations must be finished with 5/8" Type X drywall on both sides.
 - ✓ Where concealed by permitted finishes, fire stopping must be installed in the appropriate locations.
 - ✓ Window areas must conform to egress requirements for future bedrooms.
 - ✓ Make provision for separate exit to the exterior.
 - ✓ Make provision for in-suite or shared laundry.

- ✓ Make provision for exit protection of the suite area from the main unit (or vice versa).
- ✓ Make provision for one additional parking space (shown on site plan).
- ✓ Ceiling height must meet current room standards in the BC Building Code.
- ✓ Make provisions for independent heating system and thermostat (e.g. gas fireplace, second furnace or electrical panel sized to accommodate electric heat for the suite).
- ✓ Make provision for smoke and carbon monoxide detection (i.e. plan or provide inter-connection and photoelectric smoke alarms that are prewired).
- ✓ Make provision for separate mechanical ventilation for the suite pre-ducts in voids that are concealed.
- ✓ Make provisions for a separate suite shut off valve where the water supply enters the proposed suite.
- ✓ Make provisions for a separate electrical sub-panel within the proposed suite which is also sized for a potential kitchen.

The preceding checklist is provided as a guideline. Please contact Inspection Services for all suite ready requirements as determined by the District of Mission.

Existing Suites - Unauthorized

- To provide for the enforcement of municipal bylaws as they pertain to unauthorized secondary suites, given the limited financial resources of the Municipality, staff will not proactively search for secondary suites.
- Given the limited financial resources of the Municipality, the following requirements are to be met with respect to unauthorized secondary suites when they are brought to staff's attention through complaints:
 1. Complaints will only be acted on by staff if they are in the following written form:
 - a. The complainant is to provide his/her name, address, telephone number and the reason for and nature of complaint.
 - b. The complainant's name is to be kept confidential unless otherwise indicated by that person or where the person may be required as a witness in court.
 2. Upon receipt of a complaint:
 - a. The owner shall be contacted, by a bylaw enforcement officer, to arrange for a site inspection of the unauthorized secondary suite conducted by Inspection Services staff;
 - b. If during the site inspection, it is determined that major life safety issues exist within the suite, the following '*basic life safety standards*' will need to be attained. If the secondary suite cannot meet the safety standards below, the suite must be decommissioned.

Basic Life Safety Standards

Basic Life Safety Standards

- ✓ Photoelectric smoke alarms and carbon monoxide detectors;
- ✓ Bedroom windows which provide adequate means of egress; and

✓ Readily accessible exits such as doors and/or operable windows.

- a. The basic life safety standards requirement may be voluntarily met for all existing (known) unauthorized secondary suites up until January 1, 2014.
- b. For all unauthorized secondary suites identified, though complaint, after January 1, 2014, the suite must attain the above *basic life safety standards* or the suite must be decommissioned.
- c. For any property that was created by subdivision after January 1, 2014 identified to have an unauthorized secondary suite after that date – the property owner is required to bring the suite up to full B.C. Building Code requirements or decommission the suite.
- d. Once a secondary suite has attained the basic life safety standards, the homeowner will be sent a yearly notification (at tax time) outlining that the secondary suite has attained a basic life safety standard in accordance with district policy and should not expect further or immediate enforcement, provided they continue to meet the basic life safety requirements.

Number of Suites permitted

- Only one (1) secondary suite, which meets the requirements of this policy, is permitted on a residential property; and
- If the district is aware, or becomes aware of, a residence which has additional suite(s); the additional suite(s) must be removed or the property owner must rezone the property and fulfill all requirements of the BC Building Code.

Decommissioning of a Suite

- An unauthorized secondary suite must be decommissioned if:
 - a. If an owner chooses not to keep the secondary suite; or
 - b. If when major life safety issues are present and the secondary suite cannot attain *basic life safety requirements*.
- A secondary suite decommission permit is required to remove an unauthorized suite. The permit will specify the requirements for decommissioning. A site inspection is carried out by Bylaw Enforcement staff to verify removal of the suite. Staff will update the file and ensure the proper billing of utilities is applied to the property by notifying the finance department.
- Decommissioning a suite involves removal of all cooking facilities within the suite and elimination of any electrical or gas equipment installed necessary for the cooking facility operation. Micro waves, toaster ovens, toasters and hotplates may remain.

Database Tracking

- Utilizing the existing Geographical Information System (GIS) mapping system, staff will track:
 - a. 'Suite ready' residences;
 - b. Suites that meet full BC Building Code;
 - c. Registered secondary suites (which meet the safety requirements herein); and
 - d. Decommissioned secondary suites.

Civic Address Assignment

- All registered secondary suites approved by the Inspection Services Department will be assigned a new civic address by adding the suffix "B" to the existing civic address for the subject property.

Utilities Billing

- An owner of property where a dwelling unit contains a registered secondary suite shall be billed for utilities based on two (2) dwelling units; or
- An owner of property where a dwelling unit contains a registered secondary suite shall be required to install a water meter on the property and (if need be) individually purchase additional curbside refuse removal from the district.

Utilities Billing Exemption

- The owner of a property with a residence containing an approved secondary suite which is unoccupied may make application for exemption from the additional utility fees payable.
- The exemption will be granted subject to the following conditions:
 1. The owner is the occupant of the dwelling unit (house).
 2. The owner submits a completed application, on a form provided by the Municipality, including:
 - a declaration that the suite is not occupied;
 - an undertaking not to occupy or allow the suite to be occupied;
 - an undertaking to inform any potential purchasers of the property of the conditions for the exemption; and
 - an undertaking to submit a new application for each billing year, prior to the 1st day of March.
 3. The owner permits the Municipality to conduct a verification inspection.
 4. The exemption is only for the current billing period prorated from the date the application is accepted by the Municipality.
 5. The owner pays, at the time of the first application, an application and inspection fee.
- Should it be discovered at any time that the suite is or has been occupied contrary to any of the conditions on which the exemption was based; the property owner will be billed for the entire billing period.

Penalties

- If a property owner has not registered their secondary suite before January 1, 2014, the following requirements and penalties will be levied:
 1. Up to one year's fees for utilities;
 2. \$75.00 Inspection Fee; and
 3. Any additional Fees required for additional inspections if need be.