



**DISTRICT OF 100 MILE HOUSE**  
**TO BE HELD IN DISTRICT COUNCIL CHAMBERS**  
**MONDAY, OCTOBER 30<sup>th</sup>, 2023, AT 12:00 PM**

	<p><b><u>CALL TO ORDER</u></b></p> <p>Mayor to call the Committee of the Whole meeting to order.</p> <p>Mayor acknowledges that this meeting is being held on Secwepemculecw.</p>
A.	<b><u>APPROVAL OF AGENDA:</u></b>
	<p><b>A1</b></p> <p><b>BE IT RESOLVED THAT</b> the October 30<sup>th</sup>, 2023, Committee of the Whole agenda <u>be approved</u>.</p>
B.	<b><u>INTRODUCTION OF LATE ITEMS</u></b>
C.	<b><u>DELEGATIONS:</u></b>
D.	<b><u>UNFINISHED BUSINESS</u></b>
E.	<b><u>CORRESPONDENCE</u></b>
F.	<b><u>STAFF REPORTS:</u></b>
Secondary Suites	<p><b>F1</b></p> <p><b>BE IT RESOLVED THAT</b> the memo from J. Doddridge, Director of Planning and Economic Development <u>be received</u>.</p> <p><b><u>Further direction at the discretion of Council</u></b></p>
G.	<b><u>BYLAWS:</u></b>
H.	<b><u>OTHER BUSINESS:</u></b>
I.	<b><u>QUESTION PERIOD:</u></b>
J.	<p><b><u>ADJOURNMENT:</u></b></p> <p><b>BE IT RESOLVED THAT</b> the Committee of the Whole meeting of October 30<sup>th</sup>, 2023, adjourn: PM:</p>



## DISTRICT OF 100 MILE HOUSE

### M E M O

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**Date:** Oct. 5, 2023

**To:** Mayor & Council

**From:** Planning

**Subject:** Policy Discussion Paper - Secondary Suites

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#### Introduction

Prior to March 22<sup>nd</sup>, 2016, secondary suites were not permitted in single family dwellings in the Low Density Residential (R-1) Zone. Similarly, caretaker or other residences were not permitted in industrial zones. In 2016, the new Zoning Bylaw was adopted, which allowed secondary suites in most single-family residential dwellings, including the R-1 zone, and some limited residential use in the Industrial Zones.

Any suites constructed under a Building Permit from the point of adoption of Zoning Bylaw 1290, 2016 are considered "legal" suites. However, still to be addressed are the suites that were in existence prior to March 22, 2016 that were not constructed under a Building Permit. These suites, even though current zoning may now allow them as a permitted use, are considered 'illegal' because they were built without Building Permits in areas which were not zoned for suites at the time. The District is aware of some of these suites, but there are almost certainly others that we are not aware of yet. To be fair, some secondary suites may have been in existence prior to various boundary expansions in the past. These units are not necessarily 'illegal' but neither can they be considered 'legal' suites.

Generally accepted practice in other municipalities is to focus staff efforts and resources on new secondary suites rather than on non-compliant existing suites - in short, ensuring suites are legally constructed and built to current safety and zoning standards moving forward. However, a policy for how the District intends to deal with illegal suites is still needed.

### **The Problem(s)**

One of the problems with existing 'illegal' suites is that property owners are not paying their fair share of utility charges. Similarly, if BC Assessment is not aware of constructed suites, assessments cannot be calculated accurately, and property taxes are not collected fairly.

Liability concerns are also paramount. The Municipal Insurance Association of BC advises that that the District should adopt a policy setting out the following:

1. What District staff will or will not do to investigate for the purpose of identifying secondary suites or identifying other compliance concerns once the District has become aware of a suite or has reasonable grounds to believe it exists. The District can choose to do nothing, but the important thing is to actually make a choice.
2. How the District will deal with complaints.
3. What enforcement steps will be taken once compliance issues have been identified.

Another policy matter to consider is whether or not the District will recognize 'illegal' suites and if so, how this will be done.

Finally, if the District wants to encourage more housing, given the current shortages, there must be a fair playing field. Property owners who have illegal suites, should not receive an unfair advantage over those who chose to go through proper processes.

Implementing a Council-endorsed policy that provides a clear and consistent approach to how existing secondary suites will be treated is needed, especially as it relates to administration of the Zoning Bylaw, Bylaw Enforcement and Building Inspection processes. It also provides clarity and certainty for property owners.

### **Other Municipalities**

Many municipalities have made a conscious choice to do nothing. There is no requirement in their policies for illegal suites to be recognized or legalized.

Many also deal with suites on a complaint driven basis only. Anonymous complaints or complaints from people that do not reside in proximity to the subject property (ie: sharing a common property boundary) may or may not be accepted.

In some cases, municipalities require existing suites to be inspected. If the Building Inspector requires upgrades to the suite to comply with the Building Code, property owners may be given a time limit to make the necessary changes. The penalty for not meeting the time limit is a charge registered on the title of the property alerting future buyers of a non-conforming suite.

One municipality has opted to undertake building inspections that focus on visual life-safety aspects pertaining to fire detection (smoke alarms), fire spread (drywall), and exits (a safe way out). This could form the basis for 'recognizing' an existing secondary suite within a home,

although without seeing all the construction work hidden behind walls, it would still not be considered 'legal' by the municipality. This approach is fraught with challenges because once a Building Inspector enters a suite, the full weight of liability and responsibility of the safety of that suite lies with the municipality.

Another approach used by some local governments is to establish a suite registry, which lists all known secondary suites whether legal or illegal. A registry allows the municipality to maintain a record of known suites, monitor the extent of secondary suite usage, and ensure fair collection of utilities. Registration could be voluntary or mandatory, and municipal staff could add properties to the registry as information becomes known through publicly available sources (ie: real estate listings, Craigslist, Facebook, public advertisement, etc.), or by complaint investigation. One Cariboo municipality considered but later opted not to utilize a registry as it was thought to be too costly to implement and the advantage of such a process unclear.

Finally, in order to encourage voluntary declaration of existing suites, some municipalities have provided incentives to property owners [ie: waiving inspection fees (if they are required) for a given time period or charging reduced utility costs].

### **Other Discussion Items**

If a property owner wants to 'legalize' an existing suite, the only avenue available is to apply for a Building Permit. Existing improvements may have to be removed and reconstructed under permit and inspection. This is not an option that many property owners will take.

According to the BC Building Code, only 1 suite is permitted within a house. How would Council like to handle 'multiple' illegal suites in a single home? There are some cases where a single home/building contains 3, 4 or potentially even more suites. In these cases, density provisions are significantly exceeded, and the burden on residential neighbourhoods can be evident in terms of parking availability, garbage collection, and other issues.

Several of the newer homes in town have been constructed under valid Building Permit to suite-ready standards. In some cases, homeowners have not built a suite. In other cases, staff is aware that suites have subsequently been constructed. Staff has considered the challenge of undeclared suites constructed in newer homes after final building permit approval is issued for the house. Since a Building Permit is required for construction of a suite, those built without a permit are not deemed legal, regardless of whether they meet BC Building Code or not.

In the interest of fairness, utilities should be charged regardless of whether a suite is legal or not, occupied or not, or by whom it is occupied (ie: a renter vs a family member). The District would want to be clear that although we are charging utilities, and are therefore aware that a suite exists, we are not authorizing the suite as legal or conforming in any way. It should also be noted that charging utilities is not a cash-grab. Rather it is a matter of equity.

If a property owner decides not to use the suite any longer, or wants to avoid paying utilities, decommissioning the suite would be required. There is strong language in policies from several other local governments to show what might be involved to decommission a suite. Ultimately, proof would be required, and an inspection could take place at that time.

### Options

Staff has proposed 3 options below to help focus discussion. There are other possible options.

**Option 1** – Take a hard stance on all illegal suites. Fully enforce the current BC Building Code.

**Option 2** – Register a Notice on Title for properties with illegal suites, to advise future owners that the suite was not built with proper permits.

**Option 3** – Existing illegal suites will remain illegal but become ‘recognized’ by the District upon discovery. No inspections\* will be performed. From the date a policy is endorsed by Council onward, any new illegal suites will be enforced to the fullest extent of the law. But older existing illegal suites will not be treated with heavy enforcement action - staff will do nothing in terms of enforcement for these suites.

\*Note: Inspection of illegal suites generates additional workload for the Building Inspection Department. It also creates concerns about authorizing (after-the-fact) those suites that were built without proper building permits. Therefore, staff does not recommend any inspection options.

Option 1 is the hardest stance, creates administration, and results in financial cost to the District as well as to the property owner. It will likely discourage self disclosure and compliance. Option 2, Notice on Title, is a good tool to encourage compliance, but it is most effective if used as a first step toward further enforcement measures.

**Staff recommends Option 3** – with the following approach outlined here for Council’s consideration.

Two categories of suites would be created:

**Legal suites** – secondary suites built under Building Permit in zones which legally permitted suites at the time of construction.

**Illegal suites** – suites that have not been disclosed, were constructed without Building Permit, have not been inspected, and/or are located in zones or buildings which do not allow secondary suites.

### Process

- Investigating illegal suites will be done on a complaint driven basis only. No inspection will be performed.

- Staff will become aware of suites by publicly available sources, voluntary disclosure, or complaint investigation.
- Upon discovery of an illegal suite, BC Assessment Authority will be notified. A note will be placed into the property folio, indicating the presence of an illegal suite.
- Annually, upon receipt of the BC Assessment roll, the District's Finance Department will generate a report of all suites BC Assessment has listed, and utility billing charges will be set up accordingly and will commence at the next billing cycle.
- A civic address may be assigned if requested by the property owner and otherwise meets the policies set out for civic addressing.
- Garbage and recycling totes may be made available upon request if the intent of the garbage-recycling program is met.
- Illegal suites **will not** be inspected, nor legalized, nor endorsed - only "recognized".

### **Complaints, Enforcement & Action**

Finally, discussion is needed around how to handle complaints, enforcement, and further action once staff become aware of a new illegal suite - that is one constructed after the policy date.

The Chief Building Official will be in attendance to outline how more strict enforcement of 'new' illegal suites might be handled and answer any Building Code questions.

### **Conclusion**

Many municipalities have created a secondary suite brochure or information package available to the public. Once Council has authorized a policy, a robust public awareness campaign is recommended to educate residents about suites. Staff anticipates strong public interest.

This memo has been prepared for discussion purposes. Staff will take Council's direction to draft a policy and return it to Council for further consideration.

Note: a draft of this memo was circulated to the CAO, Deputy CAO, Chief Building Official, Fire Chief, and Director of Finance.

  
J. Doddridge, Director Ec Dev / Planning

  
Tammy Boulanger, CAO