

# REGIONAL DISTRICT OF NANAIMO

## P O L I C Y

SUBJECT:	<b>Secondary Suites</b>	POLICY NO:	<b>B1.22</b>
		CROSS REF.:	
EFFECTIVE DATE:	May 27, 2014	APPROVED BY:	Board
REVISION DATE:		PAGE:	1 of 4

### INTRODUCTION

Zoning has now been in place in all parts of the Regional District of Nanaimo since June of 2002. Since then and prior to May 27, 2014, secondary suites were only permitted on parcels which allowed at least two dwelling units per parcel. A secondary suite was considered one of the permitted dwelling units and no distinction was made between a secondary suite and a dwelling unit.

Allowing secondary suites is a practical way for the RDN to use its land use authority and resources to increase housing options for those who struggle to find adequate, affordable housing. Secondary suites capitalize on the potential to use new and existing single-family housing to provide rental housing. There is evidence from other jurisdictions that this can help meet the demand for affordable housing and also increase housing options that allow community members to age in place.

Changing the zoning regulations to allow secondary suites introduces a new set of challenges and issues for RDN staff and the Board related to differences between existing suites and new suites. These differences are generally concerned with bylaw enforcement and compliance with the BC Building Code (BCBC).

It is common knowledge that there are numerous secondary suites that existed prior to the adoption of zoning regulations that allowed for secondary suites. It is recognized that secondary suites, whether new or existing, play an important role in providing affordable housing within the region. The RDN wishes to ensure that existing secondary suites are not negatively impacted by the introduction of new zoning regulations that pertain to secondary suites. In that regard this policy provides guidance and clarity on the application of the zoning bylaw, bylaw enforcement and the building inspection process as it relates to existing secondary suites.

### PURPOSE

To provide for a consistent and clear approach on how existing and new secondary suites will be treated with respect to enforcement of the zoning bylaw, obtaining confirmation from the RDN that basic life safety aspects of the BCBC have been met, and the building inspection process. The policy is intended to provide a clear approach for RDN staff and Directors when responding to enquiries and complaints about secondary suites and when assisting landowners and prospective purchasers with their questions about secondary suites.

## **GENERAL APPLICATION**

This Policy is only intended to apply to the following:

1. when a property inquiry is received;
2. when a complaint is received;
3. when a property owner wishes to have the RDN confirm that an existing suite meets basic life safety requirements of the BCBC; or
4. the construction of a new secondary suite.

## **TERMINOLOGY**

For the purpose of this Policy, secondary suite means a secondary suite as defined by “*Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987*” and “*Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285.2002*” as amended or replaced from time to time.

## **RDN POSITION ON EXISTING SECONDARY SUITES**

As of May 27, 2014, secondary suites became ‘permitted’ or ‘permitted accessory’ uses of land in most residential and rural zones. Secondary suites which existed prior to that date, on lands where secondary suites are permitted, may remain as they are and no action by the property owner(s) is required. The RDN will not seek to identify or locate existing secondary suites and will not force compliance with RDN Building or Zoning Bylaws, with the exception of handling complaints as set out in this Policy.

## **RDN POSITION ON NEW SECONDARY SUITES**

All suites constructed after May 27, 2014 must be constructed in accordance with:

1. “*Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987*”, or
2. *In the case of a suite in Electoral Area ‘F’ - “Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285.2002”; and,*
3. “*Regional District of Nanaimo Building Regulations Bylaw No 1250, 2010*” as amended or replaced from time to time.

## **SECONDARY SUITE CLASSIFICATION**

For the purpose of this policy the following categories of secondary suites will be used to determine the status of a secondary suite:

1. *Unrecognized Secondary Suites*

A secondary suite which existed prior to May 27, 2014.

## 2. *Recognized Secondary Suites*

A secondary suite on a parcel where:

- a) secondary suite is a 'permitted' or 'permitted accessory' use; and
- b) was constructed prior to May 27, 2014; and
- c) where no building permit was originally issued or required for construction of the suite; and
- d) after May 27, 2014, the secondary suite has since been the subject of a building permit and has been inspected to confirm that the secondary suite meets basic life safety requirements of the BCBC as outlined below under Building Permit Requirements for Recognized Secondary Suites.

## 3. *Fully-Compliant Secondary Suites*

A secondary suite which fully complies with RDN zoning and building regulations and the current edition of the BCBC.

### **BUILDING PERMIT REQUIREMENTS**

A building permit is required for the construction of all secondary suites after May 27, 2014. For the three categories of secondary suites the following requirements apply:

#### **Unrecognized Secondary Suites**

No building permit is required.

#### **Recognized Secondary Suites**

There is no requirement to have an existing suite recognized and applying for this type of building permit is at the discretion of the property owner. Should an owner make a building permit application to "*recognize*" an "*unrecognized secondary suite*", a building inspector will conduct a visual inspection to determine if safety items pertaining to fire detection (smoke alarms), fire spread (drywall), and exits (a safe way out) have been addressed. These three items shall form the basis for a secondary suite to be confirmed as a recognized secondary suite. For suites that were built without a building permit when a building permit was required, as a condition of occupancy of the suite, a Notice under Section 57 of the Community Charter may be registered on the title as a means of disclosure to future land owners that there may be aspects of construction that do not comply with the BCBC.

#### **Fully Compliant Secondary Suites**

All secondary suites constructed after May 27, 2014, shall require a building permit and must comply with all the requirements of the applicable zoning bylaw.

For a secondary suite located within a dwelling unit, the secondary suite regulations in Section 9.36 of the BCBC will apply. These standards are less stringent than required for the construction of a new dwelling unit (or detached secondary suite).

For detached secondary suites (those suites not contained in the same building as the primary dwelling) the regulations that apply to a dwelling unit in the current edition of the BC Building Code shall apply.

The RDN may consider proposals for alternate solutions in accordance with Section 2.3 of the BCBC.

## **SECONDARY SUITES CANNOT BE SUBDIVIDED**

By definition, a secondary suite is accessory to a principal dwelling on the parcel on which it is located. To address concerns over potential subdivision of detached secondary suites under the *Strata Property Act*, a covenant prohibiting the subdivision of the detached suite from the principal dwelling unit may be required as a condition of the issuance of a building permit.

## **BYLAW ENFORCEMENT**

The RDN recognizes that secondary suites contribute significantly towards providing affordable housing in the region. In addition, the RDN believes that all residents have a right to housing that meets basic health and safety provisions. Apart from new secondary suites which must be fully-compliant with current BCBC and zoning requirements, the RDN will not actively seek out and enforce its zoning and building bylaws as they pertain to unrecognized and recognized secondary suites. Instead the Board supports the following approach:

1. Investigations and enforcement relating to unrecognized and recognized secondary suites will be considered on a complaint driven basis only. Anonymous complaints or complaints from persons that do not reside within proximity to the subject property may not be investigated, nor enforcement activities commenced, unless there are extenuating circumstances such as possible health, safety or environmental concerns in accordance with RDN Bylaw Enforcement Procedures Policy B3-02.
2. Enforcement shall be focused on health, safety and zoning compliance where there may be significant impacts on adjacent properties.
3. Should it be determined that an investigation is warranted, property owners shall be encouraged to voluntarily comply with regulations, i.e., decommission suite if not permitted or “recognize” the suite through the building permit process.
4. An inquiry regarding a property with an unrecognized or recognized secondary suite shall not constitute a complaint.
5. Where a building permit application is made to recognize an unrecognized secondary suite on property where secondary suites are a permitted use, staff may issue an approval for occupancy for a suite that does not fully comply with zoning regulations without a requirement for a development variance permit or approval from the Board of Variance.
6. Where a complaint is received regarding a suite constructed without or in violation of a building permit after May 27, 2014, a building permit shall be required and approval for occupancy shall not be granted unless the suite satisfies all provisions of Section 9.36 of the BCBC and all current zoning requirements.