



POLICY: **SECONDARY SUITES POLICY**

SECTION: Development Services

POLICY #: **DEV-005**

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EFFECTIVE DATE: Adopted by Council September 13, 2011

SUPERSEDES: Secondary Suites Policy, September 3, 1996

AUTHORIZED:



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Mayor



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Chief Administrative Officer

PURPOSE:

To outline the process in relation to both new and existing secondary suites in the Town of Smithers.

POLICY:

Objectives of this policy are to:

- Encourage the development of secondary suites as a means of increasing housing affordability and choice in Smithers;
- Improve the health and safety level of existing secondary suites to ensure that renters have access to safe and healthy housing options;
- Provide a consistent and transparent approach to the legalization and enforcement of non-compliant secondary suites.

New Construction Secondary Suites

1. A secondary suite constructed in a new single family home shall comply with the Zoning Bylaw, Building Bylaw and the BC Building Code.
2. A new secondary suite constructed in an existing single family home shall comply with the Zoning Bylaw, Building Bylaw and the basic life-safety standards of the BC Building Code.

3. All new secondary suites are required to obtain a Building Permit prior to construction.

Existing Secondary Suites

1. For an existing secondary suite to be considered legal, it must comply with the Zoning Bylaw, have necessary building permits and meet the basic life-safety standards of the BC Building Code as determined by the Town of Smithers Building Inspector.
2. An inspection fee of \$200.00 will be charged for the Building Inspector to inspect the secondary suite to assess the necessary steps to compliance. To facilitate legalization and upgrading of existing non-compliant suites, homeowners with existing suites are provided with an amnesty period from paying the inspection fee until December 31st, 2016.
3. Following an inspection, a homeowner may choose to pursue legalization of the suite or to formally decommission the suite.
4. All required upgrades must be completed under a Building Permit.

Utility Fees

1. The owner of a building containing a secondary suite shall pay an additional 40% of the flat residential rate for water and sewer.
2. Garbage user rates shall be charged at 100% of the flat rate fee only if an additional garbage cart is purchased from the Town of Smithers for the secondary suite.
3. Water, sewer and garbage fees shall be charged to both legal and non-compliant suites.

Enforcement

1. Secondary suites not in compliance with the Zoning Bylaw and basic life-safety standards of the BC Building Code, including construction without a valid Building Permit, will be subject to enforcement.
2. A complaint-based enforcement approach will be used to investigate secondary suites. Complaints must be received in writing.
3. Upon receiving a written complaint, a notice letter will be sent to the property owner advising them of the complaint, process for legalizing a secondary suite and to contact the Town to arrange for an inspection.
4. In cases where an existing secondary suite is in contravention to Town Bylaws (i.e. Zoning Bylaw, Building Bylaw or basic life-safety provisions of the BC Building Code) and the owner elects not to bring the secondary suite into compliance:

- a) A Registered Building Official may request that Town Council consider the registration of a Bylaw Contravention Notice on title of the property pursuant to Section 57 of the *Community Charter*.
 - b) The home owner may apply to the Town to have the Bylaw Contravention Notice removed once the deficiency has been rectified and there are no further concerns.
5. In accordance with Section 72 *Community Charter*, Council may consider imposing a Removal Order where the secondary suite is determined to create an unsafe condition. In issuing a removal order Council shall consider the needs of the tenants by providing a transition period during which tenants will be able to relocate.
 6. Despite any provisions of this policy, Council may consider secondary suites and/or enforcement action with respect to secondary suites that may not comply with the terms of this policy.