

Department: BYLAW		Reference # 3.14
Policy title: Zoning Bylaw: Enforcement of Unlawful Secondary Suites		
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Policy Statement: **Enforcement of Unlawful Secondary Suites**

The Bylaw Services Division will enforce upon complaint, the Zoning Bylaw with respect to the existence and operation of unlawful secondary suites in inappropriate zones.

Policy Procedure:

Secondary suites are allowed only in A-1, RS-1, RS-2 and RS-3 zones, in accordance with the bylaw, with the exception of the Riverwood Subdivision. If a secondary suite is suspected or reported in an inappropriate zone, Bylaw Services shall do the following:

- Contact the property owner by registered mail with information that the City has reason to believe that a secondary suite is operating within the house, and request a call to arrange an inspection of the premises within ten days from the date of the letter.
- If an inspection date is arranged, the Bylaw Enforcement Officer will inspect the premises for evidence of a secondary accommodation, such as a separate, functional kitchen and food stores, restricted / lack of access between floors, separate telephone listings, etc. The Bylaw Enforcement Officer will report to the supervisor to determine whether a secondary suite exists based on the information gathered at the site. Other indicators may include (but not limited to) a mailing address listed as (e.g.) 1234 Main Street, *Bsmt.*, or an admission by one of the occupants that the households are separate.

- If the registered owner does not respond to the letter, or does not allow an inspection, the Bylaw Enforcement Officer will send a notice to the registered owner that failure to provide an inspection of the premises to determine compliance of the Zoning Bylaw may result in legal action, including fines. The City will provide a ten-day window within which the registered owner should respond. If the registered owner still fails to provide an inspection, the City may either fine the property owner for obstruction, as provided in the bylaw, then consider the necessity of a court order to enter the premises.

If an inspection indicates that a secondary suite exists, the registered owner is notified by mail that s/he must comply with the Zoning Bylaw by:

- Serving, and providing proof of service to the City of, an eviction notice, in accordance with *Residential Tenancy Act*, to the occupants of the unlawful suite to comply with an expected vacancy date of two months following the City's notification (the City may consider extensions in the cases of hardship, e.g. children completing a school year); or
- Compliance with the Zoning Bylaw provisions regarding boarders; and
- Removing cooking facilities (stove), and removing any wiring from the wall up to the breaker box that services an electrical source for a stove; and
- Removing unauthorized renovations that may create a fire or health hazard, such as blocked access to exits as the result of building the suite.

Bylaw Enforcement Officers will conduct an inspection of the premises on a specific date and determine the level of compliance achieved at this point. If the registered owner has complied, the file is closed. If not, the registered owner may be fined on that day for a violation of the Zoning Bylaw, then further action may be taken as required. If the Bylaw Enforcement Officer has reason to suspect that the suite may reappear following the inspection, then random inspections of the premises may be conducted during reasonable hours.