



# The Corporation of the District of Peachland

## Council Policy

### Secondary Dwelling Policy

POLICY NUMBER: DEV-188

#### REFERENCE:

Council Approval – Resolution No. **DRAFT**

#### PURPOSE

The purpose of a Secondary Dwelling Policy is to:

- Provide direction for owners wishing to build a secondary dwelling;
- Encourage those with existing secondary dwellings to register their secondary dwellings;
- Ensure that both new and existing secondary dwellings are safe and livable;
- Provide direction for staff in addressing applications for secondary dwellings; and
- Provide direction for staff on enforcement action.

#### SCOPE

The following topics are addressed in this policy:

- General requirements for secondary dwellings;
- Registering an existing secondary dwelling;
- Construction of new secondary dwelling;
- Application process;
- Water and sewer rates;
- Registration;
- Addressing;
- Waste collection;
- Items not responsibility of the District;
- Decommissioning secondary dwellings; and
- Enforcement.

#### DEFINITIONS

**“Garden Suite”** means a secondary dwelling contained within an accessory building other than a mobile home, located on a lot containing a principal dwelling. As defined and described in “Zoning Bylaw” amended from time to time.

**“Residential Flex Unit”** means a second dwelling unit within a multiple-unit residential dwelling which contains a kitchen, at least one closet, and a bathroom with a toilet, sink, and bathtub or shower; and has a separate lockable entrance door providing independent access to the exterior of the multiple-unit residential dwelling. As defined and described in “Zoning Bylaw” amended from time to time.

**“Secondary Dwelling”** means either a Secondary Suite, Garden Suite, or Residential Flex Unit on a lot. As defined and described in “Zoning Bylaw” amended from time to time.

**“Secondary Suite”** means one (1) or more habitable rooms within a single detached or one-half of a duplex dwelling, but used as a separate dwelling unit, with self-contained sleeping, living, cooking, and sanitary facilities, and direct access to the exterior without passing through any part of the principal dwelling unit. As defined and described in “Zoning Bylaw” amended from time to time.

**POLICY**

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**1.0 General Requirements for Secondary Dwellings**

- 1.1 The following requirements apply to all secondary dwellings:
- 1.1.1 Property owners are encouraged to contact staff prior to submitting an application to discuss their proposal, application requirements and process.
  - 1.1.2 Property owners are required to register secondary dwellings. All secondary dwellings must pass an inspection, obtain an occupancy permit and complete the registration process.
  - 1.1.3 Secondary suites in all houses, regardless of when they were built, must comply with the BC Building Code, which has provisions for older homes to meet acceptable safety standards. Garden suites and Flex Units must meet the full requirements of the BC Building Code.
  - 1.1.4 Property owners with a secondary dwelling must maintain, in good standing, an annual suite licence.

**2.0 Registering an Existing Suite**

- 2.1 Suites in this category have already been constructed (prior to January 1, 2017) but have not been inspected by the District's Building Inspector. The following applies to registering an existing suite:
- 2.1.1 An 'existing suite' is one that has a kitchen installed, and the owner can produce an electrical permit for the installation that was issued prior to January 1, 2017.
  - 2.1.2 Suites that meet the requirements of the Zoning Bylaw, Building Bylaw and the Building Code can be registered. If the suite does not meet the requirements, the owner must perform upgrades to satisfy the requirements or decommission the suite.

**3.0 Construction of a New Secondary Dwelling**

- 3.1 The following applies to construction of a new secondary dwellings:
- 3.1.1 A new secondary dwelling in an existing dwelling will include construction in a finished or unfinished portion of the home, or addition. A new garden suite will include construction in an existing finished or unfinished accessory structure.
  - 3.1.2 All secondary dwellings constructed after January 1, 2017, are subject to the full requirements of the current Zoning Bylaw, Building Bylaw and BC Building Code.
  - 3.1.3 New secondary dwellings not in full compliance with these requirements, including construction without a valid Building Permit, may be subject to enforcement action.

**4.0 Application Process**

- 4.1 Registration of a new secondary dwelling must be done through the Building Permit process.

**5.0 Water and Sewer Rates**

- 5.1 Water rates for secondary dwellings shall be in accordance with the "Water Rate Bylaw" as amended from time to time.
- 5.2 Sewer rates for secondary dwellings shall be in accordance with the "Sewer Rate Bylaw" as amended from time to time.

- 5.3 One water service is permitted per property. An additional water service may be permitted for garden suites at the sole discretion of the District of Peachland.

## **6.0 Registration**

- 6.1 The District will maintain a registry of secondary dwellings. Upon successful registration of a secondary dwelling, the District will add the secondary dwelling to the registry. The owner is required to maintain, in good standing, an annual licence. Placement on the registry confirms that the secondary dwelling has met the requirements for a dwelling in the District of Peachland.

## **7.0 Addressing**

- 7.1 Upon completion of the secondary dwelling registration process, the District of Peachland will assign a new address to the secondary dwelling. The assigned address must be posted, in accordance with "Building Numbering Bylaw" as amended from time to time.

## **8.0 Waste Collection**

- 8.1 Waste collection shall be in accordance with the "Solid Waste Management Regulation Bylaw" as amended from time to time.

## **9.0 Items Not Responsibility of the District**

- 9.1 The owner of a secondary dwelling is responsible for:
- 9.1.1 Contacting utility companies prior to construction to determine if any additional utility requirements or costs are applicable.
  - 9.1.2 Obtaining the necessary permits from the BC Safety Authority for any electrical or natural gas work, as well as arrange inspections and approvals of electrical or natural gas works.
  - 9.1.3 Contacting Canada Post regarding a mailbox for the dwelling.

## **10.0 Decommissioning Secondary Dwellings**

- 10.1 Existing secondary dwellings may be required to be decommissioned in the following types of cases:
- 10.1.1 If the existing secondary dwelling cannot be upgraded to meet the Zoning Bylaw, Building Bylaw and BC Building Code requirements.
  - 10.1.2 New secondary dwellings that have been constructed without a Building Permit and cannot be approved.
  - 10.1.3 Existing or new secondary dwellings that are located in a zone that does not permit secondary dwellings.
  - 10.1.4 An owner does not complete the required upgrades in a timely manner.
  - 10.1.5 The owner fails to maintain, in good standing, an annual licence.
  - 10.1.6 The owner wishes to decommission the secondary dwelling.
- 10.2 In the above cases, Council may review the matter and approve a removal order for the secondary dwellings (pursuant to the provisions of the *Local Government Act* and *Community Charter*).

- 10.3 In order for the District to consider the secondary dwelling decommissioned, the owner must remove cooking facilities including stove, ovens, exhaust fans, related wiring, ducts and piping, as well as one or more actions set out below, as required by the Building Inspector:
- 10.3.1 Removal of kitchen facilities including sink and plumbing, and cupboards.
  - 10.3.2 Removal of bathroom facilities including toilet, shower, bathtub, and sink.
  - 10.3.3 Removal of locking doors separating the suite from the main dwelling including hinges and frame.
  - 10.3.4 Registration of a covenant on title stating that the suite is not, nor will be, rented and all members of the main dwelling have access to, and control of, the suite.
- 10.4 A final Inspection will be required to confirm compliance and that the building consists of one dwelling unit and is intended to be used as a single dwelling.

## 11.0 **Enforcement**

- 11.1 Two different approaches are available for the enforcement of secondary dwellings:
- 11.1.1 **Reactive Approach** – This involves responding to public complaints, addressing major safety concerns, reviewing BC Assessment Roll notifications for properties with an actual use code of 32 – Residential Dwelling with Suite, and realtor inquiries for proof that a secondary dwelling is registered as part of their due diligence.
  - 11.1.2 **Proactive Approach** – This involves seeking out non-compliant secondary dwellings. This approach encourages compliance and places health and safety requirements first.
- 11.2 Staff will administer both reactive and proactive approaches with an emphasis on the reactive approach to conserve staffing resources. Suites identified by BC Assessment or inquiries will be added to an unregistered suite database and may be subject to enforcement action.

**END OF POLICY**