

## **Amendment to Zoning Bylaw 362, 2004 – Recommendations for Administration / Policy re Secondary Suites**

**Councillors J Ronsley and P Akerhielm, May 11, 2010**

### **1. Purpose**

On April 19<sup>th</sup>, we presented a report to Council with a discussion of administrative policy, once a Zoning amendment bylaw is passed to legalize secondary suites. We made some initial recommendations.

We are updating these now, based on input since April 19th, and feel we are closer to a set of final recommendations for Council on administrative policy elements.

### **2. Context**

This Council strongly supports the safe construction of suites as an affordable housing choice for residents, and one that can assist seniors, single people and young couples in finding accommodation in the Village. Suites also help keep up the Village volunteer base, by bringing new, younger people into the Village.

An amendment to the Zoning bylaw to legalize suites has been called for in two Village OCPs and is in our action plan for Greenhouse Gas reduction. Lions Bay is almost alone in the Lower Mainland (including small municipalities) in not having taken the legislative step to regulate the construction of suites. Suites are currently being built without any inspection by the Building Inspector, because they are not legalized within our current Zoning bylaw. This can lead to unsafe building practices, putting tenants at risk, and putting all residents of Lions Bay at risk of fire. Legislation to legalize suites is therefore being proceeded with, while taking residents' views into consideration in its implementation.

The current draft Zoning amendment bylaw is attached as Appendix A. It defines secondary suites, specifies that they may be built within single family residences, and lays down some regulations under which they may be constructed. Since the May 5 public meeting, a new clause has been added to the draft which would require the tenant parking space to be built so as not to require maneuvering vehicles when exiting the property. This clause appears in West Vancouver's bylaw. The need to move cars around on a long driveway is what creates a lot of on-street parking.

The Zoning amendment bylaw is fairly simple, resembling typical municipal legislation of this kind. To pass it accomplishes two essential things. It enables Lions Bay residents legally to construct or upgrade suites within their residences, which they cannot do now. And it lets them follow the legal building permitting process when doing so. It brings suites legally under the umbrella of our building permit process. Residents cannot follow our building permit process now when building

suites, because suites are illegal. **Thus, its main impact is to get new suites properly inspected for safe and healthy construction, when they are installed.**

Separate from this Zoning amendment bylaw is Council policy on how to apply or enforce the new regulations around Secondary Suites, which appear within the Zoning amendment bylaw. A municipality is not required to enforce all of its bylaw clauses to the letter. A Council can set its administrative policy in view of local priorities and resources. A Council can have a policy of letting existing illegal suites remain in existence, and it can differentially enforce certain regulations laid out in bylaw clauses.

### **3. Background**

On April 19<sup>th</sup>, we presented a report to Council with a discussion of administrative policy, once a Zoning amendment bylaw is passed to legalize secondary suites. We made some initial recommendations. Since the April 19<sup>th</sup> discussion at Council, we have done the following:

- Looked at incoming correspondence on the subject, from residents
- Done further research into which municipalities in the Lower Mainland have legalized secondary suites in their Zoning bylaw – see [Appendix B](#)
- Hosted a public meeting on May 5, attended by 20 residents. The issues and questions raised have been combined with those raised in the October, 2009 public meeting. They are shown in [Appendix C](#), along with information or responses to the issues. None of the issues should hold up passage of the Zoning amendment bylaw itself, for these reasons:
  - Arguments against legalizing suites at all are out of step with this Council’s thinking in regard to ensuring the safety of residents living in houses with suites, providing affordable housing, activating the GHG action plan and implementing the Village Official Community Plan, which calls for legalization of secondary suites.
  - The main administrative policy concern raised in two public meetings had to do with inspection and upgrades of existing suites. That will be addressed with our current recommendations.
- Held further discussions with staff including the Village Manager and Building Inspector, who have themselves done more research into the implications of inspections of existing suites
- Obtained feedback from our legal consultant on the draft bylaw to amend the Zoning bylaw

- Obtained initial feedback from informed citizens including members of the Board of Variance

#### **4. Updated Recommendations – How Zoning Regulations Would Apply to Suites**

The Council policy on how Zoning regulations would be applied with Secondary Suites can proceed along a separate path from the Zoning bylaw amendment itself, which requires a Public Hearing. For ease of understanding, in Appendix D is an overview of our recommendations for Council policy on how the suite regulations in the Zoning amendment bylaw should be differentially applied to existing suites versus new suites. A Council policy along these lines would be separately passed from the Zoning bylaw itself, and approved by Council at the same time as the Zoning bylaw amendment is passed. Council should continue to take input on these policy recommendations, and the May 29 public meeting should allow fulsome discussion of them.

##### a) Inspections and Upgrades

A clause in the Zoning Amendment bylaw requires secondary suites to comply with the BC Building Code. Our updated recommendation is that Council policy not require applying this clause to existing suites. As well, no basic life safety hazard inspection would be carried out of existing suites, when the Zoning bylaw went through. This Council policy would have the effect of removing any requirement for existing suites to be upgraded, which is reflective of the input from residents who attended the May 5<sup>th</sup> meeting. Many felt that these measures might lead to closures of suites and loss of affordable housing. Input from Village staff is also reflected in this recommendation.

##### b) Suites Registry and Suite Surcharges

###### i) Description of the New System

A clause in the Zoning amendment bylaw calls upon landlords to register their suites with the Village. A registry – which really amounts to a list – of suites in the Village would be maintained by the Village Office. After passage of the Zoning amendment bylaw, landlords would be called upon to notify the Village of the presence of a suite in their residence. They would be given until November 30 or December 31 to do this. In 2011 and thereafter, if there were a report or a complaint to the Village of a suite at a residence, and it was not listed, the landlord would be contacted and could be fined and/or told to register it.

Suites would be listed according to whether they are legal or illegal. Legal suites would have been constructed or upgraded through our building permit process, so as to fully comply with the BC Building Code. Existing suites, constructed earlier and not upgraded, would continue to be illegal. They do not comply with our amended Zoning bylaw, which calls for full compliance with the BC Building Code and our building permit process.

ii) Suites Surcharge

A surcharge is not referred to in the Zoning amendment bylaw, but would become part of Council policy. The surcharge would be placed on residences which contain a Secondary Suite. This would reflect the Official Community Plan, which calls for landlords to make a “fair contribution” to the cost of Village services. All landlords would be required to pay the surcharge, whether their suite were legal or illegal. This is a standard approach in municipalities.

The two Councillors putting forward the recommendations favour the principle used by Coquitlam, which has landlords pay a higher surcharge on an illegal suite than on a legal suite. Over time, this provides an incentive for landlords to upgrade illegal suites. More public input can be sought on this.

Our current recommendation is that the Suites Surcharge be placed on the water, garbage and recycling rates. In this way, the charge becomes part of the normal bylaw passed in February, for these rates. Council has until next February to set these utility rates, but we would propose that public input be sought on them up to and including June 30, when a Public Hearing would be held on the main Zoning bylaw amendment.

We recommend a surcharge on water, garbage and recycling for residents with a legal suite of 50%, which would currently amount to about \$400. That amounts to about \$33 a month. The average homeowner in Lions Bay paid \$4,321 in taxes and utilities in 2009, and the \$400 charge would amount to an extra 9% of this. Most reasonable residents would see an extra 9% in overall taxes and rates paid as a “fair contribution” by the landlord, given that income is being made from the suite, and tenants do use the full range of Village services.

c) Exemptions from Suite Surcharges

At the May 5 meeting, it was suggested that a suite surcharge be applied only if there is rental income coming to the landlord from the suite. Residents have offered thoughtful views such as *"...it is important to differentiate between suites that are rented out to the community on the one hand, and families that simply live together on the other hand. As social research tells us, the definition of "family" has changed remarkably over the past generation or two. Whereas a family used to mean "Mom, Dad and the Kids", there are now a great many iterations of what constitutes a family. Our family falls into this non-traditional category, and we are concerned that we may be swept up into new legislation that is actually intended to capture rental accommodation."*

Nanny suites were also mentioned as an instance where a homeowner should not pay a suite surcharge, because no rental income is being made. Some residents may have other kinds of home helpers residing in suites.

Some municipalities also allow a statutory declaration annually by landlords, if a suite is empty and not being rented out.

The two Councillors putting forward the bylaw amendment continue to recommend not allowing an exemption for relatives in suites, for two reasons. First, the OCP speaks not of rental income, but of addressing the effect of additional demand on Village services. Adults, including parents, adult children and others, in a suite create as much extra demand for Village services as do tenants in general. Second, every administrative process e.g. to exempt people from surcharges creates new demands on staff, a potential requirement for enforcement, a need to check information and to follow up on complaints. The Village has scarce resources. It is difficult and time-demanding to verify claims of relationship, or claims that no rental income is being received.

We do recommend that if a suite is not being rented out, the landlord be allowed to sign a yearly statutory declaration to that effect, to be exempted from the surcharge. No impact is created upon demand for Village services if a suite is not rented out.

d) Non-resident Landlords

Our OCP is specific that a secondary suite is only to be allowed if the landlord is resident in the house, and a clause in the Zoning amendment bylaw specifies this as well. The purpose is to make sure the landlord is motivated to construct and maintain the rental residence well, and can readily be held accountable for the actions of tenants. Our neighboring municipalities of North Vancouver and West Vancouver both have this requirement in their secondary suites legislation.

Here are some particular cases that members of Council have already noted, in Lions Bay:

1. All parts of a house are rented out by a non-resident landlord.
2. A landlord lives part-time in a warmer climate, leaving the house and the suite both rented during his/her absence.
3. A landlord is elsewhere for an extended assignment (e.g. two years abroad), and has rented – or wants to rent - both parts of the house, to cover the living costs elsewhere.

As Council policy when applying this regulation, we continue to recommend that in situation #1 above, landlords be given a year in which to come into compliance. Other municipalities, in putting in suites legislation, generally gave landlords a year in which to comply with this requirement. In the “warmer climate” situation, we recommend that landlords be told to rent only the main part of the house, and not the suite as well. In the “extended assignment” situation, we recommend landlords be asked to provide proof to the Village office that their residency elsewhere will be of limited duration, to be exempted from the residency requirement.

Appendix AZoning Bylaw No. 362, 2004Draft Amendment Bylaw No. \_\_\_\_, 2010

The Council of the Village of Lions Bay enacts as follows:

Part 1 Citation

1.1 This bylaw may be cited as Zoning Bylaw No. 362, 2004 amendment Bylaw No. \_\_\_\_, 2010, Secondary Suites.

Part 2 Amends the Zoning Bylaw Definitions

Zoning Bylaw No 362, 2004 is hereby amended as follows:

In this bylaw:

2.1 Zoning bylaw No 362, 2004, Part II, Interpretation, section 2 is amended adding, in alphabetical order, the following definitions:

Cooking Facilities means equipment, devices or appliances that can be used to prepare a meal within a dwelling and includes a sink, counter-top, gas or electric range or stove, counter-top cooking unit, hot plate, wall oven, microwave oven, convection oven, toaster oven, electric frying pan, electric wok, pressure cooker, crock pot, cabinetry for the storage of food or any other such culinary facility or appliance or any combination of such culinary facilities and appliances, and includes the arrangement of service lines which provide the energy source being used or intended to be used to service such facilities and appliances.

Enforcement Officer means the Village Building Inspector, as well as every person designated by Council by name of office or otherwise as a bylaw enforcement officer for the Village of Lions Bay.

Kitchen means a room for the preparation, cooking or eating of food and containing Cooking Facilities.

Principal Dwelling Unit is a Dwelling designed to be used as the Principal Place of Residence for a family.

Principal Place of Residence means the residence against which the owner claims or could claim a BC Home Owner grant for the current year.

Secondary Suite means a Dwelling unit accessory to a Single Family Dwelling use, contained within the principal building.

Single Family Dwelling means a building designed for use exclusively as a Principal Dwelling Unit.

3.1 Zoning Bylaw 362, 2004 Section 3 is amended by deleting the words “The Administrator, being an officer, and the Building Inspector, being authorized to act in the place of the Administrator for the purposes of this section, are authorized” and substituting for them the words “Enforcement officers are authorized”.

4.1 Zoning Bylaw 362, 2004 Section 20 is amended by adding as item “c) A Secondary Suite is deemed to be a portion of the Principal Building.”

5.1 Zoning Bylaw 362, 2004 Section 26 Parking, Table 1, Column II is amended by deleting the words “2 for each dwelling”) for the number of parking spaces required for each Single Family Dwelling per parcel, and replacing them with “2 for each Single Family Dwelling without a Secondary Suite and 3 for each Single Family Dwelling with a Secondary Suite”.

6.1 Zoning Bylaw 362, 2004 Section 32 a) is amended by adding as item iv) “one secondary suite”.

6.2 Zoning Bylaw 362, 2004 Section 32 b) is amended by adding a new sub-section xi) as follows:

xi) A Secondary Suite must meet the following requirements:

- (1) A maximum of one such use is permitted per parcel;
- (2) The Secondary Suite must not be detached from the principal building;
- (3) The Secondary Suite must occupy a maximum floor area of either 90 square meters (968 square feet) or 40% of the total floor area of the building, excluding garage space, whichever is less;
- (4) The registered owner of the parcel must occupy, as their principal place of residence, either the Principal Dwelling Unit or the Secondary Suite;
- (5) The Secondary Suite must comply fully with the requirements of the BC Building Code;
- (6) The Secondary Suite must be inspected and approved for compliance with all requirements by way of a building permit application, and recorded in a Secondary Suites registry maintained by the municipality of the Village of Lions Bay;

- (7) Where a Dwelling has a septic system or field, extra demand on that system or field from the Secondary Suite must not cause its capacity to be exceeded;
- (8) The principal entrance to a Secondary Suite must be a separate exterior entrance from that of the Principal Dwelling Unit;
- (9) The Secondary Suite must not be subdivided from the Principal Dwelling Unit under the Land Title Act or the Strata Property Act;
- (10) Water service and electrical service for the Secondary Suite and the Principal Dwelling Unit must not be metered separately;
- (11) The additional vehicle parking space for the Secondary Suite must be located so that any vehicle parked there may exit the parcel without the need to manoeuvre other vehicles.

APPENDIX B**Sample of Municipalities around the Lower Mainland, Legalization of Suites**

Pemberton	Suites are legalized and regulated in the zoning bylaw. All homeowners are charged extra utility fees for suites, then obtain a discount if they sign a declaration annually that they <i>don't</i> have a suite.
Whistler	Legalized in zoning bylaw. Defines suites as auxiliary residential dwelling units, allows them in main building as well as an auxiliary building
Squamish	Legalized in zoning bylaw. Only allows them in areas which are sewered.
Lions Bay	Not legalized in zoning bylaw, which has no definition of a suite and no regulations regarding suites. The bylaw specifies that any use other than what is identified in the bylaw is illegal. Hence, all suites currently existing are illegal.
West Vancouver	Recently legalized in zoning bylaw.
North Vancouver	Legalized in zoning bylaw. <a href="http://www.cnv.org/c//DATA/1/84/ZONING%20BYLAW%206700,1995.PDF">http://www.cnv.org/c//DATA/1/84/ZONING%20BYLAW%206700,1995.PDF</a>
District of North Vancouver	Legalized in zoning bylaw <a href="http://www.dnv.org/upload/documents/Bylaws/3210.htm">http://www.dnv.org/upload/documents/Bylaws/3210.htm</a>
Burnaby	Legalizes in-law suites only, and requires closing them when the house is sold - information from our Building Inspector
Vancouver	Legalizes suites

Coquitlam	Legalizes suites. <a href="http://www.coquitlam.ca/NR/rdonlyres/003E50D0-BFB2-43CE-A171-B9CDOC202829/101385/TableofContents1.pdf">http://www.coquitlam.ca/NR/rdonlyres/003E50D0-BFB2-43CE-A171-B9CDOC202829/101385/TableofContents1.pdf</a> and search for “suite”
Maple Ridge	Legalizes suites <a href="http://www.mapleridge.ca/assets/Default/Mayor~and~Council/pdfs/Bylaws~and~Regulations/bylaw_3510-1985.pdf">http://www.mapleridge.ca/assets/Default/Mayor~and~Council/pdfs/Bylaws~and~Regulations/bylaw_3510-1985.pdf</a>
New Westminster	Legalizes suites <a href="http://www.newwestcity.ca/database/rte/100%20Introduction.pdf">http://www.newwestcity.ca/database/rte/100%20Introduction.pdf</a>
Richmond	Legalizes suites <a href="http://www.richmond.ca/__shared/assets/SpecificUseRegs24224.pdf">http://www.richmond.ca/__shared/assets/SpecificUseRegs24224.pdf</a>
Surrey	Legalizes secondary suites. Has a whole zoning type for houses with residential secondary suites. <a href="http://www.surrey.ca/NR/rdonlyres/A31F972A-C365-4A4A-AF8F-FB0384128E77/0/Zoning.pdf">http://www.surrey.ca/NR/rdonlyres/A31F972A-C365-4A4A-AF8F-FB0384128E77/0/Zoning.pdf</a>
Langley	In effect legalizes secondary suites. Defines a dwelling unit and then says that there can be two in a residence.
Delta	Zoning bylaw 2750 does not legalize secondary suites. It allows a maximum of two boarders in a family home
Anmore	Website doesn't allow access to the zoning bylaw but the BC Government report says that Anmore allows secondary suites in detached homes, including units in accessory (detached) buildings. Anmore allows up to one suite per lot.
Belcarra	Legalizes suites <a href="http://www.belcarra.ca/bylaws/vob-bylaw-253_zoning-bylaw.pdf">http://www.belcarra.ca/bylaws/vob-bylaw-253_zoning-bylaw.pdf</a>

APPENDIX C

<b><i>Issue</i></b>	<b><i>Information/Response</i></b>
Council has made up its mind to legalize suites and will not listen to those who do not want them legalized at all	Legislation to legalize suites is being proceeded with, while taking residents' views into consideration in its implementation. Lions Bay is almost alone in the Lower Mainland (including small municipalities) in not having taken the legislative step to regulate the construction of suites. Suites are currently being built without any inspection by the Building Inspector, because they are not legalized within our current Zoning bylaw. This can lead to unsafe building practices, putting tenants at risk, and all residents of Lions Bay at risk of fire. An amendment to the Zoning bylaw has been called for in two Village OCPs and is in our action plan for Greenhouse Gas reduction. This Council strongly supports the safe construction of suites as an affordable housing choice for residents, and one that can assist seniors, single people and young couples in finding accommodation in the Village. Suites also help keep up the Village volunteer base, by bringing new, younger people into the Village.
Council should take its time and make sure to "gets it right"	Research has been undertaken since mid-2009 and the first public meeting on Secondary Suites was held in October, 2009, with seventeen residents attending. Another meeting was held on May 5, 2010 with 20 residents attending. An additional public meeting is booked for Saturday May 29, 2010 at 10:00 AM. Comprehensive reports and presentations are on the Village website. Lions Bay's proposed zoning amendment is essentially identical to what other municipalities have, all around us. And Council is listening now, to residents' input.
Legalizing suites is intended to open up the village to other zoning that will densify the village e.g. by condominiums or duplexes	Every change in zoning requires a complete public process. Council is handling secondary suite legalization as a separate process, with a specific Zoning bylaw amendment. Those who are concerned may bring their concerns to the Mayor or any Council member. Meanwhile, there are no hidden agendas. Members of Council are not planning to change zoning in favour of condominiums or duplexes.
Legalizing suites will create a village full of suites	Suites exist all over the village regardless of legislation, and more will be built regardless of whether we legalize them or not. What Lions Bay needs, going forward, is basic legislation that will help us ensure safe construction as suites are built.

<b><i>Issue</i></b>	<b><i>Information/Response</i></b>
There will be an increase in taxes due to the cost of inspection of existing suites	An inspection of existing suites is not a current recommendation, having discussed the issues around inspection of existing suites with Village staff, the Building Inspector and our legal consultant, as well as having heard from residents.
Rents will rise because of requirements for upgrades in suites	The current recommendation is for not inspecting existing suites, and not requiring upgrades in them. Building new suites correctly is quite cost-efficient and should not mean excessive rents. We will be doing a lot of communicating around why landlords should upgrade their existing suites, however.
This initiative arises from a place of controlling people.	Council is proceeding with legalization of suites, only for a number of sound reasons which are explained above.
Village values are against having neighbors police each other. We shouldn't encourage neighbors to report who has a secondary suite in their house.	The Village will create its own registry of homes with secondary suites. The Village will not elicit people to police each other or report landlords. After the deadline for voluntary registration, upon reporting or complaint of a suite, the Village will contact the landlord and impose a fine and/or require that the suite be registered.
Second kitchens are not a good definition of what constitutes a suite, since a single house or a day care may have a second kitchen	Second kitchens will not be taken alone to mean that a resident has a suite in their home. The proposed bylaw amendment defines a suite as a "dwelling unit". The main bylaw (existing now) defines a dwelling as "a self-contained set of habitable rooms containing not more than one set of cooking facilities and located in a building. " So in plain words, while a suite is defined as including a kitchen, nothing says that a second kitchen in itself means you have a suite.
Owners should only pay a surcharge for a suite if they are receiving income from it. If it is not rented or contains relatives who are not paying rent, no surcharge or a reduced surcharge should be payable.	Some municipalities allow a statutory declaration annually by landlords, in these cases, and allow an exemption from a surcharge. The two Councillors putting forward the bylaw amendment have recommended not allowing an exemption, for two reasons. One is that adult relatives, including parents and adult children, or other adults, in a suite create as much extra demand for Village services as do tenants in general. The other is that every administrative process e.g. to exempt people creates new demands on staff, and the Village has scarce resources. It is difficult and time-demanding to verify claims of relationship or claims that no rental income is being received. However, the current recommendation is to allow suites that are not being rented out to be exempt from the surcharge.
There are hotel businesses advertising on the internet in Lions Bay and no enforcement	Council is aware of this issue, and it will be dealt with through other legislative means.

is happening. Fix them first	
<b><i>Issue</i></b>	<b><i>Information/Response</i></b>
Secondary suites have not been defined in our Zoning or Building bylaw in terms of height, egress, etc	The standards do not have to be defined in the Zoning or Building bylaw. Standards for secondary suites are laid out in the BC Building Code, including somewhat relaxed standards for suites in existing homes.
Registration of secondary suites is dependent on landlords' coming forward	Most landlords in Lions Bay are honest and law-abiding, and will register their suites.
Landlords of secondary suites should be charged extra on their water and garbage rates, as is done in Vancouver and elsewhere	The current recommendation is for such a surcharge on utility rates. Suites are an extra dwelling inside a house, housing an extra family. Suites do increase the number of people living in the Village, and the demand on Village services. Our current services are assessed on the number of dwellings, regardless of the number of people living in them – so a single homeowner pays the same as a large family. A surcharge on homes with suites is now common in municipalities.
Suite owners should not pay extra for water and garbage. Garbage and water should be user pay.	A surcharge on water and garbage is the most common way for municipalities to approach a surcharge on suites. User pay for water would require metering, which is extremely expensive.
The revenues from the suites surcharge will not cover the cost of the extra administration.	The surcharge would be set so that it does cover the cost of administration. Currently, a modest budget for some legal and student help is all that is foreseen.
Enforcement of the suites bylaw would take hordes of staff	The work would occur as part of staff's regular jobs. There is already a process in the Village whereby the Building Inspector looks after new construction, office staff administer charges for Village services, and our bylaw officers do occasional enforcement. Some minor additional staff hours might be needed for coaching landlords on the bylaw.
Rents will rise because of requirements for upgrades in suites	Building new suites correctly is quite cost-efficient. Requiring full upgrades to existing suites is not a current recommendation.
The requirements of the legislation should only be imposed for new construction; existing suites should be grandfathered	This is the current recommendation, though all owners of suites would be required to pay an annual fee since all tenants use municipal services of one kind or another.
The community is not involving itself in the decision and should be. Council should consider a referendum	Council is elected to make decisions such as this, and there is a process to amend the Zoning bylaw, which involves a Public Hearing. Community members were fully involved in creating the last two Official Community Plans, which call for action in regard to legalizing secondary suites.

<b>Issue</b>	<b>Information/Response</b>
Legislation should only address areas where complaints are arising.	Parking by tenants has been a longstanding complaint in Lions Bay. More suites are being built constantly – and illegally. Unless suites are legalized and new on-site parking is a requirement, the Village has little hope of ensuring that additional parking off street is created when a suite is built.
People who want to put in suites illegally will wire the area for e.g. a kitchen and get an Occupancy Permit from the Building Inspector, and only then install the suite afterwards so the Village won't know about it	The Village's Building Inspector has considerable experience and can be relied upon to manage the building process.
People who install suites can't get an Occupancy Permit until they take the suite out, so the Building Inspector can look at it.	The Village proposes to legalize suites. An Occupancy Permit would thus be granted for a residence with a suite, if were properly built. The Village Building Inspector would call for the right inspections, as a suite is constructed and installed. No-one who is following proper procedures would have to take out a suite that is already installed.
Legislation is not necessary. There is no problem with secondary suites in the Village. Owners are respectful and there are few parking problems.	Legislation is necessary. Council is strongly in favour of having suites present, and it is important to have new suites constructed well, in future, with legal building permits. Parking by tenants is a longstanding issue. Safety in construction, and additional requirements for tenant parking, must be addressed. And the burden on municipal services should be fairly distributed.
Some big families in a single family home exceed the number of people in a residence that has a suite. So why impose a suite surcharge?	Looked at overall, a surcharge on suites makes sense. Suites are an extra dwelling inside a house, housing an extra family. In the larger picture, suites do increase the number of people living in the Village, and hence the demand on Village services. Our tax and rate system is not based on how many people are in any particular dwelling. A single homeowner already pays the same as a large family.
If you legalize suites, you will change Lions Bay by bringing in large numbers of people and cars	It is estimated that over 100 suites now exist in Lions Bay and more are being built now illegally at any rate, as they are all over Canada. Council strongly favours legalizing them, for a number of good reasons around housing choice, affordability, and keeping up the Village volunteer base. Legalization also offers some hope of regulating for safe construction and addressing tenant parking, a main area of complaint.
The proposed regulations would require residents to pull out their existing septic systems.	There is not a current recommendation for Council policy

<b><i>Issue</i></b>	<b><i>Information/Response</i></b>
There should not be a requirement for the landlord to live in the home where the suite is	Having the landlord live in the house increases the likelihood of safe construction of the suite, good maintenance and responsible tenant behavior. It has been called for in two Official Community Plans, and exists in the legislation of both North Vancouver and West Vancouver.
First time home owners need suites as mortgage helpers	Council supports legalizing suites, partly for this reason.
Existing landlords should be allowed to ask for an inspection if they want, but not have it forced on them	Inspection of existing suites is not a current recommendation
There might be liability for the Village if it knowingly overlooks unsafe situations in regard to suites. Has research been done	Council has obtained legal advice in this area
Are the Building Inspector and Fire Chief in favour of this legislation	Both are strongly in favour
The village is doing this to increase revenue	This Council has kept overall tax and utility rate increases at very modest levels. Two OCPs have called for a “fair contribution to the cost of services” by landlords. A modest increase in what landlords pay will help counter-balance what non-landlords and non-suite owners might have to pay, in tax and rate increases.
The village is saying that a suites registry could help the Fire Chief know which houses have tenants to evacuate, in an emergency. This sort of list could be created in other ways e.g. a survey.	A recent emergency preparedness survey in the village asked which residences had suites, but brought in very few responses, as surveys tend to, in Lions Bay. A suites registry would assist the Fire Chief.
You can rent out your whole house and don't have to live in it but the Village is proposing that if you have a suite you can't rent out both parts of your house. How does this make sense?	The reason for having a landlord be resident is described above. When absent, a landlord can rent out the entire house to one set of tenants. That is the current situation, and it would continue. The house could not be rented out to two sets of tenants, however.
Council should know how many suites there are in the Village before it proceeds to legalize them	This data is what the suites registry would provide. Precise data is not available otherwise, though we estimate there are presently between 100 and 125 residential suites in the Village.

<b><i>Issue</i></b>	<b><i>Information/Response</i></b>
Will this legalize coach-houses in the garden and infill housing	In this Zoning amendment, secondary suites will need to be inside the principal residence. Some other municipalities such as Vancouver are going much further, e.g. coach and lane houses. To do so is not in our Official Community Plan and not on this Council's policy agenda. There is enough catch-up to do merely to legalize secondary suites. Nor are there plans in this area, which would be an entirely separate issue, for the future.
We are only a little village and do not need this legislation, which pertains only to big cities	Little villages also have this need, for some of the same reasons as cities and for different ones. Among others, communities, particularly those surrounded by trees, need to ensure that suites are built are built with proper electrical wiring, and that e.g. wood stoves are not improperly installed in illegal suites. That will not occur unless our Building Inspector gets to inspect suites while they are built – which he does not, at present. Other reasons have been denoted above. Locally, Anmore, Belcarra, Pemberton and Whistler (all small municipalities) all have legalized secondary suites for the same reason that Lions Bay is seeking to. Council is adapting the general municipal approach on secondary suites for Lions Bay's needs and preferences.
Be clear on whether you are promoting suites or trying to legislate them out of the Village. Large surcharges and strict parking requirements could discourage people having suites.	This is neither an attempt to promote suites nor an effort to legislate them out of the Village. Council is strongly in favour of having suites in the Village, but is also reflecting the OCP and the desires of many residents in seeking to achieve a fair balance. A fair contribution to the cost of Village services, and methods to help mitigate tenant parking, are important to residents of Lions Bay.
My landlord neighbor lives on the premises but the house is still disastrous for the neighborhood	There are other bylaws e.g. noise, parking, Good Neighbor, to deal with issues around rentals. We make no claim that legalizing suites will solve all problems related to landlords and tenants, in the Village.
The registry of suites will make it possible for tax authorities to find people of low income or on social assistance who have a suite. It will drive them out of the Village.	There is no requirement for the Village to make the list of landlords available to other levels of government. In any case, the municipality cannot take the responsibility of helping residents to avoid taxes due to other levels of government. If it would help landlords, it may be possible for the Village to arrange an education session on what expenses can be deducted from rental income, when operating a rental suite, in order to minimize taxes paid.
Can a suite be used as a bed and breakfast	This is a question of a home-based business, and it is not being addressed in this Zoning bylaw amendment
Septic systems are being overtaxed by additions of suites to residences. The Village needs to address this.	Septic requirements around suites are addressed by a clause in the Zoning bylaw amendment. The current recommendation is not to enforce this in the case of existing suites, however

<b><i>Issue</i></b>	<b><i>Information/Response</i></b>
Are suites being defined by the size of electrical service e.g. 220 versus 110 volt	There will be no reference to this in the proposed Zoning amendment bylaw

## Appendix D

<b>Regulations in Zoning Amendment Bylaw, Regarding Secondary Suites</b>	<b>Council Policy: Does it apply to existing suites</b>	<b>Council Policy: Does it apply to new suites being built in existing residences</b>	<b>Council Policy: Does it apply to new suites being built in new residences</b>
A maximum of one suite per parcel (lot)	If more than one suite - would require closing all but one. Enforce upon complaint only	Yes	Yes
Not detached from principal building	If a suite is detached, suite should be closed – OCP does not authorize in-fill or carriage homes. Enforce upon complaint only	Yes	Yes
Maximum area 90 square meters	A suite larger than 90 sq metres may continue but not be enlarged further	Yes	Yes
Owner must reside on premises	Yes	Yes	Yes
Suite must fully comply with BC Building Code	No	Yes- see note below this table	Yes
Suite must be inspected as per building permit process	No	Yes	Yes
Suite must be registered with Village	Yes	Yes	Yes
Septic outflow must not exceed capacity of septic system	No requirement to upgrade	Yes	Yes

Principal entrance a separate exterior entrance	No	Yes	Yes
No subdivision of unit into e.g. strata, duplex	Yes	Yes	Yes
Water and electrical not metered separately	Existing wiring, if separate, will not require re-metering	Yes	Yes
Tenant parking so as not to require maneuvering vehicles while exiting	No	Yes	Yes

*Note: The BC Building Code recognizes that new suites in existing buildings cannot meet the same standards for height and other measures as new suites in brand new buildings.*