



City of Langley

CITY OF
LANGLEY



Secondary Suites Study

FINAL REPORT



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EXECUTIVE SUMMARY

In April 2006, the City of Langley retained Urban Systems Ltd. to conduct a Secondary Suites Study to provide the City with optional strategies, including a preferred option, for the legalization of secondary suites in single family dwellings in the City of Langley. In order to ensure public safety, taxpayer equity, the preservation of existing single family neighbourhoods, and other objectives, the City also asked Urban Systems to investigate the placement of certain conditions on the legalization of secondary suites. As such, the Secondary Suites Study has examined a variety of possible conditions (e.g., parking requirements, safety requirements, maximum unit size restrictions, etc.) that the City could place on the legalization of secondary suites. This report provides an overview of the Secondary Suites Study, including:

- ***Public Consultation Process***

Policy options for the legalization of secondary suites have been developed based on input received from the public, direction provided by City Council and staff, and secondary suites policies in other jurisdictions. To begin the Secondary Suites Study process, Urban Systems conducted background research regarding secondary suites policies in other municipalities in the Greater Vancouver region. Urban Systems subsequently held two Public Information Meetings in May and June, 2006 at Rose Gellert Hall. These meetings were informal open house events, with City staff and Urban Systems staff on hand to answer questions and to provide general information on secondary suites. At each meeting, residents were asked to complete a survey to identify any issues or concerns they had regarding the possible legalization of secondary suites and to identify possible conditions that could be attached to the legalization of secondary suites. City residents were also invited to submit written feedback in addition to the surveys.

- ***Secondary Suites in the City of Langley***

The City's *Zoning Bylaw, 1996, No. 2100* currently prohibits secondary suites in all zones. However, the City's *Official Community Plan Bylaw, 2005, No. 2600* supports investigating the merits of allowing secondary suites. It is estimated that there are approximately 400 secondary suites located in the City. There is strong community support for the legalization of secondary suites, as the *2004 Community Survey*, conducted by Ipsos-Reid Corporation, found that 81% of survey respondents were in favour of legalizing secondary suites. In addition, support for the legalization of secondary suites was found to be high (at least 75%) among all demographic groups surveyed, including homeowners, respondents aged 35 and over, higher income households, and residents with some post-secondary education.



- ***Secondary Suites in Other Jurisdictions***

Over the past several years, there has been a general trend towards legalizing secondary suites throughout British Columbia and the Lower Mainland. Throughout British Columbia, approximately half of the province's 157 municipalities permit secondary suites. The figure is significantly higher in Greater Vancouver and the Fraser Valley, where all but five of the 27 municipalities in these regions permit secondary suites. However, the specific policies associated with the legalization of secondary suites are different in each municipality. No specific set of policies will work for every community. Most municipalities tend to place a number of common conditions on the legalization of secondary suites, including additional parking requirements, provisions that secondary suites must meet the BC Building Code requirements, a maximum of one unit per lot, and additional charges for municipal services (in cases where services are not administered on a user pay basis). There are also a number of other conditions that many municipalities have considered as part of the legalization process, such as owner occupancy, minimum unit size requirements, registration/ licensing fees, and covenants or signed agreements to ensure compliance with bylaws and regulations.

- ***Legislation and Court Rulings***

All buildings in British Columbia are subject to the BC Building Code, which sets out minimum provisions for public health, fire protection, and structural sufficiency. The BC Building Code identifies a number of requirements for secondary suites, including:

- The area of the Secondary Suite cannot exceed 40% of the total living area of the building;
- The area of the Secondary Suite cannot exceed 90 m² (969 sq. ft.) of finished living area;
- Only one secondary suite permitted per building; and
- Ceiling heights must be at least 2 metres (6 ft. 7 in.).

In addition, some municipalities have placed occupancy restrictions on houses with secondary suites, such as a requirement that the owner of the lot must occupy one of the units ("owner occupancy") or a requirement that the secondary suite can only be occupied by a family member ("in-law suites").

- ***Policy Options***

Policy options for the legalization of secondary suites have been developed based on input received during the public consultation process, direction provided by City Council and staff, and secondary suites policies in other jurisdictions. At the first Public Information Meeting, which was held on May 16, 2006, residents were invited to complete an Issues Survey to identify any issues or concerns they had regarding the legalization of secondary suites, and to identify possible solutions to these issues. The second Public Information Meeting was held on June 6, 2006 and was intended to summarize the input received during the first



Public Information Meeting and to identify possible conditions that could be attached to the legalization of secondary suites. At this meeting, residents were invited to complete a Conditions Survey to identify which of the following conditions (if any) they felt should be attached to the legalization of secondary suites:

- Homeowner must occupy one of the suites;
- Additional off-street parking requirement;
- Minimum unit size requirement;
- Restriction to certain residential zones;
- Business license requirement;
- Charge for additional municipal services;
- Limit of one suite per residential lot;
- Registration and initial inspection requirement;
- Annual inspection requirement; and
- Registration incentives (ie reduced initial inspection fee for existing suites).

Residents were also invited to provide written feedback. Urban Systems staff met with Langley City Council and City staff on June 19, 2006 and September 11, 2006 to discuss input received from the public and to receive direction from Council regarding policy options for the possible legalization of secondary suites.

- ***Optional Strategies***

Two optional strategies have been developed based on input received from the public, direction from Council and staff, and secondary suites policies in other jurisdictions.

- **Option 1: Status Quo.** In this option, secondary suites would remain a prohibited use in all single family zones in the City of Langley. The City would continue to respond to written complaints on a case-by-case basis. If an inspection reveals the presence of a suite, the owner would be ordered to remove the suite.
- **Option 2: Legalization.** This option recommends that secondary suites be legalized in all single family zones in the City of Langley with certain conditions attached. This option closely reflects input received from the public as well as direction from Council and staff.

- ***Recommendations***

Based on the feedback from the public, direction from Council and staff, and secondary suites policies in other jurisdictions, Option 2 (legalization) is recommended as the preferred option for the City of Langley with respect to secondary suites policy. As such, **it is recommended that secondary suites be a permitted use in all single family residential zones.** The legalization of secondary suites will require an amendment to the City's Zoning Bylaw, which under existing legislation will require a formal public hearing



process. It is further recommended that the following conditions be attached to the legalization of secondary suites:

Zoning

- Permitted in principal buildings only;
- Maximum of two (2) residential units per lot;
- Provision of one (1) additional off-street parking space;
- Maximum unit size of 90 m² (969 sq. ft.);
- Owner occupancy requirement; and
- Home occupations permitted except child care centres.

Building Regulation

- Must meet requirements of the BC Building Code.

Taxes & Utilities

- No additional utility charges; and
- BC Assessment notification.

Licensing/Permitting

- Secondary suites must be inspected;
- Secondary suites that meet inspection requirements must be registered with the City; and
- No business license requirement.

Enforcement

- Develop incentive strategy to encourage legalization;
- Reactive enforcement during transition period;
- Proactive enforcement after first year; and
- Illegal secondary suites required to be legalized or removed after transition period.

- ***Implementation Strategy***

If Council decides to move forward with the recommendations outlined in the Secondary Suites Study, it is recommended that the City consider the following implementation measures:

- **Amend Zoning Bylaw** to permit secondary suites in the RS-1 Single Family Residential Zone and the RS-2 Estate Residential Zone, and to place conditions of use on secondary suites, including minimum parking requirements;
- **Incorporate an application process for legalizing secondary suites**, by requiring completion of the City of Langley's *Building Permit Application* form;



- **Create a secondary suites registry** and an inspection protocol to ensure that all legalized suites meet the requirements of the BC Building Code, the City's Zoning Bylaw, and other relevant City policies;
- **Develop an incentive strategy** to encourage existing illegal secondary suites to legalize by waiving building permit fees for the first year of legalization (i.e. 2007); and
- **Engage in a Public Awareness Campaign** to explain, in clear terms, how residents can legalize secondary suites, and what a legalized secondary suite will look like in the City of Langley.



1.0 INTRODUCTION

1.1 Secondary Suites Study Overview

In March 2006, the City of Langley issued a Request for Proposals to complete a Secondary Suites Study (see *Appendix A*). The Request for Proposals stated that the objective of the Secondary Suites Study was to present City Council with optional strategies, including a preferred option, for the legalization of secondary suites in single family dwellings in the City of Langley. The options for the legalization of secondary suites were to be developed following a comprehensive public consultation process and were intended to address the following criteria:

- **Zoning**, including the location of secondary suites within buildings, off-street parking requirements, minimum and maximum unit sizes, owner occupancy requirements, requirements that the suite be occupied by a family member, and home occupations.
- **Building regulation**, including building code standards, fire code/sprinklering requirements, Building Permit application requirements, and inspection requirements.
- **Taxes and utilities**, including tax assessment and revenue implications, water and sewer charges, and garbage removal and recycling.
- **Licensing/Permitting**, including the requirement for a business license and any other permits as well as the requirement for annual inspection.
- **Enforcement**, including actions on existing illegal suites and whether this enforcement should be conducted on a proactive or reactive basis.

In April 2006, the City retained Urban Systems Ltd. to prepare the Secondary Suites Study.

Although secondary suites are not currently permitted in the City of Langley, it is estimated that there are approximately 400 secondary suites located in the City. There is also strong community support for the legalization of secondary suites, as the *2004 Community Survey*, conducted by Ipsos-Reid Corporation, found that 81% of survey respondents were in favour of legalizing secondary suites.

In order to ensure public safety, taxpayer equity, the preservation of existing single family neighbourhoods, and other objectives, the City also asked Urban Systems to investigate the placement of certain conditions on the legalization of secondary suites. As such, the Secondary Suites Study has examined a variety of possible conditions (e.g., parking requirements, safety requirements, maximum unit size restrictions, etc.) that the City could place on the legalization of secondary suites.



1.2 Roles and Responsibilities of Urban Systems

The primary role of Urban Systems in preparing the Secondary Suites Study was to serve as an objective third party and to not promote any particular position with respect to the legalization of secondary suites. The recommendations in this report are based on input from the public, direction from City Council and City staff, and our experience with secondary suites policies in other jurisdictions. Urban Systems' responsibilities included running the public consultation process, identifying issues and possible conditions, and providing recommendations to City Council. The City of Langley was responsible for advertising the public information meetings, reserving the facilities for the public consultation process, posting updated information on its website, and distributing feedback from the public to Urban Systems.

1.3 Structure of the Report

This report provides an overview of the Secondary Suites Study, including the public consultation process; secondary suites policy in the City of Langley; secondary suites policy in other jurisdictions; relevant legislation and court rulings; the key issues and conditions that have been identified by the public; optional strategies, including a recommended option; and an implementation strategy for the legalization of secondary suites in the City of Langley.

This report has been organized into the following 9 sections:

- Section 1: Introduction
- Section 2: Secondary Suites Study Process
- Section 3: Secondary Suites in the City of Langley
- Section 4: Secondary Suites in Other Jurisdictions
- Section 5: Legislation and Court Rulings
- Section 6: Policy Options
- Section 7: Optional Strategies
- Section 8: Recommendations
- Section 9: Implementation Strategy

The report also includes 14 appendices:

- Appendix A: Terms of Reference
- Appendix B: Press Release and Public Information Meeting Notification
- Appendix C: Press Clippings
- Appendix D: Land Use Contracts
- Appendix E: Summary of Secondary Suites Policies in Other Jurisdictions
- Appendix F: Sample Restrictive Covenants and Housing Agreements
- Appendix G: BC Building Code Excerpts
- Appendix H: Public Information Meeting #1 Display Boards
- Appendix I: Issues Survey



- Appendix J: Summarized Issues Survey Results
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2.0 SECONDARY SUITES STUDY PROCESS

In April 2006, the City of Langley retained Urban Systems Ltd. to complete the Secondary Suites Study. The study process involved background research regarding secondary suites policies in other municipalities and an extensive public consultation process. A summary of the Secondary Suites Study process is shown in Figure 1 and is described in further detail below and in subsequent sections of this report.

Figure 1: Secondary Suites Study Process

April 2006	<ul style="list-style-type: none"> • City Initiates Secondary Suites Study • City Retains Urban Systems Ltd. to Complete Secondary Suites Study • Background Research
May 2006	<ul style="list-style-type: none"> • Public Information Meeting #1 (<i>May 16, 2006</i>) • Issues Survey • Summarize Key Issues • Develop Policy Options
June 2006	<ul style="list-style-type: none"> • Public Information Meeting #2 (<i>June 6, 2006</i>) • Conditions Survey • Summarize Key Conditions • Policy Session #1 with City Council (<i>June 19, 2006</i>)
July – August 2006	<ul style="list-style-type: none"> • Complete Draft Secondary Suites Study
September 2006	<ul style="list-style-type: none"> • Policy Session #2 with City Council (<i>September 11, 2006</i>) • Revise Secondary Suites Study
October 2006	<ul style="list-style-type: none"> • Submit Final Secondary Suites Study • Present Secondary Suites Study to City Council (<i>October 16, 2006</i>) • Develop Information Brochure

To begin the Secondary Suites Study process, Urban Systems conducted background research regarding secondary suites policies in other municipalities in the Greater Vancouver region. Urban Systems subsequently held two Public Information Meetings in May and June, 2006 at Rose Gellert Hall. These meetings were informal open house events, with City staff and Urban Systems staff on hand to answer questions and to provide general information on secondary suites. At the first meeting, residents were asked to complete an Issues Survey to identify any issues or concerns they had regarding the possible legalization of secondary suites. Following the first meeting, Urban Systems summarized the results of the Issues Survey and identified key themes that emerged.



At the second meeting, Urban Systems delivered a short presentation that summarized the results of the Issues Survey and identified possible conditions that could be attached to the legalization of secondary suites. At this meeting, City residents were asked to complete a Conditions Survey to identify which conditions (if any) they felt should be attached to the legalization of secondary suites. Both the Issues Survey and the Conditions Survey were made available at City Hall and on the City's website. Following this Public Information Meeting, Urban Systems summarized the results of the Conditions Survey to identify the conditions most preferred by survey respondents. City residents were also invited to submit written feedback in addition to the Issues Survey and Conditions Survey.

Both Public Information Meetings were advertised in the Langley Times and Langley Advance, and Press Releases were posted on the City's website throughout the study process (*see Appendix B*). In addition, both the Langley Times and Langley Advance published several articles, including letters to the editor, regarding the possible legalization of secondary suites in the City of Langley (*see Appendix C*).

Following the two Public Information Meetings, a Policy Session was held with City Council to review the objectives for the Secondary Suites Study, discuss the results of the public consultation process, identify key issues, and provide the project team with direction regarding conditions to be attached to the legalization of secondary suites in the City of Langley.

Based on the input received from the public as well as feedback from City Council and staff, Urban Systems prepared a draft report in August 2006. A second Policy Session was held with City Council on September 11, 2006 to review the policy options presented in the Draft Secondary Suites Study. Based on input from Council, the final Secondary Suites Study was prepared and presented to City Council.

2.1 Public Engagement

The possible legalization of secondary suites can be a challenging issue for municipalities to address, as many residents often have strong feelings either in support of or against their legalization. In the City of Langley, there appears to be strong support for the legalization of secondary suites, as found in the *2004 Community Survey* conducted Ipsos-Reid (see Section 3.6). However, although this survey found that over 80% of survey respondents supported legalizing secondary suites, it should be emphasized that approximately 1 in 5 respondents did not support their legalization. Since that time, Council has adopted a new Official Community Plan (OCP) following a substantial public consultation process. The new OCP contains policies that support investigating the possibilities of legalizing secondary suites in the City of Langley



(see Section 3.2). The City has decided to move forward with this OCP policy and is investigating the possibility of legalizing secondary suites.

Recognizing that the possible legalization of secondary suites can be a controversial issue, an important objective of the Secondary Suites Study was to foster meaningful public participation throughout the study process. As such, this project relied heavily on input received during the public consultation process. This input helped identify the specific issues facing City of Langley residents as well as develop policy options to reflect community interests. A variety of tools were used to engage the public throughout the process, as summarized below:

- Press Release (*April 28, 2006*)
- Newspaper interviews with City staff
 - Langley Times (*May 1, 2006*)
 - Langley Advance (*May 5, 2006*)
- Public Information Meeting #1 (*May 16, 2006*)
 - Newspaper advertisements (*May 9, May 12*)
- Public Information Meeting #2 (*June 6, 2006*)
 - Newspaper advertisements (*May 30, June 2*)
- Issues Survey
- Conditions Survey
- Information and surveys posted on City of Langley Website (*since April 28, 2006*)
- CivicInfoBC article (*June 12, 2006*)
- Press Release (*June 23, 2006*)

Should Council decide to legalize secondary suites, an amendment to the Zoning Bylaw will be required. Under the existing legislation, this will involve a formal public hearing process and will provide a further opportunity for public engagement.



3.0 SECONDARY SUITES IN THE CITY OF LANGLEY

3.1 Estimated Number of Secondary Suites

It is estimated that there were approximately 400 secondary suites in the City of Langley in 2001. This estimate was prepared by City staff by conducting an analysis of the Census breakdown of dwelling units by structural type and comparing this with City building statistics and BC Assessment data. To provide some context, the 2001 Census recorded a total of approximately 3,100 single family detached dwellings in the City of Langley. As such, it is estimated that approximately 13% of the single family dwelling units in the City of Langley have secondary suites. However, due to the difficulty in accurately identifying illegal secondary suites, the actual number of illegal secondary suites is typically underreported, and it is likely that the actual number of existing secondary suites in the City of Langley is much higher than 400.

3.2 Official Community Plan

The City's *Official Community Plan Bylaw, 2005, No. 2600* (OCP) encourages a variety of housing types to meet the needs of the population and the demographic challenges faced by the City, and supports reviewing the City's existing secondary suites Policy. The OCP provides two distinct land use designations for single family residential use: *Urban Residential* and *Estate Residential*. Regarding the *Urban Residential* land use designation, the OCP states:

"intensification measures such as allowing smaller lots or secondary suites may be studied as possible tools for attracting investment to revitalize older single family areas."

Similarly, policy 14.2.5 of the OCP states:

"Investigate the merits of allowing smaller lot sizes and/or secondary suites for attracting new investment to older single family areas and for providing more affordable housing"

3.3 Zoning Bylaw

The City's *Zoning Bylaw, 1996, No. 2100* currently prohibits secondary suites in all zones. The Zoning Bylaw allows only one dwelling unit per lot in the *RS1 – Single Family Residential Zone* and the *RS2 – Estate Residential Zone*.

3.4 Other Legal Arrangements

a. Building Schemes



There are likely a considerable number of Statutory Building Schemes in existence throughout the City that place restrictions on secondary suites. However, the City is not a signatory to Statutory Building Schemes and thus the City does not attempt to enforce the provisions of Building Schemes.

b. Land Use Contracts

Many of the City's single family subdivisions were developed under Land Use Contracts (LUC) in the 1970's. The LUC's were registered against the titles of the new lots created in the subdivisions and in most cases remain in effect today. The LUC's typically have a schedule of permitted land uses which either refers to a single family zone that was in existence at the time or simply states that lots may only be used for single family dwellings. If Council chooses to legalize secondary suites, a property owner whose lot is affected by an LUC would need to apply for a discharge of the LUC if it prohibits a secondary suite. The normal process for discharging an LUC is similar to a rezoning application and requires a public hearing and Council approval (see *Appendix D*).

c. Restrictive Covenants

For approximately the last five years, the Building Department has required Building Permit applicants to register a restrictive covenant against the title of single family lots as a condition of the issuance of a permit for the construction of a new single family dwelling. The covenant states that the property shall only be used for a single family dwelling, reinforcing the provisions of the City's Zoning Bylaw. If secondary suites are legalized, an applicant for a secondary suite would need to discharge such a covenant (with the City's authorization) as part of any approval process.

3.5 Current Enforcement Policy

The City's enforcement policy regarding existing secondary suites is to respond to written complaints on a case-by-case basis. If an inspection reveals the presence of a suite, the owner is ordered to remove the suite. A restrictive covenant may also be registered against the title of the affected property to notify prospective purchasers of the illegal condition.

3.6 2004 Community Survey

In 2004, the City of Langley commissioned Ipsos-Reid Corporation to conduct a telephone survey of City residents to assess the satisfaction, needs, priorities, and attitudes of its residents. The main objectives of this survey were to:

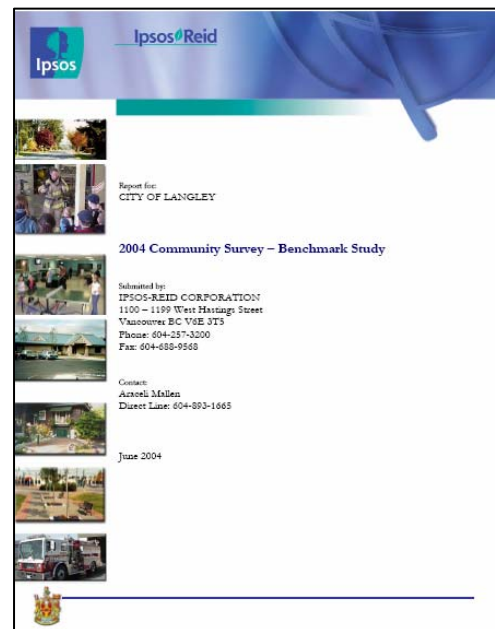


- Assess residents' perceptions of quality of life and determine top-of-mind issues in need of attention from local leaders;
- Evaluate residents' perceptions towards City vision statements;
- Understand residents' attitudes towards living in the City of Langley;
- Evaluate their perceptions of the value they receive for their taxes and determine preferred financing options; and
- Evaluate residents' views of the City's level of communication and determine through which medium(s) they prefer to receive information.

A total of 600 telephone interviews were conducted with a randomly selected representative sample of City of Langley residents aged 16 years or older. The survey was administered both to homeowners and renters in the City of Langley between April 15 and 26, 2004. Overall survey results are accurate to $\pm 4.0\%$, 19 times out of 20.

In addition to general questions regarding quality of life and top-of-mind issues in the City, the survey asked a series of topical questions regarding parks and recreation priorities, downtown core beautification, and secondary suites policy.

Regarding secondary suites policy, residents were asked the following question:

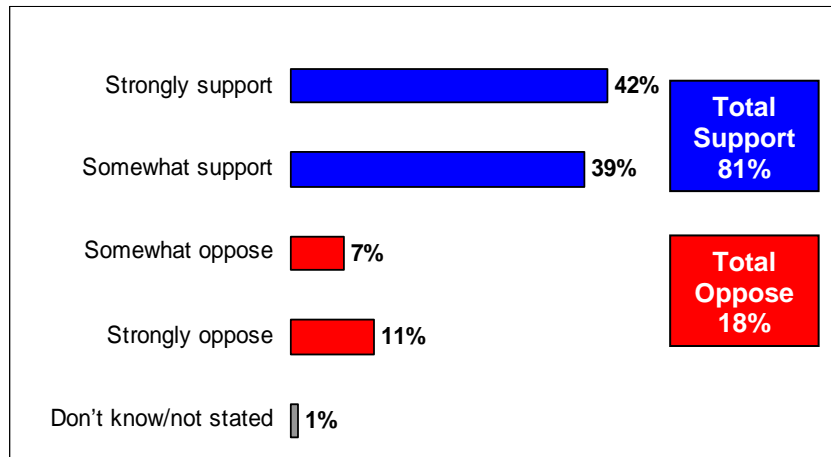


"As you may have heard, the City of Langley is considering different housing and building policies to increase the City's amount of affordable housing. Do you oppose or support legalizing secondary suites in single-family homes?"

As shown in Table 1 below, the survey revealed strong support for the legalization of secondary suites, as 81% of survey respondents were in support of legalizing secondary suites in single family dwellings. In fact, support was four and a half times stronger than opposition (18%) to legalizing secondary suites. In addition, respondents in support of legalizing secondary suites were more firm in their opinions, as 42% of residents "strongly support" compared to only 11% who "strongly oppose" the legalization of secondary suites.



Figure 2: Support for Legalizing Secondary Suites



In addition, support for the legalization of secondary suites was found to be high among all demographic groups surveyed, including:

- 76% of homeowners (*compared to 91% of renters*);
- 78% of those aged 35 and over (*compared to 87% of those aged 16-34*);
- 75% of higher income households (*compared to 85% of lower to middle income households*); and
- 75% of residents with some post-secondary education (*compared to 86% of residents with high school or less*).

It is important to note that support for the legalization of secondary suites was 75% or higher among all demographic groups.



4.0 SECONDARY SUITES IN OTHER JURISDICTIONS

Over the past several years, there has been a general trend towards legalizing secondary suites throughout British Columbia and the Lower Mainland. However, it can be challenging to compare secondary suites policies in different municipalities, as some municipalities use different terms for secondary suites (such as accessory suites or in-law suites), and secondary suites are defined differently in each municipality. Throughout British Columbia, approximately half of the province's 157 municipalities permit secondary suites. This figure is significantly higher in Greater Vancouver and the Fraser Valley, where all but five of the 27 municipalities in these regions permit secondary suites (see Table 1).

Table 1: Secondary Suites Policies in Greater Vancouver and Lower Fraser Valley

Region	Secondary Suites Permitted	Secondary Suites Not Permitted
Greater Vancouver Regional District ¹	<ul style="list-style-type: none"> • Village of Anmore • Village of Belcarra • City of Burnaby • City of Coquitlam • Village of Lions Bay • District of Maple Ridge • City of New Westminster • City of North Vancouver • District of North Vancouver • District of Pitt Meadows • City of Port Coquitlam • City of Port Moody • City of Richmond • City of Surrey • City of Vancouver • District of West Vancouver • City of White Rock 	<ul style="list-style-type: none"> • Island Municipality of Bowen Island³ • District of Delta • City of Langley³ • Township of Langley^{3,4}
Fraser Valley Regional District ²	<ul style="list-style-type: none"> • City of Abbotsford • City of Chilliwack • District of Hope • District of Kent • District of Mission 	<ul style="list-style-type: none"> • Village of Harrison Hot Springs

Notes:

1. Data for the GVRD provided by Canada Mortgage and Housing Corporation (CMHC).
2. Data for the FVRD obtained by reviewing Zoning bylaws and other relevant publications for each municipality, as well as discussions with municipal staff.
3. Secondary Suite Policy currently under review.
4. Accessory suites are currently permitted above detached garages only in specific residential zones.

Although there is a clear trend towards legalizing secondary suites in the Lower Mainland, the specific policies associated with the legalization of secondary suites are different in each municipality. No specific set of policies will work for every community. Municipalities must explore the issue in their specific context and create an appropriate set of policies. As part of the



Secondary Suites Study, Urban Systems reviewed secondary suites policies in a number of municipalities in Greater Vancouver and the Lower Fraser Valley (*see Appendix E*). Secondary suites policies are summarized in Table 2 in terms of the five criteria outlined in Section 1.1 (Zoning, Building Regulation, Taxes & Utilities, Licensing/Permitting, and Enforcement) for a select number of municipalities that have legalized secondary suites.

In general, most municipalities tend to place the following conditions on the legalization of secondary suites:

- Additional parking requirement (although the specific number of additional parking spaces varies);
- Secondary suites must meet the requirements in the BC Building Code;
- Maximum of one suite per unit and/or lot;
- Additional charges for municipal services (in cases where services are not administered on a user pay basis);

Other conditions that some municipalities have considered as part of the legalization policies include:

- Owner Occupancy and/or family requirements (*see Section 5.2*);
- Minimum unit size;
- Registration / licensing fees; and
- Covenant/signed agreements to ensure compliance with bylaws and regulations (*see Appendix F*).

A key decision that must be made when secondary suites are legalized is where they will be permitted. In some municipalities, secondary suites are permitted only in certain residential zones or in certain neighbourhoods, while in others secondary suites are permitted outright on a City-wide basis in all single family residential zones. In addition, some municipalities require site-specific rezonings to allow for secondary suites. This requires the applicant to submit a formal rezoning application and be subject to public hearing requirements prior to Council making a decision regarding the legalization of their secondary suite.

A number of municipalities have also established incentive programs to encourage homeowners to register and legalize their secondary suites. For example, when the City of Port Moody legalized secondary suites in 2004, the licensing fee of \$75 was waived for suites that were registered before February 1, 2005. In some other jurisdictions, grace periods have been established within which any fees to register and license a secondary suite are waived.

Alternatively, some municipalities have established disincentives for homeowners who do not legalize their suites. For example, in the City of Abbotsford unauthorized suites may be fined up



to \$200 per day until their suite is registered. Also, in the City of Port Moody suites that were not registered by a certain date were subject to fines up to \$100 per day. In the City of New Westminster, the City imposed a \$200 fine for each of the following violations of the zoning bylaw: illegal secondary suite; failing to provide required parking; and having more than one secondary suite.

Table 2: Secondary Suites Policies in Select Municipalities

Criteria	Policy Options	District of Maple Ridge	City of New Westminster	City of Abbotsford	City of North Vancouver	City of White Rock	City of Surrey
Legalization Policy	Secondary Suites legalized?	✓	✓	✓	✓	✓	✓
Zoning	Owner occupancy	✓	✗	✓	✓	✗	✓
	Additional off-street parking	✓	✓	✓	✓	✓	✓
	Permitted in all single family zones	✗	✓	✗	✓	✓	✗
	Maximum of one suite per unit ¹	✓	✓	✓	✓	✓	✓
	Minimum unit size	✓	✓	✓	✓	✗	✗
Building Regulation	Must satisfy Building Code requirements	✓	✓	✓	✓	✓	✓
Taxes & Utilities	Additional utilities charge	Double water/sewer	Additional 50% of flat rate	Metered	Addition utility charge of \$500/year ⁷	\$177 yearly sewer levy ⁹	Double sewer; additional 75% water
	Garbage	Weekdays: \$3 up to 50 kg, \$69/tonne over 50 kg Weekends: \$6 up to 90 kg, \$69/tonne over 90 kg	Included in sewer/water additional rate	No charge	Extra tags purchased for each bag over 2 bags/week	\$5 for each bag over 2 bags/week	\$1.50 for each bag over 2 bag/week
Licensing/ Permitting	Registration Fee	\$250 (existing only)	✗ ²	\$550 (existing) \$250 (new) Annual \$250 infrastructure fee	✗	\$200 (new) \$275 (existing)	✗ ¹¹
	Inspection Fee	✗	\$205	✗ ⁵	\$200	\$60/hr ¹⁰	✗
	Covenant	✓	✓ ³	✗	✗	✗	✗
	Other signed agreement	✗	✗	✗	✓ ⁸	✗	✗
Enforcement	Enforcement	Reactive	Reactive / Proactive ⁴	Reactive / Proactive ⁶	Reactive	Reactive	Reactive
	Action on Existing Illegal Suites	The District sends the property owner a letter with 10 days to respond, indicating they need to legalize suite or remove it. If they don't comply, utility fees are increased and they may be fined.	If created after 1998 without building permit, owners directed to either remove or legalize the suite. If created before 1998 and does not cause serious health risks, no action taken	Unauthorized suites may be fined up to \$200 per day that the suite is not registered	Property owner sent letter telling them inspection required. If suite found, inspection is conducted. Property owner is given the list of issues and told to deal with them and legalize the suite.	Illegal suites are given notice that they must conform to the Zoning Bylaw or be decommissioned. Property owners given six months from date of notice to meet Zoning requirements.	The City institutes a utility cost recovery program for illegal suites to recover the costs that secondary suites place on the water, sewer and garbage systems.

Notes:

1. Required in the BC Building Code
2. No registration fee because the housing base in New Westminster is very old with many illegal suites that could never be legalized (basement dimensions, on a floodplain). Therefore, the City adopted a policy that enforcement of illegal suites would be on a priority basis and only those suites built before 1998 AND are a serious health/safety concern will be dealt with.
3. City is looking at getting rid of the covenant requirement. Staff member commented that it is redundant and uses a lot of staff time and energy.
4. Illegal suites built before 1998 are sent a letter notifying them that they will now be charged additional utility fees. Illegal suites built after 1998 will be billed additional fees but must also be brought up to code.
5. Inspection included with registration fee.
6. Have taken proactive measures of enforcement but due to resource issues enforcement is largely restrained to reactive measures.
7. Secondary suites are considered a 2nd dwelling unit and charged the same yearly utility fee (water, sewer, and garbage) as a single family dwelling.
8. Signed Housing Agreement stating that the owner of home will occupy the dwelling.
9. Yearly sewer levy is charged on all registered and non-registered suites,
10. Initial inspection fee is included in registration fee and the \$60/hr charge applies to all subsequent inspections
11. Registration and inspection is dealt with through building permits and is not a separate process.



5.0 LEGISLATION AND COURT RULINGS

5.1 BC Building Code

All buildings in British Columbia are subject to the British Columbia Building Code (amended in 1998), which sets out minimum provisions for public health, fire protection, and structural sufficiency. In 1995, Section 9.36 was added to the Building Code to deal specifically with secondary suites (see *Appendix G*). The BC Building Code applies to the *construction of secondary suites*, whether this construction be part of or an addition to an existing building, or the *construction of a new building that incorporates a secondary suite*. The BC Building Code may also be used as a standard for assessing an existing additional dwelling unit located in a single family dwelling, but is not intended to be applied as a retroactive code to these existing units. The BC Building Code identifies a number of requirements for secondary suites, including:

- The area of the secondary suite cannot exceed 40% of the total living area of the building;
- The area of the secondary suite cannot exceed 90 m² (969 sq. ft.) of finished living area;
- Only one secondary suite permitted per building; and
- Ceiling heights must be at least 2 meters (6 ft. 7 in.).

The BC Building Code includes requirements for fire separation, smoke alarms, access and egress, and other safety standards as defined by the Code. Although the BC Building Code requirements for secondary suites are under provincial jurisdiction, many municipalities have restated these requirements in their Zoning Bylaws.

5.2 Court Rulings

The *Local Government Act* gives municipalities the authority to adopt bylaws which regulate land use. Some municipalities have placed occupancy restrictions on houses with secondary suites, such as a requirement that the owner of the lot must occupy one of the units ("owner occupancy") or a requirement that the secondary suite can only be occupied by a family member ("in-law suites"). However, in 1997, the BC Supreme Court ruled against a Delta Zoning Bylaw which attempted to place occupancy restrictions on secondary suites, by limiting secondary suite occupancy to relatives of the home-owner. The Court ruled the restriction as discriminatory and therefore invalid. The family suite provisions were severed from Delta's zoning bylaw, with the result that, instead of suites being permitted under certain conditions of occupancy, no suites were permitted in Delta at all.



6.0 POLICY OPTIONS

Policy options for the legalization of secondary suites have been developed based on input received during the public consultation process, direction provided by City Council and staff, and secondary suites policies in other jurisdictions.

6.1 Public Information Meeting #1 – Issue Identification

The first Public Information Meeting was held on May 16, 2006 at Rose Gellert Hall and was intended to introduce City of Langley residents to the secondary suites issue and to determine whether the legalization of secondary suites raised any issues for them (*see Appendix H*). A total of 11 people attended this Public Information Meeting. At this meeting, residents were asked to complete an Issues Survey to identify any issues or concerns they had regarding the legalization of secondary suites, and to identify possible solutions to these issues (*see Appendix I*). The City of Langley also made the Issues Survey available at City Hall and on its website. Residents were given one week to complete the survey. A total of twelve Issues Surveys were completed (11 were submitted at the Public Information Meeting and 1 was submitted afterwards).

In general, survey respondents supported the legalization of secondary suites (10 of 12 respondents indicated support for secondary suites). However, most respondents indicated that the legalization of secondary suites would raise certain issues. The summary of responses from the Issues Survey revealed eight key issues (*see Appendix J*):

- Preservation of Neighbourhood Character;
- Parking Issues;
- Location of “Legalized” Suites;
- Health & Safety Issues;
- Taxation Considerations;
- Inspection & Registration;
- Unit Size; and
- Municipal Service Charges.

The image shows a survey form titled "Secondary Suites Issues Survey" from the City of Langley, dated May 2006. The form is for "Public Information Meeting #1". It includes an introduction about the City's study on secondary suites and asks respondents to provide their thoughts, identify issues, and suggest solutions. The form contains several sections for written responses and checkboxes for "Yes" or "No" answers.

Secondary Suites Issues Survey
 May 2006 Page 1
 Secondary Suites Study Public Information Meeting #1

Please take a moment to complete this survey regarding the legalization of secondary suites in the City of Langley.

The City of Langley has recently initiated a study to provide options for the legalization of secondary suites in single family dwellings in the City of Langley. To ensure public safety, the preservation of existing single family neighbourhoods, and other objectives, the City is considering the placement of certain conditions on the legalization of secondary suites. This survey is being conducted to identify any potential issues and/or concerns that you may have with the legalization of secondary suites. The results of this survey will help identify possible conditions (if any) that should be attached to the legalization of secondary suites.

1. What are your general thoughts about the legalization of secondary suites? (please explain)

.....

.....

.....

2. Does the legalization of secondary suites raise any issues for you? (circle one)

Yes No

3. If yes, what are these issues (please explain), and can you suggest any possible solutions?

Issue 1:

Possible solution:

Issue 2:

Possible solution:

Issue 3:

Possible Solution:

Issue 4:

Possible solution:

Over...



Based on the feedback from the public and experience elsewhere, Urban Systems developed possible solutions for each of these key issues. These issues and possible solutions were used to help identify possible conditions that could be attached to the legalization of secondary suites. However, it should be noted that only the issues that were identified by the public in the Issues Survey have been included. Due to the small sample size of this



survey, there may be other issues that were not identified through this process. Also, due to the small sample size, the issues identified in the Issues Survey may not be representative of the entire City of Langley population. Finally, due to the small sample size, a key theme may have emerged based on the comments of only 1 or 2 respondents. The eight key themes and associated issues and possible solutions are summarized below.

NEIGHBOURHOOD CHARACTER

- **Issue:** Preservation of Neighbourhood Character
- **Possible Solutions:**
 - Side or rear entrance
 - Limit on home and unit size
 - Off-street parking requirements
 - Some municipalities require that the registered home owner live in either the primary or secondary unit (“owner occupancy”). However, the validity of these requirements has been legally challenged.
 - In some cases, a restrictive covenant is placed on title or a Housing Agreement is signed to ensure owner occupancy

PARKING ISSUES

- **Issue:** Ensuring that adequate parking is provided.
- **Possible Solutions:**
 - Most municipalities require **one (1)** additional off-street parking space for each secondary suite
 - Others have no extra off-street parking requirements
 - Some limit the number of on-street parking spaces per unit
 - Some municipalities limit the number of off-street parking spaces



LOCATION OF “LEGALIZED” SUITES

- **Issue:** City-wide vs. certain areas
- **Possible Solutions:**
 - Municipalities have taken various approaches, each with their own pros and cons.
 - Approaches to legalization include:
 - Throughout the City
 - Only in certain residential Zones
 - On a neighbourhood by neighbourhood basis
 - Site specific rezoning (involves Public Hearing for each application)

HEALTH & SAFETY ISSUES

- **Issue:** Ensure health and safety of tenants and homeowners
- **Possible Solutions:**
 - **Secondary suites must meet BC Building Code requirements**
 - Several municipalities have adopted alternative building code standards for secondary suites (“Equivalencies”)
 - However, these alternative standards must still satisfy the health and safety objectives of the Code.

TAXATION CONSIDERATIONS

- **Issue:** Ensure that all property owners are taxed in an equitable manner
- **Possible Solutions:**
 - Home assessment values usually increase with secondary suite (whether legal or not)
 - City could notify the BC Assessment Authority of all registered secondary suites

INSPECTION & REGISTRATION

- **Issue:** Ensure safety of secondary suites and provide a process for legalization and/or registration
- **Possible Solutions:**
 - All municipalities require an inspection before a secondary suite can be considered legal
 - Most municipalities also require that secondary suites be registered with the City
 - Some municipalities require building permits and sub-trade permits (i.e. electrical, gas permits) before recognizing existing suites
 - Municipalities typically charge for inspections, registration and permits to cover administrative costs

UNIT SIZE

- **Issue:** Should a maximum or minimum size be placed on secondary suites?
- **Possible Solutions:**
 - BC Building Code sets maximum size (90 m² or 969 ft²)
 - BC Building Code states that the area of a secondary suite cannot exceed 40% of the total living area of the building



- Some municipalities have established minimum unit size requirements and/or minimum lot size requirements

MUNICIPAL SERVICE CHARGES

- **Issue:** Ensure that all residents pay their fair share for municipal services
- **Possible Solutions:**
 - Water and sewer are already user pay (metered) in the City of Langley
 - Municipalities can charge specific service fees (i.e. garbage collection or recycling for secondary suites)

6.2 Public Information Meeting #2 – Possible Conditions

The second Public Information Meeting was held June 6, 2006 at Rose Gellert Hall and was intended to summarize the input received during the first Public Information Meeting and to identify possible conditions that could be attached to the legalization of secondary suites (see Appendix K). A total of 15 people attended this Public Information Meeting (only 5 of these participants also attended the first Public Information Meeting). At this meeting, Urban Systems made a short presentation which was



followed by a lengthy discussion about the possible legalization of secondary suites. The discussion at this Public Information Meeting revolved around the following key themes:

- **Neighbourhood character** (what it means to be a single family neighbourhood, and whether restrictive covenants can supersede provisions in the Zoning Bylaw);
- **Costs/fees** (what costs will be incurred by inspection and registration and who will pay for the costs of the increase in services that will result from an increase in population);
- **Population growth** (where and how should the City accommodate projected population growth);
- **Parking** (although there is a need for parking for secondary suites, there was some concern about an increase in paved surfaces);
- **Assessment value** (how to ensure that assessed values take into account presence of secondary suites);



- **Affordability** (secondary suites promote affordable housing, but the City already has a significant amount of affordable housing);
- **Survey** (whether the 2004 Community Survey was representative and if a subsequent survey should be conducted); and
- **Number of units** (whether there should be a limit on the number of secondary suites per neighbourhood).

Based on the key themes identified in the *Issues Survey*, Urban Systems asked respondents to complete a Conditions Survey to identify whether conditions should be attached to the legalization of secondary suites, and if so, which of the following conditions they felt should be attached to the legalization of secondary suites (see Appendix L):

- Home owner must occupy one of the suites;
- Additional off-street parking requirement;
- Minimum unit size requirement;
- Restriction to certain residential zones;
- Business license requirement;
- Charge for additional municipal services;
- Limit of one suite per residential lot;
- Registration and initial inspection requirement;
- Annual inspection requirement; and
- Registration incentives (ie reduced initial inspection fee for existing suites).

Respondents were also asked to identify any other conditions that they felt should be attached to the legalization of secondary suites.

The Conditions Survey was also made available to the public at City Hall and on the City's website, and residents were given one week to submit their surveys. A total of 13 Conditions Surveys were completed. It should be noted that due to the small sample size of this survey, the results may not be representative of the entire City of Langley population.

June 2006
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Secondary Suites Conditions Survey

Secondary Suites Study Public Information Meeting #2

The City of Langley is undertaking a study to provide options for the legalization of secondary suites in single family dwellings in the City of Langley. The Secondary Suites Study will examine which conditions (if any) should be attached to the legalization of secondary suites. In May 2006, the City held a Public Information Meeting and distributed a survey to identify any issues or concerns that residents had regarding the legalization of secondary suites. A number of issues were identified during this process and the conditions listed below are designed to address these issues. This second survey is being conducted to identify which conditions (if any) you think should be attached to the legalization of secondary suites.

BC Building Code Requirements

All buildings in British Columbia are subject to the BC Building Code, which establishes minimum health and safety requirements. The BC Building Code provides specific requirements for secondary suites. Many of the issues identified in the first survey are addressed in the BC Building Code. Examples of BC Building Code requirements include:

- Only one secondary suite is permitted per building;
- Secondary suites can only be located in residential buildings;
- The area of a secondary suite cannot exceed 90 m² (969 sq. ft.) of finished living area; and
- The area of a secondary suite cannot exceed 40% of the total living area of the building.

Secondary Suites in the City of Langley will need to comply with the BC Building Code in order to be considered legal.

The BC Building Code also contains provisions regarding the ability to approve "equivalencies" or alternatives that do not reduce the level of safety intended by the Code. It should be emphasized that the City of Langley does not have the authority to adopt building standards that offer a level of safety below that provided for in the BC Building Code.

1. Should the City of Langley explore options to develop equivalencies that meet the health and safety objectives of the BC Building Code?
 Yes No
2. Are there any conditions that you feel should be placed on the legalization of secondary suites?
 Yes (proceed to Question 3) No (skip to question 4)
3. If yes, which of the following conditions should be placed on the legalization of secondary suites:

	Strongly Agree	Agree	No Opinion	Disagree	Strongly Disagree
• Home owner must occupy one of the suites	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Additional off-street parking requirement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Minimum unit size requirement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Restriction to certain residential zones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Business license requirement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Charge for additional municipal services (ie garbage and recycling)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Limit of one suite per residential lot	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Almost all respondents (11 of 13) felt that conditions should be attached to the legalization of secondary suites (*see Appendix M*). The conditions that respondents most strongly *agreed* with were:

- Owner Occupancy (8)
- Additional off-street parking requirement (7)
- One suite per lot (6)
- Registration and inspection (6)

The conditions respondents most strongly *disagreed* with were:

- Restriction to certain residential zones (3)
- Business license requirement (3)

Respondents were also asked if the City of Langley should explore options to develop equivalencies that meet the health and safety objectives of the BC Building Code. Only about half of survey respondents felt the City should explore options for equivalencies.

6.3 Written Submissions

Four written submissions were also received (*see Appendix M*). In general, written submissions were not supportive of legalizing secondary suites. Issues raised in written submissions included:

- Preservation of single family neighbourhood character;
- Affordable housing should be provided in other housing types and in higher density area of the City;
- More bylaw enforcement is required for illegal secondary suites;
- Secondary suites should only be allowed in certain residential zones;
- Building Schemes / Restrictive Covenants prohibiting secondary suites that are in place in certain residential neighbourhoods;

6.4 Policy Sessions with City Council

Urban Systems staff met with Langley City Council and City staff on June 19, 2006. The purpose of this meeting was to provide Council with an overview of the Secondary Suites Study, to review Council's goals and objectives regarding the legalization of secondary suites, to discuss input received from the public, and to receive direction from Council regarding policy options for the possible legalization of secondary suites.

At this meeting, Council indicated strong support for the legalization of secondary suites. However, Council indicated that the legalization of secondary suites raised a number of issues. Council indicated that it supported a number of conditions being placed on the legalization of secondary suites, including:



- Owner occupancy;
- Additional off-street parking requirements;
- Minimum unit size requirements;
- Inspection and registration requirements and associated fees;
- Limit of one suite per lot; and
- Registration incentives.

Council was not supportive of restricting secondary suites to certain residential zones and did not support charges for additional municipal services, as utilities are currently user pay in the City of Langley. Council was also not supportive of permitting equivalencies to the BC Building Code.

A second Policy Session was held with City Council on September 11, 2006 to review the Draft Secondary Suites Study with Council.



7.0 OPTIONAL STRATEGIES

Two optional strategies have been developed based on input received from the public, direction from City Council and staff, and secondary suites policies in other jurisdictions. These optional strategies are summarized in Table 3 in terms of the five criteria outlined in Section 1.1 (Zoning, Building Regulation, Taxes & Utilities, Licensing/Permitting, and Enforcement). A brief description of these optional strategies is provided below:

- **Option 1: Status Quo.** In this option, secondary suites would remain a prohibited use in all single family zones in the City of Langley. The City would continue to respond to written complaints on a case-by-case basis. If an inspection reveals the presence of a suite, the owner would be ordered to remove the suite.
- **Option 2: Legalization.** This option recommends that secondary suites be legalized in all single family zones in the City of Langley with certain conditions attached. This option closely reflects input received from the public as well as direction from Council and staff.

Table 3: Optional Strategies

Criteria	Policy Options	Option 1: Status Quo	Option 2: Legalization
Legalization Policy	<i>Secondary Suites legalized?</i>	✗	✓
Zoning	<i>Location within principal building or accessory building</i>	n/a	<ul style="list-style-type: none"> Permitted in principal buildings only
	<i>Off-street parking requirements</i>	n/a	<ul style="list-style-type: none"> Provision of one (1) additional off-street parking space
	<i>Unit sizes (maximum/minimum)</i>	n/a	<ul style="list-style-type: none"> Minimum unit size not recommended Maximum unit size: 90 m² (969 sq. ft.)
	<i>Owner occupancy requirements</i>	n/a	<ul style="list-style-type: none"> Owner occupancy requirement
	<i>Family (in-law suites)</i>	n/a	<ul style="list-style-type: none"> Not recommended
	<i>Home occupations</i>	n/a	<ul style="list-style-type: none"> Home occupations permitted, except Child Care Centres
Building Regulation	<i>Building code standards</i>	n/a	<ul style="list-style-type: none"> Must meet BC Building Code requirements
	<i>Fire code/sprinklering</i>	n/a	<ul style="list-style-type: none"> Must meet BC Building Code requirements
	<i>Building permit application requirements/fees</i>	n/a	<ul style="list-style-type: none"> Must apply for building permit Must pay building permit fees as per Building and Plumbing Bylaw No. 2498
	<i>Inspection requirements</i>	n/a	<ul style="list-style-type: none"> Initial inspection requirement, as well as a re-inspection requirement (if necessary) Secondary suites must be registered with City
Taxes & Utilities	<i>Tax assessment & revenue implications</i>	n/a	<ul style="list-style-type: none"> BC Assessment to be notified
	<i>Water charges</i>	n/a	n/a
	<i>Sewer charges</i>	n/a	n/a
	<i>Garbage removal & recycling</i>	n/a	n/a
Licensing/ Permitting	<i>Business license requirement</i>	n/a	<ul style="list-style-type: none"> Not recommended
	<i>Other permits required</i>	n/a	<ul style="list-style-type: none"> All necessary sub-trade permits required.
	<i>Annual inspection requirement</i>	n/a	<ul style="list-style-type: none"> No annual inspection requirement
Enforcement	<i>Reactive Enforcement</i>	✓	✓ (during 1 year transition period)
	<i>Proactive Enforcement</i>	✗	✓ (after 1 year transition period)
	<i>Action on existing illegal suites</i>	<ul style="list-style-type: none"> Respond to complaints; if suite found, owner is ordered to remove suite. 	<ul style="list-style-type: none"> Develop incentive strategy to encourage legalization. Where illegal suites are found, homeowners required to legalize suite or remove suite by the last day of the following month as per Residential Tenancy Act.



8.0 RECOMMENDATIONS

Based on the feedback from the public, direction from Council and staff, and secondary suites policies in other jurisdictions, Option 2 (legalization) is recommended as the preferred option for the City of Langley with regard to its secondary suites policy. As such, **it is recommended that secondary suites be a permitted use in all single family residential zones in the City of Langley.** It is recommended that secondary suites be a permitted use in both the *RS1 – Single Family Residential Zone* and the *RS2 – Estate Residential Zone*. The legalization of secondary suites will require an amendment to the City's Zoning Bylaw, which under existing legislation will involve a formal public hearing process.

As summarized in Table 3, it is further recommended that the following conditions be attached to the legalization of secondary suites:

Zoning

- ***Permitted in Principal Buildings only.*** Secondary Suites should only be a permitted use in Principal Buildings. Secondary Suites should not be permitted in Accessory Buildings or Structures.
- ***Maximum of two (2) residential units per lot*** to ensure the preservation of single family neighbourhood character, particularly in the *RS2 – Estate Residential Zone*.
- ***One (1) additional off-street parking space*** should be provided for all single family dwellings with secondary suites. It is recommended that the City amend the *Off-Street Parking Requirements* in its Zoning Bylaw to provide minimum parking requirements for secondary suites, and to allow for tandem parking. Since the City's Zoning Bylaw requires that two (2) parking spaces be provided for each single family dwelling unit, this means that all single family residential units with secondary suites should provide at least three (3) off-street parking spaces.
- ***Maximum unit size of 90 m² (969 sq. ft.)*** as required in the BC Building Code. In addition, as outlined in the BC Building Code, the area of the secondary suite cannot exceed 40% of the total living area of the building.
- ***Owner Occupancy requirement.*** Based on feedback from City Council and the public, it is recommended that the registered owner of the single family dwelling be required to live in either the primary unit or the secondary suite. City staff should confirm owner occupancy status by verifying information from Home Owner Grant applications. The City may also want to consider the use of Restrictive Covenants and/or Housing Agreements to place occupancy conditions in an attempt to preserve



the character of single family neighbourhoods. However, although owner occupancy may be achieved through such agreements, such agreements can pose significant administrative challenges for the City.

- ***Home occupations permitted except child care centres.*** Home occupations, as defined in the City's Zoning Bylaw, should be a permitted use in conjunction with a secondary suite, with the exception of child care centres. Where a legal secondary suite is present, child care centres are to be considered a prohibited use. Additional parking may be required for home occupations, as per the Off-Street Parking and Loading Requirements in the City's Zoning Bylaw.

Building Regulation

- ***Secondary suites must meet BC Building Code requirements.*** Although the BC Building Code only applies to newly constructed secondary suites, it is recommended that the City adopt the Building Code requirements for *all* secondary suites in the City of Langley in order to ensure that the health and safety objectives of the BC Building Code are satisfied for all residential units. No equivalencies to the BC Building Code shall be considered.

Taxes & Utilities

- ***No additional utility charges.*** As utilities are currently administered on a user pay basis, no additional utility charges are recommended for secondary suites.
- ***BC Assessment notification.*** BC Assessment should be notified of all registered secondary suites via Building Permit applications in order to adjust property assessments accordingly.

Licensing / Permitting

- ***Secondary suites must be inspected.*** The City should require an initial inspection for secondary suites to ensure compliance with the BC Building Code, the Zoning Bylaw, and other applicable regulations and bylaws. The City should charge an inspection fee to cover administrative costs. The fees shall be consistent with those outlined in the City's Building and Plumbing Bylaw No. 2498 as summarized in Table 4.



Table 4: Building and Sign Permit Fees

Estimated Construction Value	Fee
\$0 - \$1,000	\$37
\$1,001 - \$10,000	\$37 plus \$8 for each \$1,000 or part thereof over \$1,000
\$10,001 - \$50,000	\$109 plus \$7 for each \$1,000 or part thereof over \$10,000
\$50,001 - \$100,000	\$389 plus \$6.50 for each \$1,000 or part thereof over \$50,000
\$100,001 - \$500,000	\$714 plus \$6.25 for each \$1,000 or part thereof over \$100,000
\$500,001 and over	\$3,214 plus \$6 for each \$1,000 or part thereof over \$500,000

As per the Building and Plumbing Bylaw, in cases where a subsequent inspection is required to ensure compliance with applicable regulations and bylaws, the City should charge a re-inspection fee of \$40 for each inspection after the first inspection of work.

- Secondary suites that meet inspection requirements must be registered with the City.** The City should create a registry for all secondary suites that meet the inspection requirements. All suites that are included on the City's registry will be considered legal. Information from this registry should be shared with BC Assessment. All necessary permits, including Building Permits and sub-trade permits (such as gas, electrical) must be obtained before a secondary suite can be registered.
- No business license requirement.** Based on feedback from the public as well as direction from City Council and staff, business licenses are not recommended for single family dwellings with secondary suites.

Enforcement

- Develop incentive strategy to encourage legalization.** As outlined in the following section, an incentive strategy should be developed to encourage homeowners to register secondary suites. This incentive strategy should provide a one-year transition period during which building permit and inspection fees are waived.
- Reactive enforcement during transition period.** During the one-year transition period, the City should continue with its existing enforcement policy regarding secondary suites, which is to respond to written complaints on a case-by-case basis.
- Proactive enforcement after first year.** After the end of the one-year transition period, the City should shift towards a more proactive enforcement policy for illegal



secondary suites. This could include continuing to respond to written complaints regarding illegal secondary suites on a case-by-case basis, as well as responding to non-written complaints.

As an additional means of identifying secondary suites, the City should work with the Fraser Valley Real Estate Board (FVREB) to identify secondary suites in properties that have been listed for sale. The FVREB requires all sellers of property to accurately complete a *Property Disclosure Statement* for residential properties. This statement requires that sellers respond to a variety of questions, including: *“do the premises contain unauthorized accommodation?”*

Other proactive enforcement measures that should be taken include allowing Bylaw Enforcement Officers to investigate suspected illegal suites even if a complaint has not been filed and, if necessary, imposing daily fines to registered homeowners if their dwelling unit continues to have an illegal secondary suite.

- ***Illegal secondary suites required to be legalized or removed after transition period.*** At the end of the transition period, when the City becomes aware of an existing illegal secondary suite through the proactive enforcement measures outlined above, the homeowner will be directed to either have their suite inspected and registered with the City or to remove the secondary suite. If homeowners choose not to legalize their secondary suite, the homeowner will be required to remove the suite and tenants required to vacate by the last day of the following month, as per Section 47 of the BC Residential Tenancy Act:

47 (1) A landlord may end a tenancy by giving notice to end the tenancy if one or more of the following applies:

(k) the rental unit must be vacated to comply with an order of a federal, British Columbia, regional or municipal government authority

(2) A notice under this section must end the tenancy effective on a date that is
(a) not earlier than one month after the date the notice is received, and
(b) the day before the day in the month, or in the other period on which the tenancy is based, that rent is payable under the tenancy agreement.

After this period, the City will inspect the unit to confirm that the suite has been removed.



9.0 IMPLEMENTATION STRATEGY

1. Amend Zoning Bylaw

If City Council chooses to legalize secondary suites, an amendment to the Zoning Bylaw is required. City staff will need to prepare a draft amendment to the Zoning bylaw based on direction from Council. At a minimum, this amendment will require changes to the following sections of the Zoning Bylaw:

- Part I – Administration and Enforcement
 - C. Definitions
 - D. General Provisions
 - E. Off-Street Parking and Loading
- Part II – Residential Zones
 - A. RS1 – Single Family Residential Zone
 - Add secondary suites as permitted accessory use
 - B. RS2 –Single Family Estate Residential Zone
 - Add secondary suites as permitted accessory use

An amendment to the City's Zoning Bylaw will involve a formal public hearing process under existing legislation.

2. Develop an Application Process for Legalizing Suites

Residents will need to apply to the City to have their secondary suites inspected and registered. Residents will need to complete the City of Langley's *Building Permit Application* form. On this form, residents are asked whether the application for permit is for new construction, renovation, addition, tenant improvements, demolition of building, or other. Applicants will be directed to check "other" and indicate in the Project Description field: "Legalization of Secondary Suite." Applicants will also be required to provide an estimated construction value in order to determine the appropriate building permit fees.

3. Create Secondary Suites Registry

The City will need to establish a registry for secondary suites. The City will also need to develop a proper inspection protocol to ensure that suites are properly inspected prior to registration to ensure that all legalized suites meet the requirements of the BC Building Code, the City's Zoning Bylaw, and any other relevant City policies. The City should also establish a process for sharing the information on the Secondary Suites Registry via Building Permit applications with BC Assessment for tax assessment purposes.



4. Develop an Incentive Strategy

Council has identified that incentives are desired to encourage legalization, and strategies in other municipalities also have been presented. It is recommended that residents wanting to legalize their secondary suites be presented with a grace period during which inspection and/or registration fees are waived. If Council decides to move forward with the legalization of secondary suites, it is recommended that the fees for all newly registered and inspected suites be waived for 12 months. Secondary suites that do not register during this period will be subject to enforcement.

5. Public Awareness Campaign

The City, along with Urban Systems, will prepare an information brochure to outline the process and requirements for legalizing secondary suites. This brochure will explain, in clear terms, how residents can legalize secondary suites, and what a legalized secondary suite will look like. After the adoption of a bylaw amendment to permit secondary suites, the City should send a newsletter containing information about the secondary suites program as well as the information brochure to all single family households in the City of Langley.