



# ACCESSORY DWELLING UNITS IN THE ALBERNI VALLEY

Report to the Alberni-Clayoquot Regional District

March 2011

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# ACCESSORY DWELLING UNITS IN THE ALBERNI VALLEY: MOVING TOWARDS ACCEPTANCE

Report to the Alberni-Clayoquot Regional District

## 1 Background

Secondary suites exist in all communities. They take a variety of forms and – for ease of regulation – are given a variety of names: accessory dwelling units, in-law suites, granny flats, garden suites, basement suites, carriage houses, etc. In some jurisdictions, they must meet the requirements for a duplex. The fact that these suites exist so pervasively indicates that there is, to varying degrees, a universal demand for them, predominantly as a form of affordable housing.

For many years most jurisdictions turned a blind eye to the existence of secondary suites, thereby avoiding any responsibility for regulating, inspecting, monitoring and enforcement. However, as housing – particularly in urban centres – becomes more expensive, the number and form of secondary suites continues to grow. It is mainly the form of this accessory accommodation that has become a concern to both provincial and local governments: are these dwelling units safe and healthy for their occupants?

The Alberni-Clayoquot Regional District (ACRD) has recognized the existence of such suites – as well as accessory cabins, cottages and suites in separate buildings, which are indicators of the demand for them – and acknowledges the potential for unsafe or unhealthy living conditions. In addition, while generally it is not local government's responsibility to provide affordable housing, local government can make it either easier or more difficult for the private sector to meet this need.

The ACRD wants to know how other jurisdictions are dealing with secondary suites and to take advantage of the experience gained elsewhere. Among the aspects of this initiative that must be addressed are the following:

- What issues are associated with legalization?
- What are the advantages of legalizing secondary suites?
- What are the disadvantages?
- How much will it cost us?
- How can it be done with the least disruption to existing neighbourhoods?
- Where are secondary suites appropriate?
- What form should they take?
- How do we go about legalizing secondary suites?

## 2 Research: Other Jurisdictions

In order to gain from the experiences of other local governments, a wide variety of jurisdictions was investigated.

The 2005 provincial government publication entitled *Secondary Suites: A Guide for Local Governments* was an excellent place to start this research. That document covers a wide range of related issues and details how eight municipalities have dealt with them. Other jurisdictions have also consulted this publication, at least one attaching the executive summary to a report to council.

However, as all of the case studies described in *Secondary Suites* are Lower Mainland municipalities, our research focused primarily on Vancouver Island regional districts and some of the municipalities that are currently dealing with the issue. This research is attached as Appendix 1 to this report.

Between the mid-1990s and 2010, 11 municipalities changed their bylaws to permit a range of secondary suite housing options in single detached homes. The cities of North Vancouver, Delta, Kelowna and Vancouver actively promote this housing form.

The Comox Valley Regional District's Rural Zoning Bylaw deals extensively with both secondary suites and carriage houses. The Bylaw was most recently updated in 2008 to provide increased clarity to the regulations regarding carriage houses.

The Cowichan Valley Regional District has updated only one of its nine electoral area Official Community Plans (OCPs) – that of Cowichan Bay – to address secondary suites.

The Capital Regional District is currently asking residents the question: How important is for local government to provide incentives such as federal tax credits or municipal tax reductions to create affordable secondary suites in new or existing housing? This is part of the decision-making process regarding policy options. A *moderate* policy change would mean introducing incentives for secondary suite development and adopting policies to preserve existing lower-cost rental housing. A *significant* change could mean partnering with other levels of government to provide tax credit incentives to create additional secondary suites in new and existing units.<sup>1</sup> The term *Accessory Dwelling Unit* is used to encompass “laneway housing, backyard cottages, garden suites, granny flats or coach and carriage dwellings” as options to the “typical secondary suite.”

The recent experiences of these three regional districts – as well as some municipalities, in particular the District of Sooke, the City of Colwood and the City of Victoria – have been incorporated into the recommendations of this report.

## 3 Preliminary Decisions

After reviewing the varying degrees to which other jurisdictions have become involved

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<sup>1</sup> Affordable Housing: Regional Sustainability Strategy Policy Options Series, Fall 2010

with this issue and the widely-varying levels of consultation and information dissemination, it became clear that all aspects of this initiative must be carefully considered and understood. In Oak Bay, for example, after forming a review committee that has been consulting and dealing with policy options for two years, a residents' group feels that the process is moving "too fast." Both Sooke and Colwood have secondary suite legalization programs that entail elaborate communication plans and extensive provision of information on their websites.

With this in mind and with the intent of facilitating the decision-making process, it will be important for ACRD directors and staff to consider two political/philosophical questions:

1. How badly do we want secondary suites or accessory dwelling units in the Alberni Valley? In other words, when legalizing existing suites, are we going to be proactive or reactive in enforcement?
2. How can we be fair and equitable to both the owners of existing suites and those who want to construct a new suite?

The answers to these questions will not only impact homeowners, but also – to a large extent – staff resources.

#### **4 Advantages of Accessory Dwelling Units**

Adopting the Capital Regional District use of the term Accessory Dwelling Units (ADUs) allows the ACRD to look at a variety of forms of affordable housing and to illustrate these to residents of the Alberni Valley for their feedback. Some forms may be more acceptable than others.

As noted in our proposal, it is important to view this initiative from a number of different perspectives.

- 4.1 The advantages of ADUs, from the ACRD's perspective, are:
  - provide affordable rental housing;
  - increase density in areas with existing residential use, often close to amenities, without altering the character of the neighbourhood;
  - often allow for greater diversity within neighbourhoods.
- 4.2 Advantages from homeowners' perspective include:
  - represent financial assistance (a mortgage helper);
  - mean someone is there if the owner wishes to travel;
  - may allow owner to age in place, possibly moving to the suite;
  - provide a sense of security for older, frailer owners or persons with disabilities;
  - allow families to stay together, with adult child or elderly relative in suite.
- 4.3 From a neighbourhood perspective, ADUs can:
  - provide stability, if they allow a financially-strapped homeowner to keep

- his/her home;
- may mean a more diverse population mix, with generally younger or older tenants in the ADU;
- represent a form of low-impact densification, maintaining the character of the neighbourhood;
- provide affordable housing without government (thus tax-payer) subsidy.

## 5 Challenges of Accessory Dwelling Units

There are, of course, disadvantages or challenges that must be recognized and addressed when considering ADUs. Again, from different perspectives, these cover a broad range of issues.

- 5.1 From a local government perspective, challenges include the following:
- possible community resistance;
  - development of procedures;
  - concerns about safety and health in existing suites;
  - enforcement and the demand on staff resources;
  - providing assistance to homeowners;
  - the potential loss of existing rental suites;
  - concerns about fairness regarding services;
  - administrative costs.
- 5.2 The homeowners if faced with challenges also, such as:
- the cost of legalizing an existing suite;
  - concerns about the impact on property assessment and taxes;
  - possible difficulties – even impossibility – in meeting requirements;
  - inability to meet growing family needs without an ADU;
  - potential loss of sense of security if an existing ADU must be removed;
  - potential loss of mortgage helper if an ADU is removed.
- 5.3 From the neighbourhood perspective, issues that must be addressed include:
- concerns about loss of on-street parking spaces;
  - possible congestion or increased traffic;
  - preservation of open space;
  - uncertainty of sewage disposal capacity;
  - potential loss of neighbourhood diversity if existing ADU is removed;
  - inability of community to provide affordable rental accommodation.

## 6 Addressing the Issues

In most instances, there is more than one way of addressing an issue. In this section, options are identified wherever possible and examined. The experience of other local government jurisdictions is drawn upon extensively for this analysis.

- 6.1 Community acceptance is critical, for both implementation and political support. All of the jurisdictions reviewed for this project were concerned about the public response to this sensitive issue. Some municipalities had secondary suite

legalization programs that entailed elaborate and exhaustive communication plans. Tools that can be used for providing as much information as possible to the public include website postings, community meetings, newspaper advertisements, information sheets or handouts, mailouts, and establishing a task force or advisory committee. The ACRD has already used some of these methods of communicating and obtaining feedback.

- 6.2 Development of procedures for both constructing a new suite or ADU and legalizing an existing one have been established by a number of jurisdictions. It will not be necessary for the ACRD to create new procedures and guidelines.
- 6.3 Concerns about safety and health in existing suites are the main impetus for initiating a secondary suite or ADU legalization program. The health and the safety of tenants in possibly unhealthy or unsafe living conditions are province-wide concerns, as are the potential liability concerns related to this aspect of the matter. It is no longer acceptable or wise to turn a blind eye to either existing, illegal suites or the need for affordable housing.
- 6.4 Enforcement and the demand on staff resources will be determined – to a large extent – by the answers to the questions posed in Section 3 above. Some municipalities have aggressively sought to locate existing suites, using real estate listings, assessment data, familiarity with the area and a legalization campaign. At least two municipalities are currently softening their initial approach. Other jurisdictions – generally those in which the need for affordable housing is the greatest – have taken a gentler approach and tried to work with residents to make it as easy as possible to legalize suites or ADUs. This appears to be the path of least resistance. Nevertheless, it must be acknowledged that there will be additional demands on staff time.
- 6.5 Providing assistance to homeowners will go a long way towards easing the transition from a community with no legal suites to one with only legal suites. This assistance can take many forms: information posted on the ACRD’s website, brochures or information sheets available at the office counter, the offer of free inspections and advice, a checklist of items that must be dealt with, etc.
- 6.6 The potential loss of existing rental suites is a genuine possibility – perhaps probability – as it may be impossible to bring some existing suites up to BC Building Code standards. The potential loss can be minimized to a degree by facilitating legalization. Specifically, the application of equivalent or alternative life safety standards to existing suites has been found to be essential in many cases. Alternative safety standards have been developed and are being used in a number of jurisdictions, such as Coquitlam, New Westminster and Sooke.
- 6.7 Concerns about fairness regarding services have also been encountered by many jurisdictions, although this is more of a concern in urban areas where the local government is providing water, sewerage, garbage collection, etc. In the ACRD’s rural areas, there are some community water systems, but many homes will be drawing from individual wells. Where there are water systems, it may be

important to access the capacity of the system. All residences in the ACRD have individual septic sewer systems; therefore, it will be necessary to ensure that sewerage meets the requirements of the Vancouver Island Health Authority (VIHA).

- 6.8 Administrative costs will be impacted by the amount of work involved on the part of planning, bylaw enforcement and inspection staff. This, in turn, will depend on the response to the program and on the housing market. At the moment, rural ACRD is experiencing modest growth. Consequently it is an opportune time to encourage people planning to build new homes to plan in advance for a secondary suite, if they are even slightly interested. It is usually much easier to build a new suite to Code than it is to retrofit an existing suite.
- 6.9 The cost of legalizing an existing suite is a valid concern for most people whose home contains a suite. The use of alternative life safety standards will somewhat mitigate the cost of improving the suite – if necessary. Canada Mortgage and Housing Corporation (CMHC) currently offers financial assistance to qualified homeowners with a rental suite through the Rental Residential Rehabilitation Assistance Program (Rental RRAP). Information on this program may be obtained on the website [http://www.cmhc-schl.gc.ca/en/co/prfinas/prfinas\\_008.cfm](http://www.cmhc-schl.gc.ca/en/co/prfinas/prfinas_008.cfm) or by telephoning 1-800-668-2642.
- 6.10 Concerns about the impact on property assessment and taxes are often expressed by homeowners. Homes with a secondary suite are assessed at a higher value than homes without one. This is the case whether the secondary suite or ADU is a legal one or not.
- 6.11 Possible difficulties – even impossibility – in meeting requirements of bringing an existing suite into compliance with Code or alternative safety standards will concern both the homeowner and the ACRD. If it is impossible to meet the necessary standards for health and safety, the suite must be closed. This means a loss of some income to the homeowner, even if the suite is converted to room-and-board accommodation. If this is not done, it means fewer affordable rental housing units in the Alberni Valley. It is in both parties' interests to bring the suite into compliance if at all possible.
- 6.12 Inability to meet growing family needs without an ADU is a challenge that must be faced by, for example, a family who needs to provide accommodation for an aging parent or parents ... or adult children, possibly with a child or children of their own. Again, it is in the family's, the community's and the ACRD's interests to be able to accommodate older and younger people in the community.
- 6.13 Potential loss of sense of security if an existing ADU must be removed may concern both the homeowner and his/her neighbours. The tenant of an ADU is another pair of "eyes on the street" within the neighbourhood, and may be a particular comfort to the homeowner when away from home.
- 6.14 Potential loss of mortgage helper if an ADU is removed concerns both the homeowner who stands to lose the income derived from an ADU and the tenant, who



then has to look for alternative – possibly more expensive – accommodation.

- 6.15 Concerns about loss of on-street parking spaces, sometimes a view expressed by neighbours, can be addressed by requiring the property owner to provide an on-site parking space for the tenant.
- 6.16 Possible congestion or increased traffic can result from the addition of an ADU to a neighbourhood, as the new tenant will probably have a car. However, in light of the low densities in most rural areas – combined with the probability that only a few homes will want to construct an ADU – the increase in traffic is likely to be minimal.
- 6.17 Preservation of open space is always a desirable effect in rural areas, where residents generally value a relatively high degree of privacy. While ADUs are located on private property, nevertheless neighbours often appreciate the green space in adjacent yards. A possible solution is to require buffering between ADUs and adjacent properties.
- 6.18 Uncertainty of sewage disposal capacity is a very valid concern from a health perspective. The property must meet provincial health requirements for sewerage in order to accommodate additional housing in any form.
- 6.19 Potential loss of neighbourhood diversity if existing ADU is removed may concern all parties. The tenant of an ADU may be an older person, an older couple, a mature adult, a young single person or a young couple, possibly with a child. The only way to address any loss associated with the removal of an existing ADU is to ensure that legal ADUs are constructed.
- 6.20 Inability of community to provide affordable rental accommodation can be a true concern, particularly in attractive neighbourhoods where high-quality housing is predominant. Such houses are generally relatively expensive to rent – in the few cases when they are available for rent. One way of addressing this is to encourage new home builders to consider planning for a secondary suite or another form of ADU.

## 7 Demographics

Over the longer term – 1981 to 2006 – the ACRD’s research has shown that population in the rural areas has been declining. At the same time, the median age of residents is increasing.

In contrast, during the recent five-year period from 2001 to 2006, the population of the entire regional district increased from 30,345 to 30,664<sup>2</sup>, a modest increase of 1.05 % or 319 people. By electoral area, the change varied considerably.

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<sup>2</sup> Stats Canada



Over the same time period (2001 to 2006), the City of Port Alberni's population declined from 17,748 to 17,548. This represents a decrease of 1.13% or 200 people. In effect, therefore, the population of the unincorporated area increased more than the region-wide figures indicate – as much as 4.8%, according to BC Stats' data, as shown below.

**Population Change by Electoral Area, 2001 – 2006<sup>3</sup>**

Electoral Area	2001	2006	Change
A – Bamfield	285	303	+ 6.32%
B – Beaufort	502	476	- 5.18%
C – Long Beach	369	401	+ 8.67%
D – Sproat Lake	2,016	2,027	+ 0.6%
E – Beaver Creek	2,779	2,822	+ 1.55%
F – Cherry Creek	1,895	1,882	- 0.69%
All electoral areas	7,549	7,911	+ 4.8% <sup>4</sup>

What the age cohorts figures below show is that, in 2006, almost half the rural population (46.75%) was over the age of 40. Almost a third (31%) was between the ages of 40 and 64. Just over one-fifth (21.62%) of the population was between the ages of 20 and 39. This is the age group that is entering the labour force full-time, marrying and starting a family. Understanding the needs of this group – as well as the growing seniors' cohort – will be critical to efforts to ensure that appropriate and affordable housing is made available in the rural areas.

**2006 Alberni-Clayoquot Census Division Age Cohorts**

Age characteristics	Alberni-Clayoquot (CD)		
	Total	Male	Female
Total population	30,665	15,465	15,200
0 to 4 years	1,515	805	705
5 to 9 years	1,630	800	830
10 to 14 years	2,060	1,075	985
15 to 19 years	2,085	1,120	965
20 to 24 years	1,640	830	810
25 to 29 years	1,525	735	790
30 to 34 years	1,650	805	850
35 to 39 years	1,815	900	910
40 to 44 years	2,265	1,120	1,140
45 to 49 years	2,575	1,275	1,295
50 to 54 years	2,710	1,350	1,360

<sup>3</sup> BC Stats

<sup>4</sup> Stats Canada's figures indicate an increase of 319 people, while BC Stats show 362. It is not clear to me why there is a difference. The variance may be the result of the dissolving of two subdivision areas in the ACRD or of the inclusion (or not) of first nations' populations.

Age characteristics	Alberni-Clayoquot (CD)		
	Total	Male	Female
55 to 59 years	2,420	1,310	1,110
60 to 64 years	1,975	1,045	930
65 to 69 years	1,510	765	745
70 to 74 years	1,200	615	580
75 to 79 years	950	475	475
80 to 84 years	640	280	360
85 years and over	510	170	345
Median age of the population	43.3	43.1	43.4
% of the population aged 15 and over	83.0	82.7	83.4

The ACRD will undoubtedly want to see whether overall growth in the rural areas is an on-going trend or was an anomaly between 2001 and 2006. The 2011 Census will not be completed and the results published in time for finalization of this report, but will provide the ACRD with important information that can be used to update the Alberni Valley Background Study.

## 8 Discussion

Using the experience of and information provided by other local governments can help the ACRD in terms of both process and product. The jurisdictions that have been taking - or are moving towards - a more lenient and cooperative approach, for example, seem to be achieving the desired results with the least amount of resistance in the community.

The more explanatory and helpful information provided to residents, the better are the chances that the initiative will be received without a great deal of opposition. The ACRD has initiated the process by asking residents if they agree with allowing legal secondary suites in residential dwellings, and why they agree or disagree. The feedback received, as well as some information on typical secondary suite requirements, was incorporated into the 2010 Alberni Valley Background Study.

One of the recommendations will be to broaden the range of possibilities for community feedback to accessory dwelling units, as formats other than secondary suites - i.e., carriage homes or granny flats - may prove to be easier and less expensive to provide, particularly where existing homes are involved.

The Cherry Creek OCP, the next plan scheduled for review and updating, contains the following residential-use objectives:

1. To recognize the desirability of protecting the quality and privacy of existing residential neighbourhoods and areas and the channelling of future residential development to areas where such development is deemed feasible and desirable

bearing in mind land availability, status and infrastructural/utility service provision.

2. To recognize the desirability of reducing, as far as possible, the negative effects associated with the location of incompatible uses in close proximity to residential areas/neighbourhoods.
3. To recognize the advisability of providing an acceptable range of residential densities.

When this OCP – as well as those of other electoral areas – is updated, it will also have to include housing policies respecting affordable housing, rental housing and special needs housing<sup>5</sup> and targets, policies and actions for the reduction of greenhouse gas emissions. In rural areas, greenhouse gas emissions are predominantly due to on-road transportation. Therefore, the more spread-out the community is, the greater the emissions, as residents travel to work, shopping, entertainment, recreation and social functions. One of the benefits of ADUs is a subtle increase in neighbourhood density, perhaps avoiding or postponing the need to develop new residential areas.

Implementation will not be without challenges, but the ACRD's recent addition of an extra staff person in building inspection will go a long way to making it possible and successful.

## 9 Recommendations

The recommendations made here have been formulated from feedback the ACRD received in response to its initial information sheet on secondary suites, responses to the question posed to residents about legalizing secondary suites, the subsequent background study "Creating a Vision for the Future" and responses obtained at two open houses. The recommendations fall into three general categories: general, new units and existing units.

### 9.1 General Recommendations

- i. Encourage the provision of Accessory Dwelling Units (ADUs) as a form of affordable rental housing or separate accommodation for relatives for whom the homeowner is a care-giver.
- ii. Permit all forms of ADUs with appropriate guidelines.
- iii. Permit ADUs in all zones but only on properties where the principal use is a single-family home.
- iv. Establish homeowner assistance program with resources such as information bulletins, copies of Section 9.36 of the BC Building Code, and guidance by staff.
- v. Require one on-site parking space for an ADU if on-street parking is restricted.
- vi. Require buffering or screening where privacy – either of the ADU tenant or the

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<sup>5</sup> *Local Government Act*, Section 877 (2) and (3)

adjacent property owner/user – may be considered an issue.

- vii. Permit only one ADU per lot and none on any lot with two dwellings on it, including a mobile home. An exception to this should be considered for agricultural lots, where additional accommodation may be required for workers.

## 9.2 New Accessory Dwelling Units

- i. Encourage builders of new homes to consider planning in advance for an eventual secondary suite.
- ii. The construction standard for all new ADUs must be the BC Building Code. This includes the size of secondary units having a total floor space of not more than 90 m<sup>2</sup> in area or not more than 40% of the habitable floor space of the primary dwelling unit – whichever is less.
- iii. The maximum size of a carriage house or cottage could be set as for a secondary suite, above, or as an alternative: a maximum footprint of 60 m<sup>2</sup> and a maximum height of 4 m.
- iv. VIHA requirements for sewage disposal must be met by all new ADUs. This may be seen as a more equitable determining factor than lot size.
- v. Where the design or construction of an existing home does not lend itself to the addition of a secondary suite, encourage consideration of alternate forms of ADUs such as a carriage home/cottage or granny suite.

## 9.3 Existing Accessory Dwelling Units

- i. Establish a program for legalization of existing secondary suites and other ADUs, and encourage homeowners to seek staff's assistance.
- ii. Encourage homeowners to voluntarily “register” their suites or cottages to initiate the process of working together to bring the unit up to an acceptable standard.
- iii. Offer incentives, such as a free inspection with advice on necessary upgrades.
- iv. Attempt to bring existing ADUs into compliance with BC Building Code requirements. Where this is not possible, establish alternative life safety standards.
- v. Where alternative life safety standards cannot be met, close suite, remove kitchen or convert to part of existing home.
- vi. Exempt existing secondary suites from the size limitation.

## APPENDIX A Draft Official Community Plan Objectives and Policies

### Definition

Accessory dwelling unit means a second self-contained unit, typically in or attached to a single-family home, or a smaller dwelling on the same lot, and includes basement apartments, apartments in houses, accessory apartments, in-law suites, granny suites, nanny suites, carriage houses, coach houses and cottages. An accessory dwelling unit is intended for residential use by a second household, and contains its own entrance, cooking facilities and sanitary facilities.

### Objectives

- To facilitate the provision of affordable rental housing.

### Policies

- Accessory dwelling units are permitted in all zones, provided the principal use of the lot is a single-family dwelling and provided the lot is capable of meeting health requirements for sewage disposal for an accessory dwelling unit.
- The Regional District will work with homeowners with an existing accessory dwelling unit to ensure that it meets the necessary health and safety requirements.
- Residents are encouraged to consider the inclusion of an accessory dwelling unit when planning to construct a new home.

## APPENDIX B Draft Zoning Bylaw Revisions

In all zones where the principal permitted use is a single-family dwelling:

### Permitted Secondary or Accessory Uses:

- One accessory dwelling unit: either a secondary suite or a carriage house or a granny flat.

#### A secondary suite must

- be located in or attached to the principal dwelling unit;
- have a total floor space of not more than 90 m<sup>2</sup> in area or not more than 40% of the habitable floor space of the primary dwelling unit - whichever is less;
- have an entrance that is separate from that of the principal dwelling unit;
- include facilities for storing, preparing and cooking food, sanitary facilities and a bedroom;
- not be a separate strata unit.

#### A granny suite may

➤ be located above the parking level in a garage or above a shop or workspace;  
and must

- be located on the same lot as the principal dwelling;
- have a total floor space of not more than 90 m<sup>2</sup>;
- have an entrance that is separate from that of the parking garage or workshop;
- include facilities for storing, preparing and cooking food, sanitary facilities and a bedroom;
- not be a separate strata unit.

#### A carriage house must

- be located on the same lot as the principal dwelling;
- have a total floor space of not more than 90 m<sup>2</sup> and a height of not more than 3 m if constructed on one level, or, alternatively, a building footprint of not more than 60 m<sup>2</sup> and a height of not more than 5 m if constructed on two levels;
- include facilities for storing, preparing and cooking food, sanitary facilities and a bedroom;
- not be a separate strata unit.

## APPENDIX C Draft Equivalent Life Safety Standards

**Equivalent Life Safety Standards** means measures that could be taken to provide a level of safety equivalent to that outlined in the BC Building Code for secondary suites. These may include but are not limited to: additional handrails or slip resistance for stairs that cannot meet the strict interpretation of the BC Building Code, additional smoke detection and alarm, sprinklers, or other such measures that protect the inhabitants from smoke or fire and allow for ease of evacuation in case of emergency. Equivalent Life Safety Standards apply only to suites constructed prior to the adoption date of this policy.

The following are considered **minimum health and life safety requirements**:

1. Hot and cold running water.
2. Toilet, basin and bath tub/shower in a washroom.
3. Kitchen with provision for cooking, cleaning and storage.
4. Heating system capable of maintaining a minimum temperature of 22°C during the heating season.
5. Windows in conformance with Section 9.7 of the Code.  
**Note:** Bedroom windows must provide an unobstructed opening of not less than 380 mm in height and width and .35 m<sup>2</sup> in area, and the bottom of the opening must not be more than 1.5 m above floor level.
6. Minimum height of 2 m over the required area with localized depressions such as doors, beams, duct drops, etc., of 1.93 m. Areas over and above the required areas are permitted to have less than those prescribed provided it is not part of the means of egress or does not constitute a hazard.
7. Additional interconnected hard-wired smoke alarms of the photo-electric type in both suite and principal dwelling.
8. Minimum 25-minute fire separation from the principal residence (i.e., minimum 1.27 cm (½-inch) drywall on both sides of the stud surfaces and on the underside of floor joists).
9. Exit directly to the exterior unless there is a shared exit that is fire separated. Exits are not permitted through a garage or service room. Exit enclosures must maintain a minimum 25-minute fire separation. Doors contained within the fire separation must be solid core or listed and must be self-closing.
10. Minimum stair width of 860 mm with a rise and run configuration that conforms to the Type II stair requirements as specified in Section 9.8 of the Code.



11. Combustible drain waste and vent piping enclosed by a minimum of 1.27 cm (½-inch) drywall and not penetrating the drywall.
12. Forced-air heating and ventilation systems not interconnecting suite and principal dwelling unless
  - a. listed smoke dampers are installed in the plane of the fire separation or supply ducts (maximum 130 cm<sup>2</sup> in area) are located not more than 1.2 m above the floor level and
  - b. activation of smoke alarms/detectors in the suite or in the principal dwelling will cause the heating system to shut down.
13. Third-part inspections required:
  - a. Gas-fire furnace installation/operation to be inspected and passed by a qualified heating contractor or the Provincial Gas Safety Branch (telephone 604-660-9433).
  - b. Electrical service panel(s), wiring and appliances in the suite to be inspected and passed by a licensed electrical contractor or the Provincial Electrical Safety Branch (telephone 604-660-9433).
14. Any serious health or life safety matters observed during inspection must be rectified to the satisfaction of the Building Inspector.

**Appendix D  
Review of Other Jurisdictions  
Regional Districts**

	<b>Tool/Source</b>	<b>Method</b>	<b>Conditions/Requirements</b>	<b>Comments</b>
Mount Waddington		Not addressed		
Comox Valley	Rural OCP	Secondary suites explicitly listed as permitted use in rural areas; carriage houses implicitly permitted (as strata conversion of either not supported)	Subject to zoning bylaw, BC Building Code and community health services approval	
	Electoral Area C Local Area Plan	Support for inclusion of secondary suites to existing farm dwellings in the ALR, as a source of non-farm income for farm	As above	
	Electoral Areas A & B Plans	Allowed in all residential zones and in existing farm dwellings	As above	
	Union Bay LAP	Secondary suites, carriage houses and secondary dwellings encouraged	Where permitted by zoning	
	Royston LAP	Permitted in all homes		
	Zoning Bylaw	<p>Secondary suite defined as “a separate dwelling unit located within a building which is a single real estate entity used for residential purposes and which contains only one other dwelling unit.”</p> <p>One of secondary suite, carriage house or secondary dwelling permitted accessory use in residential, country residential, comprehensive development, golf course residential, residential-public facilities, mixed-residential, mixed-residential / institutional, rural density bonus one, and commercial zones.</p>	<p>May not be owned as a separate fee-simple unit. Must meet the following criteria:</p> <ul style="list-style-type: none"> <li>• located within a residential building with only one other dwelling unit</li> <li>• located in same building as principal residential use</li> <li>• not more than 90 m<sup>2</sup></li> <li>• less than 40% of total building area</li> <li>• one off-street parking space for exclusive use of suite</li> <li>• approved by local health authority</li> </ul>	
		Carriage house defined as “a dwelling unit located on the second storey of an accessory building that contains no interior access to	<p>Must meet the following criteria:</p> <ul style="list-style-type: none"> <li>• maximum height of building 7 m.</li> </ul>	

		any part of the accessory building below the carriage house.”	<ul style="list-style-type: none"> <li>• setbacks same as principal dwelling</li> <li>• restricted to second storey of accessory building</li> <li>• access external and not enclosed</li> <li>• not more than 90 m<sup>2</sup></li> <li>• area of ground level must not exceed that of second storey</li> <li>• one off-street parking space</li> <li>• approved by local health authority</li> <li>• may not be subdivided off</li> </ul>	
Nanaimo	Electoral Area G OCP	Encouraged in comprehensive mixed residential areas		
Cowichan Valley	Electoral Area D Cowichan Bay Zoning Bylaw	Defined as “an accessory dwelling unit attached to or within a single-family dwelling unit.” Permitted in A-1, R-2, R-3 and R-3B zones (no R-1 zone in Cowichan Bay)	<p>Must meet the following criteria:</p> <ul style="list-style-type: none"> <li>• not more than 74 m<sup>2</sup></li> <li>• one on-site parking space</li> <li>• approval of Health Authority or connection to local sewer system</li> <li>• only one small suite or one secondary suite per lot</li> <li>• permitted only on lots of 0.4 ha. or larger, or 0.2 ha. if connected to local sewer and water systems</li> <li>• may not be subdivided off, secured by covenant</li> </ul>	Cowichan Bay OCP is the only one of nine that deals with this issue.
Capital	Affordable Housing: Regional Sustainability Strategy Policy Options	Accessory Dwelling Units (ADUs): laneway housing, backyard cottages, garden suites, granny flats or coach and carriage dwellings, described as small, detached units on the same lot as the principal home and an option to the typical secondary suite.		
	Sooke Land Use Bylaw	Revised 2010 to delete “in-law suites” and define secondary suites as accessory dwelling units capable of being occupied year-round,	<p>Criteria:</p> <ul style="list-style-type: none"> <li>• not more than 90 m<sup>2</sup></li> <li>• approved by a building permit</li> </ul>	

		with living facilities, including sleeping, cooking, sanitation, food storage and preparation, contained in a single-family dwelling.	pursuant to the BC Building Code or, where the suite predates the adoption of authorizing bylaw:	
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### Review of Other Jurisdictions Municipalities

	Tool/Source	Method	Conditions	Comments
City of Port Alberni		Not addressed		
City of Courtenay	OCP	Will be considered as part of a principal single-family residential building subject to zoning approval (in areas designated Urban Residential).		
	Old Orchard LAP	Defined as "a dwelling unit which is accessory to the principal use being made of the parcel on which the secondary suite is located." Proposes creation of new zone - s-f res'l/ duplex - to allow an accessory or secondary suite such as carriage home or granny flat in the rear yard where the lot abuts a lane -to provide new forms of affordable housing.		LAP completed in 2008.
	Zoning Bylaw	Permitted in R-2 zone with the principal dwelling.		
City of Nanaimo	Zoning Bylaw	Permitted in all single-family residential and rural agricultural/residential zones and in all multi-family residential, commercial and public institution zones with only one principal dwelling and no other use on site.	<ul style="list-style-type: none"> <li>• Not more than one suite per single-family dwelling</li> <li>• not permitted in mobile home or where B&amp;B is established</li> <li>• permitted in accessory buildings on corner lots with lane and on lots &gt; 1000 m<sup>2</sup></li> <li>• not more than 40% of habitable floor space of principal dwelling to a max. of 90 m<sup>2</sup></li> <li>• min. 30 m<sup>2</sup> of private open space</li> </ul>	Very complicated definition of secondary suite.

			for tenant	
	Building Inspection information sheet	Summarizes Section 9.36 of the BC Building Code re scope, fire separation, safety, plumbing and heating, room/egress dimensions and spatial separations.		
District of Sooke	OCP	Policy of allowing flexibility for developers to provide the required affordable housing in a variety of ways – i.e., secondary suites, condo rental units, cash or land in lieu.	<ul style="list-style-type: none"> <li>• Parking and provision of private or shared open space for tenants of suite</li> </ul>	
	Zoning Bylaw	Defined as an accessory dwelling unit capable of being occupied year-round, with living facilities, including sleeping, cooking, sanitation, food storage and preparation, contained in a single-family dwelling. Permitted in all single-family residential, rural, agricultural and some CD areas	<ul style="list-style-type: none"> <li>• Min. lot 600 m<sup>2</sup> in single-family residential areas, 1 to 2 ha. in rural residential areas and 4 ha. in rural areas</li> <li>• located within s-f dwelling</li> <li>• constructed in accordance with BC Building Code</li> <li>• not more than 40% of single-family dwelling area</li> <li>• not more than 90 m<sup>2</sup></li> <li>• not less than 40 m<sup>2</sup></li> <li>• two on-site parking spaces</li> <li>• only one secondary suite or one small suite per lot</li> <li>• owner must occupy principal dwelling or suite</li> <li>• boarders, lodgers and B&amp;B not permitted in dwelling with secondary suite</li> <li>• suite not to change residential appearance or character</li> </ul>	Members of the public and dev. community lobbied for allowing suites on lots < 600 m <sup>2</sup> ; staff is to amend zoning bylaw to allow suites on lots of 500 m <sup>2</sup> in RS-2 zones.
	Secondary Suite Legalization Program	Involved extensive public education and communication plan including mail-outs, open houses, newspaper ads, news release, pamphlets, workshop, presentations to community groups upon request, display at front counter, on-line survey and posting information on municipal website; formation of an Advisory Committee.	<p>Legalization entails registration, building permit, compliance with BC Building Code or Equivalent Life Safety Standards, inspection and annual permit.</p> <p>Owner must obtain annual permit and sign legal affidavit that dwelling is owner-occupied.</p>	Sooke has been working for over two years on this program.

		For existing suites, registration fee of \$200 and building permit fee waived in one-year (from adoption) transition period.	Renewal fee \$50. Suites not legalized must be decommissioned. Failure to legalize or decommission results in fine.	
City of Colwood	OCP	Affordable housing policy: <ul style="list-style-type: none"> <li>Encourage the development of housing with additional dwelling units (e.g., flex housing, secondary suites, lock-off suites and mingle suites) in all parts of the community in all building types, including multi-family.</li> <li>Permit or require secondary suites in new or existing single-family housing, including small-lot housing and fee-simple row-housing.</li> </ul>		
	Land Use Bylaw	<p>Defined as an additional self-contained housing unit that is ancillary to the principal one-family residential use and is located within the same building.</p> <p>Accessory Dwelling Unit (ADU) defined as an additional self-contained rental housing unit which is secondary to principal unit and located on same lot. May be within or attached to two-family or attached dwelling or within apartment or accessory building.</p> <p>Permitted in most agricultural, rural, rural residential, single-family and multi-family residential, comprehensive residential, tourist commercial, neighbourhood institutional and CD zones in association with one-family dwelling use only.</p> <p>'Class 1' Secondary Suite &amp; Accessory Dwelling Permits issued for suites or dwellings required to comply with BC</p>	<ul style="list-style-type: none"> <li>Not more than 90 m<sup>2</sup> or 40% of the total habitable floor space of the building, whichever is less*</li> <li>within a building of residential occupancy with only one other dwelling unit</li> <li>only one secondary suite or accessory dwelling per lot</li> <li>separate entrance/exit</li> <li>principal dwelling or suite occupied by owner where suite is new**</li> <li>not more than 90 m<sup>2</sup> or 40% of floor area, whichever is less**</li> <li>new suites not a permitted use unless Sec. 219 covenant prohibiting stratification</li> <li>interconnected smoke alarm system</li> <li>one on-site permeable, hard-surface, screened parking space for every two bedrooms, located</li> </ul>	<p>ADUs are distinguished from suites to avoid conflict with Code.</p> <p>* Existing suites exempt from area limitation. ** Existing suites exempt from requirement for owner to occupy dwelling or suite. *** Parking spaces in a garage do not qualify; spaces in a carport do.</p> <p>Secondary suites not included in density</p>

		Building Code and zoning regulations.  'Class 2' permits for units that may not comply with Code, but comply with zoning; not subject to building or fire inspection.	in tandem with another parking space***	calculation.
	Secondary Suites and Accessory Dwellings Legalization Program  Secondary Suite and Accessory Dwelling Unit Permit Procedures & Fees Bylaw	On City website: "SECONDARY SUITES – REGISTRATION REMINDER - APPLICATION CUT-OFF DATE -Applications for 'Class 2' permits to legalize existing secondary suites has been extended to Monday, February 28th at 4:00 p.m. This means that unregistered suites built before July 1, 2009 will be required to comply with 'Class 1' permit regulations as well as current B.C. Building Code standards after the February 28th permit application cut-off date." Link to information pages: <a href="http://colwood.ca/siteengine/activepage.asp?PageID=248">http://colwood.ca/siteengine/activepage.asp?PageID=248</a>	Class 1 Permit fee: \$200 Class 2 Permit fee from 1-Jan-10 to 30-Jun-10: \$200 from 1-Jul-10 to 28-Feb-11: \$300 Permit renewal fee: \$100 Permit if converting from Class 2 to Class 1: \$25	Deadline for registration of Class 2 units extended by two months.
	Fact Sheet	Information for residents on secondary suites and accessory dwelling units, permits, application fees and conditions of use.		
District of Saanich	OCP	Defined as a self-contained unit, typically in or attached to a single-family home or on the same parcel of land, smaller than the primary dwelling unit. Includes basement apartments, apartments in houses, accessory apartments, in-law suites, granny suites, nanny suites and carriage houses, intended for the use of a separate household and contains its own entrance, cooking facilities and sanitary facilities.  Policy: to review existing regulations to consider legalizing as a strategy, possibly implementing on a phased and/or pilot basis.		
	Zoning Bylaw	Defined as an additional dwelling unit located within a building of residential occupancy containing one other dwelling unit.	<ul style="list-style-type: none"> <li>• No more than one per lot or single-family dwelling</li> <li>• wholly contained in dwelling</li> </ul>	



		Permitted in all RS zones	<ul style="list-style-type: none"> <li>owner must occupy either dwelling or suite</li> <li>occupancy permit</li> <li>one on-site parking space</li> <li>total number of kitchens in dwelling not more than two</li> <li>boarders not permitted in suite</li> </ul>	
Oak Bay	Committee	Review Committee for Secondary Suites struck in 2009: three councillors, three citizens, mayor (ex-officio) and director of planning (non-voting); meetings open to the public		Nothing in OCP or Zoning Bylaw yet. Community group Friends of Oak Bay Neighbourhoods feels the process is moving too fast.
	Questionnaire	Mailed out to all households with tax notice in 2009		Community is 52% in favour, 41% against
Victoria	Zoning Bylaw	Definitions: Secondary Suite has the same meaning as under the <i>BC Building Code</i> and does not include a strata lot. Self-contained Dwelling Unit means a suite of rooms in a building designed for occupancy of one family and which includes kitchen, toilet and bathroom facilities.	<ul style="list-style-type: none"> <li>Lesser of 90 m<sup>2</sup> or 40% of habitable floor space of bldg.</li> <li>building must have floor area of at least 150 m<sup>2</sup></li> <li>exterior changes to building restricted</li> <li>no on-site parking required</li> </ul>	
	Grant program	Homeowners are offered a grant equal to 25% of construction costs of new secondary suites in single-family homes, up to a maximum grant of \$5000	<ul style="list-style-type: none"> <li>Building permits for secondary suites issued prior to the start of this program (March 2009) are not eligible for the grant funding.</li> <li>applicable to new suites only</li> </ul>	One-page application form available online
	Garden Suites Pilot Project	Defined as a legal, detached, ground-oriented suite located in the backyard of a property with a single-family home as its primary use. May be a new unit or conversion of an existing accessory building.	<ul style="list-style-type: none"> <li>May not be strata titled</li> <li>not permitted on a lot with a secondary suite</li> </ul>	Policy guidelines available on City's website.