

*District of Peachland Policy*  
**Secondary Suite and Garden Suite Policy**

Effective Date: January 1, 2020	Authorized By: Council – Regular Meeting	Replaces: January 1, 2017 December 11, 2018
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The purpose of a Secondary and Garden Suite Policy (Suite Policy) is to:

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

The following topics are addressed in this policy:

1. General Requirements for Secondary Suites and Garden Suites
2. Registering an Existing Suite
3. Construction of New Suite
4. Application Process
5. Water and Sewer Rates
6. Registration
7. Owner Occupancy Not Required
8. Addressing
9. Garbage Collection
10. Items not responsibility of the District
11. Enforcement
12. Decommissioning Suites.

## **1. General Requirements for Secondary Suites and Garden Suites**

The following requirements apply to all secondary and garden suites:

1. Property owners are encouraged to meet with staff prior to submitting an application to discuss their proposal, application requirements and process.
2. Property owners are required to register suites. All suites must pass an inspection, obtain an occupancy permit and complete the registration process.
3. Secondary suites in all houses, regardless of when they were built, must comply with the BC Building Code, which has provisions for older homes to meet acceptable safety standards. Garden suites must meet the BC Building Code's full requirements.
4. Property owners must maintain, in good standing, an annual suite licence.

## **2. Registering an Existing Suite**

Suites in this category have already been constructed (prior to January 1, 2017) but have not been inspected by the District's Building Inspector. The following applies to registering an existing suite:

- An 'existing suite' is one that has a kitchen installed, and the owner can produce an electrical permit for the installation that was issued prior to January 1, 2017.
- Suites that meet the requirements of the Zoning Bylaw, Building Bylaw and the Building Code can be registered. If the suite does not meet the requirements, the owner must perform upgrades to satisfy the requirements or decommission the suite.

## **3. Construction of a New Suite**

The following applies to construction of new suite:

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

## **4. Application Process**

Registration of a new suite must be done through the Building Permit process.

Applicants will have six (6) months to complete the registration process from the date of their application, unless a Building Permit has been issued. If construction under a Building Permit is proceeding, the suite application will lapse only if the Building Permit is deemed to have lapsed.

## **5. Water and Sewer Rates**

- **Water rates** – In addition to the base fee charges for the principal dwelling, a suite will be charged 40% of the base fee for water. The water consumption fee will remain the same and will be charged based on water usage (m<sup>3</sup>).
- **Sewer rates** - In addition to the base fee charges for the principal dwelling, a suite will be charged 40% of the base fee for sewer. If the property utilizes a septic field for sewage disposal, no sewer charges will apply. However, the septic system must be inspected and approved for the addition of a suite by a Registered Onsite Wastewater Practitioner (ROWP).
- The District will allow only one water service and one sewer service per property containing a primary dwelling and a suite. The District may allow installation of an additional sewer service for garden suites at its sole discretion.

## **6. Registration**

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

## **7. Owner Occupancy Not Required**

The District of Peachland does not require that owners occupy the principal dwelling or suite. Both the principal dwelling and suite may be rented to long term tenants. Short term rentals (i.e., less than 30 consecutive days) of principal dwellings and/or suites is prohibited unless authorized under a valid Bed & Breakfast license.

## **8. Addressing**

Upon completion of the suite registration process, the District of Peachland will assign a new address to the suite. The assigned address must be posted, as per the District's Building Numbering Bylaw.

## **9. Garbage Collection**

Upon registration of a suite, the District will arrange for garbage collection. The owner shall notify the District of their preferred collection option to either:

1. Share the existing garbage, recycling, and yard waste receptacles for the primary dwelling; or
2. For an additional charge, have a second set of garbage, recycling and yard waste receptacles provided for the suite.

## **10. Items not responsibility of the District**

The owner of a suite is responsible for:

1. Contacting utility companies, prior to construction of a suite, to determine if any additional utility requirements or costs are applicable.
2. Obtaining the necessary permits from the BC Safety Authority for any electrical or natural gas work, as well as arrange inspections and approvals of electrical or natural gas work.
3. Contacting Canada Post regarding a mail box for the suite.

## **11. Enforcement**

Two different approaches are available for the enforcement of suite regulations:

**Reactive Approach** – This involves responding to public complaints, addressing major safety concerns, reviewing BC Assessment Roll notifications for properties with an actual use code of 32 – Residential Dwelling with Suite, and realtor inquiries for proof that a suite is registered as part of their due diligence.

**Proactive Approach** – This involves seeking out non-compliant suites. This approach encourages compliance and places health and safety requirements first.

Staff will administer both reactive and proactive approaches with an emphasis on the reactive approach to conserve staffing resources. Suites identified by BC Assessment or inquiries will be added to an unregistered suite database and may be subject to enforcement action.

## **12. Decommissioning Suites**

Existing suites may be required to be decommissioned in the following types of cases:

1. Existing suite cannot be upgraded to meet the Zoning Bylaw, Building Bylaw and BC Building Code requirements.
2. New suites that have been constructed without a Building Permit and cannot be approved.
3. Existing or new suites are located in a zone that does not permit suites.
4. An owner does not complete the required upgrades in a timely manner.
5. The owner fails to maintain, in good standing, an annual suite license.
6. The owner wishes to decommission the suite.

In the above cases, District Council may review the matter and approve a removal order for the suite (pursuant to the provisions of the *Local Government Act* and *Community Charter*).

In order for the District to consider the suite decommissioned, the owner must remove cooking facilities including stove, ovens, exhaust fans, related wiring, ducts and piping, as well as one or more actions set out below, as required by the Building Inspector:

- Removal of kitchen facilities including sink and plumbing, and cupboards.
- Removal of bathroom facilities including toilet, shower, bathtub, and sink.
- Removal of locking doors separating the suite from the main dwelling including hinges and frame.
- Registration of a covenant on title stating that the suite is not, nor will be, rented and all members of the main dwelling have access to, and control of, the suite.

A Final Inspection will be required to confirm compliance and that the building consists of one dwelling unit and is intended to be used as a single dwelling.