



THE CORPORATION OF THE
CITY OF CRANBROOK

POLICY NO. 36-01

POLICY MANUAL

TITLE: Secondary Suites Implementation Policy

DEPARTMENT: Engineering and Development Services

1. POLICY STATEMENT

Council recognizes the need for additional affordable housing and supports the implementation of Secondary Suites to add to the City's housing resources.

This policy provides an understanding of the transitional requirements to legalize existing Secondary Suites built without a Building Permit and the guidelines for new Secondary Suites within the City of Cranbrook including:

- Amnesty Period for compliance on existing Secondary Suites
- Proposed Building Permit and Utility fees
- Enforcement
- Decommissioning of Secondary Suites

The provisions included in this policy allow for an incentive for owners to legalize existing Secondary Suites and for staff to guide the implementation in a timely manner ensuring the safety and integrity of Secondary Suites within the City.

POLICY APPROVAL

APPROVED BY COUNCIL

Resolution No. 067-21


CHIEF ADMINISTRATIVE OFFICER

Amendment Date	Section Amended or Description of Amendment	Resolution Number
Feb 22, 2021	Policy Created	067-21

RESCINDS Policy No. _____

RESCINDED by Policy No. _____

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2. DEFINITIONS

Amnesty Period	means a two (2) year grace period calculated from the approval date of this policy which allows for: <ul style="list-style-type: none">(a) existing Secondary Suites to come into compliance; or(b) new Secondary Suites to ensure compliance.
Building Bylaw	means the City of Cranbrook Building Bylaw No. 3725, 2013 including all amendments.
City	means the Corporation of the City of Cranbrook.
Decommissioning of Secondary Suite	<p>means the removal of:</p> <ul style="list-style-type: none">(a) cooking facilities; and/or(b) kitchen facilities; and/or(c) bathroom facilities; and/or(d) locking doors separating the suite from the main dwelling including hinges and frame <p>and the owner swearing on an Affidavit stating that the suite has been decommissioned and is not, nor will be, rented and all members of the main dwelling have access to and control of the former suite.</p> <p>Also, that an inspection has been completed by a Building Inspector verifying the above.</p>
Dwelling Unit	means a building or portion thereof containing one or more habitable rooms constituting a self-contained unit with a separate entrance used or intended to be used for living and sleeping purposes of one (1) family and containing sleeping, sanitary facilities and not more than one (1) set of cooking facilities.
Secondary Suite	<p>means a self-contained dwelling unit located within a principal building or structure or portion of a principal building or structure and:</p> <ul style="list-style-type: none">(a) is completely separated from other parts of the principal building or structure by a vertical fire separation that has a fire-resistance rating of not less than one (1) hour and extends from the ground or lowermost assembly continuously through or adjacent to all storeys and spaces including services spaces or the separated portions; and

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- (b) is only a residential occupancy that contains only one other dwelling unit and common spaces; and
- (c) where both dwelling units constitute a single real estate entity.

Utility Fees means the fees prescribed in the following bylaws, including all amendments:

- (a) Sanitary Sewer Rates Bylaw No. 3945, 2018; and
- (b) Solid Waste and Recycling Collection and Disposal Bylaw No. 4011, 2020; and
- (c) Waterworks Bylaw No. 2785, 1986.

Zoning Bylaw means the City of Cranbrook Zoning Bylaw No. 3977, 2019 including all amendments.

3. SCOPE

- 3.1 This policy applies to all current non-permitted Secondary Suites, current permitted Secondary Suites and future Secondary Suites located within the City of Cranbrook

4. GENERAL GUIDELINES FOR IMPLEMENTATION OF SECONDARY SUITES

- 4.1 The Amnesty Period has been established and all Secondary Suites shall be exempt from paying Building Permit fees and Utility fees during the Amnesty Period.
- 4.2 All Secondary Suites located within the City of Cranbrook shall have an approved Occupancy Permit to be considered a legal Secondary Suite.
- 4.3 Secondary Suites are permitted only in those zones identified in the Zoning Bylaw.
- 4.4 Secondary Suites shall comply with the "Regulations for a Secondary Suite" identified in the Zoning Bylaw, the Secondary Suite requirements of the Building Bylaw and the *BC Building Code*.

5. GUIDELINES FOR IMPLEMENTATION OF EXISTING SECONDARY SUITES

- 5.1 Owners of existing Secondary Suites shall apply for a Building Permit in accordance with the Building Bylaw, which may also include the following process:
 - (a) an initial compliance inspection by the City's Building Inspector;

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- (b) correction of deficiencies as part of the initial compliance inspection required before approval of the Building Permit;
- (c) Final Inspection and Occupancy Permit issuance.

6. GUIDELINES FOR NEW SECONDARY SUITES CONSTRUCTED WITHIN AN EXISTING DWELLING UNIT

- 6.1 Owners of Dwelling Units constructing new Secondary Suites shall apply for a Building Permit in accordance with the Building Bylaw.
- 6.2 Upon inspection and approval of the Secondary Suite the Building Inspector shall issue an Occupancy Permit.

7. SECONDARY SUITE IMPLEMENTATION AFTER THE AMNESTY PERIOD

- 7.1 Upon application of a Building Permit for existing Secondary Suites and for new Secondary Suites constructed within an existing Dwelling Unit, after the Amnesty Period, the Secondary Suite Building Permit fee prescribed in the Building Bylaw shall apply.
- 7.2 After the Amnesty Period, one hundred percent (100%) of the Utility Fees shall be applied to all Secondary Suites in addition to the Dwelling Unit Utility Fees.
- 7.3 For new Dwelling Units constructed with a Secondary Suite:
 - (a) 100% Utility Fees shall be paid for the Secondary Suite in addition to the Dwelling Unit Utility fees
 - (b) the Building Permit for the new construction of a primary Dwelling Unit shall include the construction of a Secondary Suite constructed within the new Dwelling Unit.

7. ENFORCEMENT

- 7.1 Enforcement of Secondary Suite compliance shall be complaint driven, upon inspection that the complaint is valid and that a Secondary Suite exists.
- 7.2 Upon receipt of a valid complaint of an illegal Secondary Suite, the City shall provide written notice to the owner advising that:

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- (a) a complaint has been received; and
- (b) an application for a Building Permit for the Secondary Suite must be made within thirty (30) days of receipt of the notice; and
- (c) after thirty (30) days, if an application has not been made for the Secondary Suite, the owner shall be in contravention of the Building Bylaw and shall be subject to the penalties prescribed.

8. DECOMMISSIONING OF SECONDARY SUITES

- 8.1 The Decommissioning of Secondary Suites may be required under one or more of the following scenarios:
- (a) the Secondary Suite cannot be upgraded to meet requirements of the Zoning Bylaw, Building Bylaw or *BC Building Code*;
 - (b) the Secondary Suite was constructed without a Building Permit and cannot be approved;
 - (c) the Secondary Suite is located within a zone that does not permit Secondary Suites.
 - (d) an owner does not complete the required upgrades or deficiencies within the time prescribed;
 - (e) the owner wishes to decommission the Secondary Suite.
- within a time specified by the Building Inspector.

9. REVIEW REQUIREMENTS

- 9.1 This policy shall be reviewed after two (2) years)