

How do I create a new legal suite or legalize an existing illegal suite?

1. Prepare drawings of the secondary suite that show that the suite will meet Building Code requirements and the City's Zoning Bylaw Design Standards.
2. Make a Building Permit application and submit your drawings.
3. Receive a Building Permit (after the application drawings have been checked by the Development Services Department).
4. Do the work that is required, as shown in the approved drawings.
5. Get the work inspected by a City Building Inspector and the Single Detached Dwelling Coordinator. After the suite receives Final Inspection approval from both inspectors you will receive a letter confirming that you have a legal secondary suite.

For more detailed information on legalizing secondary suites see the handout *Zoning Bylaw Excerpt: Requirements for Secondary Suite*, as well as the Design Standards and Guidelines booklets *Suites in Buildings that Received an Approved Final Inspection on or before July 6, 1998* and *Suites in Buildings that Received an Approved Final Inspection after July 6, 1998* (available at the Development Services Department or on the City's web site in the Planning Division Publications section).

What determines if a suite is legal?

A suite is legal if it was created with a Building Permit. This is the only way a suite can be considered to be legal. The City has a record of all Building Permits issued, back to the early 1900's. If no permit exists that describes the creation of a secondary suite then the suite is not an authorized or legal suite. Payment of the secondary suite utility charge to the City does not mean a suite is legal. To find out if your suite was created with a permit, call the Development Services Planning Division.

What does the City do about illegal suites?

If a suite was created **after July 6, 1998**, without a Building Permit, and the City discovers it, the owners will be given two choices:

1. Remove the suite,
or
2. Legalize the suite (as only one suite per house is allowed, if there is more than one secondary suite, all but one will have to be removed).

If a suite was created **before July 6, 1998**, and it does not become a source of serious health, safety, or neighbourhood impact problems, then, at this time the City does not seek to take any enforcement against the suite. If a suite does become a source of serious health, safety or neighbourhood impact problems, then the City will investigate and decide on a course of action based on the circumstances in that case.



What does the City consider a “secondary suite”?

Official Definition

The official definition is that a secondary suite is an accessory dwelling unit in a house that consists of one or more rooms that are designed, occupied or intended for use, including occupancy, by one or more persons as an independent and separate residence in which a facility for cooking, sleeping facilities and sanitary facilities are provided for the exclusive use of such person or persons.

Explanation of the Official Definition

A suite is an area of the house that can be separate from the rest of the house, including common areas such as a laundry or mudroom (by means of being walled off and having a doorway). A suite also must contain a bedroom (i.e. a sleeping facility), a bathroom (i.e. a sanitary facility), and a kitchen.

The kitchen must have cooking facilities, usually a stove or microwave, but a stove plug (220 volts) or a gas line into the kitchen is also considered a cooking facility, since having these power sources would enable quick and easy installation of a stove.

Second Kitchens

If a house contains a second kitchen in the basement, most likely the area would be considered a secondary suite. A situation where a second kitchen would not make an area a suite would be where there is no bathroom.

A long-existing tradition in the Lower Mainland had homeowners install a second kitchen in their basement to be used in the summer or for canning or particularly smelly cooking or for cultural or diet differences in a family (e.g. vegetarian cooking vs cooking with meat).

Unfortunately, as a result of the pressure in the housing market to create as many dwelling units as possible, second kitchens are no longer permitted to be installed (with one exception) unless they are part of a legal secondary suite.

The only type of second kitchens that are permitted to be installed without creating a secondary suite are small “wok” or “spice” kitchens accessed directly from the main kitchen in the house. These “accessory” kitchens are often created when the homeowner wants to have a separate space in which to do a great deal of frying. Typically these kitchens have a small stove, a sink, a small amount of cabinetry and counter space and a high-powered hood fan to extract greasy vapours and smells.

If your property is registered with the City as containing a secondary suite and you don’t feel that your basement meets the City’s definition, you can make an appointment with the Single Detached Dwelling Coordinator to do a brief inspection, after which he will discuss with you whether it does qualify as a suite or not.

If my suite is not being occupied as a separate unit do I still have to pay the Secondary Suite utility charges?

No.

If the suite area functions as part of the house, with occupants coming and going in and out of the area, then you are eligible for an exemption from the suite utility charges. To arrange for the exemption call the Single Detached Dwelling Coordinator. They will arrange to do a brief inspection to confirm that the suite is not occupied as a separate unit and then he will have you sign an affidavit (called a Statutory Declaration, or “Stat Dec”).

By signing the Stat Dec you will be swearing (under oath, as if in court) that the suite is not occupied now as a separate unit, and if you decide you want to occupy it as a separate unit in the future you will notify the City and be aware that the secondary suite utility charge would start up again. The entire inspection and Stat Dec-signing process will take approximately five minutes.



For more information:
Development Services Department
604.527.4532