

Secondary Suites in Single Family Zones

The 14 October 1997 Zoning Bylaw Amendments and current BC Building Code permit a secondary suite in a single family dwelling provided a building permit has been issued for the current conditions.

The purpose of this handout is to inform homeowners, builders and contractors about general requirements for existing and new secondary suites.

An existing family residential unit (FRU) is not required to comply with the secondary suite requirements if it is maintained in accordance with the previous Zoning Bylaw including family use only.

Building Permit Application Process

1. Review the Zoning Bylaw, Building Bylaw and BC Building Code requirements. A summary of main issues is provided below. For clarification, review with a single family dwelling Plans Reviewer, Plumbing/Gas Inspector or Electrical Inspector.
2. Call 604-990-2480 to schedule an appointment to submit the building permit application with a single family dwelling Plans Reviewer.

For a new single family dwelling or for an addition to an existing building, the Zoning Bylaw and Building Code provisions will be reviewed by a single family dwelling Plans Reviewer as part of the building permit process. An appointment can be scheduled for information only prior to submitting an application.

For an existing suite or renovation to create a secondary suite in a single family dwelling:

- schedule a field inspection Building, Plumbing/Gas and Electrical Inspectors to assess existing conditions and to determine the amount of upgrading required (current inspection fee is applicable, payable in advance of inspection).
- submit 2 copies of a site plan and floor plans for the entire building showing the location of the principal suite and secondary suite and noting the location of 3 parking spaces on the property (see parking space requirements below), and
- additional or revised drawings or other documentation may be required where renovations are necessary to address issues identified by inspectors.

3. The building permit application is reviewed and a building permit issued after fees and refundable security deposits have been paid.
4. Only certified electrical contractors, bonded gas contractors and trade qualified plumbers may obtain Plumbing, Gas and Electrical permits for work in a single family residential building containing a secondary suite.
5. Owner and/or contractor request inspections during construction as required.

Zoning Bylaw Requirements for Secondary Suites

1. An owner is to occupy either the principal dwelling unit or the secondary suite.
2. A secondary suite is only permitted in a single family residential building and is not permitted in an accessory building or parking structure.
3. A maximum of 1 secondary suite is permitted in a single family residential building.
4. A secondary suite is not permitted:
 - in a single family residential building used to accommodate boarders or lodgers,
 - in an accessory building,
 - in a single family residential building containing a home occupation (occupation or profession conducted for gain including office, business, daycare, or
 - to exceed the lesser of 90m² (968 sq.ft.) or 40% of the residential floor space of the single family residential building. Residential floor space excludes balconies, decks, patios, accessory buildings carports and garages.
5. A minimum of three (3) off street parking spaces are to be provided on the property for a single family residential building containing a secondary suite (8'10" wide, 18'9" long with 6'11" high). Parking spaces are to be durable and dust free surfaces such as concrete, asphalt or crushed limestone. Crushed limestone is to have a suitable containment border.
6. The secondary suite cannot be subdivided from the building and sold.

Building Bylaw/Code Requirements in Secondary Suites

The current BC Building Code and District Building Bylaw should be referenced for design purposes. The following information is provided for information.

1. A building containing a secondary suite that is located in the fire limits area of the District is to be sprinklered. Fire limits area include property above 1050ft and some other properties that are not easily accessible by the fire department because of steep driveways or remote locations.
2. Floors and walls are to be fire separations where they separate:
 - the suites from each other,
 - a public corridor (serving both suites) from the remainder of the building, and
 - an exit stair enclosure from the remainder of the building.

3. The above fire separations are to have:

- except as permitted below, a 45 minute fire resistance rating or 1 hour fire resistance rating if either suite contains 2 or more storeys (including basements),
- a 30 minute fire resistance rating where an additional photoelectric smoke alarm is provided in both suites, or
- no fire resistance rating where the building is sprinklered according to NFPA 13D*.

*Note that a fire separation including one with no fire resistance rating is a smoke barrier and any door openings are still required to have a door closing device.

Appendix A indicates a 30 minute fire resistance rating can be provided by:

- walls of 12.7mm (1/2") gypsum wallboard (gwb) on both sides and 400mm (16") framing, and
- floors of 12.7mm (1/2") Type X gwb or 15.9mm (5/8") gwb on frame assemblies.

Wall and floor construction material details should be provided for fire separations including attic and crawl space fire separations.

4. A minimum room height of 2m (6'8') is to be provided throughout the required floor area of each suite and for the connecting space including corridors.
5. An egress door from each suite is to be provided either:
- at grade
 - to exterior exit stairs,
 - to exterior passageway,
 - to an exterior balcony,
 - through a public (shared) corridor, or
 - through an exit stair enclosure.
6. A second egress stair, door or window may be required from one or both suites where the egress route involves an enclosed exit stair, public corridor, exterior passageway or exterior balcony as described in Sentence 9.36.2.11.(1)
7. The required egress doors are not to be exposed to window or door openings in the other suite. Review the egress requirements in Part 9 and Subsection 9.36.2.9.
8. The travel limit to an exit or egress door may exceed one storey where an openable egress window conforming to Sentence 9.9.9.1.(2) is provided on that floor level.
9. Windows are required for egress purpose.
10. An exterior door or openable window is required in each bedroom. A window is to have an unobstructed height and width not less than 380mm (1'3"), an unobstructed area not less than 0.35 sq m (3.8 sq ft) and have the bottom of the window opening not more than 1.5m (5') above the floor.

11. Heat/ventilation systems can **not** serve both suites. The drawings should indicate the type of heating proposed for each suite. Renovations to return air ducts or furnace room enclosures may be required to prevent circulation of air between the suites.
12. Smoke alarms and CO alarms are to be provided as indicated in the electrical section below and connected as indicated by the building inspector. Also see #3 above.
13. Sound control requirements are not applicable as permitted in Article 9.36.2.21.
14. Combustible water pipe having up to 30 mm (1-1/4") outside diameter is permitted to penetrate a fire separation where it is tightly fit or has a listed firestop system.
15. Combustible dwv piping can be located in and penetrate a fire separation provided the wall and floor assembly has 12.7mm (1/2") gypsum wallboard (gwb) and the combustible piping does not penetrate a gwb membrane on the underside of a horizontal fire separation (i.e. rated floor between suites).

Plumbing, Gas and Sprinkler Requirements in Secondary Suites

1. Isolation valves are required for the principal dwelling unit and the suite.
2. Plumbing, gas and sprinkler work is to be performed by a qualified tradesperson after permits have been obtained by them.
3. For interior renovations, review requirements for new plumbing or gas work with the Plumbing/Gas Inspector.

Electrical Code Requirements in Secondary Suites

1. Any electrical work done in a home containing a secondary suite is to be done by a certified electrical contractor **after** the electrical permits have been obtained as required in Electrical Safety Regulation 487/95: Sec.22: regular permits.
2. In new and open construction:
 - conform to BC Building Code (Part 9 including secondary suite requirements in Section 9.36) and the Canadian Electrical Code,
 - see notes in #3 below regarding smoke alarms, heating and service size,
 - provide separate wiring for the secondary suite. Main dwelling and any common areas to be wired as one unit. 26.722(a), and
 - provide an electrical panel in the secondary suite and main dwelling unit as required in 6-206 and 14-406. A common panel may be permitted with special permission from the Electrical Inspector. Where a common panel is permitted, locate suite breakers together and separate from main dwelling breakers.



Secondary Suite Frequently Asked Questions

District of North Vancouver
Planning, Permits & Bylaws

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Secondary Suite Program - Frequently Asked Questions

Introduction

Secondary suites have been legally permitted as a use in the District since October 14, 1997. Before this, only family residential units (family use only) were permitted except that, from 1988 to 1995, illegal suites were allowed to operate under the Registered Illegal Suite Phase-Out Program.

A building permit authorizes the installation of a secondary suite. Those installed without a building permit, such as any installed before 1997, are considered to be unauthorized.

In 2001, annual utility charges for water and sewer services were imposed on properties containing a secondary suite (family residential units were already paying additional charges). This charge applies to all secondary suites, whether authorized or not.

Residents with an unauthorized secondary suite are asked to ensure that their suite is recorded, for utility fee collection purposes, by contacting the District at (604) 990-2480.

Definitions

1. What is a "secondary suite"?

The District's Zoning Bylaw defines a secondary suite as:

"secondary suite" means a designated area within a single-family residential building, only in a single-family residential zone, that is comprised of one or more habitable rooms and contains or provides for only one cooking facility".

The term *secondary suite* includes suites that are sometimes referred to as "in-law suites", "basement suites", "nanny suites" or "mortgage helpers". If you wish to review the relevant property use regulations, please refer to the District of North Vancouver Zoning Bylaw.

2. What is an "authorized secondary suite".

An authorized secondary suite is a secondary suite that has been created with a building permit.

3. *What is an "unauthorized secondary suite"?*

An unauthorized secondary suite is a secondary suite that has been created without a building permit.

4. *What is a "family residential unit"?*

Family residential units, (commonly referred to as "inlaw-suites"), were permitted in the District between 1987 and 1997. The family residential unit regulations, which allowed family occupancy only, were replaced by the secondary suite regulations on October 14, 1997. Prior to this date, the District's Zoning Bylaw, defined family residential unit as:

"Family residential unit" means a designated area within a single family residential building that:

- a) is comprised of one or more habitable rooms, and*
- b) contains or provides for only one cooking facility, and*
- c) does not exceed in total area the lesser of 700 square feet or 40% of the residential floor area of the single family residential building in which it is located, and*
- d) together with the dwelling unit in the single family residential building creates a single-family residential building that provides for the residential accommodation of only two or more persons inter-related by the bonds of consanguinity, marriage, legal adoption or who all have a common law relationship.*

5. *What is a "cooking facility"?*

The District's Zoning Bylaw defines a cooking facility as:

"cooking facility" means a room or portion thereof where and the equipment by which meals may be prepared.

Secondary Suites

6. *Are secondary suites permitted in the District?*

Yes, secondary suites have been permitted in the District since October 14, 1997. The Zoning Bylaw requires that the building be occupied by its owner, that an additional off-street parking space be provided and that the suite be less than 40% of the total floor area, to a maximum of 90 m² (968 ft²). The construction of the suite is regulated by the relevant construction Codes, (ie Building, Electrical, Plumbing, Gas). A building permit is required to create a secondary suite. For further information about creating a secondary suite, refer to information bulletin Secondary Suites in Single Family Zones.

7. *I have a secondary suite that was built with a building permit. Do I pay the additional charges?*

Yes, you will automatically be billed on your tax notice.

8. *I have an unauthorized secondary suite. Do I pay the additional charges?*

Yes, if the District is aware of your suite. In 2001, a Program was implemented to identify all secondary suites, whether authorized or not. Many property owners received a letter from us, asking to declare their suite. Even if you did not receive such a letter, you are still responsible for the additional water and sewer charges. Call (604) 990-2480 to have your property added to the annual secondary suite utility billing.

Inspections

9. *Will the District be inspecting my suite, if I call to have it recorded on the utility billing?*

No, the purpose of this Program is to identify secondary suites so that the applicable utility charges can be collected, not to enforce zoning and building regulations. Inspections may occur when it is learned that an undeclared suite exists or when a complaint is received.

Family Residential Units

10. *I have a registered family residential unit. What does this mean to me?*

You pay the same utility charges as someone with a secondary suite. The space may still, however, only be used in accordance with the bylaw at the time that it was developed, (family use only). Although family residential units are no longer permitted, existing family residential units may continue as a legally non-conforming use. A building permit is required to convert the space into a secondary suite and compliance with the Building Code will be required.

11. *What is the difference between a family residential unit and a secondary suite?*

Family residential units were not required to meet Building Code requirements as a suite. Therefore, an existing family residential unit may conform to the zoning regulations as a secondary suite, but would likely not conform to the Building Code's requirements as a secondary suite. Family residential units were also limited to a smaller floor area.

Registered Illegal Suite Phase-Out Program (1988 to 1995)

12. *My property was registered in the Registered Illegal Suite Phase-Out Program. What does this mean to me?*

The Registered Illegal Suite Phase-Out Program existed from 1988 to 1995. The purpose of the Program was to allow property owners with an illegal suite (secondary suites were not permitted at that time) to use their suite for a temporary period, with the understanding that all illegal suites would eventually be phased out.

One of the conditions for registration in the Program required the property owner to sign an Agreement, which was then registered as a covenant on title to the property. Many of these covenants still exist. An owner of a property that was registered in this Program can have the covenant removed, however, as a condition of removal, the suite must either be closed, (confirmed by inspection) or the property must be

listed in the current Secondary Suite Program. The owner is required to pay a fee to discharge the registered covenant. Please contact the District of North Vancouver to confirm current filing and administrative fee.

It is important to note that registration in this Program did not legitimise the suite – to the contrary, it was recognized by both parties that a contravention of zoning regulations existed and that it would be rectified no later than June 30, 1995.

13. Billing

When will I be billed for the additional utility fees?

Property owners with a secondary suite are billed on their tax notice each year, along with regular utility fees.

14. When did the new utility fees take effect?

The additional utility fees for secondary suites came into effect in 2001. They apply for the calendar year.

Declaring a Suite

15. I have an unauthorized suite. Am I supposed to declare my suite?

Yes, it is an offence to use water or sewer services without paying for them.

Second Kitchen – Not in Use as Suite

16. I have a second kitchen in my house, but don't use it as a suite. Do I have to pay the extra charges? What am I expected to do?

Yes, if the suite is in existence, you are required to pay the charges, even if it isn't currently occupied. To avoid the charges, you are required to remove the second cooking facility, (this means remove the range, remove the hood vent, remove the range outlet, disconnect the wiring at the panel and remove the electrical breaker). If this applies in your case, call us at (604) 990-2480, once the work has been done, to arrange an inspection. Electrical work or gas work done by a contractor requires a permit.

*For further information, please contact a Customer Service Clerk at 604-990-2480 or email building@dnv.org

EXCERPT FROM THE DISTRICT'S ZONING BYLAW

SECONDARY SUITE DEFINITIONS AND REGULATIONS

Applicable Definitions:

"boarders and lodgers" means persons provided with accommodation and meals in a single-family residential building for payment of rent for a period of not less than 28 consecutive days and where such accommodation shall not include separate cooking facilities;

"cooking facility" means a room or portion thereof where and the equipment by which meals may be prepared;

"secondary suite" means a designated area within a single-family residential building, only in a single-family residential zone, that is comprised of one or more habitable rooms and contains or provides for only one cooking facility;

Applicable Regulation (Section 501):

501 Uses in Single-Family Residential Zones (RS)

All uses of land, buildings and structures in RS Zones are prohibited except,

501.1 the use of such land for a purpose related to a use of buildings and structures permitted in these zones;

501.2 the use of such buildings and structures as

(a) one single-family residential building per lot, which may contain one or more of the following uses:

- (i) home occupations;
- (ii) accommodation of not more than two boarders or lodgers in single-family residential buildings which do not contain a secondary suite;
- (iii) secondary suites subject to the following regulations:
 - a) secondary suites are permitted only in single-family residential zones;

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- b) only one secondary suite is permitted in a single-family residential building;
 - c) a secondary suite shall not exceed in total area the lesser of 90m² (968 sq.ft.) or 40% of the residential floor space of the single-family residential building in which it is located;
 - d) the owner of a single-family residential building containing a secondary suite shall be a resident of either the secondary suite or the principal residential dwelling unit; and
 - e) a single-family residential building containing one or more boarders or lodgers or in which there is a licenced home occupation, may not have a secondary suite;
- (iv) bed and breakfast business subject to the regulations contained in Section 405A.
- (b) buildings and structures accessory to (a).

NOTE: Please note that B&B business can coexist only with AUT SEC – if the SEC is UNZ, B&B will not be approved