



SUBJECT:	RESIDENTIAL SUITE COMPLIANCE POLICY	NO. EDS-17
FUNCTION:	DEVELOPMENT, ENGINEERING, AND SUSTAINABILITY DEPARTMENT	
DATE:	OCTOBER 22, 1996 (AS AMENDED)	PAGE 1 OF 3

PURPOSE

To clarify the City's approach related to the enforcement of unauthorized residential suites, and to identify protocol for homeowners to legalize or decommission existing residential suites.

INTRODUCTION

The City of Kamloops recognizes that residential suites contribute to the city's affordable rental housing stock and can also act as mortgage helpers by making home ownership more attainable. Suites built to BC Building Code standards under a building permit help to protect tenants' health and safety. Residential suites also help increase density in an efficient way by making use of existing services and infrastructure.

DEFINITIONS

Residential suite - means a secondary suite, garden suite, or carriage suite.

Secondary suite - means a second dwelling unit having a total floor area of no more than 90 m² in area and a floor space less than 40% of the habitable floor space of the principal building. It must be located within the principal building of residential occupancy containing only one other dwelling unit. It must be located in and be part of the building, which is a single real estate entity.

Garden suite - means a self-contained, one-storey dwelling unit that is separate from, subordinate in size to, and accessory to the principal dwelling. A garden suite shall have a total floor area of no more than 80 m² in area.

Carriage suite - means a self-contained, two-storey dwelling unit that is separate from, subordinate in size to, and accessory to the principal dwelling. A carriage suite shall have a footprint of no greater than 80 m² and shall not have more than 95 m² of residential living space.

SCOPE

This policy applies to all residential suites within the municipal boundaries of the City of Kamloops.

NEW RESIDENTIAL SUITES

Homeowners who wish to construct a new residential suite must abide by all City bylaws and other relevant enactments, obtain all required permits and approvals, and comply with all



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necessary inspections. New residential suites must be constructed in accordance with the BC Building Code and any other applicable enactments.

EXISTING RESIDENTIAL SUITES

Residential suites may have been constructed outside of the scope of the City's building regulations. The City makes no representations with respect to the construction of any residential suite built outside the scope of the City's building regulations and absent municipal permits and inspections. Residential suites constructed without obtaining the necessary municipal permits and approvals are not legal residential suites until such time as the homeowner complies with all applicable building enactments and City bylaws, including the City's Building Bylaw.

APPLICATION

The City maintains a complaint-driven approach to the enforcement of unauthorized residential suites, and complaints will be investigated on a case-by-case basis. The City may undertake enforcement action related to unauthorized residential suites when:

- neighbourhood resident complaints indicating infraction of a municipal bylaw are received by a City official;
- a City official identifies a residential suite constructed without a building permit during inspection; or
- the Development, Engineering, and Sustainability Director or the Community and Protective Services Director exercises their discretion.

In addition to the above, the City will continue to respond to life safety issues, including emergencies such as smoke, fire, or flooding, or where a hazard has been reported. Issues pertaining to noise, nuisances, or unsightly properties may be further addressed through the regulations and procedures within the City's Good Neighbour Bylaw.

No enforcement action will occur arising from landlord/tenant disputes, family disputes, or within multi-family residential strata developments. The City will only respond to on-street parking complaints where parking regulations have been contravened, as per the Traffic Bylaw.

PROTOCOL

Where, for the reasons noted above, a City official attends a residential suite that was constructed beyond the scope of the City's permitting and approvals process, the homeowner will receive notification from the City of an unauthorized suite.



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If the residential suite is located in a zone where it is a permitted use under the Zoning Bylaw, the homeowner will have the option to either legalize or decommission the suite.

If the residential suite is located in a zone where it is not a permitted use under the Zoning Bylaw, the homeowner will be required to decommission the suite.

Except in the event of a life safety issue or hazard, wherein immediate action may be required, the homeowner must proceed to either legalize or decommission the unauthorized suite within 60 days from the date the notification letter was sent. Upon completion of this time period or at the request of the homeowner, a City official shall conduct a follow-up inspection to determine if the appropriate corrective action has been taken.

If the homeowner fails to comply within the 60-day time period, the City official may recommend to Council that a notice under Section 57 of the *Community Charter* be placed on title identifying that the residential suite was constructed without the necessary permits and approvals and that the City makes no guarantees, representations, or assurances with respect to the condition of the residential suite.

PROCESS TO LEGALIZE AN EXISTING SUITE

To legalize an existing residential suite, the homeowner must apply for and obtain all relevant permits and approvals; pass inspection; and complete any construction necessary to bring the residential suite into compliance with the City’s current bylaws, the BC Building Code, and any other applicable enactments. Prior to the space being used as a legal residential suite, the homeowner must obtain an occupancy permit.

PROCESS TO DECOMMISSION AN EXISTING SUITE

To decommission an existing residential suite, the homeowner must remove all cooking facilities (cooking equipment, devices, or appliances; sinks; cabinets; and all electrical and plumbing service lines used or intended to be used to service the cooking facility) from the suite and pass inspection.

Additional items may need to be addressed, as determined by the City official during inspection. If the residential suite was developed without approved permits, additional permits may be required by the City official.

- Amended:
July 14, 1998
September 13, 2005
July 9, 2019