

The following information is provided for legitimizing or decommissioning an existing non-compliant secondary suite (suite).

For questions regarding developing a **new** secondary suite see Guide to Developing a New Secondary Suite.

If you own a home with an existing suite and there is no record of the development of that suite, there is a good chance it is not compliant with the North Cowichan Zoning Bylaw or the Building Bylaw.

The definition of a secondary suite is provided below.

Definition:

“secondary suite” means an additional dwelling unit which is accessory to a single-family dwelling, and meets the requirements set out in section 40.4;

Secondary Suite

40.4 A secondary suite must have

- a) A gross floor area that is no greater than 90 m² or 40% of the habitable gross floor area of the building in which it is located, whichever is less,
- b) No more than 2 bedrooms, and
- c) Driveway access that is shared with the access to the single family dwelling, unless the lot fronts two streets or a lane, in which case a secondary suite may have a separate access onto the second street or lane. *(Please contact the Engineering Department if requesting an additional access.)*

The purpose of this guide is not to determine how or when a suite was developed, but how to obtain approval for the occupancy or to record the removal of the suite and bring the property into compliance with North Cowichan Bylaws and the BC Building Code.

If you are not certain if your suite was permitted, you can contact the Municipality of North Cowichan at building@northcowichan.ca and request a property file review. If the suite was developed with a building permit, the information will be on file.

When legitimizing an existing suite, there are two regulations to consider:

1. The Zoning Bylaw
2. The BC Building Code

Considerations when Developing a Suite

- BC Assessment Authority may reassess your home and increase the value.
- Development Cost Charges may apply at the Building Permit stage if the value of the construction meets or exceeds \$50,000.
- Service fees for garbage collection, water and sanitary sewer may apply.
- If water and septic are provided onsite, verification may be necessary to confirm it is adequate for the additional people.

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- A Hazardous Materials Report will be required if alterations are to be made to a home constructed prior to 1990.

Zoning Requirements

The first step when considering legitimizing a suite is to confirm that the current zoning of the property allows for a suite within its permitted uses.

To determine the zoning of the property, go to the map on the North Cowichan website and type in the civic address in the search box and hit the search icon. The property address will appear on the left side of the screen, a single click on the address and the property will appear on the map, click within the property boundary and you will be provided with the property details, including the property zoning (Example - R1). In the information box you can view the zoning bylaw and permitted uses by clicking beside Zoning Bylaw PDF to determine if a suite is permitted. If secondary suite is not listed under the permitted uses for your zone, but Duplex is listed, you are permitted a secondary suite **if your building is a single family dwelling and not a duplex**.

If a suite is not a permitted use, you may contact the North Cowichan Planning Department to discuss the possibility of rezoning the property at planning@northcowichan.ca.

BC Building Code

The BC Building Code provides the suite design requirements for life safety and health of the occupants for both the main dwelling and the suite.

Suites that are developed without permits are typically not compliant with the BC Building Code design requirements, or the Municipal Building Bylaw which requires they be developed based on approved plans and required inspections.

To determine the level of compliance, a Special Inspection must be conducted by a North Cowichan Building Inspector. The Building Inspector, using a standard list of BC Building Code suite requirements, will write a report that will identify any items that are not code compliant.

Note: It may be necessary to expose items for the inspection.


Once completed, the Special Inspection report will be provided to the applicant/owner. The report will outline the course of action necessary to upgrade or remove the suite.

If the suite is occupied, for the health and safety of the occupant(s) in the building, the Building Inspector may require immediate measures.

Depending on the extent of the work completed without a permit, it may be necessary to register a section 57 notice on the property title. This notice is to inform anyone with an interest in the property that extensive changes have been made that required a building permit.

Setting up a Special Inspection

Special Inspection requests can be made by emailing building@northcowichan.ca. Include in the email the Building Permit Application Form and check off **Special Inspection** and include address, contact information and a description.



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Suite Design

The purpose of a suite is to utilize a portion of a single-family dwelling to accommodate a safe and healthy residential unit within a dwelling. To accomplish this, the suite design requirements are found in the BC Building Code. The BC Building Code provides the parameters for the design, including: ventilation, egress, fire safety, ceiling height, living area, sound transmission and heating.

Suites, although typically developed within a single-family dwelling, can also be attached to an existing dwelling, but must share a common wall that provides living space on both sides. The suite maximum living area must still meet the area limits set out in the Zoning Bylaw. *(Planning Department staff can provide you with the requirements for a suite to be considered attached.)*

The design of a suite will typically require the knowledge of a building designer. Please refer to the Secondary Suite Sample Plan and the Secondary Suite Sample Site Plan.

Suite Building Permit

A Building Permit is required when developing a suite. A Legitimizing a Non-Compliant Secondary Suite Building Permit Application Checklist and resources can be found on the North Cowichan Building Department webpage.

