

Updated: May. 12, 2010
Created: Jan 29, 2010

This bulletin is for informational purposes only. Please be sure to consult the relevant City of Kelowna bylaw.

PURPOSE

This bulletin is to inform staff, developers, builders, subcontractors, designers and home owners of the options available to legalize or decommission an illegal secondary suite.

BACKGROUND

The City of Kelowna Bylaw Services Branch has received numerous complaints regarding illegal secondary suites. According to The City of Kelowna Zoning Bylaw No.8000 **secondary suite** “means a self-contained, accessory dwelling unit located within a single detached dwelling or in an accessory building. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to outside without passing through any part of the principal unit. This use does not include duplex housing, semi-detached housing, apartment housing, or boarding and rooming houses” .

Once a homeowner is notified of an illegal suite within a structure they own, they have three options available to correct the illegal condition. These three options are outlined below:

Option 1 (suite permitted in current zone/legalize of suite)

- ▶ If the current zoning of the property permits a secondary suite, it will be necessary to obtain permits to ensure the suite complies with all requirements of the applicable city bylaws and the British Columbia Building Code.
- ▶ An inspection can be booked at a cost of \$50 per discipline (building & plumbing/gas) to review the necessary upgrades required to ensure compliance to the requirements of the British Columbia Building Code. The work outlined during this inspection is not to be completed without valid permits.
- ▶ See bulletin [Secondary Suite Requirements \(In a Single Family Dwelling\)](#) for a list of items that must be addressed prior to issuance of the building permit. After approval of the building permit, inspections will be required to ensure the space fully complies with the city approved plans. Additional upgrades as required by the building inspector may need to be addressed onsite prior to issuance of an occupancy permit for the use of the area shown as a secondary suite on the approved plans.
- ▶ Prior to the space being used as a legal secondary suite the owner must obtain a business license.

Option 2 (rezoning required/ legalization of suite)

- ▶ If the current zoning of the property does not permit a secondary suite: Contact the Land Use Management Department at 250-469-8626 and make application to have the property rezoned to a designation that would allow for the secondary suite (i.e. “s” designation or “RU6” zone). Please note should the rezoning not be approved by Kelowna City Council the owner will be required to proceed with Option 3.
- ▶ An inspection can be booked at a cost of \$50 per discipline (building & plumbing/gas) to review the necessary upgrades required to ensure compliance to the requirements of the British Columbia Building Code. The work outlined during this inspection is not to be completed without valid permits.
- ▶ Once a rezoning application has received third reading it will be necessary to obtain permits to ensure the space meets all the requirements of the applicable city bylaws and the British Columbia Building Code [See bulletin [Secondary Suite Requirements \(In a Single Family Dwelling\)](#)].
- ▶ After all necessary building upgrades have been finished final adoption of the rezoning will be completed by Kelowna City Council and an Occupancy Permit for the space will be issued
- ▶ Prior to the space being used as a legal secondary suite the owner must obtain a business license.

Option 3 (decommission illegal suite)

- ▶ Obtain permits to decommission the illegal secondary suite, which would require at minimum, the removal of the Exhaust fans and applicable wiring, 220-volt wiring from the stove outlet to the electrical panel (an electrician may be necessary), and/or natural gas rough-in (a licensed contractor may be necessary).
- ▶ It will be necessary to ensure the entire building is free flowing and interconnected. This means that there are to be no internal locking doors that could be used to divide the building into separate portions and all levels of the single family dwelling are to be interconnected by an internal free flowing staircase.
- ▶ To achieve full decommissioning of the illegal suite additional items may need to be addressed as determined by building inspector onsite.
- ▶ If the illegal suite was developed without approved permits additional permits may be required by the building inspector.

CONCLUSION

Once notified by the City of Kelowna Bylaw Services Branch of an illegal secondary suite an owner must immediately (within 15 working days) proceed with one of the above options. Failure to do so may result in a notice on the tax certificate and further legal action.

If further information is required please contact the Building & Permitting Branch at 250-469-8960.