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Suspected Unapproved Secondary Suite: PROCEDURE

Purpose

This procedure will clarify how observations are reported to Planning & Design, and what enforcement actions may take place to bring the suspected unapproved secondary suite into compliance.

Background Research

Title of Document:	Suspected Unapproved Secondary Suite: Procedure
Title of Designated Responsible Manager:	General Manager, Planning & Design
Original Date Approved:	-
Approved By:	General Manager, Planning & Design
Last Revision:	n/a
Next Review Date:	n/a
Governing Legislation:	Alberta Building Code 2019 Alberta Fire Code 2014

The investigation of unapproved secondary suites has previously been based on complaints from neighbors. This direction is not captured in a written Council resolution or Council or department policy but was relayed to staff from Senior Administration over 20 years ago. The legal ability of Planning and Design staff to enter onto private property and into a dwelling to investigate, verify and/or enforce a neighbor complaint regarding a suite is limited in the Municipal Government Act. Safety Codes Officers from the Fire or Building disciplines have a broader mandate to enter a dwelling in the performance of their duty to inspect either following an incident or in the issuance of a permit under the Safety Codes Act. It could be argued that once the City of Lethbridge (through staff's exercise of their duties) has knowledge of an unapproved suite there is an onus of responsibility on the municipality to initiate enforcement proceedings. The procedure clarifies how observations are made, documented, and reported to Planning & Design, and what enforcement actions may take place based on internal & external complaints of suspected unapproved secondary suites.

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Procedure Details / Process Steps

Internal Complaints

When a Building Safety Codes Officer is made aware of an illegal secondary suite, the following process will take place:

- The Building Safety Codes Officer will refuse to issue a building permit until the homeowner has received a development permit for the secondary suite (and notify homeowner as such)
- Contact the Development Compliance Officer who will begin an investigation
 - The Development Compliance Officer will attempt to inspect the home (at homeowners permission) and determine if there is an illegal secondary suite or not.
 - If Yes, then the Development Compliance Officer will notify the homeowner of their options to bring the secondary suite into compliance. The options include:
 - Applying for and receiving a proper Development Permit.
 - Remove the secondary suite (with conditions)
 - The Development Compliance Officer will follow up and confirm the suite is removed, and
 - If yes (the suite has been removed) the process is complete.
 - If no (the suite hasn't been removed) the Officer will issue a stop order to the homeowner.
 - If the development officer determines there is no secondary suite then the investigation is complete.
 - Once the Development Compliance Officer has finished investigating and the illegal suite has either been removed or has received a development permit, the Building Inspector can then resume the building permit application and inspection process.

When a Fire Safety Codes Officer is made aware of an illegal secondary suite, 1 of the following 2 processes will take place:

- When a Fire Safety Codes Officer finds what they believe to be an illegal suite upon an investigation **FOLLOWING A FIRE** they will:
 - Send the information to the Development Compliance Officer who will create a file in Tempest, and begin an investigation, and attempt to inspect the home (at homeowners permission) and determine if there was an illegal secondary suite or not.
 - If Yes, then the Development Compliance Officer will forward all the information on the illegal suite they have to the Fire Department who will then begin their procedure for pursuing litigation & pressing charges as necessary, according to their own due process.
 - If No, the Development Compliance Officer will notify the Fire Safety Codes Officer of such and the investigation may be complete.

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- When a Fire Safety Codes Officer finds what they believe to be an illegal suite upon an investigation **WHERE NO FIRE HAS OCCURRED:**
 - The Fire safety Codes Officer will contact the Development Compliance Officer, and provide them with information obtained during their investigation and explain what was found.
 - The Development Compliance Officer will gather the information from Fire and begin an investigation
 - The Development Compliance Officer will attempt to inspect the home (at homeowners permission) and determine if there is/was an illegal secondary suite or not.
 - If Yes, then the Development Compliance Officer will notify the homeowner (and the Building Safety Codes Officers), and provide the homeowner with options to bring the secondary suite into compliance, and will follow up on the option chosen. The options include:
 - Applying for and receiving a proper Development Permit and Building Permit.
 - If a development permit is granted the Development Officer will notify the homeowner (and the Building Safety Codes Officer) that a building permit is still required.
 - Remove the secondary suite (with conditions)
 - The Development Compliance Officer will follow up and confirm the suite is removed, and
 - If yes (the suite has been removed) the process is complete.
 - If no (the suite hasn't been removed) the Officer will issue a stop order to the homeowner.
 - If the development officer determines there is no secondary suite then the investigation is complete.

External Complaints

When a complaint of a potential illegal secondary suite is reported from 311, or by the general public to development technicians, the following process will take place:

- The person receiving the complaint will forward the information to a development technician who will create a file in Tempest and forward the information to the Development Compliance Officer who will begin an investigation
 - The Development Compliance Officer will attempt to inspect the home (at homeowners permission) and determine if there is an illegal secondary suite or not.
 - If Yes, then the Development Compliance Officer will notify the homeowner of their options to bring the secondary suite into compliance. The options include:
 - Applying for and receiving a proper Development Permit.

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- If a development permit is granted the Development Officer will notify the homeowner (and the Building Safety Codes Officer) that a building permit is still required.
- Remove the secondary suite (with conditions)
 - The Development Compliance Officer will follow up and confirm the suite is removed, and
 - If yes (the suite has been removed) the process is complete.
 - If no (the suite hasn't been removed) the Officer will issue a stop order to the homeowner.
- If the development officer determines there is no secondary suite then the investigation is complete.

When a complaint of a potential illegal secondary suite is reported from Alberta Health Services:

- The information will be forwarded to the Development Compliance Officer who will begin an investigation.
 - The Development Compliance Officer will attempt to inspect the home (at homeowners permission) and determine if there is an illegal secondary suite or not. The Fire Department will be invited to this on-site investigation.
 - If Yes, then the Development Compliance Officer will notify the homeowner of their options to bring the secondary suite into compliance. The options include:
 - Applying for and receiving a proper Development Permit.
 - If a development permit is granted the Development Officer will notify the homeowner (and the Building Safety Codes Officer) that a building permit is still required.
 - Remove the secondary suite (with conditions)
 - The Development Compliance Officer will follow up and confirm the suite is removed, and
 - If yes (the suite has been removed) the process is complete.
 - If no (the suite hasn't been removed) the Officer will issue a stop order to the homeowner.
 - If the development officer determines there is no secondary suite then the investigation is complete.
- The Development Compliance Officer will follow up with AHS and inform them of the outcome of the investigation.

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Related Documents

- Land Use Bylaw 6300
- National Building Code 2019 - Alberta Edition

Responsibility

- The Development Compliance Officer is responsible for following up on complaints
- The City Solicitor is responsible for determining what legal action (if any) should be pursued in case of a death and/or injury in an illegal secondary suite.
- The Development Manager, Planning & Design is responsible for overseeing the implementation & monitoring of reporting illegal secondary suites.
- The Building Inspections Manager, Planning & Design is responsible for overseeing the implementation of granting building permits for pre-existing illegal secondary suites.

Definitions

- All definitions are included in the Land Use Bylaw 6300, and the National Building Code 2019 – Alberta Edition.

Procedure Status

Current Status:

In effect

Date Effective:

Approval Details:

Approved by: General Manager, Planning & Design

Endorsement Details

Director, Infrastructure Services

Next Review Date

n/a

Procedure Author

Planner 1

Authored date

Feb 18, 2022

Contacts

Development Manager, Planning & Design

Building Inspections Manager, Planning & Design

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Procedure Location

- File Path:

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