



Brentwood Community Association

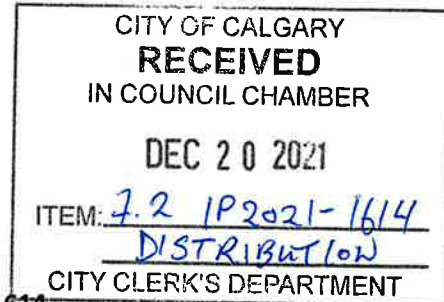
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December 19, 2021

Office of the City Clerk
The City of Calgary

Re: COMBINED MEETING OF COUNCIL
December 20, 2021 at 9:30 AM

Agenda Item 7.2 Extension of Secondary Suite Amnesty, IP2021-1614



Dear Mayor Gondek and City Councillors,

The Brentwood Community Association (BCA) and its Development and Transportation Committee (DTC) hereby submit the following comments regarding the Extension of Secondary Suite Amnesty.

The BCA has a relevant interest in policies around secondary suites because many properties in Brentwood have secondary suites: since 2018, the BCA has received 104 applications. Since March 2018 (the start of the Amnesty program), there have been 85 applications:

- 46 for existing illegal suites
- 33 for new suite applications (in existing homes that didn't previously have a suite)
- 7 backyard suite applications.

The BCA supports regulations that ensure all suites in our community are safe and legal, and comply with all the current LUB guidelines (including parking). Safety and good living conditions for tenants are important, and the Secondary Suite Registry provides assurance that a suite has complied with all relevant building codes and other safety regulations.

If the Secondary Suite Amnesty program helps to achieve the goal of safer, legal suites, then extending the program may have broader support, but **let's build the rules back better.**

Recommendations:

1. **Statistics should reflect existing illegal suites that have been legalized; remove new suites from the totals.**

"In 2013, the Canada Mortgage and Housing Corporation (CMHC), in their "Calgary Rental Market Survey", estimated that there could be at least 16,000 or more "accessory" suites in Calgary. At the time, almost all of those would have been illegal secondary suites."

"To date, over 6,500 legal and safe suites have been added to the Secondary Suite Registry, which means there are still many suites remaining to be registered."

Of the 6,500 suites that have been added to the Registry, how many are new suites?
How many are suites in new homes (including R-CG or other multi-unit homes) that have been built since 2018?

These should be removed from the totals before assessing the success or failure of the Amnesty.



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2. Keep the Amnesty in effect for existing homes with suites.

The goal of the Amnesty Program was to “*encourage the conversion of as many legal and safe suites as possible by making it easier for suite owners to comply with the Land Use Bylaw and the Alberta safety codes.*”

If providing free permits and inclusion on the Registry achieves that goal, it makes homes safer for tenants.

The problem is that if existing homes without suites have to pay to add a new suite, there is the risk that suites will be added illegally. Therefore, existing homes (say, built prior to the March 2018 Amnesty) could be included in the Amnesty program.

3. New Builds should be exempt from the Amnesty Program and free Registration.

If approved, the amnesty will waive the development permit fee of \$447 and the registry fee of \$220. This would result in an annual reduction of \$1.9 million in revenues collected, based on the current rate of applications.”

By definition, a new building is not part of an amnesty for existing illegal suites. New builds of any form (R-1, R-CG or others) are already subject to inspection and safety standards. An electrical inspection already looks at codes and 220 wiring, and purpose-built suites with exterior access are already inspected for proper egress, smoke detectors and so on.

There is also a cost to the Registry. A new R-CG with 4 secondary suites should pay the cost of the Registry. This could be included as a Condition of Approval for the Development Permit.

Subsidizing new builds was not part of the original intentions of the Amnesty Program.

4. What enforcement is being done?

One of the 3 components of the Amnesty program includes “*not prosecuting a suite owner for not being registered.*”

*“The program incentivized owners to voluntarily legalize by waiving the development permit and registry fees for all suites and **focused enforcement on education.** This amnesty extension will not preclude Administration from utilizing the Secondary Suite Registry Bylaw or other enforcement tools. Enforcement action will be taken when necessary going forward. However, standalone enforcement without the amnesty program will not have the same positive effect as what the amnesty has achieved. enforcement will not be relied upon as the sole means of encouraging legalization.”*

It has been almost 4 years since March 2018. If owners of illegal suites haven't yet moved forward, why would additional time help, given that they are not prosecuted for NOT being registered?

Education and encouragement are good measures and have worked for some property owners.

However, even with free permits, there is likely a cost for most property owners to comply with all building codes or to bring their suites up to standard. A frequently cited item is that smoke detectors have to be wired in, not battery-run. There may be other minor items that also have to be modified or added. These have a cost.

When there is NO cost to keep the illegal suite, but there IS a cost to bring it up to code, then it is not difficult to imagine why some suites remain unregistered.



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5. Make it easier for Bylaw Inspectors by providing clearer guidelines to decommission a secondary suite.

Not all suite owners will want to move forward to legalize their suites. Perhaps there are associated costs or perhaps an owner has purchased a home with a suite he / she does not intend to use. Anecdotaly, the BCA receives complaints from residents who say they have reported an illegal suite next to them, but the inspectors come out, the stove is temporarily removed, and there appears to be little enforcement at that point.

From the report to Council, under RISK:

"There is a risk that by approving the recommendations, the public may perceive The City as being too lenient with illegal suites. This risk is mitigated by ensuring measured enforcement actions are taken when necessary"

What are some examples of how "measured enforcement actions" have been taken?

When an illegal suite is reported, what happens next? What if the owner simply removes the stove or denies there is a suite? How many fines for illegal suites were laid in the past 2 years? How is a suite "decommissioned"? There does not seem to be a policy of what needs to be done to permanently remove a suite. Clear policies are needed.

Other jurisdictions have clear guidelines for illegal suites, including removing separation doors, removing 220 wiring and hood fans, removing cabinetry and so on. See attached for an example.

The Suite Amnesty Program is beneficial but let's build the rules back better with some minor amendments.

Thank you for your time and consideration.

Melanie Swailes
on behalf of the Development and Transportation Committee
Brentwood Community Association