

PROPOSED

ITEM #4.1
C2018-0128
ATTACHMENT 4

BYLAW NUMBER 11M2018

BEING A BYLAW OF THE CITY OF CALGARY TO ESTABLISH A REGISTRY OF SECONDARY SUITES AND BACKYARD SUITES *****

WHEREAS pursuant to section 7 of the Municipal Government Act, R.S.A. 2000, c. M-26, The City of Calgary may pass bylaws respecting:

- (a) the safety, health and welfare of people and the protection of people and property; and
- (b) the enforcement of bylaws made under the Municipal Government Act or any other enactment;

AND WHEREAS the Safety Codes Act, R.S.A. 2000, c. S-1, and the safety codes established pursuant to the Act establish minimum requirements for life safety for buildings in Alberta;

AND WHEREAS the Land Use Bylaw 1P2007 regulates the use and development of land and buildings in Calgary;

AND WHEREAS there are prominent technical components required by the safety codes and the Land Use Bylaw which are unique to secondary suites and backyard suites;

AND WHEREAS it is desirable to establish a registry of legal and safe secondary suites and backyard suites to help citizens verify if a suite has been approved and inspected by The City under the safety codes and the Land Use Bylaw at the time of its approval;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the "Suite Registry Bylaw".

DEFINITIONS AND INTERPRETATION

2. (1) In this Bylaw:
 - (a) "*backyard suite*" has the meaning as set out in the Land Use Bylaw 1P2007;
 - (b) "*Chief Building Official*" means the *City Manager* or the *City Manager's* delegate;

PROPOSED

ITEM #4.1 BYLAW NUMBER 11M2018

- (c) “*officer*” means a person appointed pursuant to Bylaw 60M86 to enforce the provisions of this Bylaw and other bylaws of The City of Calgary;
 - (d) “*owner*” means the person shown as the owner on the land title for a *parcel*;
 - (e) “*parcel*” has the meaning as set out in the Land Use Bylaw 1P2007;
 - (f) “*secondary suite*” has the meaning as set out in the Land Use Bylaw 1P2007;
 - (g) “*suite*” means a *backyard suite* or a *secondary suite*;
 - (h) “*Suite Registry*” or “*Registry*” means the record of *suites* established by this Bylaw and maintained by the *Chief Building Official*.
- (2) All schedules attached to this Bylaw form part of this Bylaw.
 - (3) Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
 - (4) Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference is to the act, regulation, code or other bylaw as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.
 - (5) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
 - (6) Nothing in this Bylaw relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence.

ESTABLISHMENT OF REGISTRY

- 3. (1) The *Suite Registry* is hereby established and shall be comprised of:
 - (a) a list of all *parcels* on which a *suite* that satisfies the requirements of section 5 is located; and
 - (b) any other information relating to a *suite* that the *Chief Building Official* deems necessary.
- (2) The *Chief Building Official* shall maintain the *Suite Registry*.
- (3) The *Chief Building Official* shall publish on the City’s website a list of the municipal addresses of all *parcels* listed in the *Suite Registry*.

APPLICATION FOR REGISTRATION OF A SUITE

4. (1) The *owner* of a *parcel* on which a *suite* is located must register the *suite* with the *Chief Building Official*.
- (2) In order to register a *suite*, the *owner* must submit to the *Chief Building Official*:
 - (a) the following information, in the form prescribed by the *Chief Building Official*:
 - (i) the address of the *parcel* on which the *suite* is located;
 - (ii) the address, telephone number and email address of the *owner*, and
 - (iii) any other information the *Chief Building Official* may reasonably require;and
 - (b) a fee in the amount of \$232.
- (3) If there is a change in any of the information submitted pursuant to subsection (2), the *owner* must notify the *Chief Building Official* within 30 days.
- (4) An *owner*, when submitting information or notifying of a change in information pursuant to subsections (2) or (3), must not provide false or misleading information to the *Chief Building Official*.

REGISTRATION OF A SUITE

5. (1) The *Chief Building Official*, upon receiving the information and the fee set out in subsection 4(2) and being satisfied that:
 - (a) both:
 - (i) a development permit has been released; and
 - (ii) a development completion permit has been issued;for the *suite*, where such permits are required pursuant to the Land Use Bylaw 1P2007 or any previous land use bylaw;
and
 - (b) both:
 - (i) a building permit has been issued; and

PROPOSED

ITEM #4.1
BYLAW NUMBER 11M2018

- (ii) an occupancy permit or written permission for occupancy has been issued;

for the building that contains the *suite*, pursuant to the Building Permit Bylaw 64M94 or any previous building permit bylaw;

must enter the *suite* on the *Registry*.

- (2) Despite subsection (1)(a), the *Chief Building Official* may enter a *suite* on the *Registry* if a development permit or development completion permit has not been released or issued for the *suite* if the *Chief Building Official* determines that the *suite* is a non-conforming use pursuant to section 643 of the *Municipal Government Act*, R.S.A. 2000, c.M-26.

PROOF OF REGISTRATION

- 6. (1) The *owner* of a parcel on which a registered *suite* is located must display proof of registration in a form and manner prescribed by the *Chief Building Official*.
- (2) A person must not display or permit the display of proof of registration on a *suite* or otherwise represent that a *suite* has been registered unless the *suite* has been registered with the *Chief Building Official*.

REMOVAL FROM REGISTRY

- 7. (1) The *Chief Building Official* may remove a *suite* from the *Registry* if:
 - (a) the *Chief Building Official* becomes aware that a registered *suite* no longer satisfies the requirements set out in section 5;
 - (b) the registration was based on mistaken, false or incorrect information; or
 - (c) the registration was made in error.
- (2) Upon removing a *suite* from the *Registry* pursuant to subsection (1), the *Chief Building Official* must notify the *owner* of the *parcel* on which the *suite* is located of the removal.

REMOVAL OF SUITE

- 8. (1) If a registered *suite* is removed from a *parcel*, the *owner* of the *parcel* must notify the *Chief Building Official* within 30 days.
- (2) Upon receiving notice pursuant to subsection (1), the *Chief Building Official* must remove the *suite* from the *Registry*.

PROPOSED

ITEM #4.1
BYLAW NUMBER 11M2018

PROHIBITION

9. A person must not advertise for rent or otherwise offer for profit to a prospective occupant an unregistered *suite*.

OFFENCES

10. Any person who contravenes any provision of this Bylaw by doing any act or thing which the person is prohibited from doing, or by failing to do any act or thing the person is required to do, is guilty of an offence pursuant to this Bylaw.

ENFORCEMENT

11. (1) Where an *officer* believes that a person has contravened any provision of this Bylaw, the *officer* may commence proceedings against the person by issuing a violation ticket in accordance with the *Provincial Offences Procedure Act*, R.S.A. 2000, c. P-34.
- (2) This section shall not prevent an *officer* from issuing a violation ticket requiring a court appearance of the defendant pursuant to the *Provincial Offences Procedures Act* or from laying an information instead of issuing a violation ticket.

PENALTY

12. (1) Where there is a specified penalty listed for an offence in Schedule A to this Bylaw, that amount is the specified penalty for the offence.
- (2) Where there is a minimum penalty listed for an offence in Schedule A to this Bylaw, that amount is the minimum penalty for the offence.
- (3) In this section, “specified penalty” means an amount that can be paid by a person who is issued a violation ticket and is authorized to make a voluntary payment without a Court appearance.

PROPOSED

ITEM #4.1
BYLAW NUMBER 11M2018

COMING INTO FORCE

13. This bylaw comes into force on June 1, 2018.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____

PROPOSED

ITEM #4.1
BYLAW NUMBER 11M2018

SCHEDULE A

PENALTIES

Section	Description of Offence	Minimum Penalty	Specified Penalty
4(1)	Fail to register <i>suite</i>	\$200	\$1000
4(3)	Fail to advise of change in information	\$200	\$400
4(4)	Provide false or misleading information	\$500	\$1000
6(1)	Fail to display proof of registration	\$200	\$400
6(2)	Identify or represent unregistered <i>suite</i> as registered	\$500	\$1000
9	Advertise or offer unregistered <i>suite</i>	\$500	\$1000