



**Hornby Island Community  
Economic Enhancement Corporation**

**AN act PROJECT**

**ENABLING SECONDARY ACCOMMODATION UNITS  
ON HORNBY ISLAND, BRITISH COLUMBIA**

**FINAL REPORT**

**JANUARY 2008**

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## **PREFACE**

The project documented in this report received an Affordability and Choice Today (ACT) grant. ACT is a housing regulatory reform initiative delivered in partnership by the Federation of Canadian Municipalities (ACT administrator), Canada Mortgage and Housing Corporation (ACT funder), the Canadian Home Builders' Association, and the Canadian Housing and Renewal Association.

**ACT, launched in 1990, encourages housing affordability and choice through regulatory reform. The United Nations Centre for Human Settlements recognized ACT in 1998 as one of the top global best practices for improving the living environment.**

Over the years, ACT has created an impressive body of knowledge others can use to facilitate regulatory change in their communities. Projects range from innovative housing forms, secondary suites and streamlined approval procedures to NIMBY, alternative development and renovation standards, and more. ACT projects contribute in many ways to sustainable development. They have also served to enhance working relationships between local governments, the building industry and non-profit organizations.

In summary, ACT promotes regulatory reform through

- its database of solutions, which others may borrow from and adapt freely to meet their needs (see Web site address below).
- grants to local governments, builders, developers, architects, non-profit organizations and others across Canada to help facilitate the development of innovative solutions;
- other means of promoting regulatory solutions, such as workshops that highlight ACT solutions and address specific regulatory barriers.

For more information, visit ACT's website at [www.actprogram.com](http://www.actprogram.com), or contact:

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## **DISCLAIMER**

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## **PROJECT PROCESS**

1. Initial community consultation
2. Review of regulatory tools and experience in other jurisdictions
3. Technical workshop to explore regulatory options
4. Review of draft report
5. Presentation of final report

# **Enabling Secondary Accommodation Units on Hornby Island**

## **EXECUTIVE SUMMARY**

Secondary accommodation units have, for many years, been proposed as part of the solution to the housing difficulties being experienced by Hornby residents. Allowing such units was a principal recommendation of the Hornby Island Advisory Housing Committee. At the same time, concerns about potential impacts have been consistently expressed. This is not unusual; secondary accommodation is a controversial issue in communities across Canada. A particular challenge is how to frame regulations that effectively address the concerns being raised without creating undue obstacles in the form of a complex and costly process.

This ACT project provided an opportunity to look at how to overcome regulatory barriers including the potential uptake of solutions adopted elsewhere. It is hoped that the results of this project will benefit other island and rural communities trying to address secondary units.

Consultation with the Hornby community, through a “Community Round Table on Housing”, identified a number of ways in which secondary units could address specific housing needs. A number of concerns were also identified, including ensuring that units are used appropriately and effectively addressing on-site water supply and sewage treatment issues.

A number of communities across Canada have addressed the use of garden suites to provide (usually temporary) secondary housing, particularly for seniors. A number of BC municipalities have adopted bylaws to legalize secondary suites. In particular, the Resort Municipality of Whistler has a long history of allowing secondary units.

Provincial legislation provides a number of opportunities and challenges. Secondary units can be permitted through zoning regulations (including specific provisions for affordable or special needs housing) and/or through housing agreements. Effective permitting tools are limited to building permits which are sometimes not used in unincorporated areas (including Hornby Island). Standard practices for sewerage treatment require that a secondary suite be treated as a separate housing unit.

A technical workshop, at which regulatory options were explored, was at the core of this project. Discussions at the workshop concluded that using zoning regulations, rather than housing agreements, provided the most straightforward way to enable secondary units. A creative use of regulations could address the issues identified. Specifying that secondary units can only be permitted when they are used for affordable and special needs housing (and possibly backing this up by a provision for municipal ticketing) could address the issue of appropriate use. Secondary units could also be permitted conditionally upon the provision of water storage capacity (or possibly rainwater catchment). There needs to be further exploration about the possibility of including prescriptive regulations for sewerage treatment to ensure that provincial requirements are met. Regulations should be backed up by advocacy and education to ensure that regulations are understood and to encourage best practices (including minimizing the footprint of secondary units). Secondary units should not be considered in areas with documented water supply problems (in order to comply with Islands Trust policy 4.4.2).

The results of this project should be used to enable informed community discussion in order to arrive at a broadly supported outcome.

## **Enabling Secondary Accommodation Units on Hornby Island**

### **SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS**

This project has identified ways to enable secondary accommodation units to provide affordable and special needs housing on Hornby Island that address the concerns without creating a costly and bureaucratic process which might be a undue deterrent to the uptake of this housing solution.

#### **A. The following suggestions should be considered for developing legislation:**

- 1. Zoning regulations, rather than housing agreements, provide the most straightforward way to permit and regulate secondary accommodation units.**
- 2. A permitting system involving an inspection process is not an option for Hornby Island unless a) the regional district adopts building inspection for the area or b) the Islands Trust establishes site inspection for Siting and Use Permits).**
- 3. Secondary accommodation units could be allowed on any lot that is of the required size and is within specified zones and areas provided that conditions and regulations are met.**
- 4. Secondary units should not be considered for the Anderson Drive / Whaling Station Bay area.**
- 5. They should not be considered on lots in the Agricultural Land Reserve.**
- 6. There should be stricter requirements on smaller lots than on larger lots.**
- 7. No more than one secondary accommodation unit should be allowed per lot.**
- 8. Secondary accommodation units should only be allowed as an additional density on lots where the units will be used to provide affordable or special needs housing (which should be clearly defined).**
- 9. Units should contain only one bedroom on smaller lots. A second bedroom could be considered on larger lots.**
- 10. There should be a maximum size for units, allowing adequate space for the potential residents.**
- 11. On smaller lots, units could be suites contained within or attached to an existing building (or possibly a mobile unit) and only occupy a specified percentage of the total floor area.**
- 12. On larger lots, secondary units could be free-standing (cottage, garden suite, mobile unit, etc.) or incorporated within an accessory building (eg carriage suite).**
- 13. Regulations for siting and size of secondary accommodation units should be separate from density and use regulations in order to enable consideration of site-specific variances upon application.**

14. Regulations could address the built footprint on the lot such as by requiring that the secondary unit be adjacent to the main unit or that one driveway serve both units.
15. On smaller lots, units should not be allowed where the following are conducted: vacation rentals, bed and breakfast or other home occupations involving significant activity.
16. One additional parking space should be required for a secondary accommodation unit.
17. Water storage could be required as a condition of establishing a secondary accommodation unit, especially on a smaller lot. (Rainwater catchment could be considered as an additional requirement.)
18. If possible, prescriptive regulations should be included to ensure sewerage treatment according to provincial standards (otherwise this requirement should be addressed through an information note).
19. Draft regulations and definitions should be subject to legal review.
20. Municipal ticketing should be considered as a way to encourage compliance, particularly with respect to units being used for their intended purposes.
21. Regulations should be introduced to address vacation rentals prior to allowing secondary accommodation units.

**B. The following associated suggestions should be considered:**

1. When the new regional district is established, the desirability of building permits should be explored with the regional district and the community. Alternatively, the possibility of providing site inspection as part of the Siting and Use Permit process should be explored with the Islands Trust.
2. The issue of run-off could be addressed through regulation or education.
3. Provision of accommodation in the agricultural land reserve should be pursued as a separate issue.

**C. Community consultation should continue, including using what has been learned through this project to enable informed discussion.**

**D. Any regulations that are adopted should be accompanied by information and education with respect to:**

- describing the regulatory requirements;
- explaining other regulatory requirements such as the building code;
- encouraging best practices, such as with respect to water use and siting
- providing information on relevant government programs such as RRAP grants.

## **BACKGROUND**

A key housing-related regulatory issue for Hornby Island, BC is how to address the acceptance, enabling, regulation and provision of secondary accommodation units in a rural community – in this case within the Islands Trust area.

There has been much exploration of secondary accommodation in urban areas where this usually takes the form of suites within a principal dwelling. In rural areas, secondary accommodation could involve other housing modes such as cottages, carriage suites and mobile units. There are also other issues to be addressed such as the provision of on-site water and waste treatment and, in the case of Hornby Island and some other unincorporated communities, the absence of building inspection.

### **The housing challenge on Hornby Island**

A key factor affecting housing on Hornby is the price of real estate escalating at a much higher rate than locally-derived incomes. This is being largely driven by the demand for homes by non-residents for recreation and retirement and by the limited pool of residential lots on a small island. Incomes on Hornby are 31% lower than for the province as a whole.

The percentage of seniors is increasing steeply. Meanwhile, younger people are leaving the Island. The school enrolment has declined from a high of 148 in 1990 to below 50, resulting in a consolidation of grades.

Businesses are reporting difficulties in finding employees. There is concern about the future capacity for providing services to an aging population. There is a desire to sustain the important cultural and visitor-based sectors of the economy and the valued diversity of the community.

### **Market rental housing - background**

On Hornby Island, there are very few units constructed and operated specifically to provide market rental housing. Principal dwelling units that are made available for rentals are usually second homes that the owners use, or plan to use, for seasonal occupancy or eventual retirement. Other homes may be made available by residents temporarily living elsewhere.

The low incomes generally attainable on Hornby place a limit on the monthly rent that tenants can pay. High real estate, construction and maintenance costs mean that many landlords are not able to achieve a sufficient return to meet property costs through residential tenancies. Non resident property owners, not in a position to regularly inspect the homes they are renting out, have often later discovered damage or other problems and have subsequently taken the unit out of the rental pool rather than risk a recurrence. Some owners choose to make dwelling units available for commercial short-term vacation rentals which are generally more lucrative than residential tenancies. Almost one tenth of the housing stock on Hornby is advertised for short-term rentals.

Occupiers of primary dwelling units in most cases do not expect to have a long-term tenancy. Some units are only available for parts of each year. Others are only available for a few years. Many tenants have to frequently change home; some move twice a year on a regular basis.

Only lots over 10 acres are permitted more than one dwelling unit. These are generally occupied by a co-owner on a tenants-in-common basis, though a few are available as rental units. Secondary suites are not permitted.

As in cities, non-permitted secondary units are an important source of affordable accommodation, though in rural areas they tend to take the form of illegal cabins as much as illegal suites.

### **Non-market rental housing**

There is only one project which provides non-market rental housing on Hornby. The Elder Housing Society has small units of various sizes that are rented to residents over 50 years of age with rents at \$100 a square foot. Despite considerable fund raising and consistent high inputs of volunteer work, the Society is finding that revenue is insufficient to sustain the operation over the long term with respect to replacement of assets. This does not encourage other attempts to provide non-market housing.

### **Official Community Plan**

In 2003, a new Official Community Plan was adopted. During the review of the OCP, the concept of legalizing secondary accommodation units under certain conditions was put forward for discussion. There was strong community resistance and this concept was dropped from the OCP. Instead, a policy was included to establish a housing advisory committee. This would identify housing needs, develop and evaluate options and make recommendations for amendments to the OCP.

### **Advisory Committee on Housing**

This committee presented its report in 2004 following a process of community consultation and review of options.

The committee identified the following key housing needs with respect to rentals:

- *Shortage of affordable year-round rental homes and units*
- *Problems for tenants and landlords with existing situations*
- *Summer displacement of year-round residents*

In addition the committee identified that:

- *Seniors face challenges in continuing to stay in their own homes.*

Among the solutions identified by the committee were the following:

For renters:

- *Housing agreements as a tool to create legal secondary suites for specific living needs*

For seniors:

- *Housing agreements for “special needs” housing that would allow a caregiver to live on the property*

The Committee made the following recommendation:

*We recommend that the OCP include a policy that enables the Local Trust*



*Committee to use Housing Agreements as defined in section 905 of the Local Government Act.*

*Section 905 of the Local Government Act awards local governments, including the Islands Trust, the power to enter into housing agreements for the purposes of affordable and special needs housing.*

*Specifically, we recommend that Housing Agreements be used for caregivers, affordable housing and special, individual needs.*

*We recommend that Section 6.3.1 include a new policy to support the Local Trust Committee in considering site-specific housing agreements with property owners, to enable special housing situations.*

*Situations could include providing self-contained accommodation for:*

- caregivers*
- close relatives*
- individuals with special needs*
- providing year-round, affordable housing*

*Accommodations could include:*

- a suite within an existing residence*
- the use of a permitted accessory building*
- the use of a mobile unit, such as a caravan or trailer*

*Conditions for establishing such an agreement could include:*

- ensure there is adequate waste treatment capacity for the specified additional occupancy*
- ensure there is adequate water supply without additionally stressing highly developed groundwater aquifers*
- ensure there is adequate provision for parking*

*Housing Agreements should ensure that the housing is used for the specific purpose and cannot be used for commercial short-term rental or for visitor accommodation. The Housing Agreement should terminate when the specified housing situation concludes. A new Housing Agreement could be applied for to address subsequent situations.*

*N.B. The average size household on Hornby is 1.9 persons; therefore, many lots can support an extra person or two without stressing the septic treatment capacity.*

### **“Housing Solutions for Small Communities”**

A conference on Housing Solutions for Small Communities was held on Hornby Island in April 2007. This included a panel discussion on Secondary Accommodation Units. There was a consensus that enabling such units is an important way to provide immediate housing opportunities given the challenges of addressing rental accommodation needs through the rental of primary dwelling units or through non-market rentals. At the same time, concerns were expressed about increasing density on small islands where water supply and sewage disposal can be a challenge.

## **Hornby Island Local Trust Committee Processes**

In 2005, the Local Trust Committee drafted amendments to the Hornby Island Land Use Bylaw (LUB) to implement OCP policies and recommendations of the Advisory Committee on Housing. It also drafted parallel amendments to the OCP. The amendments to the OCP included policies for additional dwelling units and for the use of housing agreements. The amendments to the LUB included specifications for housing agreements, a definition of a secondary accommodation unit and provision for permitting such units on residential lots.

In 2006, the incoming Local Trust Committee decided to not proceed with a comprehensive approach to reviewing the Land Use Bylaw. The LTC resolved to add policies and regulations for “accessible housing” to the work program, including the use of housing agreements for “size restricted granny suites” and “where legal housing densities have been exceeded”. In 2007, “accessible housing” became a priority work program item.

## **COMMUNITY CONSULTATION**

In 2007 representatives of community organizations and members of the public were invited to participate in a regular **Community Round Table on Housing**. The Round Table met on January 25, February 28, April 14, May 30 and September 30 in 2007.

In discussion at these meetings a number of needs, opportunities and challenges have been identified with respect to secondary accommodation units:

### Needs:

- affordable accommodation for year-round and seasonal workers;
- accommodation for people with special needs;
- accommodation for relatives (parents or young adult off-spring);
- older people able to stay in their homes by having another person living on site;
- succession for artisans;
- accessible first-step housing for people who may later establish their own homes;
- legal alternatives to sub-standard, non-permitted or short-term housing;
- a range of solutions required to meet range of needs.

### Opportunities:

- most households are of one or two people;
- existing non-permitted situations have not been subject to complaint;
- temporary units could be used and moved on to and off of lots as required.

### Challenges:

- Establishing a workable regulatory regime
- Ensuring units are used for their intended purpose and not tourist accommodation
- Addressing water supply
- Addressing waste treatment
- Maintaining neighbourhood and island character
- Keeping bureaucracy and costs to a minimum

## Land use issues

- Hornby Island is unincorporated and has no building inspection
- There is almost no subdivision potential remaining on Hornby
- There are few undeveloped lots
- Small Lot Zone: lots less than 1 ha., as small as 0.1 ha., average 0.25 (1 dwelling per lot)
- Rural Residential Zone: lots over 1 ha., generally 4 ha (2 dwellings on lots over 3.5ha)
- Liquid waste is treated by on-site sewerage systems
- Water is generally supplied by on-site wells (some with quality and quantity problems)
- High summer population; many dwellings used for vacation rental
- Over 60% of properties owned by non-residents

## RELEVANT PROVINCIAL LEGISLATION

The following sections of provincial legislation have relevance in considering the permitting and regulating of secondary accommodation units

### *Local Government Act*

#### **Section 877: Required content of Official Community Plans**

The required content of an Official Community Plan (OCP) includes statements and map designations respecting the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least five years. The OCP can include policies regarding whether, where and how secondary accommodation units might be permitted in order to meet anticipated housing needs.

#### **Section 903: Zoning bylaws**

A local government may regulate the use and density of land and buildings, the siting, size and dimensions of buildings and permitted uses and the location of uses on the land and within structures. Regulations may be different, for different zones, different uses within a zone, different locations within a zone, different standards of work and services provided and different siting circumstances. This section provides a great deal of flexibility with respect to specifying where and how secondary accommodation units are permitted and under what circumstances.

#### **Section 904: Zoning for amenities and affordable housing**

A zoning bylaw may establish conditions that will entitle an owner to a higher density than the density otherwise specified in a zone. Allowable conditions include those relating to the provision of affordable and special needs housing, as defined in the bylaw, including the number, kind and extent of the housing. (The owner can be required to enter into a housing agreement before a building permit is issued.) This section enables secondary accommodation units to only be permitted in accordance with specified conditions to meet defined affordable and special needs housing.

#### **Section 905: Housing agreements for affordable and special needs housing**

A local government may (by bylaw) enter into a housing agreement with an owner regarding the occupancy of housing units. The terms and conditions may address the form and tenure of the units, to which classes of persons they may be made available, how they will be managed, and the rents charged (and rate of increase). The agreement cannot vary the use or density specified in the zoning bylaw. The agreement is filed on title, is binding upon future owners and can only be amended by bylaw with the consent of the owner. Although housing agreements are more

commonly utilized for multi-unit developments, some local governments require housing agreements for individual secondary accommodation units.

**Section 906: Parking space requirements**

A local government may provide the provision of off-street parking. An additional parking space could be required for an additional household living in a secondary accommodation unit.

**Section 907: Run off**

A local government may require an owner who constructs a paved area or roofed area to manage runoff and also may limit the percentage of land covered impermeable material. This may be considered to address additional impacts of a secondary unit.

**Section 694: Regional district building regulations**

The board of a regional district may regulate the construction and alteration of buildings for the purpose of health, safety or protection and may require that building permits and occupancy permits be obtained. (The Regional District of Comox-Strathcona only applies building inspection to Electoral Areas A, B, C and D. Electoral K, which includes Hornby Island, is not included.) The British Columbia Building Code applies whether or not the regional district requires building permits.

***Islands Trust Act***

**Section 31: Siting and use permits for construction where no building bylaw in force**

A local trust committee may, for areas that are not subject to the requirement that a building permit be obtained, require that a siting and use permit be issued before construction begins with respect to the proposed construction being in compliance with the applicable zoning bylaw. Siting and use permits are required by the Hornby Island Local Trust Committee for construction on Hornby Island.

***Land Title Act***

**Section 219: Registration of a covenant as to use and alienation**

A covenant in favour of a local trust committee may be registered against the title and may include provisions in respect of the use of land and buildings. An owner could be required to enter into a covenant respecting the use of all or part of a building as a secondary accommodation unit.

***Agricultural Land Commission Act***

**Section 18: Rules for use and subdivision of agricultural land reserve.**

A local government may not approve more than one residence on a parcel of land unless additional residences are necessary for farm use.

***Health Act – Sewerage System Regulation***

**Part 3: Sewerage Systems**

Only a registered practitioner or professional can construct and maintain a sewerage system and must provide written assurance to the health authority that plans and specifications are consistent with standard practices. (Standard practices are specified in the *Sewerage System Standard Practice Manual*).

## **REPORTS AND STUDIES**

The following selected reports and studies which provide information on how jurisdictions across Canada have addressed secondary accommodation units were reviewed.

### **ACT Reports and Case Studies**

#### **Building community acceptance for secondary suites**

A case study reports on how the District of North Vancouver built community acceptance for the legalization of secondary suites in single family neighbourhoods. Key issues included costs building code issues, regulation and complaints. An extensive public consultation process was carried out. Although the issues may be different, elements of the process are transferable to provide a way to establish common ground through public input and the provision of information.

#### **Second dwelling units in rural and village settings**

This report focuses upon how the Township of Roxburgh in Ontario enabled secondary dwelling units. The process included creating a population review of the Township, reviewing policy and regulations, proposing amendments, establishing an implementation program for streamlined approval and producing a handbook.

#### **Permitting garden suites**

There are a number of reports detailing how local governments such as those of Durham, Ontario, Cowansville, Quebec, Kings County, Nova Scotia and Tantramar, New Brunswick have addressed the permitting of garden suites. The regulatory framework is different in each province, but some principles and criteria are transferable.

#### **Addressing sewage treatment**

A project in Ontario looked at laying the groundwork for an approval process to keep garden suites affordable while addressing public health requirements for sewage treatment. The regulatory framework differs from that of British Columbia.

### **Reports on Secondary Suites in BC**

#### **Secondary Suites: A Guide for Local Governments**

This BC Government publication addresses issues that local governments need to consider in looking at permitting secondary suites. It provides eight case examples: Abbotsford, Coquitlam, Kelowna, Nelson, New Westminster, North Vancouver, Whistler and Anmore. It notes that secondary suites are a form of rental housing that is typically affordable, ground-oriented and market-based. Suites can provide many benefits to homeowners, tenants and the community.

#### **Barriers and Solutions: A Secondary Suites Workshop (Summary of Proceedings)**

This workshop, conducted in April 2003, focused on four key areas: legal liability, health and safety and regulatory issues; financing of secondary suites, mortgages, utility fees and municipal cost recovery; design solutions for secondary suites; community acceptance, collaboration and consultation.

## **APPROACHES TAKEN BY BC COMMUNITIES**

Legislation adopted by British Columbia communities that are allowing secondary accommodation units was reviewed. The following are examples of approaches taken.

### **Bowen Island – in-house suite permitted by zoning regulations**

Any single family dwelling can contain a secondary suite of not more than 90m<sup>2</sup> provided it does not occupy more than 40% of the habitable floor space of the dwelling. A home occupation, bed and breakfast or commercial guest accommodation cannot be conducted in a residence containing a suite.

### **Metchosin – in-house suite permitted by zoning regulations**

A secondary suite limited to 4 rooms (bedroom, Bathroom, living room and kitchen) and to 60m<sup>2</sup> is permitted within a dwelling unit.

### **Castelegar – in-house suite permitted by zoning regulations**

A one bedroom suite of not more than 90m<sup>2</sup> is permitted provided that the owner of the dwelling is living in either the main unit or secondary suite.

### **Comox Valley – carriage house permitted by zoning regulations**

A dwelling unit of not more than 90m<sup>2</sup> is permitted on the second story of an accessory building.

### **Maple Ridge – temporary unit permitted through a housing agreement**

A secondary suite of up to 90m<sup>2</sup> is permitted in a one-family residence provided the owner enters into a housing agreement with the District of Maple Ridge and provided approval is provided by the appropriate health authority if the lot is not serviced by municipal sewer.

### **Salt Spring – secondary unit permitted through a rezoning application**

The Official Community Plan enables property owners to apply for a zoning amendment specific to their property for a secondary suite to provide affordable housing and for those who need in-home care.

## **AFFORDABLE HOUSING CONSULTANT’S REPORT:**

### **Learning from the Whistler experience**

The Resort Municipality of Whistler has a long experience with secondary suites and has tried some innovative approaches. Whistler, like Hornby Island, is a popular resort destination and has been challenged to accommodate people working in the community. Tim Wake, an affordable housing consultant who has been active in creating housing solutions for Whistler and who is familiar with the situation on Hornby Island, was requested to provide a report reviewing the Whistler experience and identifying what can be learned that is of value to communities like Hornby Island. The full report is included as an appendix. The following is a summary of the report’s considerations for Hornby Island:

- In the review of Best Practices in Affordable Housing produced in 2007 by SmartGrowth BC, 33 of the 68 jurisdictions surveyed had adopted secondary suite zoning. There is no indication in any of these jurisdictions, 19 of which are in British Columbia, that secondary suite zoning has resulted in problems of exceeding density estimates,

overloading infrastructure or transportation modes, or changing the character of neighbourhoods.

- While there may be challenges with regulating secondary suites, it should be recognized that secondary suites have contributed to the diversity of affordable rental housing in Victoria, Central Saanich, Surrey, Vancouver, North Vancouver and Whistler.
- With the price of housing already escalating on Hornby Island, and the shift towards second home ownership well underway, it is unlikely that very many new secondary suites will be generated through a secondary suite policy. It will serve to formalize the existing suites, and with larger lot sizes, encourage the construction of a separate accessory dwelling unit (if permitted by the policy).
- It may be that the lack of regulation of visitor accommodation on Hornby Island is a larger impediment to affordable rental housing than the lack of a secondary suite policy. Further, in the absence of such regulation, the motivation to construct a secondary suite to rent out to visitors in the summer, by the night or by the week, will be much greater than to rent it out to a tenant who is part of the local workforce, by the month.
- Secondary suite policy is a good first step for communities in addressing a lack of affordable housing, but it is only one tool in a full range of initiatives that must be considered and implemented to make a significant impact on the problem.

## **TECHNICAL WORKSHOP**

A technical workshop was held at the Islands Trust office in Victoria on 10 December 2007 with the following participants:

Deborah Curran, lawyer  
David Marlor, Regional Planning Manager, Islands Trust  
John Rowse, Executive Director, BC Onsite Sewage Association  
Ed Hoepfner, Principal, Aquarian Systems Inc.  
Ron Emerson, Hornby Island Local Trustee

The workshop was facilitated by Tony Law, Executive Director of HICEEC. The goal of the workshop was to review and evaluate regulatory options for permitting secondary accommodation units on Hornby Island (considering applicability to other communities). This was essentially a brainstorming session and the contributions of the participants cannot be considered as professional advice.

The following is an overview of key points addressed at the workshop. More details of considerations that emerged are included in the section of the report headed “discussion of issues”.

### **Accountability and accessibility**

A balance needs to be struck between two goals: One goal is to establish regulations that provide appropriate accountability for potential impacts of secondary accommodation units. Another goal is to ensure that the regulatory process is accessible to those considering providing secondary accommodation units. Accountability with respect to key issues is necessary to gain public

support. However, a process that is costly and overly bureaucratic creates a barrier to this being used as an affordable housing opportunity and may perpetuate non-permitted solutions being pursued instead.

### **Regulation and education**

Regulations should be limited to those that are effective and can be backed up by compliance. Regulations that are not enforceable provide false expectations and can lead to cynicism. The regulatory framework should be complemented by information and education so that people understand the regulations and also consider adopting best practices that cannot be readily addressed through regulations

### **Vacation rentals**

It is going to be difficult to effectively address the provision of secondary accommodation units for affordable housing without also addressing the commercial rental of dwelling units for tourist accommodation which can significantly impact residential areas and the community's housing stock.

### **Housing agreements**

Housing agreements had been identified by the Advisory Housing Committee as a tool for enabling secondary units. However these are administratively challenging and costly and can be as difficult to enforce as zoning regulations. The same applies to restrictive covenants.

### **Zoning regulations**

The creative use of zoning regulations could likely address identified issues. In particular, section 904 of the Local Government Act is a way to specify that units can only be permitted in addition to the basic density for a zone where they are to be used for affordable and special needs housing.

### **Building permits**

The lack of a building permit and inspection process on Hornby Island limits the ability to ensure compliance.

### **Areas for exclusion**

Lots in the Agricultural Land Reserve cannot be considered for additional residential units. The Islands trust Policy Statement would prevent increased density in areas know to have water problems such as the Whaling Station Bay / Anderson Drive area.

### **Siting**

If possible, siting regulations should restrict the footprint on the land such as through limiting the size of units, allowing only one driveway and requiring that units be incorporated into existing buildings on small lots. Regulations should provide flexibility by enabling applications for site-specific variances for size and siting of units.

### **Water**

It would be ideal if additional water needed to service a secondary unit can be required to be obtained through rainwater catchment. However, there are complicating factors. Another option is to require a water storage capacity. Education with respect to water use should also take place. Run-off is another issue that could be addressed through regulation or education.

### **Sewerage**

Standard practice requires that a secondary suite be considered as a separate dwelling unit. Thus a treatment system must meet the daily design flow rates for both the principal dwelling and the



secondary unit, even if the actual total level of occupation is only two or three persons. Systems must be able to handle peak loads and possible changes of occupancy level over time, such as when a property changes ownership. Reducing water flow does not necessarily reduce the required treatment capacity because matter requiring treatment is simply more concentrated. Systems are approved by registered practitioners and the health authority has the responsibility for enforcement. The only possible way for a local trust committee to ensure that approval is obtained is to include prescriptive zoning regulations (in the context of onsite sewerage treatment systems being considered works or services). Whether (and how) this can be done will have to be determined by further study and legal review.

### **Enforcement**

Municipal information ticketing can provide a deterrent to non-compliance, as can high-profile enforcement of selected serious infractions.

## **DISCUSSION OF ISSUES**

The following is based upon discussions and information-sharing that took place in the technical workshop and review of other material.

### **Legislative framework**

In establishing a legislative framework for allowing secondary units, a key decision is whether to rely upon zoning (as enabled through sections 903 and 904 of the Local Government Act), or whether to also use housing agreements (as enabled through section 905) and/or restrictive covenants.

Housing agreements provide the opportunity to specify terms and conditions (as would restrictive covenants). However, they would involve an onerous and expensive process. A pro-forma housing agreement could be drafted but a landowner would be encouraged to seek independent legal advice and the local trust committee would likely also require legal review of any site-specific changes. There would be significant administrative costs, including for having the agreement adopted by bylaw. These costs would have to be passed on to the applicant through a fee. There would also be a fee for registering the agreement on title. Total costs could be in the \$1,000 range. There could be similar costs for a covenant.

A principle reason for considering using a housing agreement is to specify the classes of persons that are permitted to use the accommodation unit. However, this could also be achieved through the use of s.904 provisions. Housing agreements and covenants would not of themselves provide additional monitoring opportunities unless a new (and costly) monitoring regime is set up. They are no more readily enforceable than zoning regulations as in each case an application to the Supreme Court is required. Compliance with zoning regulations can also be pursued through municipal ticketing.

***Zoning regulations (including utilizing s.904) provide the most straightforward way to permit and regulate secondary accommodation units.***

## **Permits and inspection**

Building permits, because they involve inspection, would provide the highest degree of scrutiny to ensure that the construction of secondary accommodation units comply with land use and other regulations. However, the Comox-Strathcona Regional District does not provide building inspection services to electoral Area K which includes Hornby Island. Previous discussions with CSRD have indicated a reluctance to extend inspection to this area. There has also been limited interest in this service on the part of local residents. A new regional district is being proposed for the Comox Valley with Area K being re-integrated into Area A.

In the absence of building permits, siting and use permits are required to ensure that proposed construction complies with regulations.

*At this time, site inspection cannot be considered an option. Siting and use permits provide a review of proposed construction but not actual construction. The issue of building permits could be explored again when the new regional district is established and the possibility of site inspection for Siting and Use Permits could be explored with the Islands Trust.*

## **Amending zoning**

To provide for secondary accommodation units, the Official Community Plan would have to be amended to enable amendments to zoning regulations. Rezoning could be carried out in a number of ways.

- Site specific rezoning applications.

Lots could be rezoned following successful site-specific applications, as is the case for Salt Spring Island. The current fee is \$4,400. The cost and attention would likely be significant deterrents.

- Selective rezoning

Submissions could be invited from property owners wishing to have their lots considered for a secondary accommodation use. Lots that meet the required conditions could be rezoned through a single amending bylaw. This would provide an additional level of scrutiny but would be administratively challenging. It would also mean that owners whose interest in establishing units does not coincide with the timing of this particular opportunity would subsequently have to pay for site-specific rezoning.

- Blanket rezoning

Zoning amendments could enable all properties in specified zones or sub-zones to become eligible for having secondary accommodation units if they meet specified conditions. These specifications would have to appropriately address public concerns.

*Allowing secondary accommodation units on any lot that meets the required conditions within specified zones or sub-zones is the most straightforward approach to rezoning. Density and use should be appropriately addressed through regulations.*

## Density

Density is a significant concern when considering allowing secondary accommodation units.

In particular, policy 4.4.2 of the *Islands Trust Policy Statement* requires measures to ensure that neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of fresh water. The provincial classification of bedrock aquifers on Hornby Island has identified one aquifer that is “highly developed”; this is in the Whaling Station Bay / Anderson Drive area.

In other areas, strict eligibility criteria and other requirements for secondary accommodation units should limit increases in density, particularly for smaller lots.

In some jurisdictions, secondary units are only possible on lots above a certain size (eg. 0.4ha in Spallumcheen and Maple Ridge).

A local government cannot increase the number of residences in the Agricultural Land Reserve. Local farmers have expressed interest in providing appropriate accommodation for seasonal workers, but this should be dealt with through a separate process.

It is worth noting that the average household size on Hornby Island is less than two persons and that only owners motivated to provide affordable or special needs housing would consider creating secondary accommodation units.

***Secondary accommodation units should not be considered for the Whaling Station Bay /Anderson Drive area, in the Agricultural Land Reserve or on lots below a specified size. In other areas there should be stricter requirements for smaller lots than for larger lots. Only one unit should be permitted per lot.***

## Eligibility

Through utilizing s.905, zoning regulations can allow a basic density of permitted dwelling units (as at present) plus an additional density of one secondary accommodation unit where the condition is met of providing affordable or special needs housing.

This will require creating effective definitions of “affordable housing” and “special needs housing”. Affordability can be addressed through rent per square foot, but that would require regular updating of a bylaw to ensure the required levels are kept current. Another option is to link affordability to income levels in the census area.

In the *Comox Valley Zoning Bylaw*, affordable housing is defined as “any housing where the annual cost of owning including taxes, condominium fees and mortgage, principal and interest payments as amortized over 25 years with a 25% down payment, or gross rent, does not exceed 30% of the average annual individual income within the relevant Comox-Strathcona ‘Subdivision’ as defined by Census Canada.” Special needs housing is defined as “affordable housing specially designed and located to accommodate those residents with special needs due to age, health, crisis or disability including physically or mentally challenged residents, men, women and children in crisis, those requiring support services, senior citizens, single parents, and students. Special needs housing may include all types and styles of residential dwelling units.”

***Secondary accommodation units should only be permitted where they meet the condition of providing defined affordable or special needs housing as enabled by section 905 of the Local Government Act.***

### **Occupants of a secondary unit**

The level of occupancy of a secondary unit can be addressed by the number of bedrooms allowed. This number could be different for different zones or for lots with different areas (with particular limitations for smaller lots).

***The number of bedrooms in a secondary accommodation unit should be limited, perhaps to one on smaller lots and two on larger lots.***

### **Occupants of a principal dwelling**

Addressing the level of occupancy in a principal dwelling could be challenging as this could change seasonally and with ownership.

Some jurisdictions require that the owner of the lot occupy the principal dwelling unit in order to provide some level of supervision and to ensure that there is not more than one unit per lot. (This is perhaps of more concern in areas communities with a more intensive development pattern. In Port Coquitlam it has been demonstrated that legalizing secondary suites has not increased the number of complaints.) On Hornby, this concern has not been articulated. With over 60% of residential properties being owned by non-residents a requirement for the principal dwelling to be occupied by the owner would significantly limit the potential opportunities for units to be established. It is possible that some non-residents would value having year-round residents on site.

***It is probably not useful to address the occupancy of the principal dwelling.***

### **Form, size and siting**

Secondary accommodation units could take a number of forms, such as:

- a suite created within an existing dwelling unit;
- a suite added on to an existing dwelling unit;
- a suite attached to, within or above an accessory building;
- a free-standing unit such as a cottage;
- a removable unit such as a trailer or temporary garden suite.

Some jurisdictions address the size of a secondary accommodation unit through a maximum permitted floor area for the unit or through a maximum percentage of the gross floor area of the building in which it is contained or, in most cases, both. Some examples of maximum permitted floor areas used are:

- 60m<sup>2</sup> (Metchosin)
- 70m<sup>2</sup> (Spallumcheen)
- 70m<sup>2</sup> (Oliver)
- 90m<sup>2</sup> (Castlegar, Comox Valley, Maple Ridge)

The percentage of gross floor area used is usually 40%. (This lines up with Building Code requirements which specify that a suite must occupy less than 40% of the principal dwelling in order for the less onerous standards for secondary suites to apply.)

Considerations on smaller lots include retaining the character of a single family neighbourhood. In these situations, it may be desirable to require that the unit be contained within or added to the principal dwelling. Free-standing units could be allowed on larger lots.

Siting considerations also include limiting the footprint on the land by clustering buildings on a lot and utilizing only one driveway. Thus it would be desirable to have secondary units incorporated into (or at least adjacent to) existing buildings. However, on smaller lots there can be limited siting possibilities due to septic treatment, water supply and set back requirements.

Flexibility can be provided by the way the bylaw is structured to enable applications for development variance permits to be considered for siting and size variations to address site-specific circumstances.

*To reduce impacts on the land, it is desirable for buildings to be clustered utilizing a single driveway.*

*There should be a maximum size limit for any secondary accommodation unit.*

*On smaller lots a secondary unit should be within or attached to an existing building and only occupy a specified percentage of the total floor area.*

*On larger lots a unit can be free-standing (such as a garden suite or mobile unit).*

*Regulations for siting and size of secondary accommodation units should be separate from density and use regulations in order to enable consideration of development variance permit applications.*

### **Non-residential uses**

Some jurisdictions do not allow uses over and above the principal residential use to be conducted if a secondary dwelling unit is in place. This would probably be desirable on smaller lots and, in particular, would help to limit demands on water use.

*Consideration should be given (at least for smaller lots) to not permit uses such as bed and breakfast, vacation rental and home occupations that involve the presence of non-resident workers or clients where a secondary accommodation unit is in place.*

### **Parking**

An additional household will, in most cases, involve an additional vehicle. Provision for on-site parking is required for other uses over and above s principal residential use (such as a bed and breakfast or other home occupation).

*One additional parking space should be required for a secondary accommodation unit.*

### **Provision of water**

Water is generally obtained by on-site groundwater wells. There are localized concerns regarding seasonal flows and the potential for well interference and salt water intrusion. A high summer

population of seasonal residents and visitors adds to the challenge. There is increasing awareness of water conservation measures and increasing use of rainwater catchment and storage. Bulk water deliveries provide an accessory water supply for some.

Adding an additional household of only one person can result in more water consumption than adding an additional household member because the water use is separated.

Proof of water supply can only be required at the time of subdivision. However, s.903 (3) (d) of the *Local Government Act* provides for different regulations for different standards of works and services. It will be useful to look at how this section can enable requirements for the provision of water.

Requiring a rainwater catchment system is one possibility, though there can be significant alterations required existing construction plus the cost of meeting regulatory requirements for potable water.

Another option is to require water storage which can be used to hold rainwater, to store groundwater pumped at periods of high flow or to receive bulk water deliveries.

Conservation measures cannot be effectively addressed through regulation but can be advocated (although typically they only result in a 20% reduction in total domestic use).

Run off is another concern that arises from adding to the built environment and s.907 provides for regulations to address this.

***Consideration should be given to requiring that secondary accommodation units only be permitted where there is a water storage capacity (at least on small lots). Additionally, rainwater catchment could also be required if additional roof areas are to be created. Water conservation measures could be addressed through advocacy.***

***Consideration should be given to addressing run off, perhaps through a separate process or through advocacy***

## **Treatment of Sewage**

A key concern on Hornby Island is treatment of sewage. There is a perception that many lots do not have adequate treatment which creates resistance to increasing residential land uses unless appropriate treatment is assured.

The Sewerage System Regulation of the Health act requires that only a registered practitioner or professional can construct and maintain a sewerage system and must provide written assurance to the health authority that plans and specifications are consistency with standard practices. Standard practices are specified in the *Sewerage System Standard Practice Manual*. The manual specifies minimum daily design flow rates for residences according to the number of bedrooms and floor area. While these rates may seem high in relation to the daily use of a small household on Hornby Island, they are established protect against worse-case scenarios and to reflect peak loads (which can occur with summer visitors) and the life-span of the system.

The minimum daily design flow rate for a 1-2 bedroom unit less than 150m<sup>2</sup> in area is 250 gallons and for a 3 bedroom unit less than 175m<sup>2</sup> in area is 300 gallons. Thus the minimum

combined daily design flow for a small house plus a secondary unit is 550 gallons. The figure would be larger for larger primary dwellings.

The regulatory framework provides for engineered systems to address site-specific situations, but these can be expensive in terms of both initial costs and maintenance costs. Composting toilets are not covered by this regulation, but where such toilets are used the wastewater flow still needs to be treated by an approved sewerage system.

Where building permits are required, an Occupancy Permit can be withheld if proof of compliance with the Health Act is not provided.

A siting and use permit is only issued on the basis of proposed construction complying with zoning regulations. This permit cannot address the regulatory requirements of another agency. With respect to permitting secondary accommodation units, land use regulations could include an information note highlighting the need to meet the requirements of the Sewerage System Regulation. However, this may not give a high enough degree of assurance that owners who obtain a siting and use permit for a secondary suite will also take steps to meet sewerage system requirements.

A possible option is to include such a requirement in the zoning regulations by utilizing s.903 (3) (d). This cannot involve a discretionary process nor can they involve delegating authority to another agency. Regulations would need to be prescriptive and should be the same as provincial requirements. It may or may not be possible to require some kind of evidence that this regulation has been met through the siting and use permit, but this should be investigated.

It is likely that sewerage requirements will limit the number of secondary accommodation units that will be established.

***There should be further investigation into whether sewerage treatment requirements can be effectively included in zoning regulations for secondary accommodation units and whether the issuance of a siting and use permit can be conditional upon these being met.***

***If this option is not possible, an “information note” referencing the sewerage system regulation should be included in the zoning regulations.***

## **Compliance**

Siting and use permits can provide assurance that proposed secondary accommodation units comply with regulations. However, concerns have been expressed that once in place such units may be used for unintended purposes (eg for vacation rentals rather than meeting housing needs).

Municipal ticketing provides a more immediate compliance tool than making an application to the Supreme Court which is the only current option. There are mixed views on Hornby Island about using ticketing, but there may be support for using this tool for specified regulations to discourage the use of secondary units for commercial purposes rather than for affordable and special needs housing.

***Municipal ticketing should be considered as a way to encourage compliance, particularly with respect to secondary accommodation units being used for their intended purposes.***

## **Information and education**

Regulations should be supported by making information available about zoning and other regulatory requirements (building code and sewerage) and education about best practices (such as with respect to footprint and water). This could take the form of a brochure.

***Information material on regulations and best practices pertaining to secondary accommodation units should be prepared and made available to the public.***

## **Vacation rentals**

The unrestricted rental of dwelling units to provide commercial tourist accommodation can have impacts both upon residential areas and upon the use of residential units for residential purposes. As stated in the report on *The Evolution and Impact of Secondary Suites in Whistler* by Tim Wake: “*It may be the lack of regulation of visitor accommodation on Hornby Island is a larger impediment to affordable housing than the lack of a secondary suite policy. Further, in the absence of such regulation, the motivation to construct a secondary suite to rent out to visitors in the summer, by the night or the week, will be much greater than to rent it out to a tenant who is part of the local work force, by the month.*”

***Appropriate regulations should be introduced to address the impacts of vacation rentals upon residential areas in order to support the consideration of enabling secondary accommodation units to house island residents.***

## **Community consultation**

The ACT Case Study of North Vancouver notes that: “*Secondary suites have such a long history of controversy in many parts of Canada that the issue is weighted with sensitivities and concerns that are purely local in nature.*” The study identifies “*the need to seek common ground through public input and information.*”

On Hornby Island, there has already been a degree of public input. The information and analysis in this report can be used to shape a constructive dialogue towards reaching a conclusion to this issue.

***Community consultation should continue, including by using what has been learned through this report to enable informed discussion.***



## COMMENTS ARISING FROM EXPERT REVIEW OF DRAFT REPORT

A draft report was sent to Tim Wake (Affordable Consultant), David Marlor (Regional Planning Manager, Islands Trust), John Rowse (Executive Director, BC On-site Sewage Association), Ed Hoepfner (Aquarian Systems Inc), Deborah Curran (Lawyer) and Bill Buholzer (Lawyer). Bill Buholzer was unable to respond. Input received was incorporated into the final report. Below are key comments.

Tim Wake:

Ensure that the size of accommodation units is adequate. Whistler initially started with a 70 sq.m size for units but found this constrained those occupants with a child or needing a home office. Whistler, along with other jurisdictions, now allows a unit of 90 sq.m.

David Marlor:

Great care is required to get the definitions and regulations right and that these should be subject to legal review at some point in the process.

Ed Hoepfner:

It is vital to ascertain there is adequate sewerage treatment capacity before allowing a secondary unit

It is vital to regulate vacation rentals before enabling secondary units.

The report is a very comprehensive document, well articulated with all the points covered.

Deborah Curran:

It bears repeating that the issues of short term vacation rentals and secondary accommodation units will have to be dealt with at the same time.

The report captures the discussion at the technical workshop in a very concise and easily understood way.

*Report compiled by Tony Law, HICEEC – January 2008*

## **APPENDIX**

### ***The Evolution and Impact of Secondary Suites in Whistler Prepared by Tim Wake, Affordable Housing Consultant***

#### ***Introduction***

*The Hornby Island Community Economic Enhancement Corporation (HICEEC) is exploring the possibility of a secondary suite policy to help address a shortage of affordable housing on Hornby Island. HICEEC would like to have an understanding of the challenges and effectiveness of secondary suite policy in other jurisdictions, notably Whistler, which has allowed secondary suites for thirty years.*

*This report reviews the experience in Whistler with secondary suites and suggests some considerations for Hornby Island.*

#### ***Early History of Secondary Suites in Whistler***

*The Resort Municipality of Whistler was incorporated in 1975 with legislation that permitted secondary dwelling units (suites) in single family homes. It is interesting to note that suites were not permitted in the duplex zone, although this has not prevented the construction of what are, in effect, four-plexes (a suite in each side of a duplex) in the duplex zone.*

*The period from 1975 through to 1990 was marked by considerable residential development in Whistler, and during that period, according to realtor and former mayor Drew Meredith, about 50 secondary suites per year were being created at no cost to the municipality or the community. Most people building homes in that period were building to their maximum allowable gross floor area (GFA) and most were including a suite.*

*There were two main reasons that suites were popular. First of all, these homes were predominantly owned by Vancouver residents who liked the idea of having someone living full time at their 'cabin' in Whistler to keep an eye on the place, keep the pipes from freezing in the winter, and prevent vandalism or theft. Secondly, the revenue from a rental suite provided a 'mortgage helper', generating \$800 per month or more to help pay for the house.*

*As the resort began to attract more visitors, more businesses and more employees, these suites became an important inventory of rental accommodation to help house the growing workforce. Some of these suites were occupied by permanent tenants, others only found use during the ski season. By the 1990's most of these suites were occupied year round.*

#### ***Development after 1990 and Mandatory Suites***

*The pace of development in Whistler picked up in the 1990's but construction of single family homes subsided as commercial development began to pick up. The Employee Service Charge Bylaw was passed in 1990 requiring developers of commercial or tourist accommodation space to contribute restricted housing or cash-in-lieu (to a housing fund) but there was no similar requirement for developers of residential housing.*

*By 1995, the generation of suites in new single family homes was falling off, but the suites had created such an important inventory of affordable rental housing that the community looked for a way to ensure the number of suites would continue to grow. In 1997, the municipality began zoning for mandatory suites in all new single family neighbourhoods. Typically, in a new neighbourhood like Spruce Grove, every second single family lot would have mandatory suite zoning. The purchaser of one of these lots was required to construct a secondary suite (450 – 750 sq.ft.) as an accessory unit to the dwelling. The suite could only be rented to an “employee or retiree” as defined in the housing covenant registered on title, and the maximum rent was \$1.25 per sq.ft. per month. In Spruce Grove, this created 38 secondary suites. Zoning of the Spruce Grove neighbourhood also included 10 price restricted single family lots for qualified locals and 42 price restricted town homes.*

*With mandatory suite zoning in Spring Creek and Nesters Hill and one more single family neighbourhood (Barnfield Farm) that included restricted suites, the total number of restricted suites created in Whistler was approximately 90 over a six year period from 1998 – 2003, for an average of about 15 per year. Meanwhile the private sector was still generating a small number of suites, but was also removing them through demolitions at about the same rate.*

*A 1999 study by the Whistler Housing Authority estimated there were 900 secondary suites in Whistler, and about 200 of these were non-conforming (had not been constructed with a building permit). If we assumed a production rate of 50 suites per year from 1975 to 1990 and 15 per year from 1990 to 2000, that would total 900, so the inventory does seem to confirm the anecdotal evidence of the rate of production.*

*Annual suite production today continues to fall. To the end of September 2007, there have been 5 building permits processed for new suites, and 2 for suite demolitions (this includes all suites, market and non-market) so we are at a net of three new suites for the year.*

### **Lessons Learned with Suites in Whistler**

*With thirty years of secondary suites in Whistler what have we learned?*

- *Secondary suites have provided an essential inventory of affordable rental housing for seasonal and long term residents in Whistler.*
- *Initially suites were being created at a rate of about 50 per year, but as production fell off, a mandatory suite policy was instituted in an attempt to keep generating suites. While this policy did continue to generate suites, it was not nearly as successful as the market forces that created the first inventory of suites in Whistler.*
- *Most suites have maintained their affordability in spite of a six fold increase in single family house prices over thirty years. The reality is that the rental market, ie. those who are renting, will only do so at prices they can afford. Landlords who charge exorbitant rent for their suite or rental house are only able to achieve those values by over populating their rental property, a practice that is typically unsatisfactory for both landlord and tenant.*
- *The existence of secondary suites in Whistler has resulted in many successful landlord tenant relationships, but there is also a steady stream of landlord tenant disputes that are*

*not satisfactorily resolved. Some sort of local housing ombudsman function has been considered for some time but to date has not been implemented.*

- *The initial production of secondary suites over 15 years in Whistler was driven by the benefit of having a permanent occupant in a second home and by the financial benefit of having a mortgage helper. As the community matured and house values exceeded \$1 million (post 1990), owners seemed to value privacy and less complication over the initial benefits.*
- *We will likely see very few suites produced in the future in Whistler, in spite of an overwhelming demand for them in the rental market.*
- *An infill housing policy has recently been developed in Whistler. It is designed to encourage homeowners to consider adding a suite or an accessory dwelling unit in a separate building on their lot. To date it has not shown any increase in the production of affordable dwelling units.*
- *There is no sense in Whistler that allowing secondary suites in homes has had a negative impact on neighbourhoods, transportation challenges, infrastructure requirements, noise problems or livability. On the contrary, it has actually helped the community be more efficient, helped solve the affordable housing shortage, and provided a diversity of rental product on the market. If we could go back and do it all again, we probably would have tried to find a way to create more suites.*

### ***Considerations for Hornby Island***

*As Hornby Island considers a policy on secondary suites several considerations come to mind.*

- *In the review of Best Practices in Affordable Housing produced in 2007 by SmartGrowth BC, 33 of the 68 jurisdictions surveyed had adopted secondary suite zoning. There is no indication in any of these jurisdictions, 19 of which are in British Columbia, that secondary suite zoning has resulted in problems of exceeding density estimates, overloading infrastructure or transportation modes, or changing the character of neighbourhoods.*
- *While there may be challenges with regulating secondary suites, it should be recognized that secondary suites have contributed to the diversity of affordable rental housing in Victoria, Central Saanich, Surrey, Vancouver, North Vancouver and Whistler.*
- *With the price of housing already escalating on Hornby Island, and the shift towards second home ownership well underway, it is unlikely that very many new secondary suites will be generated through a secondary suite policy. It will serve to formalize the existing suites, and with larger lot sizes, encourage the construction of a separate accessory dwelling unit (if permitted by the policy).*
- *It may be that the lack of regulation of visitor accommodation on Hornby Island is a larger impediment to affordable rental housing than the lack of a secondary suite policy. Further, in the absence of such regulation, the motivation to construct a secondary suite to rent out to visitors in the summer, by the night or by the week, will be much greater than to rent it out to a tenant who is part of the local workforce, by the month.*

- *Secondary suite policy is a good first step for communities in addressing a lack of affordable housing, but it is only one tool in a full range of initiatives that must be considered and implemented to make a significant impact on the problem.*

## ***References***

*Drew Meredith, Realtor and former mayor of Whistler*

*Ministry of Community, Aboriginal and Women's Services, Housing Policy Branch, Secondary Suites – A Guide for Local Governments*

*Resort Municipality of Whistler Building Department reports*

*Smart Growth BC, Review of Best Practices in Affordable Housing, 2007*

*Whistler Housing Authority, Resident Housing Needs Assessment, 1999 Update*

*Whistler Housing Authority, Restricted Housing Inventory 2007*

*Whistler 2020 Plan, Resident Housing Strategy, Current Reality Addendum 2007*

## FINANCIAL REPORT

### Project costs:

	<u>Budget</u>	<u>Actual</u>
Coordination	\$400	\$368
Public consultation / facilitation	\$200	\$96
Printing, advertising	\$200	\$68
Workshop expenses/honoraria	\$1,000	\$1,570.50 *
Honoraria for report contributors	\$2,200	\$1,940
<b>Total:</b>	<b>\$4,000</b>	<b>\$4,042.50</b>

\*Workshop involved higher costs for travel and accommodation than anticipated because it was held in Victoria rather than on Hornby Island (for the convenience of the expert participants based in Victoria).

### Contributions in kind:

	<u>Budget</u>	<u>Actual</u>	
Meeting space	\$500	\$500	(Islands Trust/HIES/DICS)
Office expenses	\$100	\$100	(HICEEC)
Legal review	\$500		(W. Buholzer not available)
Staff participation	\$400	\$400	(Islands Trust)
Workshop lunch		\$100	(Islands Trust)
<b>Total:</b>	<b>\$1,500</b>	<b>\$1,100</b>	