



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY



Secondary Suite Surcharge Bylaw No. 513, 2017

Office Consolidation

This document is an office consolidation of Secondary Suite Surcharge Bylaw No. 513, 2017 with subsequent amendments adopted by the Village of Lions Bay.

All persons making use of this consolidation are reminded that it has no Council sanction, that amendments have been incorporated only for convenience of reference, and that for all purposes of interpretation and application, the original bylaws should be consulted. The Village of Lions Bay will, in no event, be liable or responsible for damages of any kind arising out of the use of this consolidation.

This is not the official version of Secondary Suite Surcharge Bylaw No. 513, 2017, as amended, nor is it admissible in a court of law. For such purposes, official certified copies of the original bylaws can be obtained from the Village Office or by contacting us at: admin@lionsbay.ca

List of Amending Bylaws

Bylaw No.	Section	Description	Adopted
536	2(a),(b),(c)	Amends definitions	February 26, 2018
571	2(a),(b),(c),(d)	Clarifies application to all suites and provides ability to separate declarations and invoicing	February 18, 2020
603	5 & 7	Adds provisions for members of Lions Bay Fire Rescue	February 1, 2022

Secondary Suite Surcharge Bylaw No. 513, 2017

A bylaw to provide for Secondary Suite utilities surcharges

The Council of the Village of Lions Bay, in open meeting assembled, enacts as follows:

Citation

1. This bylaw may be cited for all purposes as "Secondary Suite Surcharge Bylaw No. 513, 2017".

Repeal

2. Secondary Suite Surcharge Bylaw No. 442 is hereby repealed.

Definitions

3. In this bylaw:
 - (a) *immediate family members* means parents, brothers, sisters, children (including adopted and step children), father-in-law, mother-in-law, sister-in-law and brother-in-law, and in addition, other relatives in the case that they are being supported financially by the property owner;
 - (b) *occupied* means inhabited for periods of one month or longer within a calendar year or advertising for habitation or residency for periods of one month or longer within a calendar year;
 - (c) *secondary suite* means a secondary suite as defined in Zoning and Development Bylaw No. 520, 2017;
 - (d) *Municipality* means the Village of Lions Bay.

[Amended by Bylaw No. 536]

4. If any section or other part of this bylaw is held invalid by a court, the invalid portion shall be severed and the remainder of this bylaw is deemed to have been adopted without the severed portion.
5. If a property contains a *secondary suite*, regardless of whether or not it has been approved by the *Municipality*, the property owner must pay a *secondary suite* surcharge, unless the property owner certifies that:

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- (a) the *secondary suite* is not *occupied*, or
(b) the *secondary suite* is accommodating the property owner's *immediate family members*, or
6. (c) the *secondary suite* is accommodating a current active volunteer member of Lions Bay Fire Rescue. The *secondary suite* surcharge for an applicable property shall be based on the *Municipality's* annual charges for utilities, before prompt payment discount. The rate of the *secondary suite* surcharge shall be 40% of the property's utility billing for garbage and recycling collection, water and, where applicable, sewer. The *secondary suite* surcharge may be billed with the annual charges for utilities or invoiced separately.
7. Either prior to or when remitting annual *Municipality* utility charges, all property owners must certify:
- (a) whether the property contains a *secondary suite*, regardless of whether or not it has been approved by the *Municipality*;
(b) if so, whether the *secondary suite* is *occupied*; and
(c) if so, whether the *secondary suite* is accommodating the homeowner's *immediate family members* or a current active volunteer member of Lions Bay Fire Rescue;
- and all known *secondary suites* and their status will be recorded on the *Municipality's secondary suite* register.
8. Every person who:
- (a) makes a false report under Section 7 of this bylaw, or
(b) neglects to report under Section 7 and is later found to have a *secondary suite* on the property,
- shall be deemed to have committed an offence and, upon a summary conviction, is liable to a minimum fine of \$2,000 and a maximum fine of \$10,000.
9. Despite section 8, this bylaw is designated under section 264(1)(a) of the *Community Charter* as a bylaw that may be enforced by means of a municipal ticket information under the *Community Charter*, and is also designated under section 4 of the *Local Government Bylaw Notice Enforcement Act* as a bylaw that may be enforced by means of a bylaw notice, in which case contravention of this bylaw shall not constitute the commission of an offence.

READ A FIRST TIME
READ A SECOND TIME
READ A THIRD TIME
ADOPTED

January 24th, 2017

January 24th, 2017

January 24th, 2017

February 7th, 2017

Mayor

Corporate Officer

Certified a true copy of Secondary
Suite Surcharge Bylaw No. 513, 2017

Corporate Officer