

NOT4RZ – Not For Rezoning

Frequently Asked Questions



May 30, 2015

Secondary Suite Bylaw Amendments for Wards 7, 8, 9 and 11

- **What is the issue?**

Currently, secondary suites are not a permitted use in all R-1 or RC-1 (single family) properties.

The current proposal by City Council and the Planning Commission would change the Land Use Designation on all R-1 or RC-1 (single-family) home in Wards 7, 8, 9 or 11 to allow for secondary suites. A total of 35,395 homes would be affected. Whether or not to allow secondary suites in all areas of Calgary has been debated by City Council well over 30 times, but a city-wide consensus has never been reached, so this time the Motion would apply only to Wards 7, 8, 9, and 11.

If this Motion is passed, instead of the current strictly single family permitted use, all homes within these four wards would be eligible for a secondary suite, whether a basement suite, and over-the-garage suite or a backyard suite.

Building and development permits would still be required for a legal secondary suite, but there would be no question as to the zoning.

- **What is the difference between a permitted and discretionary use?**

A Permitted Use is a use of land that meets the basic rules of the Land Use Bylaw, and will be approved by the Development Authority if those basic conditions are met.

A Discretionary Use is a use of land that may not meet the basic rules of the Land Use Bylaw but can be considered on its merits by the Development Authority, and certain conditions can be placed on the permit. The use should not interfere with the use, enjoyment or value of neighboring properties.

- **What does this really mean?**

A basement suite is a permitted use and only has to meet basic conditions such as window egress, ceiling height, heating system, etc.: if it does, it is automatically approved without neighbor or community input.

A garden suite or over-the-garage suite is a discretionary use because it has the potential to affect neighbors to a greater degree. The idea is that neighbors or community associations should be able to provide their input before the project is considered for approval. Will there be overshadowing or a loss of privacy if your neighbor puts a second storey on his garage? Can the suite have large windows facing your property? Will the garden suite mean that you have traffic coming and going up a narrow gravel alley? You should have the right to oppose something that will negatively impact your property.

- **Why is this a concern?**

Discretionary use means that you can provide input, but it might not matter. The Planning Department will review the plan, but may overrule your objections. In a recent Lakeview case, 10 out of 12 neighbors opposed a secondary suite application, as did the Community Association, but the Planning Department and area Councillor spoke in favor of the suite, and the matter was approved. Homeowners should have greater say since they are the ones who will be impacted and have to live with the results.

- **Why are there only 4 wards targeted?**

The Councillors from those 4 wards are highly in favor of these amendments and would like to see this Motion approved. This is the first step towards allowing secondary suites in all current single-family neighborhoods throughout the entire city. There is opposition to city-wide rezoning, so the councillors from Wards 7, 8, 9 and 11 have offered their wards as a start, a sort of divide and conquer approach.

- **Why is this a concern?**

There was no public input or survey done within Wards 7, 8, 9 and 11 to ask residents if they were in favor of their wards being rezoned. The councillors do not have a mandate for rezoning from the residents they should be representing.

One councillor in favor of the blanket rezoning commented: "If you want a part of the city to be guinea pigs, there are four wards that are willing to do that. Maybe that's a smarter way to go. We can take our lumps in those wards, and have lessons learned, and then consider having it across the city."

The residents of the 4 wards were never asked or adequately informed about this Motion for blanket rezoning of their wards.

- **Why didn't I know about all this?**

The City of Calgary held 4 open houses in February and March 2015. Only about 700 people in total attended one of the sessions. Given that there will be 35,395 properties affected, with multiple people in each household, this affects potentially 70,000 to 100,000 people. This was not adequately advertised and promoted, and many residents are unaware of the proposal or its implications.

- **What was the focus of the open houses?**

Safety and affordability were the main theme repeatedly stressed. Blanket rezoning was presented as a way to increase the availability of low-cost rental options and as a way to make illegal suites safer. Rezoning does nothing to make suites safer, and a properly renovated legal suite will not be an inexpensive option. By focusing on these soft outcomes, the full implications of the rezoning were not made clear to the general public.

One common misconception is that secondary suites have to have the owner living in them. The examples presented are usually that of an elderly person remaining in a home if they can rent out to a tenant who assists them either with light help or through rental payments, or that of a young couple who can buy a home if they have additional rental income. The prospect of an investor buying a property to convert into two rental units was never mentioned.

The other misconception many people have is that secondary suites are only basement units. Most people have never considered the possibility of their neighbour building a second storey onto a garage or filling the backyard with a garden suite. Right now, a homeowner might not want to build a second storey garage suite because it would invade his own privacy (tenants overlooking his own backyard), but an investor looking to just rent out both units would not be concerned about this. This is another reason for a homeowner-occupancy requirement.

The open houses presented all the benefits of secondary suite rezoning, but made light of the full implications of the rezoning proposal.

- **What types of suites would be allowed?**

Basement suites are what we usually think of, but a suite can also be an over-the-garage dwelling (a second-storey on a garage) or a garden suite (a separate building in the backyard). Basement suites would be a permitted use, while garage and garden suites would be a discretionary use.

- **What else would change in these four (4) wards?**

1. **Current minimum land parcel widths, depths and total area would be removed**, allowing secondary suite applications on properties where they currently would not meet the minimum standards. A lot that was previously deemed too narrow or too small would now be considered suitable for a suite application.

Why is this a concern? Parking becomes more of a concern the narrower the lot width, especially if there is already a front driveway.

A small lot parcel previously deemed too small for a suite could now hold 2 dwelling units with 2 sets of tenants leading to greater crowding and lack of privacy for neighbors.

2. **The removal of the minimum lot widths would affect R-C2 (duplex) properties as well**, and where originally two dwelling units were allowed, four would now be permitted on the same property.

Why is this a concern? Parking becomes even more of a concern, especially in areas like Rutland Park where in order to get the required 3 parking spaces for a home with a suite, the only option is to pave 3 parking spots across the entire back yard width. Trees and green spaces would have to be removed to allow for this, negatively affecting the look and feel of the neighborhood as well as the storm water runoff capabilities.

3. **The Maximum Size of a Suite (floor area) would be eliminated.**

The current maximum is 70 square meters (approximately 753 sq. ft.). There would be no maximum size for a suite if the Motion passes.

Why is this a concern?

Partly because a secondary suite was meant to be truly secondary to the main part of the house. The idea is that the owner rents out a small portion of his home, usually the basement, to only a single or maybe two tenants. If the suite maximum is 753 sq. ft., there is a limit as to how many bedrooms or tenants could comfortably live within this space.

If there is no limit, a 3000 sq. ft. home could have a basement almost as large (allowing for furnace, utility rooms, stairs, etc.), and there could be a very large suite created, with many bedrooms and many occupants. Should there be a limit on how many people can live in a basement secondary suite? Parking and crowding become an issue.

The larger issue is that the home then functions as an up-down duplex, especially if the homeowner is not living in the home. An existing home on a large R-1 lot could be torn down and rebuilt with the maximum lot coverage of 45%, and built essentially as a duplex. The upper section could be built as a single family home, but the basement could be built with the intention of renting it out as a secondary suite for many tenants. This was never the intention of allowing for secondary suites within the existing R-1 neighborhoods.

The General Manager of Development for the City of Calgary, Rollin Stanley, has stated that there is no difference whether the dwelling is divided between up and down, or side to side for a secondary suite. This was never the intention of allowing for secondary suites within the existing R-1 neighborhoods.

4. There is no requirement for the homeowner to live in the property, so a single house could be rented out to two different sets of tenants.

Initial discussions of secondary suites required that a homeowner live in the property, and the Mayor stated this as one of three critical requirements for secondary suites. This is no longer required under the current proposal.

Why is this a concern?

Again, a secondary suite was meant to be truly secondary to the main part of the house and to the occupant / owner of the home. If an investor can buy a home and rent out 2 separate units to 2 separate groups of tenants, it is functioning as a duplex.

The larger issue seems to be property maintenance and tenant management.

With an absentee landlord (who might not even live in the same city or province), tenants might not be motivated to mow lawns, shovel snow, or just maintain their properties. A homeowner living in the home may rent out to help with payments or for companionship or other reasons, but he still has a vested interest in his own property. An investor who buys in order to rent out 2 suites is looking to maximize returns and revenue, and maintenance or upgrading comes at a cost and eats away at his profits.

Similarly, an absentee landlord is not aware of any infractions or even inconveniences his tenants cause to neighbors in terms of noise, parking or other behaviors. If the homeowner is living there, his tenants will have to obey the rules if they want to stay there. The homeowner also still has to deal with his neighbors long after the tenants have moved on, so he has more at stake in maintaining the peace on his block.

- **What does this mean to you?**

If you are an R-1 or RC-1 owner in Wards 7, 8, 9 or 11, once the changes are put in place, they will be permanent. What was once a single family residential area would become an area where suites would also be allowed. Keep in mind that this redesignation would apply only within these four wards, and they will apply to each home currently within those wards (not on a community basis).

Should ward boundaries change in the future, the redesignation would still apply on the current basis. (Your community would retain its designation even if the ward boundary shifted and your new ward did not allow for secondary suites in R-1 homes.)

- **What reasons does the City have for blanket rezoning?**

Secondary suites are an easy solution to a housing shortage. Even illegal suites provide housing, albeit often unsafe housing. If there are at least 16,000 (and possibly as many as 50,000) suites in the city, that is providing a lot of housing without any costs or requirements for the city to build accommodations.

(It is worth noting that Calgary has experienced huge ranges in vacancy rates in the past, and we appear to be headed towards a downturn again. We should not be rushing to bring in secondary suites as a solution when the rental situation could change again soon.)

Secondary suites are often seen as low-cost housing, and they can be, especially if they are illegal, unsafe, and not built up to code. If they are renovated and brought up to code, the costs of the suites will also increase, and they will no longer be “cheap” housing. It is a myth that secondary suites are an affordable option: it is only because owners are not obeying the building codes and are getting paid “under the table” that the price is low. Safety is overlooked. Rezoning will not make any suites safer or force compliance on homeowners who are trying to evade detection.

- **Why does the City want to go ahead with this?**

The short answer is that City Council would no longer have to deal with applications from citizens who wish to create a suite in an R-1 area. Right now, if you live in R-1, you can't legally build a suite unless you first get a Land Use Redesignation. This requires appearing before Council and presenting your case. Neighbors and Community Associations can also present their arguments, and then Council decides on whether or not it goes ahead.

Many Council members feel it is a waste of time and money to be debating secondary suites on an individual basis. It isn't. When we are dealing with Land Use issues, they are important regulations and they need to be dealt with in this manner, as do street closures, street renaming or other issues that affect city planning on a larger scale. If you want to put any kind of structure (a house, business, apartment, etc.) in an area where it is not permitted, you must get a Land Use Redesignation, and Council is the party that we have appointed to make this change.

In the longer term, removing the maximum suite size and the minimum lot widths are intended to open up housing stock for developers in the inner city. The City's mandate is for 30% of all yearly development to be redevelopment in the core as opposed to new development. These 2 changes make it lucrative for developers to invest in the established communities as they double the number of dwelling units permitted on each lot (4 on R-C2 lots and 2 on R-C1 lots).

- **What would be done instead?**

Instead of being reviewed by City Council (and permitting opponents a public chance to speak), applications would be reviewed by City Administration, as they are in areas where secondary suites are already allowed.

- **Why is this a concern?**

The Planning Department has densification as an objective, and they do not know the nuances of an area in the same way that the neighbors and community association do. If neighbors and the CA object to a plan, the Planning Department can still override this without any form of public discussion.

Common Concerns

- **What about Parking?**

A secondary Suite would be required to have one designated parking spot on site for the suite. This can be a driveway or a paved parking spot for the tenant. Streets are public property, so anybody can park there. There is no limit to the number of cars that the tenant(s) of a suite can have.

Proponents say that there is no limit to the number of cars that can park at a house, regardless if it is a rental or owner-occupied property.

Argument: However, a double rental suite has the potential for a lot more tenants, and also more cars. Also, some landlords rent out the garage separately, so even though there is double car parking, it is not available to the tenants unless they pay extra for it.

Proponents say that studies have demonstrated that those living in secondary suites typically bring with them fewer automobiles than owner-occupied suites or even traditional rental units.

Argument: This is not what residents that have written letters have indicated. This might be true in an area such as Sunnyside where the tenant can walk to work, but in the suburb areas, cars are commonplace. In the case of a double suite with 3 or 4 people upstairs, and 2 or 3 downstairs, it is not uncommon to have 5 or 6 cars belonging to that address.

- **What about Maintenance?**

All properties can be poorly maintained, not only secondary suites. This should be dealt with through bylaw enforcement.

Argument: With an owner in the suite, maintenance is less of an issue. Bylaw is a very poor way to deal with enforcement: it requires neighbors to make repeated complaints (which they may be reluctant to do), bylaw officers are already in short supply, and the rules around upkeep are vague. An annual site visit to renew a secondary suite license would catch some problems and provide an incentive to keep the property in suitable condition. A licensing registry would allow neighbors to voice complaints against a suite, complaints which would be considered before a license could be renewed.

- **What about Safety?**

Zoning and safety have no correlation. If there is never a suite inspection, deficiencies are not monitored or corrected. A safe suites registry and a sticker program would be a good start, but annual inspections would be the best means of monitoring. The fire department already does this for businesses; extend it to suites as well.

- **What about Utilities?**

Some established communities have experienced reductions in populations, so the utilities should be able to keep up with a slight increase in population from suites.

Argument: Most communities have also seen large-scale projects being developed, and those need to be accounted for (i.e. the 4 towers in Brentwood, the apartments in Varsity). Also, the individuals have to bear the costs of any sewer work done on their own property, an amount that can be in the tens of thousands of dollars.

The bigger argument is that the property owner renting out 2 suites is not paying for the utility costs of both suites. If he were to build a duplex, his sewer and water requirements would account for this, but if he subdivides a house into essentially 2 units, he doesn't pay any additional costs. There should be a sewer and water charge added to a secondary suite.

- **What about Property Values?**

Proponents say the value of a home with a suite will be increased, while there is no detrimental effect to the homes around the suite.

Argument: A home with a landowner renting to a single tenant in his basement will not negatively affect the neighbor. A double rental suite with multiple tenants and cars will be a deterrent to someone looking to buy a single family home. Similarly, a garage suite overlooking a neighbor's property or a backyard suite that requires the removal of all trees in that backyard will be a deterrent to someone looking to buy in a more private area.

- **Should we be opposing all secondary suites?**

No.

Most people are not opposed to a homeowner renting to a single tenant or couple. It is the process of rezoning 4 wards without first creating a workable process for regulating and monitoring secondary suites that creates the problems.

We repeatedly hear that most cities in Canada allow for secondary suites, so we should as well. Most other cities have well-established processes and rules around secondary suites. Most cities charge an annual fee to cover licensing, sewer or garbage services, and most have penalties for non-compliance. Other cities have strict rules around whether an owner has to live in the home, how many tenants can live in the suite, or similar concerns. Calgary currently does not have these requirements. There is poor bylaw enforcement, virtually no checks on existing suites, and no effort being made to find and fix existing unsafe, illegal suites. We need to have a working system in place before we add new options for suites.

There are also other changes being proposed along with the rezoning, and they also have implications that most homeowners are not even aware of. We are not ready to implement a broader-scale rezoning.

- **What should we do about Secondary Suites?**

Fix the problems that exist before we add more.

There are many good proposals being considered, including a registry of legal suites, licensing arrangements (whereby "bad" suites could be revoked), better enforcement, more neighbor consultation or input, limiting the number of suites in an area or on a given street, limiting the number of people who can live in a suite, requirements for the homeowner to live in the suite, penalties for non-compliance..... and the list goes on.

Owners have to live in the suite. An owner needs to have a business license, therefore he needs to live in the home. An owner can only live in one home at a time, so no multiple licenses, and hence no investors buying multiple homes to convert into double rental units. An investor looking for multiple rentals must buy an R-2 or similarly zoned property. You can't buy an R-1 property under the guise of creating a secondary suite when you have no intention of living there yourself.

If you request rezoning, you have to appear at council yourself.

When you get a business permit for the suite, it is for you and your current situation only. A permit or license does not extend to the next purchaser of the property. If any conditions change (the homeowner, the conditions of tenancy such as number of occupants, or other factors that would change the original conditions of the permit), the homeowner must reapply for a new permit.

There are ways of accommodating legitimate suites, but neighbours and community associations must be able to provide input. The Planning Department should not be able to override neighbor's concerns if a majority are opposed to a suite.

If we had safe, compliant and regulated suites, there would not be so much opposition to them. Right now, we do not have an effective system to manage the suites that already exist, let alone add more to the mix.

We have 16,000 or more suites in the city and only 550 legal ones. That means 97% of all suites are unmonitored and unchecked. Work on that first. Make changes, demonstrate that they work, and then consider allowing additional suites. To make it easier to add suites now does nothing to improve safety or clean up what we already have.

- **When was the Motion brought before Council?**

City Council debated the motion in a more than 10-hour session on May 12, 2015. The public was invited to speak at the meeting, both for and against the proposal.

- **What was the result?**

City Council drafted two changes to the Bylaw, gave first reading to that Bylaw, and sent it back to city administration for further details and amendments. First reading has been given to the motion, but second and third readings are needed before the Motion can go ahead. City Council will vote on this on June 29, 2015.

- **What Changes were made to the Proposal?**

The two changes made were to look into creating a licensing system for suite owners (applying only to suites within these four wards, not city-wide), and to make suites a discretionary use instead of a permitted use (a development permit would still be needed).

- **Will there be other public meetings or debates before Council votes?**

No, but you can still write letters or call your councillor and other councillors who will be voting on the issue.

- **What will happen now?**

On June 29, City Council will again vote on this issue. They will first discuss the licensing proposals they were to consider, then work out the details. When they are satisfied with that, they will vote on Second and Third Reading of the Motion. If it passes, then the 4 Wards will be redesignated as per the Motion. If they cannot agree on the licensing terms, it is unlikely they will agree on a vote, and there will not be approval by a majority.

- **What can I do now?**

Write or call city Councillors.

They will be the ones voting on the issue. The councillors in Wards 7, 8, 9 and 11 are firm in their opinions, but it is the other councillors who must know that there is opposition to this proposal.

Even if you have already written your letter, write again. Tell them why you are opposed, tell them about your experiences with suites or bylaw enforcement, offer other solutions (such as what requirements should be put in place for any suites), and let them know how you feel about the issue. Most importantly, let them know that you are opposed to a blanket rezoning of 4 wards.

Write soon. In early June, councillors will be gathering information; make your voice count.

Pass this on to any neighbors, friends or co-workers, and not just those from Wards 7, 8, 9 and 11.

Other wards will be next, and other wards have councillors who need to know how their own ward residents feel.

We need voices and letters, and lots of them!!!!

- **Copy/paste these addresses into your email**

themayor@calgary.ca; ward.sutherland@calgary.ca; joe.magliocca@calgary.ca; jim.stevenson@calgary.ca; sean.chu@calgary.ca; ray.jones@calgary.ca; richard.pootmans@calgary.ca; druh.farrell@calgary.ca; evan.woolley@calgary.ca; andre.chabot@calgary.ca; brian.pincott@calgary.ca; shane.keating@calgary.ca; diane.colley-urquhart@calgary.ca; peter.demong@calgary.ca; ward9@calgary.ca

- **Where can I get more detailed information?**

See our website: <http://Not4rz.ca> (Not for rezoning, not 4 rezoning)

We have posted lots of links to more detailed information, some newspaper articles, etc. There is also a link on how to contact us or be added to our mailing list.

Thank you!

NOT4RZ Group