

In-law Suites (existing)

The purpose of this brochure is to explain Burnaby's requirements with respect to licensed in-law suites.

"This information is provided for convenience only and is not in substitution of applicable City Bylaws or Provincial or Federal Codes or laws. You must satisfy yourself that any existing or proposed construction or other works complies with such Bylaws, Codes or other laws."

The Dwelling Unit

Burnaby's Zoning Bylaw No. 4742 defines a "dwelling unit" as one or more habitable rooms constituting one self-contained unit with a separate entrance and used or intended to be used for living and sleeping purposes for not more than one family and containing not more than one kitchen or one set of cooking facilities.

Each dwelling unit in the City of Burnaby is only permitted to have one kitchen. The only exception to this rule is a dwelling unit that has a legal secondary suite or an existing licenced in-law suite.

In-law Suites

On 2014 January 27 Council amended the Zoning Bylaw to allow secondary suite in a single family dwelling and at the same time remove any authorization for in-law suites from the Zoning Bylaw. All existing in-law suites with valid licenses can be continued to exist subject to Section 911 of the Local Government Act, which regulates legal non-conforming uses.

Subject to the following conditions, existing in-law suites are permitted to continue as an accessory use, to a single or two-family dwelling only, in R1, R2, R3, R4, R5, R9, R10, R11 and R12 residential districts:

- Not more than one in-law suite is permitted in a dwelling.
- Single family dwelling with an in-law suite cannot contain a secondary suite.
- Boarders or lodgers are not permitted in a dwelling in which an in-law suite exists.
- The in-law suite must comply with all the requirements of the applicable bylaws, statutes and codes.

- An in-law suite is permitted only within a dwelling occupied by the owner or his tenant.
- The number of adults accommodated by an in-law suite shall not exceed two.
- The owner or the tenant of the dwelling with an existing in-law suite must annually renew the licence or the in-law suite will lose its legal non-conforming status.
- When applying for renewal of an in-law suite licence, the owner must submit a declaration on the renewal form stating that the in-law suite will continue to be used in accordance with the provisions of Burnaby Zoning Bylaw.
- New owner of an existing in-law suite or new tenant occupying an existing in-law suite must re-apply for a new license and go through the process as stated below.
- An in-law suite shall not be permitted in any semi-detached or two family dwelling on a lot in the R12 District having a width of 13.72m (45 ft.) or less.

Application Process for New Owner/Tenant of an Existing In-law Suite

The new owner of an existing in-law suite or new tenant occupying an existing in-law suite must obtain a new in-law suite license from the Building Department.

In order to complete the application process, the applicant must submit

- a complete in-law suite application form;
- a complete [Statutory Declaration](#) by the owner, sworn in the presence of a commissioner for taking oaths in the Province of British Columbia (i.e. a notary public or lawyer).

Fees

At the time of application, the applicant will be required to pay a total of \$172.50 in fees. The fee includes the land title search and the licence agreement preparation cost. A new license will be issued at no charge.

Water and Sewer Rates

The owner of an existing licensed in-law suite will continue to pay the additional water and sewer rates. For more information, please contact the Finance Department at 604-294-7350.

Renewals

In-law suite licences are valid for the year in which they are issued and automatically expire at the end of that year. The Building Department may inspect the suite to ensure compliance with all the requirements of the applicable bylaws, statutes and codes. The licensee is required to make a declaration on the renewal form that the in-law suite continues to be used in accordance with the provision of the Burnaby Zoning Bylaw.

If there is a change in the licensee an application for new licence with new statutory declaration and a fee of \$172.50 is required.

Licences are not transferrable and if the ownership of the dwelling has changed or the licensee no longer occupied the dwelling as specified in the statutory declaration, the licence is no longer valid.

Unless the use of an existing in-law suite is discontinued for more than 6 months the in-law suite remains legal non-conforming and subsequent owners may apply for a new licence. If the use is discontinued for more than 6 months, the in-law suite loses its legal non-conforming status.

Cancelled Licences

It is the responsibility of licensees who wish to cancel their licences or do not plan to renew the expired licences to restore the suite to its principle use by removing the cooking facilities from the suite.

If the suite contained an electric range, the 220-volt outlet for the range must be removed and the range wire disconnected from the electrical panel. The wiring should be cut back six inches at both ends. The associated fuse/breaker must be removed from the panel and the space covered with panel filler. This work must be done by a qualified electrician with a valid electrical permit.

If the suite contained a gas range, the gas piping must be removed or the pipe is capped by a qualified gas fitter with a valid gas permit.

Once this is done, please call the Building Department 604-294-7130 to arrange for an inspection by the inspector. **The Finance Department will not be notified to adjust the water and sewer rates to those of a single-family dwelling until this inspection has been satisfactorily completed.**

Further Information

If you have additional questions regarding existing in-law suites or in-law suite licences, please contact the Building Department at 604-294-7130.

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