

ITEM	23
MANAGER'S REPORT NO.	57
COUNCIL MEETING	Aug. 29/77

Re: CONSIDERATION OF ZONING BY-LAW TEXT AMENDMENTS RELATED  
TO RESIDENTIAL OCCUPANCY STANDARDS

Following is a report from the Director of Planning dated August 23, 1977 concerning a possible ambiguity in the proposed zoning by-law text amendments related to residential occupancy standards. The Municipal Manager has instructed that the necessary further amendment to the text be prepared in by-law form in sufficient time for it to be presented to the Public Hearing scheduled for September 13, 1977.

This is for the information of Council.

\* \* \* \* \*

PLANNING DEPARTMENT  
AUGUST 23, 1977

**TO: MUNICIPAL MANAGER**  
**FROM: DIRECTOR OF PLANNING**  
**SUBJECT: CONSIDERATION OF ZONING BY-LAW TEXT AMENDMENTS RELATED TO  
RESIDENTIAL OCCUPANCY STANDARDS**

At a special meeting of August 2, 1977, Council gave consideration to the report: " A Review of Residential Occupancy Standards " and approved the introduction of proposed text amendments as amended by Council into the Burnaby Zoning By-Law and the advancement of these proposed amendments to Public Hearing on August 16, 1977.

At the Public Hearing in connection with this subject that was held on August 16th, no representations were made with respect to the subject amendments and as a result no discussion on the matter took place.

It has been suggested by a member of the public since that date however, that an element of ambiguity exists in the wording of the proposed new definition of " In-law Suite " in the proposed amendments to Section 3, and that an interpretation is possible which would conflict with the apparent intent of Council in the amendment which it has advanced.

Being proposed is the deletion of the existing definition of " In-law Suite " in Section 3, and its replacement by:

" In-law Suite means one or more habitable rooms used for living and sleeping purposes by the parents, grandparents, sons or daughters of the owner-occupier of the dwelling ".

It is being suggested that, in as much as no explicit mention is made of spouses or children of married sons or daughters of the owner-occupier, such family members would not be permitted to lawfully occupy an in-law suite under the definition. Council will recall that when it introduced the proposed revision of this section, it also proposed a revision to the wording recommended by staff with reference to the maximum number of persons to be accommodated in an in-law suite, by referring to the " number of adults ", as opposed to the number of

August 23, 1977  
Page Two

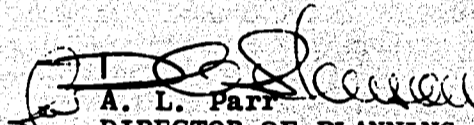
ITEM	23
MANAGER'S REPORT NO.	57
COUNCIL MEETING	Aug. 29/77

persons. By this we infer that it was Council's intent to allow the accommodation of married sons or daughters together with their spouses and their children. **161**

The Municipal Solicitor agrees that the By-Law as it went to the Public Hearing is not explicit on this point and although he feels that the courts would uphold the By-law and accept spouses and children, it is his view that the purposes of the By-Law would be better served if the wording of Council's intent were made more specific.

Council is advised that should it wish to eliminate the possibility of ambiguity on this point and confirm its apparent intent to allow married sons or daughters together with their families to occupy in-law suites, it will be necessary to have a further amendment to the text prepared in By-Law form, and submit this further amendment to a future Public Hearing, as a change at this time could not be construed as one arising from representations made at the previous hearing.

This is for the information of Council.

  
A. L. Parr  
DIRECTOR OF PLANNING

  
DGS/sam

cc: Municipal Clerk  
Municipal Solicitor  
Chief Building Inspector  
Municipal Treasurer