

ITEM	11
MANAGER'S REPORT NO.	36
COUNCIL MEETING	1978 05 08

Re: LETTER FROM MRS. DORIS OWEN WHICH APPEARED ON
1978 APRIL 17 COUNCIL AGENDA (ITEM 4b) -
INCREASES IN WATER AND SEWER RATES

The following is a report from the Municipal Treasurer concerning the above.

The Treasurer in the penultimate paragraph of his report on page two refers to standards for in-law suites, and more specifically, that such accommodation does not meet building codes themselves. While this is a factual statement, it should perhaps also be pointed out for clarification that in-law suites are thought to be an extension of the use of a single-family dwelling within that dwelling unit and under the control and jurisdiction of the owner - occupants of the premises, whereas a two-family dwelling is a building divided either horizontally or vertically into two separate dwelling units, each occupied independently as the permanent home of one family. As such, the in-law suite does not require the more stringent fire and sound separation associated with two-family dwellings, nor does it require the same plumbing and laundry facilities or the same independent exit facilities.

RECOMMENDATIONS:

1. THAT no changes be made in water and sewer rates applicable to single family residences containing in-law suites; and
2. THAT a copy of this report be sent to Mrs. Doris Owen.

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1978 May 02

File: W5-4

TO: MUNICIPAL MANAGER
FROM: MUNICIPAL TREASURER
RE: LETTER FROM MRS. DORIS OWEN WHICH APPEARED ON
1978 APRIL 17 COUNCIL AGENDA (ITEM 4b) -
INCREASES IN WATER AND SEWER RATES

In her letter, Mrs. Owen makes three recommendations:

1. That two-family water and sewer rates should not apply to an in-law suite occupied by an elderly person;
2. That in-law suites be made available for rental at set rates to any senior citizen or handicapped person;
3. That families who maintain any senior citizen, whether related or not, should receive a tax rebate equal to that received by senior citizens who own their own homes.

The water rate chargeable to a single family residence is \$42.00, and the sewer parcel tax is \$50.00. The rates for a two-family residence are \$63.00 for water, \$50.00 sewer parcel tax plus a \$12.50 sewer user charge. In other words, the rates chargeable to a two-family residence are \$33.50 greater than a single family residence.

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For many years, single family residences containing in-law suites have been classified as two-family residences for water and sewer rating purposes. When the matter of in-law suites and illegal suites was dealt with during 1977, Council on 1977 August 02 affirmed the practise of classifying in-law suites for water and sewer purposes as two-family dwellings. This practise is followed in Vancouver and New Westminster. 124

In accordance with Section 568(1) of the Municipal Act, Council by by-law may provide for the classification of users, and prescribe different rates, terms and conditions for different users. While the power to classify is quite broad, it cannot be construed to empower Council to classify for water rating purposes in accordance with the age or infirmity of an occupant. The power to classify relates to the use to which a premises is put.

In-law suites are an extension of permitted uses of a single family dwelling. Each applicant for an in-law suite must enter into a covenant with the Corporation ensuring the removal of the suite once the tenant ceases to use the premises, and the reversion of the lot to its original use, subject to the provisions of the zoning by-law for the zoning district in which such building and lot are located. Furthermore, he/she must obtain a licence for the in-law suite and renew it annually. The occupant of an in-law suite may be a parent or grandparent or sons or daughters and their spouses and dependent children of the owner-occupier. No more than two adults may occupy an in-law suite, and there shall not be more than one in-law suite in a residence.

Our system of classifying for water and sewer rating purposes is imperfect in that it does not relate exactly to the amount of water used by any of the users. It relates to averages. In the case in point, one elderly person may use double the water that another might. However, while one in-law suite may contain one tenant, another might contain a son and his spouse and their children. Therefore, while Council might be justified in classifying a residence containing an in-law suite occupied by one elderly person as a single family residence, on average they should be classified as a two-family residence.

With respect to Mrs. Owen's second recommendation that "in-law suites be made available for rental at set rates to any senior citizen or handicapped person", it should be noted that Council has no power to set rentals as a condition for permission to build and maintain an in-law suite. Further, in-law suites do not meet the standards set for the construction of two-family dwellings, either by zoning, lot sizes, or the building codes themselves. As stated earlier, they are extensions of permitted uses of single family residences and are required only to meet minimal health and safety standards. Such being the case, the Municipality could scarcely be expected to further relax its zoning and building by-laws to permit the use of in-law suites by non-relatives.

With respect to Mrs. Owen's third recommendation, the matter of rebate of realty taxes is controlled by the Provincial Home-Owner Grant Act which provides \$280.00 to any owner-occupier of property used as his or her principal residence. If he/she is over 65, or is in receipt of (i) Handicapped Persons Income Assistance under the Guaranteed Available Income for Need Act, or (ii) war veterans' allowance under the War Veterans' Allowance Act (Canada), he/she may claim a further \$200.00. This is a Provincial statute and any representation for a change should be made to the Province.

RECOMMENDATIONS

1. THAT no changes be made in water and sewer rates applicable to single family residences containing in-law suites; and
2. THAT a copy of this report be sent to Mrs. Owen.


MUNICIPAL TREASURER

BM:gw
cc: Chief Building Inspector
Municipal Solicitor