

ITEM 8
MANAGER'S REPORT NO. 43
COUNCIL MEETING 1981 09 21

RE: ILLEGAL SUITES - HARDSHIP CASES

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the report of the Director of Planning be received for information purposes.

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TO: MUNICIPAL MANAGER 1981 September 14
FROM: DIRECTOR OF PLANNING
SUBJECT: ILLEGAL SUITES - HARDSHIP CASES

RECOMMENDATION

1. THAT this report be received for information purposes.

R E P O R T

A. BACKGROUND

A number of delegations appeared at the Council meeting on 1981 July 27 and made representations on the illegal suite situation in Burnaby. Most expressed concerns about the status of the tenants in illegal suites and urged a greater degree of leniency in their treatment by the municipality.

This report has been prepared in response to a request from Council for information concerning the policies which are currently in effect in Vancouver governing "hardship" cases in the occupancy of illegal suite accommodation, and the relationship of these policies to the provisions of the Municipal Act which would be applicable to this municipality.

B. A REVIEW OF HARDSHIP POLICIES IN VANCOUVER

There are presently an estimated 16,000 illegal suites in Vancouver, of which approximately 1,000 have been developed as the result of "hardship". These include units for parents and grandparents, students, physically handicapped and low income persons.

In 1977 May 10, the Vancouver Council adopted a series of guidelines governing hardship cases in illegal suites. Prior to this, there were no established policies for such cases which, over the years, resulted in considerable numbers of people taking advantage of the situation by developing illegal suites that were not, in fact, due to any form of hardship.

Under the 1977 guidelines, applications are made for a special permit for additional suites in "hardship" cases. These are referred to a Committee which makes recommendations to the Council. Each such case is considered on its own merits and once approved must be renewed annually. In order to attain approval, the suite must comply with the necessary building, plumbing, and electrical regulations. The qualifications for hardship are set forth in the Council adopted policy guidelines and include such items as an income qualification, unemployment, a physical handicap, a health problem, over 60 years of age, etc. The guidelines also make provision for appeals to be made to the Community Services Committee of Council which has the final authority to either approve or reject an application.

Copies of the hardship application form and the guidelines to be followed in considering hardship cases involving the use of illegal suites are attached.

C. ADMINISTRATIVE PROBLEMS AND LEGAL ASPECTS

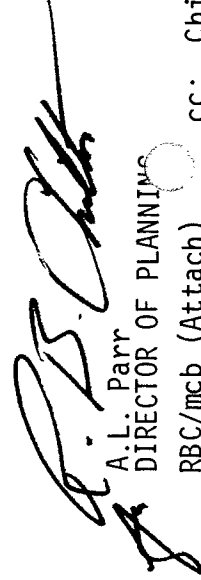
In general, it is considered by Vancouver officials that the "hardship" policies are providing a service for those in need. There are, however, exceptions resulting from persons taking advantage of these policies who do not meet the established qualifications.

It is felt that a part of this problem is attributable to a somewhat lenient approach taken in considering hardship cases. There are also problems involved in determining the accuracy of financial information submitted by applicants. Similar difficulties have been encountered in assessing the validity of health problems and if and when they may no longer be applicable. Also, a person who is unemployed could qualify then, once they have secured employment would continue to occupy the accommodation.

Once a "hardship" suite is no longer occupied by the original tenant, the dwelling should be returned to its normal single family status. However, because of the time-lag between approving an application and the follow-up inspection (usually 6 months or more), some of the units change hands and are occupied by persons who do not meet the "hardship" provisions. Normally, their removal would be ordered, but due to the current housing shortage, such units are generally permitted to continue to operate - "for the time being".

We have obtained the opinion of the Municipal Solicitor with respect to the legality of the Vancouver hardship policies and their possible applicability to Burnaby in relation to the Municipal Act. In his response, the Solicitor indicated that there are no provisions in the Municipal Act that would allow for similar regulations to be developed in this municipality. Further, the Vancouver regulations are considered to be discriminatory, in that, only illegal suites occupied by persons who satisfy a hardship committee are permitted. All others remain illegal.

This is for the information of Council.


A.L. Parr
DIRECTOR OF PLANNING

CITY OF VANCOUVER

HARDSHIP APPLICATION

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ADDRESS OF BUILDING

I/WE THE UNDERSIGNED HEREBY APPLY FOR SPECIAL CONSIDERATION BY THE CITY OF VANCOUVER TO BE PERMITTED TO USE AN ILLEGAL HOUSING UNIT AT THE ABOVE ADDRESS BECAUSE IT WOULD CREATE A HARDSHIP IF SUCH ACCOMMODATION WERE REMOVED TO COMPLY WITH EXISTING REGULATIONS OF THE CITY OF VANCOUVER, ZONING AND DEVELOPMENT BY-LAW, TO ENABLE THE CITY OF VANCOUVER TO EVALUATE MY SITUATION, SUBMIT THE FOLLOWING FINANCIAL INFORMATION CONCERNING MYSELF AND MY FAMILY.

SUBMITTED BY:

- A. (1) NAME _____ SPOUSE'S NAME _____
TENANT _____ TENANT - STUDENT _____ OWNER _____
- (2) BIRTHDATE (APPLICANT) _____ (SPOUSE) _____
- (3) ADDRESS _____ SPOUSE'S ADDRESS _____
- (4) TELEPHONE (HOME) _____ SPOUSE'S PHONE (HOME) _____
(WORK) _____ (WORK) _____
- (5) NO. OF DEPENDENTS _____ (IN CANADA) _____
_____ (OUTSIDE CANADA) _____
- (6) NAMES AND AGES _____

- (7) LENGTH OF RESIDENCE IN VANCOUVER _____
- (8) NAME OF EMPLOYER _____
PLACE OF EMPLOYMENT _____
- (9) LIST OTHER EMPLOYED PERSONS IN YOUR HOUSEHOLD _____

- (10) NUMBER OF PEOPLE LIVING IN APPLICANT'S UNIT _____

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B. PERSONAL PROPERTY:

(1) CASH ON HAND \$ _____

(2) BANK, CREDIT UNION OR SIMILAR ACCOUNT(S)

NAME OF INSTITUTION _____

LOCATION _____ AMOUNT \$ _____

(3) INTEREST IN ANY BUSINESS

DETAILS _____

_____ VALUE \$ _____

(4) REAL ESTATE OWNED

(A) NATURE _____

ADDRESS _____

MORTGAGE COMPANY _____

AMOUNT OF MORTGAGE \$ _____

VALUE OF PROPERTY \$ _____

EQUITY IN PROPERTY \$ _____

(B) NATURE _____

ADDRESS _____

AMOUNT OF MORTGAGE \$ _____

VALUE OF PROPERTY \$ _____

EQUITY IN PROPERTY \$ _____

(5) DO YOU OWN A CAR? YES _____ NO _____

MAKE, YEAR AND MODEL _____ VALUE \$ _____

(6) OTHER ASSETS:

DETAILS _____

_____ VALUE \$ _____

(7) TOTAL ESTIMATED VALUE: PERSONAL PROPERTY \$ _____

(ENTER SUM OF B(1) TO B(6))

C. INCOME - In this section, please give monthly amounts from the following sources for all members of your household. For example, if an employed son or brother-in-law lives with you, please include their income. If payments are made only once a year, they should be divided by twelve (12) for this form.

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	APPLICANT	FAMILY MEMBERS	OTHER	TOTAL
(1)	EARNINGS (GROSS PAY) \$	\$	\$	\$
(2)	OLD AGE SECURITY OR SOCIAL ALLOWANCE \$	\$	\$	\$
(3)	MILITARY PENSION OR ALLOWANCE \$	\$	\$	\$
(4)	UNEMPLOYMENT INSURANCE, WORKER'S COMPENSATION \$	\$	\$	\$
(5)	FAMILY ALLOWANCE \$	\$	\$	\$
(6)	INCOME FROM RENTAL SUITE(S) OR ROOM(S)	\$	\$	\$
(7)	MORTGAGE OR AGREEMENT FOR SALE			
	TOTAL AMOUNT \$	MONTHLY INCOME \$		
(8)	OTHER INVESTMENT INCOME (SPECIFY)	\$		
(9)	OTHER SOURCES (SPECIFY)	\$		
(10)	COMBINED TOTAL MONTHLY INCOME	\$		
	(ENTER SUM OF C(1) TO C(9))			
(11)	DEDUCTIONS:			
	SUPERANNUATION (PENSION PLAN - COMPULSORY) \$			
	CANADA PENSION \$	UNEMPLOYMENT INSURANCE \$		
	INCOME TAX \$	MEDICAL PLANS \$	UNION DUES \$	
(12)	HAS YOUR NORMAL SOURCE OF INCOME BEEN DISRUPTED?	YES	NO	
	REASONS:			

APPENDIX "A"

ITEM 8 SUPPORTS CLAUSE NO. 1
MANAGER'S REPORT NO. 43 (BUILDING & PLANNING MATTERS
COUNCIL MEETING 1981 09 21 14/10/77.

Establish revised guidelines for considering Hardship Cases as follows:

The Hardship Committee would consider each application on its individual merits in accordance with the new applicable criteria.

A distinction between TENANTS and OWNERS making application as a Hardship Case be made on the following basis:

- A) When a TENANT has his Hardship Application approved, the OWNER will be required to make the living accommodation for which the application is made comply with Building, Plumbing and Electrical By-law requirements on the understanding that the issuance of any Permit does not legalize a separate dwelling or housekeeping unit.
- B) When an OWNER applies for hardship consideration, it will be a prerequisite that he or she shall have lived on the property for a minimum of two years and that the Building, Plumbing and Electrical By-law requirements be complied with as in A) on the understanding that the issuance of any Permit does not legalize a separate dwelling or housekeeping unit.
- C) The following groups of TENANTS shall be eligible for consideration of permission to use an illegal housing unit because of hardship consideration:-
 - 1) A single student whose income is below the applicable figure in the Table in Guideline E in the year for which the application is made.
 - 2) A married student whose combined income is below the applicable figure in the Table in Guideline E in the year for which the application is made.
 - 3) An individual, couple of family whose income is below the applicable figure in the Table in Guideline E in the year in which the application is made.
 - 4) An individual, whether single or married, who is temporarily unemployed.
 - 5) An individual or couple 60 years of age or older.
 - 6) A physically handicapped person.
 - 7) A person whose personal health, whether physical or emotional, could in the judgment of a qualified professional be at risk.
- D) The following groups of OWNERS shall be eligible for consideration of permission to use or permit the use of an illegal housing unit because of the hardship it could create if the unit were removed in conformation with existing zoning regulations:
 - 1) A person or persons 60 years of age or older.
 - 2) A person who, for verifiable health reasons, has had his/her normal income disrupted.
 - 3) A person who, for verifiable reasons, has had his/her normal source of income disrupted and or reduced so as to create a personal hardship.

the Hardship Committee based on the new guidelines, then probably the problem of the two year requirement is unnecessary. Because of the limited experience with these guidelines to date, it is suggested that your officials report back in one year time on the advisability of instituting the two year period of time based on economic grounds.

As very few of the applications being dealt with by the Hardship Committee are based entirely on medical grounds, no consideration was given by the officials requiring the applicant to have owned or occupied the premises for any specific time. The Committee has always relied entirely on the advice of the Medical Health Officer. Some concern recently expressed by Council suggests that Hardship Applications based on medical grounds should not be considered unless the applicant has been in the accommodation in question for a period of two years. However, it is suggested that consideration may be granted by the Committee for the relaxation of the two year time limit on the advice of the Medical Health Officer in special circumstances.

The Director of Permits and Licenses recommends THAT:

- A. An owner shall have lived on the property for a minimum of two years when the application is made solely on pre-existing medical grounds, but this time limit to be relaxed on the advice of the Medical Health Officer in special circumstances.
- B. I be requested to report in one years time on the advisability of requiring an owner to have lived on the property for a minimum of two years when the application is made on economic grounds."

The City Manager RECOMMENDS that the recommendations of the Director of Permits and Licenses be approved.

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