

ITEM	1
MANAGER'S REPORT NO.	15
COUNCIL MEETING	88/02/29

RE: B.C. COURT OF APPEAL DECISION  
IN-LAW SUITE ACCOMMODATION - DISTRICT OF NORTH VANCOUVER

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

\* \* \* \* \*

TO: MUNICIPAL MANAGER 1988 FEBRUARY 22

FROM: DIRECTOR PLANNING & BUILDING INSPECTION

SUBJECT: B.C. COURT OF APPEAL DECISION  
IN-LAW SUITE ACCOMMODATION - DISTRICT OF NORTH VANCOUVER

=====

RECOMMENDATION:

1. THAT this report be received for information purposes.

R E P O R T

1.0 BACKGROUND

At the Council meeting of 1988 February 15 staff were asked to submit a report on the recent decision in the B.C. Court of Appeal in connection with the District of North Vancouver's appeal of a September ruling in the B.C. Supreme Court which had quashed the District's by-law governing in-law suites. This decision is of significance to Burnaby, due to similarities in the way in which both Districts' by-laws defined and regulated the occupancy of such accommodation.

As background, Council was informed in a report on 1987 October 13 (Item #6, Manager's Report #62, 1987 October 13) of the Supreme Court decision that quashed a relatively recently-enacted North Vancouver by-law that permitted the occupancy of secondary suites in single-family dwellings by certain family members. The report stated that, in light of that decision, Burnaby's in-law suite regulations, if challenged, would in all likelihood be found invalid. It further stated that if, however, North Vancouver's appeal were to succeed, it is not likely that Burnaby's by-law would be challenged. The report further advised that staff were holding new applications for in-law suites in abeyance pending a determination of the legislative authority of the Municipality with respect to such suites.

ITEM	1
MANAGER'S REPORT NO.	15
COUNCIL MEETING	88/02/29

## 2.0 RECENT DEVELOPMENTS

On 1987 February 11, the B.C. Court of Appeal in a unanimous decision reversed the initial judgment and upheld the North Vancouver by-law. Reasons for Judgment have not been filed as of this date.

102

As a result of the decision, however, the North Vancouver by-law allowing in-law suites is back in force. The District is not aware of any intention on the part of the respondent to engage in any appeal of the recent decision, although that possibility does exist.

## 3.0 CONSEQUENCES FOR BURMABY


The fact that the legality of the North Vancouver by-law has been upheld removes the immediate concern that was expressed in our previous report. Accordingly, it is the intention of staff to resume issuing licences for in-law suites in compliance with all by-law requirements should this be the recommendation of the Municipal Solicitor upon completing the review of the official transcript.

The provisions for the establishment of in-law suites have been the source of increasing abuse resulting in a heavy enforcement workload. It is therefore the intention of staff to examine the implications of in-law accommodations for those needing assistance, with a view to ensuring that Burnaby's provisions are not abused. For example, areas under review include an appropriate means of ascertaining the identity and ensuring the family relationship requirements of occupants are not contravened, and the need to ensure that a dwelling's single-family use status is maintained whenever a legitimate in-law use occupancy is discontinued. A further report on such aspects is expected to be submitted in the near future.

*Asp*  
DGS:1f

cc: Municipal Solicitor

Chief Building Inspector

  
A. L. Parr  
Director Planning &  
Building Inspection