

CITY OF BURNABY

COMMUNITY PLANNING & HOUSING COMMITTEE

*HIS WORSHIP, THE MAYOR  
AND COUNCILLORS*

**RE: ZONING BYLAW TEXT AMENDMENT**

RECOMMENDATIONS:

1. **THAT** Council authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw to allow a personal care services person employed full-time by the principal household to occupy an in-law suite as outlined in Section 4.0 of this report.
2. **THAT** the bylaw be forwarded to First Reading and a Public Hearing.

REPORT

The Community Planning and Housing Committee, at its Open meeting held on 2001 October 30, received and adopted the *attached* report proposing that the Burnaby Zoning Bylaw be amended to include a person employed full-time by the principal household to provide personal care services to the principal household, and the spouse and dependent children of the person providing personal care services, in the definition of permitted occupants of a in-law suite.

Respectfully submitted,

Councillor C. Redman  
Chair

Councillor G. Begin  
Member

Councillor D. Johnston  
Member

<p>:COPY - CITY MANAGER - DIRECTOR ENGINEERING - DIR. PLNG. &amp; BLDG. - CHIEF BUILDING INSPECTOR - CITY SOLICITOR</p>
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**TO:** CHAIR AND MEMBERS  
COMMUNITY PLANNING AND  
HOUSING COMMITTEE

2001 October 26

**FROM:** DIRECTOR PLANNING AND BUILDING

OUR FILE: 12.160

**SUBJECT:** ZONING BYLAW TEXT AMENDMENT

**PURPOSE:** To recommend that the text of the Zoning Bylaw be amended to include a person employed full-time by the principal household to provide personal care services to the principal household among those permitted to occupy an in-law suite.

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**RECOMMENDATIONS:**

1. **THAT** the Committee recommend to Council that it authorize the preparation of a bylaw amending the Burnaby Zoning Bylaw to allow a personal care services person employed full-time by the principal household to occupy an in-law suite as outlined in Section 4.0 of this report.
2. **THAT** the Committee recommend to Council that the bylaw be forwarded to First Reading and a Public Hearing.

**REPORT**

**1.0 BACKGROUND**

In recent months, Planning and Building department staff have received a number of requests from residents seeking to build a suite for a person providing care services to the principal household. As defined in Section 3 of the Zoning Bylaw under Accessory Use, only people directly related by blood, marriage or adoption to the owner or tenant of the principal dwelling are presently permitted to occupy an in-law suite. Therefore, a person who provides personal care services to a family, but is not directly related to the family, would not be permitted to occupy an in-law suite.

In response to changing societal trends, as described below, it is proposed that the accessory use definition of the Zoning Bylaw be amended to permit persons employed full time to provide personal care services to the principal household to occupy an in-law suite.

## 2.0 SOCIETAL CHANGES

In recent years, the situations that have generated requests to provide care giver suites have fallen into three general categories: 1) seniors wishing to remain in their homes who need a care giver to live on the premises; 2) persons with disabilities who need to have a professional care giver (e.g. nursing aide) on the premises; and 3) families who wish to provide housing for a live-in child care provider (e.g. nanny).

In the case of seniors living alone, some seniors would like to provide housing for a live-in care giver. The care giver would provide daily assistance (meal preparation, cleaning, shopping, and assistance with appointments) during regular working hours and would be available in case of an emergency, allowing the senior to continue to live in his or her home and neighbourhood. This situation provides an additional housing option for seniors who require support and who may not be able to find, afford or want to move to a more institutional, supportive housing setting. Similarly, a family with a member who has a mental or physical disability may wish to have a full-time care giver on the premises. Lastly, it has become quite commonplace for families with working parents to hire live-in child care providers. These families frequently require greater flexibility in the hours required of a child care giver than what typical day cares provide.

In all three cases, the person providing care services is closely tied (financially and socially) to the family occupying the principal dwelling, and is thus in a situation comparable to a related family member who occupies an in-law suite. As is the case with relatives living in in-law suites, there is also a desire on the part of both parties to have separate living quarters where a person is free to come and go or to socialize with family or friends outside of working hours.

As the need for supportive housing options grows, due to an aging population and a desire of families to care for family members at home, the ability for care givers to occupy in-law suites would address an identified need. It is therefore proposed that the Zoning Bylaw be amended to include persons employed full-time by the principal household to provide personal care services to the principal household in the definition of permitted occupants of an in-law suite. This amendment would recognize the changing circumstances of today's families and offer increased housing choice for members of the community with special needs.

## 3.0 OTHER MUNICIPALITIES

There is a range of policy approaches to secondary suites in the region. Four GVRD municipalities other than Burnaby (Pitt Meadows, Port Moody, Vancouver and West Vancouver) permit in-law or family suites only in single family zones (Vancouver also permits secondary suites in specific neighbourhoods). Of these four, only the City of Vancouver permits a person employed full-time to provide support services to the principal household to occupy a family suite. The City of Vancouver amended its zoning bylaw in the 1980s to permit care givers to occupy family suites in recognition of changing family circumstances and to offer greater options for families in single family neighbourhoods.

In eight other GVRD municipalities (Anmore, Belcarra, Coquitlam, Maple Ridge, New Westminister, City of North Vancouver, the District of North Vancouver and Port Coquitlam) occupancy issues have ceased to be a concern as these municipalities have moved toward permitting suites as an outright use. These municipalities have amended their zoning bylaws to permit suites in most or all single family zones with no restrictions on who may occupy a suite. Some may require owner occupancy of the principal dwelling. Two municipalities, Surrey and Vancouver allow suites (other than family suites) in specific neighbourhoods based on the outcome of a neighbourhood review process. Five GVRD municipalities (Delta, City of Langley, Langley Township, Lions Bay and Richmond) prohibit all types of suites but tend to enforce their bylaws based on complaint.

#### 4.0 ZONING BYLAW AMENDMENT

In recognition of changing societal trends, it recommended that Section 3 Accessory Use subsection (3) (e) of the Zoning Bylaw pertaining to the occupancy of an in-law suite be amended to include a fourth section along the following lines:


- (iv) *a person who is employed full time by the principal household to provide personal care services to a member or members of the principal household, including the spouse and dependent children of the person providing care services.*

All other provisions of the Zoning Bylaw pertaining to in-law suites would remain unchanged. As required of current in-law suites, applicants for a suite for a person employed full-time to provide personal care services to the principal household, will be required to pay a \$30.00 license fee, provide a statutory declaration stating that the in-law suite will be used in accordance with the Burnaby Zoning Bylaw, and will be assessed additional utility fees totalling \$243.12. The maximum number of adults accommodated by an in-law suite would continue to be two.

#### 5.0 RECOMMENDATION

It is recommended that Section 3 of the Burnaby Zoning Bylaw be amended to include a person employed full-time by the principal household to provide personal care services to the principal household, and the spouse and dependent children of the person providing personal care services, in the definition of permitted occupants of an in-law suite.

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for J.S. Belhouse, Director  
PLANNING AND BUILDING

MM/cda/sa

cc: City Manager  
City Solicitor  
Chief Building Inspector  
Director Engineering