

	<b>Planning &amp; Design</b>  <b>POLICY</b>	<b>Policy Number</b>  2024-04
---	---	-------------------------------------

## Acceptable Proof of Existing Suites: Policy

### Summary

Title of Document:	Acceptable Proof of Existing Suites: Policy
Title of Designated Responsible Manager:	Development Manager, Planning & Design
Original Date Approved:	Oct 10, 2024
Approved By:	General Manager, Planning & Design
Last Revision:	Oct 10, 2024
Next Review Date:	Not defined

### Purpose:

This policy sets out what the Planning & Design Department will require from an applicant to prove that a secondary suite has been pre-existing.

### Background:

Many Secondary Suites in the City have existed for many years. However, this does not make them legal suites, as any Secondary Suites must have development approval to be compliant with Land Use Bylaw 6300. Prior to Dec 1, 2019 the Planning & Design Department would allow an existing Secondary Suite to be granted development approval subject to inspections from Fire Safety Officials (and deemed to be eligible for Fire Code upgrades, or have already been upgraded to Fire Code Requirements). However, as of Dec 1, 2019, the jurisdiction for approval now falls under the Building Code. Since this time, for any existing Secondary Suite to be brought into compliance with the Land Use Bylaw the applicant must bring the suite into compliance with the Building Code. The City of Lethbridge Building Inspections has directed that if a Secondary Suite existed prior to September 1, 2007 then a suite will only need to comply with the requirements in the 2019 Building Code, however if a Secondary Suite existed after September 1, 2007 then the Secondary Suite must be brought into compliance with the current 2023 Alberta Building Code. Therefore, for a development permit application to bring an existing Secondary suite into compliance it is important to determine the age of the Secondary Suite as this impacts which Building Code will apply. When an application for a development permit is received for a Secondary Suite that already exists, the Development Officer will endeavor to determine when the Secondary Suite first existed. This policy sets out what the Planning & Design Department will require from an applicant to prove when a secondary suite existed.

### Policy:

- **When a Development Permit Application is received for a Secondary Suite (that existed prior to Sep 1, 2007 according to the applicant), as part of their review, the**

	<p>Planning &amp; Design</p> <p><b>POLICY</b></p>	<p>Policy Number</p> <p>2024-04</p>
---	---	-------------------------------------

Development Officer will determine if the Secondary Suite existed prior to or after Sep 1, 2007, and will only accept evidence as such in the following forms: :

- A signed statutory declaration (from a previous tenant, owner, or adjacent neighbour) stating they had first hand knowledge that the suite existed prior to Sep 1, 2007.
- A historic MLS listing, provided by a licensed Realtor.
- Copy of rental agreement
- Income tax records
- City of Lethbridge Assessment/tax records
- Historic dated rental receipt

### Supporting Documents

- Land Use Bylaw 6300
- National Building Code -2023 Alberta Edition

### Responsibility for Policy Implementation

Development Manager, Planning & Design

### Policy Status:

**Current Status:** in effect

**Date Effective:** Oct 10, 2024

**Approval Details:** approved by General Manager, Planning & Design

**Endorsement Details**

**Next Review Date:** n/a

**Procedure Author :** Planner 2

**Authored date:** Oct 10, 2024

**Contacts:**

- Development Manager, Planning & Design,
- General Manager, Planning & Design