

AFFORDABILITY AND CHOICE TODAY (A·C·T) STREAMLINED APPROVAL PROCESS PROJECT

Construction Standards for Accessory Suites

**City of Saskatoon
Saskatoon, Saskatchewan**

Prepared for:

Federation of Canadian Municipalities

Canadian Home Builders' Association

Canadian Housing and Renewal Association

Canada Mortgage and Housing Corporation

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FOREWORD

The project documented in this case study received funding assistance under the Affordability and Choice Today (A•C•T) Program. A•C•T is a joint initiative, managed by the Federation of Canadian Municipalities, the Canadian Home Builders' Association, and the Canadian Housing and Renewal Association, together with the funding agency Canada Mortgage and Housing Corporation. The A•C•T Program is administered by the Federation of Canadian Municipalities.

A•C•T, which was launched in January 1990, was designed to foster changes to planning and building regulations and residential development approval procedures in order to improve housing affordability, choice and quality.

Through A•C•T, grants are awarded to municipalities, private and non-profit builders and developers, planners and architects to undertake innovative regulatory reform initiatives in municipalities across Canada. Three types of projects are awarded grants under the A•C•T Program: Demonstration Projects, Streamlined Approval Process Projects, and Case Studies (of existing initiatives).

- *Demonstration Projects* involve the construction of innovative housing that demonstrates how modifications to planning and construction regulations can improve affordability, choice and quality.

- *Streamlined Approval Process Projects* involve the development of a method or an approach that reduces the time and effort needed to obtain approvals for housing projects.
- *Case Study* grants are awarded for the documentation of existing regulatory reform initiatives.

Change and innovation require the participation of all the players in the housing sector. A•C•T provides a unique opportunity for groups at the local level to work together to identify housing concerns, reach consensus on potential solutions, and implement action. Consequently, a key component of A•C•T-sponsored projects is the participation and cooperation of various players in the housing sector in all phases of each project, from development to realization.

All projects awarded a grant under the A•C•T Program are documented as case studies in order to share information on the initiatives and the benefits of regulatory reform with other Canadian communities. Each case study discusses the regulatory reform initiative, its goals and the lessons learned. Where appropriate, the cost savings resulting from modifications in various planning, development, and construction regulations are calculated and reported.

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PROJECT OVERVIEW

Accessory (or secondary) suites represent an affordable housing option that has received growing attention from municipalities in recent years. This form of housing not only meets the needs of many people, it contributes to maximizing the use of existing housing stock and infrastructure. Accessory suites can be a positive component of residential intensification.

The major task facing many urban municipalities is not one of introducing accessory suites, but rather one of converting illegal suites into legal dwelling units. Many accessory suites do not comply with municipal regulations or building codes. These units offer a viable housing option that meets a demand, but they must maintain acceptable levels of health and safety while remaining affordable. The question is how to attain compliance economically.

The City of Saskatoon wanted to encourage its landlords to upgrade illegal suites to acceptable standards of health and safety, while helping to make the process as straightforward and economical as possible. In this way, the City would improve the quality of existing dwellings and ensure the continuing availability of affordable housing. Several other cities in Canada have undertaken regulatory reform projects regarding secondary suites and the conversion of illegal units. In reviewing solutions found in other municipalities, the City of Saskatoon noted that new regulatory requirements sometimes cancelled out cost-efficient measures introduced elsewhere. For example, requiring the installation of

Project Goal and Objectives

Goal

To encourage conformity of existing accessory suites to the zoning by-law and the National Building Code without impeding affordability and supply

Objectives

- *Develop realistic regulations*
- *Establish the criteria and methodology for inspections of accessory suites*
- *Improve the quality of information available to the public about the conversion process*
- *Increase public awareness of construction requirements for accessory suites*
- *Improve the quality of accessory suites*
- *Encourage the conversion of illegal suites to legal status*

sprinkler systems could nullify gains achieved by reducing setback or parking restrictions. The City believed there was room for further improvement in introducing regulatory reform for accessory suites.

The City received an A•C•T grant in 1993 to proceed with its project, which consisted of four phases:

- *Phase One*—the project team reviewed existing regulations (zoning by-law, and building and fire codes) and literature on accessory suites. This resulted in the creation of an inspection guide which was used in the next phase of the project.
- *Phase Two*—a sample of suites was inspected in an inner-city test area to determine the type and extent of violations that actually existed.

- *Phase Three*—the project team assessed the City’s zoning by-law requirements for accessory suites and developed an evaluation procedure to encourage compliance.
- *Phase Four*—educational materials were developed (a four-page brochure, a pamphlet and a short video) to inform landlords about compliance requirements and the upgrading process.

The inspections in the second phase revealed several items typically not up to standard. The City addressed these in its educational materials. The City also emphasized its intent to ensure compliance with National Building Code (NBC) guidelines and Saskatoon’s zoning by-law, while encouraging the continued presence of accessory suites. The City advised people of the following:

1. Fire escapes must be installed to provide a second means of egress where only one shared exit is provided from an accessory suite.
2. The common exit must be separated from the accessory suite by a minimum 3/4-hr fire separation.
3. Accessory suites must be separated from each other by a minimum 3/4-hr fire separation both horizontally and vertically.
4. Stairways must be provided with suitable handrails and guardrails.
5. Air cannot be vented from one dwelling unit to another.

6. Smoke alarms must be installed in accessory suites and in all common exits.
7. Although it is not an NBC requirement, fire extinguishers should be installed.

This project dealt with existing accessory suites only, and not with future development. At the time, the City was conducting a separate planning review that would incorporate policy for newly created accessory suites.

As a result of the project, the City of Saskatoon determined that it needed to make a clear differentiation between accessory suites and other types of apartment dwellings, since the lack of distinction had proven to be confusing. The City defined an accessory suite as a second, self-contained unit in a house originally planned as a single-family dwelling. Where three or more units existed in one structure, the City treated them as apartment units that were required to comply with zoning and building code regulations relating to multiple-unit dwellings.

This distinction allowed the Planning and Building Department to formulate appropriate guidelines aimed at encouraging the availability of accessory suites as a safe, affordable housing option, while recognizing their unique presence in residential neighbourhoods.

1.0 PROJECT DESCRIPTION

1.1 A Problem of Non-Compliance

Accessory suites provide a much-needed form of affordable housing for many people, particularly those with low or fixed incomes. Several municipalities have taken an interest in encouraging these units as a viable housing option that meets contemporary needs. However, many existing accessory suites contravene zoning and other regulations, and may even pose health and safety hazards. To ensure acceptable standards of health and safety are met, municipalities need to determine which regulations should be enforced as is, relaxed or introduced without creating undue constraints to the provision of this type of housing.

Accessory suites are independent units created in former single-family dwellings, and are commonly found throughout most neighbourhoods in Saskatoon. The City of Saskatoon recognized that illegal suites might not be eliminated completely, but it wanted to ensure that most of the accessory suites within its boundaries met appropriate standards. The process of upgrading would need to be uncomplicated for landlords and of reasonable cost. The City was awarded an A•C•T grant in 1993 to develop construction standards for its existing accessory suites.

1.2 Project Team

The project team consisted of representatives from the following groups, the first three being within the City's Planning Department (since

reorganized as the Planning and Building Department):

- Community Planning Branch
- Building Standards Branch
- Zoning Standards Branch
- Nutana Community Association
- Fire Department
- Social Housing Advisory Committee
- University of Saskatchewan Students' Union
- Saskatoon Home Builders' Association

A staff member from the Planning Department served as the project coordinator. Through the 14-member Social Housing Advisory Committee, the project team had access to several other interest groups and individuals: the Saskatoon Housing Authority; Saskatchewan Community Services; Canada Mortgage and Housing Corporation (CMHC); Saskatchewan Department of Social Services; a City Councillor; the Interagency Committee for the Homeless; the Community Health Unit; SaskNative Rentals Corporation; community associations; the Saskatoon Real Estate Board; and a private citizen.

1.3 Project Objectives

The purpose of the project was to encourage landlords to ensure existing accessory suites met health and safety standards without requiring onerous and costly upgrades, if possible. Specifically, there were six objectives:

- Develop realistic regulations
- Establish the criteria and methodology for inspections of accessory suites

- Improve the quality of information available to the public about the conversion process
- Increase public awareness of construction requirements for accessory suites
- Improve the quality of existing accessory suites
- Encourage the conversion of illegal suites to legal status

Zoning by-law requirements were considered with respect to existing accessory suites only, and not in relation to future development. At the time of the A•C•T project, the City was conducting a separate “Plan Saskatoon” review that would incorporate policy for newly created accessory suites.

1.4 Project Methodology

Phase One—Background Research

The first phase of the project involved background research:

- Review of pertinent regulations in the zoning by-law, the National Building Code (NBC) and the National Fire Code
- Review of literature on other accessory suite initiatives (previously compiled by the City’s Planning and Building Department)
- Informal interviews with individuals working in the field and/or responsible for regulatory enforcement

The research resulted in a description of the study area, a description of accessory suite characteristics, a summary of the

relevant regulations, and an assessment of typical neighbourhood issues related to residential intensification and accessory suites. Based on this work, the project team developed an inspection guide to use in the next phase of the project.

Phase Two—Inspections

In the second phase of the project, the number and the location of accessory suites in the study area, Nutana, were determined. Nutana is an inner-city neighbourhood close to the University of Saskatchewan and a commercial district. It is a popular residential area for students and other young adults, and the Nutana Community Association has been active in housing and land use issues.

Accessory suites were identified using data from the municipal Assessor’s Department. The assessment list proved to be the best source of information; several other sources were investigated, but none were as adequate or accurate as the Assessor’s data. For example, the University of Saskatchewan Housing Registry identified only 20 accessory suites in the Nutana area, which did not provide a sufficient sample size for the project.

As all inspections were voluntary; announcements were issued in the hope of obtaining some self-referrals. A news release resulted in a newspaper article, and one person called to have his accessory suite inspected. A notice placed in the Nutana Community Association newsletter did not result in any calls requesting inspections.

The assessment data revealed 212 dwellings that contained one or more accessory suites. A sample of 100 was examined more closely for information concerning zoning, site frontage and whether or not building permits had been issued. Thirty homes were visited, chosen on a random, door-to-door basis from the list of 100 accessory suites. Visits were conducted over a two-week period during evenings and on Saturdays to maximize the probability of people being at home. The response from landlords and tenants was far more positive than anticipated, although some people refused to participate.

The visits resulted in 65 accessory suite inspections. (Not every suite was inspected in each of the 30 dwellings entered.) Twelve of the dwellings had 2 units; 7 had 3 units; another 10 had 4 or 5 units; and one building had 8.

During the inspection phase, the project consultant met with project team members individually and as a group. The individual meetings gave members the opportunity to voice any concerns they had not raised at the team meeting held during the first phase. After the project team discussed how inspections would be handled, another meeting was held with a representative from the students' union and one from Nutana Community Association to finalize the inspection process. It was agreed that either one of these two representatives should accompany the project consultant and the building inspector to answer any concerns about the project. It quickly became apparent after the first few inspections that people were receptive to

the project, and that the accompanying representative was not needed. After the inspections were completed, the project consultant developed recommendations, in consultation with the senior managers of the Planning Department, to present to the project team for discussion.

Some thought had been given to having a focus group or public meeting during this phase. However, given the community's receptiveness to the project, the project team decided to hold a public meeting upon completion of the project.

Phase Three—Evaluation Procedure

The inspection findings were assessed in relation to the NBC, the National Fire Code and the City's zoning by-law. This included a historical review of by-law development. Following the regulatory review, the Planning and Building Department established an evaluation procedure for accessory suites to ensure compliance. Findings of an assessment of the infrastructure in the Nutana area, carried out in 1993, was also referenced in this phase of the project.

Phase Four—Educational Materials

The final phase of the project involved the production of a four-page brochure, a pamphlet and a short video, each entitled *Construction Standards for Accessory Apartments*.¹

¹ A copy of the video may be obtained on loan from the Canadian Housing Information Centre, 700 Montreal Road, Ottawa, Ontario, K1A 0P7, Tel: (613) 748-2367, Fax: (613) 748-4069, TTY: (613) 748-2143.

2.0 LEGALIZING ACCESSORY SUITES

The results of the A•C•T project are summarized below, for each of the four phases carried out by the team:

- *Phase One—Background Research:* a review of existing regulations (zoning by-law, and building and fire codes) and literature on accessory suites.
- *Phase Two—Inspections:* inspection of a sample of suites in an inner-city test area to determine the type and extent of violations that actually existed.
- *Phase Three—Evaluation Procedure:* assessment of the City's zoning by-law requirements for accessory suites and the development of an evaluation procedure to encourage compliance.
- *Phase Four—Educational Materials:* development of educational materials to inform landlords about compliance requirements and the upgrading process.

2.1 Background Research

Saskatoon's Requirements

When the project began in 1993, the City of Saskatoon considered accessory suites illegal if they met any of the following criteria:

- The unit was within a zoned area prohibited from converting dwelling uses
- Zoning requirements were not met (e.g. number of existing units exceeded maximum allowed)
- The unit had been created without a building permit

The City gave units a “legal non-conforming” status under the following circumstances:

- A building permit had been issued for the accessory suite but the unit did not conform to current regulations
- The unit had been created prior to implementation of Saskatoon's zoning by-law in 1930
- The accessory suite was a permitted use when it had been created

Legalizing Issues

The project team found that CMHC had identified several factors to be considered in legalizing accessory suites:

- Not all landlords can afford to upgrade
- Both landlord and tenant may experience financial hardship if closure of the suite is ordered
- High renovating costs may result in higher rents

The background research revealed a growing concern in Canada for the health and safety of tenants in accessory suites. At the time, Ontario was amending its legislation to permit secondary suites within single-family dwellings without requiring special permission.² A recommendation in British Columbia proposed provincial loans of up to \$7,500 for homeowners wishing to upgrade or create accessory suites.

The research also indicated that many municipalities did not have the resources necessary to legalize all accessory suites.

² This legislation has since been repealed.

For this reason, illegal suites were tolerated as long as neighbours did not complain. Some municipalities found that owner-occupied dwellings with secondary suites tended to be well kept in external appearance, so as not to draw unwanted attention and concern from neighbours.

In some municipalities, in cases where it was found to be impossible to renovate all units to current standards, a phase-out clause was introduced. In these instances, a unit could continue to be rented for a limited period, provided certain basic renovations were completed. When the phase-out time period had elapsed, the suite could no longer be used as a separate dwelling unit.

Zoning Techniques for Legalizing

Four zoning techniques were found to be used frequently by other municipalities in regulating accessory suites:

- As-of-right zoning
- Conditional use permits
- Variances
- Licences

As-of-right zoning: The project team found that as-of-right zoning allowed people to create accessory suites in specific areas, provided that the units met clearly defined criteria. Such criteria might stipulate the number and size of suites, on-site parking requirements and enforcement policies. This method generally involved a short approval process once criteria were met. It did not allow, however, for input from neighbours.

Legalizing Accessory Suites in Vancouver

The project team's research revealed that Vancouver had the most comprehensive set of regulations in Canada for accessory suites. Vancouver had chosen a form of as-of-right zoning, and had created "RS-1S" and "RS-1" zones based on neighbourhood consultation.

Areas designated RS-1S were those in which residents had decided to permit "phase-out" and "permanent" suites. Existing and previously illegal, phase-out suites could be approved for a maximum of 10 years, subject to parking and upgrading requirements; after the phase-out period, the suite could no longer be used as a separate dwelling unit. Existing or new, permanent suites could be approved for the life of a building, subject to a different set of health and safety requirements.

Areas designated RS-1 were those in which residents had decided to permit only phase-out suites and "family suites." Family suites had to be occupied by the grandparents, parents, children or grandchildren of the head of the household, or by a full-time support person. A permit could be issued for a period of two years; a new application would be required to extend the use of the family suite beyond two years. Family suites were subject to the same requirements as permanent suites.

As of 1993, Vancouver had an estimated 20,000 legal and illegal accessory suites. Each dwelling received notification of zoning changes and owners were told to report their second units. The majority of applications were for phase-out status (fewer modifications required and less costly). Approximately 2,000 building permit applications were made to upgrade suites.

Vancouver established a central office to monitor its secondary suite program and regulations. The office employed seven people to work solely on secondary suites. The project team noted that fiscal restraints could prevent many municipalities from establishing and staffing a dedicated office.

Conditional use permits: In order to secure a conditional (discretionary) use permit, an applicant was required to meet a set of predetermined criteria, and gain approval based on a public hearing. This approach allowed the opportunity to address the concerns of neighbours, but could prove to be a lengthy process.

Variations: Variations permitted modifications that would have minimal effect on surrounding properties. This technique was used by some municipalities, but it was not permitted within Saskatchewan.

Licences: Under a licensing system, commonly used in the United States, a homeowner or landlord could apply for a licence to install an accessory suite. Each application was treated individually based on a set of guidelines, and licences could be reviewed annually for renewal. However, there was no public participation unless specified, and additional staff might be needed to administer a licensing system.

Codes and Related Regulations

The project team reviewed building and fire codes and regulations, considering the following items as they related to accessory suites:

- Exits
- Ceiling height
- Window area
- Sprinkler systems
- Heating
- Plumbing
- Sound transmission
- Alarms

Exits: The NBC recommended that where there was more than one unit on a floor, each unit would be required to have a door opening directly to ground level or to an open exterior passageway.

Saskatoon's regulations stipulated that basement suites were required to have either one separate exit at grade level, or one separate and one common exit, or two common exits.

In some other municipalities, one of these exits could be a window.

Ceiling height: The NBC called for a minimum ceiling height of 2.3 m, which could very often result in illegal accessory suites in municipalities that adopted the NBC.

Vancouver required a 2.3-metre standard for new buildings and a minimum of 2.1 m for existing accessory suites. Existing units that did not meet this requirement were identified for phase-out.

Window area: The project team found that NBC recommendations for minimum window areas and for the location of windows in bedrooms could pose a problem in relation to basement suites.

Sprinkler systems: The project team noted that regulations concerning sprinkler systems were a volatile issue with respect to accessory suites. Vancouver required dwellings with secondary suites to have sprinkler systems. In houses with basement suites, the sprinkler was installed in the basement suite. Where the suite was on the top level, a sprinkler system was required on the lower floor or

floors. This had proven to be a very costly installation, resulting in many owners opting to have their suites phased out. The net result reduced housing options, a situation Saskatoon wanted to avoid.

Heating: The NBC recommendation against shared forced-air heating systems between separate dwelling units could also pose an obstacle for accessory suites. CMHC had suggested in its 1986 Flexible Use and Tenure Study Technical Report that either separate furnaces or electric baseboard heaters be used.

Plumbing: The NBC provided for the use of plastic piping if certain requirements were met, such as using firestops where pipes penetrate a fire separation. The project team did not consider this to be an obstacle in relation to accessory suites.

Sound transmission: The project team noted that sound transmission requirements tended to be overlooked for accessory suites in existing buildings.

Alarms: The project team found that fire code regulations were generally minimal for dwellings with fewer than four units, and related primarily to the installation of smoke detectors.

Public Concerns

The project team's research revealed several concerns residents had about accessory suites in their communities. In general, residents held concerns that property values could decrease.

Other specific concerns were noted regarding:

- Parking and traffic congestion
- Number of units per dwelling
- Exterior appearance of converted dwellings
- Impact on infrastructure
- Absentee landlords

Parking: The literature review indicated that concern about parking and congestion on streets often stemmed from a perceived rather than an actual problem. The project team identified two main issues for municipalities to consider:

- Should an accessory suite be required to meet the same parking requirements as other dwellings?
- Should it be required that parking spaces be located on the same site as the house?

The project team noted that most municipalities that allowed accessory suites required at least one off-street parking space per dwelling unit, a provision that helped to alleviate resident concerns.

Number of units per dwelling: Many municipalities specified a maximum number of units permitted per dwelling, with no more than four the usual maximum. Saskatoon had separate maximums for three of its residential districts: four units in "R(CON)" districts; two in "R2" areas; and four at City Council's discretion for "RM1" areas. A 1983 Ontario study on residential intensification had concluded that

constraints such as parking, unit size and density controls contributed to restricting the number of accessory suites per building. The project team suggested that, this being the case, it may be unnecessary for municipalities to specify maximums.

Exterior appearance: Exterior structural change was another issue that had arisen in several municipalities. Some municipalities regulated external changes to ensure that the single-family character of a dwelling (and its neighbourhood) was maintained. This generally meant locating an exterior entrance to the second unit at the side or rear of the building.

Infrastructure: The project team found that an increased burden on existing infrastructure was unlikely to occur as a result of accessory suites. In many municipalities, the average family size had declined considerably since the installation of infrastructure components designed to accommodate large families. As well, accessory suites were likely to be located in the older, core areas of many municipalities, and the population in these neighbourhoods had generally declined during the last 20 years.

The team also found that many accessory suite tenants did not have school-age children, nor did many first-time homebuyers who converted their homes into two units. The team concluded, therefore, that schools and playgrounds would not experience a significant increase in use, but intensification through accessory suites could result in additional demand placed on libraries and civic centres.

Absentee landlords: The project team found that there was some public concern that an absentee landlord might not take the same interest in maintaining the property in good condition as a homeowner living on the premises. Some municipalities, such as Vancouver, required the owner to occupy one of the units. Saskatoon did not have any such stipulations. The project team noted that occupancy restrictions were difficult to enforce.

2.2 Inspections

Inspection Guide

Based on the research, the project team developed an inspection guide (presented in the appendix) to assess the following items:

- Parking
- Exits
- Fire separations
- Ceiling height
- Stairway and landing safety—handrails, guardrails, headroom, and rise and run
- Size of windows
- Heating and ventilation systems
- Plumbing
- Smoke detectors
- Kitchen and bathroom flooring
- Bathroom door widths
- Fireplaces and woodburning stoves
- Fire extinguishers
- Exterior maintenance

Inspection Findings

Sixty-five units in 30 houses were inspected. Only one of the houses had a building permit (dating back to 1943) for the accessory suite. This qualified it as a legal non-conforming suite, while all of the others were illegal. Although tenants knew the conditions of their units were not ideal, they were not overly concerned with the shortcomings.

No significant correlation could be found between the number of suites in a house and the condition of the building. Also, no significant correlation could be found between whether or not the house was owner-occupied and the condition of the building. Off-street parking was provided in almost all cases. Ceiling heights generally were not considered a significant problem, although headroom in stairwells leading to basements was usually inadequate because of pipes or beams. Contrary to expectations, windows were found to be of adequate size in most cases, including in bedrooms. Few suites contained fireplaces or woodburning stoves; the fireplaces that did exist tended to be non-functional.

The inspections revealed five areas where conditions consistently failed to conform with the NBC: exits, fire separation between an accessory suite and the main unit, stairways, air venting and smoke detectors. This gave rise to several recommendations:

1. The City Planner shall use the guidelines set out in the NBC to decide on equivalencies for upgrading accessory suites.

2. A second means of exit should be installed, such as a fire escape. (Two exits were not present in most cases.)
3. Adequate fire separations should be provided between units, and holes in walls and gaps around plumbing fixtures should be repaired to maintain the integrity of fire separation.
4. Stairways should be provided with suitable handrails and guardrails; where possible, the rise and run of stairs and the headroom should be brought up to standard.
5. Air should not be vented from one dwelling unit to another.
6. Smoke detectors should be installed, either in the accessory suite or in common exit areas.
7. While not required in relation to the NBC, the installation of fire extinguishers should be seriously considered in relation to the National Fire Code.

Dwellings in Nutana and other "R2" districts were permitted to have two units, but of the 30 houses inspected, 18 had three or more units. Of the 18, six had five units and one had eight. Municipal regulations in effect from 1939 to 1959 permitted houses built prior to August 18, 1930 in a residential "A" district ("R2") to be converted to include up to four units, regardless of frontage and provided the exterior of the building was not altered. In 1959, the zoning by-law had been amended to permit such conversions only under special consideration. A zoning by-law

introduced in 1967 permitted a maximum of two units in converted dwellings.

Four alternatives were proposed to deal with zoning non-compliance:

- Permit a sub-zone in “R2” districts that would allow continued use of a multiple-unit dwelling, provided it was in existence prior to May 17, 1967
- Develop a new zoning district that would allow multiple units in houses with narrow site frontage
- Permit multiple-unit dwellings in an “R2” district as a discretionary use
- Re-zone sections of Nutana with homes that had existed for 30 years or more, and which had accessory suites, to “R(CON)”, (under which four units were permitted)

These proposals dealt specifically with existing suites, and were not proposed as policy for future accessory suites. The alternatives were examined by the project team and as part of Saskatoon’s broader planning and zoning by-law review mentioned previously in this case study—Plan Saskatoon.

After consideration, the City determined it needed to make a distinction between two-unit and multiple-unit dwellings. It recognized accessory suites as a unique form of rental unit in single-family dwellings, distinct from apartments. The City purposely chose the term “accessory suite” rather than “accessory apartment” to refer to second dwelling units. This distinction alleviated confusion among residents and landlords as well. By keeping the term “apartment” separate from “accessory suite,” the City found it

Nutana’s Infrastructure

In 1993, Saskatoon’s Engineering Department studied water services, the sanitary system, the storm sewer system and street pavement for Nutana. In general, while the infrastructure was old, it was considered to be in relatively good condition.

The water services for the area were installed in 1909. The cast iron piping used at the time had an increasing failure rate, which was expected to continue into the future. From its investigation, however, the Department concluded that the overall condition of the system appeared to be good. The sanitary system, also installed in 1909, likewise appeared to be fine, with only six percent of it in poor condition.

The storm sewer system rated poorly, but this was not considered a severe problem due to the overall flow pattern for the area. The structural capacity of the roadway was poor, but the surface condition was generally good.

could more readily communicate with the public on the two forms of housing.

2.3 Evaluation Procedure

The City’s Planning Department developed an evaluation procedure to address both code and zoning requirements for converted dwellings originally built prior to August 18, 1930. The Department designed the procedure to meet the following objectives:

- Permit equivalency decisions by the City Planner to ensure minimum health and safety standards are met
- Facilitate the continued use of a large portion of accessory suites created between 1939 and 1967

- Encourage owners to upgrade
- Encourage the elimination of accessory suites in buildings having more than four permitted units
- Enable the various regulatory departments (e.g. Fire, Community Health, and Planning and Building) to work jointly towards a common objective
- Provide a greater degree of certainty about the legal zoning status of accessory suites

Any health and safety shortcoming identified in an inspection would be addressed by the City Planner. The procedure for determining the legal zoning status of an accessory suite was established as presented in figure 1 on the following page.

2.4 Educational Materials

Prior to the final decision to use the term “accessory suites” rather than “accessory apartments,” the City produced a four-page brochure, a pamphlet and a 9-minute video, each entitled *Construction Standards for Accessory Apartments*.³ The purpose was to inform landlords and tenants of the requirements for compliance with regulations while reassuring them of the City’s interest in keeping secondary suites widely available.

The content for all three items was similar, covering the following points:

- Definition of “accessory suites”
- Objectives for upgrading existing accessory suites
- The historical presence of accessory suites in Saskatoon’s older neighbourhoods
- Identification of applicable regulations
- Code requirements typically not met in accessory suites surveyed in Nutana (fire escapes, common exit, fire separations, stairways, air venting, smoke alarms and fire extinguishers)
- Zoning requirements
- Description of Saskatoon’s evaluation procedure

The project coordinator met with the Saskatchewan Landlords’ Association to review requirements and the procedure for upgrading and legalizing Saskatoon’s accessory suites. The landlords expressed interest in the educational materials as a means of informing them and their tenants about health and safety measures typically deficient in accessory suites. The majority indicated their willingness to upgrade dwelling units, provided sufficient time was given to do so.

³ A copy of the video may be obtained on loan from the Canadian Housing Information Centre, 700 Montreal Road, Ottawa, Ontario, K1A 0P7, Tel: (613) 748-2367, Fax: (613) 748-4069, TTY: (613) 748-2143.

Figure 1. Procedure for Determining Legal Zoning Status

1. *In the determination as to whether a pre-1930 dwelling converted into a two, three or four-unit dwelling may or may not be classified as a legal non-conforming use, the examiner must determine or establish the following:*
 - a) *the building must have been constructed prior to August 18, 1930, where there have been no additions or enlargements except for purposes of entrances or exits;*
 - b) *not more than one suite shall be above the second storey;*
 - c) *the suites in the converted building must have been occupied as a residence prior to May 19, 1967, and continued to be occupied thereafter without interruption, and provided further, that if there was an interruption in occupancy of the dwelling unit(s), the interruption shall not have been for a period exceeding six months;*
 - d) *a building permit must have been issued for the conversion or, if no record of a building permit exists, the owner must now obtain valid building and plumbing permits and complete all necessary improvements in accordance with current building, plumbing and fire codes, as well as provide one off-street parking space for each dwelling unit. Required off-street parking spaces shall not be provided in the front yard.*
2. *In the determination as to whether an existing multiple-unit dwelling may or may not be classified as a legal non-conforming use in the former Residential B and C Districts, the examiner must determine or establish the following:*
 - a) *the building must have been constructed prior to August 18, 1930 and used as a multiple-unit dwelling thereafter without interruption, and provided further that if there was an interruption in occupancy of the dwelling unit(s), the interruption in occupancy shall not have been for a period exceeding six months; or*
 - b) *the building must have been constructed prior to May 19, 1967, in accordance with the issuance of a valid building and plumbing permit, and used as multiple-unit dwelling thereafter without interruption, and provided further that if there was an interruption in occupancy of the dwelling unit(s), the interruption in occupancy shall not have been for a period exceeding six months.*

In the case of converted or multiple-unit dwellings constructed in accordance with a valid building permit, upgrading of the units to current building code requirements is not required. Any additional units created within these buildings without a valid building permit may require upgrading to meet current code requirements.

Source: Planning Department, City of Saskatoon

2.5 Municipal By-laws

The City of Saskatoon concluded that its 1967 zoning by-law, which set a limit of two dwellings per house, would continue to set the standard for accessory-suite development. Determining that units in three- and four-unit houses would not be considered accessory suites, the City deemed these multiple-unit dwellings to be subject to the same regulations as apartment buildings. Any problems would be dealt with on the basis of complaints received, or building permit reviews.

Subsequent to the completion of the A•C•T project, the City of Saskatoon was considering an ongoing educational

program that would ensure that apartment building tenants and owners would know what was acceptable to meet health and safety requirements.

The re-organized Planning and Building Department was considering a new set of guidelines specific to accessory suites. These guidelines would allow greater flexibility in evaluating and approving existing units and future development.

The City also implemented a Property Maintenance and Occupancy By-law to ensure unsafe conditions in buildings would be addressed. The By-law was to be administered by two of the municipality's departments, Fire Services and Health.

3.0 PROJECT BACKGROUND

3.1 Accessory Suites

Accessory suites are small, self-contained dwelling units introduced into existing housing originally planned for single families. They operate independently of their principal units, although utilities are supplied by the main unit except for telephone services. The suites differ from boarding houses primarily because they contain their own kitchen facilities.

During the depression of the 1930s, accessory suites were encouraged as a means of obtaining rental income to meet mortgage payments. In many instances, more than one unit was added, in effect converting some single-family dwellings into small apartment buildings. Many accessory suites also appeared during and immediately following the Second World War, due to a slump in residential construction at the time. The next phase in their popularity occurred in the 1970s and 1980s, when baby boomers reached adulthood and wanted inexpensive rental accommodation before becoming homeowners.

Households with low and fixed incomes, including students, young working adults, single parents and seniors, for example, are especially interested in accessory suite accommodation. Accessory suites have often been created under the following circumstances:

- Parents create a suite for an adult child who has returned home, particularly if that person is a single parent
- Young couples create a suite to earn rental income to help with mortgage payments

- Seniors create suites because they wish to continue living in their home, while reducing the burden of maintaining an entire residence (a senior may choose to live in the accessory suite and rent out the main dwelling unit)

Less commonly, a non-resident landlord creates an accessory suite to generate more income.

Demand for accessory suites has often been high near universities, hospitals and areas traditionally housing new immigrants, migrants and low-income earners. Accessory suites in Saskatoon are a particularly important housing source for university and community college students, who prefer to live in the older neighbourhoods adjacent to Saskatoon's educational centres.

Rents for accessory suites are usually lower than for similar accommodation in apartment buildings. A 1990 study by CMHC found that rents for secondary suites in Vancouver averaged \$100 less per month than rents in multi-family apartment blocks. A similar 1992 CMHC study in St. John's found rents in apartment blocks to be 21 percent higher for one-bedroom units, and 31 percent higher for two-bedroom units, than for accessory suites.

3.2 Saskatoon's Residential Zones

In a 1978 study of the municipality's core areas, it was estimated that Saskatoon had an 80- to 90-year supply of land zoned for apartment construction. Residents in the

city's core areas expressed concern about the substantial increase in apartment construction and the long-term impact on the stability and viability of their neighbourhoods. It was consequently recommended in the 1978 study to decrease the amount of land available for apartment construction by 60 percent. This still gave Saskatoon a 20- to 30-year supply, and it preserved the low-density character of the city's core neighbourhoods.

The City created two new zones in 1978, "R(CON)" and "RM1," to allow some redevelopment while retaining the original character of the neighbourhood. "R(CON)" accommodates dwellings that have been converted to a maximum of four units. "RM1" also allows converted dwellings as in "R(CON)," but only as a discretionary use for lots less than 15 m wide, not as a permitted use. Two-unit

dwellings are allowed in all residential zones in Saskatoon, except "R1," "R1A," "R2A" and "R2B."

In the early 1990s, some areas of Nutana were changed from "R(CON)" and "RM1" status to "R2" (allowing two units per house), to bring the zoning districts into conformity with the municipality's land use policies set out in its Development Plan. During a 1990 review of the Nutana neighbourhood's needs, the community had expressed preference for maintaining the low density of the neighbourhood and permitting only one- and two-unit dwellings. Very little development had occurred that took advantage of the four-unit maximum density permitted in "R(CON)" and "RM1" areas. Changing some areas to "R2" status met community interests and did not affect the type of development that had been taking place (i.e. accessory suites).

4.0 REGULATORY REFORM INITIATIVES AND IMPACT ON HOUSING COST, CHOICE AND QUALITY

Accessory suites have met an important housing need in Saskatoon's older neighbourhoods for more than five decades. At the time of this study, however, the majority of units inspected fell short of meeting NBC recommendations in a number of areas. In addition, almost two thirds of the houses exceeded the maximum number of two units allowed in "R2" zones, which included the Nutana neighbourhood study area. Close to one quarter of the houses contained more than four units. The A•C•T project resulted in Saskatoon's decision to make a clear distinction between multiple-unit dwellings and single-family houses with an accessory suite. The City proceeded to ensure that the regulations addressing these two housing forms would reflect this distinction.

Regardless of the number of units in a house, all units must meet minimum acceptable levels of health and safety, and tenants and owners need to be aware of health and safety concerns. Saskatoon's implementation of its new Property Maintenance and Occupancy By-law makes compliance with public health and safety a priority for any dwelling unit, regardless of other regulations.

The Planning and Building Department will address zoning and building code concerns with respect to any non-complying dwellings under review.

Any new guidelines developed by the Department that are specific to accessory suites will be incorporated into the City's ongoing review of policy and zoning under its Plan Saskatoon project.

The receptiveness of owners and tenants to the project indicated that Saskatoon was successful in meeting its goal:

- To ensure minimum health and safety standards and legal zoning status are met for accessory suites while encouraging and facilitating their continued existence

Landlords were willing to upgrade their dwelling units, provided sufficient time was given to do so. They thought that the educational materials that were developed through the A•C•T project were informative, and that the materials would be helpful in informing tenants about health and safety measures typically deficient in accessory suites.

As a result of the A•C•T project, Saskatoon's Planning and Building Department gained a better understanding of the issues affecting the availability of accessory suites. The Department proceeded to work on standards, practices and procedures to address distinctions between accessory suites and multi-unit apartment buildings. Its aim is to ensure both types of dwellings continue to be available as safe and affordable housing options.

APPENDIX

APPENDIX: INSPECTION GUIDE

CONSTRUCTION STANDARDS FOR ACCESSORY APARTMENTS INSPECTION GUIDE

Name of Occupant	Inspection Date	
Building Address	Telephone	
Name of Contact Person	Contact Telephone	
Zoning District	Number of Rental Units	
Approval Given	Type of Approval	
Year of Conversion	Frontage	Site Area

	Yes	No	Don't Know		Yes	No	Don't Know
1. Is off-street parking provided? If yes, how many off-street parking spaces are in: i) side yard ii) rear yard iii) front yard iv) attached garage v) detached garage				7. Is the window size at least 5% of floor area in bedroom?			
2. Do the units have one of the following? *(9.9.8) i) one separate exit at grade level ii) one common & one separate exit iii) two common exits If no, please explain.				8. Does the bedroom window have the following? (9.7.12., 9.7.1.3., Table 9.7.1.A) - unobstructed glazed area of at least .35m ² ? - width and height of at least 380mm?			
3. Is the common exit separate from dwelling units by 3/4 hr fire separation? (9.9.4.2) % of separation _____				9. Is a 3/4 hr fire separation used to separate one dwelling unit from another? (9.10.9.14)			
4. Are exits maintained in good repair and free of obstruction?				10. Is air vented from one dwelling unit to another? (6.2.3.11)			
5. Is the ceiling height at least 2.3m? (9.5.2 Table 9.5.2.A) If no, what height?				11. Is the furnace sufficient to heat all dwelling units?			
6. Is the window size at least 10% of floor area in living and dining room? (9.7.1.2 Table 9.7.1.A)				12. Is there separate heat controls for each accessory apartment?			

* Pertinent 1990 National Building Code sections are in brackets.

	Yes	No	Don't Know		Yes	No	Don't Know
13. Is the furnace serviced regularly?				20. Is the flooring water resistant and continuous in kitchen and bathroom?			
14. Are the stairways & landings equipped with suitable handrails/guardrails?				21. Does at least one bathroom door have a width of 760mm? (9.6.3.3)			
15. Is the plumbing in good repair and functional?				22. Is the fireplace or wood burning stove in safe working condition?			
16. Are plastic pipes used for the plumbing system? (9.10.9.7) If yes, - are firestops (cements) used on pipe where pipe penetrates the fire separation on both sides of fire separation? - is plastic pipe used on one side of vertical or horizontal fire separation?				23. Are baseboard and space heaters used in a safe and proper manner?			
17. Smoke detectors (9.10.18) i) are they installed in each suite? ii) are they installed properly and operating? iii) are they tested on a regular basis? iv) are they installed in common exits?				24. Are portable fire extinguishers provided?			
18. Is there an exhaust fan in a windowless bathroom?				25. Is the area around all buildings clear of rubbish, abandoned vehicles, long grass or under growth?			
19. Are bathroom fixtures in good repair?				26. Is the house and yard maintained in a similar manner to other dwellings in the immediate area?			

