OFFICE CONSOLIDATION

BYLAW NUMBER 11M2018

BEING A BYLAW OF THE CITY OF CALGARY
TO ESTABLISH A REGISTRY OF SECONDARY SUITES AND BACKYARD SUITES

(Amended by 32M2018)

WHEREAS pursuant to section 7 of the Municipal Government Act, R.S.A. 2000, c. M-26, The City of Calgary may pass bylaws respecting:

(a) the safety, health and welfare of people and the protection of people and property; and

(b) the enforcement of bylaws made under the Municipal Government Act or any other enactment;

AND WHEREAS the Safety Codes Act, R.S.A. 2000, c. S-1, and the safety codes established pursuant to the Act establish minimum requirements for life safety for buildings in Alberta;

AND WHEREAS the Land Use Bylaw 1P2007 regulates the use and development of land and buildings in Calgary;

AND WHEREAS there are prominent technical components required by the safety codes and the Land Use Bylaw which are unique to secondary suites and backyard suites;

AND WHEREAS it is desirable to establish a registry of legal and safe secondary suites and backyard suites to help citizens verify if a suite has been approved and inspected by The City under the safety codes and the Land Use Bylaw at the time of its approval;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

SHORT TITLE

1. This Bylaw may be cited as the “Suite Registry Bylaw”.

DEFINITIONS AND INTERPRETATION

2. (1) In this Bylaw:

(a) “backyard suite” has the meaning as set out in the Land Use Bylaw 1P2007;

(b) “Chief Building Official” means the City Manager or the City Manager’s delegate;
(c) “officer” means a person appointed pursuant to Bylaw 60M86 to enforce the provisions of this Bylaw and other bylaws of The City of Calgary;

(d) “owner” means the person shown as the owner on the land title for a parcel;

(e) “parcel” has the meaning as set out in the Land Use Bylaw 1P2007;

(f) “secondary suite” has the meaning as set out in the Land Use Bylaw 1P2007;

(g) “suite” means a backyard suite or a secondary suite;

(h) “Suite Registry” or “Registry” means the record of suites established by this Bylaw and maintained by the Chief Building Official.

(2) All schedules attached to this Bylaw form part of this Bylaw.

(3) Headings or sub-headings are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.

(4) Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference is to the act, regulation, code or other bylaw as amended, whether amended before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.

(5) Each provision of this Bylaw is independent of all other provisions and if any provision is declared invalid for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.

(6) Nothing in this Bylaw relieves a person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or licence.

**ESTABLISHMENT OF REGISTRY**

3. (1) The Suite Registry is hereby established and shall be comprised of:

   (a) a list of all parcels on which a suite that satisfies the requirements of section 5 is located; and

   (b) any other information relating to a suite that the Chief Building Official deems necessary.

(2) The Chief Building Official shall maintain the Suite Registry.

(3) The Chief Building Official shall publish on the City’s website a list of the municipal addresses of all parcels listed in the Suite Registry.
APPLICATION FOR REGISTRATION OF A SUITE

4. (1) The owner of a parcel on which a suite is located must register the suite with the Chief Building Official.

(2) In order to register a suite, the owner must submit to the Chief Building Official:

(a) the following information, in the form prescribed by the Chief Building Official:

(i) the address of the parcel on which the suite is located;

(ii) the address, telephone number and email address of the owner; and

(iii) any other information the Chief Building Official may reasonably require;

and

(b) a fee in the amount of $232.

(3) If there is a change in any of the information submitted pursuant to subsection (2), the owner must notify the Chief Building Official within 30 days.

(4) An owner, when submitting information or notifying of a change in information pursuant to subsections (2) or (3), must not provide false or misleading information to the Chief Building Official.

REGISTRATION OF A SUITE

5. (1) The Chief Building Official, upon receiving the information and the fee set out in subsection 4(2) and being satisfied that:

(a) both:

(i) a development permit has been released; and

(ii) a development completion permit has been issued;

for the suite, where such permits are required pursuant to the Land Use Bylaw 1P2007 or any previous land use bylaw;

and

(b) both:

(i) a building permit has been issued; and

(ii) an occupancy permit or written permission for occupancy has been issued;
for the building that contains the suite, pursuant to the Building Permit Bylaw 64M94 or any previous building permit bylaw;

must enter the suite on the Registry.

(2) Despite subsection (1)(a), the Chief Building Official may enter a suite on the Registry if a development permit or development completion permit has not been released or issued for the suite if the Chief Building Official determines that the suite is a non-conforming use pursuant to section 643 of the Municipal Government Act, R.S.A. 2000, c.M-26.

RENEWAL OF REGISTRATION

5.1 (1) The owner of a parcel on which registered suite is located must renew the registration no later than 5 years from the date the suite was last registered.

(2) In order to renew the registration of the suite, the owner must submit to the Chief Building Official a fee in the amount of $116.

(3) The Chief Building Official must remove from the Registry a suite for which the registration has not been renewed within 5 years from the date the suite was last registered.

PROOF OF REGISTRATION

6. (1) The owner of a parcel on which a registered suite is located must display proof of registration in a form and manner prescribed by the Chief Building Official.

(2) A person must not display or permit the display of proof of registration on a suite or otherwise represent that a suite has been registered unless the suite has been registered with the Chief Building Official.

REMOVAL FROM REGISTRY

7. (1) The Chief Building Official may remove a suite from the Registry if:

(a) the Chief Building Official becomes aware that a registered suite no longer satisfies the requirements set out in section 5;

(b) the registration was based on mistaken, false or incorrect information; or

(c) the registration was made in error.

(2) Upon removing a suite from the Registry pursuant to subsection (1), the Chief Building Official must notify the owner of the parcel on which the suite is located of the removal.
REMOVAL OF SUITE

8. (1) If a registered suite is removed from a parcel, the owner of the parcel must notify the Chief Building Official within 30 days.

(2) Upon receiving notice pursuant to subsection (1), the Chief Building Official must remove the suite from the Registry.

PROHIBITION

9. A person must not advertise for rent or otherwise offer for profit to a prospective occupant an unregistered suite.

OFFENCES

10. Any person who contravenes any provision of this Bylaw by doing any act or thing which the person is prohibited from doing, or by failing to do any act or thing the person is required to do, is guilty of an offence pursuant to this Bylaw.

ENFORCEMENT

11. (1) Where an officer believes that a person has contravened any provision of this Bylaw, the officer may commence proceedings against the person by issuing a violation ticket in accordance with the Provincial Offences Procedure Act, R.S.A. 2000, c. P-34.

(2) This section shall not prevent an officer from issuing a violation ticket requiring a court appearance of the defendant pursuant to the Provincial Offences Procedures Act or from laying an information instead of issuing a violation ticket.

PENALTY

12. (1) Where there is a specified penalty listed for an offence in Schedule A to this Bylaw, that amount is the specified penalty for the offence.

(2) Where there is a minimum penalty listed for an offence in Schedule A to this Bylaw, that amount is the minimum penalty for the offence.

(3) In this section, “specified penalty” means an amount that can be paid by a person who is issued a violation ticket and is authorized to make a voluntary payment without a Court appearance.
COMING INTO FORCE

13. This bylaw comes into force on June 1, 2018.

READ A FIRST TIME THIS 12TH DAY OF MARCH 12 2018.
READ A SECOND TIME THIS 12TH DAY OF MARCH 12 2018.
READ A THIRD TIME THIS 12TH DAY OF MARCH 12 2018.

(Sgd.) N. Nenshi
MAYOR

(Sgd.) B. Hilford
ACTING CITY CLERK
## SCHEDULE A

### PENALTIES

<table>
<thead>
<tr>
<th>Section</th>
<th>Description of Offence</th>
<th>Minimum Penalty</th>
<th>Specified Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>4(1)</td>
<td>Fail to register <em>suite</em></td>
<td>$200</td>
<td>$1000</td>
</tr>
<tr>
<td>4(3)</td>
<td>Fail to advise of change in information</td>
<td>$200</td>
<td>$400</td>
</tr>
<tr>
<td>4(4)</td>
<td>Provide false or misleading information</td>
<td>$500</td>
<td>$1000</td>
</tr>
<tr>
<td>6(1)</td>
<td>Fail to display proof of registration</td>
<td>$200</td>
<td>$400</td>
</tr>
<tr>
<td>6(2)</td>
<td>Identify or represent unregistered <em>suite</em> as registered</td>
<td>$500</td>
<td>$1000</td>
</tr>
<tr>
<td>9</td>
<td>Advertise or offer unregistered <em>suite</em></td>
<td>$500</td>
<td>$1000</td>
</tr>
</tbody>
</table>