



## *The Corporation of the District of Central Saanich*

### **Second Dwelling Enforcement Policy**

#### **Scope**

This policy deals with the enforcement of the Land Use Bylaw, the Building Code and the Building Bylaw in relation to unlawful second dwelling units in accessory buildings.

#### **Investigations**

District staff may conduct an investigation to determine whether there are violations of the Land Use Bylaw, the Building Code or the Building Bylaw related to an unauthorized second dwelling on the basis of and in the following order of priority:

1. Information received from municipal staff regarding a second dwelling that was observed while performing other duties as municipal employees, or information received from law enforcement agencies;
2. A written complaint from a member of the public who resides within 300 metres of the property that is the subject of the complaint; or
3. A written complaint from a member of the public who resides more than 300 metres from the property that is the subject of the complaint.

#### **Criteria for Enforcement Action**

In the case of one or more unauthorized additional dwellings in one or more separate buildings, the Land Use Bylaw, Building Code and Building Bylaw will be enforced.

#### **Enforcement Measures**

When voluntary compliance cannot be achieved, the Chief Building Inspector will prepare a report to Council recommending that:

1. a notice be placed on title to the property under s.57 of the *Community Charter*, and if required,
2. the Council adopt a resolution pursuant to s.72 and s.73 of the *Community Charter* requiring the owner to undertake work to alter the building such that it is in compliance with the Land Use Bylaw, the Building Code and the Building Bylaw, and providing that on the owner's failure to do so the District may, after a date specified in the report, enter on the property, undertake the work on the owner's behalf and add the cost of doing so to the taxes on the property. The date specified will allow for notice to any tenants affected in accordance with the *Residential Tenancy Act* and a reasonable subsequent period to perform the work; or

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3. the Council adopt a resolution authorizing District staff to initiate enforcement action, through the direction of the municipal solicitor, to seek a court injunction in order to bring the building into compliance with the Land Use Bylaw, the Building Code and the Building Bylaw.

Bringing a building into compliance will ordinarily include removing all building elements and fixtures that make a particular building or portion of a building a “dwelling unit” under the Land Use Bylaw definition, and removing all building alterations that have been undertaken without permits.