

Planning, Property & Buildings Department Policy & Procedure

Policy: Owner Occupancy Requirement For Secondary Suites and Boarding Houses Policy

Subject: Signing the owner occupancy affidavit when applying for a building permit for either a secondary suite or a boarding house.

Covers: Planning, Property & Buildings Department

Effective: 08/15/2013

Purpose: The purpose of this Policy is to confirm all secondary suites and boarding houses will be owner occupied. This Policy establishes the framework for implementing the owner occupancy requirement for both secondary suites and boarding houses by ensuring that the owner is readily available to maintain and manage the property. Prior to issuance of any permits for secondary suites and boarding houses, the applicant must demonstrate that a secondary suite or a boarding house is owner occupied in accordance with both the City of Brandon Zoning By-law and the City of Brandon Building By-law. The City of Brandon Building By-law further regulates the owner occupancy requirement through Part I: Application and Definitions 2. (10) and Part III Division IV: Permits, Subdivision II: Condition of Permit of the City of Brandon Building By-law.

*Where there is any conflict between the policies and procedures adopted by the City of Brandon and the policies and procedures set forth in a collect agreement adopted by the City of Brandon, or policies and procedures set forth in a statute of the Provincial or Federal Government, the collective agreement of the Provincial or Federal statute shall supersede such other policies or procedures.

Policy:

1. The property owner or successor will be required to sign the owner occupancy affidavit when applying for a building permit for either a secondary suite or a boarding house.
2. The building permit application shall include a Status of Title issued by Brandon Land Titles Office no later than 30 days before the date of the application.
3. The application may still be accepted without a signed owner occupancy affidavit; but no review will be conducted by a building inspector until the signed owner occupancy affidavit has been submitted.
4. The affidavit shall be signed in front of a Commissioner for Oaths or a Notary Public.
5. The assigned planner must notify the City of Brandon Fire & Emergency Services upon issuance of a permit for either a secondary suite or a boarding house, in order for the department to add the property to their maintenance inspection schedule.
6. The applicant must be instructed of the requirement to post a copy of the Certificate of Occupancy and a copy of the floor plan in a plainly visible area inside the secondary suite or the boarding house.
7. A complaint based system will be applied to monitor compliance with the owner occupancy requirement for both the secondary suites and the boarding houses.

Procedures/Responsibilities**Employees**

- Administration is responsible for ensuring that the application is complete.
- Administration will create a new work class in CityView to record those properties that have a corresponding signed owner occupancy affidavit.
- Planners are responsible for explaining the procedure and the requirements to the applicant at the time of applying for the building permit.
- Planner assigned to permit is responsible for notifying the Administration if an application requires an owner occupancy affidavit, and to ensure that the owner occupancy requirement will be recorded in the new owner occupancy work class in CityView.
- Planners will ensure that the application meets all the Zoning By-law requirements.
- Building inspectors will ensure that the application meets all the Building Code requirements.
- Planner assigned to permit is responsible for notifying the City of Brandon Fire & Emergency Services to add the property with a secondary suite or a boarding house to their maintenance inspection schedule.

Supervisors

- Ensure all employees are aware of the Owner Occupancy Requirement for Secondary Suits and Boarding Houses Policy.
- Ensure the consistent application of this Policy.
- Support employees in executing this Policy.

- Monitor the Policy and make changes to the Policy as necessary in order to improve upon process efficiency.

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Authorized by: Louisa Garbo

Director

Planning & Building Safety Department