



Secondary & Backyard Suites

A note on Secondary Suite Reform

On March 12, 2018, City Council voted to adopt a bylaw that would allow legal secondary and backyard suites as a discretionary use in RC-1 type districts like ours. By the City's own definition, this changed our district from allowing one dwelling unit to two on the same lot, under the same title.

The new approval process is in line with the approval process currently in place to review infill development (i.e., your neighbour's new house). An application for development permit (DP), submitted to the City by the owner, is reviewed by the City for compliance with the Land Use Bylaws rules, may be considered for relaxations, is notice-posted on site, and circulated to the community association for comment.

Affected parties (e.g. neighbours the Community Association) have the right to appeal the DP decision at the Calgary Subdivision and Development Appeal Board. The position of the Elboya Heights- Britannia Community Association, after legal advice, was that caveats with specific wording, like those registered on title on most lots in Britannia and some lots in Elboya, preclude secondary and backyard suites.

There is recent legal precedent for our position. (Deagle v 1678452 Alberta Ltd 2013) Owners considering a secondary or backyard suite should review any Caveats/Restrictive Caveats registered on their titles in order to determine if onw would be allowed, before applying to the City for a DP.

All residents are cautioned to be on the alert for notice postings of applications for secondary suites on neighbouring properties and are advised to object to the City if they have concerns. Backyard suites are particularly problematic as they overlook neighbour's yards, resulting in loss of privacy, noise, shading, removal of mature trees, lane access for parking, extra

garbage bins and impacts on drainage due to slope changes, as well as reduction in permeable surfaces. The EHBCA undertook an online survey of members to gauge opinions toward the change and found that a clear majority were in opposition.

Legal and secondary backyard suites

A legal secondary or backyard suite must contain 2 or more rooms designed to be used as a residence by one or more persons, have kitchen, living, sleeping and sanitary facilities, and have 1 motor vehicle parking stall on the parcel (i.e. in a garage or parking pad on the lot). It must meet all the building codes for safety and construction and have passed inspection. Secondary and backyard suites do not have a separate titles and cannot be sold independently of the main home. They can be rented out, owner-occupied, or occupied by other person(s) like a family member or care giver. They can be operated as a bed and breakfast if owner-occupied, providing a discretionary DP for this is obtained.

A secondary suite is self-contained anywhere within the main home (often the basement) but secondary to it (smaller). A backyard suite must be smaller than the main house and contained on a detached building behind the front façade of the main residential building. Examples are a suite located above a garage or a separate "laneway" house.