

CITY OF SURREY

BY-LAW NO. 17356

A by-law to establish a fee payable by the owners and occupiers of real properties within the City of Surrey that contain secondary suites.

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As amended by By-law No. 17407, 06/13/11; 17575, 02/06/12; 17841, 12/17/12; 18073, 10/07/13; 18134, 01/13/14; 18393, 02/02/15; 18577, 03/07/16; 18929, 11/21/16; 18969, 12/19/16; 19438, 12/18/17; 19723, 12/19/2018

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WHEREAS pursuant to the *Community Charter*, Council may by by-law establish a fee in relation to properties that contain secondary suites;

AND WHEREAS Council is desirous of setting fees to defray the cost of City services, including infrastructure, incurred as a result of additional demand for City services and use of municipal property generated by secondary suites;

AND WHEREAS pursuant to Section 194 of the *Community Charter*, Council may impose fees in respect of services provided by the municipality and for the use of municipal property;

NOW, THEREFORE, the City Council of the City of Surrey, in open meeting assembled, ENACTS AS FOLLOWS:

1. Definitions:

- (a) "Building" and "Dwelling Unit" shall have the meanings provided for them in "Surrey Zoning By-law, 1993, No. 12000".
- (b) "*Community Charter*" means the *Community Charter*, S.B.C. 2003, c.26, as may be amended or replaced from time to time.
- (c) "Secondary Suite" means each dwelling unit in excess of one located within a single family dwelling.
- (d) "Single Family Dwelling" means a building used for residential purposes that consists of one dwelling unit and may contain one or more secondary suites, whether or not the secondary suite is permitted under "Surrey Zoning By-law, 1993, No. 12000".

- 1.1 An owner of real property that contains one or more secondary suites shall notify the City in the form and manner established by the Collector, of the existence of each secondary suite on the property.
2. An annual fee shall be payable by the owners or occupiers of real property that contain one or more secondary suites to defray the cost of City services, including infrastructure, and incurred as a result of additional demand for City services and use of municipal property generated by secondary suites.
3. The amount of the secondary suite service fee payable under Section 2 of this By-law shall be \$607.75 per unit.
- 3.1 Effective February 1, 2014, where a secondary suite has been installed on any land or premises without the notification to the City required under Section 1.1, a penalty fee of one thousand dollars (\$1,000.00) per secondary suite will be added to the secondary suite service fees levied against the property under this By-law. This penalty fee shall form a charge upon the lands on which the secondary suite is located and may be recovered in the same manner and by the same means as overdue taxes. Any amounts remaining unpaid on December 31 in any year will be added to the property tax levy of the property upon which the secondary suite is located and will be subject to the same interest rate and collection process as overdue property taxes as legislated in the *Community Charter*.
4. The secondary suite service fees imposed by this By-law shall be payable in advance on the 1st day of January in each year and subject to a penalty of five per centum (5%) if paid after July 2<sup>nd</sup> and subject to an additional penalty of five per centum (5%) if paid after September 2<sup>nd</sup>.
5. All accounts for secondary suite service fees imposed under this By-law shall be due and payable at the office of the Collector at the City Hall in the City of Surrey, or payable to such other person or persons who may be authorized by the Council, from time to time, to receive payments on behalf of the City.
6. The secondary suite service fees imposed under this By-law shall form a charge upon the lands on which the secondary suite is located and may be recovered in the same manner and by the same means as overdue taxes. Any amounts remaining unpaid on December 31 in any year will be added to the property tax levy of the property upon which the secondary suite is located and will be subject to the same interest rate and collection process as overdue property taxes as legislated in the *Community Charter*.
7. No repayment for any secondary suite service fee shall prevent the amount of any increase being charged to and collected from any owner or occupier of any real property containing a secondary suite.

- 8.0 Where a secondary suite is identified on any land or premises after the first day of January in any year and the secondary suite is permitted by the applicable zoning, the fees pursuant to this By-law shall be calculated as follows:
- (a) For newly constructed premises or dwelling units, the fee for that year shall apply six months from the date of issuance for the building permit and the full annual fee according to Section 3 of this Bylaw shall be prorated by the number of days in the full months remaining in the calendar year in which service starts.
  - (b) In the case of a parcel of land or premises to which the fee is determined applicable during the year, the fee for that year shall apply from the date service is determined and the full annual fee according to Section 3 of this Bylaw shall be prorated by the number of days in the full months remaining in the calendar year in which service starts.
- 8.1 Where a secondary suite is identified on any land or premises after the first day of January in any year and the secondary suite is not permitted by the applicable zoning, the full amount of the annual fee in Section 3 shall be imposed for that secondary suite.
- 8.2 Where a secondary suite is removed from any land or premises after the first day of January in any year, the fees pursuant to this By-law shall be adjusted as follows:
- (a) If the secondary suite was permitted by the applicable zoning, the fee for that calendar year shall be reduced by an amount prorated by the number of days in the full months remaining in the calendar year after the removal is confirmed by the City.
  - (b) If the secondary suite was not permitted by the applicable zoning, the fee for that calendar year shall not be reduced.
9. For the purpose of billing and collecting of the secondary suite service fees fixed by this By-law, the Collector is authorized to include the fees with the annual property tax bill provided by the City, subject to the dates fixed by the Council for payment of annual property taxes coinciding with the dates for payment fixed by this By-law.
10. Where a billing for a secondary suite service fee is included with any billing for another service provided by the City, all payments received on account of the joint billing shall be applied by the Collector to the services included in the joint billing in proportion to the respective amounts of the secondary suite service fees pursuant to this By-law and the other charges or rates included in the joint billing.
11. Where a penalty addition is applied to any outstanding amount of the total of any joint billing, the penalty addition shall be applied in proportion to the respective amounts of the outstanding secondary suite service fees pursuant to this By-law and the other charges or rates included in the joint billing.

12. The secondary suite service fees levied on a property do not in any way legalize the use of land and premises which might be in breach of other City by-laws. In levying the service fees, no determination of compliance with other City by-laws has been made by the City and should the use of land and premises breach any of its by-laws now or in the future, the City reserves the right to enforce those by-laws in accordance with their conditions.
13. The General Manager, Planning and Development for the City, or designate, shall have the right of entry into any building or premises within the City of Surrey at any reasonable time for the purposes of determining the number and factual existence of dwelling units and secondary suites in the building or premises.
14. If a portion of this By-law is found invalid by a court, it will be severed and the remainder of the By-law will remain in effect.
15. This By-law may be cited for all purposes as "Surrey Secondary Suite Service Fee By-law, 2011, No. 17356."

PASSED THREE READINGS by the City Council on the 25th day of January, 2011.

RECONSIDERED AND FINALLY ADOPTED, signed by the Mayor and Clerk, and sealed with the Corporate Seal on the 7th day of February, 2011.

\_\_\_\_\_ MAYOR

\_\_\_\_\_ CLERK