

Second suite owners could face fines if apartments aren't up to code

As housing affordability and availability continue to be a challenge, secondary suites like basement apartments need to be kept up to snuff.

This was the decision of Council last week, which approved a motion from Councillor Wendy Gaertner calling for existing bylaws on these dwellings be given 'more teeth' to protect tenants.

The motion calls for the bylaw to be updated for safety reasons, including ensuring a house has a working hard-wired fire alarm system and a second means of emergency escape.

Property owners who block inspectors from accessing the secondary suites should also face fines, Councillor Gaertner suggested.

'It is very clear that a second unit is not allowed in a house unless it has been inspected by the Building Department and that inspection is in place to ensure safety as required by Building and Fire codes,' said Councillor Gaertner. 'Once that is confirmed by staff, the secondary dwelling is registered. As it exists now, we have hundreds of these second units in Town that are not registered and, therefore, are not inspected for safety. With the cost of housing and the deficit of rental units, I think it is reasonable to expect that Aurora will see an increase in this type of housing. The motion I put forward is meant to address the existing units that have been recorded by the public to the Building Department and the outstanding building permits for second suites.'

'Key to this is the ability for building inspectors to gain entry into a home, into a second suite, to check on safety features and, in particular, the most important one is a second way to get out of the dwelling in case of fire and to ensure that the fire alarm was hard-wired so that if there is a fire in the upper floor that the lower floor, the basement unit is notified of the fire.'

But the reality is, she says, is sometimes building inspectors are denied entry, a situation she described as 'problematic.' To address this, the Town needs to 'send a notice to the owner of a house that an inspection is required, including a timeline in which the house must be inspected and I don't think this is being done right now.'

The second option in ensuring access is a monetary penalty.

'If an inspection is refused by the homeowner, what recourse do we have at the moment? We need to put teeth in it. There needs to be a financial implication if the owners just don't allow entry to check for safety.'

Council members were generally supportive of the motion, but questioned what was already on the books.

Councillor Rachel Gilliland, for instance, asked how this will impact secondary suites that are not on the Town's radar.

'If someone was to suspect there was a secondary suite and yet it wasn't registered, as far as having sufficient evidence to do an inspection that we're required to have entry or gain entry? if [this motion] dealing with something that is known in the public but might not be registered, how is this motion going to help you gain any entry if you're going to have challenges getting any proof?'

Techa van Leeuwen, the Town's Director of Building & Bylaw Services, said you need to have the permission of the tenant or property owner to enter, but there is also the option of seeking a search warrant if there is evidence.

'We would have to collect evidence,' she said. 'It could be witness statements that are observing people living there, or other evidence that would then be submitted to the courts and a Justice of the Peace would approve the search warrant. It's quite a lengthy process and can require a lot of documentation to support that search warrant.'

Added Councillor Michael Thompson: 'I am supportive of the idea of bringing it forward and having a fulsome conversation around

updating it to ensure the tools and resources that are necessary so staff can ensure the safety of these types of suites and/or identify them and remedy them should they be necessary.?

Should new measures come to pass, Councillor Gaertner says the idea is to get in touch with the homeowners and given them notice of entry along with a timeline ?of a few weeks.?

?The chances of the inspectors going in to check for safety improve, but what will really improve is if we put in penalties if the homeowners do not allow our inspectors to come in,? she said. ?There are many second suites in Aurora, it's impossible to try and go to every second suite and check them for safety, therefore we do go to the ones where neighbours have complained and usually it is quite easy to see if there is a second way.

?We need to put some teeth into this. It is going to become an increasing problem.?

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