

COUNCIL POLICY C026

13 - Planning & Development

Temporary Accessory Dwellings in ALR

Effective Date: September 13, 1994
Last Revised:

1. Policy Statement

To establish a policy standard for properties in the Agricultural Land Reserve (ALR) with an existing single-family dwelling and where construction of a new single-family dwelling is planned.

2. Purpose

When a property owner wishes to retain an existing single-family dwelling during construction of a new single family dwelling in the ALR, this policy clearly directs City expectations in these situations.

3. Scope

This policy applies to properties in the ALR with an existing single-family dwelling.

4. Exclusions

This policy does not cover properties in the ALR that have received appropriate approval from the Agricultural Land Commission and the City to have a permanent, secondary dwelling.

5. Policy

The City permits existing single-family dwellings to be retained while a new single-family dwelling is being constructed, subject to the following:

- Receipt of a performance bond for at least \$50,000; and
- A signed agreement from the property owner, agreeing to demolish the existing dwelling within 60 days of occupancy of the new dwelling.

The City may require a performance bond of larger than \$50,000, at its discretion. Such conditions may include: a larger than average dwelling to be demolished;

accessory buildings also to be demolished; knowledge of building remediation requirements; etc.

5.1. Prohibitions

Existing single-family dwellings are not permitted to be converted into non-residential buildings.

5.2. Procedures and Guidelines

Within 60 days of occupancy of the new single-family dwelling, the existing dwelling shall be demolished or otherwise removed from the property. In exceptional circumstances, an extension to the 60 days may be granted, at the sole discretion of the Director responsible for Development Services or, in the absence of the Director, the Acting Director.

For the dwelling to be considered demolished, the site shall be:

- Cleared of any building foundation;
- Cleared of any structural material (such as sand or gravel); and
- Cleared of any construction and demolition debris.

Upon receipt of evidence that the dwelling has been demolished, to the satisfaction of the City, the performance bond shall be returned to the depositor of the performance bond.

If the dwelling is not demolished or removed to the satisfaction of the City within 60 days of occupancy of the new dwelling, or an exceptional circumstance extension is not granted by the Director or Acting Director, the City may initiate enforcement to gain compliance by:

- Issuing daily fines under the City's Bylaw Notice Enforcement Bylaw; and/or
- Applying to the Courts for an injunction ordering the property owner to demolish the dwelling and an order permitting the City to demolish the dwelling if the property owner fails to do so. The City shall use the performance bond to pay for its legal costs associated with an injunction and to demolish the dwelling to carry out the Court order if necessary. Any remaining bond money shall be returned to the applicant, after legal and demolition costs.