ILLEGAL OCCUPANCY - RA-1 DISTRICT

Authority - Director of Planning
Effective December 1, 2002

Illegal occupancy is an issue in the RA-1 District. Addressing the potential for illegal occupancy during the permit application process will support the approved zoning and lessen the need for future by-law enforcement.

The proposed design should be appropriate to the intended use and evaluated accordingly. The following is a summary of possible ways that potential illegal occupancies can be identified and discouraged during the design review process.

1. **Height and Storeys**
   Limiting building heights and storeys that is appropriate for the intended use, e.g., an ancillary building, such as a tractor shed, or garage, whose height exceeds what is necessary for its intended function.

2. **Roof Shape**
   Roof shapes that enclose large volumes of space such as a mansard, can accommodate future interior alterations. Mock dormers, venting elements skylights etc., can be converted to windows.

3. **Use Identification**
   All rooms on floor plans should be identified with a use title that clearly defines the intended use and is unambiguous in meaning.

4. **Stairs**
   Stairs or frame openings that could be used for vertical circulation, either shown on the permit drawings or discovered during a routine inspection.

5. **Windows**
   Limiting the number and placement of windows and skylights for conditional approvals that is appropriate for its intended use.

6. **Heating, Plumbing and Electrical**
   Heating, plumbing and electrical systems that exceed the requirements of the intended use. A garage for example need not be heated or insulated. (Note: these may not be on the permit drawings and may be discovered during routine construction inspections.)

**Note:**
Notwithstanding the above, in cases where potential future occupancy requires further confirmation, it is advisable to note on the approval drawing set: “this area to be used (or approved for) [identify use] only.”
Reference Documents

Zoning and Development By-law, RA-1 District Schedule
   3.3 Conditions of Use
   4.7 Floor Space Ratio

Southlands RA-1 Guidelines
   3.1 Caretaker’s Quarters

Planning - By-law Administrative Bulletins
   Stables - RA-1 District