

**Date:** 2020-10-07

**Subject:** Report from Rick Conard, Chief Building Official, Director, Building Division, dated October 7th, 2020, Review of Regulatory Model Governing Two-Unit Dwellings

**Contact:** Rick Conard, Chief Building Official, Director, Building Division (905) 874-2440, [rick.conard@brampton.ca](mailto:rick.conard@brampton.ca)

**Report Number:** Planning, Building and Economic Development-2020-273

**Recommendations:**

1. **THAT** the report from Rick Conard, Chief Building Official, Director, Building Division, dated October 14, 2020, to the Planning and Development Meeting of October 26, 2020, re: **Review of Regulatory Model for Two-Unit Dwellings**, be received.
2. **THAT** staff be directed to review amending the Zoning By-law to only allow an above grade door in the side yard where there is a minimum 4' continuous path of travel leading up to and including the door.
3. **THAT** staff be directed to review amending the Official Plan Policies for second units to enable the Committee of Adjustment to consider and approve, where appropriate, minor variance applications involving the implementing Provisions for Two-Unit Dwelling set out in the Zoning By-law.
4. **THAT** a letter be sent to the Province from the Mayor on behalf of Council recommending to the Province to add a third clause, clause (c), to the definition of unsafe building in the Building Code Act to include the occupancy of a space as a dwelling without an occupancy permit having been issued by the Chief Building Official and that 16(1)(d) of the Building Code Act be amended to include a reference to 15.9(6)(c). That the letter include support for adoption of a new Section in the Ontario Building Code that would provide consistent rules for the creation of a two-unit dwelling irrespective of the age of the building. That the letter include a recommendation to amend the Planning Act to include a definition for "Obstruction" and include a reasonable time frame within which entry must be granted before an officer may charge the occupant with obstruction and; that the letter include a request to review the Municipal Tax model with the goal of providing an equitable way to collect municipal taxes, taking into consideration homes with multiple dwelling units.

5. **THAT** Council support the strengthening of the City's Licensing By-law through the comprehensive Licensing By-Law review to support the requirement to be a licensed contractor to work within the City of Brampton.

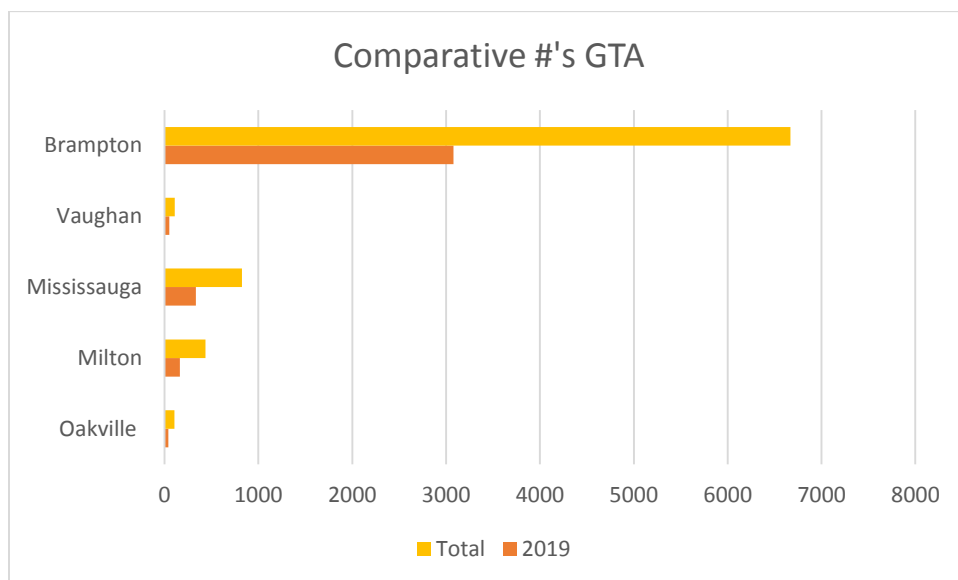
**Overview:**

- There is a separate report anticipated from the Policy Section of Planning, Building and Economic Development to speak to rooming and lodging houses.
- The City's Second Unit Registration program came into effect on June 22, 2015. Since that time, Brampton has become a clear leader in the GTA for second unit registration numbers and is well suited to make recommendations to the Province on improving the regulations governing the construction of second units.
- Construction requirements remain in the domain of the Provincial and not the Municipal level of government. The City of Brampton has recommendations for amendments to the Ontario Building Code Act and Regulations that will strengthen access rights and provide consistent requirements for construction.
- Amending the existing provisions of the Zoning By-law that permit the installation of an above grade door that is recessed into a side wall that has a setback of no less than 4' from the side lot line will alleviate future misconceptions about the potential to use these entrances for second units.
- Amending the Official Plan policies for second units to enable the Committee of Adjustment to consider and approve minor variance applications for second units will provide greater flexibility for residents to achieve compliance with the Zoning By-law where a proposed variance is minor in nature and meets the intent of the by-law and official plan.
- The City's Licensing By-Law is undergoing a comprehensive review, and is expected to be reported back to Council late 2021. Strengthening the requirements of the by-law to require certain trades to be Certified with the Ontario College of Trades prior to receiving a business license will assist in providing a consistent level of service to the residents of the City.
- Additional resources have been requested for the Building Division and Enforcement and By-Law Services through the 2021 budget process to alleviate pressures of high volumes of both applications and complaints.

## Background:

With the exception of strengthening the access rights provided in the Building Code Act, this report does not directly address the issue of rooming and lodging homes in the City of Brampton. There is a separate report anticipated from the Policy Section of Planning, Building and Economic Development to speak to rooming and lodging houses.

The City of Brampton has seen unprecedented growth in the construction of legal and illegal two-unit dwellings. Relative to the surrounding municipalities, Brampton is experiencing a minimum of 10x the rate of applications for the registration of two-unit dwellings. (Fig. 1.0)



(Fig. 1.0)

Brampton has established itself as a leader in the fight against illegal two-unit dwellings with the establishment of the “Two-Unit Task Force” in 2018 and the Building Division application documents have been adopted by several municipalities for use in their own registration programs.

The combined success of the Task Force and application process has positioned Brampton to be a leading expert on the end-to-end process of the compliance program and well suited to make recommendations on how to improve the regime.

Council has requested that staff present a comprehensive strategy and recommendations related to the investigation of illegal two-unit dwellings and streamlining compliance avenues available to the public.

## Current Situation:

There is a significant degree of regulation involved in the investigation, prosecution and the permit compliance and inspection processes related to the construction of a two-unit dwelling.

This report will outline multiple recommendations, spanning various City Divisions, Provincial and Municipal legislation and approval framework in order to improve the process related to enforcement and code compliance for two-unit dwellings.

### The Registration Process

In 2019 the Building Division brought forward a report recommending various revisions to the 2015 Two-Unit Registration By-law in order to ease the administrative burden on the home owner. Those changes included elimination of the requirement for proof of insurance, additional options for inspecting the electrical work, consolidation and reduction of registration fees and an amalgamation of the registration and building permit application processes.

The Chief Building Official is of the professional opinion that the registration by-law does not need any further amending.

### Zoning Compliance

In 2020, staff brought forward an amendment to the Zoning By-law to eliminate the required additional parking space for a two-unit dwelling. This amendment significantly reduces the home owner burden on compliance for parking; however, as noted in the amending report, there has been an adverse impact to both parking enforcement and plans review resources.

Additional staff requests have been submitted in the Building Division 2021 budget in order to offset the increases in second unit registration applications.

Additional staff requests have been submitted in the Enforcement and By-Law Services 2021 budget in order to offset the increase in parking enforcement.

### Safe Passage/ Means of Egress

There is a perception among the residents that there is a double standard being applied between the home builders and the residents when it comes to the use of a side entrance within a 2' side yard.

Currently, the zoning by-law permits an above grade door in the 2' side yard where the door is recessed 4' from the property line. This scenario does not meet the requirements of the Ontario Building Code or the Zoning By-law for use as a primary entrance and therefore; cannot be used as the entrance to a two-unit dwelling.

Recommendation #2 of this report is to amend the Zoning By-law to only allow an above grade door in the side yard where there is a minimum 4' continuous path of travel leading up to and including the door. This will eliminate the perception of a double standard and ensure that the side door can be used as both a secondary and primary entrance by residents of the dwelling without the need to trespass on the neighbouring property.

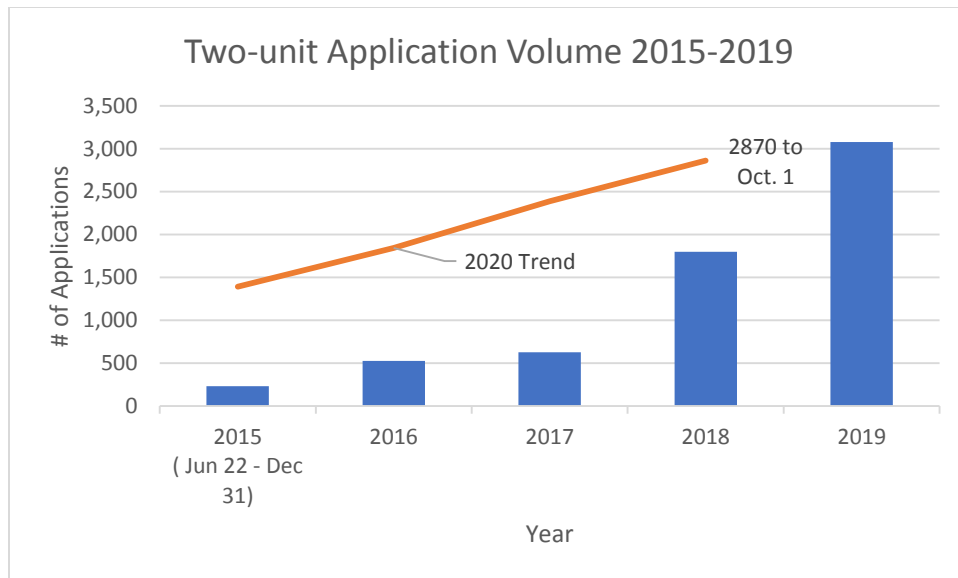
### Official Plan Policies

The Official Plan currently includes overarching policies that guide development and inform both the Zoning By-law and the four tests that are considered in the evaluation of an application for a minor variance. In this regard, Official Plan Policy 3.2.8.2(d) states "Where an application for a second unit fails to conform to any of the requirements of the implementing zoning by law, a zoning by-law amendment shall be required." The application of this policy in the evaluation of a variance to the by-law essentially prohibits the Committee of Adjustment from granting a variance regardless of the circumstance or site specific considerations involved. In order to meet the four tests of a variance, the application must meet the intent of the Official Plan, which in this instance, requires any variation, regardless of how minor it may be, to be address by way of a site specific amendment to the zoning by-law.

Recommendation #3 of this report contemplates an amendment the Official Plan policies for Second Units to support the function of the Committee of Adjustment to approve minor variances. An amendment to the underlying policy framework will provide flexibility for residents to achieve compliance with the Zoning By-law, where appropriate, without the need for a costly, complicated and time consuming amendment to the Zoning By-law.

### The Application Process

As noted in the "Registration Process" section of this report, in 2019 the Building Division amalgamated the registration process and permit application process in to one application. In April of 2020, the Building Division went live with an on-line application process for residential applications, including two-unit applications. This service has created a 24/7 "open counter" to accept applications and, since the launch of the service we have seen applications coming in 7 days a week at a rate of 30 to 50 applications a day. (Fig. 2.0)



(Fig. 2.0)

However, it should be noted that the on-line application process is currently a first step solution in order to provide business continuity to the community. There has been no integration with the business solution. Application information and drawings are currently being manually transferred from Sharepoint to AMANDA and the payment must be coordinated and taken over the phone, by credit card.

Our Information Technology colleagues are currently assisting us in the roll out of an on-line payment solution. The go live date is not available at the time of writing this report, but we are hopeful that it will be in place by November 2020.

Our I.T. partners are also preparing documentation to go to the market for a fully integrated on-line application process. The capital request has already been approved for this project.

### Building Code Act (Statute) Amendments

The Building Code Act, S.O. 1992 as amended (the Act); outlines the powers and duties of the Chief Building Official and Inspectors that are appointed, under the Act, to administer the Act and Regulations (the Ontario Building Code) within their jurisdiction; including the right to enter into a building.

The following excerpt from the Act outlines the Inspectors right of entry into a building:

#### **Inspection of buildings and building sites**

**12 (1)** An inspector may enter upon land and into buildings at any reasonable time without a warrant for the purpose of inspecting the building or site to determine whether or not the following are being complied with:

1. This Act.
2. The building code.

3. An order made under this Act. 2017, c. 34, Sched. 2, s. 6 (1)

**Entry to dwellings**

**16** (1) Despite sections 8, 12, 15, 15.2, 15.4, 15.9, 15.10.1 and 15.10.3, an inspector or officer shall not enter or remain in any room or place actually being used as a dwelling unless,

(a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under this Act;

(a.1) a warrant issued under this Act is obtained;

(b) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any person;

(c) the entry is necessary to terminate a danger under subsection 15.7 (3) or 15.10 (3); or

(d) the requirements of subsection (2) are met and the entry is necessary to remove a building or restore a site under subsection 8 (6), to remove an unsafe condition under clause 15.9 (6) (b) or to repair or demolish under subsection 15.4 (1). 1992, c. 23, s. 16 (1); 1997, c. 24, s. 224 (9, 10); 2002, c. 9, s. 30; 2006, c. 19, Sched. O, s. 1 (11); 2006, c. 22, s. 112 (9); 2017, c. 34, Sched. 2, s. 20.

**Notice**

(2) Within a reasonable time before entering the room or place for a purpose described in clause (1) (d), the inspector or officer shall serve the occupier with notice of his or her intention to enter it. 1992, c. 23, s. 16 (2); 1997, c. 24, s. 224 (11).

Although our Task Force has become very adept at getting the required search warrants, noted under 16(1)(a.1) of the Act, the process is very resource intense and presents an obstacle to timely enforcement.

In the opinion of the Chief Building Official, it is unlikely that the Province will support a change to the Act that allows an inspector or enforcement officer the right of entry into a dwelling unless there is a perceived risk to the occupants of the dwelling.

The change of use of a single dwelling into two or more dwellings certainly presents a risk to the occupants where the requirements of the OBC have not been met.

Recommendation #4 of this report is to recommend to the Province to add a third clause, clause (c), to the definition of unsafe building in the Act to include the occupancy of a space as a dwelling without an occupancy permit having been issued by the Chief Building Official. The recommended wording would be as follows:

**Interpretation**

(2) A building is unsafe if the building is,

(a) structurally inadequate or faulty for the purpose for which it is used; or

(b) in a condition that could be hazardous to the health or safety of persons in the normal use of the building, persons outside the building or persons whose access to the building has not been reasonably prevented. 2002, c. 9, s. 26.

**(c) *being occupied as a dwelling without first having received an occupancy permit as required under Section 11 of this Act***

and that 16(1)(d) of the Act be amended to include a reference to 15.9(6)(c) as follows:

(d) the requirements of subsection (2) are met and the entry is necessary to remove a building or restore a site under subsection 8 (6), to remove an unsafe condition under clause 15.9 (6) (b) **or (c)** or to repair or demolish under subsection 15.4 (1). 1992, c. 23, s. 16 (1); 1997, c. 24, s. 224 (9, 10); 2002, c. 9, s. 30; 2006, c. 19, Sched. O, s. 1 (11); 2006, c. 22, s. 112 (9); 2017, c. 34, Sched. 2, s. 20.

#### Building Code (Regulation) Amendments

The inspection regime and prescriptive construction requirements applicable within the Province of Ontario are established, by the Province, through regulation (the Ontario Building Code or OBC).

The Ontario Building Code is a complex document. Building Division staff have developed extensive technical guidelines and application packages to assist residents and their agents in understanding the basic requirements of the Code and for assistance in preparing a complete application. However; without changes to the regulatory requirements, the applicable provisions remain very complex.

There are currently a matrix of requirements for construction that depend on many variables, including but not limited to, whether:

- the second-unit is constructed at the same time as the original home;
- the second-unit is constructed after occupancy of the home but before the home is more than 5 years old;
- the second-unit is constructed in a home that is more than 5 years old;
- there is a dedicated exit for both units or a shared exit for both units;
- there is a dedicated laundry facility for each unit or a shared laundry facility for both units.
- either of the units exceeds 2 storeys in building height, etc.

In January of 2019 the provincial government conducted a consultation titled “Increasing Housing Supply in Ontario”. This consultation provided opportunity for stakeholders to provide recommendations to improve the regulatory framework with a goal of increasing housing options and affordability.

The City of Brampton took advantage of this opportunity to submit recommendations to the Ministry of Municipal Affairs and Housing for changes to the Ontario Building Code. The recommended amendments to the Ontario Building Code can be found appended to this report as “Appendix A”.



The intent of the recommendation is to consolidate the requirements of second unit construction into one Section of the OBC and create a consistent set of rules that are applicable to every scenario, regardless of the age of the building.

Recommendation #5 of this report is that the letter from the Mayor, on behalf of Council, to the Province include support for adoption of a new Section in the Ontario Building Code that would provide consistent rules for the creation of a two-unit dwelling irrespective of the age of the building.

### Planning Act Amendments

The Planning Act, R.S.O. 1990, c. P.13 Outlines the “Power of Entry” of an enforcement officer as follows:

#### *Power of entry*

**49 (1)** In this section,

“officer” means an officer who has been assigned the responsibility of enforcing section 46, orders of the Minister made under clause 47 (1) (a) or zoning by-laws passed under section 34.

#### *Entry and inspection*

(2) Subject to subsection (3), where an officer believes on reasonable grounds that section 46, an order of the Minister made under clause 47 (1) (a) or a by-law passed under section 34 or 38 is being contravened, the officer or any person acting under his or her instructions may, at all reasonable times and upon producing proper identification, enter and inspect any property on or in respect of which he or she believes the contravention is occurring. R.S.O. 1990, c. P.13, s. 49 (1, 2).

#### *Where warrant required*

(3) Except under the authority of a search warrant issued under section 49.1, an officer or any person acting under his or her instructions shall not enter any room or place actually used as a dwelling without requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a search warrant. R.S.O. 1990, c. P.13, s. 49 (3); 1994, c. 2, s. 45 (1).

#### *Obstruction*

(4) No person shall obstruct or attempt to obstruct an officer or a person acting under the officer’s instructions in the exercise of a power under this section. 1994, c. 2, s. 45 (2).

If the occupant immediately refuses entry after being informed of their rights outlined in Section 49(3) of the Planning Act, the officer may then proceed to seek a search warrant.

Frequently home owners will consent to entry on a future date. These scheduling delays by owners and occupants will provide ample time to stage or remove the illegal components that define a dwelling unit. These delays can be several days to several months, and without a formal refusal being given to the officer, they are unable to seek a search warrant.

Recommendation #6 of this report is that the letter from the Mayor, on behalf of Council, to the Province include a recommendation to amend the Planning Act to include a definition for “Obstruction” and include a reasonable time frame within which entry must be granted before an officer may charge the occupant with obstruction.

### Business Licensing By-law

The high level of construction activity for second units and home renovations has resulted in a noticeable shortage of available skilled trades in the City. As a result, we have experienced an increase in the trades “crossing over” into areas of construction in which they do not have the required expertise.

Over the past several months, the City Clerk’s office has been working with various departments on a comprehensive review of the Licensing By-law. The review will likely not be completed until the fall of 2021 but will include a requirement for plumbing contractors to be licensed and to have a Certificate of Qualification.

Recommendation #7 of this report is to support the strengthening of the City’s Licensing By-law and the additional enforcement resources to support the requirement to be a licensed contractor to work within the City of Brampton.

### Infrastructure Strain and Tax Reform

The current taxation model is based on assessed values provided by the Municipal Property Assessment Corporation (MPAC). Increasing the number of dwelling units within the home does not substantially affect the market price of the home and therefore does not result in a significant assessment increase. Any additional tax collection is therefore minimal (approximately \$70 per year).

Furthermore; the Province recently passed Bill 197 which amended the *Development Charges Act, 1997* such that the creation of a second dwelling unit within a new home, or an ancillary buildings are exempt from paying development charges. The *Development Charges Act, 1997* had previously exempted the creation of second dwelling units in existing homes from payment of DCs.

Although some degree of unreserved capacity is built into municipal infrastructure, in the long term, the rate of growth of second units in Brampton may lead to strain on services and facilities that was unaccounted for at the onset of the community design.

Such things to consider may include (and is not limited to):

- water and sewer capacity
- transit capacity
- community libraries
- community recreation centres and parks
- local school capacities
- public health system

Although the long term implications have not been studied within the context of this report, the opportunity to consider the additional burden on the community resources should not be overlooked.

The City has received just over 9,100 applications for two-unit dwellings. This number presents a significant amount of growth within the City.

Recommendation #8 of this report is that the letter from the Mayor, on behalf of Council, to the Province request a review of the municipal tax model with the goal of providing an equitable way to collect municipal taxes, taking into consideration homes with multiple dwelling units.

### **Corporate Implications:**

#### Financial Implications:

Additional staff complement recommended in this report will be offset by the existing cost recovery models within the Building Division and Enforcement and By-law Services.

#### Other Implications:

None.

### **Term of Council Priorities:**

This report supports the term of Council priority that Brampton be a Safe and Healthy City by ensuring that the accommodations provided to citizens meet the minimum health and safety standards that have been established, by the Province, through the Ontario Building Code.

### **Conclusion:**

In order to ensure second units in Brampton are created and legalized in compliance with all regulatory requirements and in consideration of the upward trend of second unit

registrations as an affordable housing option for the City of Brampton; the Building Division will continue to administer a registration program and the Provincial code compliance mandate. We will continue to refine our business processes to increase the effectiveness and efficiency of the delivery of our mandate.

Additional resources are needed in order to meet the legislated time frames and customer service expectations in consideration of the volume of two-unit dwellings being registered in Brampton.

There are a considerable number of improvements that could be made to regulatory framework, both at the Municipal and Provincial level in order to support the creation of two-unit dwellings as an affordable housing option; however, the effects of the additional population on the community infrastructure should also be considered.

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David Barrick  
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## **Attachments:**

Appendix "A" – Code Amendment Submission to Ministry

## Increasing Housing Supply in Ontario

This document is a response from the City of Brampton's Building Division to the Ministry of Municipal Affairs and Housing Consultation Document on Increasing Housing in Ontario.

The following are excerpts from the Consultation Document:

### **3. Cost: Development costs are too high because of high land prices and government-imposed fees and charges.**

Government-imposed costs also make it more difficult and expensive to develop new housing. Examples include municipal and education development charges, planning and building approval fees and federal and provincial taxes.

### **4. Rent : It is too hard to be a landlord in Ontario, and tenants need to be protected.**

Second units, such as basement apartments, are an important part of the rental market and can make better use of existing homes. Yet creating new legal units is difficult because of government requirements, such as the Building Code and local bylaws/restrictions.

#### **What do you think?**

- How do we encourage homeowners to create legal second units and new rental supply?

## **Response:**

### **Background**

In 2011, the Ontario Government amended the Planning Act, by way of the Strong Communities Through Affordable Housing Act, 2011. Essentially, it required that *"Provisions of the Planning Act, which came into effect January 1, 2012, state that municipalities shall implement policies in their official plans and that all local municipalities shall implement provisions in their zoning by-laws authorizing second units."*

The province amended Building Code in 2017 to include a two unit dwelling under the definition of "house" and by adding a number of compliance alternatives in Part 11, Renovations. The compliance alternatives in Part 11 provide relaxations to the fire protection and egress requirements in Part 9 of the Building Code for constructing a second unit.

## **Commentary**

### **The Building Code:**

As per the Building Code, the compliance alternatives in Part 11, can only be utilized if a house is more than 5 years old, therefore any house that is less than 5 years old must comply with more stringent construction requirements.

Conversely, an owner of a newly built home would have to wait 5 years until the house is old enough to benefit from the compliance alternatives in Part 11.

The compliance alternatives available through Part 11 make the creation of a second unit much more affordable when compared to compliance with Part 9 of the Building Code.

However, the current structure of the Ontario Building Code (and National Building Code) make the process of designing a second extremely complex.

### **How do we encourage homeowners to create legal second units and new rental supply?**

With respect to the Planning Act Amendment, the province should set a deadline for an appropriate date in 2020 for implementation of second unit policies within their respective zoning by-laws.

With respect to the Building Code, the province should create a new Section in Part 9 of the Building Code that is specific to the construction of a second unit. This Section would consolidate the currently wide spread provisions of the OBC that regulate the change of use of a single dwelling into a two unit dwelling. Furthermore, this new section would utilize the current provisions in Part 11 that are applicable only to homes greater than 5 years old. The age of the home would, effectively, no longer dictate the construction requirements under the OBC.

The benefits of this include:

- Easier design
- Easier review for compliance
- Consistent expectations for contractors and inspectors
- More affordable retrofitting of newly finished basements
- Potential market for “purpose built” two-unit dwellings
- More affordable conversion of unfinished basements

On the following pages are an example of this new Building Code Section, perhaps **9.41. Secondary Suites in Houses**, would consolidate and simplify the requirements in the Building Code for creating a second suite in a house.

## **9.41. Secondary Suites in Houses**

### **9.41.1. Scope**

#### **9.41.1.1. Definition**

- (1) In this Section, *secondary suite*, means a self-contained *dwelling unit* located in a *house* that contains only one other *dwelling unit* and common spaces, and where both *dwelling units* constitute a single real estate entity.

#### **9.41.1.2. Application**

- (1) This Section applies to *secondary suites* in a *house* where,
- (a) there is not more than one *dwelling unit* above another,
  - (b) the *house* complies with Sentence 9.1.1.12.(1)., and
  - (c) the *house* does not include another *major occupancy* classification.

### **9.41.2. Means of Egress**

#### **9.41.2.1. Required Means of Egress**

- (1) A *means of egress* for a *secondary suite* in a *house* shall be,
  - (a) an *exit* door, including a sliding door, that opens directly to the exterior that has direct access to ground level,
  - (b) an *exit* that is accessible to both *dwelling units* provided the *exit* is not through the other *dwelling unit* or a *service room*, or
  - (c) an egress from the *secondary suite* which leads through the other *dwelling unit* provided the *house* is fully sprinklered in accordance with NFPA 13D.

#### **9.41.2.2. Dimensions of a Means of Egress**

- (1) The minimum dimensions of an *exit* door from a *secondary suite*, shall be not less than 810 mm in width and 1890 mm in height.
- (2) The minimum clear height over an *exit* serving a *secondary suite*, shall be,
  - (a) not less than 1950 mm, or
  - (b) where the *exit* is a stair, not less than 1850 mm, measured vertically over the clear width of the stair, from a straight line tangent to the tread and landing nosings to the lowest point above.

#### **9.41.2.3. Additional Requirements for a Means of Egress**

- (1) A *secondary suite* shall be provided with,
  - (a) a window openable from the inside without the use of keys, tools or special knowledge and without the removal of sashes or hardware,
  - (b) has an unobstructed open portion of 0.35 m<sup>2</sup> with no dimension less than 380 mm, and
  - (c) shall be placed remote from the *exit* described in Article 9.41.2.1.
- (2) Where a window required by Sentence (1) opens into a window well, a clearance of 760 mm shall be provided in front of the window.
- (3) Where the sash of a window referred to in Sentence (2) swings towards the window well, the operation of the sash shall not reduce the clearance in a manner that would restrict escape in an emergency.
- (4) Where a protective enclosure is installed over the window well referred to in Sentence (2), the enclosure shall be operable from the inside without the use of keys, tools or special knowledge of the operating mechanism.

#### **9.41.2.4. Stairs, Landings, Handrails and Guards**

- (1) Stairs, landings, handrails and guards in a *secondary suite*, including a shared *means of egress* shall conform to Section 9.8.

#### **9.41.3. Design of Areas and Spaces**

##### **9.41.3.1. Design of Areas and Spaces**

- (1) Except for Sentence (2), rooms and space dimensions within a *secondary suite* shall conform to Section 9.5.
- (2) The minimum ceiling heights over the required floor areas in a *secondary suite* shall be not less than 1950 mm, including under beams and ducts.

##### **9.41.3.2. Minimum Window Areas**

- (1) Except for the requirements for a *means of egress* in Subsection 9.41.2., the minimum window areas in a *secondary suite* shall be,
  - (a) 5% of the area served for living and dining rooms or combined living and dining rooms, and

- (b) 2.5% of the area served for bedrooms.

#### **9.41.4. Fire Separations Between Dwelling Units, Common Areas and Exits**

##### **9.41.4.1. Construction of Fire Separations**

- (1) Except as permitted in Sentences (3) and (4), walls and floor-ceiling framing in a *secondary suite* that separates *dwelling units* from each other or *dwelling units* from ancillary spaces and common spaces shall be constructed as a continuous *fire separation* with a 30 min. *fire resistance rating*.
- (2) Except as permitted in Sentences (3) and (4), where an *exit* is located in a *house* that serves a *secondary suite* including their common spaces, the *exit* shall be protected by a continuous *fire separation* with a 30 min. *fire resistance rating*.
- (3) The *fire resistance rating* of the *fire separations* in Sentences (1) and (2) may be reduced to 15 min. where *smoke alarms* are installed in conformance with Subsection 9.10.19. and interconnected throughout the *house*.
- (4) The *fire resistance rating* of the *fire separations* in Sentences (1) and (2) may be waived where the *house* is fully sprinklered.

##### **9.41.4.2. Continuity of Fire Separations**

- (1) The continuity of a *fire separation* shall be maintained where it abuts another *fire separation*, a floor, a ceiling or an exterior wall assembly.
- (2) Penetrations of *fire separations* shall be protected in accordance with Section 9.10.

##### **9.41.4.3. Doors in Fire Separations**

- (1) Doors in *fire separations*,
  - (a) shall be solid-core, wood doors at least 45 mm thick, and
  - (b) have a self-closing device.

##### **9.41.4.4. Protection of Supporting Construction**

- (1) All walls, columns, arches and beams as well as *loadbearing* elements that support a *fire separation* between *dwelling units* in a *secondary suite*, including their common spaces, shall be protected by construction with a *fire resistance rating* not less than that required for the supported floor or roof assembly.

##### **9.41.4.5. Rooms Containing Fuel-Fired Appliances**

- (1) Fuel-fired *space-heating appliances*, *space-cooling appliances* and *service water heaters* that serve both *dwelling units* in a *house with a secondary suite* shall be located in a separate room.
- (2) Where the room referred to in Sentence (1) is located below a horizontal *fire separation* required by Article 9.41.4.1., the *fire separation* may be waived, where the *room* is sprinklered.

#### **9.41.5. Smoke Alarms**

##### **9.41.5.1. Required Smoke Alarms**

- (1) *Smoke alarms* referred to in this Subsection shall conform to CAN/ULC-S531, "Smoke Alarms".
- (2) *Smoke alarms* referred to in Sentence (1) shall be installed in conformance with CAN/ULC-S553.
- (3) *Smoke alarms* referred to in Sentence (1) shall be installed on or near the ceiling.



#### **9.41.5.2. Sound Patterns of Smoke Alarms**

- (1) The sound pattern of *smoke alarms* shall,
  - (a) meet the temporal patterns of *alarm signals*, and
  - (b) be a combination of temporal pattern and voice relay.

#### **9.41.5.3. Location of Smoke Alarms**

- (1) *Smoke alarms* in a *house* with a *secondary suite* shall be installed,
  - (a) on each *storey*, including *basements*,
  - (b) in each sleeping room,
  - (c) in a location between sleeping rooms and the remainder of the *storey*, and if the sleeping rooms are served by a hallway, the *smoke alarms* shall be located in the hallway, and
  - (d) where there is a shared *means of egress* or common area, a *smoke alarm* shall be installed in each shared *means of egress* and common area.
- (2) A *smoke alarm* required in Sentence (1) shall have a visual signaling component conforming to the requirements in 18.5.3. (Light, Color and Pulse Characteristics) of NFPA 72, "National Fire Alarm and Signaling Code".
- (3) The visual signaling component required in Sentence (2) need not,
  - (a) be integrated with the *smoke alarm* provided it is interconnected to it,
  - (b) be on battery backup, or
  - (c) have synchronized flash rates, when installed in a *house*.
- (4) The luminous intensity for visual signaling components required in Sentence (2) that are installed in sleeping rooms shall be a minimum of 175 cd.

#### **9.41.5.4. Power Supply**

- (1) *Smoke alarms* in Article 9.41.5.3. shall,
  - (a) be installed with permanent connections to an electrical circuit,
  - (b) have no disconnect switch between the overcurrent device and the *smoke alarm*, and
  - (c) in case the regular power supply to the *smoke alarm* is interrupted, be provided with battery as an alternative power source that can continue to provide power to the *smoke alarm* for a period of not less than 7 days in the normal condition, flowed by 4 min. of alarm.

#### **9.41.5.5. Interconnection of Smoke Alarms**

- (1) Except where required by Sentence 9.41.4.1.(3), *smoke alarms* in Article 9.41.5.3. shall be wired so that the activation of one alarm will cause all alarms within each *dwelling unit* to sound.

#### **9.41.6. Heating, Ventilation and Air-Conditioning**

##### **9.41.6.1. Heating and Air-Conditioning Systems**

- (1) Except as permitted in Sentences (2) and (3), separate heating, ventilation and *air-conditioning* systems shall be provided for each *dwelling unit* in a *house* with a *secondary suite* in accordance with Subsection 6.2.4.
- (2) A radiant heating or *electric space heating* system is permitted to be installed throughout a *house* with a *secondary suite*.
- (3) A single heating, ventilation and *air-conditioning* system is permitted to serve a *house* with a *secondary suite*, provided a duct-type *smoke detector* is installed in

the supply or return air system which would turn off the fuel supply and electrical power to the heating system upon activation of such detector.

**9.41.6.2. Natural Ventilation**

- (1) Except as provided in Article 9.41.6.3., natural ventilation shall be provided in a *secondary suite* in a *house* in accordance with Subsection 9.32.2.

**9.41.6.3. Mechanical Ventilation**

- (1) Where natural ventilation is not provided to a kitchen, bathroom or water closet room within a *secondary suite*, an exhaust air intake shall be installed and sized in accordance with Article 9.32.3.5.

**9.41.7. Plumbing Facilities**

**9.41.7.1. General**

- (1) The construction of *plumbing systems* within a *house* with a *secondary suite* shall conform to Part 7 and this Subsection.

**9.41.7.2. Water Supply and Distribution**

- (1) Each *dwelling unit* in a *house* with a *secondary suite* shall be provided with a *potable water system*.
- (2) A *house* with a *secondary suite* shall be provided with a *water distribution system* that is sized in accordance with Subsection 7.6.3.

**9.41.7.3. Required Connections**

- (1) The *potable water system* referred to in Sentence 9.41.7.2.(1) shall be provided with hot and cold water connected to every kitchen sink, lavatory, bathtub, shower and laundry area.
- (2) Piping for cold water shall be run to every water closet in a *house* with a *secondary suite*.

**9.41.7.4. Required Fixtures**

- (1) Each *dwelling unit* in a *house* with a *secondary suite*, shall contain,
  - (a) a kitchen sink,
  - (b) a lavatory,
  - (c) a bathtub or shower stall, and
  - (d) a water closet.

**9.41.7.5. Laundry Facilities**

- (1) Each *dwelling unit* in a *house* with a *secondary suite*, shall be provided with a laundry facility or grouped elsewhere in the *house* in a location conveniently accessible to the occupants of the *house*.

**9.41.7.6. Hot Water Temperature**

- (1) The hot water supply referred to in Sentence 9.41.7.3.(1) shall be provided by a *service water heater* with a temperature range of 45°C to 60°C.
- (2) An electric *storage-type service water heater* shall have a set storage temperature of 60°C.
- (3) The hot water supply referred to in Sentence (1) shall have a maximum temperature supplied by fittings to *fixtures* not exceeding 49°C.

**9.41.7.7. Service Water Heating**

- (1) Every *service water heater* that serves a *house* with a *secondary suite* shall be installed in accordance with Articles 7.6.1.8. and 7.6.1.12.

**9.41.7.8. Shut-Off Valves**

- (1) Each *dwelling unit* in a *house* with a *secondary suite*, shall be provided with a separate shut-off valve installed in such a manner that when the supply to one *dwelling unit* is shut-off the supply to the other *dwelling unit* is not interrupted.

**9.41.7.9. Protection from Backflow**

- (1) In a *house* with a *secondary suite* a backflow valve shall be installed on the *branch* drain that serves the lowest *dwelling unit* in the *house*.

**9.41.8. Electrical Facilities**

**9.41.8.1. Required Facilities**

- (1) *Secondary suites* in a *house* shall be provided with electrical services.

**9.41.8.2. Location of Equipment in Public Spaces**

- (1) Entrances switches, meters, panel boxes, splitter boxes and similar equipment serving a *secondary suite* shall not be located in any public area unless adequate precautions are taken to prevent interference with the equipment.

**9.41.8.3. Recessed Lighting Fixtures**

- (1) Recessed lighting fixtures shall not be located in insulated ceilings in a *secondary suite* unless the fixtures are designed for such installations.

**9.41.8.4. Lighting of Entrances**

- (1) An exterior entrance that serves a *secondary suite* shall be provided with an exterior lighting outlet with fixture controlled by a wall switch located within the *secondary suite* or shared egress.

**9.41.8.4. Lighting Outlets**

- (1) Except as provided in Sentence (2), a lighting outlet with fixture controlled by a wall switch shall be provided in kitchens, bedrooms, living rooms, storage rooms, utility rooms, laundry rooms, dining rooms, bathrooms, water closet rooms, vestibules, hallways and shared egress in a *secondary suite*.
- (2) Where a receptacle controlled by a wall switch is provided in bedrooms or living rooms, such rooms need not conform to Sentence (1).

**9.41.8.5. Stairways**

- (1) Stairways in a *secondary suite* shall be provided with 3-way wall switches located at the head and foot of every stair to control at least one lighting fixture for stairs with four or more risers.

**Section 11.5. Compliance Alternatives**

**11.5.1. Compliance Alternatives**

**11.5.1.1. Compliance Alternatives**

Recommended that Compliance Alternative C136 be amended to remove clause (c) in its entirety.