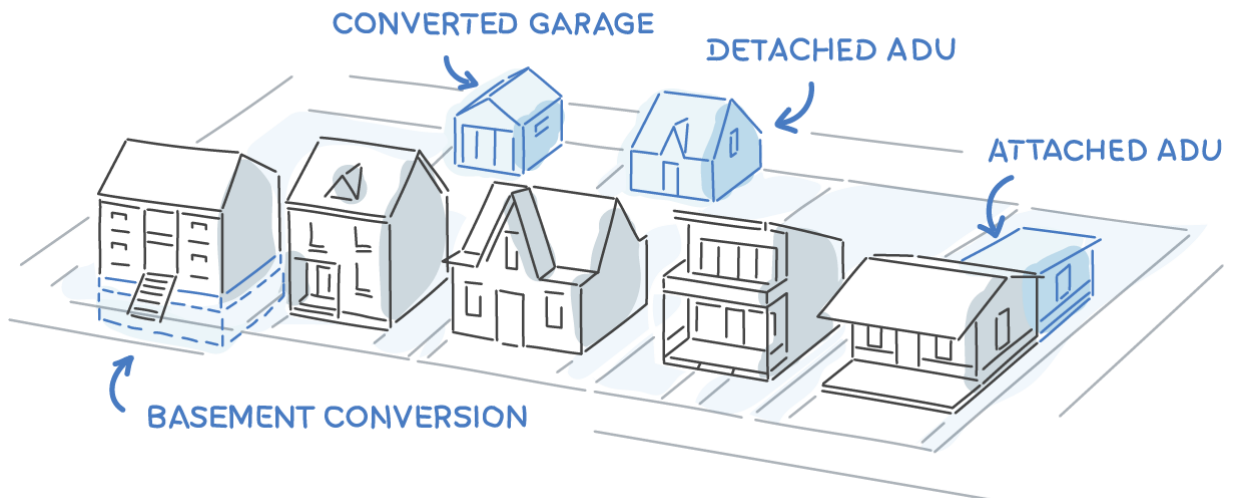




Accessory Apartment Building Permit Guide



The purpose of this Guide is to provide information on the building standard requirements for one-unit dwellings with a secondary suite, and is intended to aid the homeowner, designer, and builder in the design and construction of an accessory apartment unit (also referred to as “*secondary suites*”).

To help you navigate through the regulations and requirements, the City has compiled information that you need to establish a second dwelling unit in your residence in this Guide. Knowing the standards will give you greater peace of mind and help you reduce your liability as a landlord. It is important to remember that operating a successful second dwelling unit is much more involved than meeting provincial, municipal zoning, and Building Code, Fire Code, and electrical safety requirements. As a landlord you will be responsible for addressing a variety of property management issues that can arise at any time.

While every attempt has been made to ensure the content of the Guide is consistent with applicable regulations and by-laws, if a discrepancy exists, the formal regulatory document shall prevail. Information in this Guide may change from time to time at the City’s and other agency’s discretion. Be sure to check for updates so you have the most accurate information.

This Guide has been developed for convenience purposes only. The owner is responsible for ensuring compliance with all the Ontario Building Code, City by-laws and other applicable regulations. If you are purchasing a home with an existing accessory apartment, please ensure you ask for conformation that a permit has been issued and closed when requesting a building permit compliance letter arranged by your lawyer.

If you are new to the process or are uncertain of the City of Orillia permit application processes and requirements, please feel free to contact us!

CITY OF ORILLIA

Development Services & Engineering Department

Building Division

Email: building@orillia.ca

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Introduction

The following Guide has been developed to assist applicants in obtaining a building permit to allow the development for secondary suites, including detached accessory apartments, accessory apartment over an accessory structure such as a garage and second suites within a new or existing house in the City of Orillia.

This Guide should not be relied on in place of professional expertise. If you are unfamiliar with building construction procedures, the assistance of a qualified BCIN designer or architect can save you both time and money.

A building permit is required in the City of Orillia to create a detached accessory apartment, a secondary suite within a house, or a second suite within in a detached accessory structure be it new or a renovation. This Guide provides a summary of information related to application preparation and the issuance of a building permit. If there is a difference between this reference document and the Ontario Building Code regulations or by-laws, the formal regulations will apply.

For an accessory apartment unit or second unit to qualify as authorized unit, it must satisfy:

- Health and safety requirements of the Building Code
- Fire and electrical codes.
- Residential zoning requirements.
- Occupancy standards; and
- Property standards.

Add a Second Unit in Your House

For more information on adding a second unit within the main building (for example, basement or attic suites), please see the following Ministry of Municipal Affairs & Housing information: [Add a second unit to your house.](#)

The County of Simcoe Secondary Suites Grant Program

The County of Simcoe Secondary Suites Program provides financial assistance in the form of a 15-year forgivable loan of up to \$30,000.00 to create a secondary or garden suite.

Further information can be viewed on the [Simcoe County website](#).

Effect on Property Taxes

Your property taxes may be affected by the creation of an accessory apartment. Property taxes are based on the value of your property. Specific questions about your property taxes and how they are calculated should be directed to the [Municipal Property Assessment Corporation](#).

Ontario Building Code Requirements

The Ontario Building Code (OBC) requirements vary according to the age of the house, and you will be required to provide documentation to confirm the age of same.

See [Tables A, B & C](#) in the Appendix of this Guide for some examples of the requirements and changes that may need to be made to establish an accessory apartment.

Note: This Guide does not cover all the Building Code requirements for accessory apartments. The person taking responsibility for the design such as a qualified designer should refer to the Ontario Building Code for a detailed listing of all requirements. The most current Building Code is available at [E-laws Ontario](#)

1. Dwellings Less Than Five Years Old: Part 9 Applies

If your house is less than five years old, the accessory apartment is reviewed under Part 9, Division B of the OBC; the construction requirements of the OBC are more restrictive.

An example would be:

- The home was constructed and occupied in 2019 and the homeowner wishes to construct an accessory apartment in the basement,
- [Table A](#) must be followed along with the requirements of Part 9, Division B of the OBC.

Typical Building Code requirements are:

- Minimum window areas for light are 10% of the floor area for living/dining rooms, and 5% of the floor area for bedrooms
- 45-minute fire separation
- Separate heating systems
- Hard-wired, interconnected smoke alarms located within each dwelling unit and all shared areas
- Carbon monoxide detectors, within each dwelling unit adjacent to each sleeping area

2. Dwellings More Than Five Years Old: Part 11 Applies

- If your house is older than five years, the accessory apartment is reviewed under Part 11, Division B of the OBC.
- Most accessory apartments constructed in the City of Orillia fall into this category.

An example would be:

1. The home was constructed and occupied in 2005 and the homeowner wishes to construct an accessory apartment in the basement.
2. The requirements [Table B](#) must be followed.

Typical Building Code requirements are:

- When the dwelling unit is older than five years, the accessory apartment is reviewed under Part 11, Division B of the OBC.
- The majority of accessory apartments constructed in the City of Orillia fall into this category

3. Dwellings More Than Five Years Old with a Legally Established Finished Basement

Part 11 Alternative Based on the Age of the Non-Rated Drywall

An example would be:

- The home was constructed and occupied in 1990 with a permit to finish the basement in 1992
- The homeowner wishes to establish an accessory apartment in the basement.
- Refer to the requirements of [Table C](#) of this Guide.

Typical Building Code requirements are:

- Existing regular ½ “drywall can remain and be given a rating of 15 minutes as the product was produced prior to Dec 31, 1994 or later.
- Interconnected smoke alarms are installed in both units and common areas in addition to the other noted requirements of [Table C](#) and the requirements of the OBC are satisfied.
- Other requirements are satisfied as per the OBC for egress, natural lights etc.

4. Dwellings More Than Five Years Old with Illegally Established Finished Basement

Part 11 Alternative Based on the Age Of the Non-Rated Drywall

An example would be:

- The home was constructed and occupied in 1990 no further permits have been issued on the property and the basement was finished at some point in the past.
- The homeowner wishes to establish an accessory apartment in the basement but does not want to add or remove substantial finishes.
- Refer to the requirements [Table C](#) of this Guide.

Typical Building Code requirements are:

- Where it can be proven to the satisfaction of the CBO that the existing drywall was manufactured prior to Dec 31, 1994 or later [Table C](#) of this Guide may be used in addition to the other noted requirements of [Table C](#).
- This may entail the builder to carefully remove a panel of drywall to prove the manufacturing date as noted on the rear side of the drywall.
- Refer to the requirements of [Table B](#) of this guide unless prove to the satisfaction of the CBO as noted above.

Apply to Obtain a Building Permit

Please refer to the [Permit Application Guide](#) available on our City website.

Required Drawings and Documents

The following drawings are typically required with the submittal of a building permit application to ensure that the proposed project complies with all relevant by-laws and regulations:

Site Plan

A drawing of the property demonstrating the location of all structures on the property including their dimensions and relationship to the property lines. A plot Plan submission should include:

- Drawing Scale
- North Arrow
- Lot Lines and Dimensions
- Existing and proposed construction and dimensions
- Setbacks to property lines
- Proposed changes to existing grade.
- Parking requirements including dimensions of driveways
- Entrances and Pathways serving both dwelling units to ensure that safe access is available to both.

Elevations

Show the exterior walls of each side of the home and are typically identified by the direction the wall faces. (i.e., North, West, etc.). An Elevation Drawing should include:

- Drawing scale
- Extent of new and existing construction
- Vertical and horizontal dimensions of walls, windows, and doors, this will assist in evaluating fire safety between floors and around exits

- Grade level
- Exterior Cladding (i.e., siding materials)
- Roof Shape, slope and finishing material
- Exterior lighting

Floor Plans

Floor plans to show the floor layout as viewed from above. One floor plan is required for each floor of the house to ensure that the safety of one unit does not impact another unit. Floor plans should include:

- Drawing Scale
- Use of Rooms and spaces (e.g. Bath room, Kitchen, bedroom, etc.)
- Room and space dimensions
- Extent of new construction including new construction within existing building areas.
- Size, type, and location of exterior and interior walls and partitions
- All structural elements, beams (wood, steel, etc.), columns, structural walls, etc.
- Dimensions and location of all openings (doors and windows)
- Location dimensions and direction of all stairs
- Notes on material specification
- Heating system details and calculations
- Fire separation details
- Location of plumbing fixtures
- Location of bulkheads enclosing ductwork

Section Drawings

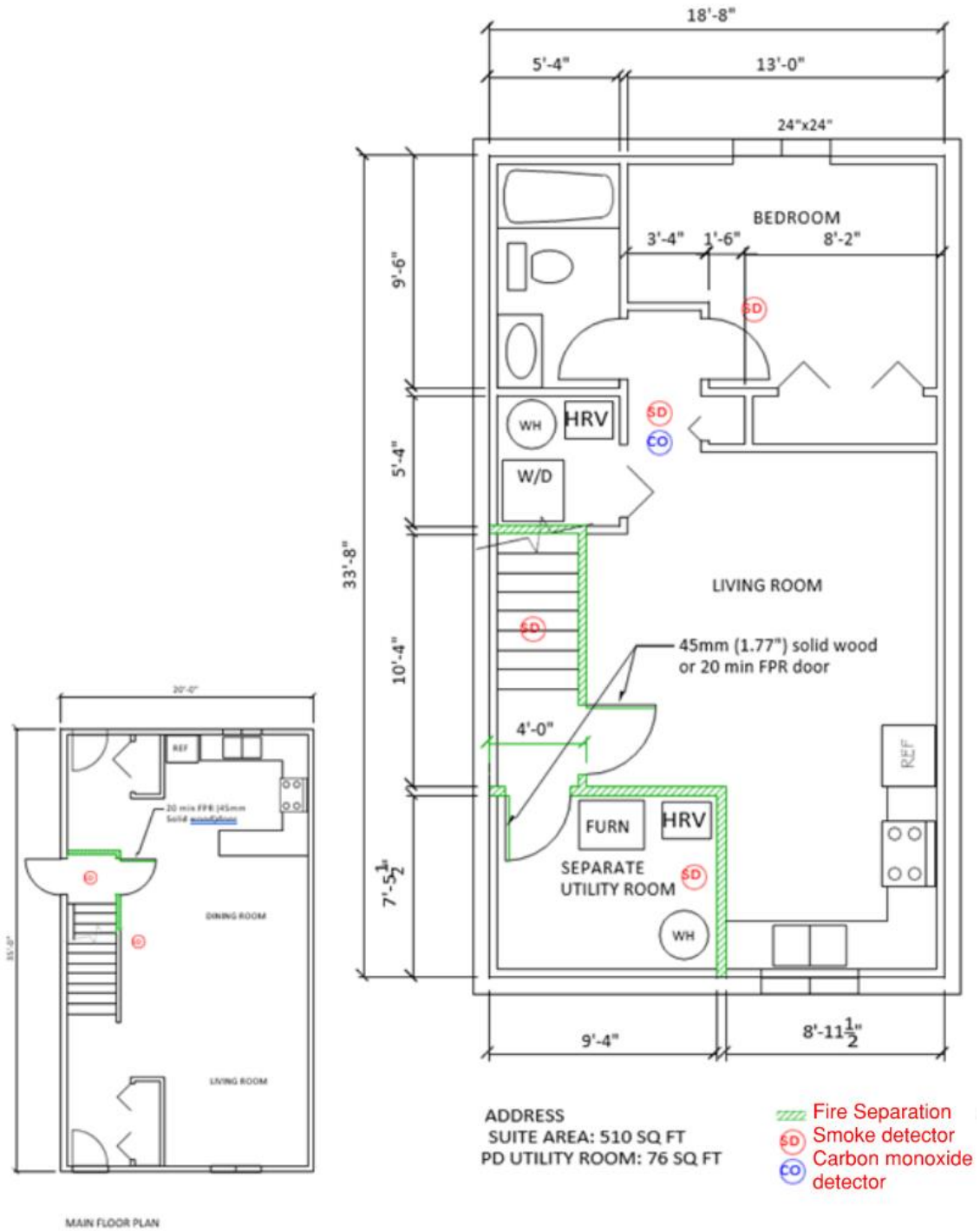
Drawings to show a cross sectional view of the home, typically through the stair that shows existing and proposed construction. The drawing should include:

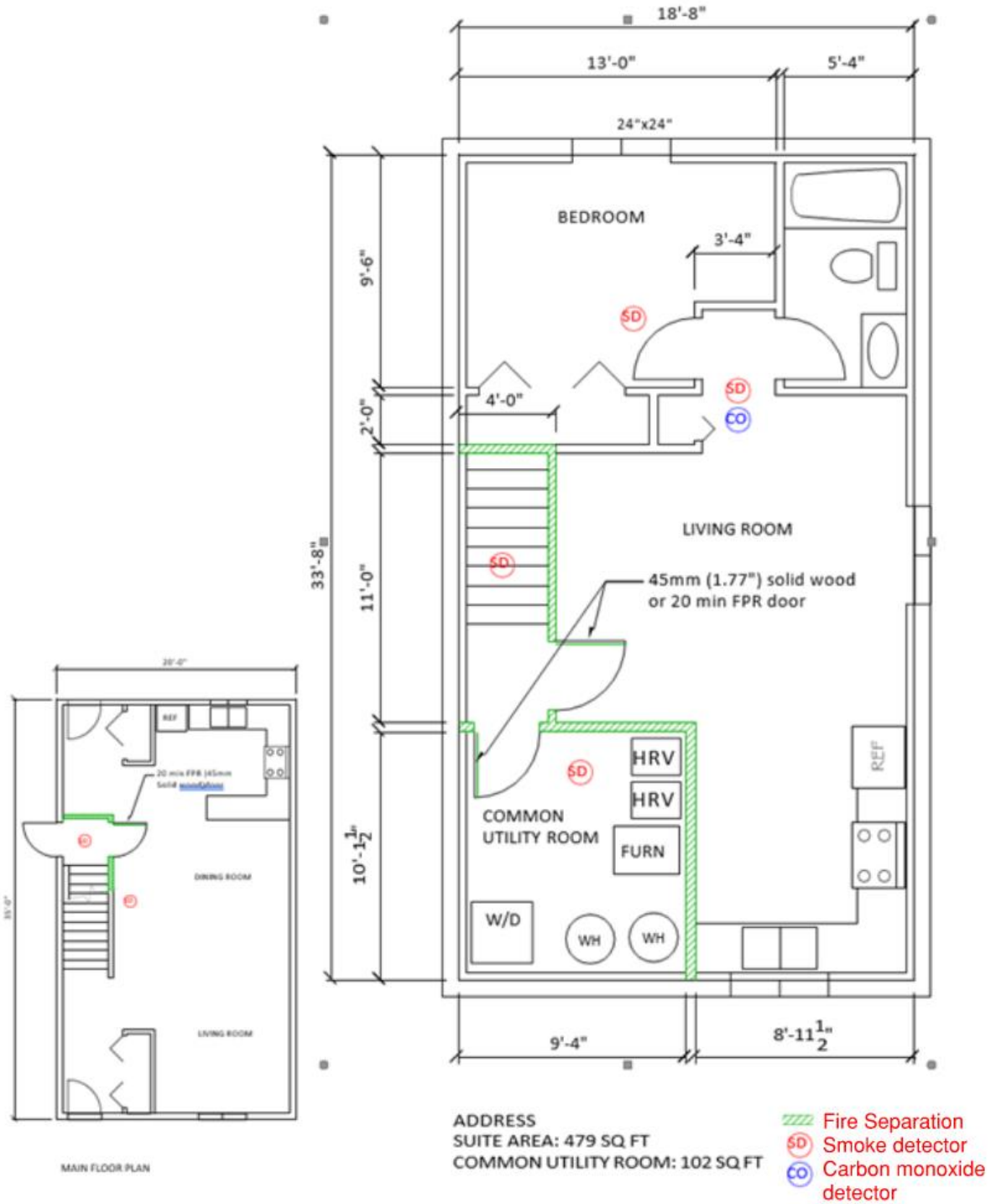
- Drawing scale
- Floor to ceiling height, head clearances over stairs
- Details of footings, foundations, walls, floors, and the roof
- Attic and crawl space ventilation
- Fire separation details

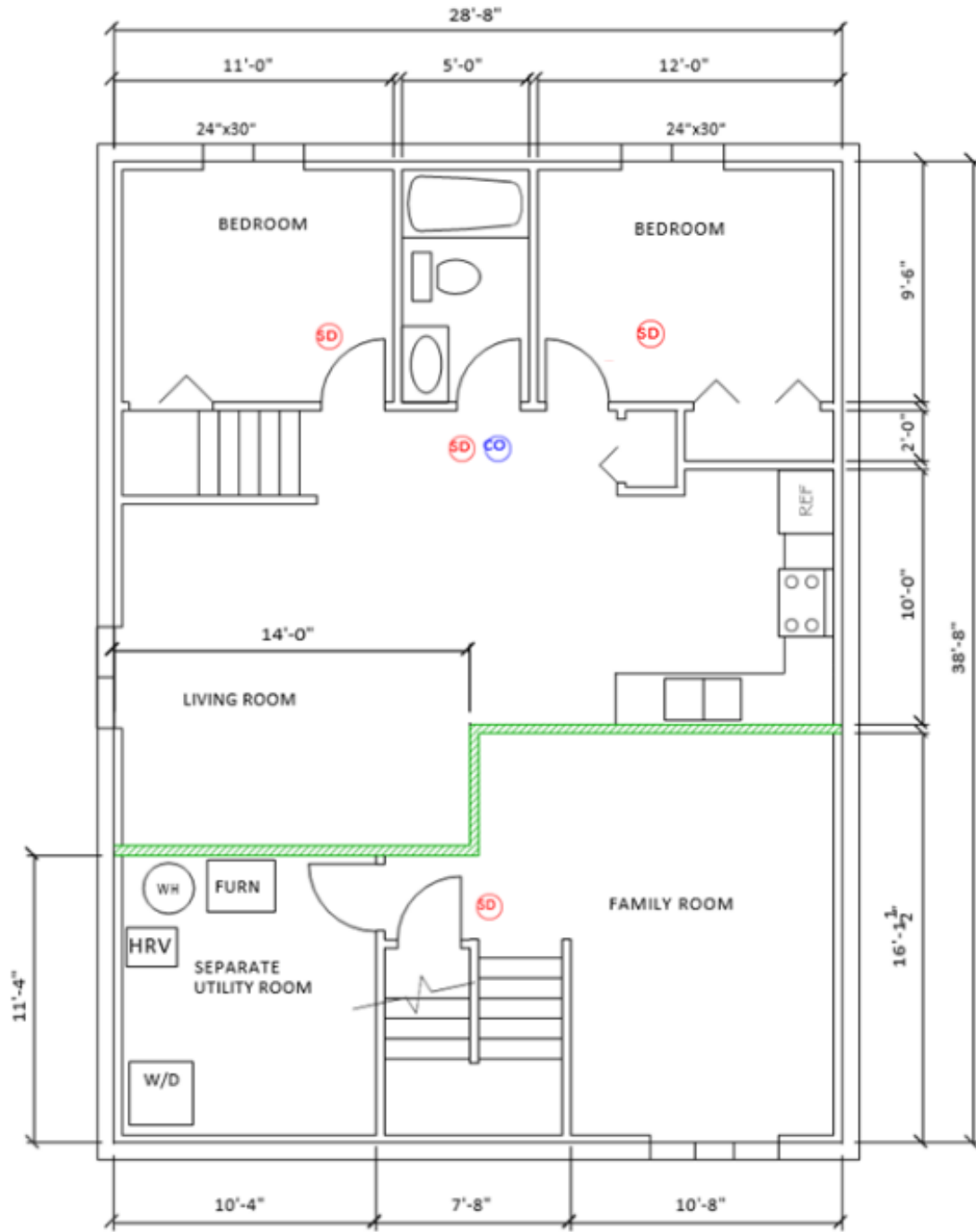
Sample Drawings

These may not be applicable to your project refer to the attached tables.




Not all details are shown, sample drawing only



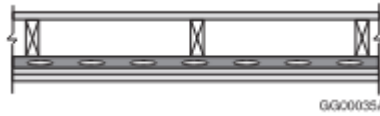




ADDRESS
 SUITE AREA: 667 SQ FT
 FAMILY ROOM AREA: 214
 PD UTILITY ROOM: 117 SQ FT

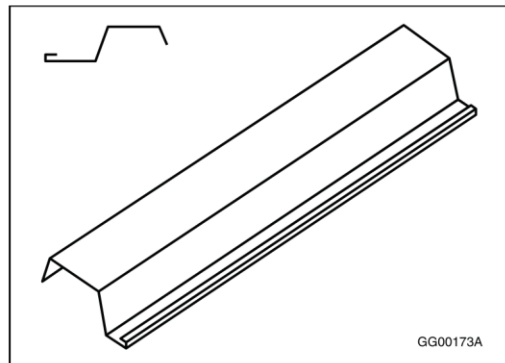
-  Fire Separation
-  Smoke detector
-  Carbon monoxide detector

Examples of Wall Fire Separations from SB-3



W4D 45-minute wall fire separation for use under Table A

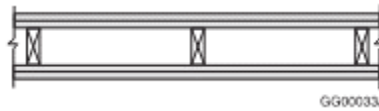
- Sound Transmission Class STC 53
- 38 mm x 89 mm wood studs spaced 610 mm
- 89 mm thick absorptive material
- Resilient metal channels on one side spaced 406 mm or 610 mm o.c.
- 2 layers of 12.7 mm Type X gypsum board on resilient metal channel side
- 1 layer of 12.7 mm Type X gypsum board on other side



Example of resilient metal channel

(1) Figure is for illustrative purposes only and is not to scale.

Examples of Wall Fire Separations from SB-3

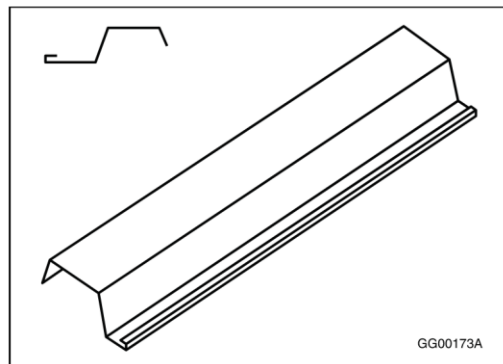


W1C 30-minute **wall** fire separation for use under **Table B**

- 38 mm x 89 mm wood studs spaced 406 mm or 610 mm o.c.
- 89 mm thick absorptive material
- 1 layer of 12.7 mm regular gypsum board on each side
 - **Note (9)** Regular gypsum board used in single layer assemblies must be installed so all edges are supported.

To achieve a sound transmission class (STC) of 43 as per table B add the following:

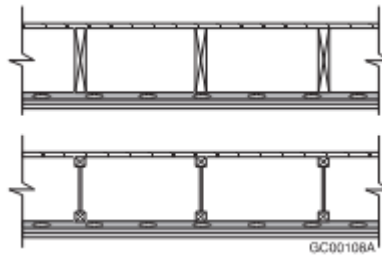
- Stud spaces are filled with sound-absorbing material or loose-fill cellulose sound-absorbing material fills cavity.
- Resilient metal channel is installed on one side spaced 16" or 24" o.c. between the studs & rated drywall finish.



Example of resilient metal channel

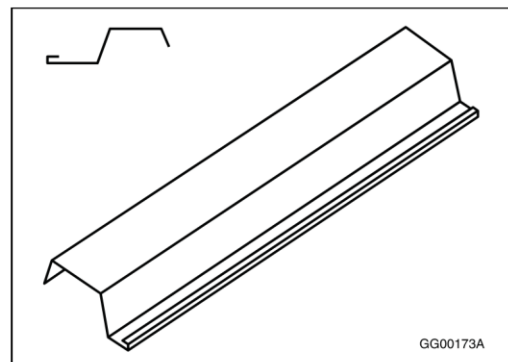
(1) Figure is for illustrative purposes only and is not to scale.

Examples of Floor Fire Separations from SB-3



F9H 45-minute **floor** fire separation for use under **Table A**

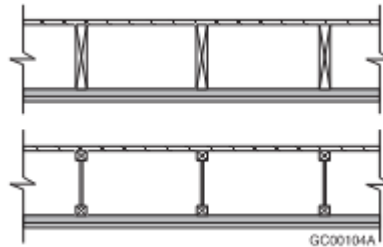
- Sound Transmission Class STC 52
- Subfloor of 15.5 mm plywood, OSB or waferboard, or 17 mm tongue and groove lumber
 - **Note (16)** The fire-resistance rating, sound transmission class and impact insulation class values given are also applicable to assemblies with 38 mm (width) x 184 mm (depth) solid wood joists.
- On wood joists or wood, I-joists spaced not more than 610 mm o.c.
 - **Note (12)** Wood floor joists are:
 - (i) wood joists with a minimum member size of 38 mm (width) x 235 mm (depth), except as otherwise noted (**see Note 16 above**), or
 - (ii) wood I-joists with a minimum flange size of 38 mm x 38 mm, a minimum OSB or plywood web thickness of 9.5 mm, and a minimum joist depth of 241 mm.
- With absorptive material in cavity
- Resilient metal channels spaced 610 mm o.c.
- 2 layers of 12.7 mm Type X gypsum board on ceiling side



Example of resilient metal channel

(1) Figure is for illustrative purposes only and is not to scale.

Examples of Floor Fire Separations from SB-3

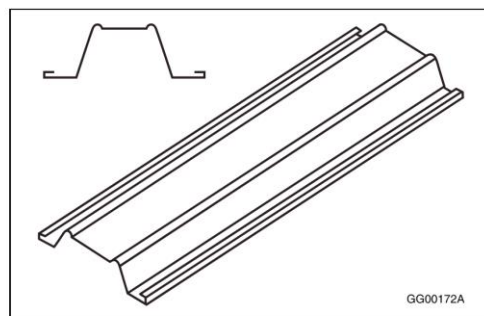


F5I (13) < 30-minute **floor** fire separation, for use under **Table B**

- Sound Transmission Class STC 33
- Subfloor of 15.5 mm plywood, OSB or waferboard, or 17 mm tongue and groove lumber
- On wood joists or wood, I-joists spaced not more than 610 mm o.c.
 - **Note (12)** Wood floor joists are:
 - (i) wood joists with a minimum member size of 38 mm (width) x 235 mm (depth), or
 - (ii) wood I-joists with a minimum flange size of 38 mm x 38 mm, a minimum OSB or plywood web thickness of 9.5 mm, and a minimum joist depth of 241 mm.
- No absorptive material in cavity
- Steel furring channels spaced 406 mm o.c.
- 1 layer of 12.7 mm regular gypsum board on ceiling side

To achieve a sound transmission class (STC) of 43 as per table B add the following:

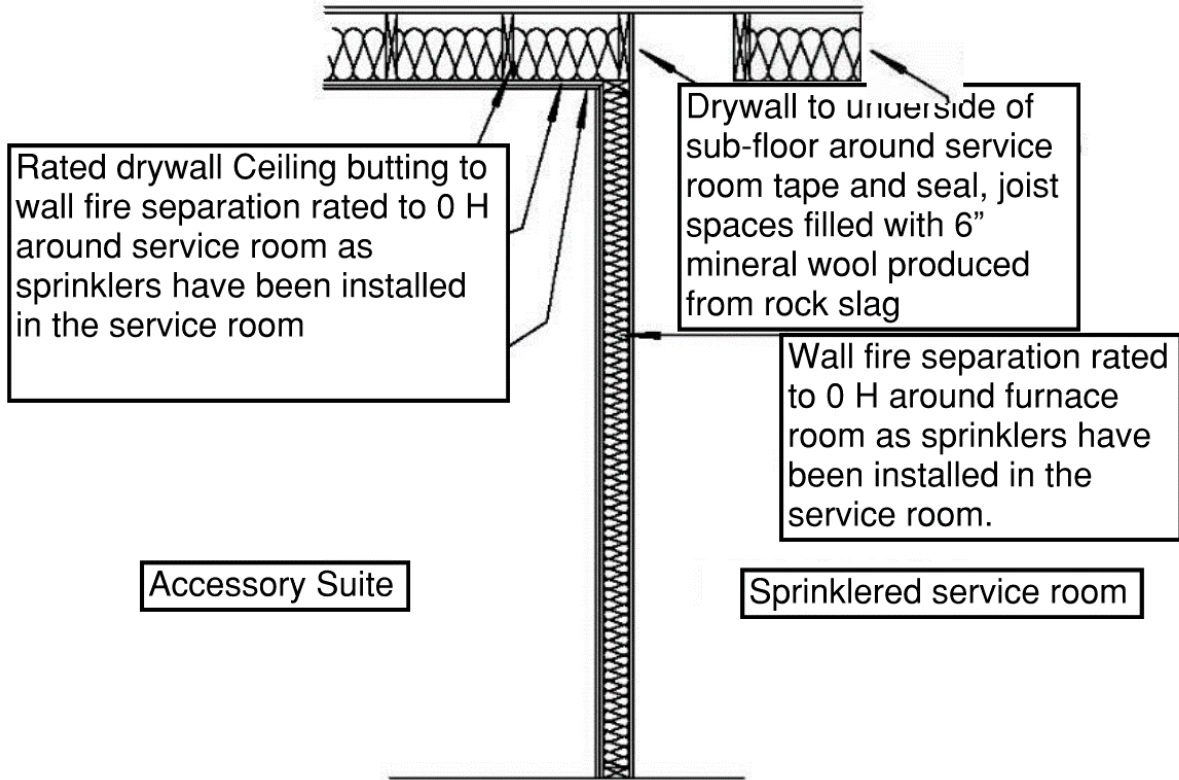
- Joist spaces are filled with sound-absorbing material of not less than 6” nominal thickness or 6” of loose-fill cellulose sound-absorbing material.



Example of steel furring channel

(1) Figure is for illustrative purposes only and is not to scale.

Fire Separation at Service Room That Is Sprinklered Table B



1. Sprinkler head(s) installed in service room, discussions with the building official will determine the number of sprinkler heads due to room size, head coverage and obstructions
2. Provide zero-hour vertical fire separation around the service room to underside of rated ceiling in accessory suite and to underside of floor on service room side joints taped and sealed
3. Horizontal fire separation waved; joist spaces filled with 6" rockwool insulation

Next Steps

1. Submit your complete permit application in person or by email the required fees.
2. Once the Application is received a Building Inspector will review the application.
3. If the application is complete, the reviewer will either issue a permit or request additional information necessary within 15 business days.
4. Once the project has been approved and started you will require a series of building inspections to be completed.
5. On the day of your inspection the Building Inspector will come to your property and inspect your project to ensure that it has been constructed in accordance with the Building Code and follows the plans approved by the City.
6. The inspector may ask you to fix items that do not meet the requirements and may require you to schedule a re-inspection.
7. When scheduling an inspection, the booking may be up to 48 hours after your request is made.

For further information on permit requirements for Accessory Apartment Units, please contact:

Development Services & Engineering Department, Building Division

Telephone: (705) 329-7258 or Email: building@orillia.ca

Appendix

Table A: Existing House Built Within Past 5 Years

Table B: Existing House 5 Years or Older

Table C: Existing House with a Finished Basement

Table A: Existing House Built within 5 Years

Ontario Building Code Requirements Summary

Smoke Alarms	
Applies to only the new accessory apartment	Yes
Interconnection between units	No
Smoke alarms are required on every floor level, in every bedroom, and in hallways serving a bedroom. All smoke alarms within a dwelling unit shall be interconnected and have a visual signaling component (strobe light).	Required
Carbon Monoxide Alarms	
Required where a fuel burning appliance is installed or an attached garage	Yes
Shall be located adjacent to sleeping areas and installed as per manufacturer's specifications	Yes
Carbon monoxide alarms may be battery operated or plugged into an electrical outlet	No
Floor Fire Separation between Units	
Minimum Fire Resistance Rating	45 minutes
Minimum Sound Rating (STC)	50
Wall Fire Separation between Units	
Minimum Fire Resistance Rating	45 minutes
Minimum Door Fire Protection Rating	20 FPR
Minimum Sound Rating (STC)	50
HVAC Systems	
Independent Heating System Required	No
Duct type Smoke Detector Required When HVAC System Is Shared	Yes
Fire Dampers Required	Yes
Exit Requirements	
A door directly to exterior and access to ground level	Yes
Entrance Through Attached Garage	No
Entrance Through a Garage with a Separate Door and Fire Rated Egress	Yes
Access to exit from one dwelling leads through another dwelling	No
Egress window when a door that opens directly to grade is not installed	Yes
Door Sizes (Minimum)	
Dwelling Unit Entrance or Utility Room	T 9.5.11.1
Bedroom or Rooms not mentioned elsewhere	T 9.5.11.1

Bathroom, Washroom, and Walk-in closets	T 9.5.11.1
Doors may be lesser heights to suit ceiling heights	No
Ceiling Heights	
All Rooms - over entire floor area	6'-11"
Minimum Height under beams or HVAC duct	6'-5"
Minimum Room Sizes	
	Area ft²
Living Room	145
Living Area combined with a kitchen and dining space (not > 2 persons)	118
Dining Area combined with another space	35
Dining Area not combined with another space	75
Kitchen	45
Kitchen – not > 2 persons and not > one bedroom	40
Master Bedroom (unit must contain one)	105.5
Master Bedroom with a built-in closet	95
Other Bedrooms	75
Bedrooms with a built-in closet	65
Bedrooms combined with any other space	45
Window Requirements for Natural Light	
Laundry room, kitchen, bathroom - not required	n/a
Living and Dining Rooms (% of floor area)	10%
Bedrooms and other finished areas	5%
Required Plumbing Fixtures	
A kitchen, lavatory, bathtub or shower and water closet	Yes
Laundry hookups shall be provided in each suite or be in a common area used by both units	Yes

**Table B: Existing House 5 Years or Older
Without a legally established finished basement**

Ontario Building Code Requirements Summary

Smoke Alarms	
Applies to only the new accessory apartment	Yes
Interconnection between units	No
Smoke alarms are required on every floor level, in every bedroom, and in hallways serving a bedroom. All smoke alarms within a dwelling unit shall be interconnected and have a visual signaling component (strobe light).	Required
Carbon Monoxide Alarms	
Required where a fuel burning appliance is installed or an attached garage	Yes
Shall be located adjacent to sleeping areas and installed as per manufacturer's specifications	Yes
Carbon monoxide alarms may be battery operated or plugged into an electrical outlet	Yes
Floor Fire Separation between Units	
Minimum Fire Resistance Rating <small>See Table Notes</small>	30 minutes, 15 minutes when smoke alarms are interconnected between units and common areas
Minimum Sound Rating (STC) <small>See Table Notes</small>	Not Required Recommend 43 STC
Wall Fire Separation between Units	
Minimum Fire Resistance Rating <small>See Table Notes</small>	30 minutes
Minimum Door Fire Protection Rating	20 FPR
Minimum Sound Rating (STC) <small>See Table Notes</small>	Not Required Recommend 43 STC
HVAC Systems	
Independent Heating System Required	No
Duct type Smoke Detector Required	Yes
Fire Dampers Required	No
Exit Requirements	
A door directly to exterior and access to ground level	Yes
Entrance Through Attached Garage	No

Entrance Through a Garage with a Separate Door and Fire Rated Egress	Yes	
Access to exit from one dwelling leads through another dwelling	Yes	
Egress window when a door that opens directly to grade is not installed	Yes	
Door Sizes (Minimum)	Width	Height
Dwelling Unit Entrance or Utility Room	32"	78"
Bedroom or Rooms not mentioned elsewhere	30"	78"
Bathroom, Washroom, and Walk-in closets	24"	78"
Doors may be lesser heights to suit ceiling heights	Part 11	
Ceiling Heights		
All Rooms - over entire floor area	6'-5"	
Minimum Height under beams or HVAC duct	6'-5"	
Minimum Room Sizes	Area ft²	
Living Room	145	
Living Area combined with a kitchen and dining space (not > 2 persons)	118	
Dining Area combined with another space	35	
Dining Area not combined with another space	75	
Kitchen	45	
Kitchen – not > 2 persons and not > one bedroom	40	
Master Bedroom (unit must contain one)	105.5	
Master Bedroom with a built-in closet	95	
Other Bedrooms	75	
Bedrooms with a built-in closet	65	
Bedrooms combined with any other space	45	
Window Requirements for Natural Light		
Laundry room, kitchen, bathroom - not required	n/a	
Living and Dining Rooms (% of floor area)	5%	
Bedrooms and other finished areas	2.5%	
Required Plumbing Fixtures		
A kitchen, lavatory, bathtub or shower and water closet	Yes	
Laundry hookups shall be provided in each suite or be in a common area used by both units	Yes	

Notes to Table B:

1. **Horizontal fire separations** are waived in a **service room** where the **service room** is sprinklered (**discussion on placement & number of heads required will be determined on site**) and the installation satisfies the following:
 - The sprinkler feed is a flow through (looped)
 - Min ¾ water service from the road to the house (if only one head is required ½ water service can be used)
 - No isolation valves prior to the sprinkler heads
 - A sign is installed by the water service shutoffs at the water meter
 - The sign noted above has lettering min 25 mm (1") high with a 5 mm (¼") stroke that reads.
 - "WARNING DOMESTIC WATER SERVICE ALSO SERVES FIRE SPRINKLER PROTECTION OF FURNACE ROOM DO NOT SHUT OFF THE MAIN FEED UNLESS FOR EMERGENCY PURPOSES"
 - Joist spaces are tightly filled with 6" mineral wool produced from rock slag.
 - **Note 1 & 3 must be completed together for reductions.**

2. An acceptable STC design for **floors** to meet the STC of 43 would be as below or based on SB-3
 - Joist spaces are filled with sound-absorbing material of not less than 6" nominal thickness or 6" loose-fill cellulose sound-absorbing material.
 - Resilient channel is installed 16" or 24" o.c. between the floor joists & the rated drywall finish.

3. **Vertical fire separation** rating is waved in a **service room** (smoke tight joints required) for a **service room** if smoke alarms are installed in every dwelling unit, in common areas, smoke alarms are interconnected & drywall is installed to the underside of the floor sheathing in joist spaces taped and sealed. **Note 1 & 3 must be completed together for reductions.**

4. An acceptable STC design for **walls** to meet the STC of 43 would be as below or based on SB-3
 - Stud spaces are filled with sound-absorbing material or loose-fill cellulose sound-absorbing material fills cavity.
 - Resilient channel is installed on one side spaced 16" or 24" o.c. between the studs & rated drywall finish.

5. Structural supporting walls, columns, arches, or beams that support a floor or roof that require a fire resistance rating shall be protected to the same level as the supported item. Wood paneling or other such wall coverings used in the past would not have the required fire resistance rating to protect structural items and would need to be removed and replaced with a material that can achieve the required protection.

Table C: Existing House With a Legally Established Basement

Ontario Building Code Requirements Summary

This table is to be used where:

1. An existing lawfully established finished basement constructed with a permit and existed prior to Dec 31, 1994; or
2. Where it can be proven to the satisfactory of the CBO that the drywall was manufactured prior to Dec 31, 1994, or later.
3. Please see Table Notes below.

Table B shall be used if the above does not apply.

Smoke Alarms	
Applies to only the new accessory apartment	Existing unit and new
Interconnection between units & Common Areas	Required
Smoke alarms are required on every floor level, in every bedroom, in every shared common area and in hallways serving a bedroom. All smoke alarms within a dwelling unit shall be interconnected and have a visual signaling component (strobe light).	Required
Carbon Monoxide Alarms	
Required where a fuel burning appliance is installed or an attached garage	Yes
Shall be located adjacent to sleeping areas and installed as per manufacturer's specifications	Yes
Carbon monoxide alarms may be battery operated or plugged into an electrical outlet	Yes
Floor Fire Separation between Units	
Minimum Fire Resistance Rating ^{See Table Notes}	15 minutes New drywall required to be type X or C
Minimum Sound Rating (STC)	Not Required
Wall Fire Separation between Units	
Minimum Fire Resistance Rating ^{See Table Notes}	30 minutes
Minimum Door Fire Protection Rating	20 FPR
Minimum Sound Rating (STC)	Not Required
HVAC Systems	
Independent Heating System Required	No
Duct type Smoke Detector Required	Yes

Fire Dampers Required	No	
Exit Requirements		
A door directly to exterior and access to ground level	Yes	
Entrance Through Attached Garage	No	
Entrance Through a Garage with a Separate Door and Fire Rated Egress	Yes	
Access to exit from one dwelling leads through another dwelling	Yes	
Egress window when a door that opens directly to grade is not installed	Yes	
Door Sizes (Minimum)	Width	Height
Dwelling Unit Entrance or Utility Room	32"	78"
Bedroom or Rooms not mentioned elsewhere	30"	78"
Bathroom, Washroom, and Walk-in closets	24"	78"
Doors may be lesser heights to suit ceiling heights	Part 11	
Ceiling Heights		
All Rooms - over entire floor area	6'-5"	
Minimum Height under beams or HVAC duct	6'-5"	
Minimum Room Sizes	Area ft²	
Living Room	145	
Living Area combined with a kitchen and dining space (not > 2 persons)	118	
Dining Area combined with another space	35	
Dining Area not combined with another space	75	
Kitchen	45	
Kitchen – not > 2 persons and not > one bedroom	40	
Master Bedroom (unit must contain one)	105.5	
Master Bedroom with a built-in closet	95	
Other Bedrooms	75	
Bedrooms with a built-in closet	65	
Bedrooms combined with any other space	45	
Window Requirements for Natural Light		
Laundry room, kitchen, bathroom - not required	n/a	
Living and Dining Rooms (% of floor area)	5%	
Bedrooms and other finished areas	2.5%	
Required Plumbing Fixtures		

A kitchen, lavatory, bathtub or shower and water closet	Yes
Laundry hookups shall be provided in each suite or be in a common area used by both units	Yes

Notes to Table C:

1. This Table only applies to **lawfully finished basements** that existed prior to Dec 31, 1994, or later with a permit or where it can be proven to the satisfaction of the CBO that the existing ceiling drywall was manufactured prior to Dec 31, 1994 or later.
 - a. Without proof of a permit the owner/builder may need to carefully remove a panel of drywall to prove the manufacturing date as noted on the rear side of the drywall.
 - b. If proof cannot be provided to the satisfaction of the CBO, **Table B must be complied with.**

The date noted above is based on:

- A Ministry of Municipal Affairs & Housing Branch Opinion issued on July 18, 2001 which noted the elimination of the requirement for the 15 minute fire resistance rating for ½” standard gypsum wallboard as specified in Section 2.3.7. of the Supplement to the National Building Code of Canada 1990.
- A recent Building Code Commission ruling 20-03-1554 that states,
 - SB-2 The additive method noted applies to rated drywall only.
 - The use of SB-2 s. 6.2., “*Obsolete Materials and Assemblies*” applies to building materials, components and structural members and assemblies in buildings constructed before 1995 and acceptable date for a material would be if it was manufactured prior to Dec 31, 1994 or later.
 - Part 11 compliance alternative C143 noting the use of the HUD Rehabilitation Guidelines, “Guideline on Fire Ratings of Archaic Materials and Assemblies” would not be applicable based on the “1997 Illustrated Guide to the Ontario Building Code” as it is noted on page 11-27 that the HUD Guidelines would be applicable to estimate the fire rated performance building components and assemblies typically constructed prior to the 1950’s

2. **Horizontal fire separations** are waived in a **service room** where the **service room** is sprinklered (**discussion on placement & number of heads required will be determined on site**) and the installation satisfies the following:
 - The sprinkler feed is a flow through (looped)
 - Min $\frac{3}{4}$ water service from the road to the house (if only one head is required $\frac{1}{2}$ water service can be used)
 - No isolation valves prior to the sprinkler heads
 - A sign is installed by the water service shutoffs at the water meter
 - The sign noted above has lettering min 25 mm (1") high with a 5 mm ($\frac{1}{4}$ ") stroke that reads.
 - "WARNING DOMESTIC WATER SERVICE ALSO SERVES FIRE SPRINKLER PROTECTION OF FURNACE ROOM DO NOT SHUT OFF THE MAIN FEED UNLESS FOR EMERGENCY PURPOSES"
 - Joist spaces are tightly filled with 6" mineral wool produced from rock slag.
 - **Note 2 & 3 must be completed together for reductions.**
3. **Vertical fire separation** rating is waved in a **service room** (smoke tight joints required) for a **service room** if smoke alarms are installed in every dwelling unit, in common areas, smoke alarms are interconnected & drywall is installed to the underside of the floor sheathing in joist spaces taped and sealed. **Note 2 & 3 must be completed together for reductions.**
4. Structural supporting walls, columns, arches, or beams that support a floor or roof that require a fire resistance rating shall be protected to the same level as the supported item.
5. Wood paneling or other such wall coverings used in the past would not have the required fire resistance rating to protect structural items and would need to be removed and replaced with a material that can achieve the required protection.

Frequently Asked Questions

Q. What is a secondary dwelling unit?

A. A secondary dwelling unit is a dwelling unit that is ancillary and subordinate to the main dwelling unit that may be contained within the main building on a lot or within an accessory building on the same lot, but not both.



DETACHED



ATTACHED



INTERIOR CONVERSION



STRUCTURE CONVERSION

Q. Will I be obligated to follow any rent control or tenant regulations?

A. Yes, secondary units follow the Landlord & Tenant Act, just as any other residential rental accommodations across the Province would.

Q. What if I purchased a property which has an existing secondary unit and discovered that a Building Permit was never obtained for the legal construction of this unit. Will the City allow me to keep the secondary unit?

A. Yes, however, only if you meet the criteria for secondary units and only if you apply for, and successfully obtain a building permit from the Chief Building Official. All Ontario Building Code regulations shall apply.

Q. If I bought a dwelling that had an existing secondary dwelling does this make it legal (grandfathered)?

Not necessarily, you should always have your realtor, lawyer or yourself ensure that the secondary dwelling is lawfully established. If there is no documentation the unit was built legally then the unit will be considered illegal until a permit is applied for, obtained and all inspection completed.

Q. What if the secondary unit was constructed over 30 years ago, which Provincial Legislation applies?

A. If you can provide proof the unit has existed prior to July 14th, 1994, the Ontario Fire Code, Section 9.8 Retrofit shall apply, otherwise, any construction after 1994 is subject to the current Ontario Building Code. Regardless, a building permit will need to be obtained.

Q. Will I be charged if a secondary unit is determined to be illegal?

A. It is our mandate to achieve conformity and/or compliance. Staff will strive to work with you to bring the property in conformity or compliance. However, if you decide not to bring your property into conformity or compliance the Chief Building Official may pursue with further action under the *Building Code Act*.

Q. What is a fire separation?

A. A fire separation is a continuous constructed assembly that acts as a barrier against the spread of fire from one suite to another suite and from common spaces to the suites in a house with a secondary suite.

Q. Where are fire separations required?

A. Fire separations are required between but not limited to:

1. The suites (at the walls and ceiling).
2. Common spaces between the suites (at walls and ceiling) and the rest of the building.
3. *Note depending on the age of the dwelling a zero-hour fire separation might be permitted at services rooms when they are sprinklered.

Q. How do I build a fire separation?

A. Designs for fire separations can be found in:

- SB-2 if the additive method is desired (note that openings might be limited or not permitted please talk to your designer).
- SB-3 for prescriptive assemblies (see examples on pages 14 to 17 for wall and ceiling assemblies).
- Regardless of how you design the fire separation all joints and screw heads must be taped and sealed, and all penetrations must be tightly fitted or sealed with fire stopping.

Q. What is a sound transmission class and how do I build it?

A. Sound transmission class (STC) is a rating that shows how well a material or assembly stops the transmission of sound. The higher the rating, the less sound is transferred. An STC of at least 50 is required for new suites and a STC rating of 43 is recommended between suites in a house that is 5 years or older. Please see the wall and ceiling types for examples of a STC rated assembly located on pages 14 to 17.

Q. Do I need to drywall the underside of my landing and stairs?

A. The ceiling of a stair used by the suite must be drywalled. If the stairwell is not separated from the basement suite, the ceiling (underside of stairs above) must also have a minimum STC.

Q. **Where are smoke alarms required?**

A. Hard-wired interconnected smoke alarms or battery operated (depending on the age and of the house and the Part 11 compliance alternatives used) are required:

1. In each bedroom.
2. On each floor within a dwelling unit, located in the hallway if the floor area serves bedrooms.
3. The landing area at the top of basement suite stairs.
4. In common areas such as corridors or service rooms.
5. Depending on the design smoke alarms might be required to be interconnected, so that the activation of one smoke alarm will cause all other smoke alarms to sound in both suites (see sample plans).

Q. **I have an older house that does not have hard-wired smoke alarms. Do I have to install hardwired smoke alarms in all the rooms noted above?**

A. See the answer above.

Q. **Where in the room should the smoke alarm be placed?**

A. Smoke alarms must be installed as per the manufacturer's specifications and they must be placed a minimum of 100 mm (4") from the ceiling or wall and a maximum of 300 mm (12") below the ceiling, when placed on the wall.

Q. **Where are carbon monoxide alarms required?**

A. Hardwired and interconnected carbon monoxide alarms are required outside each bedroom, carbon monoxide and smoke alarms can be combined into a single detector unit.

Q. **What are the differences between guards and handrails?**

A. **Guards** are intended to prevent persons from falling off the edge of stairs, openings around stairs, or where the difference in walking surfaces of 600mm (24") or more. The guard must be able to withstand the pressure of a human body applied horizontally to it.

Handrails assist persons in ascending or descending stairs. They offer a continuous and graspable handhold to guide and support persons, handrails can also act as guards if the height limits of handrails are not exceeded.

Q. My house is older and the stairs have never had guardrails or handrails. Do I need to have them installed?

A. Yes. Access to the suite is required to be upgraded to reasonably meet current code requirements. Guards are required on stairs where there is a difference in elevation of more than 600 mm (24") and a handrail is required on all interior stairs with more than two risers.

Q. How high do my guards have to be?

A. Guards are to be at least 900 mm (36") in height inside of a dwelling. If the top of guard is also to be used as a handrail, the maximum height is 965 mm (38").

Q. Do stairs have any requirements?

A. Treads and risers must have a uniform rise and run in any one flight including the top and bottom risers. When choosing flooring it is important to ensure the existing stairs will meet this requirement after flooring is installed.

Q. How much head room is required over stairs and landings?

A. The clear height over stairs and landings shall not be less than 1.95 m (6'-5") lesser heights might be permitted under Part 11.

Q. *What is the required height of basement?*

A. Rooms must be at least 1.95 m (6'-5") high. Under beams and duct work the height may be reduced to 1.85 m (6'-1") areas that do not conform to the requires height would not be counted in required room area. lesser heights might be permitted under Part 11.

Q. *What is the required size of an egress window?*

A. One window on each floor area is required to meet the following:

- Have an unobstructed opening size of at least 0.35 sq m (3.8 sq ft).
- The minimum dimension of this window is 380 mm (15")
- The window is openable from the inside without the use of tools.
- The window must not require further support to maintain the required opening. (Note that a larger escape window may need to be installed please see C136 in Part 11 this window is known as an escape window)

- Sliding windows must meet the above for the operable portion of the window, features for cleaning such as pop tabs etc, would not meet the requirements of the OBC, please discuss with the Building Official prior to installing an egress window.

Q. ***Does that mean an 18"x18" window meets these requirements?***

A. No. The opening a person would climb through must be at least 0.35 m (3.8 sq ft). If the actual opening size of the window was 450 mm x 450 mm (18"x18"), the area would only be 0.20 sq m (2.25 sq ft).

Q. ***What if the window opens to a window well?***

A. If the window opens into a window well it must meet the following:

- A minimum of 550 mm (21 5/8") clear space in front of the window is provided, when the window is open.
- If the window opens into the window well the clearance is measured from the closest portion of the window to the window well,
- The well must be wider than the window.

Q. ***Are there any requirements to what door I use in a fire separation?***

A. Yes, the following summarize door requirements:

- Doors within a fire separation must be rated unless otherwise noted.
- Be equipped with a self closing device installed to return the door to the closed position after every use &
- Installed to meet the required maximum allowed gaps at the top, bottom, and sides of the door as per the OBC.