

TOWN OF FORT FRANCES

Planning & Development Executive Committee

AGENDA - November 4, 2019 at 8:30 AM

MEETING - Civic Centre - Committee Room

	Page
1. <u>Call to Order</u> Session #16	
2. <u>Disclosure of pecuniary interest and the general nature thereof</u>	
3. <u>Approval of Previous Committee Minutes</u> 3.1 Approval of Previous Committee Minutes.	3 - 4
4. <u>Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.</u>	
5. <u>In-Camera</u>	
6. <u>Items Referred from Council</u> 6.1 Request Letter S. Hatfield re: Request to Waive Fees. 6.2 Request from R. Socholotuk - Amend Off-Road Vehicles By-Law. - Deferred to next meeting. Awaiting input from OFEC, Traffic Safety Committee & EDAC.	5 - 6
7. <u>New Business</u> 7.1 Appointment of Chief Building Official & Deputy Chief Building Official. 7.2 2020 Planning & Development User Fees & Charges.	7 - 8 9 - 14
8. <u>Outstanding Items</u> 8.1 Brewery Definitions & Zoning - Zoning By-Law Amendments. - Research Ongoing. Item deferred to next meeting. 8.2 Second Units - Zoning By-Law Amendment.	15 - 45
9. <u>Information</u>	
10. <u>Non-agenda Items</u>	
11. <u>Adjourn / Next Meeting Date</u> Monday November 18th, 2019.	

TOWN OF FORT FRANCES

MINUTES

SESSION NO.

October 21, 2019

The meeting of Planning & Development Executive Committee of the Town of Fort Frances was held in the Civic Centre - Council Chambers on October 21, 2019 from 8:30 a.m. to 9:12 a.m.

PRESENT: J. McTaggart - Chairperson, W. Brunetta - Councillor, D. Judson - Councillor.

ALSO PRESENT: D. Brown, CAO, C. Vangel, CBO/Planner, P. Briere, Committee Secretary

1. Call to Order

Session #15

2. Disclosure of pecuniary interest and the general nature thereof

None.

3. Approval of Previous Committee Minutes

- 3.1 Approval of Previous Meeting Minutes.
- Approved as presented.

4. Non-agenda items identified to be considered later in this meeting, both in-camera and in open meeting.

None.

5. In-Camera

None.

6. Items Referred from Council

- 6.1 Request letter from R. Socholotuk - Amend Off-Road Vehicles By-Law.
- Awaiting input from Police Service Board, EDAC, Traffic Safety Committee and OFEC before recommendation can be made.- A short discussion was had on this item and a recommendation to the Committee was made to review both the Off-Road Vehicles By-Law and Snowmobiles By-Law at the same time. The Committee directed Administration to send this recommendation to all the Committees currently providing input.

7. New Business

- 7.1 Erin Crescent Subdivision & Sale Town Lands Policy 6.2.
- After a review of the report was provided by Administration and questions/clarification were discussed and addressed. The Planning & Development Executive Committee is recommending that Council approve the report with the following amendments:
- \$1500.00 deposit with 50% being non-refundable.
The next steps in the process was provided by Administration and Council will be reviewing a draft By-Law for the Sale & Purchase Agreement of the lots.
- 7.2 Site Plan Control Agreement - Gardwine Addition at 1000 McIrvine Road.
- After a review of the report and overview of the project was completed by Administration. Questions and Clarification on items were addressed. The Planning & Development Executive Committee is recommending that Council approve the report as presented.
- 7.3 Brewery Definitions & Zoning - Zoning By-Law Amendment.
- After a review of the report and overview of the project was presented by Administration. Questions and Clarification on items were addressed. The Planning &

Development Executive Committee is asking Administration for more information and clarification regarding the definitions being proposed.

- 8. **Outstanding Items**
None.
- 9. **Information**
None.
- 10. **Non-agenda Items**
None.
- 11. **Adjourn / Next Meeting Date - 0912am**
Monday November 4th, 2019.

Executive Committee Chair

Secretary, Planning & Development Executive
Committee



Date: October 29, 2019

Report To: Planning & Development Executive Committee

From: Cody Vangel, CBO Trainee/Municipal Planner

Re: **Hatfield Request to Waive Deeming Application Fees**

In the summer of 2018 construction began on a single detached dwelling which spanned across Lots 214, 216, 218, 220 Fifth Street West. For this to be compliant with the zoning specifications in the Town of Fort Frances Zoning By-law, these four lots require to be deemed as one through by-law.

On September 24, 2019 a letter accompanied by an “APPLICATION TO DEEM LOTS TO NOT BE ON A REGISTERED PLAN OF SUBDIVISION” was sent to the owners of the above-mentioned lots to begin the process of deeming the four lots as one.

On October 23, 2019 administration received the partially completed application along with a letter to council detailing refusal to pay the application fees due to not being informed of the deeming requirements in the summer of 2018.

With this stated, it is the recommendation of administration that the required fees and a completed application be submitted to deem lots 214, 216, 218 and 220 Fifth Street West as one as outlined in the *Planning Act*.

Respectfully submitted,

Original Signed By:

Cody Vangel, EIT
CBO Trainee/Municipal Planner

October 4, 2019

To Council

We have purchased and built a home on lots 214, 216, 218, and 220 Fifth Street West in 2018. This week we received an application to have all these lots combined as one and they are saying we need to provide all this information that the town should already have since we did have to purchase a building permit. We were told to pick an address and all four lots would be put as one. At no time did anyone tell us that we were going to have to provide this information to the town nor were we told that we would have to pay a fee to have this done. I request that council agree to waive the fees for this application that should have been done prior to the build not almost a year later.

Thanks
Sue Hatfield
218 Fifth St W
Fort Frances, Ontario
P9A 3P6

A handwritten signature in cursive script that reads "Sue Hatfield". The signature is written in dark ink and is positioned below the typed name and address.

REPORT

October 30th, 2019

Report To: Mayor & Council

From: Doug Brown, CAO


SUBJECT: Appointment of Cody Vangel as the Chief Building Official and Reappointment of Travis Rob as the Deputy Chief Building Official

On October 23th, 2019, Cody Vangel successfully obtained the legal course (Powers and Duties of CBO- 2012) under the Ontario Building Code. As a result, the Corporation of the Town of Fort Frances is able to officially appoint Cody Vangel as the Town's Chief Building Official. Travis Rob had previously been appointed through By-Law No. 58/16 as the Deputy Chief Building Official, however this by-law also appointed Tyson Dennis as the Chief Building Official. See attached by-law No 58/16. By-law No. 58/16 must now be rescinded, and a new authorizing appointment by-law be prepared.

The Planning & Development Executive Committee recommends the following:

- That effective November 12th, 2019 By-Law No. 58/16 be rescinded; and
- That effective November 12th, 2019 an new authorizing by-law be prepared appointing Cody Vangel as the Chief Building Official and Travis Rob as the Deputy Chief Building Official for the Corporation of the Town of Fort Frances.

Respectfully submitted,



D. Brown, CAO

COUNCIL APPROVAL OF THIS REPORT will authorize the following;

- That effective November 12th, 2019 By-Law No. 58/16 be rescinded; and
- That effective November 12th, 2019 an new authorizing by-law be prepared appointing Cody Vangel as the Chief Building Official and Travis Rob as the Deputy Chief Building Official for the Corporation of the Town of Fort Frances.

TOWN OF FORT FRANCES

BY-LAW NO. 58/16

(BEING a by-law to appoint a new Chief Building Official and Deputy Chief Building Official for the Corporation of the Town of Fort Frances)

WHEREAS the Building Code Act, S.O. 1992 as amended, requires Council of each municipality to appoint a Chief Building Official and such inspectors are necessary for the enforcement of this Act in the areas in which the municipality has jurisdiction;

AND WHEREAS, Council of the Corporation of the Town of Fort Frances deems it necessary to appoint a Chief Building Official and Deputy Chief Building Official;

WHEREAS T. Dennis, Chief Building Official / Municipal Planner has successfully completed the 'Procedures of Chief Building Official' exam which qualifies T. Dennis under the Building Code Act to perform the duties of the Chief Building Official;

AND WHEREAS on November 28, 2016, Council approved a report from the CAO setting out changes required in the appointment of Chief Building Official and Deputy Chief Building Official.

NOW THEREFORE Council for the Corporation of the Town of Fort Frances HEREBY ENACTS as follows:

1. That effective November 28, 2016 the appointment of Travis Rob as Chief Building Official for the Corporation of the Town of Fort Frances be rescinded.
2. That effective November 28, 2016 Tyson Dennis be appointed Chief Building Official for the Corporation of the Town of Fort Frances.
3. That effective November 28, 2016 Travis Rob be appointed Deputy Chief Building Official for the Corporation of the Town of Fort Frances.

This by-law shall come into force and take effect on the final passing thereof.

READ THREE TIMES and finally passed in open Council this 28th day of November 2016.

Original signed by R. Avis

R. Avis, Mayor

Original signed by E. Slomke

E. Slomke, Clerk

October 31th, 2019

Report To: Mayor & Council

From: Doug Brown, CAO

SUBJECT: 2020 Planning & Development Dept. User Fees & Charges

Please find attached spreadsheet No. 1 outlining the proposed 2020 user fees and charges for the Planning & Development Dept. The 2019 rates were increased by 1.7 % across the board with a few exceptions.

The exceptions are as follows and are shown highlighted in “yellow” on the spreadsheet;

1. **General Building Permit Fees** –Same as in 2019 as a result of being the highest among the larger communities in Northwestern Ontario. See attached spreadsheet No. 2 outlining general building permit fees from surrounding communities.
2. **Animal Control Impound Fee** –As in 2019 as a result of the Enforcement Officers requiring exact change to deal with customers at the animal shelter. Rounding to nearest half dollar.
3. **Planning Fees** – some fees the same as in 2019 as a result of being the highest among the larger communities in Northwestern Ontario. See attached spreadsheet No. 2 outlining planning and zoning by-law fees from surrounding communities.

There is one new fee added to 2019 which is highlighted in “Red”

Section 2.10.5 – Annual Sign Fee (signs on Town property) set at \$ 150.00 in May of 2019 goes to \$ 152.55 in 2020.

The forecasted increase in revenue is as follows for the Planning & Development Dept.;

Area	1.7% & adjustments
Building	\$ 36.73
Planning	\$ 184.56
Animal control	\$ 20.08
Parking/Enforcement	\$ 3.76
Total	\$ 245.13

The Planning & Development Executive Committee recommends the following:

- 1) That Council endorses the 2020 proposed user fees and charges for the Planning & Development Division, in principle with an increase of 1.7 % with the exception of those highlighted fees as outlined on the attached spreadsheets and further recommends that an authorizing by-law be prepared prior to January 1st, 2020.

Respectfully submitted,

A handwritten signature in cursive script that reads "Doug Brown".

Doug Brown, P. Eng.
CAO

Council approval of this report will ensure the following:

- 1) That Council endorses the 2020 proposed user fees and charges for the Planning & Development Dept. in principle with an increase of 1.7% with a few exceptions as outlined on the attached spreadsheets and that a by-law be prepared prior to January 1st, 2020.

2019 October B & P Dept. 2020 user fees & charges

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TOWN OF FORT FRANCES
Spreadsheet No. 1 - 2020 SCHEDULE OF FEES- As of October 31th, 2019

				Number of Units per year	Approved 2017		Approved 2018		Approved 2019		Proposed 2020		2020 Additional Revenue from increase to rates	Notes
2.9.4 Annual Permit				1	487.25		\$494.60		\$507.46		516.09	8.63		
2.10 Sign Permit Fee														
2.10.1 Permanent Sign Fee				9	60.90		\$61.80		\$63.41		64.48	9.70		
2.10.2 Mobile Sign - 30 Day Permit				2	11.05		\$11.25		\$11.54		11.74	0.39		
2.10.3 Mobile Sign - 90 Day Permit				0	27.70		\$28.15		\$28.88		29.37	0.00		
2.10.4 Mobile Sign - 180 Day Permit				1	55.30		\$56.13		\$57.59		58.57	0.98	36.73	
2.10.5 Annual Sign Fee (signs on Town property)				1					\$150.00		152.55	2.55	New Fee introduced in May of 2019	
2.11 Swimming Pool Fencing Permit Fee				2	75.00		\$76.13		\$78.10		79.43	2.66	Pool Fence By-Law - Permit is for the fence around the pool for security. One time fee when constructing the pool fencing. Based on 1.5 hours for the CBO to review and issue permit.	
2.12 Animal Control														
2.12.1 2.12.1.1 Cat/Dog License - Spayed/Neutered				29	24.35		\$24.70		\$25.34		\$25.77	12.49	20.08	
2.12.1.2 Cat/Dog License - Unspayed/Non-Neutered				3	35.80		\$36.35		\$37.30		\$37.93	1.90		
2.12.1.3 Cat/Dog Lifetime Licence Spayed/Neutered/ Microchip/Tattoo							\$20.00		\$20.52		\$20.87			
2.12.1.4 Replacement for Lost Tag				0	17.75		\$18.00		\$18.50		\$19.00	0.00	Rounded up by 19 cent to \$ 19.00 from \$18.81	
2.12.2 Impound Fee				4	80.00		\$80.00		\$82.08		\$83.50	5.68	This rate can increase but needs to be rounded number as enforcement officer take payment from customers at the shelter. In-line with similar size municipalities in Ontario. For 2020 rounded up from \$ 83.48 to \$ 83.50	
2.12.3 Protective Care Fee per day							\$20.00		\$20.50		\$21.00	0.00	Rounded up by 15 cent to \$ 21.00 from \$ 20.85	
2.13 Private Parking Spaces (Rented)														
2.13.1 Annual Fee Each				3	376.25		\$540.00		\$600.00		\$600.00	0.00	Set Rate for 2019 in July of 2018 same in 2019	
2.14 Portage Avenue Municipal Parking Lot														
2.14.1 Each Parking space Per Year				12	376.25		\$540.00		\$600.00		\$600.00	0.00	Set Rate for 2019 in July of 2018 same in 2019	
2.14.2 Unreserved Parking Spaces - Daily					2		\$2.00		\$4.00		\$4.00	0.00	Rates are fixed due to meter equipment	
2.15 Metered Parking					1		\$1.00		\$1.25		\$1.25	0.00	Set Rate for 2019 in July of 2018 same in 2019	
2.16 Loading Zone - Annual Fee Each				5	376.26		\$540.00		\$600.00		\$600.00	0.00	Set Rate for 2019 in July of 2018 same in 2019	
2.17 Church Loading Zone - Annual Fee Each				3	70.75		\$71.81		\$73.68		\$74.93	3.76	3.76	
2.18 Planning Fees														
2.18.1 Official Plan Amendment (Delegation of OPA approval January 1, 2016)				2	3,000.00		3,000.00		3,000.00		3,000.00	0.00	same as in 2019, 2018 & 2017	
2.18.2 Zoning By-Law Amendment				1	1,800.00		1,800.00		1,800.00		1,800.00	0.00	same as in 2019, 2018 & 2018	
2.18.3 Removal of "H" Symbol				1	1,200.00		1,200.00		1,200.00		1,200.00	0.00	same as in 2019, 2018 & 2019	
2.18.4 Temporary Use By-Law				0	1,200.00		1,200.00		1,200.00		1,200.00	0.00	same as in 2019, 2018 & 2020	
2.18.4.1 Extension to Temporary Use By-Law					360.00		360.00		360.00		360.00	0.00	same as in 2019, 2018 & 2021	
2.18.5 Application for Subdivision/Condominium					3,000.00		3,000.00		3,000.00		3,000.00	0.00	same as in 2019, 2018 & 2022	
2.18.5.1 Amendment to Subdivision/Condominium					600.00		600.00		600.00		600.00	0.00	same as in 2019, 2018 & 2023	
2.18.6 Consent (i.e. new lot, easement, lot addition, etc.)				5	549.20		\$557.45		\$571.94		\$581.67	48.62		

TOWN OF FORT FRANCES
Spreadsheet No. 1 - 2020 SCHEDULE OF FEES- As of October 31th, 2019

	Number of Units per year	Approved 2017	Approved 2018	Approved 2019	Proposed 2020	2020 Additional Revenue from increase to rates	Notes
2.18.6.1 Successive Applications (related property)		275.65	\$279.80	\$287.07	\$291.96	0.00	
2.18.6.2 Additional Fee if easement, ROW included		275.65	\$279.80	\$287.07	\$291.96	0.00	
2.18.7 Minor Variance / Special Permission	8	304.50	\$309.10	\$317.14	\$322.53	43.13	
2.18.8 Acknowledgement, Undertaking & Indemnification		60.30	\$61.20	\$62.80	\$63.86	0.00	
2.18.9 Site Plan Agreement	3	976.40	\$991.05	\$1,016.81	\$1,034.10	51.86	
2.18.9.1 Amendment to Site Plan Agreement		304.50	\$309.10	\$317.14	\$322.53	0.00	
2.18.10 Request for Property Information	32	60.90	\$61.80	\$63.41	\$64.48	34.49	
2.18.11 Encroachment Agreement or other land use agreement not listed elsewhere		365.40	\$370.88	\$380.52	\$386.99	0.00	
2.18.12 Validation of Title / Power of Sale		304.50	\$309.07	\$317.10	\$322.49	0.00	
2.18.13 Reschedule Public Meeting (at applicant's request) - all planning applications		304.50	\$309.07	\$317.10	\$322.49	0.00	
2.18.14 Deeming By-Law (applies to second and successive lot)	4	60.90	\$61.81	\$63.42	\$64.50	4.31	
2.18.15 Land Titles, Ontario Municipal Board, Planner's Fees, if applicable, excessive staff time		Cost Recovery Basis	Cost Recovery Basis	Cost Recovery Basis	Cost Recovery Basis		184.56
2.18.16 Solicitor Fees incurred by the Municipality related to any Planning matter within Section 2.18		Cost Recovery Basis	Cost Recovery Basis	Cost Recovery Basis	Cost Recovery Basis		New Fee in 2017 Recommendation by Town Lawyer
2.18.17 Pre-consultation fee pertaining to 2.18.1, 2.18.2, 2.18.3, 2.18.4, 2.18.5		10% of applicable fee	10% of applicable fee	10% of applicable fee	10% of applicable fee		
2.18.18 "applied to applicable fee as noted upon receipt of completed application"							
2.18.18 Assign Property Address	2	60.90	\$61.80	\$63.41	\$64.48	2.16	
2.19 Daily Impoundment Fee for vehicles, trailers, boats etc...			\$100.00	100.00	\$101.70		per day per unit

Spreadsheet No. 2 - TOWN OF FORT FRANCES - Municipality Comparison for Building Permits & Planning Fees

2.0 Planning & Development (Plus applicable taxes) Effective January 1, 2019

2.1 Building/Demolition Permits

2.1.1.1	Garages, Accessory Use Buildings, Covered Decks	\$/sq.ft
2.1.1.2	Uncovered Decks, Sheds, Temporary Structures	\$/sq.ft
2.1.1.3	Residential Constructions (Single Detached Dwellings, Attached Garages, Factory Built Structures)	
2.1.1.3.1	Main Floor	\$/sq.ft
2.1.1.3.2	Basement	\$/sq.ft
2.1.1.3.3	Each Additional Floor	\$/sq.ft
2.1.2	All Other Construction Nor Conforming to the Above Fee Schedule	
2.1.2.1	1st \$1,000 of Value	Flat Rate
2.1.2.2	Each Additional \$1,000 of Value or Part Thereof	\$/\$1000
2.1.2.3	Progress Reports	Flat Rate
2.1.2.4	Conditional Permit	Flat Rate
2.1.2.5	Re-Inspection Fee	Flat Rate
2.1.2.6	Special Call Out Services	

Plumbing Inspection

2.2 Fee

2.2.1	Per Fixture	\$/fixture
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2.3 Change of Use

2.4 Residential Demolition

2.5 Administration Fee

2.5.1	Construction/Demolition Commenced Prior to Issuance of Building Permit	Flat Rate
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2.6 Transfer of Permit Fee

2.7 Application for Deferral of Revocation

2.8 Refund of Fees

2.8.1	Permit Issued but Construction Not Commenced	
2.8.2	Reduction of Refund for Each Field Inspection Performed After Issuance of Permit	

2.11 Swimming Pool Fencing Permit Fee

2.18 Planning Fees

2.18.1	Official Plan Amendment (Delegation of OPA approval January 1, 2016)	
2.18.2	Zoning By-Law Amendment	
2.18.3	Removal of "H" Symbol	
2.18.4	Temporary Use By-Law	
2.18.4.1	Extension to Temporary Use By-Law	
2.18.5	Application for Subdivision/Condominium	
2.18.5.1	Amendment to Subdivision/Condominium	
2.18.6	Consent (i.e. new lot, easement, lot addition, etc.)	
2.18.6.1	Successive Applications (related property)	
2.18.6.2	Additional Fee if easement, ROW included	
2.18.7	Minor Variance / Special Permission	
2.18.8	Acknowledgement, Undertaking & Indemnification	
2.18.9	Site Plan Agreement	
2.18.9.1	Amendment to Site Plan Agreement	
2.18.10	Request for Property Information	
2.18.11	Encroachment Agreement or other land use agreement not listed elsewhere	
2.18.12	Validation of Title / Power of Sale	
2.18.13	Reschedule Public Meeting (at applicant's request) all planning applications	
2.18.14	Deeming By-Law (applies to second and successive lot)	
2.18.15	Land Titles, Ontario Municipal Board, Planner's Fees, if applicable, excessive staff time	
2.18.16		
2.18.17	Solicitor Fees incurred by the Municipality related to any Planning matter within Section 2.18 Pre-consultation fee pertaining to 2.18.1, 2.18.2, 2.18.3, 2.18.4, 2.18.5 "applied to applicable fee as noted upon receipt of completed application"	
2.18.18	Assign Property Address	

Red indicates a municipality with higher fee than Fort Frances						
Fort Frances 2019	Emo 2019	Kenora 2019	Red Lake 2019	Sioux Lookout 2019	Dryden 2019	Thunder Bay 2019
\$ 0.42		\$75.00 per bay		\$ 0.35	\$ 0.20	\$.28/sq.ft or \$200 for deck
\$ 0.27		\$ 0.25			\$ 0.20	\$.28/sq.ft or \$100 for deck
\$ 0.83		\$ 0.50		\$ 0.60	\$ 0.60	\$ 1.21
\$ 0.67				\$ 0.20		\$ 0.28
\$ 0.42				\$ 0.50		
\$ 56.65	\$ 50.00			50-100	30-100	\$ 100.00
\$ 11.30	\$ 8.00			\$ 8.00	\$ 8.00	\$ 12.00
\$ 95.78						
\$ 253.58				fee + 50%		\$ 250.00
\$ 95.78		\$ 30.00		\$ 50.00		
Applicable rates						\$ 200.00
\$ 11.30		\$ 10.00		\$ 8.00	\$ 10.00	\$ 12.00
\$ 56.65		\$ 75.00		\$ 100.00		\$ 100.00
\$ 56.65	\$ 100.00	\$ 40.00				\$ 100.00
		\$ 0.05		\$ 0.06		
Greater of \$150.00 or 10%	\$200 + fee	fee + (25% to 100%)		\$200 + 200% of fee		
\$ 56.65		\$ 30.00		\$ 50.00		100-250
\$ 56.65		\$ 50.00				
50%						
5%						
\$78.10						
\$3,000.00	\$ 1,800.00	\$1,500	\$700	\$1,000	\$2,260	\$4,000
\$1,800.00	\$ 850.00	\$1,100	\$600	\$800	\$1,150	\$3,000
\$1,200.00						\$250
\$1,200.00			\$600	\$600	\$1,120	\$3,000
\$360.00					\$300	
\$3,000.00	\$ 4,000.00	2000-5000	\$2,000	2000-6000	\$2,850	\$2,500
\$600.00		\$400			\$500	
\$571.94	\$ 450.00	\$550	\$600	\$700	\$679	\$1,000
\$287.07						\$100
\$287.07						
\$317.14	\$ 200.00	\$325	\$300	\$400	\$449	\$1,000
\$62.80						
\$1,016.81	\$ 1,200.00	200-800	\$550	800-5000	\$900	\$1,500
\$317.14		\$400	\$100		\$285	\$1,000
\$63.41	30-50	50-90		\$50	\$59	\$100
\$380.52					\$228	
\$317.10	\$ 200.00	\$350		\$600	\$519	\$1,000
\$317.10						
\$63.42	\$100.00 flat rate	\$250.00 flat rate		\$200.00 flat rate	\$228.00 flat rate	
Cost Recovery Basis						
Cost Recovery Basis						
10% of applicable fee						
\$63.41	\$ 50.00					



Date: October 21, 2019

Report To: Planning & Development Executive Committee

From: Cody Vangel, CBO Trainee/Municipal Planner

Re: Second Unit –Zoning By-law Amendment

The Planning & Development Executive Committee (PDEC) received a letter from Mr. D. Dickson asking to construct a garage with a portion of said garage to be designated as a dwelling unit (second unit). Presently the Town of Fort Frances Official Plan and Zoning By-law permit second units, but not as part of an accessory building.

PDEC made recommendation that the matter be further researched, and that the Official Plan and Zoning By-law be amended to accommodate second units within a building accessory to the primary dwelling.

This matter was considered in a public meeting on September 23, 2019, however since then further information and recommendations have been provided through discussions with our planning consultant.

With support from our planning consultant the following proposed amendments have been detailed:

- Schedule 1: Proposed Official Plan Amendment
- Schedule 2: Proposed Zoning By-law Amendment

This report is intended to serve to you as the final proposed amendments.

Respectfully submitted

Original Signed By

Cody Vangel, EIT
CBO Trainee/Municipal Planner



Schedule 1

Proposed Official Plan Amendments

Note: Addition in red, delete with strikethrough

4.1.8 Additional Residential Policies

(i) Accessory ~~Second~~ Dwelling Units

One (1) Accessory Dwelling Unit may be permitted, in addition to the principal dwelling unit, of single-detached and semi-detached dwellings. ~~through a Zoning By-law or minor variance application. The following criteria shall be considered when evaluating proposals for the creation of accessory dwelling units:~~

- ~~I. The floor area of the accessory unit is equal to, or less than, the gross floor area of the principal unit without any modification to the building's bulk or massing;~~
- ~~II. The Accessory Dwelling Unit is not located in an attached garage;~~
- ~~III. One additional one (1) unit on site parking space is provided exclusively for the accessory dwelling unit;~~
- ~~IV. The outdoor private amenity area is adequate for the amenity and leisure needs of all occupants;~~
- ~~V. The Accessory Dwelling Unit meets the requirements of the Town's Zoning Bylaw, the Building Code and Fire Code;~~
- ~~VI. A lot may not have both an Accessory Dwelling Unit and a Garden Suite.~~

~~(j) Second units~~

~~Second units are permitted for:~~

- ~~I. the use of two residential units in a detached house, semi-detached house or row house if no building or structure ancillary to the detached house, semi-detached house or row house contains a residential unit; and the use of a residential unit in a building or structure ancillary to a detached house,~~
- ~~II. semi-detached house or row house if the detached house, semi-detached house or~~
- ~~III. row house contains a single residential unit.~~



Schedule 2

Proposed Zoning By-law Amendments

Note: Addition in red, delete with strikethrough

DWELLING UNIT (**INTERIOR**), SECOND

A self-contained dwelling unit created by either an interior renovation within an existing dwelling, or as an exterior addition, provided that one entire face of the addition is attached to the principal dwelling, and shall not be considered a second dwelling on the lot for the purposes of this By-law.

DWELLING UNIT (**DETACHED**), SECOND

A self-contained dwelling unit located within an accessory building on the same lot as the principal dwelling and shall not be considered a second dwelling on the lot for the purposes of this By-law.

3.29 SECOND UNITS

3.29.1 General

A second dwelling unit may be permitted, in addition to the principal dwelling unit of a single detached and semi-detached dwelling, **or within a building accessory to these** subject to the following:

- ~~a) the dwelling unit is located within the principal dwelling;~~
- a) Only one secondary dwelling unit will be permitted per lot;**
- b) one additional parking space is provided for the exclusive use of the secondary dwelling unit;
- c) the external appearance of the front façade of the dwelling is not altered;
- d) the requirements of the Building Code and Fire Code are met;
- ~~e) the unit does not exceed 40% of the gross floor area of the principal dwelling unit;~~
- f) A lot will not have both a secondary dwelling unit and a garden suite;**
- g) No secondary dwelling unit will be considered a stand-alone structure capable of being severed;**
- h) All secondary dwelling units shall be registered with the Planning and Development Division; and**
- i) All secondary dwellings units shall be adequately serviced by municipal water and municipal sewer from the principal dwelling where it is determined that these services are suitable to meet the demand of the second unit as determined by the Operations and Facilities Division.**



Schedule 2

Proposed Zoning By-law Amendments

Note: Addition in red, delete with strikethrough

3.29.2 SECOND DWELLING UNIT (INTERIOR)

In addition to the specifications outlined in 3.29.1, interior secondary dwelling units shall comply with the following:

- a) Interior second dwelling units shall not exceed 40% of the gross floor area of the principle dwelling, but must meet minimum room sizes as depicted by the Ontario Building Code;
- b) Interior second dwelling units within the Residential Type Two Zone, located entirely within a basement may occupy the entire basement regardless of size.

3.29.3 SECOND DWELLING UNIT (DETACHED)

In addition to the specifications outlined in 3.29.1, detached secondary dwelling units shall comply with the following:

- a) Detached second dwelling units may be permitted at grade or above grade but not both;
- b) Shall have a minimum gross floor area of 40m² but shall not exceed 40% of the gross floor area of the principal dwelling. In the event of conflict, the minimum gross floor area shall apply;
- c) The accessory building in which the second unit is located shall comply with Section 3.2(h);
- d) Notwithstanding Section 3.2, the maximum height of the accessory building in which the secondary dwelling (detached) is located on the second storey shall be a minimum of 2 metres less than the principal dwelling; and
- e) Shall not be permitted for home occupation or home industry use.

SECOND UNITS

Info Sheet - Spring 2017

Purpose

This document is to assist municipalities and the general public to better understand what second units are, why they are important, and the legislative authority behind second units. It provides some examples of specific second unit policy and zoning best practice approaches currently in use in official plans or zoning by-laws by Ontario municipalities.

What are second units?

Second units are self-contained residential units with a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures ancillary to a dwelling (e.g., above laneway garages).

Second units are also referred to as secondary suites, basement apartments, accessory apartments, granny flats, in-law apartments, or nanny suites.

<http://www.mah.gov.on.ca/Page9575.aspx>



Neighbourhood visualization of second units.

What are the benefits of second units?

Second units increase the supply and range of affordable rental accommodation. In addition, they benefit the wider community in many ways as they:

- Allow homeowners to earn additional income to help meet the cost of homeownership
- Support changing demographics by providing more housing options for extended families or elderly parents, or for a live-in caregiver
- Help create mixed-income communities, which support local businesses and local labour markets
- Make more efficient use of existing infrastructure, including public transit where it exists or is planned
- Make more efficient use of the existing housing stock
- Create jobs in the construction/renovation industry
- Assist municipalities in meeting their goals regarding affordable housing, intensification and density targets, and climate change mitigation and greenhouse gas emissions reduction.

Where are Second Units Located?

The majority of second units are created through internal alterations, although some are built as additions to the main house or in/above ancillary structures like garages. The size, type (e.g., internal, addition, ancillary structure) and location of the second unit will depend on the size and design of the house as well as its location on and the size of the lot.

Regardless of where they are located second units must comply with health, safety and municipal property standards, including but not limited to, the Ontario Building Code, the Fire Code and municipal property standards by-laws.

Background

The *Strong Communities through Affordable Housing Act, 2011*, amended the *Planning Act* to require that municipalities authorize second units in their official plans and zoning by-laws. The changes took effect on January 1, 2012.

Ontario's updated Long-Term Affordable Housing Strategy, 2016 continues this effort, with a focus on reducing the cost of constructing second units by:

- proposing changes to the Building Code to reduce the cost of construction of a new dwelling with a second unit, while maintaining occupant health and safety
- amending the *Development Charges Act, 1997* that, when in effect, would exempt second units in new dwellings from development charges in the same manner as second units in existing dwellings are exempted, as specified in a regulation.

Legislative Framework

Planning Act

Section 16(3) of the *Planning Act* requires municipal official plans to authorize second units:

- in detached, semi-detached and row houses if an ancillary building or structure does not contain a second unit; and
- in a building or structure ancillary to these housing types provided that the primary dwelling does not contain a second unit.

Section 35.1 requires that each local municipality ensure that its zoning by-law gives effect to the policies described in Section 16.3.

No appeals to the Ontario Municipal Board

The *Planning Act* restricts appeals of second unit official plan policies and zoning by-law provisions to the Ontario Municipal Board except by the Minister.

Provincial Policy Statement, 2014 (PPS)

The Provincial Policy Statement, 2014 (PPS) directs and promotes the development of healthy and complete communities. The goal is to create strong, livable, healthy and resilient communities through efficient land use (s.1.1.1).

Section 1.4.3 of the PPS directs municipalities to permit all forms of housing to provide an appropriate range and mix of housing types and densities – including affordable housing. Further, municipalities should permit and facilitate all forms of residential intensification and redevelopment, including second units.

Provincial plans

Some provincial plans contain specific policy which directly or indirectly relates to second units in the geographic areas they apply to (eg. the Oak Ridges Moraine Conservation Plan and Niagara Escarpment Plan). Municipalities need to consider and reflect any such policies in developing their official plans and zoning by-laws.

Official Plans

Municipal official plans outline a community's vision and priorities. They contain policies to guide development in order to achieve land use goals. Official plans must reflect any legislative requirements, be consistent with the PPS and conform to any applicable provincial plans.

Zoning By-laws

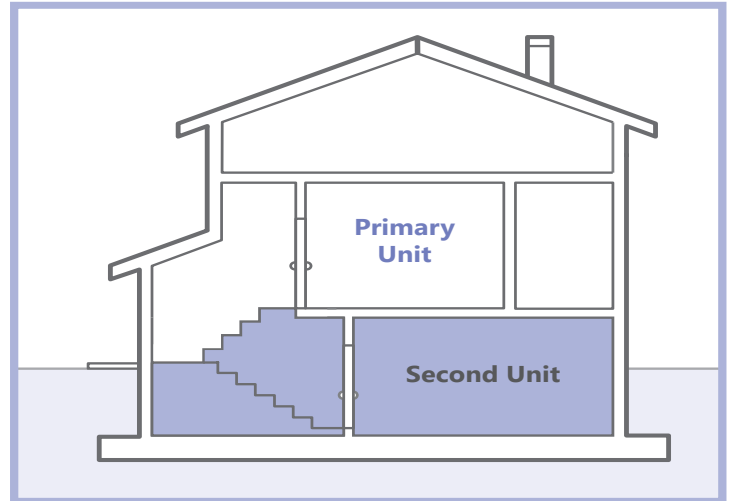
A zoning by-law sets standards for development and must conform to a municipality's official plan. Zoning by-laws must be updated within three years of a new or amended official plan and must also reflect any requirements of the *Planning Act*, be consistent with the PPS and conform to any applicable provincial plan.

Best Practices

The *Planning Act* provides a broad legislative foundation for permitting second units by requiring that they be authorized in single-detached, semi-detached and row dwellings, and in ancillary structures. In practice though, there are circumstances where second units are not appropriate based on good land use planning principles, including health and safety and environmental considerations. So while official plan policies should be permissive and zoning by-laws should generally allow second units to be established "as of right", there may be situations where second units should not be allowed and/or require some specific assessment prior to their establishment. The following are some examples of best practices in official plan policies and zoning by-laws, including specifics which relate to a number of these circumstances.

"As of right"

For the purposes of this document, "as of right" is a phrase used to refer to the ability to apply for a building permit without having to make a development application (e.g., an official plan or zoning bylaw amendment, a minor variance or a site plan). Similarly, homeowners generally should not need to produce any type of study to demonstrate that they conform to any policy or zoning provisions.



Second unit - Contained within primary dwelling.

Housing types and ancillary building structures

The *Planning Act* provides that official plan policies and implementing zoning by-laws should permit second units in detached, semi-detached and row houses if an ancillary building or structure does not contain a second unit; and, in a building or structure ancillary to these housing types provided that the primary dwelling does not contain a second unit.

In municipalities with limited housing types (e.g. only single detached dwellings), second units would only need to be authorized for that housing type.

Township of Wainfleet Official Plan, August 14, 2014

3.3.1.4 Secondary suites

Secondary suites shall be permitted in all Residential Area designations, and shall be subject to the following criteria and the regulations of the Zoning By-law:

- Only one *secondary suite* per single detached, semi-detached, or townhouse dwelling is permitted;
- The secondary suite may be contained within the primary residential dwelling or in a building or structure accessory to the residential dwelling, but not in both;

Official plan designations

Municipalities should allow second units in designations or zones that permit detached, semi-detached, or row dwellings.

There may be circumstances where second units may not be appropriate given other planning considerations and policies, particularly relating to health and safety or the natural environment. For example:

- areas that are prone to flooding
- waterfront areas/developments on private roads that are not maintained and where emergency access may be limited
- areas adjacent to lakes with limited lake capacity
- areas of recreational dwellings where there may be a lack of year round roads and/or which lack other daily needs and services residents may require.

Tay Valley Township Official Plan, 2016

3.6.4(1)

...an accessory apartment (secondary suite) is permitted in residential areas within a four-season single detached, semi-detached, or row-house dwelling unit, or attached to a detached garage, located on a road maintained year-round and accessible by Emergency Services, subject to considerations of carrying capacity of lakes and hydrological capacity....

Second Units in existing dwellings and new dwellings

Second units should be allowed in both newly built and existing dwellings. Designing new houses to accommodate a second unit at the outset can be more efficient than retrofitting an existing home to have a second unit. Recent changes to the *Development Charges Act, 1997* and a potential regulation to exempt second units in new homes from development charges (once in effect), and proposed changes to the Building Code, if approved, are expected to reduce the cost of constructing second units in new dwellings. A proposed regulation under the *Planning Act*, if made, would permit second units without regard to the date of construction of the primary building.

Town of Smiths Falls Official Plan, October 2014

LU-2.14 Second Residential Units

The Town will permit the addition of one self-contained residential dwelling unit (i.e. second unit), within single-detached and semi-detached and row house dwellings in both existing and newly developing residential neighborhoods.

Parking

The maximum parking required per second unit should be one space. In some jurisdictions where transit is available, some municipalities have eliminated parking requirements for second units. Tandem parking (a parking space that is only accessed by passing through another parking space) should also be permitted. A proposed regulation under the *Planning Act* would, if made, restrict the maximum parking requirement for a second unit to one space while also requiring that tandem parking be allowed.

City of Ottawa Zoning By-law 2012-147 (June 10, 2015)

Secondary Dwelling Units
Sec. 133 (14)

Where a secondary dwelling unit is located on a lot subject to Section 139 - Low Rise Residential Development in Mature Neighbourhoods, no parking is required for the secondary dwelling unit.

Mississauga Zoning By-law 0158-2013 (July 2013)

4.1.20.10

Tandem parking spaces to accommodate a **second unit** shall be permitted.

City of Toronto Zoning By-law 569-2013

800.50 Defined Terms

(850) Tandem Parking Space means a **parking space** that is only accessed by passing through another **parking space** from a **street, lane, drive aisle** or **driveway**.

Servicing

In areas with municipal services, second units should be permitted without a requirement to demonstrate sewer or water capacity, unless there are previously documented servicing constraints.

For second units in dwellings serviced by septic systems and private wells, there should be a demonstration of capacity to the satisfaction of the municipality. This is because Building Code permits for septic systems are, in part, based on the number of bedrooms and plumbing fixtures, because septs may be old and/or in order to ensure there is sufficient potable water from the private well.

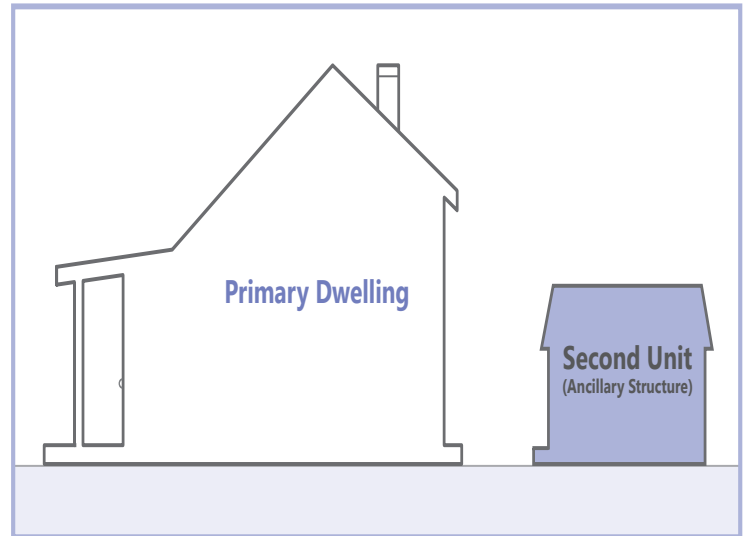
Howick Township OP, 2016

5. Settlement Areas

D. Policies and Actions

10.1 ... Second residential units are permitted in settlement areas and rural areas of the Township provided that:

f) It must be demonstrated that on-site servicing (e.g. water, sewage) have sufficient capacity for the additional dwelling unit.

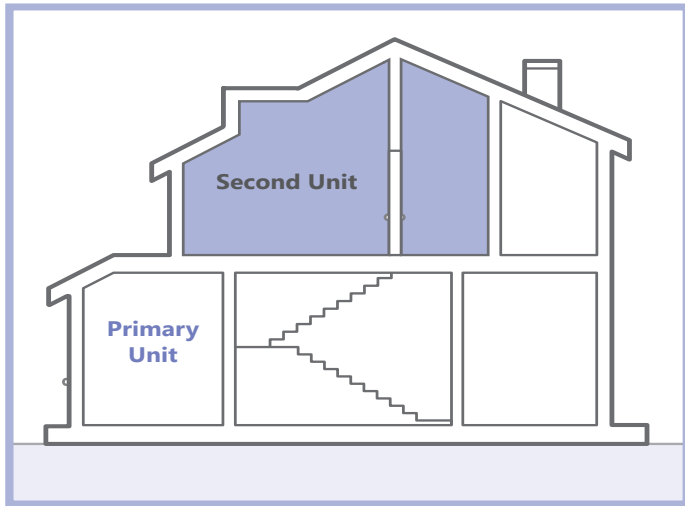


Second unit - Ancillary structure located on property.

Unit Size

The size of second units and the number of bedrooms should solely be regulated by the Building Code. The Building Code establishes health and safety standards for second units. As such, municipal by-laws should not seek to impose size or other standards that are regulated by the Building Code.

The *Development Charges Act, 1997* (via Ontario Regulation 82/98) states that, in order for second units in existing homes to be exempt from development charges, they must be less than or equal to the size of the primary dwelling. This is the only potential size standard a municipality should contemplate including in a by-law.



Second unit - Contained within primary dwelling
(Above ground-level unit).

Egress

Requirements for entrances or means of egress for second units are set by the Ontario Building Code and Ontario Fire Code (which need to be referred to for specific standards). In general, second units can share a joint entrance with the primary unit, subject to having a fire separation with appropriate fire resistance rating, and at least two means of egress (exit) that may include windows of an appropriate size. Therefore, there is a need to ensure that by-laws do not contain any standards/provisions that differ from those in the Codes.

Streetscape and Architectural Design

Given most second units are internal to a primary dwelling, second units should have limited impact on streetscape and architectural design. In the case of an addition to a primary dwelling, there may be valid design considerations, particularly in heritage areas. If municipalities establish design standards in relation to streetscape or architectural design, they should be clearly set out in the zoning by-law so a second unit can be planned in accordance with the by-law and a homeowner can proceed directly to obtain a building permit.

Owner occupancy

The *Planning Act* does not allow zoning to have the effect of distinguishing on the basis of relationship. Zoning by-laws should permit occupancy of the primary or second unit regardless of whether or not the owner of the home is a resident of either unit. A proposed regulation under the *Planning Act*, if made, would establish a provision which precludes establishing occupancy requirements for either the primary or second unit.

Tracking and monitoring

A municipality should have a means for tracking and monitoring second units. A registry, in some form, could help the municipality be aware of where second units existed. This could assist in establishing inspection processes to help ensure public safety. It could also provide emergency services with the knowledge that there are two units in the home.

A registry could be established through a mandatory enrollment by the applicant when constructing a second unit or by having the municipal building official inform the appropriate office that a building permit has been issued for a second unit on a property. Ideally, there would be no or only modest fees for registration in order to encourage the creation and registration of second units.

City of Brantford OP

13.1.8

The City shall permit the creation of a self-contained second unit dwelling on lands designated to permit single detached dwellings, semi-detached dwellings, street townhouse dwellings, or accessory structures in accordance with the applicable zoning bylaw regulations and the following provisions: OPA #125 Dec. 3/08 OPA #180 Dec. 17/12

6. Second unit dwellings shall be registered with the Building Department.

Additional Sources

Landlord Self Help Centre website
<http://www.landlordselfhelp.com/intro.htm>

Canada Mortgage and Housing Corporation –
Second Unit Policies –
<https://www.cmhc-schl.gc.ca/en/inpr/afhoce/afhoce/afhostcast/afhoid/pore/pesesu/index.cfm>

For More Information, Contact:

Ministry of Municipal Affairs, Provincial Planning
Policy Branch, (416) 585-6014

Municipal Services Offices:

Central (Toronto), 416-585-6226,
Toll Free: 1-800-668-0230

West (London), (519) 873-4020,
Toll Free: 1-800-265-4736

East (Kingston), (613) 545-2100,
Toll Free: 1-800-267-9438

Northeast (Sudbury), (705) 564-0120,
Toll Free: 1-800-461-1193

Northwest (Thunder Bay), (807) 475-1651,
Toll Free: 1-800-465-5027

Note to User

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Ministry of Municipal Affairs

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Adding a Second Unit in an Existing House

Ontario Building Code
Information

This document was developed with the input of:

- Ministry of Municipal Affairs and Housing
- Large Municipal Chief Building Officials Group
- Ontario Building Officials Association
- Ontario Association of Fire Chiefs

Disclaimer: This document is provided for convenience only and should not be relied upon as a substitute for construction, engineering, architectural or legal advice. The Ministry of Municipal Affairs and Housing does not assume responsibility for errors or oversights resulting from use of this document.

Adding a Second Unit to an Existing House

Adding a second unit is a great way to provide independent living for a family member or make a little extra money to help pay off the mortgage. But there are things you need to consider as you decide whether to build a second unit. Is your home detached, semi-detached or a rowhouse that is more than five years old? Are you considering renovating it to add a second unit? If the answers are yes, then this guide can help you. It fulfills a commitment made in Ontario's Housing Supply Action Plan to provide homeowners with a user-friendly guide and checklist to help you build legal second units.

Note: If your house is less than five years old, different Building Code rules apply. **Contact your local building department** for more information.

Before deciding to add a second unit, it is important that you **first speak with your local municipal planning and building departments**. They can tell you whether or not you can add a second unit on your property and answer any questions that you have related to local zoning, the Building Code and other by-laws.

There are several important factors you need to consider before adding a second unit, including:

- Applicable municipal zoning requirements
- Necessary building permits
- Designing your unit to comply with the Building Code
- Required building inspections during construction

It is important to meet planning and Building Code requirements. Doing so will help ensure that your house and second unit are legal, safe and healthy places to live.

To help you through the sometimes complex design and building process, we recommend you hire a qualified professional such as an architect, professional engineer or a designer registered with the Ontario government. These professionals and your builder can act



What is a second unit?

A second unit is a self-contained dwelling unit with a private kitchen, bathroom facilities and sleeping areas. It can be located in your house or on your property, above a laneway garage or in a coach house. This document generally applies to Building Code requirements for second units in houses, and not for second units in garages or coach houses, though some of the same rules apply.



Did You Know?

For the construction of a second unit in an existing house, development charges are not collected.

Also, the Government is considering potential regulations that might further address barriers to establishing second units such as local parking requirements.

as your agent regarding matters with your local municipality. They can help you get all necessary approvals, including a building permit, and also arrange construction inspections.

Municipal Zoning and Other By-Laws

Know your municipality's zoning by-laws. They affect the construction of your second unit. **Ask your local planning and building department** about:

- The zoning requirements and standards for second units that apply to your property. This includes rules around parking requirements, exits and entrances, servicing or minimum or maximum unit size.
- Whether you need to apply for rezoning or a minor variance.
- Any other applicable agreements and approvals that are required before you can add a second unit.
- Whether your second unit will need to be licensed or registered with your municipality.

If you cannot comply with your municipality's by-laws, you will not be able to add a second unit.

Getting a Building Permit

To add a second unit in your house, you will need a building permit. You or your agent can apply for one at your local building department. You will need to submit:

- A completed application form and any other forms and supporting documents requested by the municipality
- Construction drawings (most municipalities require at least two sets of drawings)
- Payment of the building permit fee

You should also **check with your municipality** to find out if:

- You need to hire a licensed contractor to do the work.
- They accept electronic permit applications, as this can speed up processing time.

Once your complete application has been submitted, you will hear back within 10 business days whether it has been approved or not. Incomplete applications or improper design may mean your permit will be delayed or not accepted.

Building Inspections

Once your building permit has been issued, building inspectors from the municipality must review work at various stages during construction. Inspectors will need to check framing, insulation, plumbing, interior finishes and other items as outlined in the Building Code. Make sure to **confirm with your inspector** what needs to be inspected.

You or your agent are responsible for informing your building department when different stages of construction are ready for inspection.

Any second unit, whether it is new or existing, must be a safe place to live. If you already have an existing second unit in your house and have concerns with its design, you are encouraged to **contact your local building department**.

Building Code Requirements for Second Units

Ontario's Building Code sets out minimum construction standards for how to build a second unit in your house. These minimum standards are described in the sections that follow. In some cases, you may wish to build beyond the minimum requirements of the Building Code. Building beyond the Building Code provides homeowners many advantages, including greater occupant comfort and amenities that can make your second unit a nicer place to live.



Age of Your House

Different Building Code rules apply depending on the age of your house.

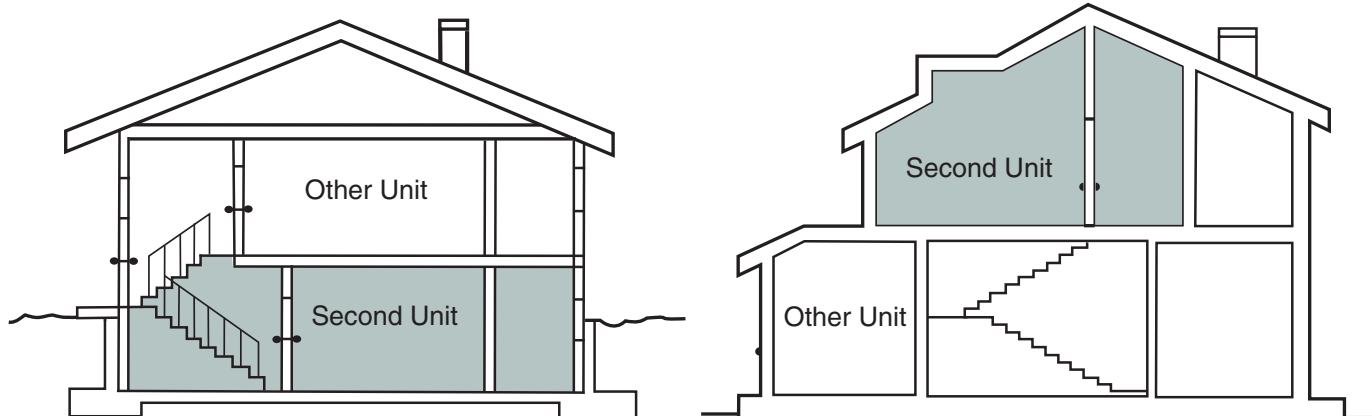
If your house is more than five years old, it is classified as an existing house and you have more flexibility under the Building Code when you make renovations.

If your house is less than five years old, then it is classified as a new building and under the Building Code it generally must meet

new construction requirements. For more information on adding a second unit to a **new** house, **contact your local building department**.

Location of Your Second Unit

You can build a second unit in any part of your house. It can be all on one floor or on multiple levels. Most second units are built in the basement or attic. Building Code rules can vary depending on where the second unit is located in your house.



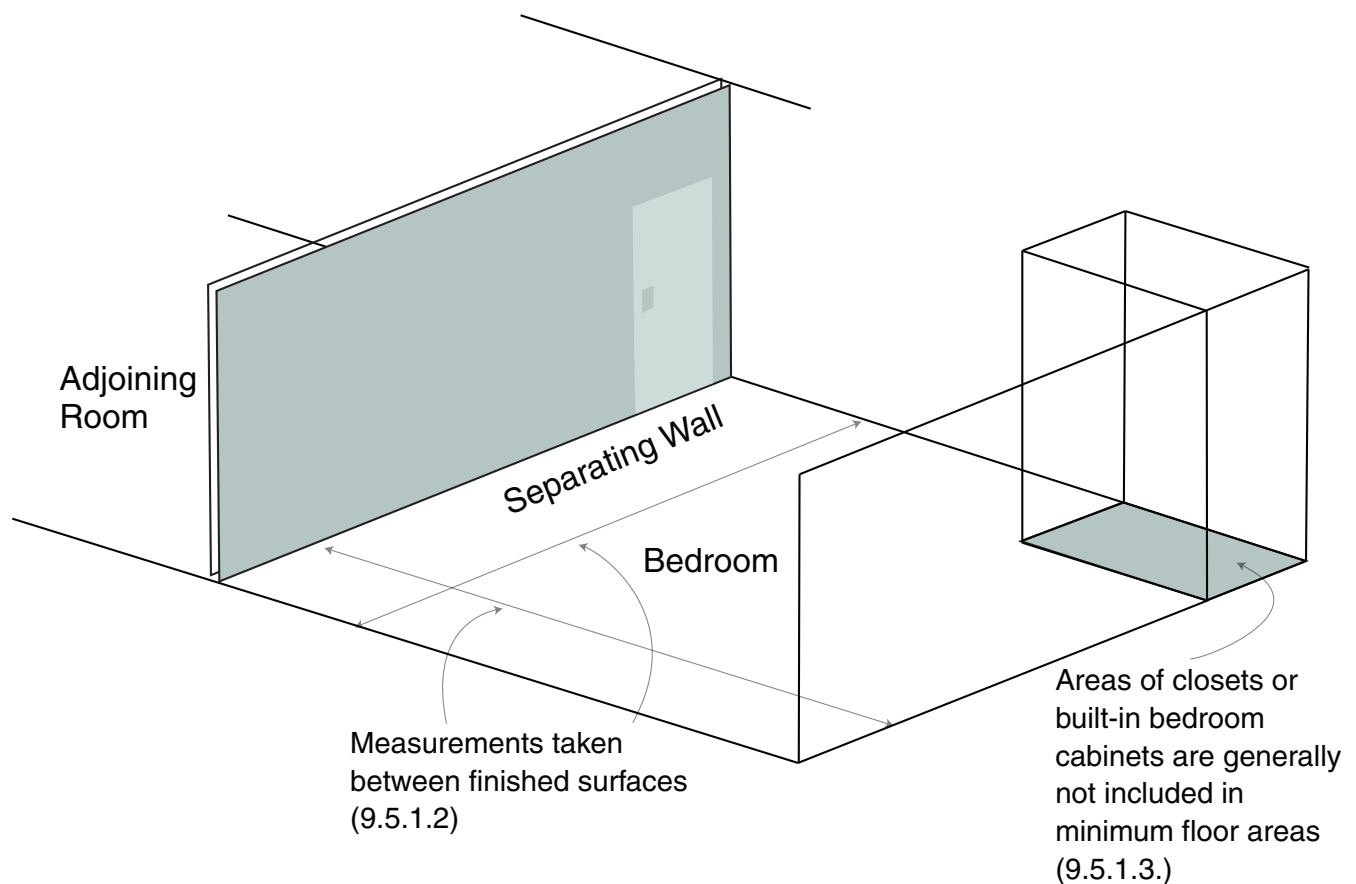
Examples of Second Unit Locations

Room Sizes and Floor Area

The Building Code sets out minimum room sizes in dwelling units, including second units. Room sizes vary depending on whether rooms are separated by walls or the unit is open concept. For example, the minimum area of a dining room separated by walls is 7 m² (75 ft²), while an open concept bachelor unit combining sleeping, living, and dining areas and kitchen space is permitted to be 13.5 m² (145 ft²). Generally, minimum sizes for rooms and spaces includes:

Room/Space:	Minimum Required Floor Area:
Living area	13.5 m ² (145 ft ²)
Dining area	7 m ² (75 ft ²)
Kitchen	4.2 m ² (45.2 ft ²)
Combined living, dining and kitchen areas in a one-bedroom unit	11 m ² (118.4 ft ²)
Master bedroom (without built-in closet)	9.8 m ² (95 ft ²)
Other bedrooms (without built-in closets)	7 m ² (75 ft ²)
Bathroom	Sufficient space for sink, toilet and shower stall or bath
Combined sleeping, living and dining areas and kitchen space	13.5 m ² (145 ft ²)

(Relevant Building Code provisions - Division B, Subsections 9.5.4. to 9.5.9.)



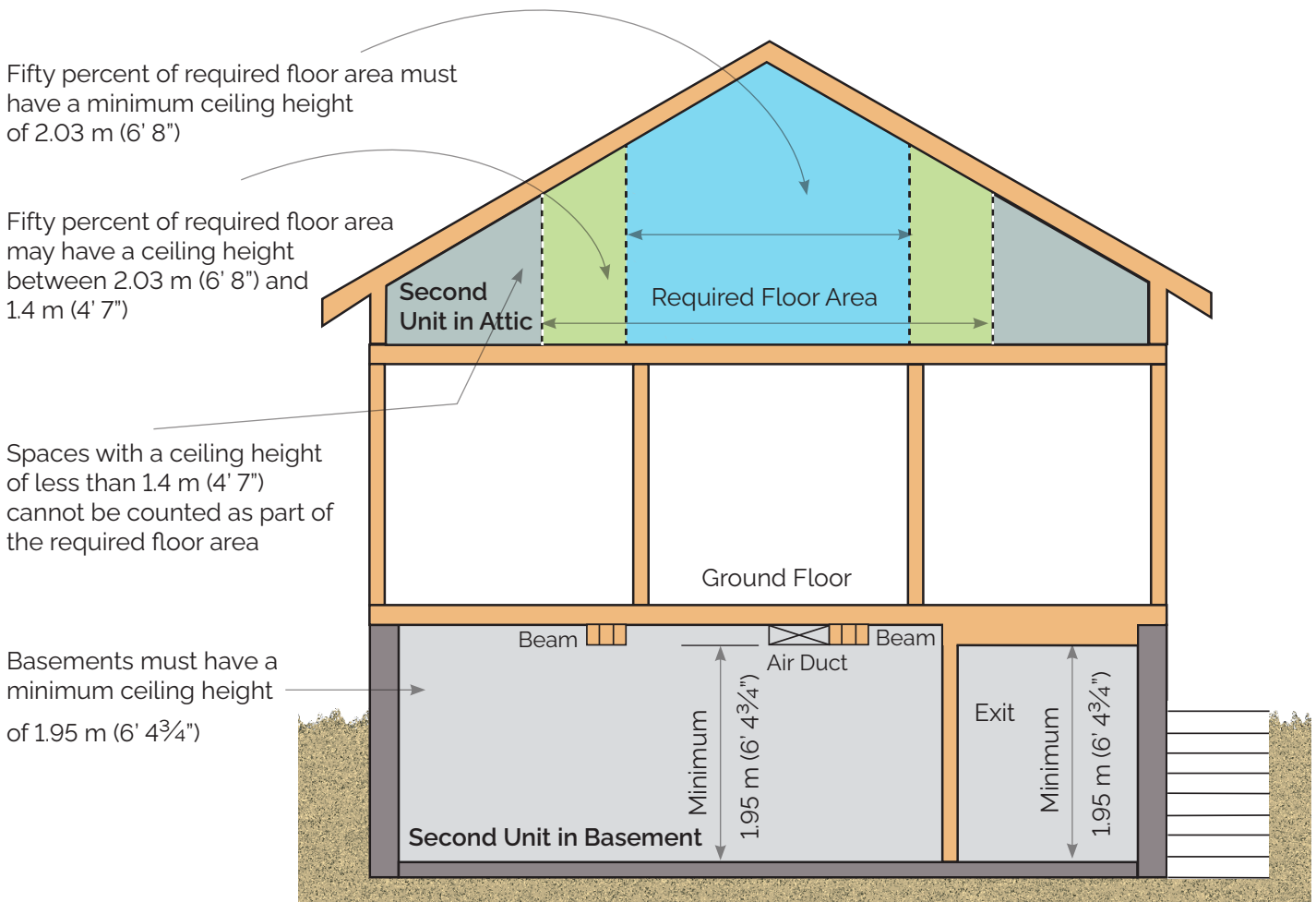
Room Sizes and Floor Areas

Ceiling Heights

You are also required to have minimum ceiling heights in your rooms. Meeting the ceiling height requirements can sometimes be a challenge in an existing house. Choose the location of your second unit carefully. Ceiling height requirements for second units vary in different parts of your house such as in basements and attics.

- A basement second unit is permitted to have a ceiling height of 1.95 m (6' 4 $\frac{3}{4}$ ") over the entire required floor area, including the route inside the unit leading to the exit.
- An attic second unit – which may have sloped ceilings – would meet the Building Code if at least 50% of the required floor area has a ceiling height of 2.03 m (6' 8"), but this does not include areas with low ceilings less than 1.4 m (4' 7") high.

(Relevant Building Code provisions – Division B, Table 11.5.1.1.C., Compliance Alternative 102)



Second Unit Ceiling Height

Windows

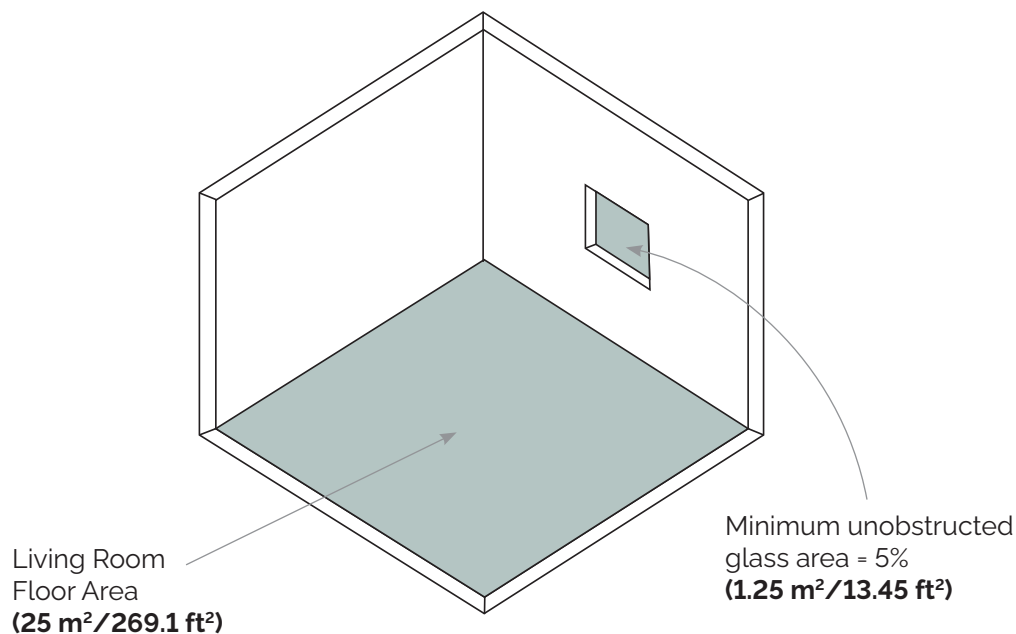
Windows are required in a second unit. The size of windows you need is determined by the size of the unit. Larger units will require more or bigger windows. Window sizes are also based on what type of room they are in. Some windows can also be used as another way to exit a second unit. For more information, please see the section on “Exits” on page 15.

Where the window is not being used as an exit, minimum window sizes are:

Room/Space:	Minimum Required Window Area:
Living and dining rooms	5% of the floor area
Bedrooms	2.5% of the floor area
Laundry room, kitchen, bathroom	Windows not required

(Relevant Building Code provisions – Division B, Article 9.7.2.3. as modified by Table 11.5.1.1.C., Compliance Alternative 107)

For example, if you are planning to have a dining area of 10 m² (108 ft²), the minimum size of the window(s) must be 0.5 m² (5'4"ft²). The diagram below shows another example:



Window Sizes and Floor Areas



Plumbing

Your second unit will have to meet plumbing requirements. At minimum you will need:

- A hot and cold water supply
- A sink, bathtub or shower, toilet, or a drainless composting toilet in the bathroom
- A kitchen sink
- Access to laundry facilities, which may be provided in a shared laundry room or a separate laundry area in the second unit

You will need a qualified plumber to do this work.

(Relevant Building Code provisions – Division B, Articles 9.31.4.1. to 9.31.4.3.)

Second units must also have their own separate water shut-off valves. This allows plumbing work or repairs to be done in one unit without affecting water flow in the other.

(Relevant Building Code provisions – Division B, Sentences 7.6.1.4.(1) and 7.6.1.6.(1))

If your house is in an area that is subject to flooding or sewer backup, you may need to install a backwater valve when you add a second unit. Backwater valves help prevent sewage in municipal drain pipes from entering floor drains and plumbing fixtures in the lower levels of your house.

(Relevant Building Code provisions – Division B, Article 7.4.6.4.)

Septic Systems

Adding a second unit to a house served by a septic system is permitted as long as the septic system has the capacity to handle the increase in sewage.

Check with your building department to make sure your existing septic system is sized properly. If not, you will need to upgrade your septic system so that it can safely treat the extra sewage flow.

(Relevant Building Code provisions – Division B, Sentence 11.4.2.5.(4))

(Note: some municipalities rely on regional health units or conservation authorities to enforce the septic system requirements of the Building Code. Your **local building department will advise** you if that is the case.)

Heating and Ventilation

The Building Code allows a house with a second unit to have a single furnace and common system of air ducts. For fire safety, you will have to install a special type of smoke detector in the main supply or return air ducts. When

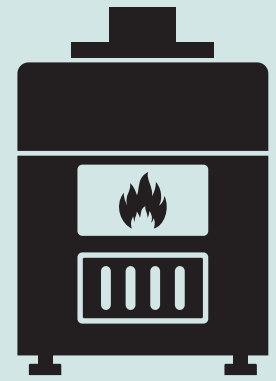
activated, this device turns off the fuel supply and electrical power to the furnace causing it to shut down and preventing the spread of smoke from one unit to the other.

Duct-type smoke detectors must meet a specific performance standard known as UL 268A. To ensure you have the right detector and the installation is done properly, you should hire a qualified contractor to do the work.

(Relevant Building Code provisions – Division B, Table 11.5.1.1.C., Compliance Alternative 195)

Ventilation is also required for the bathroom and kitchen of your second unit. This can be provided by a ceiling exhaust fan or a window that opens to outside.

(Relevant Building Code provisions – Division B, Article 9.32.1.2. as modified by Table 11.5.1.1.C., Compliance Alternative 194)



Going Beyond Code:

While the Building Code allows one furnace to heat an entire house including the second unit, you might want to consider installing a second furnace and air ducts when adding a second unit. Sharing one furnace and air ducts between two units may mean cooking smells, recreational smoke and other odours, as well as noise, may transfer from one unit to the other. Having one thermostat controlling the temperature of both units may also become an issue for residents of both units.

Electrical Facilities and Lighting



To ensure adequate lighting in rooms and spaces, the Building Code requires that your second unit must have:

- A light and switch in every room and space of your second unit
- A switch at both the top and bottom of the stairs

(Relevant Building Code provisions – Division B, Articles 9.34.2.2. and 9.34.2.3.)

The Electrical Safety Code, produced by Ontario's Electrical Safety Authority (ESA), has further requirements when adding a second unit.

- You will need to get a separate electrical permit to do the electrical work in your second unit.
- The ESA will inspect the electrical work in your second unit.

It is recommended that you hire a licensed electrical contractor to do the work.

They can also get the electrical permit and arrange inspections for you.

- For further information you can contact ESA directly at 1-877-ESA-SAFE (372-7233) or esasafer.com.

Fire Safety

For fire safety you will need a fire separation between your second unit and the rest of the house. A fire separation acts as a physical barrier to slow the spread of fire from one part of the house to the other. The fire separation must be continuous and include protected openings if necessary (e.g. fire dampers) in order to work properly.

What is a fire separation?

A fire separation can be a floor, wall, door with a self-closing device, or a combination of those things. It can be built using typical building materials such as lumber and drywall. For example, a 30 minute fire separation can be built using 38 mm x 89 mm (2" x 4") wood studs, 13 mm (1/2") thick drywall on both sides, and fibre-type insulation between the studs. Lath and plaster construction typically found in older houses is an example of a 15 minute fire separation.

When adding a second unit, the Building Code requires a 30 minute fire separation between units, and also between units and common areas. If the renovation of your house to add a second unit requires the alteration of an existing floor or ceiling, you are required to make that a 30 minute fire separation (see floor/ceiling diagram). A fire separation can be reduced to 15 minutes if the entire house has interconnected smoke alarms.

(Relevant Building Code provisions – Division B, Table 11.5.1.1.C., Compliance Alternatives 147, 152 and 153)

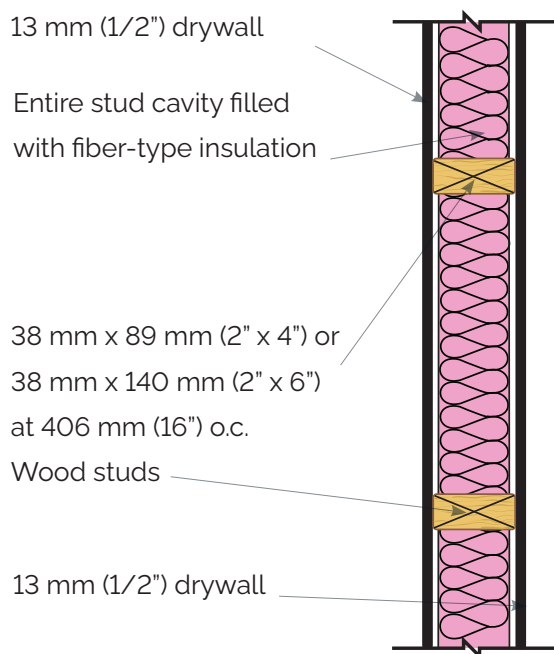


Diagram of wall showing typical 30 minute fire separation

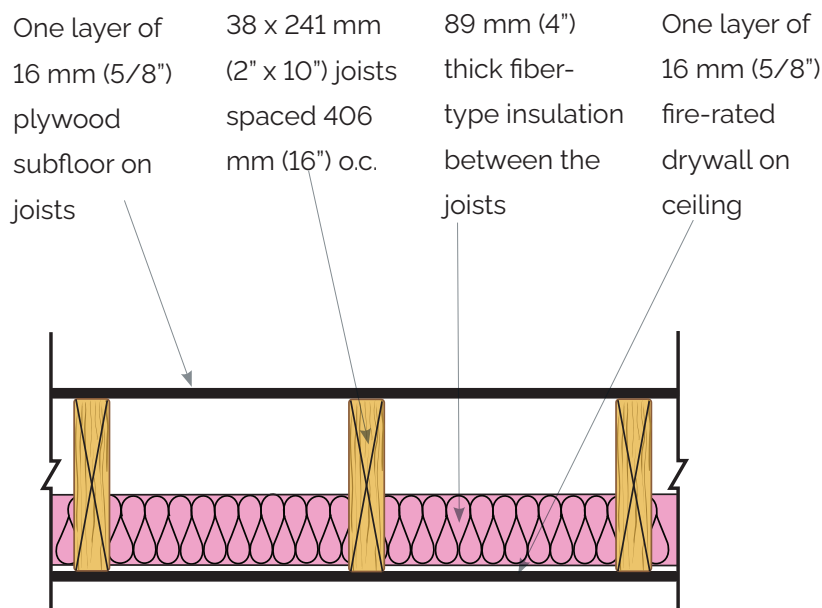


Diagram of typical floor/ceiling that would generally achieve a 30 minute fire separation

Good-to-Know: A wall built to meet the Building Code's fire separation requirements will help to reduce noise between units.

Going Beyond Code:

Noise and vibration travelling between units is a common problem for people that live in multi-unit residential buildings, including houses with second units. It is a good idea to build extra noise protection in the walls, floors and ceilings that divide your second unit from the remainder of the house. There are many different ways to construct a wall so that it has greater noise protection, including additional insulation, extra layers of drywall, etc.



Going Beyond Code:

To enhance the fire safety of your second unit you should consider installing smoke alarms in storage rooms and service areas that are interconnected with the smoke alarms in the second unit. Fires that start in remote areas of a house can often be the most deadly as they can burn for longer periods before being detected.

Smoke Alarms

You will need smoke alarms (sometimes known as smoke detectors) in your second unit that must meet the CAN/ULC S531 performance standard. A label on the alarm will indicate whether it meets this standard. Your smoke alarms must also have a flashing light when they are activated. Smoke alarms are widely available at hardware and home renovation stores.

Proper placement of smoke alarms is important. They must be located:

- On every level of a house
- Outside sleeping areas (which, depending on the layout of a floor, can also count as the smoke alarm for that level)
- In each bedroom in the second unit
- In common areas of the house shared by occupants of both units, such as entrances and laundry rooms

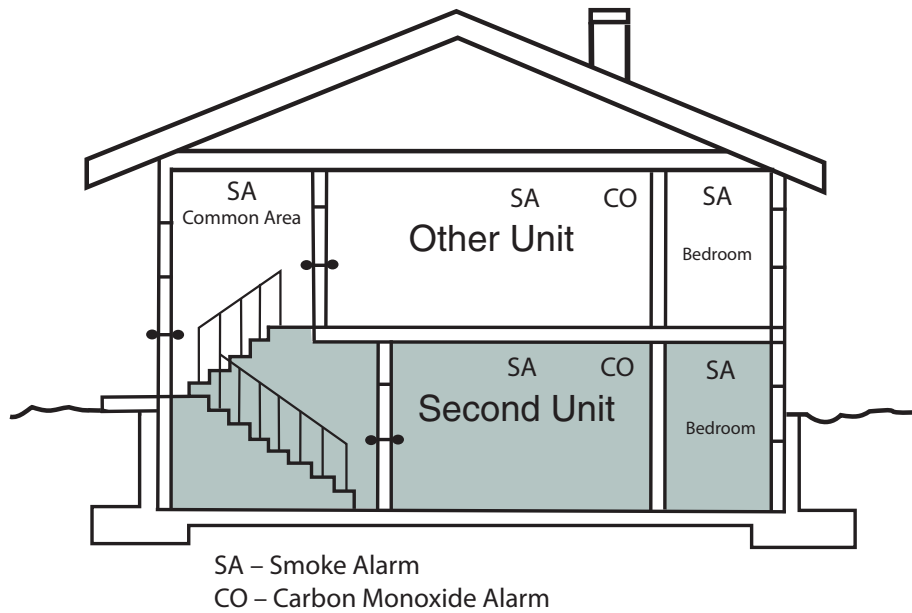
(Relevant Building Code provisions – Division B, Subsection 9.10.19.)

Carbon Monoxide Alarms

In addition to smoke alarms you may also have to install carbon monoxide alarms. They are required if your house has a furnace that uses natural gas, propane or other similar fuels. They are also required if your house has an attached garage. Carbon monoxide alarms can be either electrically powered or battery operated and must be located:

- Near bedrooms and sleeping areas in the second unit
- In the furnace room, if the furnace room is a separate space from the residential units

(Relevant Building Code provisions – Division B, Articles 9.33.4.1. and 9.33.4.2. as modified by Table 11.5.1.1.C., Compliance Alternative 197)



Location of Smoke Alarms and CO Detectors

Exits

Your second unit needs safe exits. There are different rules for exits depending on where in your house the second unit is located. Providing a separate exit for the second unit is preferable. If that is not possible:

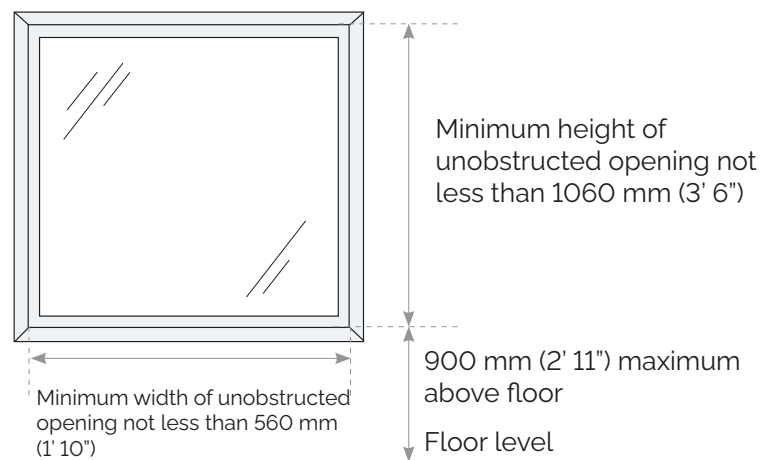
- A common exit for both units in your house is allowed if the exit area has a 30 minute fire separation and contains smoke alarms that are interconnected to both units.



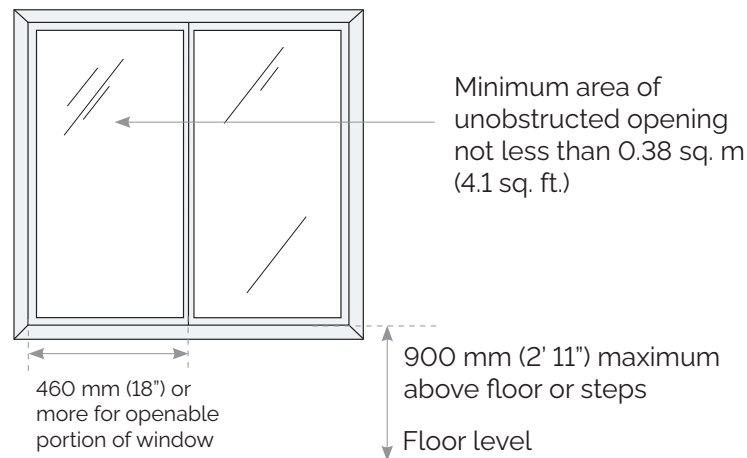
- In cases where the exit from one unit leads through another unit, a second means of escape must be provided by using a window.
- Windows that may be needed in an emergency as a second means of escape must be large enough for a person to get through and be easy to open without the use of tools.

- There are different requirements (shown in the diagrams below) for means of escape windows depending on whether they are located in the basement or upper floors.

(Relevant Building Code provisions – Division B, Table 11.5.1.1.C., Compliance Alternative 136)

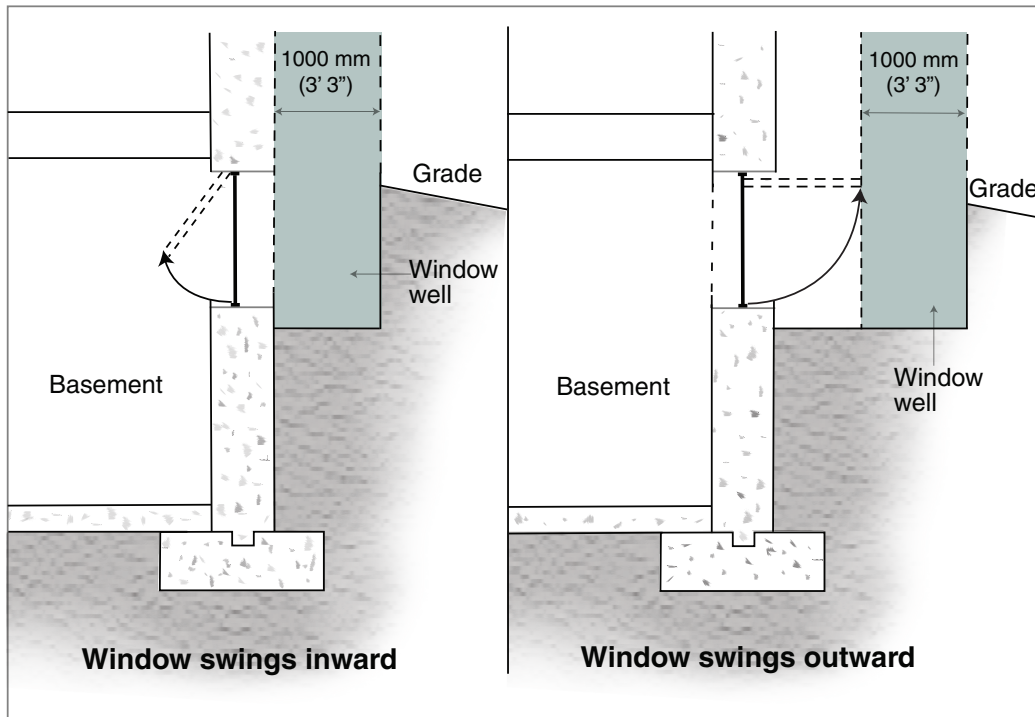


Escape window for upper floors



Note: Sill height no more than 1000 mm (3' 3") above or below adjacent ground level.

Ground floor or basement escape window



Window wells for basement escape windows (sectional view)

Moving Forward with Your Project

Now that you know the basics for adding a second unit to your house, this can help you make an informed decision on whether to proceed.

As mentioned, and for best results, it is highly recommended you contact your local municipality early in your planning and design process, and also hire qualified professionals to help you.

To find your municipality's website, check out: ontario.ca/page/list-ontario-municipalities. There, you can find a contact number for your local building department. You can also **find further information online or at your local building department.**

To read Ontario's Building Code check out: ontario.ca/laws/regulation/120332

You can check the qualifications of a provincially registered Building Code designer at:

quarts.mah.gov.on.ca/BCINSearchWeb/search.html

To find out more about second units, visit:

- The Landlord Self Help Centre website landlordselfhelp.com
- The Canada Mortgage and Housing Corporation – Secondary Suites cmhc-schl.gc.ca/en/developing-and-renovating/accessible-adaptable-housing/secondary-suites

Second Unit Checklist

Here is a checklist summarizing the important things to consider when adding a second unit to your house:

- ☐ **Municipal Zoning and Other By-Laws**

- ☐ Official Plan Policies
- ☐ Licencing and/or Registration, if applicable
- ☐ Parking, if applicable

- ☐ **Building Permit**

- ☐ **Inspections**

- ☐ **Building Code Requirements for Second Units**

- ☐ Age of your House
- ☐ Location of Your Second Unit
- ☐ Room Size and Floor Area
- ☐ Ceiling Heights
- ☐ Windows
- ☐ Plumbing
- ☐ Heating and Ventilation
- ☐ Electrical Facilities and Lighting
- ☐ Fire Safety
- ☐ Smoke Alarms
- ☐ Carbon Monoxide (CO) Alarms
- ☐ Exits

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