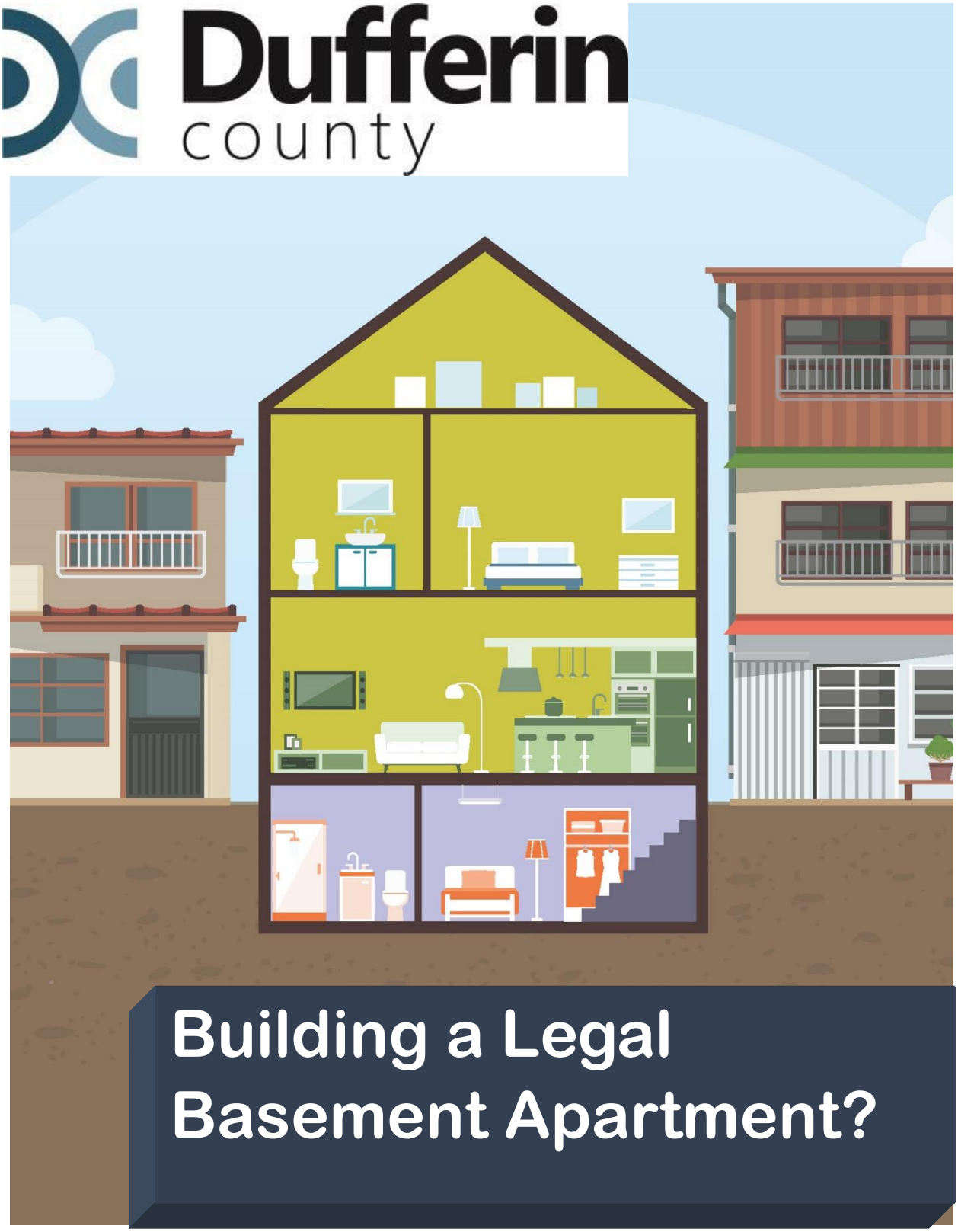
Dufferin county



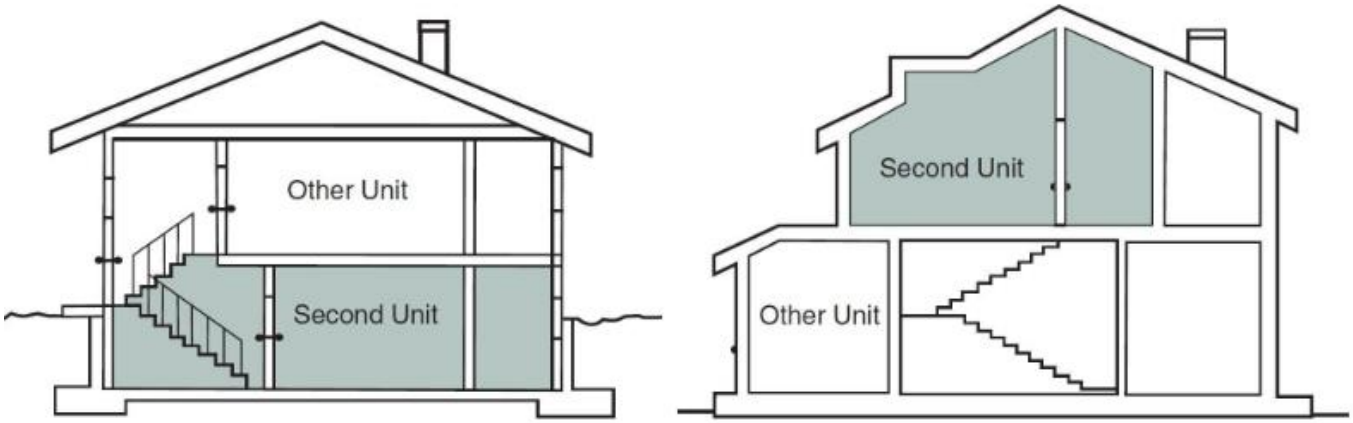
Building a Legal Basement Apartment?

30 Centre Street, Orangeville, ON L9W 2X1 | 519.941.2816 | dufferincounty.ca

Basement Apartments

What is an Accessory Residential Unit (ARU)?

An **Accessory Residential Unit (ARU)** is a self-contained living space within or on the same lot as a single-detached, semi-detached, or townhouse dwelling. The unit typically shares the property with the primary residence, and it could include a basement apartment, garden suite, in-law suite or coach house.



Secondary suite:

- **A self-contained dwelling unit:** located in a building or portion of a building of only residential occupancy that contains only one other dwelling unit and common spaces, and where both dwelling units constitute a single real estate entity. (As defined by the Ontario Building Code, Division A Article 1.4.1.2).

Disclaimer: The information contained within this guide is intended for general information purposes only. It only highlights key changes to the Building Code. It is not intended as legal or technical advice, and it should not be relied on as such. Code users are strongly advised to consult the official records for specific legislative and regulatory requirements, including Ontario's 2024 Building Code, O. Reg. 163/24 as amended by O. Reg. 203/24, 2020 National Building Code and Ontario Amendment Document (May 15, 2024) for the full extent and the exact wording of the changes.

Dufferin county

Application Checklist

This list is provided only as a reference for your convenience. Not all documents listed below will be required for every project. Similarly, additional documentation may be required depending on the nature of your project.

It is the applicant's responsibility to submit all applicable documentation as part of their application package. Incomplete applications will not be reviewed.

Submittal Item	Details	Documents Included with Application
Application to Construct or Demolish (Form)	A copy of the application form can be found here: https://www.dufferincounty.ca/wp-content/uploads/2024/03/Application-Form-Fillable.pdf	
Schedule 1 Form Include one form for each designer	A copy of the Schedule 1 form can be found here: https://www.dufferincounty.ca/wp-content/uploads/2024/03/Schedule-1-Fillable.pdf	
Agent Authorization Form	Required if you are applying on behalf of a property owner. A copy of the form can be found here: https://www.dufferincounty.ca/wp-content/uploads/2024/03/Agent-Authorization-Form-fillable.pdf	
Applicable Law Declaration Form	Including all approvals (i.e. NEC, Conservation, MTO, etc.) where applicable. A copy of the form can be found here: https://www.dufferincounty.ca/wp-content/uploads/2024/03/Applicable-Law-Declaration_0.pdf	
Site Plan	Drawn to scale including north arrow, address, distances from property lines, all existing structures, all proposed structures, septic location, etc.	
Architectural Design Drawings	Including foundation, floor, wall, roof, elevations, cross sections.	
Mechanical Drawings	Including design layout, location of intake and supply and heat loss/gain calculations.	

Basement Apartments with Septic Systems

Submittal Item	Details	Documents Included with Application
Septic Design and Calculations	Scaled layout identifying septic tank and bed location, cross section incl. elevations, all clearance distances between septic tank and bed to structures, open water, wells on property/neighboring properties, type of well.	
Soils Analysis	Percolation time (T) determined by a percolation test or soils classification unless using a T=50	
Site Plan	Drawn to scale including north arrow, address, distances from property lines, all existing structures, all proposed structures, septic location, etc.	
Schedule 1 Form	Designer Information A copy of the Schedule 1 form can be found here: https://www.dufferincounty.ca/wp-content/uploads/2024/03/Schedule-1-Fillable.pdf	
Schedule 2 Form	Installer Information A copy of the form can be found here: https://www.dufferincounty.ca/wp-content/uploads/2024/03/Schedule-2-Fillable.pdf	

Municipal Approvals and Building Permits

- **Check Zoning**:

  Contact your local municipality for their zoning bylaw and ensure the property is zoned to permit ARUs.

  - https://www.eastgarafraxa.ca/en/municipal-government/planning-and-development.aspx
  - https://www.townofgrandvalley.ca/living-here/building-planning-and-development/
  - https://melancthontownship.ca/planning/
  - https://townofmono.com/services/planning
  - https://mulmur.ca/build/planning
  - https://www.shelburne.ca/en/doing-business-here/development-and-land-use.aspx#

- **Building Permits**:

  You need to obtain a permit before starting construction or converting an existing space. This will involve submitting plans to the County of Dufferin, Building Services, which will then assess compliance with the Ontario Building Code and other applicable regulations.

  - https://www.dufferincounty.ca/building-services/building-permit-applications/
  - Refer to our How-to-video for creating an account through the CityView Portal: https://youtu.be/Iq4FodqX1a8

Basement Apartments Design Guide

Site plan:

- Lot configuration
- Location of the house and all other structures (including septic system location, if applicable)
- Parking spaces in the driveway
- All exterior entrances to the house
- Proposed and existing window wells
- Locations of any easements on the property

Floor Plan (required for each floor of the ARU)

- Existing floor plans on all floor levels
- Total square footage of each floor level measured to the outside of exterior walls.
- The floor area of the ARU and of the principal dwelling.
- Room sizes and room names (e.g.: washroom, bedroom)
- Ceiling heights in each room include any reduced heights under bulkheads.
- the common areas of the building.
- The types of walls and ceiling finish in all rooms.
- Location of the entrances to each ARU
- Location, dimension and direction of stairs.
- Window locations, dimensions, and areas (including all window/floor area calculations)
- Location and size of all doors.
- Location of the fire separation and assembly type - referenced in OBC Volume 2, SB-3.
- Location of the smoke alarms and carbon monoxide alarms
- Location of all plumbing fixtures
- Location of heating outlets in each room
- If there are any changes to structural framing submit designs for floors, walls, lintels, beams and roof

New Code Change: Ontario Building Code Division B. Article 9.10.9.16 waives the requirements for a fire separation between secondary suite in the house, provided the walls and floor-to-ceiling framing are protected by a continuous smoke-tight barrier of not less than 15.9 mm Type X gypsum board. However, the minimum Sound Transmission Class (STC) rating must still be achieved. (STC ratings tell us how much sound is blocked from going through a floor/wall).

Elevation drawings

- Location of doors, area of exterior windows/openings, location of window wells, ARU entrance
- Calculations are required for the spatial separation between buildings/houses where the exterior windows are increasing

Sections and detail drawings

- Include ceiling heights, ceiling construction, fire separation, room names
- Egress window detail from the bedroom, except where a door on the same floor level as the bedroom provides direct access to the exterior.

Mechanical drawings

- HVAC system design or information about the proposed changes to the existing system (including location of the furnace, number and location of the supply and return air openings, location of the supply and return air ducts related to the ceiling membrane).

Plumbing

- Plumbing layout of all the proposed and existing fixtures.
- Size of water pipe shall be designed to provide peak demand flow but shall not be less than ¾" in size. (Div. B Article 7.6.3.4)
- For every unit of residential occupancy that contains more than one dwelling unit, shut-off valves shall be installed where the water supply enters each dwelling unit, so that, when the water supply to one suite is shut off, the water supply to the remainder of the building is not interrupted.

Sewage disposal system

- Location of the septic tank and bed
- The performance level of an existing dwelling unit is reduced where the proposed construction that,
    a) Increases the number of bedrooms in the dwelling unit,
    b) Exceeds 15% of the finished area of the dwelling unit, or
    c) Adds new plumbing fixtures to the dwelling unit

- A septic analysis is required under any of the above circumstances, as this will cause an increase to total daily sanitary sewage flow of the dwelling unit, as calculated in accordance with Article 8.2.1.3.

Individual room dimensions

Room Type	Minimum Room Size	Minimum window glass area, in houses less than 5 years old	Minimum window glass area, in houses more than 5 years old
Living room	145 square feet	14.5 square feet	7.25 square feet
Dining room	75 square feet	7.5 square feet	3.75 square feet
Kitchen	One Bedroom: 40 square feet Two Bedroom: 45 square feet	Windows not required	Windows not required
Master Bedroom	With closet: 95 square feet (not including closet) Without closet: 105 square feet	5 square feet	2.5 square feet
Second Bedroom	With closet: 65 square feet (not including closet) Without closet: 75 square feet	3.75 square feet	1.9 square feet
Bathroom, Utility Room, Other Rooms	No minimum (bathroom must be functional and usable)	Windows not required	Windows not required

Combination rooms (open concept primary rooms, not including bathrooms)

Number of bedrooms in apartment	Room size (minimum, measured to the inside face of walls)	Minimum window glass area serving living/dining room, in houses less than 5 years old	Minimum window glass area serving living/dining room, in houses more than 5 years old
Two Bedrooms	Living Room, plus Dining Room, plus Kitchen: 225 square feet Living Room, plus Dining Room only: 180 square feet	18 square feet	9 square feet
One Bedroom	Living Room, plus Dining Room, plus Kitchen: 193 square feet Living Room, plus Dining Room only: 180 square feet	15 square feet	7.5 square feet
Bachelor apartment	Living Room, plus Dining Room, plus Kitchen: 145 square feet	14.5 square feet	7.25 square feet

Key changes to the Accessory Residential Compliance for Secondary Suites

(Provisions below are for a building containing up to two dwelling units).

Ontario Building Code new provisions for buildings less than 5 years (OBC 2024 Division B, Part 9)	Compliance alternatives for existing buildings 5 years or greater. (Division B Part 11)
Smoke Tight Barriers in a house with a secondary suite	
Smoke tight barrier (9.10.9.16 (4)) A continuous smoke-tight barrier of at least 15.9 mm thick Type X gypsum board, installed on both sides of the walls and the underside of the floor-ceiling framing at assemblies that separate suites. Note: The Sound Transmission Class (STC) is still applicable to the assembly type from SB-3 to obtain the proper rating. However, the 45-minute fire separation is now exempt if the smoke barrier is installed as specified above.	C156
Continuous Barrier (9.10.9.2) and (A-9.10.9.2 (2) and (3)). The continuity of a smoke-tight barrier where it abuts another smoke-tight barrier, a floor, ceiling or a wall assembly is maintained by construction smoke-tight joints (e.g., through the design of gypsum board joints and framing members) or by filling all openings at the juncture of the assemblies with a material that will ensure the integrity of the smoke-tight barrier at that location.	The smoke tight barrier is permitted to be waived where the house with a secondary suite is *sprinklered*.

Ontario Building Code new provisions for buildings less than 5 years (OBC 2024 Division B, Part 9)	Compliance alternatives for existing buildings 5 years or greater. (Division B Part 11)
Design of Areas, Spaces and Doorways	
Ceiling height (9.5.3.1 (2) and (3)) Ceiling heights in secondary suites shall not be less than 1.95 m and clear heights under beams and ducting in secondary suites shall be not less than 1.85 m. Note: The primary suite still requires 2.1m-2.3m ceiling height	No alternative Note: Refer to CA C105 for the primary suite.
Height Over Stairs (9.8.2.2) The minimum clear height over stairs that are located under beams and ducts for secondary suites shall not be less than 1.85 m	C112
Door Heights (9.5.5.) Refer to Sentences 9.5.5.1 (1) and (2) and Table 9.5.5.1	C106 and C107
Egress Requirements	
Egress from Dwelling Units (9.9.9) Dwelling units in houses with a secondary suite can share a single means of egress. Note: Exemptions apply, refer to 9.9.9.3 (2)	C139

Ontario Building Code new provisions for buildings less than 5 years (OBC) 2024 Division B, Part 9)	Compliance alternatives for existing buildings 5 years or greater (Division B Part 11)
Smoke Alarms	
Interconnection of Smoke Alarms (9.10.19.5) Smoke alarms are permitted to be wirelessly interconnected or interconnected by hard- wiring so that the activation of any smoke alarm causes all smoke alarms within the house with a secondary suite to activate.	C179 (Power supply)
Carbon Monoxide Alarms	
Location of Carbon Monoxide Alarms (9.32.3.9A) A carbon monoxide alarm must be installed in a residential suite under the following conditions: 1. There is a fuel-burning appliance in the residential suite. 2. The suite is served by an external forced air fuel-burning appliance. 3. The suite shares a common wall, floor, or ceiling with an attached garage. The alarm must be located in the following areas: • Adjacent to each sleeping room. • In sleeping rooms that are adjacent to a garage. • In sleeping rooms that are in or adjacent to a suite containing a fuel-burning appliance or flue. • In combined living and sleeping areas. • In sleeping rooms adjacent to an attic or crawl space that is next to a garage. • In shared means of egress or common space within residential suites.	No alternative

Ontario Building Code new provisions for buildings less than 5 years (OBC 2024 Division B, Part 9)	Compliance alternatives for existing buildings 5 years or greater. (Division B Part 11)
Installation and conformance to Standards (9.32.3.9C.) *Carbon monoxide alarms* shall be interconnected, have battery backup, and visual signaling. (see article for detailed information). Activation of one *carbon monoxide alarm* within a house with a *secondary suite* will activate all carbon monoxide alarms within the house including their common spaces.	
Shared Furnaces	
Return air system (9.33.1.1., 9.33.6.13 (7.1)) Return-air from a dwelling unit shall not be recirculated to any other dwelling unit. -This means both the primary and secondary suite must be separately ducted and cannot mix into each unit. One solution could be to have two furnaces, but it is recommended to speak with a qualified mechanical designer.	C200 and C205