

Section 9.37 Ancillary Residential Units

9.37.1. General

9.37.1.1. Application

(See Note 9.37.1.1)

1) This Section applies to the construction of an *ancillary residential unit* in a *building* containing not more than 2 principal *dwelling units* or a *row house*. (See Note A-9.37.1.1.(1).)

9.37.1.2. Construction Requirements

1) An *ancillary residential unit*, and those parts of a *building* serving only the *principal dwelling unit* and its *ancillary residential unit* and their common spaces, shall conform to the requirements of this By-law in this Part except as permitted in this Section.

(See Note A-9.37.1.2.)

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9.37.2. Specific Requirements

9.37.2.1. Heights of Rooms or Spaces

1) Except as permitted by Sentences (3), the minimum height of rooms or spaces in an *ancillary residential unit* or the common spaces serving a principal *dwelling unit* and its associated *ancillary residential unit* over the required minimum area as indicated in Table 9.5.3.1. shall be not less than 2.0 m.

2) It shall be possible to travel from the required area of one room to the required areas of all other rooms within an *ancillary residential unit* without reduction of the room height as required in Sentence (1).

3) The clear height over stairs, ramps and landings serving an *ancillary residential unit* or the common spaces serving a principal *dwelling unit* and its associated *ancillary residential unit* shall not be less than 1 950 mm.

4) The clear height in *public corridors* and *exit corridors* that serve only a principal *dwelling unit*, its associated *ancillary residential unit* and their common spaces, shall be not less than 2 m.

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9.37.2.2. Deleted.

9.37.2.3. Stairs

1) *Exit* stairs serving a principal *dwelling unit* and its *ancillary residential unit* or their common spaces shall have a minimum width, measured between wall faces or guards, of not less than 860 mm. (See Note A-9.37.2.3.(1).)

2) Stairs within an *ancillary residential unit* or the common spaces serving a principal *dwelling unit* and its associated *ancillary residential unit* may be considered private stairs for the purposes of determining the dimensional requirements of Subsection 9.8.4.

3) Stairs within an *ancillary residential unit* or the common spaces serving a principal *dwelling unit* and its associated *ancillary residential unit* may include one set of winders between floor levels as described in 9.8.4.6.

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9.37.2.4. Landings

1) Landings for exterior stairs serving an *ancillary residential unit* need not exceed 900 mm in length.

2) A landing may be omitted at the top of an exterior *flight* serving a secondary entrance to an *ancillary residential unit* or the common spaces serving a principal *dwelling unit* and its associated *ancillary residential unit*, provided

- a) the stair does not contain more than 3 risers,
- b) the principal door is a sliding door or swings away from the stair, and
- c) only a storm or screen door, if any, swings over the stair and is equipped with hardware to hold it open.

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9.37.2.5. Handrails and Guards

1) Handrails and *guards* serving an *ancillary residential unit* or the common spaces serving a principal *dwelling unit* and its associated *ancillary residential unit* shall conform to the requirements of Subsections 9.8.7. to 9.8.9. as if serving only one *dwelling unit*.

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9.37.2.6. Means of Egress

1) The width of every *public corridor* and *exit* corridor that serves a principal *dwelling unit* and its *ancillary residential unit* shall be not less than 860 mm. (See Note A-9.37.2.6.(1).)

9.37.2.7. Fire Separations for Exits

- 1) Except as permitted by Sentence (2), every *exit* other than an *exit* doorway shall be separated from adjacent *floor areas* by a *fire separation*
- having a *fire-resistance rating* of 45 min, or
 - having a *fire-resistance rating* of not less than 30 min where the *dwelling units* are equipped with *smoke alarms* as referenced in Article 9.37.2.19.
- 2) A *fire-resistance rating* is not required for a *fire separation* that separates an *exit* from adjacent *floor areas* where the *building* is *sprinklered*.

9.37.2.8. Openings Near Unenclosed Exit Stairs and Ramps

1) Where an unenclosed exterior *exit* stair or ramp provides the only *means of egress* from a *dwelling unit* in a *building* that contains an *ancillary residential unit* and the stair is exposed to the hazards of fire from *unprotected openings* in the exterior wall of another *fire compartment*, the openings shall be protected in conformance with Articles 9.10.13.5. to 9.10.13.7. or 3.2.3.13.(5) (See Note A-9.37.2.8.(1).)

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- 1) Every *exit* door or door that opens into or is located within a *public corridor* or other facility that provides *access to exit* from a principal *dwelling unit* and its *ancillary residential unit* shall
- be not less than 1980 mm high,
 - have a clear opening width of not less than 800 mm, and
 - be permitted to swing inward.

9.37.2.10. Travel Limit to Exits or Egress Doors

1) In an *ancillary residential unit*, the travel limit from a floor level in the *dwelling unit* to an *exit* or egress door may exceed 1 *storey* provided the floor level within the *dwelling unit* is served by an operable window conforming to Article 9.9.10.1. and is located so that the window could provide egress from the *ancillary residential unit* if the other dwelling unit becomes inaccessible to the occupants due to a fire which originates in the *dwelling unit*.

9.37.2.11. Shared Egress Facilities

1) Except as provided in Article 9.9.7.3., where an egress door from a *dwelling unit* opens onto a *public corridor* or exterior passageway, it shall be possible from the location where the egress door opens onto the *public corridor* or exterior passageway to go in opposite directions to 2 separate *exits* unless the *dwelling unit* is served by a second and separate *means of egress* or an opening window conforming to Article 9.9.10.1.

2) Each *dwelling unit* shall be provided with a second and separate *means of egress* or an opening window conforming to Article 9.9.10.1. where the *principal* egress door from the *dwelling unit* opens onto

- an *exit* stairway that serves *more than one suite*,
- a *public corridor* serving *more than one suite* and served by a single *exit* stairway or ramp,
- an exterior passageway serving *more than one suite* and served by a single *exit* stairway or ramp, or
- a balcony serving *more than one suite* and served by a single *exit* stairway or ramp.

3) Where a *dwelling unit* is located above another *floor area* other than the principal *dwelling unit* to which it is associated or their common spaces, the *dwelling unit* shall be provided with a second and separate *means of egress* or an operable window conforming with Clause 9.9.9.1.(2)(a) and (b).

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- 1) *Exit* signs are not required within an *ancillary residential suite*.

9.37.2.13. Structural Fire Resistance

1) Table 9.10.8.1., Fire-Resistance Ratings for Structural Members and Assemblies, does not apply to an *ancillary residential unit*. (See Note A-9.37.2.13.)

9.37.2.14. Combustible Drain, Waste and Vent Piping

(See Note A-9.37.2.14.)

- 1) *Combustible* drain, waste and vent piping is permitted to be located within or penetrate a *fire separation* required to have a *fire-resistance rating* provided
- except for the permitted penetration in Clause (b), the *combustible* piping is located within an assembly protected by a membrane of a minimum 12.7 mm gypsum board,
 - piping and tubing is tightly fitted, cast in place, or firestopped to ensure the integrity of the fire separation, and
 - the *combustible* piping does not penetrate the gypsum board protection membrane on the underside of a horizontal assembly.
- 2) *Combustible* drain, waste and vent piping enclosed in an assembly or protected as described in Sentence (1) is permitted on both sides of a *fire separation*.

9.37.2.15. Separation of Ancillary Residential Units

(See Note A-9.37.2.15.)

- 1) A principal *dwelling unit* and its *ancillary residential unit* shall be separated from each other by
- wall or partition assemblies consisting of
 - not less than one layer of 1/2" type C or 5/8" type X wall board on wood or steel studs on each side,
 - resilient channel installed on at least one side, and
 - noncombustible* insulation of at least 3-1/2" depth throughout, and
 - floor assemblies consisting of
 - not less than one layer of 1/2" type C or 5/8" type X wall board,
 - with resilient channel, and
 - at least 3-1/2" of *noncombustible* insulation.
- 2) Openings in a *separation* required by Sentence (1) shall be protected by *closures* with a minimum 20 min *fire-protection rating*, or 45 mm thick solid core wood doors in accordance with 9.10.13.2.

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9.37.2.16. Separation of Public Corridors

- 1) A *public corridor* serving only a principal *dwelling unit* and its *ancillary residential unit* shall be separated from the *dwelling units* by
- wall or partition assemblies consisting of
 - not less than one layer of 1/2" type C or 5/8" type X wall board on wood or steel studs on each side, and
 - noncombustible* insulation of at least 3-1/2" depth throughout, and
 - floor assemblies consisting of
 - not less than one layer of 1/2" type C or 5/8" type X wall board, and
 - at least 3-1/2" of *noncombustible* insulation.
- 2) Openings in a *separation* required by Sentence (1) shall be protected by *closures* with a minimum 20 min *fire-protection rating*, or 45 mm thick solid core wood doors in accordance with 9.10.13.2.

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9.37.2.17. Ventilation, Air Ducts and Fire Dampers

(See Note A-9.37.2.17.)

- 1) Except as provided in Sentences (2) to (4), and notwithstanding Sentences 9.32.1.1.(1) and 9.33.1.1.(1), Sections 9.32 and 9.33 applies to a *building* that contains an *ancillary residential suite*.

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- 2) In a residential *building* containing not more than two principal *dwelling units*, heating-season ventilation need not be provided for
- exits*,
 - public corridors*, and
 - ancillary spaces that are not within a *dwelling unit*, except where that space contains an exhaust device.
- 3) Where a heating or ventilation duct system serves more than one *dwelling unit*, the system shall be designed and installed to prevent the circulation of smoke to adjacent *dwelling units* upon a signal from a duct-type *smoke detector* or *smoke alarm*.
- 4) Ducts penetrating *fire separations* need not be equipped with *fire dampers* in conformance with Article 3.1.8.9, provided
- they are *noncombustible* with all openings in the duct system serving only one *fire compartment*, or
 - they are of continuous solid steel ducting from an HRV located within the *dwelling unit* that it serves to the exterior.
- 5) Where a heating or air-conditioning system serves more than one *dwelling unit*, access required by Sentence 9.33.4.4.(1) from more than one *dwelling unit*, common space or ancillary space is not required.

9.37.2.18. Spatial Separation

- Spatial separation shall conform to the applicable requirements of Subsection 9.10.14 or 9.10.15.

9.37.2.19. Smoke Alarms

(See Note A-9.37.2.19.)

- The installation of *smoke alarms* shall conform to Subsection 9.10.19.
- Smoke alarms* shall be installed in each principal *dwelling unit* and each *ancillary residential unit*, and shall be of the photo-electric type hard-wired so that the activation of any smoke alarm will cause the smoke alarms in the principal *dwelling unit* and its *ancillary residential unit* to sound.

9.37.2.20. Sound Control

- The assemblies separating the primary *dwelling unit* and its contained *ancillary residential suites* need not comply with the sound control requirements of Section 9.11. (See Note A-9.37.2.20.(1).)

9.37.2.21. Attic Space Access

- An *attic space* access hatchway not less than 0.32 m² in an area with no dimension less than 500 mm may serve a principle dwelling unit and its contained ancillary residential suites.

9.37.2.22. Garages and Carports

- Section 9.35 is applicable to garages and carports serving a *building* that contains an *ancillary residential suite*.

9.37.2.23. Accessibility and Adaptability

- Ancillary residential units* shall be designed in conformance with Section 3.8.

9.37.2.24. Fire Sprinklers

- Where a *building* is permitted to be sprinklered to NFPA 13D by Article 3.2.5.12., the sprinkler system serving an *ancillary residential unit* is permitted to be designed in accordance with NFPA 13D, **provided the floor area of the ancillary residential unit is not superimposed above or below**
 - principal *dwelling unit* other than the principal *dwelling unit* with which it is associated,
 - another *ancillary residential unit*, or
 - another *major occupancy*.
- The sprinkler system referred to in Sentence (1) shall be supplied from the *Principal Dwelling Unit*.