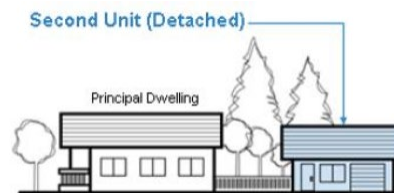
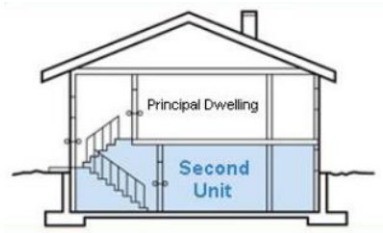




## Accessory Apartment Units

# Building Permit & Approvals Guide



This guide has been developed for convenience purposes only.

The Owner is responsible for ensuring compliance with all Town By-laws and other applicable regulations.

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

**Planning, Building & Development Services Department  
Building Division**

Telephone: (519) 599-3131 ext. 290

Toll Free: 1-888-258-6867

[build@thebluemountains.ca](mailto:build@thebluemountains.ca)

## Introduction

The following guide has been developed to assist applicants in obtaining a building permit to allow the development of an Accessory Apartment Unit within The Town of The Blue Mountains.

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

This guide provides a summary of information related to application preparation and the issuance of a building permit. If there is a difference between this reference document and the formal regulations and by-laws, the formal regulations will apply.

A building permit is required in Blue Mountains for creating a new accessory apartment unit in a dwelling or in a detached accessory structure. This guide explains the requirements for submitting a building permit application for a new accessory apartment unit in greater detail. Please refer to the standard [Permit Guide for Accessory Apartment Units](#) to review requirements for permit submission.

If you are new to the process or are uncertain of The Town of The Blue Mountains permit application process /requirements, contact the **Building Division** at (519) 599-3131 ext. 290 or email [build@thebluemountains.ca](mailto:build@thebluemountains.ca)

***The terms “second suite” and “accessory apartment unit” may be used interchangeably throughout this guide. “TBM” and “Town of The Blue Mountains” may be used interchangeably throughout this guide.***

## Definition

“Accessory Apartment” means a secondary dwelling unit which is accessory to the principal use on the lot”. An accessory apartment may also be called:

- accessory dwelling unit
- accessory dwelling
- secondary suite
- secondary unit
- garage suite
- granny flat
- basement apartment
- in-law suite

An accessory apartment unit is a separate living space with kitchen, bathroom, sleeping and shared laundry facilities or a space with the required connections and hook-ups, that is located on the same property as a principal dwelling (detached, semi-detached or row house). Although accessory

apartment units often take the form of basement apartments, they may occupy any floor in the house or be located in a detached accessory structure.

The property owner may live in the unit, family members may live in it, or it may be rented out. Note that an accessory apartment unit is not permitted to be located on a lot used for short term accommodation purposes.

### **Secondary Suites Grant Program**

The Blue Mountains Attainable Housing Corporation grant program has closed. The Town of The Blue Mountains has a new grant program available. Please contact [planning@thebluemountains.ca](mailto:planning@thebluemountains.ca) for information on how to apply for the Community Improvement Plan accessory suite program.

Further information can be found at [the Blue Mountains Housing website](#).

**The Blue Mountains Attainable  
Housing Corporation**



## Zoning By-Law Requirements

The Council of the Corporation of the Town of The Blue Mountains enacted Zoning By-law #2018-65 in November of 2018, and provided that an Owner can meet all requirements of the Zoning By-law an Accessory Apartment can be constructed without further approvals from Council.

The following summarizes sections from **Part 4.0** of Zoning By-law #2018-65:

### **4.1 ACCESSORY APARTMENTS**

A maximum of one accessory apartment unit is permitted in a single detached, semi-detached, townhouse dwelling or within a detached accessory building to a single detached, semi-detached, or duplex dwelling but is not permitted on the same lot used for a short term accommodation.

#### **4.1.1 Accessory Apartment Dwelling Within a Primary Dwelling**

An accessory apartment unit is permitted to be located in a single detached, semi-detached, duplex or townhouse dwelling provided that:

- a) The use is accessory to the principle use on the same lot;
- b) The maximum floor area of the accessory apartment unit is not greater than 50% of the gross floor area of the main dwelling unit; and
- c) The maximum number of bedrooms per unit is 2.

#### **4.1.2 Accessory Apartment Dwellings Within a Detached Structure (Urban) (Site Plan Approval Required)**

An accessory apartment unit is permitted to be located in a detached accessory structure to a single detached, semi-detached or duplex dwelling provided that:

- a) The use is accessory to the principle use on the same lot;
- b) The maximum floor area of the accessory is not greater than 50% of the gross floor area of the main dwelling unit;
- c) The maximum number of bedrooms per unit is 2;
- d) The use is located in accordance with the yard setbacks applicable to the main dwelling in the applicable zone;
- e) The use does not exceed the maximum lot coverage for accessory structures;
- f) The use does not exceed a maximum height of 4.5 meters;
- g) The use shares the same driveway entrance as the main dwelling unit;
- h) An accessory apartment unit does not already exist within the primary dwelling on the same lot.
- i) Site Plan Approval Required contact [planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)

#### **4.1.3 Accessory Apartment Dwellings Within a Detached Structure (Rural)**

An accessory apartment unit is permitted to be located in a detached accessory structure to a single detached dwelling provided that:

- a) The requirements of Section 4.1.2 are met;
- b) The lot is not less than 0.8 hectares in size;
- c) The use is located not more than 50 meters from the primary dwelling; and,
- d) The use complies with Minimum Distance Separation requirements.

- e) Site Plan Approval Required contact [planning@thebluemountains.ca](mailto:planning@thebluemountains.ca)

#### **4.2 ACCESSORY APARTMENT DWELLINGS IN A COMMERCIAL ZONE**

Notwithstanding any provisions of the By-law, where accessory dwellings are permitted in the same building as a permitted commercial use, the following shall apply:

- a) Accessory dwellings are only permitted above the first storey or rear of a commercial building

The full text and interactive mapping for the current Zoning By-law #2018-65 is available for review on the [Zoning Information page](#) of the Town's website.

### **Calculation for Size of Accessory Apartment Unit**

#### **First – calculate the gross floor area of the existing dwelling**

This is the total area of each floor of the house, but does not include any garage, carport, porch, sunroom, veranda, balcony or attics.

#### **Second – calculate the maximum floor area of the accessory apartment unit**

Divide the number you calculated in the first step by two. The result is how big the accessory apartment unit can be.

For an accessory apartment unit to qualify as authorized unit, it shall comply with:

- Zoning by-law requirements;
- Ontario Building Code
- Property standards by-law;
- Electrical code.

## Variance or Zoning By-Law Amendment Processes

If your property does not quite meet the basic zoning requirements, you may have the opportunity to apply for a minor variance or a zoning by-law amendment. Note that these processes can take time and may lead to some additional costs.

### Minor Variance Application

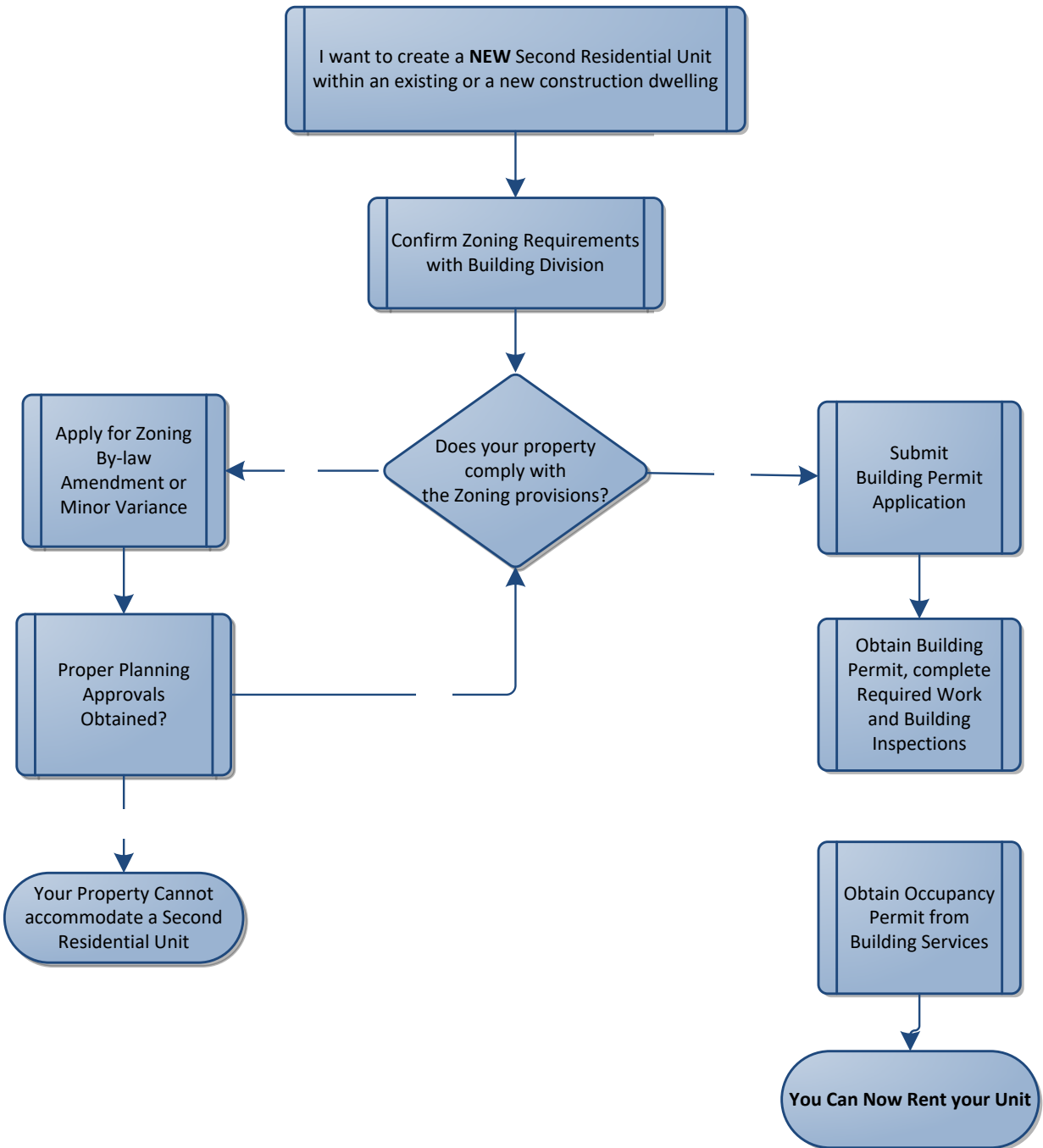
- The minor variance process allows a property owner to seek relief from specific provisions of the Town's Zoning By-law. The Town of The Blue Mountains Committee of Adjustment is an independent body appointed by Council and has authority under the Planning Act to consider approval of a minor variance application. [Planning Applications & Forms](#) are located on the Town's website.

### Zoning By-Law Amendment

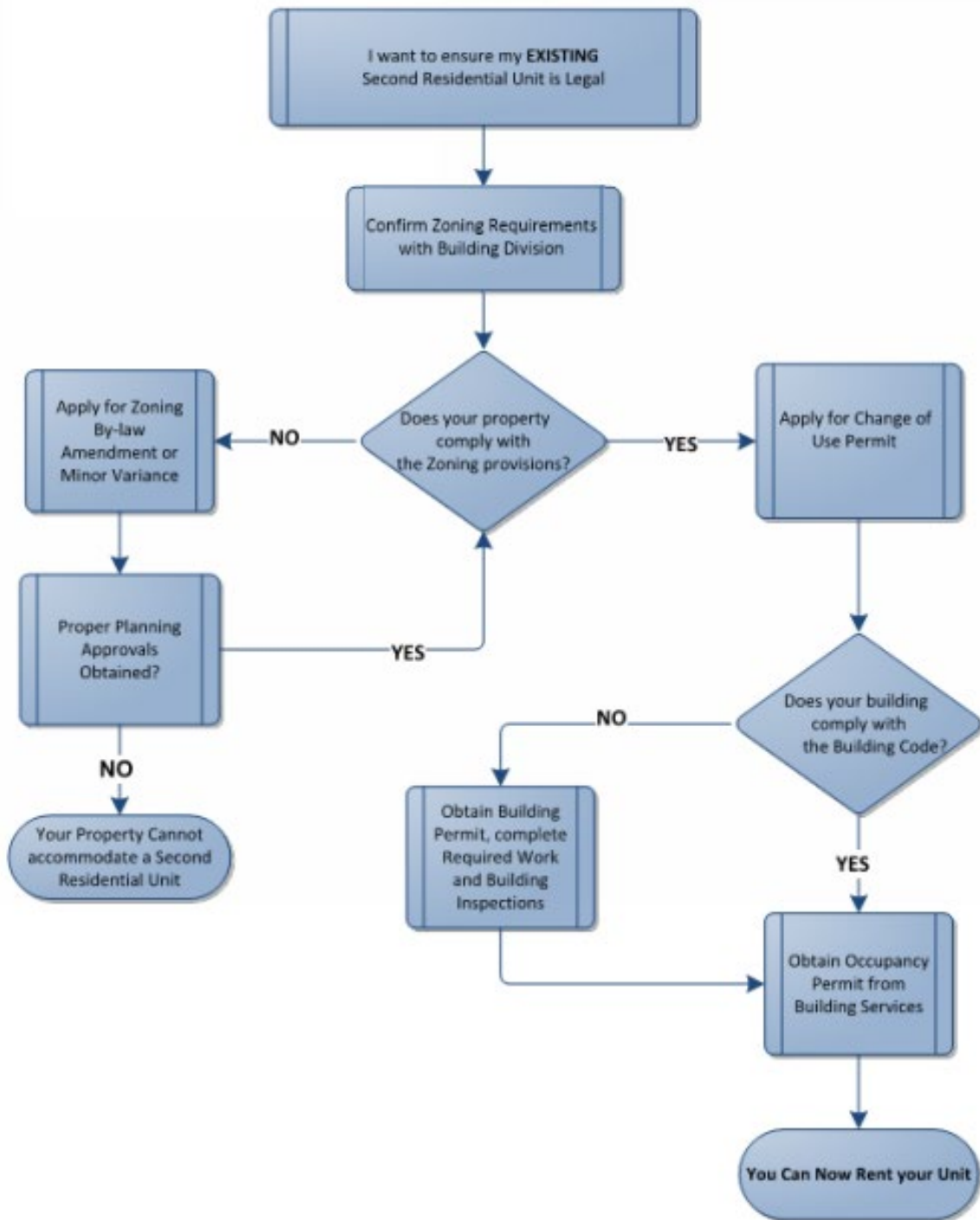
- If the relief sought from provisions of the Zoning By-law is not determined to be minor, a site-specific zoning by-law amendment may be required, subject to Council approval. Please contact Planning Services for further direction.

**Please contact the Town's Planning Services department by email [planning@thebluemountains.ca](mailto:planning@thebluemountains.ca) or by phone to 519-599-3131 (Ext 263) to discuss which process would best suit a particular situation.**

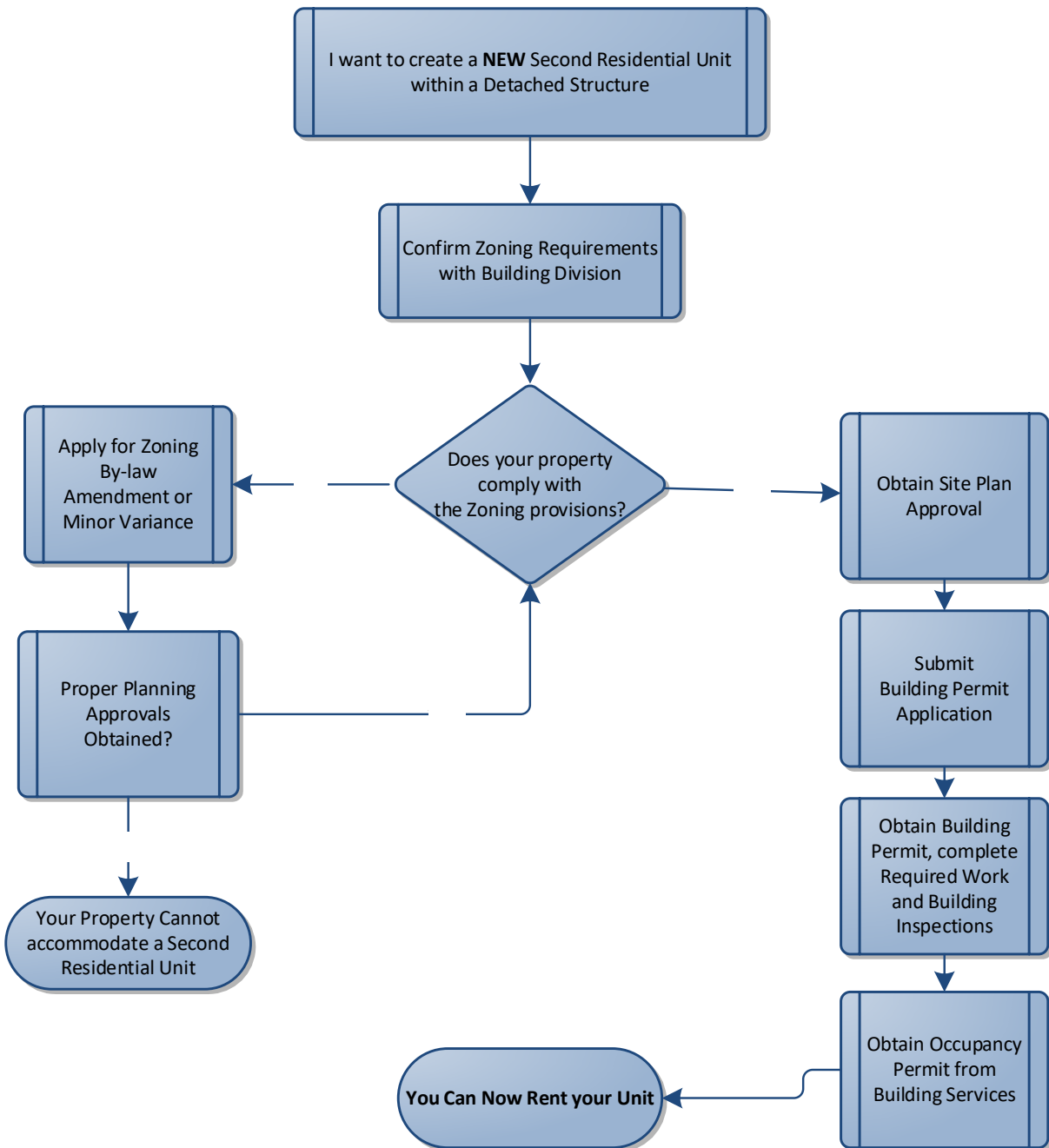
**Overview of the Approval Process: CREATING A NEW SECOND UNIT**



**Overview of the Approval Process: LEGALIZING AN EXISTING SECOND UNIT**



**Overview of the Approval Process: Accessory Apartment Dwellings Within a Detached Structure**



## Important Dates

### Before July 14, 1994

An accessory apartment existing prior to July 14, 1994 is reviewed under Section 9.8 of the Ontario Fire Code (OFC). Please note, major alterations (such as relocating partitions and/or plumbing, enlarging/adding windows, etc.) require review under the Ontario Building Code (OBC).

### Before November 16, 1995

Accessory apartment units used or occupied on/or before November 16, 1995 are not required to meet the zoning requirements as Section 76(1) of the Planning Act "grandfathers" these dwelling units, however, a building permit is required.

### After November 17, 1995

Accessory apartment units used or occupied on/after November 17, 1995 to November 28, 2018 must provide documentation verifying existence of a second suite between those dates and that the use has continued as a second suite to present date.

Examples of accepted documentation/proof:

- Utility Billings (gas/hydro/phone/cable)
- Owner(s) Affidavit
- Assessment Records
- Third Party Affidavit (tenant, neighbour)
- Building Permit
- Town Records (fire/property standard)
- Bank Mortgage / Loan Records
- Rent Cheques / Receipts / Lease Agreements
- House Insurance Records

### ***Please Note:***

- If a review of the existing accessory apartment unit reveals that an interruption in use occurred, the current Zoning By-Law provisions shall apply.
- During the period October 1, 1990 to June 26, 1995, apartments in a two-unit dwelling were legalized due to Bill 120, the Residents Rights Act as proclaimed by the N.D.P. government. This permitted second units in houses, provided that Health and Fire safety standards were met, the use was a permitted use, the property was connected to full municipal services and the house only has two dwelling units.

- On May 22, 1996, Bill 20 came into effect which **prohibited new apartments** in houses created **after May 22, 1996**. Existing apartments in houses that were used or occupied on or before November 16, 1995 were "grandfathered", provided they conformed to the requirements of the original Bill 120.

## Fire Safety Requirements

### Section 9.8, Ontario Fire Code

Fire safety requirements for an existing suite are found in the Ontario Fire Code (OFC), Section 9.8.

Any existing accessory apartment unit requires a general inspection for Fire Code compliance, to be carried out by the Town's Fire Services Department. You should conduct your own initial assessment before calling for an inspection. Check the Fire Code to determine if anything needs to be upgraded in your home to meet code requirements.

- Please note, major alterations (such as relocating partitions and/or plumbing, enlarging/adding windows, etc.) require review under the Ontario Building Code (OBC). Please refer to the standard [Permit Guide for Accessory Apartment Units](#) to review requirements for permit submission.
- Accessory apartments reviewed under Section 9.8 of the OFC are not required to meet the zoning requirements as Section 76(1) of the Planning Act "grandfathers" houses with two dwelling units **used or occupied** on/or before November 16, 1995.
- When a second dwelling unit has been added and occupied as a second unit on or before July 14, 1994, and the second unit did not meet Ontario Building Code requirements, then the building must minimally comply with the Ontario Fire Code. Proof is required by Fire Services to establish a date upon which the second unit came into existence. There are necessary fire safety issues addressed in Section 9.8 of the Ontario Fire code, including fire separations for each dwelling unit, means of escape for each dwelling unit, smoke alarms, and electrical safety.  
Fire Officials do not have the legislative authority to grant time for compliance and it is the owner's responsibility to remedy any violations noted during inspection immediately.
- Where a Fire Services inspection has been completed a Notice of Violation Report may be provided to the property owner outlining any required remedial construction – a building permit application is required to be submitted and a building permit obtained through Building Services.
- For more information regarding accessory apartments reviewed under the Ontario Fire Code please contact the Town of The Blue Mountains Fire Services Department at (519) 599-5411.

## Electrical Safety Requirements

In Ontario electrical safety compliance inspections are conducted by the Electrical Safety Authority (ESA). Your electrical contractor should be familiar with the electrical permitting and inspection process.

The ESA will conduct a visual inspection to see if the existing wiring and electrical service are safe. In addition to ensuring that electrical installations meet the requirements of the Ontario Electrical Safety Code, the inspector will check to see whether these installations are in good shape. This review includes:

- ensuring electrical plugs are grounded, and not reversed in polarity, as well as ensuring proper use of extension cords;
- ensuring exterior and bathroom plugs meet Ground Fault Circuit Interruption (GFCI) requirements for all installations of exterior plugs as of 1977 and all bathroom plugs installations as of 1983;
- checking all electrical receptacles and devices, ensuring that receptacles have proper covers and fit within the established standards (that is, that the size and the spacing apart is sufficient and that they lead to a proper amp service – less than nine receptacles per circuit will likely be approved if all else is adequate; more than 12 receptacles will be refused);
- reviewing the way in which electrical conductors are used and
- ensuring there is no deterioration or exposed wiring;
- misuse can often be detected if there are loose or hot wires and any insulation that is deteriorated will be dry or brittle;
- ensuring main service is in good working order and that existing breaker devices are properly connected; this involves checking for discoloration or indications of moisture or overheating to any wiring, seeing if the right fuse amp is in the socket (generally 15 amps/socket), and checking for evidence of peripheral damage from a blow out; and
- checking that electrical equipment used in the home is approved for use in Ontario.

For more information contact the Electrical Safety Authority directly:

By phone: 1-877-ESA-SAFE (372-7233)  
Or the [Electrical Safety Authority](#) website

## Ontario Building Code Requirements

The Ontario Building Code (OBC) requirements vary according to the age of the accessory apartment and dwelling unit. You will be required to provide documentation to confirm the age of your dwelling.

### Dwellings More Than Five Years Old

- When the dwelling unit is older than five years, the accessory apartment is reviewed under Part 11, Division B of the OBC.

### Dwellings Less Than Five Years Old

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

Typical Building Code requirements are as follows:

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

**Building-Specific Design Requirements**

<b>BUILDING-SPECIFIC DESIGN REQUIREMENTS</b>	<b>Building Condition</b>		
	<b>A</b> New	<b>B</b> 5 years or older	<b>C</b> 5 years or older Finished basement
<b>FLOOR FIRE SEPARATION (Including Supporting Structure)</b>			
Minimum Floor Fire Resistance Rating (FRR)	45 min or sprinklered	30 min FRR or sprinklered	15 min FRR OR sprinklered
Minimum Floor Sound Transmission Class (STC)	50 STC	Existing acceptable	Existing acceptable
<b>WALL FIRE SEPARATION</b>			
Minimum Wall Fire Resistance Rating (FRR)	45 min FRR	30 min FRR	30 min FRR
Minimum Door Fire Protection Rating (FPR) (Note: door requires a self-closing device)	20 min FPR	20 min FPR	20 min FPR
Permitted Wall Sound Transmission Class (STC)	50 STC	Existing acceptable	Existing acceptable
<b>HVAC SYSTEMS</b>			
Independent Heating System Required	No	No	
Duct type Smoke Detector Required	Yes	Yes. Existing heating systems may serve both units provided a Smoke Detector is installed in the supply or return air duct system which will completely turn off fuel and electrical supply to the heating system upon activation of such detector(s).	
<b>SMOKE ALARMS</b>			
Applies to	Only the new accessory apartment		The existing unit and new accessory apartment
Interconnected between Units	Not Required		Required
Required locations and general requirements	Smoke alarms are required on every floor level, in every bedroom, and in hallways serving a bedroom. All smoke alarms within a dwelling unit shall be interconnected and have a visual signaling component (strobe light).		
<b>CARBON MONOXIDE ALARMS</b>			
Req'd where a fuel burning appliance is installed or an attached garage	Yes	Yes	Yes
Shall be located adjacent to sleeping areas and installed per manufacturer's specifications	Yes	Yes	Yes
Carbon monoxide alarms may be battery operated or plugged into an electrical outlet	No	Yes	Yes

BUILDING-SPECIFIC DESIGN REQUIREMENTS	Building Condition		
	A New	B 5 years or older	C 5 years or older Finished basement
BUILDING-SPECIFIC DESIGN REQUIREMENTS	Building Condition		
	A New	B 5 years or older	C 5 years or older Finished basement
<b>NATURAL LIGHT</b>			
Living and Dining Rooms	10% of area served		5% of area served
Bedrooms and other Finished Rooms	5% of area served		2.5% of area served
<b>REQUIRED PLUMBING FIXTURES</b>			
A kitchen, lavatory, bath tub or shower and water closet	Yes	Yes	Yes
Laundry hookups shall be provided in each suite or be in a common area used by both units	Yes	Yes	Yes

**General Design Requirements**

<b>DOOR SIZES</b>		<b>Minimum Width</b>	<b>Minimum Height</b>	
Dwelling Unit Entrance or Utility Room		32"	78"	
Bedroom or Rooms not mentioned elsewhere		30"		
Bathroom, Washroom, and Walk-in closets		24"		
<b>CEILING HEIGHTS</b>				
All Rooms		6'-11" over entire floor 6'-5" under beam/duct	6'-5" over all required room areas and any location normally used as a mean of egress	
<b>ROOM SIZES</b>				
<b>Separate Spaces</b>	<b>Min. Area ft<sup>2</sup> (m<sup>2</sup>)</b>	<b>Combined Spaces</b>	<b>Min. Area ft<sup>2</sup> (m<sup>2</sup>)</b>	
Living Room	145 (13.5)	Living Room (> 1 bedroom)	145 (13.5)	
Dining Room	75 (7.0)	Living Room (1 bedroom)	118 (11.0)	
Kitchen (> 1 bedroom)	45 (4.2)	Dining Room	35 (3.25)	
Kitchen (1 Bedroom only)	40 (3.7)	Kitchen (> 1 bedroom)	45 (4.2)	
Master Bedroom (with closet)	95 (8.8)	Kitchen (1 bedroom)	40 (3.7)	
Master Bedroom (without closet)	105 (3.0)	Bedrooms	45 (4.2)	
Other Bedroom (with closet)	65 (6.0)			
Other Bedroom (without closet)	75 (7.0)	Bachelor		
Bathroom	Sufficient space for fixtures	Living, Dining, Bedroom and Kitchen	145 (13.5)	

An accessory apartment may be permitted on a privately serviced lot (individual well and septic) but the applicant will be required to demonstrate that the existing system has sufficient capacity for the secondary unit. The capacity and design of a private septic system is regulated by the Ontario Building Code.

**Note:** These design tips do not cover all of the building code requirements for accessory apartments. The person taking responsibility for the design should refer to the Ontario Building Code for a detailed listing of all requirements.

The most current Building Code is available at [E-laws Ontario](http://www.e-laws.gov.on.ca).

## **Operating/Maintaining a Rental Unit**

The rights and responsibilities of a landlord are outlined in the Residential Tenancies Act. This information for landlords in Ontario is available from the [Landlord and Tenant Board](#)

All property owners must follow the Town's current Zoning By-law and the Ontario Building Code and Fire Code provisions, as well as the Town's Property Standards By-law. The Property Standards By-law establishes standards for the maintenance of properties and buildings, including snow removal and yard maintenance.

## **Effect on Property Taxes & Insurance Considerations**

Accessory apartment units may impact property tax; however the Town cannot provide specific information relating as to how a property's current value assessment may be affected. If you would like more information on possible changes to your property tax, please call the Municipal Property Assessment Corporation (MPAC).

If you plan to add an accessory apartment unit to your property, you may want to notify your insurance company or broker as early as possible for guidance. For more detailed information, you can contact the Insurance Bureau of Canada at 1-800-387-2880 or visit [Insurance Bureau of Canada](#).