



A HOMEOWNER'S GUIDE TO ACCESSORY DWELLING UNITS



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Legal & Development Services Commission
Office of the Building Inspector and By-Law Enforcement

TOWN OF NEWMARKET
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WHY DO I NEED A PERMIT?

THE ONTARIO BUILDING CODE REQUIRES THAT YOU OBTAIN A BUILDING PERMIT BEFORE YOU START WORK ON A NEW HOUSE OR AN ADDITION OR ANY SIGNIFICANT ALTERATIONS TO AN EXISTING HOUSE. THE BUILDING CODE SETS OUT THE MINIMUM REQUIREMENTS FOR SUCH WORK AND IS PARTICULARLY CONCERNED WITH YOUR HEALTH AND SAFETY AND THAT OF OTHER HOMEOWNERS, BUILDING OCCUPANTS, FUTURE OWNERS AND THE COMMUNITY.

THE ONTARIO BUILDING CODE

The Ontario Building Code is a regulation made under the Building Code Act. The Code is essentially a set of minimum provisions respecting the safety of buildings with reference to public health, fire protection and structural sufficiency. It is not intended to be a textbook on building design, advice on which should be sought from professional sources. Its primary purpose is the promotion of public safety through the application of appropriate uniform building standards. The provisions in this Code are intended to provide a minimum acceptable level of public safety and building integrity. They are not intended to be applied to voluntary installations unless specified in the Code.

DEFINITIONS

"building" means

- (a) a structure occupying an area greater than ten square metres consisting of a wall, roof and floor or any of them or a structural system serving the function thereof including all plumbing, works, fixtures and service systems appurtenant thereto;
- (b) a structure occupying an area of ten square metres or less that contains plumbing, including the plumbing appurtenant thereto,
- (c) plumbing not located in a structure,
 - (c.1) a sewage system; or
- (d) structures designated in the building code;

"construct" means to do anything in the erection, installation, extension or material alteration or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and "construction" has a corresponding meaning; ("construire", "construction", "travaux de construction")

WHEN DO I NEED A PERMIT?

CONTACT THE TOWN OF NEWMARKET MUNICIPAL OFFICES AT **905-895-5193** or **EMAIL US AT Buildings@newmarket.ca** FOR SPECIFIC PERMIT REQUIREMENTS FOR ANY PARTICULAR PROJECT.

PERMITS ARE NORMALLY REQUIRED FOR:

Building any detached structure larger than 108 sq. ft.
Building any addition to your home
Raised porches or decks
Carports or garages
Structural alterations
Moving or lifting your house
Installing a wood stove or fireplace
Partitioning a basement or adding a basement entrance
Creating an apartment in your house
Altering or adding any plumbing
Demolishing a house

PERMITS ARE NOT NORMALLY REQUIRED FOR:

Detached structures 108 sq. ft. or less in area
Replacement of a furnace
New interior wall, floor or ceiling finishes
Repairs to chimneys, porches, decks or roofs
Waterproofing repairs to a basement
Replacement of windows, doors, roofing or siding

BEFORE YOU START

Before you start to prepare your drawings, you should check that your proposal will comply with the Town's Zoning By-laws. The Zoning By-laws specify minimum setbacks from property lines, maximum coverage and other zoning standards that may limit your proposal. It's best to find out if these limits will affect your project before you start preparing your drawings. Zoning information may be obtained from the Planning Department- 905-953-5321.

HOW DO I GET A PERMIT?

1. Prepare drawings which accurately and to scale describe the construction you propose. The drawings submitted with the permit application need to be detailed enough so that anyone using them would be able to construct your project. If questions remain regarding how construction will occur, the drawings are not detailed enough. Standard technical details are available at the local municipal offices to assist in the preparation of your plans. Where an owner engages the services of another person to perform design activities, that person may be required to comply with the qualification requirements established by the Ministry of Municipal Affairs and Housing. The attached sample plans are an example of the scope of drawings usually required for an addition to a house. **THESE DRAWINGS ARE NOT INTENDED FOR USE IN YOUR PERMIT APPLICATION.**
2. Visit the local municipal offices at **395 Mulock Drive., Newmarket** and complete a building permit application. The application is also available on line at www.newmarket.ca in the Building and Bylaws section of the Town of Newmarket website.
3. Provide the required number of copies (usually 2 or 3) of the construction drawings, including a site plan.
4. Pay the permit fee.

WHEN WILL I GET THE PERMIT?

The Building Permit will be issued or refused within the prescribed period which may range between 10-20 business days if your drawings are complete and the proposed construction meets all legal requirements such as zoning regulations, the Ontario Building Code and the requirements of other agencies such as the Conservation Authority, the Region of York and the Town's Public Work's Department.

WHAT DO I HAVE TO DO AFTER I GET THE PERMIT?

Review your approved permit drawings before you start work and keep them on the project site. The permit must be posted in a conspicuous place on your property prior to starting work. You can commence construction any time after obtaining the permit and your permit will remain valid for a minimum of six months. Local utilities such as hydro, gas and telephone operate independently from the municipality and should be contacted regarding their specific approval and inspection requirements. All utilities must be contacted prior to commencing any excavation to determine the location of any nearby underground services.

Inspection requirements will be discussed with a building inspector at the time the building permit is issued, depending on the type of project, and must be arranged by calling the municipal building inspection offices at 905-953-5300, ext. 2400 prior to covering the work. For a house addition, an inspection is required for footings and foundations, structural framing, plumbing, insulation and vapour barriers and a final inspection before using the new space. Smaller projects such as decks and garages will involve fewer inspections. You will be informed if your project is a "smaller project" for inspection purposes. **Please note that we require 48hrs notice for requesting inspections.**

The stages of inspection include:

Excavation/footings

At this stage, the inspector checks visually for soil bearing capacity and footing sizes. Foundations are intended to safely carry their own weight and the loads transferred to them.

Exterior Sewers

The inspector looks for appropriate installation of exterior storm and sanitary drains including material type, slope, colour (green for sanitary and white for storm), fittings, etc.

Foundation Walls-Before Backfilling

The inspector looks for the size of the foundation wall and that all water and damproofing measures have been installed including weepers, stone, bituminous material, etc.

Inside Drains

The inspector looks for appropriate installation of storm and sanitary drains including material type, slope, colour (green for sanitary and white for storm), fittings, etc.

Structural Framing Completed (incl. all rough-ins)

At this point, the inspector examines the structural integrity of wall systems, floor systems, roof systems, means of egress, fire and sound control, mechanical systems, windows and fireplaces.

Insulation

The inspector looks for compliance with thermal resistance and air barrier requirements in addition to all deficiencies regardless of past approvals, as this is the last inspection before covering.

Final inspection

At this point, all systems are complete and operational and the construction is complete.

If changes to the approved work are anticipated, speak with the inspector to determine if a revision to your permit is required. Please see attached Request for Inspection form. **PLEASE REMEMBER TO WORK SAFELY!**

PERMIT SUBMISSION

A small housing addition will usually require the submission of the following drawings. All drawings must be accurately drawn to scale, in ink.

The provisions of the Ontario Building Code are intended to provide a minimum acceptable level of public safety and building integrity. They are not intended to be applied to voluntary installations unless specified in the Code. Voluntary installations should not detrimentally affect features required by the Code.

SITE PLAN

A SITE PLAN is a drawing showing the complete property and identifying all structures in relation to the property boundaries. It should include:

- Scale
- North arrow
- Lot lines and dimensions
- Existing and proposed construction and dimensions
- Setbacks and lot lines
- Proposed changes to existing grade

FLOOR PLANS

A FLOOR PLAN is a drawing of the structure as seen as if it is cut horizontally a few feet above the floor lines. One floor plan is required for every floor of the house which is affected by the new construction. Each plan shows the interior layout in question as well as providing the structural framing information for the floor or roof above.

Floor plans should include:

- ❑ Scale
- ❑ Use of rooms and spaces
- ❑ Dimensions
- ❑ Extent of new construction including new work within existing building
- ❑ Size, type and location of exterior and interior walls and partitions
- ❑ Widths, locations and lintel sizes of all openings
- ❑ Location, dimensions and direction of stairs
- ❑ Sectional arrows
- ❑ References to detailed drawings
- ❑ Material specifications or notes
- ❑ Heating details and calculations

ELEVATIONS

ELEVATIONS show the exterior view of each side of the house. Each elevation is identified by the direction it is facing and should include:

- ❑ Scale
- ❑ Extent of new and existing construction
- ❑ Vertical dimensions of walls, windows and doors
- ❑ Grade level
- ❑ Exterior wall cladding, finishes and flashing
- ❑ Overhang dimensions
- ❑ Roof shape, slope and finish
- ❑ Rainwater leader and eavestrough

SECTIONS & DETAILS

A SECTION represents a view of the house along an imaginary line at a particular location and illustrates construction details. The extent of the sections should correspond with the sectional arrows shown on the plans. Sections should indicate the following:

- ❑ Scale
- ❑ Details of footings, foundations, walls, floors and the roof
- ❑ Distance from grade to floor and underside of footing
- ❑ Attic and crawl space ventilation

At times, a specific aspect of the project may require specific details. An inventory of standard construction details is available from the local municipal offices, which can be used to augment your plans.

MECHANICAL DRAWINGS

Mechanical drawings are required to ensure the furnace selected has the capacity to heat or cool your house. This requires heat loss and heat gain calculation to determine the capacity of the furnace required and drawings of the duct design and layout (by a qualified designer).

This information is generally available from the mechanical/heating contractor.

If you are proposing an addition that is less than 200 sq. ft. or 10 % of the size of your house, heat loss and heat gain calculations are not required, however a duct layout is.

IMPORTANT NUMBERS

Directory	Phone #	Fax	Email address
Planning Department	905-953-5321	905-953-5140	Planning@newmarket.ca
Fire Department	905-895-9222	905-895-1900	Firedept@newmarket.ca
Public Works and Environmental Services	905-895-5193	905-953-5138	Publicworks@newmarket.ca
Building & Bylaws	905-895-5193	905-953-5141	Buildings@newmarket.ca
Enbridge	1-888-447-4911	416-495-3928	www.enbridge.com
Newmarket Hydro	905-895-2309	905-895-8931	Nmhydro@nmhydro.on.ca
Hydro 1	1-877-955-1155	1-888-625-4401	n/a
Electrical Safety Authority	1-877-372-7233		

APPLICATION FOR ACCESSORY DWELLING UNITS

Different provisions of the Ontario Building Code apply depending on the scenario under which a second unit is added to the house. A house for the purpose of this Commentary, is a detached or semi-detached house, that is no more than three storeys above grade or 600m² (6460ft²) in building area. The requirements for building a new two-unit house will normally be found in Part 9 of the Building Code. Part 9 also applies to the construction of an addition onto an existing house. A second unit created through the renovation of a house must meet certain minimum safety standards. Compensating upgrading may be required to maintain these minimum safety levels. As with all renovations, a building permit is required. Different standards apply depending on whether the house is more or less than five years old. If the house is more than five years old, same applicable Compliance Alternatives and Alternative Measures in Part 11 of the Building Code can be used as substitutes for many Part9 requirements.

INFORMATION REQUIRED FOR 2ND UNIT (ACCESSORY DWELLING UNIT)

- Age of Building
- A **SCALE FLOOR PLAN** indicating **ALL FLOORS OF DWELLING** (basement, 1st & 2nd floors):

PROVIDE THE FOLLOWING INFORMATION ON DRAWINGS:

- Sectional drawings through structure will in particular show all fire separation
 - Room sizes, ceiling heights and Type (w/r, bedroom)
 - Window sizes (window wells if any, depth from base of window to window well, & sill height from grade level)
 - Type of wall and ceiling finishes in **ALL** rooms
 - Location (if any) of doors to exterior
 - Location of doors (if any) between the two units
 - Location and type (battery powered or hard-wired) of Smoke Alarms and Carbon Monoxide (CO) Detectors (if any)
 - Location of all Plumbing fixtures showing non-combustible piping (including verification of access to laundry facilities)
 - Location of Heating Outlets and Cold Air Returns in each room. This design must be performed by a qualified designer and shall show heat loss calculations, ventilation and duct design
 - Survey
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- If part of basement is to be retained, this area is to be shown on plans
 - Location of stairs

ONTARIO BUILDING CODE (OBC) HIGHLIGHTS

CODE ITEM WITH OBC REFERENCE	BUILDING LESS THAN 5 YEARS OLD (OBC PART 9)	BUILDING MORE THAN 5 YEARS OLD (OBC PART 11)
9.4. Structural Requirements	The structural floor and roof framing systems may require the need to be assessed by a P.Eng. for structural adequacy.	OBC Section 11.4.
9.5 Design of Areas and Spaces	See separate table B	See separate table B
Ceiling Heights	See separate table B	Minimum 1950mm (6ft 5in) or minimum 2030mm (6ft 8in) over 50% of the required floor area
9.7 Windows & Skylights	See separate table A	Could be reduced by 50% of that in Part 9
9.7 Windows & Skylights	<ul style="list-style-type: none"> • Minimum open portion area of 0.35m² (3.8 ft²) with no dimension less than 380mm(15") • Except for basement, the window described above shall have maximum sill height of 1000mm (3ft 3in) above the floor. 	Same as Part 9
9.7 Resistance to Forced Entry	Must be provided on all new windows within 2m (6'- 7") of grade and on all new swing doors into the dwelling	Same as Part 9
9.8 Stairs, Ramps, Handrails & Guards. 9.9 Means of Egress	<ul style="list-style-type: none"> • Exit requires 45 minute fire separation to other room • 2'- 11" minimum width of stairs with 5'- 11" minimum headroom • Exiting guard and handrails usually acceptable 	Same as Part 9
9.10 Fire Protection	<ul style="list-style-type: none"> • 45 minute horizontal and vertical • min 1 hour for 2 or more storeys including basement • Dampers and fire stopping required 	<ul style="list-style-type: none"> • 30 minute horizontal and vertical • Dampers and fire stopping not required
9.10 Flame Spread Ratings	<ul style="list-style-type: none"> • 150 for interior walls and ceilings • 25 for over 90% of exits. 	Same as Part 9
9.10.18 Smoke Alarms	<ul style="list-style-type: none"> • Required to have a properly installed and functioning smoke alarm. • Interconnected smoke alarms are required. 	Battery-operated alarm is allowed unless interconnected smoke alarms are required.

This overview has been prepared for advisory purposes only and does not offer a complete or legal interpretation. For complete information refer to The Ontario Building Code 2006 and other relevant documents.

ONTARIO BUILDING CODE (OBC) HIGHLIGHTS

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CODE ITEM WITH OBC REFERENCE	BUILDING LESS THAN 5 YEARS OLD (OBC PART 9)	BUILDING MORE THAN 5 YEARS OLD (OBC PART 11)
9.31. Plumbing Facilities. Part 7 Plumbing	<ul style="list-style-type: none"> • Required to be supplied with potable and hot water, a kitchen sink, a toilet, a bathroom sink and a bathtub or shower stall showing non-combustible building material • Space for laundry facilities must be provided or made accessible to the second unit. 	Same as Part 9
9.32. Ventilation	<ul style="list-style-type: none"> • Shall conform to the requirements of Part 6 in conjunction with ASHRAE Handbooks by a qualified design person • Maintaining an indoor air temperature of 22°C (72°F) and proper ventilation. 	Same as Part 9
9.34.1.; 9.34.2.; 9.34.3. Electrical Facilities and Lighting	<ul style="list-style-type: none"> • A light is required by the exterior exit .Shared exit requires emergency lighting • Major rooms must each have a lighting outlet. • Stairs must be adequately lit, with a light switch at top and bottom of the flight. • Owner is responsible for having a general inspection conducted by Hydro1. 	Same as Part 9

GLASS AREAS FOR ROOMS OF RESIDENTIAL OCCUPANCY (OBC) Table A

LOCATION	MINIMUM UNOBSTRUCTED GLASS AREA	
	WITH NO ELECTRIC LIGHTING	WITH ELECTRIC LIGHTING
Laundry, basement recreation room, unfinished basement	4% of area served	Windows not required
Water- closet room	0.37m ² (4 ft ²)	Windows not required
Kitchen, kitchen space, kitchen alcove	10% of area served	Windows not required
Living rooms and dining rooms	10% of area served	10% of area served
Bedrooms and other finished rooms not mentioned above	5% of area served	5% of area served

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Room dimensions and ceiling heights (OBC Part 9) Table B

	Minimum Ceiling Height ¹	Minimum Required Floor Area ²	Code Reference
Living Room	2.3 m (7' 7") over at least 75% of the required floor area with a clear height of 2.1 m (6' 11") at any point	13.5 sq m (145 sq ft)	9.5.3.1
Living area combined with another room intended for one or two people		11 sq m (118 sq ft)	9.5.4.1
Dining Room	2.3 m (7' 7") over at least 75% of the required floor area with a clear height of 2.1 m (6' 11") at any point	7 sq m (75.4 sq ft)	9.5.3.1
Dining Room combined with another space		3.25 sq m (35 sq ft)	9.5.5.1
Kitchen	2.3 m (7' 7") over at least 75% of the required floor area with a clear height of 2.1 m (6' 11") at any point	4.2 sq m (45 sq ft)	9.5.3.1
Kitchen in a unit intended for one or two people		3.7 sq m (40 sq ft)	9.5.6.1
Master bedroom ³	Clear height of 2.1 m (6' 11") at any point	9.8 sq m (105 sq ft) or 8.8 sq m (95 sq ft), where built in cabinets are provided	9.5.3.1 9.5.7.2
Additional bedrooms	Clear height of 2.1 m (6' 11") at any point	7 sq m (75 sq ft) or 6.0sq m (65 sq ft), where built in cabinets are provided	9.5.3.1 9.5.7.1
Sleeping areas not within bedrooms	Clear height of 2.1 m (6' 11") at any point	4.2 sq m (45 sq ft)	9.5.3.1 9.5.7.3
Bathroom	2.1m (6' 11") min. height where anyone would normally stand	Sufficient space to accommodate fixtures	9.5.3.1

¹ 9.5.1.2.(1): Unless otherwise indicated herein, the areas, dimensions and heights of rooms or spaces shall be measured between finished wall surfaces and between finished floor and ceiling surfaces.

² 9.5.1.3.(1): Minimum floor areas specified in this Section do not include closets or built in bedroom cabinets unless otherwise indicated.

³ Note: where bedrooms are provided, at least one must be the size of a master bedroom (9.5.7.2)

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➤ NOTES

1. 3" concrete slab, 3626 psi, on 5 in. granular fill.
2. 1/4" cement paring bituminous damproofing on 10" concrete block foundation wall. 2" x 4" strapping at 16" o/c, to 2' - 0" below finished grade, R8 fibreglas insulation with poly vapour barrier, 1/2" drywall finish.
3. 2" x 6" sill plate anchored to top block filled solid with concrete. 1/2" dia. anchor bolts at 8' - 0" o/c.
4. 1/2" drywall, R19 insulation w/vapour barrier, 2" x 6" studs at 16" o/c, 1/2" exterior sheathing, 15# building paper, 1" air space, 4" face brick. Provide 3/8" dia. weep holes at 2' - 8" o/c. with base flashing above all openings, at roof/wall intersection and at base of veneer wall. Provide continuous support under flexible flashings.
5. Finish flooring on 5/8" T and G fir plywood on 2" x 8" at 16" o/c., 2 rows cross bridging, 1" x 3" continuous tie at each row of bridging in basement.
6. Asphalt shingles on 3/8" plywood with h-clips on 2" x 4" rafters with collar ties at 16" o/c., roof slope 4/12, 2" x 4" walls ties at 4' - 0" o/c., 2" x 6" ceiling joists at 16" o/c., R32 fibreglas insulation, poly vapour barrier, 1/2" drywall ceiling finish. Attic ventilation 1/300 equally distributed around the soffit.
7. Eavestrough and downspouts direct to swail. Surface drainage shall not accumulate near the building.
8. 1' - 6" x 4" deep concrete footing, 4" dia. weeping tiles and 6" granular cover. Footings to rest on natural undisturbed soil or compacted granular fill with a minimum bearing capacity of 1570 psi.
9. For reduced foundation walls to allow brick facing and maintain lateral support, tie bricks to blocks with 3/16" dia. wire ties or to concrete with 5/8" x 8 5/8" dovetail masonry ties. Space ties at 8" o/c. vertical and 3' - 0" o/c. horizontal. Fill space between brick and foundation solid with mortar, minimum reduced block or concrete thickness 3 1/2".
10. Stairs: maximum rise = 7 7/8" minimum run = 8 1/4" minimum tread = 9 1/4"
Guards: minimum 34" high except where height above finished grade is greater than 4' - 0" then minimum 42" high. 4" max. space between pickets recommended.
Pressure treated lumber stringer to rest on concrete pavers.
11. Vapour barrier to be on warm side of insulation and to be sealed at all edges, laps and at all penetrations.