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Basement suites must meet requirements

There are health, fire and building code standards

Thousands fail to comply with regulations The recent death of a single mother in a Toronto basement apartment fire is a reminder tragic fires can and do occur in every type of dwelling unit.

For landlords everywhere, it should underline the importance of ensuring that their below-grade residential units comply with all relevant fire code, building code and zoning bylaw requirements.

Based on my own experience, I believe many of the thousands of basement apartments in the Toronto area fail to comply with one or more of the governing regulations.

Real estate agents have become very creative in using euphemisms for the term "illegal basement apartment." Some of the more common expressions are granny flat, nanny suite, income potential, second suite and, my favourite, "no warranty as to retrofit status."

Sadly, there appears to be no single source of intelligible, reliable information on how to create a new basement unit, or to legalize an old one.

I started a search recently with the City of Toronto's Second Suite information kit (available at the Access Toronto counter in the main lobby of City Hall, and at the old civic centres in York, East York, Etobicoke, Scarborough and North York).

It contains a number of pamphlets and booklets about renovating, building permits, smoke alarms, building costs and responsibilities of landlords. But there is virtually nothing about the actual physical requirements for basement units: size, fire protection, zoning, parking, window area, ceiling height, exit requirements and similar basics.

An online search revealed some very helpful information at <http://www.landlordselfhelp.com>, and <http://www.carsondunlop.com>

Jim Laughlin, the city's deputy chief building official, advised that if you have a house less than five years old, forget about a basement apartment. So-called conversions can only be done in "existing" homes.

Under old legislation introduced by the former NDP government, basement apartments created or legalized between July 14, 1994 and Nov. 16, 1995 are grandfathered in and it's a big if they complied with health, fire and building code standards.

Apartments created during this time don't have to meet current zoning bylaws, but they do have to meet all the other requirements.

Fast forward to July, 2000, when the Ontario Municipal Board approved a Toronto bylaw to permit second suites (basement units) across the entire city. The bylaws of the six former Toronto municipalities have now been amended to contain harmonized zoning standards.

Laughlin explained that new basement apartments can now be created and old ones legalized if certain minimum requirements are met:

- ☐ The detached or semi-detached house must be at least five years old.
- ☐ The front of the house cannot be significantly altered to change its appearance from that of a one-unit building.
- ☐ Stairway exit walls and a continuous ceiling in the unit must have appropriate fire-rated drywall separations from the other unit. Exit doors must have a specified minimum size and thickness.
- ☐ The unit's exits must satisfy the Fire Code (if existing) and the Building Code (if new). While it is best to have a separate exit for the unit, a shared exit is acceptable in some circumstances.
- ☐ The basement unit must be smaller than other units in the building.
- ☐ Certain property standards must be met concerning minimum ceiling heights (6 feet, 5 inches) and minimum window sizes.
- ☐ All units must have operating smoke alarms. A carbon monoxide detector may also be required.
- ☐ Bathrooms have to have either a window or exhaust fan.
- ☐ Inspections by the Electrical Safety Authority and the local fire department are required for existing units.

The fire inspection is often called a fire code retrofit certificate, but compliance certificates from the fire department and electrical authority alone do not mean that the apartment is completely legal.

- ☐ An additional parking space is required for the new unit in most areas of the city.
- ☐ Newly created units require building permits before construction begins.

Anyone interested in creating or legalizing an existing basement apartment will have to become familiar with parts 9 or 11 of Ontario's building code, the fire code, electrical code, the zoning bylaw, property standards bylaw and the credit limit on a bank loan necessary to fund all of the work.

It may appear to be a regulatory nightmare, but Laughlin says the city will help guide people through the process.

Anyone building a second suite or buying a house that contains one should seek the professional help of an experienced architect or contractor experienced with below-grade living accommodations.

The consequences of doing it wrong can be deadly.

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