

City of Kingston  
Public Information Guide

# Second Residential Unit Permit Guide

September 2019 version



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## This guide covers

Second residential units within existing single, semi and row house dwellings and Detached second residential units on the same property as a single, semi or row house dwelling

## Introduction

The following guide has been developed to assist homeowners in obtaining a building permit to allow the development of a second residential unit. 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 designer can save you both time and money.

A number of City processes must be completed before starting construction of a second residential unit. In all circumstances, a building permit is required. There may also be situations that require a site plan control application or a committee of adjustment minor variance application.

A second residential unit is an accessory dwelling unit located in an existing detached, semi-detached or row house principal dwelling, or a detached accessory dwelling unit located on the same lot as the principal dwelling. Second residential units are permitted within an existing building or in a detached building on your property.

To determine if your lot can accommodate a second residential unit, an individual analysis may need to be completed.

### **In general, a lot can accommodate a second residential unit if:**

- The lot is serviced by municipal water and waste water, or in the rural area, it is serviced by a private well and septic system.
- The lot contains a detached, semi-detached or row house dwelling.
- The second residential dwelling unit has direct access to a public road or a 1200 mm wide pathway providing pedestrian access to the second residential unit within an existing dwelling.
- The primary dwelling unit or the property does not already contain a secondary dwelling unit, garden suite or any rooming units.
- The property is not subject to flooding, sewer surcharge, or within a holding area



## Obtaining a building permit

All new and existing second residential units must comply with the Ontario Building Code, and require a permit. The submission requirements for a building permit application will vary depending on a variety of factors including what type of servicing the lot has, whether the development is a renovation to an existing building or a newly constructed unit, the size and height of the structure, whether a structure needs to be demolished to commence construction, as well as many other considerations.

A building permit provides official permission from the City to begin the construction or demolition of your project. Once you have received a building permit it means the City has reviewed your application package and is comfortable that your proposed construction is consistent with the Building Code and other applicable law such as the zoning by-law.

An Owner or authorized agent of the Owner are responsible for obtaining a

permit, and can apply for a building permit using our online service. To submit, you will need to:

- Set up a dash account using the following link: [apps.cityofkingston.ca/DASH/](https://apps.cityofkingston.ca/DASH/)
- Submit a completed permit application online
- Upload construction drawings (plot plan, floor plan, elevations, cross section and mechanical)
- Provide payment of the building permit fee

Once your completed application has been submitted online, you will receive an email notification verifying acceptance of your application.

The building official will review the material and will either issue a building permit or request additional information or clarification to assist with the review process.

## Building inspections

Once your building permit has been issued, City building officials will inspect your project during key stages of construction to ensure the work complies with the Building Code. It is important to request inspections at the required stages during construction as failure to meet certain standards may result in the need to redo components of your project. Remember, a building official requires a minimum of 24 hour notice to book the inspection.

The Owner or Authorized Agent of the Owner are responsible for informing the building official at different stages of construction, as indicated on your building permit. If you have any questions about required inspections, please confirm with your inspector.

Any second unit whether it is new or existing must be a safe place to live. If you already have an existing second unit on your property and have concerns with its design or construction, you



## Building code requirements

The Building Code sets out minimum construction standards to ensure public health and safety, fire protection, and the structural integrity of buildings, which are described in the following sections. You may wish to build beyond the minimum code requirements, which provide many advantages for the comfort of your second residential unit.

If you have hired a professional designer to prepare your building designs, they should be knowledgeable of Building Code requirements and will likely have experience obtaining a building permit

with the City. However, it is important to note that the homeowner is ultimately responsible for ensuring all building requirements are met and permitting processes are followed.

## Age of your dwelling

The Building Code provides different requirements depending on when your home was constructed. Part 9 of the Building Code applies to new construction of a dwelling unit purpose built to contain a second residential unit, or a new detached second residential unit. Part 9 also applies to an addition to your home that is

intended to accommodate all or part of a proposed second residential unit.

When renovating an existing structure to add a second residential unit, two scenarios apply:

- Buildings greater than five years old are classified as existing, allowing you more flexibility to use acceptable alternative design standards within Part 11.
- Buildings less than five years old are classified as new buildings and under the building code generally must meet new construction requirements within Part 9.





## Room sizes and floor area

The building code sets out minimum room sizes which vary depending on whether rooms are separated by walls or the spaces are combined.

Minimum sizes for rooms and spaces are included in the following table:

Room or Space	Minimum Floor Area
Living room	13.5 m <sup>2</sup> (145 sq. ft.)
Living room combined with a kitchen and a dining area (in a unit with sleeping accommodation for not more than two persons)	11.0 m <sup>2</sup> (118 sq. ft.)
Dining room	7.0 m <sup>2</sup> (75 sq. ft.)
Dining room if combined with other spaces	3.25 m <sup>2</sup> (35 sq. ft.)
Kitchen area and bedrooms combined with other spaces in dwelling units	4.2 m <sup>2</sup> (45 sq. ft.)
Kitchen in unit with sleeping accommodation for not more than 2 persons	3.7 m <sup>2</sup> (40 sq. ft.)
Master bedroom without built in cabinets	9.8 m <sup>2</sup> (105 sq. ft.)
Master bedroom with built in cabinets	8.8 m <sup>2</sup> (95 sq. ft.)
Bedroom without built in cabinets	7.0 m <sup>2</sup> (75 sq. ft.)
Bedroom with built in cabinets	6.0 m <sup>2</sup> (65 sq. ft.)
Bathroom	Sufficient space to accommodate a toilet, sink, and tub.
Living room, dining, kitchen and bedroom spaces combined	13.5 m <sup>2</sup> (145 sq. ft.)

(Ontario Building Code, Division B, Subsections 9.5.4 to 9.5.9)

## Ceiling heights

Meeting the ceiling height requirements can sometimes be a challenge in an existing structure, however rooms are required to meet minimum ceiling heights. Ceiling heights may vary in different parts of your existing structure such as basements and attics therefore you must choose the location of your second residential unit carefully.

**Minimum ceiling heights are included in the following table:**

Room or Space	Units < 5 years old	Units > 5 years old
Living room or space, dining room or space, kitchen or kitchen space	2300 mm over at least 75% of the required floor area with a clear height of 2100 mm at any point over the required area	Minimum 1950 mm (6'-5") over the required floor area or minimum room height not less than 2030 mm (6'-8") over at least 50% of the floor area
Bedroom or bedroom space	2300 mm over at least 50% of the required area or 2100 mm over all of the required floor area. Any part of the floor having a clear height of less than 1400 mm shall not be considered in computing the required floor area	
Basement space	2100 mm over at least 75% of the basement area except that under beams and ducts the clearance is permitted to be	
Bathroom, water closet room or laundry area above grade	2100 mm in any area where a person would normally be in a standing position	
Passage, hall or main entrance vestibule and finished rooms not specifically mentioned	2100 mm	
Attic	50% of the floor area must have a ceiling height of 2030 mm. The other 50% of the floor area may have a ceiling height between 2030 mm and 1400 mm.	
Stairs	1950 m (6'-5") headroom	

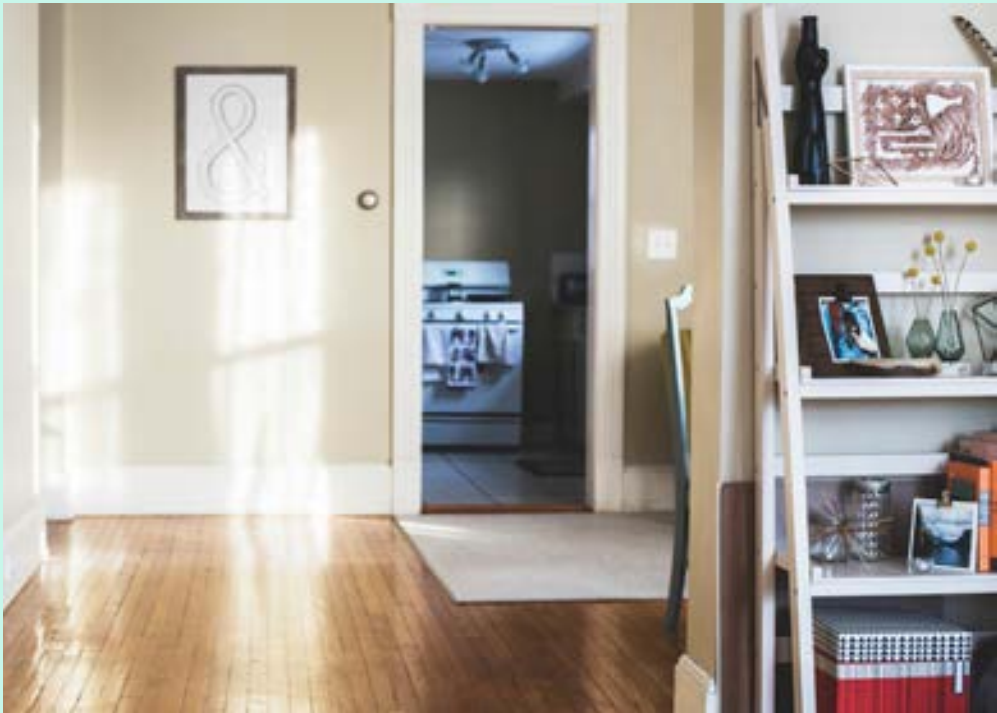
*(Ontario Building Code, Division B, Subsections 9.5.4 & compliance*

## Doors

Your second residential unit requires safe exits and an exit door must swing on a vertical axis. A patio door is not permitted as an exit.

**Minimum door sizes are included in the following table:**

Room or Space	Minimum Width	Minimum Height
Dwelling unit entrance, vestibule or entrance hall	810 mm	1980 mm
Stairs to a floor level that contains a finished space, All doors in at least one line of passage from the exterior to the basement, Utility rooms	810 mm	1980 mm
Walk in Closet	610 mm	1980 mm
Bathroom, water closet and shower room	610 mm	1980 mm
Rooms located off hallways permitted to be 710 mm wide	610 mm	1980 mm
Rooms not mentioned above and exterior balconies	760 mm	1980 mm





# Windows

Windows are required in all units and window sizes are determined by the size and type of room they are located in.

The building code has different requirements depending on where your second residential unit is located. Providing a separate exit to the exterior for the second residential unit is preferable, however if that is not possible, units that share a common exit must be provided with an egress window. This window must be large enough for a person to get through and be operable without the use of tools.

Minimum window sizes are included in the following table:



Room or Space	Units < 5 years old		Units > 5 years old
	No Electric Lighting	Electric Lighting	
Living room and dining room areas	10% of floor area	10% of area served	5% of floor area
Kitchen area	10% of floor area	Window not required	Window not required
Bedrooms	5% of floor area	5% of area served	2.5% of floor area
Laundry	4% of floor area	Window not required	2% of floor area
Bathroom	0.37 m2 (4 sq. ft)	Window not required	Window not required
Basement egress window	Unless a door at the same floor level provides access directly to the exterior, there must be a minimum of one window for egress that is: <ul style="list-style-type: none"><li>• Can open from the inside without the use of tools,</li><li>• provides an individual, unobstructed open portion having a minimum area of 0.35 m2 (3.8 sq.ft) with no dimension less than 380mm (15")</li><li>• needs no support to keep it open</li><li>• has 0.55 m (22") outside clearance in front of the window</li></ul>		

## Plumbing

For lots serviced by a municipal water and sanitary system, only one service is permitted per lot. Second residential units shall be serviced from the principal dwelling's connections. Your second residential unit will have to meet the minimum plumbing requirements under the code installed by a City of Kingston licensed plumber which includes:

- A hot and cold water supply
- A sink, bathtub or shower and toilet
- A kitchen sink
- Access to laundry facilities

Second residential units must also have their own water shut off valves to allow

plumbing work or repairs to be completed in one unit without affecting water flow in the other unit.

If your house is in an area that is subject to flooding or sewer backup you may need to install a backwater valve. Backwater valves help prevent sewage from entering floor drains and plumbing fixtures in the lower levels of your structure. Please note, a backwater valve serving more than one dwelling unit will be required to be on a separate branch.

Check with your building official to make sure your existing service is sized properly to accommodate the additional fixtures.

If not, you may need to upgrade your existing services to accommodate the increased fixture units and sewage flow.

## Septic system

For lots serviced by a private well and septic system, second residential units will obtain a direct connection to the principal dwelling's well or septic services. Adding a second residential unit on a property served by a septic system is permitted as long as the septic system has the capacity to handle the increase in sewage.

Check with your local health unit to make sure your existing septic system is sized properly. If not, you will need to upgrade your septic system so that it can safely treat the extra sewage flow.



## Heating and ventilation

The building code permits both a primary dwelling and a second residential unit within the same structure to have a single furnace. A duct type smoke detector meeting the UL 268A standard must be installed in the supply or return air duct to turn off the fuel supply and electrical power to the heating system when triggered. To ensure you have the right detector and the installation is completed properly it is recommended you hire a qualified contractor.

You may wish to go beyond the code and install a second furnace or alternate heat supply when adding a second residential unit. Sharing one furnace and air ducts between two units may transfer odors and noise from one unit to the other, as well as the inconvenience of one thermostat controlling temperatures within both units.

Ventilation is required for the washroom and kitchen. This can be provided by a ceiling exhaust fan, a window that opens to the outside or a heat recovery ventilator (HRV).

## Electrical and lighting

To ensure adequate lighting in rooms and spaces, the building code requires that the second residential unit have:

- A lighting outlet and switch in every room
- A switch at both the top and bottom of stairs
- Exterior lighting at exits
- Emergency/Exit lighting in shared common exits for dwelling units

The electrical safety authority (ESA) regulates the requirements for electrical installations and can be contacted at ESA Safe. In order to perform electric work you will be required to:

- Obtain an electrical permit to do any electrical work
- Request an inspection through ESA for the electrical work
- Provide a copy of the final ESA certificate prior to occupancy of the second residential unit.

The existing electrical service should be investigated prior to creating the second residential unit construction

plans. Electrical connections are required to be provided from the principal dwelling to the second residential unit, and additional capacity may be required in order to service both units. A qualified Electrician should be consulted to determine if the existing home's electrical service needs to be upgraded, and to provide any additional costs associated.



## Fire separations, closures and sound

A fire separation is required between the second residential unit and the primary dwelling. A fire separation acts as a physical barrier to slow the spread of fire from one part of the structure to another. The fire separation must be continuous and be provided with protected openings where necessary which includes fire dampers and door closures.

**Minimum fire separation requirements are included in the following table:**

Requirement	Unit < 5 years old	Unit > 5 years old
Fire separations	45 minute horizontal and vertical separation between units and exits including structural elements supporting fire rated assemblies	30 minute horizontal and vertical separation required between units  Vertical fire separations may be reduced to 15 minutes with interconnected smoke alarms
	Wall assemblies around the furnace and other common areas (i.e. – public corridor, common laundry room) are to be 45 min fire rated	
	Exit enclosure is to be a 45 min fire rated separation	
	Dampers on ductwork penetrating a fire separation.	Dampers not required
	Fire stopping on any penetrations through a fire separation	Fire stopping not required
Doors	20 minute fire rated doors between dwelling units with self-closing devices	20 minute fire rated doors between dwelling units with self-closing devices
Sound transmission	Wall and floor assemblies separating dwelling units are to have a 50 STC	Same

## Smoke alarms

The building code requires smoke alarms to meet CAN/ULC S531 performance standards. Your hard wired smoke alarms must have a flashing strobe light when they are activated.

Smoke alarms may be battery operated or connected to an electrical circuit depending on the age of the dwelling and must be properly located:

- On every level of the house
- Outside sleeping areas
- In each bedroom
- In common areas shared by both residential units

Minimum code requirements are included in the following table:



Requirement	Units < 5 years old	Units > 5 years old
Smoke alarms	Interconnected smoke alarms between dwelling units	Battery operated permitted unless interconnected smoke alarms exist

## Carbon monoxide alarms

Carbon monoxide alarms are required if your dwelling has a furnace that uses natural gas, propane or other similar fuels, and where your dwelling has an attached garage. Alarms can be battery operated or connected to an electrical circuit and must be located:

- Near bedrooms and sleeping areas
- In the furnace room, where the furnace is separated from the residential units



## Spatial separation

The Ontario Building Code requires a detached second residential unit to be 1.2 metres from a property line where windows and doors are proposed.

The distance between the detached second residential unit and the principal dwelling on

the lot is required to determine the number of unprotected openings permitted and is measured from an imaginary line between structures. In some cases the openings in the principal dwelling may need to be reduced to permit the detached second residential unit depending on the distance between structures.

**Spatial separation requirements are included in the following table:**

Maximum Total Area of Exposing Building Face, m <sup>2</sup>	Maximum Aggregate Area of Glazed Openings, % of Exposing Building Face Area													
	Limiting Distance, m													
	< 1.2	1.2	1.5	2	2.5	3	4	6	8	10	12	16	20	25
10	0	8	12	21	33	55	96	100	-	-	-	-	-	-
15	0	8	10	17	25	37	67	100	-	-	-	-	-	-
20	0	8	10	15	21	30	53	100	-	-	-	-	-	-
25	0	8	9	13	19	26	45	100	-	-	-	-	-	-
30	0	7	9	12	17	23	39	88	100	-	-	-	-	-
40	0	7	8	11	15	20	32	69	100	-	-	-	-	-
50	0	7	8	10	14	18	28	57	100	-	-	-	-	-
100	0	7	8	9	11	13	18	34	56	84	100	-	-	-
over 100	0	7	7	8	9	10	12	19	28	40	55	92	100	-



## Street or yard access

Access to second residential units in existing dwellings shall be provided by means of the front entrance off of the street, or by a 1200 mm walkway down the side yard of the property. The second residential dwelling unit shall be provided with:

- A separate exterior entrance located at the side, rear or front of the principal dwelling unit, or
- A separate entrance provided through a common entrance vestibule within the principal dwelling.

Access to detached second residential units shall be provided to each building by means of a street, private roadway or yard. Where access to a building is provided by means of a roadway or yard, the design and location shall take into account connection with public thoroughfares, weight of firefighting equipment, width of roadway, radius of curves, overhead clearance, location of fire hydrants, location of fire department connections and vehicular parking.

## Grading and drainage

A homeowner should investigate the existing grading and drainage of their property prior to creating construction plans for a detached second residential unit. On-site grading and drainage must be maintained or improved with the addition of a detached second residential unit.

As part of a complete building permit application for detached second residential units, a formal grading plan is required. The grading plan is to ensure that any changes made to the property do not negatively impact the grading and drainage on the property or the neighboring properties.

Consulting with a qualified Ontario Land Surveyor (OLS) to inquire about the costs associated with preparing a grading plan is encouraged, to determine if grading changes are required.

## Easements:

A detached second residential unit cannot be constructed over an easement. Before planning your possible detached second residential unit location, inquire with the Ontario land registry office to see if your property may have an easement registered on title.



## Servicing Feasibility

A homeowner should investigate the costs associated for servicing the detached second residential unit. The detached second residential unit will require a potable water service, a sanitary sewer disposal method, appropriate drainage for storm water, electricity connections and possibly a natural gas connection.

For a lot serviced by municipal water and sewer, the existing dwelling's water and sewer connections must be extended to the detached residential dwelling unit. In some cases this will involve modifying or replacing the service at the point where it connects with the City's water and sewer main to a level that can accommodate both the principal dwelling and the detached residential dwelling unit.

The servicing plan should outline the existing size of service, the size and depth of the new service including 1200 mm of frost protection cover, a layout of the existing home's plumbing and a proposed layout for the plumbing connection to the detached residential dwelling unit.

## Conversion of Existing Structures

Existing accessory structures such as garages and sheds are permitted to be converted to a detached residential dwelling unit.

In all cases a building permit will be required to convert an existing structure. Changing the use of an existing building to something other than what it was designed for can be costly. It is important to have the existing structure assessed by a qualified person prior to submitting for a building permit to understand the extent of renovations required to meet the Ontario Building Code requirements.

## Fees

In accordance with the City's by-laws, impost and development fees are not applicable for the creation of an additional dwelling unit in an existing primary dwelling provided the square footage of the second residential unit is smaller than the primary dwelling unit.

Building permit fees based on the m2 area of the second residential unit, and impost and development fees are applicable for detached second residential units as per the fees and charges bylaw.

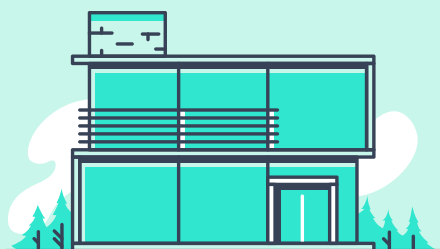


## Additional Zoning Requirements

Description	Zoning Provision
Maximum Number	A maximum of one Second Residential Unit shall be permitted per lot.
Maximum Size	<p>The gross floor area shall be equal to or less than the gross floor area of the principal dwelling unit.</p> <p>Gross floor area shall mean the total area of each floor, above or below grade, including finished attic spaces measured between the outside of the exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, but excluding:</p> <ol style="list-style-type: none"> <li>1. An open porch or balcony; and</li> <li>2. Areas internal to the building intended for the storage of vehicles.</li> </ol>
	A second residential unit shall comply with the maximum Floor Space Index (FSI) where such requirement has been established for the Zone in which it is located.
Not Permitted	In any cellar or basement within the lands identified as 'Sewer Surcharging and Sewer Surcharging (Combined Storm and Sewer Systems)'.
	On the lands identified as 'Sewer Capacity Limitations.'
	On the lands identified as 'Loughborough Lake (at-capacity lake)'.
	On a lot containing two or more dwelling units, a garden suite, boarding house, or lodging house.
	On lands subject to natural hazards or on any lands otherwise identified as a natural hazards area through a site-specific investigation or analysis.
Number of Parking Spaces	A Second residential unit requires 1 parking space
Parking Requirements	<p>A tandem parking space shall be permitted to facilitate a second residential unit. A parking space for a second residential unit may be located in a permitted driveway that is within a front yard. The parking space for the second residential unit shall meet all other applicable provisions of the zoning by-law.</p> <p>Tandem Parking Space means a parking space that is only accessed by passing through another parking space from a street, lane, drive aisle or driveway.</p>

## Additional Zoning Requirements (Cont.)

Description	Zoning Provision
Landscape Space	A second residential unit shall comply with the required minimum landscaped open space where such requirement has been established for the Zone in which it is located.
Access	Where a second residential unit is attached to the principal dwelling unit: <ol style="list-style-type: none"> <li>1. The second residential unit must have a separate exterior entrance located at the side, rear or front of the principal dwelling unit. or</li> <li>2. A separate entrance provided through a joint front entrance vestibule within the principal dwelling unit.</li> </ol>
Pathway Access	The exterior entrance to a second residential unit that is within a principal dwelling and is located at the side or rear of the principal dwelling, shall be accessed by a minimum 1.2 metre wide unobstructed pathway provided from the front of the principal dwelling unit building or the front lot line. For the purposes of this section: <ol style="list-style-type: none"> <li>1. A pathway is defined as a hard surface treated pathway that is separately delineated from the driveway and provides pedestrian access.</li> <li>2. Unobstructed means no obstructions to a height of up to 2.3 metres. This provision shall not prevent the establishment of a gate to access the rear yard.</li> </ol>
	No person may park a vehicle on any part of a pathway under this subsection
Street, private driveway Access	The use of a separate driveway to provide unobstructed access to a detached second residential unit may be provided where the driveway and parking space requirements of the zoning by-law.



Description	Zoning Provisions
Detached Second Residential Units	<p>A second residential unit in a detached building shall comply with the following additional provisions:</p> <ol style="list-style-type: none"> <li>1. Shall comply with the minimum yard setbacks and maximum height applicable to the principal dwelling unit in the Zone in which such use is located;</li> <li>2. May be located within a rear or interior side yard, to a minimum setback of 1.2 metres from the rear or interior side yard lot line, provided the unit does not exceed the maximum accessory structure height in the applicable by-law (4.5 metres, 4.6 metres or 5 metres).</li> <li>3. Shall comply with the maximum lot coverage requirements for accessory structures in the applicable zoning by-law.</li> <li>4. Shall not be located in the front yard or exterior side yard; and</li> <li>5. Shall comply with the minimum distance separation formulae.</li> </ol>
Privacy Fence Requirements For Detached Second Residential Units	<p>A solid privacy fence with a minimum height of 1.8 meters is required in accordance with the following provisions:</p> <ol style="list-style-type: none"> <li>1. Where situated within a rear yard only, the privacy fence shall be established around the entire perimeter of the rear yard including side yard,</li> <li>2. Where situated within a side yard only, the privacy fence shall be established along the side yard lot line closest to the detached second residential unit extending from the intersection of the side lot line with the rear lot line and shall extend to the nearest part of the primary dwelling unit measured to the front lot line; or</li> <li>3. When situated within a rear yard and a side yard, fencing shall be established in accordance with the provisions set out above.</li> </ol>
Severance	<p>A detached second residential unit must remain accessory to the primary dwelling and cannot be severed from the lot accommodating the primary dwelling to create a separate lot.</p>





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