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**TO:** GENERAL COMMITTEE

**SUBJECT:** RESIDENTIAL RENTAL LICENSING (ABSENTEE LANDLORD)  
PILOT PROJECT AND DRAFT BY-LAW

**WARD:** 1

**PREPARED BY AND KEY CONTACT:** T. BANTING, MANAGER OF ENFORCEMENT SERVICES. EXT. 4336

**SUBMITTED BY:** W. COOKE, DIRECTOR OF LEGISLATIVE AND COURT SERVICES / CITY CLERK

M. BANFIELD, DIRECTOR OF DEVELOPMENT SERVICES

C. MAINPRIZE, DIRECTOR OF EMERGENCY SERVICES - FIRE CHIEF

**GENERAL MANAGER APPROVAL:** D. MCALPINE, GENERAL MANAGER OF COMMUNITY AND CORPORATE SERVICES

A. MILLER, GENERAL MANAGER OF INFRASTRUCTURE AND GROWTH MANAGEMENT

**CHIEF ADMINISTRATIVE OFFICER APPROVAL:** M. PROWSE, CHIEF ADMINISTRATIVE OFFICER

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**RECOMMENDED MOTION**

1. That in response to motion 21-G-114 requiring staff to prepare an amendment to the Business Licensing By-law 2006-266 to allow for a pilot project that requires absentee landlords to obtain a business licence, Business Licensing By-law 2006-266 as amended be further amended by adding Schedule 1 (Residential Rental Licensing Requirements), attached as Appendix "A" to Staff Report LCS009-21.
2. That in accordance with motion 21-G-114 the Residential Rental Licensing pilot project only apply to properties within the area bounded by Duckworth Street, Steel Street, Penetanguishene Road and the City Limits on the north side of Georgian Drive in Ward 1.
3. That in order to facilitate the implementation and enforcement of the 3-year Pilot project for Residential Rental Licensing, an intake form be prepared with annual gross costs estimated in the amount of \$756,000 for:
  - a) Two (2) additional Temporary full time Municipal Law Enforcement Officer I positions;
  - b) Two (2) additional Fire Prevention Officer positions (based on a rate of 1 Officer per every 400 homes);
  - c) Two (2) additional Zoning Officers; and
  - d) The allocations for the associated vehicle, workstations, and uniforms, etc.,

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as set out in Appendix “B” to Staff Report LCS009-21, to be considered as part of the 2022 Business Plan and Budget.

4. That the Fees By-law as amended be further amended to incorporate new licensing fees, inspection fees and penalty fees as set out in Appendix “C” to Staff Report LCS009-21.
5. That the amendments to the Business Licensing By-law and Fees By-law be presented to City Council if the intake form with the necessary resources is approved and the effective dates of the by-law amendments be aligned with timeline associated with the recruitment of the staff resources required to implement the pilot project.

## **PURPOSE & BACKGROUND**

### Report Overview

6. The purpose of this Staff Report is to respond to Council's direction identified in motion 21-G-114 to provide an amendment to the Business Licensing By-law for a pilot project that requires absentee landlords to obtain a business licence. It also identifies the necessary resources and measures required to implement and enforce a 3-year pilot project related to Residential Rental Licensing.
7. On May 10, 2021, City Council adopted motion 21-G-114, as follows:

#### **“21-G-114 BUSINESS LICENCE - ABSENTEE LANDLORDS**

That staff in Legislative and Court Services Department prepare an amendment to the Business Licensing By-law 2006-266 for consideration by General Committee to allow for a pilot project that requires absentee landlords to obtain a business license before renting out a single-family home, a semi-detached home or a townhouse unless the owner lives on the premise, with the following parameters:

- a) That the licensing requirements apply to properties in the area bounded by Duckworth Street, Steel Street, Penetanguishene Road and the City Limits on the north side of Georgian Drive in Ward 1;
- b) That duration of the pilot be for a period of three years from January 1, 2022 to December 31, 2024;
- c) That the by-law amendments contain provisions for inspection upon initial application and yearly thereafter at the discretion of City staff;
- d) That staff provide additional staffing levels and costs associated with the implementation of this pilot project, along with a licensing and inspection fee schedule with a goal to making the pilot project revenue neutral;
- e) That staff create a graduated fines schedule associated with violations of the by-law that will act as a deterrent to those multiple offenders;
- f) That staff evaluate the success of the pilot project and report back to General Committee by September 30, 2024 with the results of the pilot project; and

- g) That a meeting be scheduled between Georgian College President Mary Lynn West-Moynes and appropriate college staff, Mayor, J. Lehman, Councillor, S. Morales, and Councillor, C. Riepma about exploring the construction and operation of purpose-built student housing on Georgian College lands. (Item for Discussion 8.1, May 3, 2021)”

## **BACKGROUND**

### Current Regulations related to Rentals in Barrie

8. By-law 2006-266 as amended (Business Licensing) currently regulates and requires a licence for dwellings operated as Boarding, Lodging and Rooming Houses within the City. The By-law regulates the number of tenants, documentation to be provided to the City, requirements for inspections, operating criteria, and any alterations that will be done at the property. An excerpt from the Business Licensing By-law is included as Appendix “D” to Staff Report LCS009-21.
9. Similar to the licensing of Boarding, Lodging and Rooming Houses throughout the City, Second Suites or Accessory Dwellings are required to be registered with Development Services. Notably the registration of the dwelling is only required at the time of inception and does not require annual inspections or approvals.
10. The second suite requirements are outlined in sections 5.2.9.1 and 5.2.9.2 of the City’s Zoning By-law. A maximum of one detached accessory dwelling unit and one second suite within the principal dwelling shall be permitted per lot. A second suite or detached accessory dwelling unit shall not be less than 35m<sup>2</sup> in size. Second suites and detached accessory dwelling units are not permitted on a lot with a boarding, lodging, rooming house. One parking space per dwelling unit is required.
11. Registration of detached accessory dwelling units and second suites within the principal dwelling is required. This process is initiated through the application of a building permit.
12. A separate registration process is followed for units created prior to July 14, 1994; however, these units still must be registered.
13. Detached accessory dwelling units and second suites within the principal dwelling built without a building permit and without the benefit of registration can be done so after the fact, subject to the requirements of registration.
14. Barrie Fire and Emergency Service enforce the Ontario Fire Code requirements in all occupancy types. The Ontario Fire Code describes Boarding, Lodging and Rooming (BLR) Houses with a different definition listed in Schedule 2. If the property use meets the definition, the full scope of Section 9.3 of the Ontario Fire Code applies; otherwise, the requirements of other Fire Code sections will be applied. These requirements are detailed in Appendix “E” to Staff Report LCS009-21.
15. Current property standards, zoning, yard maintenance by-laws and Ontario Fire Code address many of the matters that would be covered by a licensing regime; however, the challenge is that the current resources are not sufficient to keep up with the volume of properties and violations in a manner that addresses neighbourhood concerns on an ongoing basis.

Current Enforcement Responsibilities for Rentals

16. The following highlights the various regulations or duties addressed by Legislative and Court Services, Development Services and Barrie Fire and Emergency Service staff, specifically related to rental licensing or registration:
- a) Legislative and Court Services (Enforcement Services) addresses Business Licensing and Property Maintenance measures for Boarding, Lodging and Rooming Houses which include review of the applications and supporting documentation, annual inspections for compliance and enforcement of licensing regulations as required. In addition to the operation of the business, inspections are also conducted at the time of application for interior conditions including but not limited to items such as mould, handrails, flooring, roofs, facia, stairs, windows, infestations (bed bugs etc.) and general maintenance of interior as well as exterior property conditions such as long grass and weeds, garbage, and debris and un-plated or inoperable vehicles etc.
- Note: Property Standards / Yard Maintenance and Business Licensing currently applies City wide.
- b) Development Services (Zoning Enforcement) – addresses complaints regarding possible Boarding, Lodging and Rooming Houses and unregistered Second Suites. Locations are reviewed initially to ensure proper approvals are in place and that zoning standards are being met. Should a violation be found, options are available to bring the units into conformity with the zoning by-law or completely removing the unregistered units or conditions. Compliance can be lengthy if spaces have tenants within or to complete the actions to achieve conformity.
  - c) Barrie Fire and Emergency Service (Fire Prevention) - conducts inspections related to licensing or registering a Boarding, Lodging and Rooming House or Second Suites to ensure compliance with the Ontario Fire Code as well as attending to complaints of unsafe conditions under the Ontario Fire Code.

**ANALYSIS**

17. Staff undertook a review of 12 different municipalities who have implemented or were thought to have implemented a rental licensing program including service levels, staffing levels and overall cost to implement and maintain the program. In looking at comparators, it is necessary to keep in mind that enforcement approaches, demographics, regulations, and duties vary significantly between municipalities. However, some information from other municipalities was used to assist staff in developing a “Made in Barrie” residential rental licensing program.
18. The following chart briefly outlines what comparator municipalities have in place or have considered over recent years.

Municipality	Rental Licensing By-law	Average Cost of Licence	General Regulations applicable if	Comments from the responding municipality
Brampton	NO			<ul style="list-style-type: none"> <li>• Only licence Short Term Rentals (AirBnB type)</li> </ul>
Guelph	NO			



Hamilton	NO			
Kitchener	YES*- Boarding or Lodging only	Under review		<ul style="list-style-type: none"> <li>• Only licence Boarding or Lodging Houses not all rentals.</li> <li>• Current by-law is outdated but they do not believe they will implement a Rental By-law as costs are too great to implement. Currently have regulations to deal with property conditions that are successful.</li> </ul>
London	YES  Entire City	\$165 Initial Licence \$55 renewal \$171 Fire Inspection	<ul style="list-style-type: none"> <li>• Self-Certification document confirming compliance</li> <li>• Fire Inspection within 2 years</li> <li>• Floor Plan of structure</li> <li>• Zoning Approval</li> <li>• Only inspect upon initial application, complaint basis following</li> <li>• Property conditions both interior and exterior managed by Licensing By-law enforced by Prop. Standards Officers (notices &amp; orders)</li> </ul>	<ul style="list-style-type: none"> <li>• Approximately 5000 locations licensed.</li> <li>• 5 Municipal Law Enforcement Officers &amp; 4 Clerks enforce and administer Licensing program.</li> <li>• Some success improving properties however continue to have violations daily</li> <li>• 4 Fire Prevention staff are assigned to these locations daily.</li> </ul>
Niagara Falls	NO			<ul style="list-style-type: none"> <li>• Only licence Short Term Rentals (AirBnB type)</li> </ul>
Ottawa	NO			<ul style="list-style-type: none"> <li>• Study completed in 2019 determined that a residential rental licensing by-law was not efficient or effective to deal with actual issues.</li> <li>• Therefore, Ottawa implemented the hiring of more staff to deal with Property Standards (interior condition) and Yard Maintenance matters</li> <li>• This has targeted the actual underlying issues.</li> <li>• Proven to be very successful in addressing problems vs a licensing regime</li> </ul>

St. Catharines	NO			<ul style="list-style-type: none"> <li>Created a working group to address neighbourhood issues.</li> <li>Comprised of Landlords, Tenants, Real Estate Agents, Lawyers etc.</li> </ul>
Thorold	YES Entire City	\$500 initial fee \$400 renewal (\$120 inspection fee if additional inspections required)	<ul style="list-style-type: none"> <li>Licensed every 2 years</li> <li>Proof of Ownership</li> <li>Electrical inspection or letter from Certified electrician</li> <li>Self-Certification document</li> <li>Floor Plan of structure</li> <li>Property site plan</li> <li>Maintenance plan</li> <li>Fire inspection on application</li> <li>MLEO inspection on application</li> </ul>	<ul style="list-style-type: none"> <li>Do not licence Owner occupied if only 2 rooms rented</li> <li>It was their view that licensing specific sections of City was against Human Rights based on a legal opinion received</li> <li>Enforce property conditions under the Property Standards By-law (notice / orders)</li> <li>Achieve compliance through Property Standards process</li> <li>No licences have ever been revoked.</li> <li>2 Municipal Law Enforcement Officers dedicated to licensing – process is time consuming</li> <li>830 units currently licensed – 500 pending inspections due to COVID</li> </ul>
Windsor	Pending			<ul style="list-style-type: none"> <li>Researching possible 2-year pilot for licensing unknown outcome at this time.</li> <li>Did implement increased staffing pilot to deal with enforcement matters such as Property Standards and found that to be very successful.</li> </ul>

19. In addition to collecting the above-noted information from comparator municipalities, staff met with representatives of both Development Services and Barrie Fire and Emergency Service to review current rental regulations and practices already in place so that any pilot project implemented does not impede or interfere with those already captured by other forms of regulation. As boarding, rooming and lodging houses and second suites are already subject to a registration or licensing process, they have not been included in the proposed by-law.

- 20. It was noted that safety may not be improved for renters if owners don't volunteer to license their properties and a significant amount of resources are spent chasing compliance.
- 21. The annual inspection provided for in the by-law still requires cooperation and permission for entry and there are no powers to enter for those who are not submitting an application or renewal licence.
- 22. A concern has been identified that regulations that apply to only one area of the community may not be defensible in the courts/Human Rights Tribunal.

Estimate of New Resources Required for Pilot Project

- 23. Utilizing information from the City's Tax Roll and Water Billing systems, it is estimated that there are approximately 500-800 homes within the proposed pilot project area outlined in motion 21-G-114 where the owner does not appear to reside in the home as they have a separate mailing address. While that is not always an indicator of a rental, it is generally known to be the case. At the time of this report there is no ability to determine the exact number of rental homes that would fall under the pilot project. Staff have utilized 650 units for its calculations.
- 24. A review of current resources was conducted and found that there is no capacity within the existing staff complement within the Enforcement Services Branch, Development Services and Barrie Fire and Emergency Services Departments to undertake and implement a new Residential Rental Licensing system, even on a pilot basis, without a reduction in other core duties. As a result, additional staff members would be required to be added to these service areas.
- 25. Based on the comparator municipalities programs and using 650 units as the estimate of the eligible rentals that would require licensing within the City, staff anticipate the following increased staff are required in each branch. These staff would be in place for the duration of the pilot project. Costing is noted in appendix "B" to this report.

Enforcement Branch	Services	2 – Municipal Law Enforcement Officer I (Temporary FT) For the duration of the pilot project. (3-year term)
Development Department	Services	2 – Zoning Enforcement Officer I (Temporary FT) For the duration of the pilot project. (3-year term)
BFES		2 Fire Prevention Officers (based on an allocation of one Officer per 400 dwellings) for the duration of the pilot project (3-year term)

- 26. Staff heard from Council the desire for more proactive measures to be put in place related to various enforcement duties, particularly those that directly affect neighbourhoods such as yard maintenance, property standards, parking, and general conditions of rental properties.
- 27. As detailed in Appendix "B" to Staff Report LCS009-21, the additional resources identified above would add an approximately \$725K to the 2022 operating budget funded by the tax base. There would be additional capital costs of approximately \$30K.

Proposed Licensing Fees and Fines

- 28. The proposed fees for the licensing of rental units in the area would result in a cost of \$967 per unit for the review of the application and initial inspections. Staff have proposed a set of fees that would achieve 87% cost recovery as per Appendix "C" to Staff Report LCS009-21 – but only if 100% of the estimated number of units applied for licensing and the units did not require multiple

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inspections. The proposed fees are based on the average time to review, inspect and issue the licences and reflect existing fees for other similar applications.

29. The general tax base would be subsidizing the remaining 13% of the cost of the program at this rate. Lower levels of voluntary application and compliance on initial inspections would result in the tax base subsidizing more of the licensing of rental units in the Georgian College area.
30. Staff have not recommended fees that achieve 100% cost recovery. Typically, the need to balance cost recovery and establishing a rate that encourages voluntary compliance is the goal to gain safe and compliant rental units within the pilot area. The balance between cost recovery and encouraging compliance is also reflective most of the City's licensing fees. The fees that have been recommended are an attempt to achieve this balance. However, as the cost is relatively high, 100% voluntary application and compliance is not likely to be achieved. This would result in an increase in the amount subsidized by the general tax base.
31. Given that the same inspections of these properties will be required as part of their license renewal, there is not a reduction in fees being recommended for subsequent years. This is in keeping with the current fee structure for licensing and related inspections.
32. Staff were directed to investigate graduated fines for violations. These have not been included as any new fines are subject to Ministry of the Attorney General approval, and graduated fines are unlikely to be supported by the Ministry as that is not normative under the Provincial Offences Act. Instead, staff have recommended graduated enforcement fees. This is similar to the approach used by other municipalities and consistent with the current approach to property standards, yard maintenance and zoning violations. The City may also utilize its existing mechanisms (invoicing property owners who are non-compliant for the costs of completing any work required to achieve compliance).
33. If the pilot project proceeds, the additional staff resources would be utilized to implement and enhance several measures noted by the comparator municipalities with higher staffing levels, such as reviewing and monitoring social media including rental advertisements, building working relationships with property management companies managing various rentals as well as a full communications plan noting the requirement to be licensed and inspected based on operating criteria.

#### Summary

34. Staff believe that the proposed Residential Rental Licensing section in the current Business Licensing (General) By-law 2006-266 as amended will address Council and members of the community request to implement a licensing process. However, as previously discussed, it is not believed to address the underlying issues beyond that of the current enforcement measures already in place. As with any licenced business, if warranted, licences may be revoked for confirmed violations. However, it should be noted revoking the business licence would not legally cause the removal the tenants. That is outside of the jurisdiction of a licensing process and could only be achieved by the owner or landlord under the Landlord Tenant Board Tribunal process.
35. Enforcement measures that currently exist for Property Standards, Yard Maintenance and Zoning By-laws do hold the property owner liable for all violations including service fees under the Fees By-law and or legal action as is deemed appropriate. However, as previously discussed insufficient current resources prevent proactive measures that would be more successful at addressing these issues.



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36. Staff found most comparator municipalities continued to use the equivalent of their property standards and yard maintenance by-laws to address concerns related to property matters at rental units and typically did not use licensing regulations for compliance. They were able to achieve improved compliance as they had higher levels of staff resources available to enforce their by-laws than is currently available in Barrie.
  37. Hiring of the additional staff proposed within this report will assist in allowing staff to proactively locate and ensure compliance of those locations that are not compliant with existing by-laws as well as operating as Residential Rental Units.
  38. The value of a licensing system is that it provides for some recovery of staff resourcing expenditures (not all costs) and may provide for safer accommodations through licensing requirements and annual inspections. However, as it adds new workload for staff in reviewing, inspecting, and administering licence applications, the cost recovery may be limited.
  39. Cost recovery will be impacted by whether property owners apply and adhere to licensing requirements as service fees or fines for enforcement for non-compliance will not be sufficient to cover all staff time. Typically, those who were already compliant may seek to license their property and there may be significant time spent chasing non-compliance that isn't recovered from fees or fines.
  40. Safety may not be improved for renters if owners don't volunteer to license their properties and a significant number of resources are spent chasing the owners.
  41. The annual inspection provided for in the by-law still requires cooperation and permission for entry and there are no powers to enter for those who are not submitting an application or renewal licence.
  42. Regulations that apply to only one area of the community or that applies to one segment of the population (absentee landlords) may not be defensible in the courts/Human Rights Tribunal.

#### **ENVIRONMENTAL AND CLIMATE CHANGE IMPACT MATTERS**

43. There are no environmental and/or climate change impact matters directly related to the recommendation.

#### **ALTERNATIVES**

44. The following alternatives are available for consideration by General Committee:

**Alternative #1** General Committee could decide not to proceed with the Pilot Project.

This alternative is available. It has not been recommended as staff were directed to present the by-law amendment for the pilot project. If General Committee decides not to proceed, the current Provincial and Municipal Regulations are available to address concerns with rental properties. These regulatory tools require additional staff resourcing to improve the City's ability to respond to neighbourhood concerns and achieve compliance in a more timely manner.

**Alternative #2** General Committee could alter the proposed recommendation by directing staff to incorporate the implementation of the pilot project with existing staff complement and not proceed with the 2022 intake form.

This alternative is not recommended. Based on preliminary evaluation, the anticipated volume of 500 – 800 dwelling units within the proposed pilot area cannot be licensed utilizing existing staff. Council's desire to increase pro-active enforcement will require dedicated resources that can focus on rental units. Unless Council removes core duties from within these three service areas to dedicate towards this pilot project, it will not be successful without additional resources.

**Alternative #3** General Committee could alter the proposed recommendation by directing staff to implement a City-wide project.

This alternative is not recommended at this time. It has not been recommended as staff were directed to present the by-law amendment for a pilot for this specific area only. It would be anticipated that the number of units City-wide would likely double the pilot area. This volume cannot be licensed utilizing the proposed staff recommended in this report. Additional resources (beyond the number of staff recommended) would be required to achieve a City-wide project. The number of additional positions would require further evaluation by staff. City wide licensing of rental units could be considered when the pilot project is completed.

**Alternative #4** General Committee could alter the proposed recommendation by directing staff to incorporate the licensing of Second Suites already registered by the City within the proposed pilot project area.

This alternative is not recommended at this time. During their inception any Second Suites must comply with various regulations including but not limited to Building Code and Ontario Fire Code in addition to meeting various requirements under the Zoning By-law. Implementing an additional licensing process would repeat those requirements. While a licensing process would assist with ensuring ongoing compliance on the property, it would be an additional cost to those who have already completed and paid for a similar process with the City. Staff are recommending that the licensing of second suites be considered when the pilot project is completed.

## **FINANCIAL**

45. Should the recommendation be approved, an intake form will be added for consideration in the 2022 Business Plan and Budget. At that time, General Committee and Council could consider the financial impact of the additional resources in the context of all the City's services and projects, allowing for a holistic view.

## **LINKAGE TO 2018–2022 STRATEGIC PLAN**

46. The recommendation(s) included in this Staff Report support the following goals identified in the 2018-2022 Strategic Plan:

Fostering a Safe and Healthy City

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Building Strong Neighbourhoods

47. The proposed implementation plan for Residential Rental Licensing is anticipated to assist the City to grow strong and pleasant neighbourhoods as well as to continue to shape a safe and welcoming community by ensuring minimum standards are adhered to by residents.

APPENDIX "A"

Draft Amending By-law to Business Licensing (General) By-law 2006-266

BY- LAW NUMBER 2021-

**A By-law of The Corporation of the City of Barrie to amend Business Licensing By-law 2006-266, a by-law to regulate the operation of businesses.**

**WHEREAS** section 9 of the *Municipal Act, 2001, S.O. 2001, c. 25 as amended (the Act)* provides that a local municipality has the capacity, rights, powers and privileges of an actual person for the purposes of exercising its authority under this or any other Act;

**AND WHEREAS** section 11(1) of the Act provides that a local municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**AND WHEREAS** section 11(3) of the Act provides a local municipality with jurisdiction with respect to business licensing;

**AND WHEREAS** section 151 (1) of the Act provides that, without limiting Sections 9, 10, 11 of the Act, a local municipality may provide for a system of licenses with respect to a business;

**AND WHEREAS** section 23.2(4) of the Act permits a local municipality to delegate certain legislative and quasi-judicial powers;

**AND WHEREAS** section 391(1) of the act provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

**AND WHEREAS** the Council of The Corporation of the City of Barrie passed motion 21-G-XXX approving the implementation and adoption of a by-law providing for the licensing and regulation of rental properties within the City of Barrie, specifically in the geographically boundaries bound by Duckworth Street, Steel Street, Penetanguishene Road and the City Limits on the north side of Georgian Drive in Ward 1.

**AND WHEREAS** that such by-law be implemented as a pilot project for a three-year period.

**NOW THEREFORE**, the Council of The Corporation of the City of Barrie hereby enacts as follows:

1. THAT By-law 2006-266 as amended Business Licensing (General) be further amended by adding Schedule 1 attached.
2. THAT Schedule 1 of By-law 2006-266 as amended be implemented for a period of 3-years effective xxxxxxx, xxxx and expiring xxxxxx, xxxx.

**READ** a first and second time this \*\* day of \*\*\*\*, 2021.

**READ** a third time and finally passed this \*\* day of \*\*\*\*, 2021.



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**THE CORPORATION OF THE CITY OF BARRIE**

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**MAYOR – J. LEHMAN**

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**CITY CLERK – WENDY. COOKE**

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Business Licensing By-law 2006-266

Schedule 1

Schedule 1 to By-law 2006-266 as amended shall be commonly referred to as “Residential Rental Licensing Section”.

For the purpose of Schedule 1, the following sections of Business Licensing By-law 2006-266 shall apply:

1.0.0.0.0 – Definitions

2.0.0.0.0 – General Provisions

**200.0.0.0.0 Residential Rental Licensing Section**

For the purpose of this section only, the following shall apply:

**Additional Definitions**

- 200.1.0.0.0 Apartment Building – means a building or part of a building containing at least five (5) or more separate dwelling units, all of which have a common entrance from grade and each of which has an independent entrance from a common corridor.
- 200.2.0.0.0 Bedroom – means a room or area within a dwelling unit, used, designed, equipped or intended for sleeping.
- 200.3.0.0.0 Converted Dwelling – means a building which has been altered by the creation of more dwelling units that existed at the time of original construction, with each dwelling unit having its own sanitary facilities and cooking facilities.
- 200.4.0.0.0 Inspector - means:
- a) A Municipal Law Enforcement Officer appointed by the City of Barrie
  - b) A member of Barrie Fire and Emergency Services appointed as a Fire Prevention Officer.
  - c) Chief Building Official or their designate
  - d) Building Inspectors
  - e) Property Standards Officers
- 200.5.0.0.0 Lot – means any parcel of land with frontage on a road which is separate parcel of record or is shown as a whole lot on the Registered Plan of Subdivision, including any part of which is subject to an easement or right of way.
- 200.6.0.0.0 Occupier – means a person who has the legal right to occupy a Rental Unit.
- 200.7.0.0.0 Owner-occupied – means the residence is occupied by persons holding at least fifty (50) percent of the title to the property as identified by the Ministry of Government and Consumer Services Parcel Register.
- 200.8.0.0.0 Rent – means any consideration paid or required to be paid or given by or on behalf of a tenant or occupier to a landlord or the landlord’s agent for the right to occupy a rental unit and for any privilege, accommodation or thing that the landlord provides for the tenant or occupier in respect of the occupancy of a rental unit.

- 200.9.0.0.0 Rental Area – means each lot or parcel or any part of the lot or parcel that a rental unit occupies.
- 200.10.0.0.0 Rental Property – means each building containing a rental unit including the rental area.
- 200.11.0.0.0 Rental Unit – means a dwelling unit offered or advertised to be offered for rent but shall not include a licensed Boarding, Lodging and Rooming House or a Registered Second Suite.
- 200.12.0.0.0 Residential Rental Business – means the operation of a rental unit for consideration paid or required to be paid or given on behalf of a tenant or occupier of a rental unit.
- 200.13.0.0.0 Tenant – means a person who pays rent or any means of consideration or provides services in lieu of payment or other form of consideration in exchange for the ability to occupy a Rental Unit.

**TABLE 2 – LICENSING INSPECTIONS AND APPROVAL REQUIREMENTS**

<b>Category</b>	<b>New Application (Inspections/Approvals Required)</b>	<b>Annual Renewal Application (Inspections/Approvals Required)</b>
Residential Rental Unit	<ul style="list-style-type: none"> <li>• Development Services (Zoning)</li> <li>• Barrie Fire and Emergency Service</li> <li>• Property Standards</li> <li>• Commercial Liability Insurance - \$2,000,000</li> <li>• Detailed diagram of floor plan depicting location of each bedroom*</li> <li>• Detailed diagram of parking plan*</li> <li>• Certificate of inspection pertaining to electrical and heating (every 5 years)</li> </ul> <p>(* Diagrams must reflect dimensions of rooms, dimension of parking spaces, set back of parking spaces from property)</p>	<ul style="list-style-type: none"> <li>• Development Services (Zoning)</li> <li>• Barrie Fire and Emergency Service</li> <li>• Property Standards</li> <li>• Commercial Liability Insurance - \$2,000,000</li> <li>• Detailed diagram of floor plan depicting location of each bedroom*</li> <li>• Detailed diagram of parking plan*</li> <li>• Certificate of inspection pertaining to electrical and heating (every 5 years)</li> </ul> <p>(* Diagrams must reflect dimensions of rooms, dimension of parking spaces, set back of parking spaces from property)</p>

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300.0.0.0.0 **Operating Criteria**

300.1.0.0.0 No person shall operate or maintain the business of a Residential Rental Unit within the City without first having obtained a licence to do so.

300.2.0.0.0 Every person operating or maintaining a Residential Rental Unit shall, at the time of application or as otherwise requested by the Issuer of Licences:

- a) provide to the Issuer of Licences, the name, mailing address, address of residence, daytime telephone number, emergency telephone number, Facsimile number and e-mail address of the registered owner of the property;
- b) where the registered owner is a Corporation, provide to the Issuer of Licences, the full registered Corporate name of the registered owner, the mailing address, address of business operation, daytime telephone number, emergency telephone number, Facsimile number, and e-mail address of all principals or partners of such Corporation;
- c) the name, mailing address, address of residence, daytime telephone number, emergency telephone number and e-mail address of the keeper, manager, superintendent or custodian of the Residential Rental Unit, if not the same as the owner;
- d) provide copies of any documentation, certificate or other submission as set out in Table 1 to this by-law, or otherwise required by the Issuer of Licences and shall produce the original of such documentation, certificate or other submission, if requested to do so by the Issuer of Licences;
- e) provide an Electrical Inspection Certificate verifying the building is in compliance with the Electrical Safety Authority and/or Barrie Hydro and that such electrical system has been inspected within five years of the date of application;
- f) provide an Inspection Certificate from a certified technician that the heating system is in a safe working order and that such heating system has been inspected within five years of the date of application;
- g) provide a detailed diagram reflecting all structures existing on the property of the proposed Residential Rental Unit, the location of the driveway, any walkways, and the proposed parking to be provided for the occupants of the premise.
  - i) The applicant shall ensure that such diagram includes the dimensions of the said property, structures, parking spaces, driveways, and walkways, and shall also include set back distances of such structures, parking spaces, driveways, and walkways from the property boundaries.
  - ii) The applicant shall ensure that the number of parking spaces meets that required or permitted under the City's Zoning By-law.
  - iii) The applicant shall ensure all parking of vehicles or trailers is contained within the paved or hardscaped portion of the driveway.
  - iv) The applicant shall ensure that all designated parking spaces be solely contained on private property and not extend on to municipal property such as but not limited to including the boulevard, sidewalk or road.



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- 300.0.0.0.0 No person shall park, stop or store any vehicle, trailer or any other item or device as defined by the Highway Traffic Act as a vehicle on any landscaped portion of the Residential Rental Unit property.
- 300.1.0.0.0 Every person shall ensure that:
- a) the use and intended use of the property is in compliance with the City of Barrie Zoning By-law, as amended from time to time, affecting the said property;
  - b) the premise is in compliance at all times with the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended;
  - c) the building used as a Residential Rental Unit is in compliance at all times with the Ontario Building Code, as amended;
  - d) the building used as a Residential Rental Unit and the property are maintained in compliance at all times with the Property Standards By-law and the City of Barrie Yard Maintenance By-law as amended from time to time;
  - e) liability insurance in the minimum amount of \$2,000,000 is maintained at all times during the term of the business licence. Where such liability insurance expires during the term of the business licence, the licensee shall ensure that a copy of the renewed liability insurance policy in the minimum amount of \$2,000,000 is submitted to the Issuer of Licences in advance of expiration of such insurance coverage;
  - f) any alteration of the proposed parking space(s) is submitted in advance to the Issuer of Licences, and no person shall undertake any alteration to such parking space(s) without the written acknowledgement of the Issuer of Licences;
  - g) any alteration or change to the designation of any room within the dwelling unit, or any alteration proposed to be carried out within the dwelling unit shall be communicated in writing and accompanied by a new detailed diagram to the Issuer of Licences prior to such alteration or change being made;
  - h) the municipal address of the Residential Rental Unit is clearly posted on the exterior of the premise in accordance with the provisions of the City of Barrie's Municipal Addressing By-law 2004-147;
  - i) ensure that the occupant load, name of the manager, superintendent or other custodian together with a daytime telephone number and emergency telephone number is clearly posted at all entrances to the dwelling unit.
- 300.2.0.0.0 Every person shall ensure that the actions or activities carried on by any tenant, an occupant, or visitor to such Residential Rental Unit while in the unit, or upon the property of such rental unit:
- a) do not breach or violate the provisions of any municipal, provincial or federal law;
  - b) do not cause, suffer or commit any nuisance to arise in, on or in connection with the premise;
  - c) do not cause a disturbance to any neighbour;

- d) do not obstruct any City walkway, sidewalk, roadway;
- e) do not obstruct any aspect of private property.

300.3.0.0.0 Notwithstanding any other provision of this By-law a licence to carry on, maintain or operate a Residential Rental Unit shall not be required for:

- a) a Unit that is occupied by an owner as their sole residence and which no more than two (2) bedrooms are rented out with locking mechanisms.
- b) a Tenant that may be subletting a Residential Rental Unit providing the Owner of the unit has obtain and continually maintains a licence to do so, in accordance with the provisions of this By-law.
- c) a student residency or dormitory operated by or on behalf of a University or College as defined by the *Education Act*.
- d) an Apartment building as defined by the City of Barrie Zoning By-law.
- e) a hotel, inn or bed and breakfast, as defined by the City of Barrie Zoning By-law.
- f) a group home, homes for special care, long -term care facilities, retirement homes or any social housing as defined by each applicable governing legislation.
- g) a licensed Boarding, Lodging or Rooming House.
- h) a registered Second Suite.

**Appendix "B"**

Resource Costing for 3-Year Pilot Project - Residential Rental Licensing

**Legislative and Court Services (Enforcement Services):**

As noted in the report, it is estimated that two (2) Temporary Full-time Municipal Law Enforcement Officers will be required to address the research, review, inspection, and licensing of locations considered to fall within the Residential Rental Licensing Pilot Project.

**Summary of Enforcement costs for 2022 - \$ 227,000.16**

Salary Cost Est.		2022	2023	2024
Expenses	400000 - Full-time Salaries	\$153,936.58	\$156,734.94	\$159,556.16
	401100 - Full-time Fringe Benefits	\$43,563.58	\$44,107	\$44,660.20
	<b>Total</b>	\$197,500.16	\$200,841.94	\$204,216.36
General Expense Est.		2022	2023	2024
	IT Costing (phone, computers etc.)	\$2,500	\$650	\$650
	Fleet Vehicle x1	\$25,000	\$10,000	\$10,000
	Uniforms / Misc. Items	\$2,000	\$1,000	\$1,000
	<b>Total General Exp.</b>	<b>\$29,500</b>	<b>\$11,500</b>	<b>\$11,500</b>

**Development Services (Zoning):**

**Summary of Development costs for 2022 - \$ 182,839.28**

<b>Budget - 2 Zoning Enforcement Officers</b>				
GL Account	2022	2023	2024	2025
400000 - Full-time Salaries	\$ 141,991.39	\$ 143,411.30	\$ 144,845.42	\$ 146,293.87
401100 - Full-time Fringe Benefits	\$ 40,847.87	\$ 41,126.24	\$ 41,407.40	\$ 41,691.37
<b>Total</b>	<b>\$ 182,839.26</b>	<b>\$ 184,537.54</b>	<b>\$ 186,252.81</b>	<b>\$ 187,985.23</b>



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**Barrie Fire and Emergency Service (Fire Prevention):**

(Two (2) Fire Prevention members are proposed at this time. Costing will increase based on number of dwellings located, it is estimated that the need is one (1) Fire Prevention Officer per every 400 dwellings).

**Summary of Barrie Fire and Emergency Service costs for 2022 - \$ 345,384.00**

<b>BFES x2</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Salary	\$252,140.00	\$258,736.00	\$264,368.00
Benefits	\$74,244.00	\$75,816.00	\$77,104.00
<b>Subtotal</b>	<b>\$326,384.00</b>	<b>\$334,552.00</b>	<b>\$341,472.00</b>
Fuel / Fleet	\$4,000.00	\$4,000.00	\$4,000.00
IT Setup	\$10,000.00	\$1,000.00	\$1,000.00
Uniforms / Misc.	\$5,000.00	\$1,000.00	\$1,000.00
<b>Total</b>	<b>\$345,384.00</b>	<b>\$340,552.00</b>	<b>\$347,472.00</b>

**Appendix “C”**

Proposed Annual Licence Fee for 2022

(To be included in Fees By-law)

Department/ Branch	Service Type	New Licence Fee	Renewal Licence Fee
Enforcement Services	Licensing Fee  (includes review of application & supporting documents / inspection of rental / issuance of licence)	\$245.27*	\$245.27  plus increases by CPI
	Property Standards Inspection fees added  (Includes but not limited to review of interior property conditions to ensure safety of occupants and property meets minimum standards)	\$167.77*	\$167.77  plus increases by CPI
Development Services	Zoning Review, Enforcement and Inspection  (includes but not limited to review to ensure interior and exterior of the property meets all zoning by-law standards)	\$154.72	\$154.72  plus increases by CPI
Barrie Fire and Emergency Services	Fire Prevention  Includes initial interior inspection and documentation of findings/inspection orders. Subsequent inspections to complete required work are additional.	\$399.00	\$399.00  plus Increases by CPI

**Total annual licence fee to applicant - \$ 966.76 (will increase by CPI annually)**

\*Note – licence fees are consistent with other forms of business licensing done throughout the municipality including Boarding, Lodging and Rooming Houses. Balance is needed to encourage voluntary compliance while recovering some costs.

Potential cost recovery:

Based on the estimated number of rentals in the designated pilot area and taking the average of those estimates staff believe approximately \$628,394 would be generated in the first year (approximately 650 rentals at \$966.76 per rental). Exact revenue cannot be confirmed at this time as the number of Residential Rental Units is not confirmed and exact time required by staff is unknown based on voluntary compliance vs. non-compliance.



The proposed graduated Service Fees to be added to Fees By-law.

May be imposed should a location be found in violation after initial licensing inspection.

<b>Schedule B – Enforcement Services Fees, Section 2</b>	
<b>Category</b>	<b>Proposed Fee for 2022</b>
Residential Rental Location / Boarding Lodging Rooming House location – First warning – Interior violations	\$220.85
Residential Rental Location / Boarding Lodging Rooming House location – Second warning – Interior violations	\$1,019.34
Residential Rental Location / Boarding Lodging Rooming House location – First warning – Exterior violations	\$116.00
Residential Rental Location / Boarding Lodging Rooming House location – Second warning – Exterior violations	\$584.45

Note: Proposed service fees are similar to those established under property standards and yard maintenance currently and are issued to those who have failed to comply with standards. These fees can be used in conjunction with or separately from other existing service fees. They are recoverable through municipal taxes.

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APPENDIX "D"

EXCERPT BUSINESS LICENSING BY-LAW 2006-266 AS AMENDED

"Definitions:

BOARDING, LODGING AND ROOMING HOUSE – means a dwelling where:

- a) lodging is provided for one or more tenants where at least one of the tenant-occupied rooms is equipped with an external locking mechanism that prevents access to said room by the other house occupants when the room is unoccupied, or;
- b) lodging is provided for more than four (4) tenants; but,
- c) shall not include a group home, hotel, motel, hospital, children's home, nursing home, rest home, home for the aged, or a bed and breakfast establishment, or other similar establishments.

BOARDING, LODGING AND ROOMING HOUSE, LARGE – means a Boarding, Lodging and Rooming House where lodging is provided for more than six (6) tenants.

BOARDING, LODGING AND ROOMING HOUSE, SMALL – means a Boarding, Lodging and Rooming House where lodging is provided for not more than six (6) tenants.

Licensing Requirements:

- Fire Inspection
- Property Standards Inspection
- Development Services (Zoning) Approval
- Liability Insurance – in amount of \$2,000,000
- Detailed diagram of floor plan depicting location of each bedroom\*
- Detailed diagram of parking plan\*
- Certificate of inspection pertaining to electrical and heating systems (every 5 years)

(\* Diagrams must reflect dimensions of rooms, dimension of parking spaces, set back of parking spaces from property and street lines and structures)

Operating Criteria:

No person shall operate or maintain a Boarding Lodging and Rooming House (Large) within the City of Barrie without first having obtained a licence to do so.

Every applicant shall, at the time of application or as otherwise requested by the Issuer of Licences:

- a) provide to the Issuer of Licences, the name, mailing address, address of residence, daytime telephone number, emergency telephone number, Facsimile number and e-mail address of the registered owner of the property;
- b) where the registered owner is a Corporation, provide to the Issuer of Licences, the full registered Corporate name of the registered owner, the mailing address, address of business operation, daytime telephone number, emergency telephone number, Facsimile number, and e-mail address of all principals or partners of such Corporation;

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- c) the name, mailing address, address of residence, daytime telephone number, emergency telephone number; Facsimile number and e-mail address of the keeper, manager, superintendent or custodian of the Boarding, Lodging and Rooming House (Large), if not the same as the owner;
  - d) provide copies of any documentation, certificate or other submission as set out in Table 1 to this by-law, or otherwise required by the Issuer of Licences and shall produce the original of such documentation, certificate or other submission, if requested to do so by the Issuer of Licences;
  - e) provide an Electrical Inspection Certificate verifying the building is in compliance with the Electrical Safety Authority and/or Barrie Hydro and that such electrical system has been inspected within five years of the date of application;
  - f) provide an Inspection Certificate from a certified technician that the heating system is in a safe working order and that such heating system has been inspected within five years of the date of application;
  - g) provide a detailed diagram reflecting all structures existing on the property of the proposed Boarding, Lodging and Rooming House, the location of the driveway, any walkways, and the proposed parking to be provided for the occupants of the premise. The applicant shall ensure that such diagram includes the dimensions of the said property, structures, parking spaces, driveways, and walkways, and shall also include set back distances of such structures, parking spaces, driveways, and walkways from the property boundaries. The applicant shall ensure that the number of parking spaces meets but does not exceed that required or permitted under the City's Zoning By-law; a) the use and intended use of the property is in compliance with the City of Barrie Zoning By-law, as amended from time to time, affecting the said property; b) the premise is in compliance at all times with the Fire Protection and Prevention Act, S.O. 1997, c. 4, as amended;
  - h) the building used as a Boarding, Lodging and Rooming House (Large) is in compliance at all times with the Ontario Building Code 1997, as amended;
  - i) provide a detailed diagram of each floor of the dwelling unit for which application is being made as a Boarding, Lodging and Rooming House (Large) identifying the use of each room and further identifying which room(s)/area(s) are considered common areas. Such diagram shall include the dimensions of each room and reflect all means of ingress/egress to each room/area, windows, stairwells, etc.

Every person shall ensure that:

- a) the building used as a Boarding, Lodging and Rooming House (Large) and the property are maintained in compliance at all times with the Property Standards By-law and the City of Barrie Clean Yards By-law as amended from time to time;
- b) liability insurance in the minimum amount of \$2,000,000 is maintained at all times during the term of the business licence. Where such liability insurance expires during the term of the business licence, the licensee shall ensure that a copy of the renewed liability insurance policy in the minimum amount of \$2,000,000 is submitted to the Issuer of Licences in advance of expiration of such insurance coverage;
- c) any alteration of the proposed parking space(s) is submitted in advance to the Issuer of Licences, and no person shall undertake any alteration to such parking space(s) without the written acknowledgement of the Issuer of Licences;



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- d) any alteration or change to the designation of any room within the dwelling unit, or any alteration proposed to be carried out within the dwelling unit shall be communicated in writing and accompanied by a new detailed diagram to the Issuer of Licences prior to such alteration or change being made;
  - e) the municipal address of the Boarding, Lodging and Rooming House (Large) is clearly posted on the exterior of the premise in accordance with the provisions of the City of Barrie's Municipal Addressing By-law 2004-147;
  - f) ensure that the occupant load, name of the manager, superintendent or other custodian together with a day time telephone number and emergency telephone number is clearly posted at all entrances to the dwelling unit.

Every person shall ensure that the actions or activities carried on by his tenant, an occupant, or visitor to such Boarding Rooming Lodging House (Large) while in the Boarding, Lodging and Rooming House (Large), or upon the property of such Boarding, Lodging and Rooming House (Large):

- a) do not breach or violate the provisions of any municipal, provincial or federal law;
- b) do not cause, suffer or commit any nuisance to arise in, on or in connection with the premise;
- c) do not cause a disturbance to any neighbour;
- d) do not obstruct any City walkway, sidewalk, roadway;
- e) do not obstruct any aspect of private property.

(Boarding, Lodging and Rooming House (small) have the same operating criteria)

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APPENDIX "E"

ONTARIO FIRE CODE - SECTION 9.3 BOARDING, LODGING AND ROOMING HOUSES

Subsection 9.3.1. Application and General

**Application**

9.3.1.1. (1) This Section applies to boarding houses, lodging houses, rooming houses and private rest homes in which residents do not require care or treatment because of age, mental or physical limitations, where

- (a) the **building height** does not exceed 3 **storeys** and the **building area** does not exceed 600 m<sup>2</sup>,
- (b) lodging is provided for more than four persons in return for remuneration or the provision of services or both, and
- (c) lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.

(2) This Section applies to homes for special care within the meaning of the **Homes for Special Care Act**, where

- (a) the **building height** does not exceed 3 **storeys** and the **building area** does not exceed 600 m<sup>2</sup>,
  - (b) sleeping accommodation is provided for more than three but not more than 10 residents, and
  - (c) residents do not require nursing care.
- (3) REVOKED: O. Reg. 256/14, s. 327.

**Exemption for MCSS residences and hotels**

9.3.1.2. (1) Subject to Sentence 9.3.1.1.(2), this Section does not apply to **residential occupancies** that are regulated under the **Ministry of Community and Social Services Act**.

(2) This Section does not apply to a **building** or part of a **building** regulated under Section 9.9.(Hotels)

**Definitions**

9.3.1.3. For the purposes of this Section,

"**1986 Building Code**" means Ontario Regulation 419/86, as it read on February 11, 1987;

"existing" means in existence on February 11, 1987.

Subsection 9.3.2. Containment

9.3.2.1. **Fire separations** required by this Section to have a **fire-resistance rating** shall comply with Subsection 9.10.3. of the **1986 Building Code**.

**Floor assemblies**

9.3.2.2. (1) Floor assemblies shall

- (a) be constructed as **fire separations**, and
- (b) have a **fire-resistance rating** not less than 30 min.

(2) Existing floor assemblies with ceilings consisting of lath and plaster, gypsum board or noncombustible materials are deemed to be in compliance with Sentence (1).

**Basement fire separations**

9.3.2.3. Where a **basement** does not contain a bedroom, recreation room, meeting room or hobby room, a **fire separation** having no **fire-resistance rating** between the **basement** and **first storey** is deemed to be in compliance with Clause 9.3.2.2.(1)(b).

**Walls separating bedrooms**

9.3.2.4. (1) Each guest room or **suite** of rooms shall have interior walls having a **fire-resistance rating** not less than 30 min.

(2) Existing wall assemblies consisting of membranes of lath and plaster or gypsum wallboard are deemed to be in compliance with Sentence (1).

#### ***Furnace room separations***

9.3.2.5. (1) In a **building** where the **building height** is greater than 2 **storeys** or the **building area** is greater than 400 m<sup>2</sup>, a **furnace** room that is located on a **floor area** that contains a bedroom, recreation room, meeting room or hobby room shall be separated from the remainder of the **building** by a **fire separation** having a **fire-resistance rating** not less than 45 min.

(2) Existing **fire separations** consisting of membranes of lath and plaster or gypsum board are deemed to be in compliance with Sentence (1).

(3) Where the required vertical **fire separation** in a **furnace** room is maintained and it is not practical in the circumstances to construct the ceiling as a **fire separation** having a **fire-resistance rating** not less than 45 min, the **furnace** room area shall be **sprinklered** with a spacing that does not exceed 9.5 m<sup>2</sup> per sprinkler head.

(4) **Closures** in **fire separations** for a **furnace** room shall have a **fire-protection rating** not less than 45 min.

(5) A hollow metal or kalamein door and frame are deemed to be in compliance with Sentence (4).

(6) **Closures** referred to in Sentences (4) and (5) shall be equipped with latches and self-closing devices.

(7) Despite Sentence (1), **fire dampers** or **fire-stop flaps** are not required in ducts at penetrations of a **fire separation**.

#### ***Combustion air***

9.3.2.6. Where a **furnace** room is separated to comply with the requirements of Article 9.3.2.5., sufficient combustion air shall be brought directly from the exterior for the proper combustion and safe operation of the **appliance**.

### Subsection 9.3.3. Means of Egress

#### ***Number of exits***

9.3.3.1. (1) Each **floor area** shall be served by at least two **exits**.

(2) Where sleeping accommodation is not provided for more than 10 persons, one **exit** from each of the first and second floor **floor areas** is deemed to be in compliance with Sentence (1).

(3) Where sleeping accommodation is not provided in the **basement**, one **exit** from the **basement** is deemed to be in compliance with Sentence (1).

#### ***Acceptable exits***

9.3.3.2. (1) **Exits** required by Article 9.3.3.1. shall comply with the requirements of Articles 9.9.2.2. and 9.9.2.3. of the **1986 Building Code**.

(2) Despite Sentence 9.3.3.5.(1), not more than one required **exit** from the **basement** may lead through the first floor **floor area**.

(3) Where sleeping accommodation is not provided for more than 10 persons, corridors that are contiguous to a stairway may form part of the stairway enclosure.

(4) Only one stairway enclosure described in Sentence (3) may be used as an **exit**.

(5) Where a fire escape of the type referred to in Article 9.3.3.4. is used as an **exit**, it is deemed to comply with the requirements of Articles 9.9.2.2. and 9.9.2.3. of the **1986 Building Code**.

9.3.3.3. Despite Articles 9.3.3.1. and 9.3.3.2., alternative measures may be **approved** where, in the opinion of the **Chief Fire Official**, they will provide protection for life safety similar to the protection provided by compliance with Articles 9.3.3.1. and 9.3.3.2.

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### ***Fire escapes***

9.3.3.4. (1) Each fire escape used as an **exit** shall be constructed in compliance with Article 3.4.7.13., excluding Sentences (4) and (5), of the **1986 Building Code**.

(2) Despite Sentence (1), existing fire escapes may be **approved**.

(3) Access to fire escapes shall be from corridors.

### ***Protection of exits***

9.3.3.5. (1) Each **exit** other than a doorway opening directly onto a fire escape or to the outdoors at ground level shall be separated from the remainder of the **building** or from another **exit** by a **fire separation** having a **fire-resistance rating** not less than 30 min.

(2) Existing **exit** stairways separated from the remainder of the **building** by walls consisting of lath and plaster or gypsum wallboard are deemed to be in compliance with Sentence (1).

(3) Despite Sentence (1), an existing separation of noncombustible material may be **approved**.

### ***Interior stairways***

9.3.3.6. (1) Floor separations shall be maintained at interior stairways that are not required **exits**.

(2) The floor separation shall be maintained at an **exit** permitted in Sentence 9.3.3.2.(2).

9.3.3.7. Floor separations required in Article 9.3.3.6. shall be rated in accordance with Articles 9.3.2.2. and 9.3.3.5.

### ***Protection of openings in fire separations***

9.3.3.8. (1) **Closures** in **fire separations** required under Article 9.3.3.5. and in floor separations required under Article 9.3.3.6. shall

(a) be constructed in accordance with Article 9.10.3.1. of the **1986 Building Code**,

(b) have a **fire-protection rating** not less than 20 min, and

(c) if the **closure** is openable, be equipped with self-closing and latching devices.

(2) **Closures** located along contiguous corridors permitted in Sentence 9.3.3.2.(3) shall comply with Sentence (1).

(3) A 45 mm solid core wood, hollow metal or kalamein door, equipped with self-closing and latching devices, is deemed to comply with Sentences (1) and (2).

(4) Despite Sentences (1) and (2), frames for doors described in Sentence (3) may be of wood, hollow metal or kalamein construction.

(5) Despite Sentences (1) and (2), **fire dampers** or **fire-stop flaps** are not required in ducts at penetrations of a **fire separation**.

9.3.3.9. Existing wired glass **closures** set in fixed steel frames in a **fire separation** are deemed to be in compliance with Article 9.3.3.8.

### ***Exit signs***

9.3.3.10. (1) **Exit** signs shall be located along a **means of egress** so that directions of **exit** travel are apparent to the occupants.

(2) **Exit** signs required by Sentence (1) shall have the word "EXIT" in block letters and such letters shall be

(a) internally or externally illuminated,

(b) coloured red on an opaque or contrasting field, and

(c) at least 115 mm high with a 19 mm stroke.

### ***Interior finishes***

9.3.3.11. The **flame-spread rating** of interior finishes on walls and ceilings within a **means of egress** shall not exceed 200.

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### ***Illumination of egress***

9.3.3.12. Corridors and stairways shall be lighted to the intensity of 50 lx measured at the floor level, or 5 watts/m<sup>2</sup> of **floor area**.

### ***Emergency lighting***

9.3.3.13. Where sleeping accommodation is provided for more than 10 persons, emergency lighting shall be provided to corridors and stairways in accordance with Articles 9.9.11.4. and 9.9.11.5. of the **1986**

### **Building Code.**

#### Subsection 9.3.4. Fire Alarm and Detection

##### ***Fire alarm requirements***

9.3.4.1. (1) A **building** to which this Section applies that does not have floor assemblies having a minimum 45 min **fire-resistance rating** and **public corridors** or corridors serving sleeping rooms not within a **dwelling unit** that are not fire-separated from the remainder of the **building** by a minimum 30 min **fire-resistance rating** shall have a fire alarm system that complies with Articles 9.10.17.5. and 9.10.17.11. of the **1986 Building Code**, and shall have

- (a) **smoke alarms** that comply with Sentence (2) and that are installed and interconnected so that the activation of any **smoke alarm** will sound a similar signal in each of the interconnected devices, or
- (b) fire alarm system **smoke detectors** installed on the ceiling of each floor adjacent to each stairway, and on the ceiling in the **basement** adjacent to each stairway.
- (2) **Smoke alarms** referred to in Clause (1)(a) shall
  - (a) be installed on the ceiling in the corridor of each floor adjacent to each stairway and on the ceiling in the **basement** adjacent to each stairway,
  - (b) be on a separate circuit with no disconnect switch between the overcurrent device and the **smoke alarms**, and
  - (c) employ devices and an interconnected installation that are **listed**.

9.3.4.2. (1) A fire alarm system complying with Articles 9.10.17.4., 9.10.17.5., 9.10.17.11. and Subsection 9.10.18. of the **1986 Building Code** shall be installed where

- (a) sleeping accommodation is provided for more than 10 persons, and
- (b) the floor assemblies have a **fire-resistance rating** not less than 45 min and **public corridors** or corridors serving sleeping rooms not within a **dwelling unit** are separated from the remainder of the **building** by **fire separations** having a **fire-resistance rating** not less than 30 min.

9.3.4.3. Where a fire alarm system is required and sleeping accommodation is not provided for more than 14 persons, an interconnected **smoke alarm** system in accordance with Clause 9.3.4.1.(1)(a) is deemed to be in compliance with Article 9.3.4.2.

9.3.4.4. Despite Articles 9.3.4.1. and 9.3.4.2., existing fire alarm systems may be **approved** where the system reliability and performance will not increase the risk of life safety.

#### Subsection 9.3.5. Suppression

##### ***Portable extinguishers***

9.3.5.1. (1) Despite the provisions of Subsection 6.2.6., at least one 2A rated portable extinguisher shall be provided on each floor.

(2) At least one 5B:C rated portable extinguisher shall be installed in each kitchen where shared cooking facilities exist.