

## ***SUBSIDIARY APARTMENT INSPECTION POLICY***

### **OVERVIEW**

In order to protect and ensure the safety of all residents, the Town of Clarendville inspects all subsidiary apartments within the Town's boundaries to ensure they are adequate from the perspective of fire and life safety in accordance with the National Building Code of Canada 2015.

It should be noted that nothing in this Policy alters the existing policy of the Town in regards to not carrying out general building inspections for NBCC compliance when granting development permits. Furthermore, nothing in the Policy affects the obligations of property owners, builders, engineers or architects to ensure safety and compliance with the NBCC, and other legislative and regulatory requirements and standards.

This policy shall not relieve any Owner of a building from compliance with any or all other standards or other applicable regulations. Where provision of this Policy conflicts with the provision of another policy and/or regulation in force, the provision that establishes the higher standards to protect shall prevail.

### **DEFINITIONS**

1. In this policy unless the context otherwise requires:
  - a) **"Apartment"** means subsidiary apartment.
  - b) **"Fire Resistance Rating"** means the time in minutes or hours that a material or assembly of materials will withstand the passage of flame and the transmission of heat when exposed to fire under specified conditions of test and performance criteria.
  - c) **"Fire Separation"** means a construction assembly that acts as a barrier against the spread of fire.
  - d) **"NBCC"** means the National Building Code of Canada 2015.
  - e) **"Occupancy & Maintenance Regulations"** as amended as defined under the Urban & Rural Planning Act (O.C. 96-201).
  - f) **"Policy"** means the Subsidiary Apartment Inspection Policy and amendments thereto.
  - g) **"Smoke Alarm"** means a combined smoke detector and an audible alarm device designed to sound an alarm within the room upon detection.
  - h) **"Subsidiary Apartment"** means a separate dwelling unit constructed within and subsidiary to a self-contained dwelling.



- i) **“Town”** means the Town of Clarendville as defined by O.C. 96-170.
- j) **“Order of Council”** means a notice to the owner of a building to correct any deficiencies identified during the inspection.
- k) **“Owner”** means the owner(s) as identified on the Municipal Assessment Roll or in the absence or incapacity of the person(s), a trustee, an executor, a guardian, or an agent.

## INSPECTIONS

- 2. Upon identification of a subsidiary apartment, the Town will follow protocol set out in Section 3 for Requirements, below. Inspections shall be completed by the Fire Chief during normal business hours.
  - a) New subsidiary apartments to be added to existing dwellings must meet the requirements of Policy and will be addressed through the Town’s permitting process.
  - b) Notwithstanding the Town’s Development Regulations, any orders of the Building and Fire Inspectors or regulations made under the Occupancy and Maintenance Regulations; the Town will permit a subsidiary apartment to continue to be occupied without being inspected provided that the apartment legally existed before the Policy as amended came into effect, until such a time when the property is intended to be sold and/or a legal change of ownership occurs.
  - c) Notwithstanding Section 2 (b), at the time of the sale of the property and/or legal change of ownership, Town officials will notify the Owner and/or their representative, of our intention of inspecting the apartment prior to the sale closing.

## REQUIREMENTS

- 3. Where an inspection is required or conducted pursuant to this Policy; the Town will only inspect and enforce compliance with the following sections of the NBCC:
  - a) Smoke alarms. Division B, Part 9, Section 9.10.19 in its entirety of the NBCC. These sections set the requirements for the provision of smoke alarms, location of smoke alarms, power supply of smoke alarms, and interconnection of smoke alarms.
  - b) Separation of residential suites. Division B, Part 9, Section 9.10.9.14 of the NBCC. This section sets the requirements for fire separation rating. The Town recognizes that the most common material used on walls and ceilings in apartments is drywall (also known as plasterboard, wallboard, sheetrock, gypsum board, or gyproc). To achieve a satisfactory fire resistance rating, apartments will require ½ inch fire rated drywall with batt insulation on separation walls or 5/8 fire rated drywall without insulation. All apartments that are registered with the Town as of the date of the



adoption of this Policy that have drywall on separation walls and ceilings will not be required to demonstrate that it meets the fire resistance rating.

- c) Bedroom windows. Division B, Part 9, Section 9.9.10 of the NBCC. These sections set the requirements for the size of bedroom windows and requirements regarding windows that open into a window well.

#### **INSPECTION REPORTS & DEFICIENCIES**

- 4. After the inspection has been completed, the Owner will be provided with a copy of the Subsidiary Apartment Inspection Report.
  - a) Should deficiencies be identified, the Owner will be notified in writing and given thirty (30) days in order for the deficiencies to be corrected. An extension may be granted to the Owner if the Fire Chief feels there is a valid reason for such extension, however, the duration of this extension is not to exceed sixty (60) days from the date of the initial inspection.
  - b) Notwithstanding Section 4 (a), extensions may be approved beyond the sixty (60) day requirement. Extension requests shall be in writing, in confidence to the Chief Administrative Officer and Town Clerk, documenting the reason for the request. Should there be a valid financial case made, an extension may be approved allowing up to six (6) months from the date of the initial inspection to have the required work completed.
  - c) In the case of an approved extension, the tenant(s) shall be made aware of the deficiencies by the Owner and be provided with a copy of the deficiency report by the Town sent by Registered Mail or Hand Delivered. Should the tenant(s) change, no new tenant shall be permitted to occupy the apartment until the deficiencies are corrected.

#### **FAILURE TO COMPLY & PENALTIES**

- 5. In the event that the Owner indicates that they are refusing to have the requested work completed or if upon a return inspection it is noted that the requested work has not been completed, an Order of Council will be issued to the Owner with thirty (30) days to correct all deficiencies.
  - a) If an Order is ignored, the Town may employ any remedies available to it under any statute, regulation or common law, including but not limited to having the Owner prosecuted for ignoring the Order, seeking a Court Order requiring the work to be completed, and/or serving an Order requiring the subsidiary apartment to be vacated.



**GENERAL MAINTENANCE STANDARDS**

The Owner of every building shall maintain in a state of good condition and repair in accordance with the standards set out in the Occupancy & Maintenance Regulations and as otherwise ordered by the enforcement authority.

**REPEAL**

All previous Town of Clarendville policies and amendments pertaining to the "Subsidiary Apartment Inspection Policy" are repealed.

Adopted: February 20, 2007

Motion No: 07-027

Amended: May 15, 2007

Motion No: 07-072

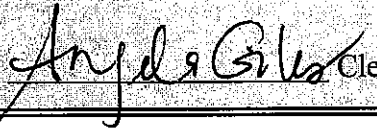
Amended: September 18, 2007

Motion No: 07-160

Amended: July 5, 2016

Motion No: 16-077

  
Mayor

  
Clerk