

## **Evaluation of Ontario Building Code Requirements for Multi-Tenant Houses**

**Date:** February 13, 2024

**To:** Planning and Housing Committee

**From:** Chief Building Official and Executive Director, Toronto Building

**Wards:** Ward(s) affected or All

### **SUMMARY**

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On December 14, 2022, Toronto City Council adopted a new regulatory framework including amendments to the Zoning Bylaw, to permit multi-tenant houses (also known as rooming houses) across Toronto. City Council also adopted a new Multi-Tenant Houses Licensing Bylaw, which will introduce consistent standards, regulatory oversight and enforcement to help protect the safety of tenants and respond to neighbourhood concerns. The new zoning and licensing bylaws will apply as of March 31, 2024.

Toronto Building, in collaboration with Toronto Fire Services, has completed an evaluation of the Ontario Building Code requirements for multi-tenant houses. This work was undertaken with support from a third-party Building Code Consultant who has expertise in fire protection engineering. The objective was to identify ways to help multi-tenant house operators find alternative and cost-effective solutions to common challenges which they may face in achieving compliance with prescriptive requirements of the Ontario Building Code and the companion requirements of the Ontario Fire Code. The purpose of this staff report is to provide City Council with an update on this work and identify how the results will be shared with the public.

It is important to note that this report is not a technical design guide. Toronto Building, in collaboration with divisional partners is developing public-facing guidelines, to be released at the end of March, that will assist designers and operators with compliance and help to facilitate and expedite the building permit approvals process. This work also aligns with other programs, such as the proposed "Multi-Tenant Homes Renovation Program" also being considered by the Planning and Housing Committee.

The Code compliance issues identified by stakeholders have been long standing. A conversion of housing that was originally constructed as a single dwelling unit to a multi-tenant dwelling is challenging and complex. Issues include determining necessary upgrades, but also how to incorporate them in an efficient and cost-effective manner.

Through reviews of Toronto-based case-studies, the Ontario Building Code, the Ontario Fire Code, and a jurisdictional analysis, the study concluded that developing a single package of generic alternative compliance options is not the most efficient approach for designers, or cost-effective for operators. Instead, the review identified a package of fire protection and life safety requirements that were most challenging and presented barriers to compliance. Each was evaluated by the Code Consultant for compliance options, or alternative solutions related to the Ontario Building Code requirements, and compliance paths were identified.

These options are intended to provide designers, owners, and operators with a “menu” of available means to achieve compliance so that they can determine which is the most practical solution when considering costs, timing/duration of construction, and disruption to tenants, among other criteria. There are many options available and likely a high degree of variability of work that may be necessary for any particular building to comply with the Ontario Building Code.

Toronto Building is now working to facilitate and expedite the permit review and inspection process through the development of clear public-facing guidelines and checklists. Through the Toronto Building's Program Review initiative, the Division has also established a City-Wide Priorities Team dedicated to supporting Council identified priorities, such as multi-tenant housing.

This report has been written in consultation with Toronto Fire Services, Municipal Licensing & Standards, City Planning, and the Housing Secretariat.

## **RECOMMENDATIONS**

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The Chief Building Official and Executive Director, Toronto Building recommends that:

1. City Council receive this report for information.

## **FINANCIAL IMPACT**

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There are no financial impacts associated with the recommendation contained in this report.

## DECISION HISTORY

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At its meeting of December 14 and 15, 2022, City Council adopted with amendments CC2.1 “2023 Housing Action Plan” which directed that, effective March 31, 2024, a new bylaw titled Toronto Municipal Code Chapter 575, Multi-Tenant Houses, be established. This direction allowed for the creation of a city-wide regulatory framework for multi-tenant houses to support residents in accessing safe, secure, and affordable housing in all communities across Toronto.

<https://secure.toronto.ca/council/agenda-item.do?item=2023.CC2.1>

At its meeting of September 30, October 1 and 2, 2020, City Council adopted without amendments PH16.10 "Laneway Suites: Fire Access Requirements". In adopting that item, City Council requested that the Chief Building Official and Executive Director, Toronto Building, in consultation with the Fire Chief and General Manager, Toronto Fire Services, hire a Building Code Consultant for technical consulting services to recommend options to achieve compliance with the Ontario Building Code for multi-tenant houses and other forms of additional units in accessory buildings and to incorporate the alternative options for compliance into the proposed regulatory framework for Multi-tenant Houses and "Expanding Housing Options in Neighbourhoods".

<https://secure.toronto.ca/council/agenda-item.do?item=2020.PH16.10>

## COMMENTS

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### Toronto's Multi-Tenant Housing Framework

Multi-tenant (also known as rooming) houses are an important part of Toronto’s rental housing stock. They come in a wide range of forms and are home to a diverse array of residents, including newcomers, students, seniors and people with low-and-moderate incomes.

On December 14, 2022, Toronto City Council adopted a new regulatory framework including amendments to City Zoning Bylaws to permit multi-tenant houses across Toronto. Council also adopted a new Multi-Tenant Houses Licensing Bylaw, which will introduce consistent standards, regulatory oversight, and enforcement to help protect the safety of tenants and respond to neighbourhood concerns. The new zoning and licensing bylaws will apply as of March 31, 2024, and all operators of multi-tenant houses will be required to obtain a licence. The new regulatory framework will also require that operators comply with all applicable building, fire and electrical safety codes.

The City is exploring ways to support the ability to operate multi-tenant houses. Part of this strategy includes an evaluation of the Ontario Building Code (and Ontario Fire Code) requirements to identify and address challenges which property owners and operators might have in achieving compliance with prescriptive Code requirements.

These challenges could be either in bringing their existing illegal multi-tenant houses into compliance with current Code requirements, or in developing new Code-compliant multi-tenant houses.

## **Ontario Building Code and Compliance Pathways**

The Ontario Building Code sets out administrative and technical requirements for the construction, renovation, change of use, and demolition of buildings in Ontario. The Code contains minimum prescriptive standards for buildings which address health and life safety, fire protection and structural sufficiency, among other matters. Code compliance can be achieved by either meeting the **acceptable solution** described in Division B of the Code, by proposing an **alternative solution** that achieves at least the minimum level of performance required by the Code or using a **compliance alternative** contained in Part 11 (Renovation) of the Ontario Building Code.

The Ontario Building Code is an objective-based code. Objective-based codes include objective and intent statements for each prescriptive Code requirement. This allows designers the option to develop other alternative solutions to specific Code requirements provided the solution can successfully demonstrate that the overall objectives and intent of the Code are being met.

The alternative solution process was introduced into the Code as a tool to support innovative designs and is a compliance path to resolving design and construction challenges. However, an alternative solution is only applicable to the project for which it was approved. While alternative solutions must relate to a specific project at a specific site, it is not uncommon for various building types to face similar challenges in achieving Code compliance. The City has achieved some success in enabling applicants to meet such common challenges in the Laneway Suite context. For example, Toronto Building worked with Toronto Fire Services and a Building Code Consultant to develop prospective "generic alternative solutions" to assist property owners in addressing challenges with meeting the fire access requirements for Laneway Suites.

The Laneway Suite experience demonstrated how the development of alternative compliance paths for specific Code challenges can reduce costs and simplify the permit process for both applicants and building officials. Similar work is currently underway by Toronto Building to identify the code challenges for garden suites and develop "generic alternative solutions".

Buildings used for multi-tenant housing are complex by fact that these are typically existing buildings not necessarily designed and constructed as purpose built, or in conformance to the current Building Code. The Ontario Building Code recognizes that it is not practical to upgrade existing buildings by allowing for some departure from current design and construction requirements. In order to take this pathway, the design must meet certain life safety systems and building performance criteria during the conversion or re-use of an existing building. Ontario Building Code Part 11 (Renovation) allows for designers to employ these less restrictive, compliance requirements, known as compliance alternatives. That is, the compliance alternatives are effectively treated the same as the acceptable solution for that building element or system. Ontario Building Code Part 11 (Renovation), however, has been described as complicated or challenging

to use, given the multitude of cross-referenced requirements and limited explanations of how to use or when to apply the alternative.

### **Summary: The Multi-Tenant Housing - Ontario Building Code Evaluation Report**

The objective of this study was to consider, and where possible, develop a package of potential generic alternative fire and life safety solutions to assist designers and operators in meeting Code requirements in a cost-effective way, recognizing that this work would additionally be used by other City Divisions to inform the implementation of the new multi-tenant housing framework. However, the study concluded that the City's objectives would be achieved more effectively if the City could help make Ontario Building Code Part 11 (Renovation) less complicated and easier to navigate for multi-tenant housing design challenges. The study also determined that for some of the design issues specific to multi-tenant housing requirements, the Ontario Building Code does in fact provide adequate guidance and options for compliance.

The Code Consultant worked closely with Toronto Building and Toronto Fire Services to examine a number of Toronto-specific case-studies. This research identified that issues have been consistent from the time of the original by-laws enacted by the City of Toronto in the mid-1970s. That is, the conversion of a house that had functioned as an existing single-family dwelling unit into a multi-tenant dwelling continues to be challenging with respect to determining the necessary upgrades that are required and how to incorporate the same in an efficient manner from the perspective of construction cost, the compliance process, and time required to complete the conversion.

The Code Consultant then identified each fire protection and life safety requirement that is applicable to a residential building containing a "rooming house" (the definitions differ between the Codes and the City's regulatory framework). Only those requirements that were identified as challenges (based on initial research, and engagement with a technical advisory group) were then evaluated. Based on the summary of challenges that were identified, the following ten building elements or aspects were examined:

- Definition of a Rooming House
- Determination of Fire-Resistance of Assemblies
- Floor Assembly Fire Separations and Fire-resistance of Loadbearing Elements
- Suite Fire Separations
- Public Corridor Fire Separations
- Number of Required Exits
- Furnace/Service Room Fire Separation
- Fire Dampers
- Flame Spread Rating of Interior Finishes
- Barrier-free Accessibility

A number of building elements or systems were identified as challenges in the initial research. Through the course of the evaluation, however, they were deemed to be sufficiently addressed within the Ontario Building Code or the compliance alternatives in Ontario Building Code Part 11 (Renovations) such that further evaluation was not undertaken:

- Lighting and emergency lighting

- Fire alarm systems
- Fire separation of exits
- Exposure protection for exits
- Existing stair/door dimensions
- Minimum room and window areas
- Firestopping of penetrations in fire separations
- Exit signs
- Interconnected smoke alarms
- Carbon monoxide alarms

For each building element that was evaluated, the analysis then compared the same or similar requirement that is provided in the following building codes:

#### **2020 National Building Code of Canada**

- This is the model code from which all provinces/territories/jurisdictions, including Ontario, adopt their building codes.

#### **2018 Vancouver Building Bylaw**

- Vancouver is the only major municipality that continues to administer its own building code rather than adopting the provincial building code (i.e., the British Columbia Building Code).

#### **2021 International Building Code (IBC)**

- The IBC is similar to Canada's National Building Code and provides a model building code for individual states or cities to adopt. For example, the IBC is the model building code for California, New York, and Illinois.

For each of the fire protection or life safety aspects that was examined, the Code Consultant then set out various options towards achieving compliance with the Ontario Building Code. These options are intended to provide building owners and operators with a "menu" of available means to achieve compliance so that they can determine which is the most practical solution when considering costs, timing/duration of construction, potential disruption to tenants, etc.. There are a multitude of options available and likely a high degree of variability of upgrade or renovations that may be necessary for their building to comply with the Ontario Building Code. Compliance with the Ontario Building Code has been described in the report through:

- the application of the "Acceptable Solutions" identified in Division B of Part 9,
- the application of "Compliance Alternatives" identified in Division B, Part 11, and
- the application of "Alternative Solutions" as described in Division A, Part 1.

The options towards achieving compliance with the Ontario Building code for "boarding, lodging, and rooming house" fire protection and life safety requirements, as described by the Code Consultant are intended to provide a level of fire protection and life safety that at least equals the minimum acceptable levels established by the requirements of the Ontario Building Code.

### **Costing Analysis**

A further component of the study was to investigate construction related costs associated with renovations that may be required to comply with the Ontario Building Code. Ideally, a package of generic alternative compliance measures that could be applied to typical conversions would be available with a means to identify a general cost

associated with that solution. However, as the technical analysis showed there is a range of options available to achieve compliance depending on the building aspect that needs to be addressed.

While there may be common issues that are encountered, the means selected to achieve compliance may be dependent on a number of factors that would include an evaluation of cost and of risk and that would be particular to that building.

A significant consideration is how the most appropriate solution has been determined. A typical owner/operator may not possess appropriate technical knowledge with respect to multi-tenant housing conversions. There are limitations to how a municipality may advise a building owner, or operator on how compliance with the Ontario Building Code, or Ontario Fire Code can be achieved, or of the available options, which is the most appropriate from a cost and constructability perspective. Additionally, there is enough variability in housing types and the age of housing, with differing sizes and construction materials or techniques used, that each would either benefit from, or perhaps require, a specific analysis to evaluate the most appropriate approach to compliance for a given compliance issue or the building as a whole.

The study recommends that operators would benefit from engaging the services of a design professional that has a demonstrated experience in the application of Part 11 (Renovation) of the Ontario Building Code to residential occupancies to complete an engineering analysis to determine the most appropriate and/or cost-effective solution to the Ontario Building Code requirements for their specific building. The study estimates that the cost for these professional services would be in the range of \$10,000 to \$25,000 exclusive of project specific alternative solutions.

Work is underway by Toronto Building to support design professionals assisting operators with permit applications. City developed guidelines and checklists, based on the Building Code evaluation will help with the engineering evaluation to assess and recommend compliance approaches.

The intention of this approach is to facilitate the timely review of the building permit application by Toronto Building (i.e., reduce the potential of delays) in consideration that the technical analysis has been completed and the compliance approach articulated. This approach is also expected to reduce the potential of “surprise” costs related to compliance with the Ontario Building Code in consideration that an evaluation of costs and constructability will have been completed by the owner/operator prior to the submission of a building permit.

## **Conclusion**

The City is taking action to help designers and multi-tenant operators navigate and comply with Ontario Building and Ontario Fire Code requirements. Toronto Building and Toronto Fire Services have undertaken a Codes evaluation for multi-tenant houses. The results of this study are now being used to develop publicly accessible guides to create efficiency, clarity and transparency into the design and permit application process. Toronto Building, in consultation with Toronto Fire Services and other divisional

partners, is continuing with similar studies to address code challenges with other housing types (e.g., garden suites).

## **CONTACT**

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Dylan Aster, Director, Policy and Strategic Support/A, Toronto Building,  
416-338-5737, [dylan.aster@toronto.ca](mailto:dylan.aster@toronto.ca)

Larry Cocco, Deputy Fire Chief & Director, Toronto Fire Services,  
416-338-9052, [larry.cocco@toronto.ca](mailto:larry.cocco@toronto.ca)

## **SIGNATURE**

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Kamal Gogna, P.Eng.  
Chief Building Official & Executive Director/A  
Toronto Building