

# Secondary Dwelling Units

## in Greater Sudbury



**An  
Information  
Guide for  
Homeowners**

# 1

## Section

# New Provisions in the City of Greater Sudbury

On July 12, 2016, City Council approved the amendment to the Official Plan and Zoning By-law 2010-100Z to permit Secondary Dwelling Units within the City of Greater Sudbury. These policies were updated in 2020 to permit up to two Secondary Dwelling Units on a property, for a total of up to 3 dwelling units.

This follows The Strong Communities through Affordable Housing Act, which requires that municipalities across Ontario amend their planning documents to facilitate the creation of secondary units. Secondary dwelling units provide a form of affordable housing and help owners offset the cost of home ownership.

Example of  
a Secondary  
Dwelling  
Unit setup



# 2

## Section

# Types of Secondary Dwelling Units

### What is a Secondary Dwelling Unit?

A secondary dwelling unit is a separate living space with a kitchen, bathroom, sleeping and possibly shared laundry facilities or a space with the required connections and hook-ups, located on the same property as your house (detached, semi-detached, row or street townhouse). You can live in it, allow your family members to live in it, or rent it. It cannot be severed from the lot of the primary dwelling unit and/or sold.

There are three different types that may be constructed in the City of Greater Sudbury:



(Interior Alteration)



#### Within A Primary Dwelling Unit

- Located within existing house
- For example: basement apartment
- Laundry room may be private or shared
- Must be registered under the City of Greater Sudbury Secondary Dwelling Units Registration By-law 2017-14



(Addition)



#### Attached Secondary Dwelling Unit

- Attached to existing house
- Laundry room may be private or shared
- Must be registered under the City of Greater Sudbury Secondary Dwelling Units Registration By-law 2017-14



(Accessory Structure)



#### Detached Secondary Dwelling Unit

- Located in a detached accessory structure
- For example: a detached garage, new accessory structure or addition to accessory structure
- Laundry facilities must be within accessory structure
- Must be registered under the City of Greater Sudbury Secondary Dwelling Units Registration By-law 2017-14

# 3

## Section

# Zoning Requirements for Creating a New Secondary Dwelling Unit(s)

## 3A

There are basic requirements that must be met before an authorized secondary dwelling unit can be created.

Under By-law 2010-100Z, a maximum of two secondary dwelling units can be created per lot providing the property meets the following requirements:

1	The primary dwelling unit must be a single family, semi-detached, row or street townhouse dwelling, or a building accessory thereto.
2	One secondary dwelling unit is permitted within the primary dwelling and one secondary dwelling unit is permitted within an accessory building on a lot.
3	An addition or exterior alteration to a primary dwelling to accommodate a secondary dwelling unit is permitted provided that it does not result in the creation of an additional entrance to the main building façade that faces a public road, an additional exterior entrance above the first storey, or additional exterior stairs, or stairwells for entrances below finished grade along a wall facing a public road.
4	The property must be able to accommodate an additional parking space which may be permitted in the required front yard to a maximum of 50% of the width of the minimum lot frontage, or the maximum driveway width, whichever is lesser. Where a private garage has been converted to a secondary dwelling unit, the required parking area for the primary dwelling and the secondary dwelling unit may be permitted in the required front yard to a maximum of 50% of the width of the minimum lot frontage or the maximum driveway width, whichever is lesser. The parking space for a secondary dwelling unit may be a tandem parking space.
5	Secondary dwelling units in accessory buildings on Rural, Agricultural, and Rural Shoreline Zones cannot exceed 45% of the gross floor area of the primary dwelling and must be located no more than 30 metres from the main house at their closest.
6	Secondary dwelling units in accessory buildings cannot be in the form of a mobile home dwelling in any Residential, Commercial and or Future Development Zones.
7	Secondary dwelling units in accessory buildings may be in the form of a mobile home dwelling in any Rural, Agricultural and Rural Shoreline Zones.
8	On lots in residential zones that do not abut a shoreline, accessory buildings or structures containing a secondary dwelling unit shall only be permitted in a rear or interior yard.
9	The secondary dwelling unit must be registered as stated in the “Registration of Secondary Units” By-law 2017-14.

## 3B

### When am I not allowed a Secondary Dwelling Unit?

#### Secondary dwelling units are not permitted:

1. Within a dwelling that is deemed to be a permitted use in Section 4.16 of Zoning By-law 2010-100Z;
2. Within a dwelling located in a Environmental Protection (EP) Zone;
3. Within a dwelling that is permitted accessory to a permitted non- residential use in Section 4.40.2 of Zoning By-law 2010-100Z;
4. On a lot containing a garden suite;
5. Within a building or structure accessory to 1), 2) or 3) above; or
6. Accessory to a duplex dwelling.

## 3C

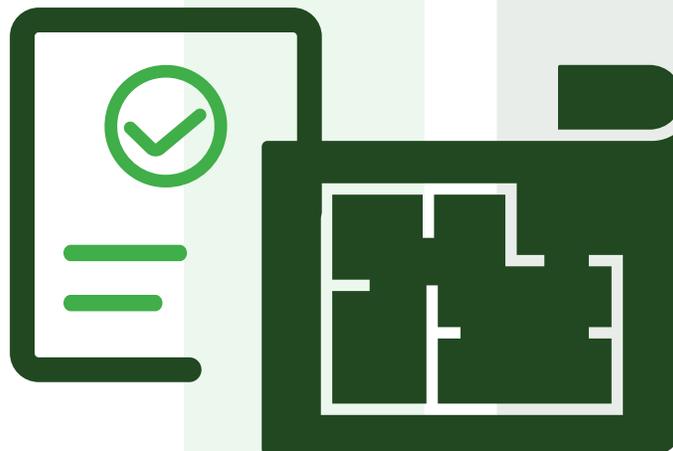
### What Is Legal Non-Conforming Status and how is it obtained?

**Legal non-conforming status applies to a use that was legally established prior to the passage of a zoning by-law which no longer permits that use. In order to apply for legal non-conforming status, a lawyer must send a letter requesting that the dwelling be reviewed for legal non-conforming status, provide evidence to prove that the secondary unit has continued to be in existence prior to any zoning by-law being in place and provide the required fee.**

Once a request for legal non-conforming status has been submitted, an investigation of all City of Greater Sudbury records and any other available records will be assessed to determine if the legal non-conforming status will be granted by the Chief Building Official.

If a legal non-conforming status is granted, the owner will need to contact City of Greater Sudbury Fire Prevention Services to request a fire retrofit inspection and pay the required fee. Fire safety requirements for an existing secondary unit are found in the Ontario Fire Code, Section 9.8 “Two Unit Residential Occupancies”. Further upgrading may be required and a building permit may be required to start that work.

If a legal non-conforming status is not granted, the owner will be required to obtain a building permit and follow the requirements in **Section 5**.



# 4

## Section

# How Do I Legalize A Secondary Dwelling Unit

## 4A

### For new secondary units created after July 12, 2016:

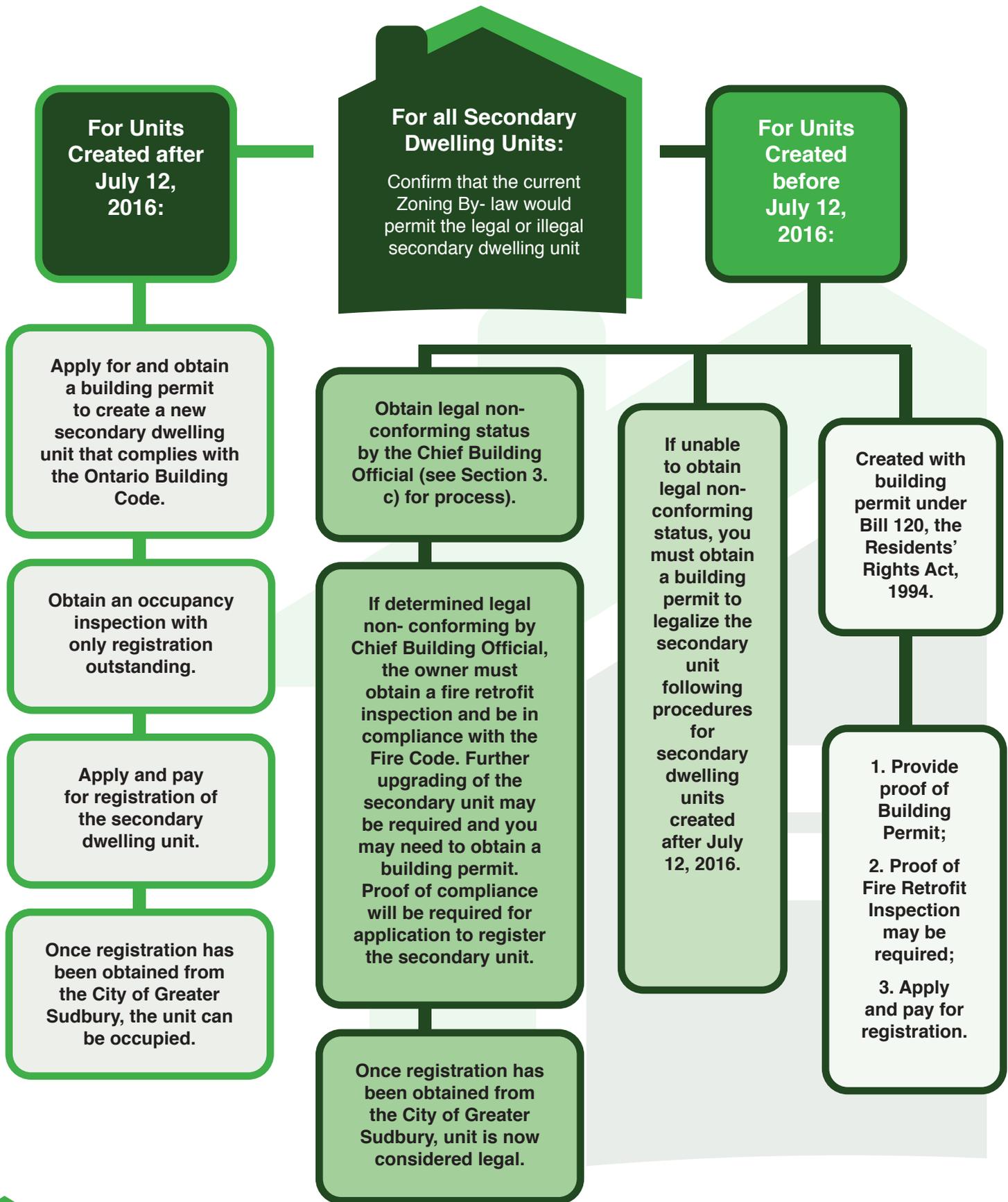
- i. Confirm that the proposed secondary unit is permitted in Zoning By-law 2010-100Z.
- ii. Apply for a building permit to create a new secondary dwelling unit that complies with the Ontario Building Code.
- iii. Prior to issues of your building permit, you will be required to complete registration of the secondary unit including payment of the fee for registration. Once the building permit is issued, the accessory dwelling unit is constructed and an occupancy inspection is conducted confirming there are no outstanding items prohibiting occupancy.
- iv. The owner can obtain an occupancy permit and the unit can be occupied.

## 4B

### For secondary units created prior to July 12, 2016:

- i. Confirm that the current Zoning By-law would permit the illegal secondary unit.
- ii. There are two ways to determine if the secondary unit is legal; Obtain a legal non-conforming status by the Chief Building Official or obtain a building permit to legalize the secondary unit.
- iii. If the Chief Building Official determines that the secondary unit has legal non-conforming status, the owner must obtain a fire retrofit inspection and be in compliance with the Fire Code. Further upgrading of the secondary unit may be required and you may need to obtain a building permit. Proof of compliance will be required for registration of the secondary unit.
- iv. Note that secondary units built before July 12, 2016 that have legal non-conforming status, and were not subject to a building permit under Bill 120, are considered to be a duplex and are not eligible for secondary unit status nor a tertiary unit in the future.





# 5

## Section

# Ontario Building Code Requirements for Creating Secondary Units

## 1. Creating a Secondary Unit in a New House or New Accessory Building

All provisions in Part 9 – Ontario Building Code (OBC) are required to be incorporated in your design as listed in the “Checklist for Creating a Secondary Dwelling Unit”.

## 2. Renovations to Buildings Less Than Five Years Old

All provisions in Part 9 – Ontario Building Code (OBC) are required to be incorporated in your design as listed in the “Checklist for Creating a Secondary Dwelling Unit”.

## 3. Renovations to Buildings More Than Five Years Old

Part 11 – Compliance Alternatives for Residential Occupancies will apply to these houses and will provide some relief with respect to the Ontario Building Code. Part 11 provisions of the Ontario Building Code will be required in your design as listed in the “Checklist for Creating a Secondary Dwelling Unit”.

## 4. New Additions to Existing Buildings

All provisions in Part 9 – Ontario Building Code (OBC) are required to be incorporated in your design for the new addition as listed in the “Checklist for Creating a Secondary Dwelling Unit” Part 11 – Compliance Alternatives for Residential Occupancies will apply to the existing building.

## 5. Designer Requirements

The owner or a qualified designer with a Building Code Identification Number (BCIN) will be required to provide a design for your secondary unit, meeting all applicable Ontario Building Code requirements to the satisfaction of the Chief Building Official.

## Checklist for Converting a Single Family Dwelling Unit to Two Units Ontario Building Code (OBC) Compliance

The following items should be checked when preparing an application for a secondary dwelling unit. Although every application is different, this list should represent the bulk of the items that are to be checked. (see page 8 for check list)



**Note:** Where compliance cannot be attained through OBC Part 9, OBC Part 11 can be utilized if the dwelling has been in existence for 5 years or more.

ITEM	PART 9 – OBC	CODE REFERENCE	PART 11 – Compliance Alternative
<b>Fire Resistance Rating</b>			
1	Floor assembly between the two dwelling units is to be a 45 min fire rated separation	9.10.9.14 9.10.8.1	C152 C147
2	Structural elements supporting fire rated assemblies are to have a 45 min fire rating	9.10.8.3	C147
3	Wall assemblies around the furnace and other common areas (i.e. public corridor, common laundry room) are to be a 45 min fire rated separation	9.10.9.14 9.10.9.15	C152
4	Exit enclosure is to be a 45 min fire rated separation	9.9.4.2	C121
<b>Sound Transmission Rating</b>			
1	Wall and floor assemblies separating the two dwelling units are to have a 50 STC	9.11.2.1	n/a
Note: This is only if the ceiling requires renovations. If no renovation is required, then current STC is acceptable.			
<b>Number of Exits and Exposure</b>			
1	Minimum of one exit to the exterior is to be provided	9.9.8.2 9.9.9.1 9.9.9.3	C134 C136
2	Exit stair to be protected from fire exposure	9.9.4.4 9.9.4.6	n/a
<b>Room Size and Dimensions</b>			
1	Room sizes, doorway sizes and ceiling heights	9.5	C102 C103 C104
<b>Windows and Spatial Separation</b>			
1	Window sizes	9.7	C107 C108
2	Bedroom windows	9.9.10.1	C137
3	Spatial separation	9.10.15	C171 C172
<b>Alarms</b>			
1	Smoke alarms	9.10.19	C175
2	Carbon monoxide alarms	9.33.4	C197
<b>Heating, Ventilation &amp; Air Conditioning (HVAC)</b>			
1	Heating system	9.33	C195
2	Ventilation	9.32	C194

# 6

## Section

# How Do I Register My Secondary Dwelling Unit?

## Voluntary Registration

If you have a dwelling unit created by site-specific zoning by-law amendment, have obtained a building permit to create a unit in compliance with the Ontario Building Code and meet the criteria for secondary dwelling units, you are eligible to register your second dwelling unit as part of the Registration of Secondary Dwelling Units By-law (fee required).

This will ensure that you have the same benefits of having your legal second dwelling unit listed on the public registry as someone creating a secondary dwelling unit as defined in Zoning By-law 2010-100Z.

# 7

## Section

# Identification/Addressing for New Unit

1. To signify to emergency responders and way finders the presence of a registered Secondary Dwelling, every Owner of a property on which there is a registered secondary dwelling unit, shall:
  - a. place or cause to be placed, the letters SU in a location immediately below the municipal street number on the building; and
  - b. maintain in place or cause to be maintained in place, the letters SU in the location described in 12(1)(a) of the Registration of Secondary Units By-law 2017-14.
2. The Owner shall ensure that the letters SU required under subsection 12(1) of the Registration of Secondary Units By-law 20147-14 meet the following requirements. The letters used shall be:
  - a. no less than
    - i. 3 inches in height if the building setback from the street line does not exceed 10 feet;
    - ii. 4 inches in height if the building setback from the street line does not exceed 30 feet;
    - iii. 6 inches if the building setback from the street line does not exceed 50 feet; and
    - iv. a size approved in writing by the Chief Building Official if the building setback from the street line exceeds 50 feet.
  - b. in printed format, not in cursive;
  - c. in a contrasting color to the background; and
  - d. clearly legible in both daylight and at night, when viewed from the street.



For more information please contact the Building Services Department at 705 674-4455, extension 4278.