

No. B19-04  
June 26, 2019

## **Proposed Changes to Requirements for Secondary Suites in the BC Building Code 2018**

The purpose of this bulletin is to provide information about proposed changes to the British Columbia Building Code 2018 (BC Code) for the design and construction of new secondary suites.

### **Legislation**

Part 14 of the *Local Government Act* [RSBC 2015] enables local governments and the Islands Trust to regulate the use of land and buildings as well as the density of the use of land and buildings within their jurisdiction, which includes establishing limitations on floor space and the number of units permitted on a lot.

Part 2 of the *Building Act* [SBC 2015] establishes the Province as the primary authority to establish building requirements.

### **Background**

The BC Code introduced requirements for secondary suites in November 1995, ahead of the National Building Code (NBC) development of secondary suite requirements. The BC Code requirements have not been substantially updated since 1995. There are some differences between the BC Code and the NBC requirements.

The proposed changes:

- harmonize with the form and approach of the NBC, and most of its technical requirements;
- incorporate historical requirements from the BC Code that provide a higher level of health and safety; and
- adapt some requirements based on application to existing buildings and to coordinate with other requirements.

Current land use bylaws may be based on previous code requirements and some local authorities may wish to review and amend their bylaws to permit more secondary suites, in more building types.

Allowing the construction of more secondary suites in more building types helps create more housing units while providing an acceptable level of health and fire safety to occupants. Secondary suites also help provide more affordable housing options, and by making more efficient use of land and infrastructure, they support community vitality and sustainability.

The Province of British Columbia (BC) is working to remove barriers to secondary housing forms including secondary suites. Mid-cycle revisions to the BC Code are proposed to increase options for the design and construction of new secondary suites in buildings.

## Proposed Changes to the BC Building Code

Part 2 of the *Building Act* [SBC 2015] establishes the Province as the primary authority to establish building requirements.

The BC Code **currently** defines a *secondary suite* as “a *dwelling unit*

- having a total floor space of not more than 90 m<sup>2</sup> in area,
- having a floor space less than 40% of the habitable space of the *building*,
- located within a *building* of *residential occupancy* containing only one other *dwelling unit*, and
- located in and part of a *building* which is a single real estate entity.”

The **proposed** definition is that a *secondary suite* means “a self-contained *dwelling unit* located within a *building* or portion of a *building*

- completely separated from other parts of the *building* by a vertical *fire separation* that has a *fire-resistance rating* of not less than 1 h and extends from the ground or lowermost assembly continuously through or adjacent to all *storeys* and spaces including *service spaces* of the separated portions,
- of only *residential occupancy* that contains only one other *dwelling unit* and common spaces, and
- where both *dwelling units* constitute a single real estate entity.”

Final wording will be determined pending feedback received through the target and public reviews.

The current definition places limits on floor space as a mechanism to moderate fire load and occupant load. It is proposed to **discontinue the prescribed floor space amounts and percentage distribution**. It cannot be assumed that the owner occupies one of the dwelling units, nor that the occupant of the dwelling unit has any control over the secondary suite or its occupants as a means of increasing the level of safety. Instead new requirements, as well as some existing and revised requirements, are intended to moderate risks attributed to fire load and occupant load as compensatory measures. This proposed change to floor space may also impact local government land use bylaws.

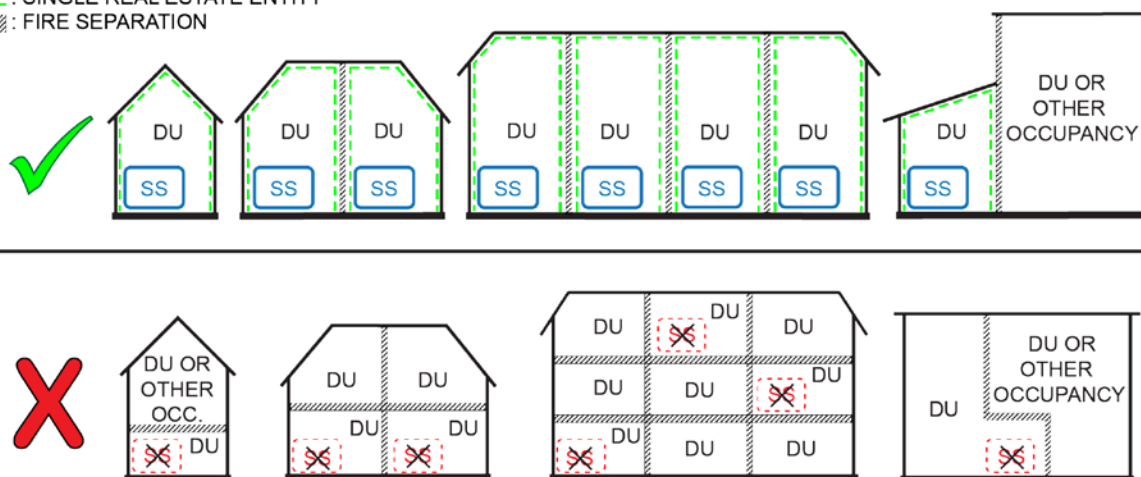
It is also proposed to adopt and adapt permissions in the NBC to **allow the construction of secondary suites in a building that may contain more than one dwelling unit or other occupancy**. These permissions are limited and only apply where the primary dwelling unit and its secondary suite are completely separated from other parts of the building with continuous vertical fire-rated construction. These permissions do not apply where any portion of the primary dwelling units and its secondary suite are above or below another dwelling unit or other occupancy.

Examples where secondary suites would be permitted are in semi-detached houses (half of a double and known as a side-by-side) and also row houses where a vertical fire separation separates the portion with the dwelling unit with the secondary suite from the remainder of the building. Examples where secondary suites are not permitted are up/down duplexes and apartment buildings where dwelling units are above or below other dwelling units.

The following illustration provides examples where secondary suites would be permitted and not permitted under the proposed changes.

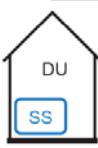
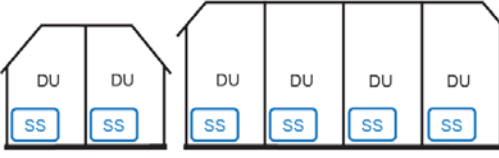
The definition of secondary suite in the BC Code is not to be confused with terms in land use bylaws. Land use bylaws may define or use the term secondary suite to describe housing types. The term might carry a different meaning in bylaw than the meaning assigned in the BC Code. It is often appropriate to set aside the BC Code terms when considering land use and zoning matters.

DU: DWELLING UNIT  
SS: SECONDARY SUITE  
[Green dashed line]: SINGLE REAL ESTATE ENTITY  
[Hatched line]: FIRE SEPARATION



## Comparison of Proposed Changes to Current British Columbia Building Code 2018

The following table identifies proposed changes that may impact land use planning.

Comparison of Proposed Changes to Current BC Code that May Impact Land Use		
Provision	Current BC Code 2018	Proposed Change
<b>Total floor area of the secondary suite</b>	A secondary suite shall have a total floor space of not more than 90 m <sup>2</sup> in area.	<b>No limit</b> to floor space of a secondary suite.
<b>Percentage distribution of the floor space of the secondary suite to the habitable space of the building</b>	A secondary suite shall have a floor space less than 40% of the habitable space of the building.	<b>No limit</b> to the percentage distribution of the secondary suite to the habitable space of the building.
<b>Building type where secondary suites are permitted</b>	A secondary suite shall be located within a building of residential occupancy containing only one other dwelling unit. 	The building may contain other dwelling units or occupancies that are horizontally adjacent; they may not be located above or below each other. 
<b>Real estate entity</b>	A secondary suite shall be located in and part of a building which is a single real estate entity.	<b>No change</b> ; the secondary suite and the principal dwelling unit in the house constitute a single real estate entity; the secondary suite may not be strata-titled or otherwise subdivided from the principal dwelling unit.

### Implications

Including solutions for design and construction of secondary suites in the BC Code does not allow owners to contravene land use bylaws. The proposed changes only provide acceptable design and construction solutions. Since the BC Code has historically placed limitations on secondary suites and the type of buildings (single detached house) where they are permitted, it is probable that land use bylaws were developed in coordination with those limitations. If local authorities decide to permit secondary suites in more building types, they may need to amend land use bylaws accordingly.

The proposed changes provide local authorities with more options for land use planning.

## Resources

A draft version of the proposed definition of “secondary suite” is also included in the Appendix to this bulletin. Please review the summary of proposed changes shown with mark-ups for additional information not contained in this bulletin.

## More Information

Please direct any questions about land use bylaws to:

Ministry of Municipal Affairs and Housing  
Planning and Land Use Management Branch  
Telephone: 250-387-3394  
Email: [PLUM@gov.bc.ca](mailto:PLUM@gov.bc.ca)

Please direct any questions about technical code requirements to:

Ministry of Municipal Affairs and Housing  
Building and Safety Standards Branch  
Telephone: 250-387-3133  
Email: [Building.Safety@gov.bc.ca](mailto:Building.Safety@gov.bc.ca)

## Appendix

### Draft Version of the Proposed Definition of “Secondary Suite”

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**Secondary suite** means a self-contained *dwelling unit* located within a *building* or portion of a *building*

- completely separated from other parts of the *building* by a vertical *fire separation* that has a *fire-resistance rating* of not less than 1 h and extends from the ground or lowermost assembly continuously through or adjacent to all *storeys* and spaces including *service spaces* of the separated portions,
  - of only *residential occupancy* that contains only one other *dwelling unit* and common spaces, and
  - where both *dwelling units* constitute a single real estate entity.
- (See Note A-1.4.1.2.(1) of Division B.)

#### A-1.4.1.2.(1) Defined Terms.

##### Secondary Suite

A secondary suite is a self-contained dwelling unit that is part of a house containing not more than two dwelling units (including the secondary suite) and any common spaces such as common storage, common service rooms, common laundry facilities or common areas used for egress. Secondary suites are typically created within an existing single dwelling building (house) either constructed as an addition or an alteration to an existing house or incorporated during the construction of a new house. A secondary suite may have more than one storey and may be on the same level as the principal dwelling unit of the house or be above or below it.

Examples of buildings where secondary suites are permitted include individual detached houses, or where the secondary suite is located in a portion of a building, semi-detached houses (half of a double and also known as a side-by-side) and row houses where a vertical fire separation separates the portion from the remainder of the building.

Where a building has multiple vertically separated occupancies, the secondary suite can only be created in a vertically separated portion of the building that is of residential occupancy. A vertical fire separation that extends continuously through all crawlspaces, storeys and attic spaces of the building is required to vertically separate portions of a building. Apartment buildings have dwelling units above and below others that share a horizontal assembly and are therefore not permitted to have secondary suites. Figure A-1.4.1.2.(1)-C shows building types where secondary suites are permitted as well as building types where other dwelling units or other occupancies are located above or below such that secondary suites are not permitted.

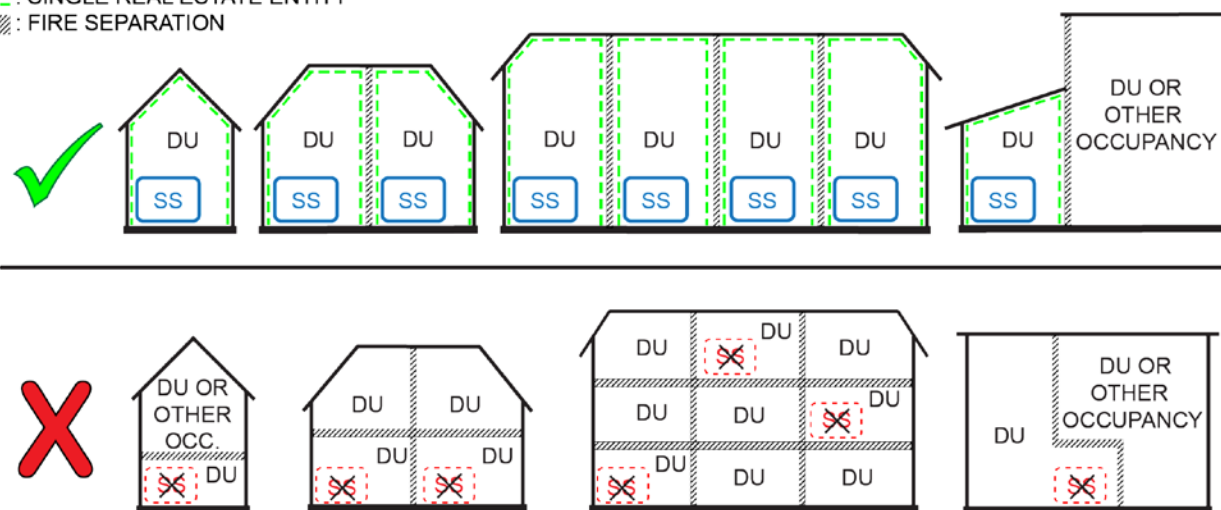


DU: DWELLING UNIT

SS: SECONDARY SUITE

□: SINGLE REAL ESTATE ENTITY

▨: FIRE SEPARATION



**Figure A-1.4.1.2.(1)-C**

Building Types where Secondary Suites are Permitted

Neither the secondary suite nor the other dwelling unit in a house with a secondary suite can be strata-titled or otherwise subdivided from the remainder of the house under provincial or territorial legislation. This means that both dwelling units in the house are registered under the same title.