



# The Corporation of The Town of Amherstburg

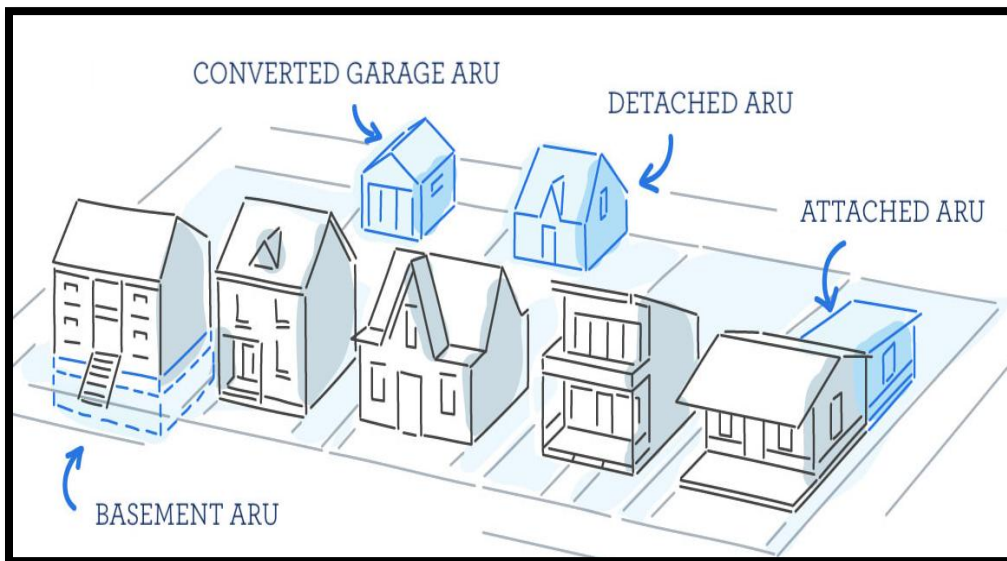
## BUILDING DEPARTMENT

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<https://www.amherstburg.ca/en/town-hall/building-applications-permits.aspx>



## GUIDE TO ADDITIONAL RESIDENTIAL UNITS

Version: 2026

## **Why is the Town of Amherstburg permitting Additional Residential Units?**

The province released The Strong Communities through Affordable Housing Act (Bill 108), which requires municipalities across Ontario to amend their planning documents to facilitate the creation of Additional Residential Units (ARU's) to provide a form of affordable housing for the community.

This document is for information purposes only. It is required that a qualified designer (BCIN designer, Architect or Engineer) be retained for the purpose of design and for code compliance.

## **What are Additional Residential Units?**

An ARU is a self-contained dwelling unit with a private kitchen, bathroom facilities and sleeping facilities. Here are some types of ARU's.

- 1) Interior conversion to an existing dwelling (ex. Main floor unit or Basement unit)
- 2) Conversion of an accessory structure (ex. Garage)
- 3) Building a detached stand-alone new structure
- 4) Building an addition to an existing dwelling to create an ARU.

The ARU's can be located in your house or on your property as an accessory structure, laneway garage, coach house, etc. They are also referred to as basement apartments, accessory apartments, in-law apartments, granny suites, or additional dwelling unit.

## **Where can Additional Residential Units be located in Amherstburg?**

The provisions for ARU's within the Town of Amherstburg came into effect in November 2019. The towns comprehensive Zoning By-Law and Official Plan were amended to permit ARU's in settlement areas (residential) and rural areas (agricultural) in accordance with the Provincial Policy and Planning Act.

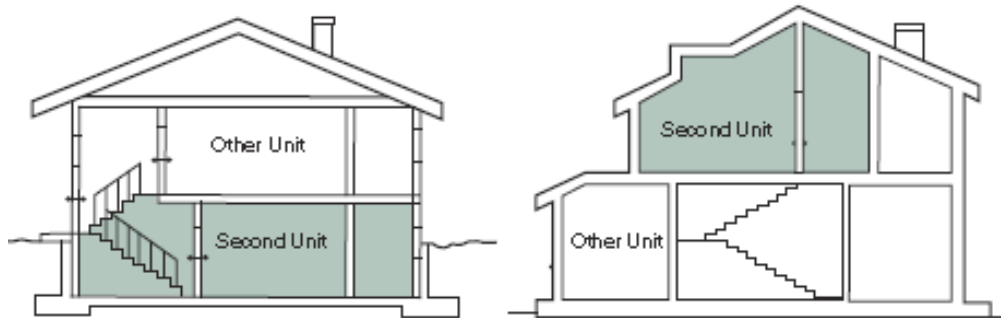
Although ARU's often take the form of basement apartments, they may occupy an upper floor, or the back part of a house; they are also permitted in an accessory structure.

ARU's may be in a single detached, semi-detached, or in an accessory structure within the Residential or Agricultural Zones. ARU's in an accessory structure must have a minimum floor area of 30 square meters (323 square feet) and must be in the rear yard or an interior side yard of the property.

Additional approval by the Essex Region Conservation Authority is required if your property falls within their regulated area/zone. Please contact the Amherstburg Planning department if you have any questions related to where your ARU will be located.

## **How many Additional Residential Units am I permitted to have on my property?**

You are permitted to have up to two ARU's on your property (maximum of three dwellings per property). One ARU within a dwelling unit which is subordinate in size to the main living space, (ex. In a lower level or second storey of a dwelling) and have one ARU in an accessory structure. All zoning provisions including accessory structure size and lot coverage must be complied with.



## **Regulations that apply to all Additional Residential Units**

- 1) **Zoning** – All Municipal Zoning and By-laws shall be complied with.
- 2) **Addressing** – Building/Planning will assign an address. The Municipal address must be clearly visible from the street.
- 3) **Size** - The minimum gross floor area for an ARU within an accessory structure is 30m<sup>2</sup> (323 sf).
- 4) **Parking** - A minimum of one (1) parking space is required for the ARU, in addition to the parking required for the primary dwelling. Tandem parking is permitted to accommodate parking for the second unit. A request for a Secondary driveway entrance shall be brought forward to our Public Works Department.
- 5) **Building Code** – All Ontario Building Code requirements shall be complied with.
- 6) **Building Permits** – A building permit is required for all ADU's. This is to ensure that construction meets the minimum standards set out in the Ontario Building Code.
- 7) **Building Inspections** – All Building Code inspections shall be passed before occupying the secondary unit.
- 8) **Sanitary Services** – All ARU's shall be connected to Sanitary sewers.
  - a. The connection may occur within the existing dwelling (Building Drain) or within the property before the property line (Building Sewer). A separate sanitary connection to the main sewer will not be permitted.
  - b. For properties served by a septic system, adding an ARU will require the existing septic system to be evaluated by a certified septic designer and/or installer. The septic system may have to be upgraded or replaced to handle the additional sewage loading.
- 9) **Storm water outlet** – All downspouts shall be splashed on grade. Connecting downspouts to the Municipal storm sewers are not permitted. A sump pump (if applicable) shall be the only outlet connected to the Municipal storm sewer system.
- 10) **Water Services** – The water service shall be connected to the main dwelling or a meter pit on the property. A separate water service will not be permitted.
- 11) **Electrical** – Electrical permits are still required. Please contact Ontario Electrical Safety Authority (ESA) for permits.

## **Additional regulations that apply to Additional Residential Units in accessory structures**

- 1) Size – The ARU shall be smaller than the primary dwelling unit and be larger than 30m<sup>2</sup> (323sf). Zoning provisions for accessory structures shall still apply regarding the 10% coverage. Please reference our Zoning By-law or contact our Planning Department for more information regarding zoning regulations.
- 2) Location – The ARU shall be location in the rear or interior yard and within 20m (65'-8") of the primary dwelling.
- 3) Setbacks – minimum 1.2m (4'-0") setback to the property line shall apply.
- 4) Height – Maximum height for the accessory structure shall be 5.5m (18'-0") to the peak of the roof.

## **What do I need to Submit for a Building Permit for an Additional Residential Unit?**

Every project will require an application to construct or demolish. This can be found on our website at [www.amherstburg.ca](http://www.amherstburg.ca) under the Building Department section.

The following is a list of required documents for new applications for secondary suites:

- Application to Construct or Demolish
- Schedule 1: Designer form
- Energy Efficiency Design Sheet (EEDS)
- Scaled construction drawings.
  - Site plan (1/16" = 1'-0")
  - Foundation plan (3/16" = 1'-0")
  - Floor plans (3/16" = 1'-0")
  - Elevations (3/16" = 1'-0")
  - Sections and details (1/2" = 1'-0")
- Engineering drawings (where required)
- Other approvals (as required) ERCA, Septic System Design Evaluation (may require soil reports)

Please note that incomplete applications or plans will not be accepted.

## **What fees and costs are associated with an Additional Residential Unit?**

There are costs associated with applying for a building permit. The following list is a summary of what charges may apply. Not all ARU's are the same and additional charges/fees may apply to your project.

- Secondary Units – within existing dwellings - \$1.40 / sf
- Secondary Units – within new dwellings - \$1.40 / sf
- Secondary Units – within existing accessory structures - \$1.30 / sf
- Secondary Units – within new accessory structures - \$1.40 / sf
- Deck / Porches - \$1.10 / sf (Min. \$200.00) – if applicable
- Plumbing - \$107.00 + \$15.00 / fixture
- Heating - \$157.00
- Septic - \$975.00 – if applicable
- Residential Indemnity Deposit - \$1000.00
- Indemnity fee - \$65.00

Link to fees page: <https://www.amherstburg.ca/business-and-development/building-services/development-charges-fees-by-laws/>

An additional fee of \$86.00 may be charged or retained for inspections not being ready. Please reference the general building fees for any additional charges that may apply.

The indemnity deposit will be returned upon clearance of the building permit. Indemnity refunds are valid for up to three (3) years from the date the permit is issued after which the indemnity will be non-refundable.

Please be advised that part, or all the indemnity fees may be seized for the following but not limited to:

- 1) Public property is damaged.
- 2) Public facilities are disturbed or damaged, i.e. manholes, water valves, hydrants, service clean-outs, shut-offs, hydro poles, transformers, etc.
- 3) Public roads are disturbed with cuts, tracks, dirt, dust, etc. **Roads must be kept clean on a daily basis.**
- 4) Public services are used without permission, etc.

A \$86.00 fee will be retained for repeat inspections, due to work not being ready.

**Indemnity fees are not transferable to third parties.**

### **How long does it take to get my permit and when can I start?**

Residential building permits are usually issued within 10 business days of a complete application being submitted. All other approvals are required (eg: ERCA, Essex County Roads, ETC), for an application to be considered complete. Applications that are incomplete because of missing or incorrect information will be delayed. **No work can commence** until the permit has been issued and all fees have been paid.

### **What inspections are required and how are they scheduled?**

Requesting inspections is the responsibility of the homeowner and/or contractor of the project. It is their responsibility to ensure the work is complete and ready for the inspector. Any work covered up before the inspection must be uncovered for proper inspection. In addition to the above, the builder is responsible for providing the permit drawings on site at the time of the inspection.

Inspections can be requested through "Cloudpermit" and will require to be confirmed with our office. Please understand that a requested inspection time is not approved until the building dept. office accepts the inspection. The requested time may be different from the approved time. You can also schedule inspections by contacting our office at least 24 hours in advance at 519-736-5408. Inspections will be available between 10:00 am to 12:00 pm and 1:15 pm to 3:30 pm.

Each major phase of construction must be inspected to verify the work conforms to the Ontario Building Code. The listed below are the mandatory inspections.

1. **Storm and sanitary** sewer connection inspection – water test required on both services.
2. **Water service line** inspection contact Public Works Department at 519-736-3664.
3. **Footing** inspection – before pouring concrete.
4. **Parge & tar** inspection – before backfilling.
5. **Underground storm completion** Sump pit discharge and rear yard drain connection only. Downspout connections are not permitted.
6. **Grade entry** inspection – rigid insulation installed prior to inspection.
7. **Underground plumbing** inspection – water test or air test.
8. **Rough-In Radon Mitigation** Inspection – Refer to drawing below.
9. **In-floor heating** inspection – air test required.
10. **Rough plumbing** inspection – water test or air test.
11. **Water line inspection** – air test required.
12. **Rough framing** inspection – Provide roof truss and engineered floor joist drawings.
13. **Fire separation** – where required.
14. **Concrete porch rebar** inspection
15. **Fireplace** inspection – before damper installation (WETT Certification required).
16. **Insulation & air/vapour barrier** inspection. (Post attic insulation certificate at the hydro panel location).
17. **Occupancy inspection**
18. **Final Inspection** – Indemnity deposit return. Return if permit is cleared within 3 years of permit issuance.

<u>NOTES</u>

## Prescriptive Requirements for Secondary Units

### Additional Residential Units - Prescriptive Requirements Table

#### Section 9.5 - Design of Areas and Spaces

Minimum Ceiling Heights	Minimum Requirements		Code Reference
All rooms	1950mm	6'-5"	9.5.3.1. (2)
Clear heights under beams and ducts	1850mm	6'-1"	9.5.3.1. (3)
Height over Stairs and ramps	1950mm	77"	9.8.2.2. (3)
Height over Stairs under beams and ducts	1850mm	73"	9.8.2.2. (4)
Minimum Room Areas	Minimum Requirements		Code Reference
Living Area	13.5m <sup>2</sup>	145.3 sf	9.5.3A.1. (1)
Combined Living, Kitchen and Dining Area (for 1 bedroom dwellings)	11m <sup>2</sup>	118.4 sf	9.5.3A.1. (2)
Dining Area (combined with other spaces)	3.25m <sup>2</sup>	35 sf	9.5.3B.1. (1)
Dining Area (not combined)	7m <sup>2</sup>	75.3 sf	9.5.3B.1. (2)
Kitchen Area (2 or more bedrooms dwellings)	4.2m <sup>2</sup>	45.2 sf	9.5.3C.1.
Kitchen Area (1 bedroom dwellings)	3.7m <sup>2</sup>	39.8 sf	9.5.3C.1.
Bedroom Area	7m <sup>2</sup>	75.3 sf	9.5.3D.1.
Bedroom Area (combined with other spaces)	4.2m <sup>2</sup>	45.2 sf	9.5.3D.3.
Master Bedroom Area	9.8m <sup>2</sup>	105.5 sf	9.5.3D.2.
Combined Living, Dining, Bedroom and Kitchen Area (1 bedroom only)	13.5m <sup>2</sup>	145.3 sf	9.5.3E.1.
Bathroom Area	Space for a Water closet, lavatory and bathtub/shower stall A 24" x 75" door shall be provided to a room with a water closet		9.5.3F.1.
Minimum Hallways Widths	Minimum Requirements		Code Reference
Hallway Widths	860mm	34"	9.5.4.1. (1)
Minimum Doorway Sizes	Minimum Requirements		Code Reference
Doorway opening sizes	1890mm	75"	9.5.5.1. (2)
Entrance sizes for secondary suites	810mm x 1980mm	32" x 78"	Table 9.5.5.1.

#### Section 9.7 - Windows, Doors and Skylights

Minimum Window Areas	Minimum Requirements		Code Reference
Laundry, basement recreation room, unfinished basement	Windows not required		Table 9.7.2.3.
Water closet room	Windows not required		Table 9.7.2.3.
Kitchen, kitchen space, kitchen alcove	Windows not required		Table 9.7.2.3.
Living rooms and dining rooms	10% of area served		Table 9.7.2.3.
Bedrooms and other finished rooms not mentioned above	5% of area served		Table 9.7.2.3.

\*\*See Egress from bedrooms in basements - Windows will require to be larger than listed here\*\*

#### Section 9.8 - Stairs, Ramps, Handrails and Guards

Minimum Stair Widths	Minimum Requirements		Code Reference
Minimum Stair Width (Exit Stairs)	860mm	34"	9.8.2.1. (2)

#### Section 9.9 - Means of Egress (Exits)

Minimum Required Exiting	Minimum Requirements		Code Reference
Shared Egress Facilities	Where a dwelling unit is located above another dwelling unit or common space in a house with a secondary suite, the upper dwelling unit shall be provided with a second and separate means of egress where an egress door from that dwelling unit opens onto an exterior passageway that a) has a floor assembly with a fire-resistance rating less than 45 min, b) is served by a single exit stairway or ramp, and c) is located more than 1.5 m above adjacent ground level.		9.9.9.3. (2)
Egress Windows or Doors for Bedrooms	Except where a door on the same floor level as the bedroom provides direct access to the exterior, every floor level containing a bedroom in a suite shall be provided with at least one outside window that a) is openable from the inside without the use of tools, b) provides an individual, unobstructed open portion having a minimum area of 0.35 m <sup>2</sup> with no dimension less than 380 mm, and c) maintains the required opening described in Clause (b) without the need for additional support.		9.9.10.1. (1)
	Except for basement areas, the window required in Sentence (1) shall have a maximum sill height of 1 000 mm above the floor.		9.9.10.1. (2)
	Where a window required in Sentence (1) opens into a window well, a clearance of not less than 550 mm shall be provided in front of the window.		9.9.10.1. (3)

Section 9.10. - Fire Protection		
Minimum Fire-Resistance Ratings	Minimum Requirements	Code Reference
Fire-Resistance Ratings for Walls, Columns and Arches	Light-frame walls, columns, arches and beams as well as loadbearing steel elements that support floors between dwelling units in a house with a secondary suite including their common spaces shall be protected by not less than 15.9 mm thick Type-X gypsum board. (See Note A-9.10.8.3.(2) )	9.10.8.3. (2)
Separation of Residential Suites	Walls and floor-ceiling framing in a house with a secondary suite that separate dwelling units from each other or dwelling units from ancillary spaces and common spaces need not comply with Sentence (1), where the walls and floor-ceiling framing are protected by a continuous smoke-tight barrier of not less than 15.9 mm thick Type X gypsum board installed on a) both sides of walls, and b) the underside of floor-ceiling framing.	9.10.9.16. (4)
	The fire-resistance rating of the fire separation required in Sentence (4) is permitted to be waived where the house with a secondary suite is sprinklered .	9.10.9.16. (5)
Spatial Separation Between buildings	**Please contact the building department**	9.10.14
Minimum Smoke Alarm Requirements	Minimum Requirements	Code Reference
Location of Smoke Alarms	one smoke alarm installed on each storey	9.10.19.3.(1)
	in each sleeping room	
	in a location between the sleeping rooms and the remainder of the storey	
	if the sleepings are served by a hallway, a smoke alarm shall be located in the hallway	
	shared means of egress/common areas	
	installed on or near the ceiling	
Power supply	shall have a visual signaling components conforming to 18.6.3. in the NFPA 72	9.10.19.4.
	be installed with permanent connections to an electrical circuit	
	have no disconnect switch between the overcurrent device and the smoke alarm, and in case the regular power supply to the smoke alarm is interrupted, be provided with a battery as an alternative power source that can continue to provide power to the smoke alarm for a period of no less than 7 days in the normal condition, followed by 4 minutes of alarm.	
Interconnection of Smoke Alarms	Smoke alarms in a house with a <i>secondary suite</i> shall be wirelessly interconnected or interconnected by hard-wiring so that the activation of any one <i>smoke alarm</i> causes all <i>smoke alarms</i> within the house with a <i>secondary suite</i> to sound.	9.10.19.5.
Minimum Sound Transmission (Noise)	Minimum Requirements	Code Reference
STC Ratings	Not less than 50 STC for the separating assembly between dwellings (Dwelling to Dwelling)	5.8.1.1.
Section 9.32. - Ventilation		
Minimum Carbon Monoxide Detectors Requirements	Minimum Requirements	Code Reference
Location of Carbon Monoxide Alarms	adjacent to each sleeping room within the dwelling (ex. hallway	9.32.3.9A.
	on each storey	
	in each sleeping room that contains a fuel-burning appliance or a flue	
	Shares a common wall, floor or ceiling assembly with a room that contains a fuel-burning appliance or flue	
	Shares a common wall, floor or ceiling assembly with a storage garage	
Shares a common wall, floor or ceiling assembly that is adjacent to an attic or crawlspace to which the storage garage is also adjacent.		
Section 9.33. - Heating and Air-conditioning		
Minimum Heating and Cooling Requirements	Minimum Requirements	Code Reference
Heating Systems	Shall be equiped with heating facilities if the unit is occupied during the winter months	9.33.2.
Duct Systems	Shared furnaces for new ARU's are not permitted. See C205 for houses that are greater than 5 years old	9.33.6.13. (7.1)
Shared Duct Systems (Greater than 5 years old)	C205: In a building containing not more than four dwelling units or residential suites , the existing heating or air-conditioning system may be altered to serve more than one dwelling unit or suite , provided smoke alarms are installed in each dwelling unit or suite and provided a smoke detector is installed in the supply or return air duct system serving the entire building which would turn off the fuel supply and electrical power to the heating system upon activation of such detector.	Table 11.5.1.1. - C

**Section 9.31. - Plumbing Facilities**

Minimum Plumbing Requirements	Minimum Requirements	Code Reference
Water supply and Distribution	Water distribution system where a drinking water system is available	9.31.3.1.(1)
	Hot and cold water shall be connected to every kitchen sink, lavatory, bathtub, shower, slop sink and laundry area.	9.31.3.2.(1)
	Cold water shall be run to every water closet	9.31.3.2.(2)
Required Facilities	A kitchen sink, lavatory, bathtub/shower, and water closet shall be provided in every dwelling unit.	9.31.4.1.(1)
	Laundry facilities shall be provided	9.31.4.1A. (1)
	Hot water supply shall be provided in every dwelling	9.31.4.2.(1)
	Floor drains are required in a basement where gravity drainage to a sewer, drainage dietch or dry wall occur.	

**Section 9.34. - Electrical Facilities**

Minimum Electrical and Lighting Requirements	Minimum Requirements	Code Reference
Lighting of Entrances	An exterior light controlled by a wall switch within the building shall be provided at every entrance	9.34.2.1. (1)
Interior Lighting	lighting with control switch shall be provided in kitchens, bedrooms, living rooms, utility rooms, laundry rooms, dining rooms, bathrooms, water-closets rooms, vestibules and hallways	9.34.2.2. (1)
	Every stairway shall be lighted	9.34.2.3. (1)

\*\*Please contact the Ontario Electrical Safety Authority (ESA) regarding electrical permits.\*\*

**Ontario Fire Code**

Shall comply with 9.5 and 9.8 - Please contact the Fire Department if you have specific questions with the Ontario Fire Code Regulations