

# PLANNING & DEVELOPMENT SERVICES

## ADVISORY

### Backyard Suites

#### What is a Backyard Suite?

A backyard suite (also known as a laneway suite, garden suite, carriage house or granny flat) is typically a self-contained dwelling unit that is detached and ancillary to the principal dwelling unit. It can be located with or above a detached garage, or on the same property as an independent structure (as long as the dwelling does not already contain a secondary suite). It provides the basic requirements for living, sleeping, cooking and sanitation similar to that of a secondary suite.

#### Background:

As of June 29, 2022, City Council has approved a zoning bylaw amendment to allow for the construction of backyard suites that are detached from the primary dwelling. Because the NBC defines “secondary suite” as being a self-contained floor area located in a building of residential occupancy with only one other dwelling and common space, backyard suites are not considered secondary suites. Therefore, increased requirements exist for backyard suites depending on their design and construction.

The following building code requirements are intended to guide applicants to applicable parts of the code and indicate what exceptions may be provided, given the proposed design of the backyard suite, while ensuring the intent of the National Building Code of Canada is met without posing undue risk to the occupants, primary dwelling, or neighboring properties.

#### Building Code Requirements

##### General overview

When considering converting an existing structure into a backyard suite, or constructing a new building for this purpose the following building code requirements may apply but are not limited to:

- Engineered foundation design/verification of existing foundation
- 1 hour fire resistance rated assemblies between the storage garage and the backyard suite
- Spatial separation requirements conforming to Subsection 9.10.15. for all sides of the building including between the primary dwelling and the backyard suite
- Energy efficiency compliance (if applicable)
- Damproofing of floors-on-ground as per 9.13.2.6
- Soil gas control (including rough in for a radon extraction system) as per 9.13.4
- Environmental separations
- Required air exchanges and mechanical ventilation as per 9.32 & 9.33
- Smoke and Carbon Monoxide detectors as per 9.10.19 & 9.32.3.9

## Foundations and Structure

As per the City of Regina's *The Building Bylaw 2003-7* Article 2.5.1 'Responsibility for Design',

Foundations including foundation walls and grade beams for all buildings and structures including single and two-family detached buildings but excluding residential detached accessory buildings shall be designed by a professional engineer operating within the provisions of *The Engineering Profession Act* or a registered Architect operating within the provisions of *The Architects Act* in the Province of Saskatchewan.

Whether a backyard suite is constructed separately from a detached garage or built as part of one, it will be considered a single-family dwelling and not just a 'residential detached accessory building'. Therefore, the construction or conversion of a backyard suite will require the foundation to be designed or reviewed as well as sealed by a registered architect or engineer, who will prescribe the proper construction requirements.

## Fire Protection

Within 9.10.9.16 Separation of storage garages, it allows storage garages that contain 5 motor vehicles or fewer to be separated from other occupancies (such as the backyard suite) by a fire separation of no less than 1 hour.

Sentences 3) & 4) exempt this requirement when the storage garage serves only the dwelling unit to which it is attached or in which it is built, and can be considered as part of that dwelling. Because it cannot be verified which dwelling will have access to or use the storage garage (either during review or once occupancy has been given) these exemptions will not apply, and the 1-hour fire resistance rating will be required for all assemblies between the storage garage and the suite. Any common spaces or construction supporting a rated assembly will also need to meet the same requirements as the separating assembly.

## Energy Efficiency

The Province of Saskatchewan adopted Section 9.36 of the 2015 NBC on January 1, 2019. This Section requires all new buildings and additions to existing buildings (where floor area is increasing), being constructed after this date, to comply with this section of the code. Any new construction, or addition of a backyard suite will need to meet the requirements of Section 9.36.

For alterations/conversions of existing buildings to backyard suites, Section 9.36 will apply if the structure was built after the implementation date of Jan. 1, 2019, and it housed a permitted, conditioned occupancy (other than a storage garage) previously. Exceptions may apply but will be determined on a case-by-case basis.

Definitions:

*Floor area means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits, vertical service spaces, and their enclosing assemblies.*

*Existing building means, in the context of applying section 9.36, a building on which construction was completed or on which a building permit was issued prior to January 1, 2019.*

*Building means a structure used or intended for supporting or sheltering any use or occupancy, and includes an addition built to an existing structure and, where applicable, the land adjoining a structure.*

## **Spatial Separations**

When reading the application guidelines to section 9.10.15. it does not include the scope of backyard suites and would typically be required to follow section 9.10.14.

### **9.10.15.1. Application (2015 NBC)**

- 1) This Subsection applies to
  - a) buildings that contain only dwelling units and have no dwelling unit above another dwelling unit, and
  - b) houses with a secondary suite including their common spaces. (See Appendix A.)

This is further supported by The Illustrated User's Guide NBC 2015 Part 9 – page 154

*Detached garages and accessory buildings, even when they serve houses, are addressed in NBC Subsection 9.10.14.*

However, our interpretation is that the detached backyard suite can use the rules under section 9.10.15 with regards to spatial separations as the risk is no greater than a typical house. A relaxation for spatial separations is provided for both buildings on the sides that face each other but because this is a separate dwelling, the spatial calculation must be done between the existing dwelling and the proposed dwelling to ensure enough protection is provided between the units. This may result in changes being required to the existing dwelling in order to have compliance of both structures. If the garage were to be used for a purpose other than a residential storage garage then this interpretation would not apply, and 9.10.14 would need to be met.

**For more information on Building Permits, Building Safety or Zoning Information, please visit [Regina.ca](http://Regina.ca) or contact [Service Regina](#).**