



Advisory

Nov. 29, 2016

Subject:

Applying the Alberta Building Code to backyard suites

Background:

There have been a number of designs come forward to construct a suite over the detached garage in the rear yard of a house. These are commonly referred to as backyard suites, laneway suites, garden suites or garage suites. Due to the definition of “secondary suite” in the 2014 Alberta Building Code (ABC), suites are not permitted to be constructed to the requirements of a secondary suite, because the suite is not in the same building as the primary dwelling unit. Furthermore, the 2014 ABC contains some changes to the scope of subsections 9.10.14 and 9.10.15, regarding the construction of houses and detached garages.

9.10.15.1. Application (2014 ABC)

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.)

The result is that subsection 9.10.15. is now interpreted as applying only to the primary house and does not apply to the detached garage, nor the suite above it. Attached garages are still considered part of the dwelling unit and are therefore still considered under the construction of the house in subsection 9.10.15. However, when the garage serves another dwelling unit (suite) in the same building in which it is built, a fire separation with a minimum one hour fire resistance rating is required between the storage garage and the dwelling unit. A consequence of that construction is that the supporting structure (generally the exterior walls) must also have a minimum one hour fire resistance rating, but do not need to be constructed as fire separations.

9.10.9.16. Separation of Storage Garages (2014 ABC)

- 1) Except as provided in Sentences (2) and (3), a storage garage shall be separated from other occupancies by a fire separation having not less than a 1.5 h fire-resistance rating.*
- 2) Except as permitted in Sentence (3), storage garages containing 5 motor vehicles or fewer shall be separated from other occupancies by a fire separation of not less than 1 h.*
- 3) Where a storage garage serves only the dwelling unit to which it is attached or in which it is built, it shall be considered as part of that dwelling unit and the fire separation required in Sentence (2) need not be provided between the garage and the dwelling unit.*

This interpretation is further supported by The Illustrated User's Guide NBC 2010 to part 9, page 154:

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“detached garages and accessory buildings, even when they serve houses, are addressed in NBC Subsection 9.10.14.”

Under the 2006 ABC, the suite over a garage could have been considered to be constructed under the same requirements as a house. Because of the change of scope of Subsection 9.10.15., the issue is what construction requirements the backyard suite must meet to comply with the 2014 ABC.

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It does not matter if the owner of the primary dwelling or the occupant of the backyard suite is using the garage, as it does not affect the safety of the building. This scenario is no different than if a secondary suite were to be constructed over top of or adjacent to an attached garage in the primary dwelling which is permitted under subsection 9.10.15. If the garage were to be used for a purpose other than a residential garage then this interpretation would not apply.

The building is interpreted to be another single family dwelling on the same site as another single family dwelling. Therefore, the building is able to be constructed under the scope of the 2014 ABC, subsection 9.10.15.

The main house may not have been originally designed and built considering another structure that is not a garage in the rear yard. Glazed openings and/or exterior wall construction may be required to be revised and there must be a minimum one hour fire separation between the suite and vehicle garage.

Note:

This interpretation was made by the Codes and Standards Technical Interpretation Committee (CSTIC) on Sept. 14, 2016.