



**SUBSIDIARY APARTMENTS/SECONDARY SUITES REGULATIONS**

Amended and adopted by the Town Council of the Town of Gander on the 5<sup>th</sup> day of February, 2014 and to come into effect as of the 5<sup>th</sup> day of February, 2014.

A copy of these Regulations was sent to the Minister of Municipal and Intergovernmental Affairs on the 10<sup>th</sup> day of February, 2014.

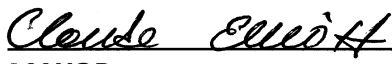
Claude Elliott  
MAYOR

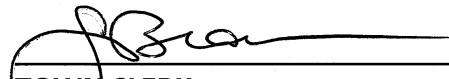
J. Brown  
TOWN CLERK

**PUBLISHED BY AUTHORITY**

Pursuant and by virtue of the powers conferred by Section 414 and any other enabling sections of the *Municipalities Act, 1999 SNL Chapter M-24* as amended, the Town Council of the Town of Gander hereby adopts the following Subsidiary Apartments/Secondary Suites Regulations.

A copy of these Regulations was forwarded to the Minister of Municipal and Intergovernmental Affairs on the 10<sup>th</sup> day of February, 2014.

  
MAYOR

  
TOWN CLERK

**SUBSIDIARY APARTMENTS/SECONDARY SUITES REGULATIONS**

**1. Title**

These Regulations may be cited as the Town of Gander Subsidiary Apartments / Secondary Suites Regulations.

**2. Definitions**

- a) "Subsidiary Apartment" means a separate dwelling unit constructed within and subsidiary to a self-contained dwelling and does not include secondary suites;
- b) "Secondary Suite means a separate dwelling unit not exceeding 80% of the floor area of all stories of the other dwelling units or 80 square meters., whichever is the lesser; and
- c) As per Schedule "A" of the Town of Gander's Development Regulations.

**3. Application**

A Building Permit is required for the alteration or construction of a subsidiary apartment or the alteration of an existing subsidiary apartment within a dwelling;

- a) Building Permit fee:
  - i. Minor construction (under \$20,000 value) \$1.00 for each \$1,000 construction value with a minimum charge of \$10.00;
  - ii. Major Construction (over \$20,000 value) \$2.00 for each \$1,000.00 construction value. Fee to be paid upon receipt of application.
- b) All provisions of current National Codes shall be complied with.

**4. General Information**

**4.1 Subsidiary Apartment**

- a) No subsidiary apartment or dwelling unit will be permitted to be occupied that is considered to be a potential fire hazard, or below the level of acceptable life safety due to its location, construction or contents as reasonably determined by Town of Gander inspectors or officials and more specifically, the following is required before subsidiary apartments can be approved for occupancy;
- b) There shall be no greater than one (1) subsidiary apartment per dwelling and at no time are subsidiary apartments permitted in a double dwelling (duplex). Subsidiary apartments are not permitted in combination with a secondary suite;
- c) Minimum floor area requirements for a subsidiary apartment are 40 square metres for one bedroom plus 10 square metres for each additional bedroom;
- d) A Subsidiary apartment must be equipped with a separate electrical service and associated electrical panel;
- e) A floor plan drawing is required for the addition of a subsidiary apartment and may be required for any alterations.

**4.2 Secondary Suite**

- a) Separate electrical service/panel is prohibited and smoke detectors must be interconnected;
- b) Must have fire separation of ½ hour;
- c) Common driveway permitted;
- d) Not required to have separate air exchange unit.

**4.3 Driveways**

- a) The Preferred method is to widen the existing driveway as shown in drawing #2A, example D;

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- b) On a corner lot, a second driveway may be approved off the secondary street. Both driveways should be on the side away from the intersection. (See Drawing #1A, example B);
- c) On a lot where neither of the adjacent lots have a driveway adjacent to the lot in question, a second driveway may be constructed. (See Drawing #2A, example C);
- d) On wide lots where the sideyards on each side of the house is greater than 3 meters, a second driveway may be constructed, provided there is a minimum of 3 meters of land between the second driveway and the property line. (See Drawing #1A, example A)
- e) Material not conforming to the flamespread requirements of the current National Building code of Canada (NBCC) shall be strictly prohibited. (ie: unrated or untreated wall panel board, ceiling tiles, etc.).

### 4.4 Occupancy Permit

- a) Please note that an Occupancy Permit is required for any dwelling unit. All requirements of these Regulations must be met prior to the issuance of this permit;
- b) All construction shall be completed in accordance with the current NBCC;
- c) These Regulations are subject to change as the NBCC, Life Safety Code and Municipal Regulations are changed and updated accordingly.

### 4.5 New Construction

- a) Subsidiary apartment shall be separated from the remainder of the dwelling by a fire separation with a fire resistance rating of not less than 45 minutes. This includes the use of non-combustible plumbing in all parts of the apartment. See part 9.10.9.6 (2) AND 9.10.9.7 (1) of the current National Building Code;
- b) Subsidiary apartments shall have a separate entrance that is not shared with the main dwelling;
- c) For all new construction, minimum window sizes for rooms shall be as follows:

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<b>Location</b>	<b>Requirements</b>
Laundry, basement, rec. room, unfinished basement or cellar, water closet, kitchen.	Windows not required.
Living room, dining room, bedrooms and all other rooms.	Windows shall have a minimum size of 0.53 sq. metres and provide an unobstructed opening of not less than 380 mm in height and width and 0.35 sq. metres in area as per NBCC 2005.

- d) Laundry facilities or adequate space for laundry facilities shall be provided in every subsidiary apartment and the plumbing to be roughed in.

**6. Existing Subsidiary Apartments** (constructed prior to January 1, 1990)

- a) Existing dwellings containing two (2) subsidiary apartments and previously approved by the Town Council of Gander, may be permitted as a non-conforming use provided that all Town of Gander Regulations pertaining to the dwellings and the subsidiary apartments are strictly adhered to. List of approved units available from the Town;
- b) Existing subsidiary apartments are required to be separated from the remainder of the dwelling by a fire separation with a fire resistance rating of not less than one-half (1/2) hour;
- c) Apartments may have access to the outside entrance shared with the main dwelling provided the access is separated, along with the apartment, from the remainder of the dwelling by a fire separation having a fire resistance rating of not less than one-half (1/2) hour;
- d) The minimum window size for rooms shall be as follows:

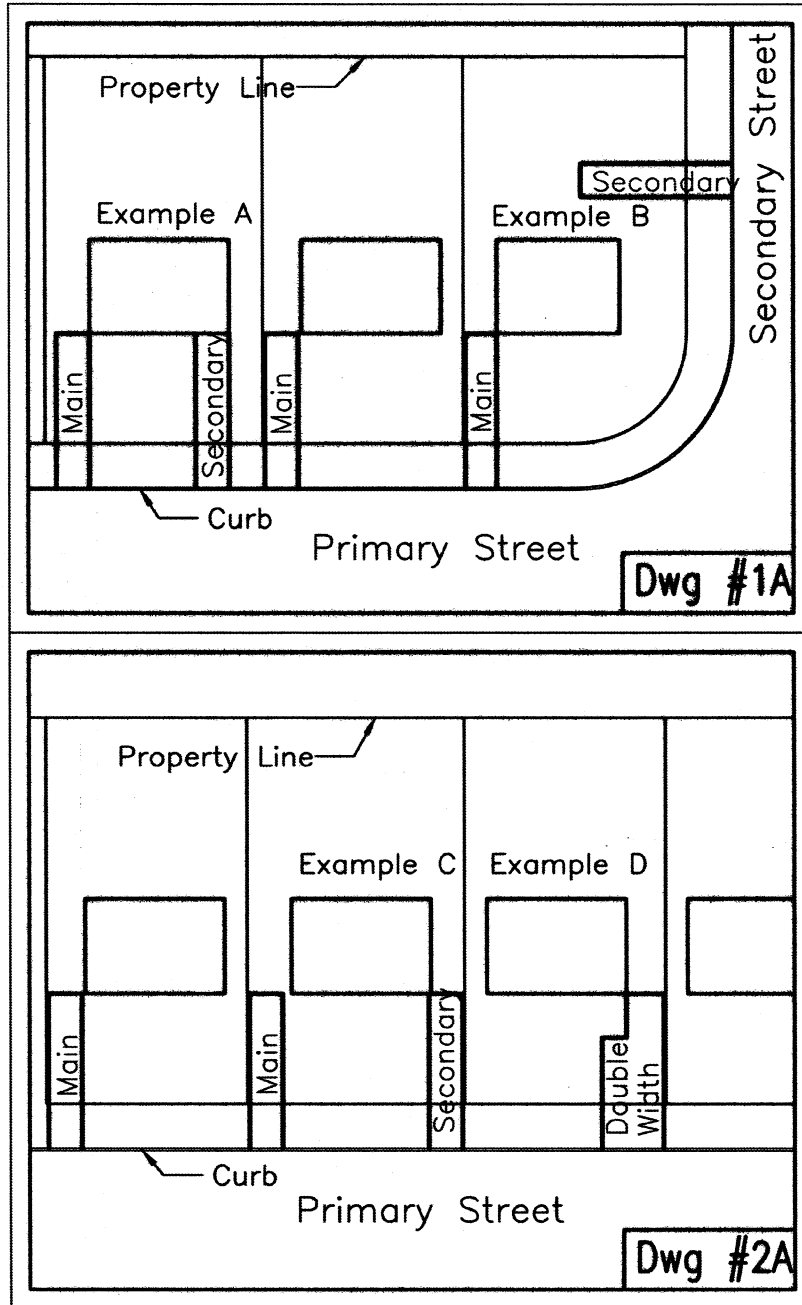
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<b>Location</b>	<b>Requirements</b>
Laundry, basement, rec. room, unfinished basement or cellar, water closet, kitchen.	Windows not required.
Living room, dining room, bedrooms and all other rooms.	Minimum clear opening height and width of 380 mm and minimum area of 0.27 sq. metres

- e) The minimum ceiling height for subsidiary apartments shall be 1.98 meters with an average minimum ceiling height of 2.13 meters over 80% of the room.
- f) Where an electrical service panel is located in a bedroom:
- A smoke detector shall be installed in that bedroom;
  - The panel shall be readily accessible or have the means of operation readily accessible;
  - The panel shall be rendered inaccessible to children by means of an external non-lockable cover.
- g) Material not confirming to the flamespread requirements of the current National Building Code of Canada.



**7. Enforcement**

- a) The Town Council of Gander or its authorized administrator shall be the Enforcement Authority for the purposes of these Regulations;
- b) Enforcement and prosecution under these Regulations may be undertaken by any Police Officer or by any other person so authorized by the Enforcement Authority;
- c) Pursuant to Section 404(1) of the Act, the Enforcement Authority may serve upon the owner or any other person in violation of a provision of these Regulations, a serially numbered notice advising the nature of the violation and required action to conform with the standards as set out in these Regulations;
- d) The owner or any other person served a notice shall carry out the directions of the Enforcement Authority referred to in Section 7 (c) at the cost of the owner or person served within the time specified;
- e) Where the Enforcement Authority has placed or caused the placing of a sign, placard, or notice upon any premises under the authority of these Regulations or any other applicable law, by-law or regulation, no person shall remove such sign, placard, or notice except with the consent of the Enforcement Authority;
- f) Any costs to the Town for all works carried out in response to a violation of these Regulations, in addition to any penalty prescribed hereunder, may be recoverable from the owner or the person in contravention of these Regulations as a civil debt;
- g) Every person requested by a Police Officer or person authorized to enforce these Regulations shall upon request, forthwith give his/her proper name and address;
- h) It shall be the duty of a Police Officer or the Enforcement Authority to:
  - i. Report the name and address of any person observed, or reliably reported to have violated any of the provisions of these Regulations;
  - ii. Report the time and nature of the violation of the Regulations, and any circumstances being relevant to the violation;
  - iii. Serve upon the person violating and provision of these Regulations a serially numbered notice that the person concerned has violated a provision of the Regulations, and instructing such person to carry out any order in regard to such violation;
  - iv. Furnish the Town Clerk a duplicate of each serially number notice of violation.



**8. Failure to Comply**

- a) Pursuant to Section 404(5) of the Act, where a person to whom an order is directed does not comply with the order or part of an order made under Section 7 (c), Council may take the action that it considers necessary to carry out the terms of the order and any costs, expenses or charges incurred by Council in carrying out the terms of the order are recoverable from the person against whom the order was made as a debt owed to Council;
- b) Council may delegate to an official or employee of Council the power to issue orders under this section;
- c) The owner shall save harmless Council, its employees, servants or agents from any and all claims arising out of the actions of Council, its employees, servants or agents in the process of inspecting and/or carrying out work under these Regulations, except in the case of gross negligence.

**9. Offence and Penalties**

- (a) Every person who commits an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:
  - i. May be liable to penalties as stipulated in accordance with section 420 of the Act; or
  - ii. May be subject to an order under section 404 (1) of the Act; or
  - iii. May be subject to a violation notice issued under section 421.1 (1) of the Act; or
  - iv. May be issued a ticket under the Provincial Offences Act in accordance with section 421.2 of the Act.
- (b) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (a) shall not operate as a bar to further prosecution under these Regulations for the continued failure on the part of the person in comply;

**10. Severability**

If a court of competent jurisdiction should declare any section or part of a section of these Regulations to be invalid, such declaration shall not affect the remainder of these Regulations and the remainder of these Regulations should be valid and shall remain in force.

**11. Repeal**

All previous Subsidiary Apartments/Secondary Suites Regulations thereto, are hereby rescinded.