



Building Advisory B23-002
January 29, 2024

Subject: Secondary Suites - Existing Prior to March 12th, 2018

Background:

In March 2018, Council approved amendments to the Land Use Bylaw, making it possible for property owners to develop a secondary suite without needing approval from City Council on each individual suite. In the Spring of 2018, The City introduced a two-year amnesty period for illegal suite owners to self-identify, apply for the appropriate permits and legalize their existing suites at a reduced cost and in scope of the minimum lifesaving requirements of the National Building Code – Alberta Edition. During the amnesty period, The City of Calgary saw a significant increase in the amount of legalized secondary suites. There are still thousands of unregistered existing secondary suites which need to be legalized. In December 2023, Council unanimously voted to extend the Secondary Suites Amnesty Program until December 31, 2026. Extending the amnesty encourages property owners to bring existing suites into compliance, increases the number of safe secondary suites available for rent in our city and creates affordable housing options for Calgarians.

The National Building Code – 2023 Alberta Edition (NBC 2023 [AE]) is the current Building Code and establishes design and construction standards for housing and small buildings, alteration, and change of use. A secondary suite may only exist where a Municipal Land Use Bylaw permits as defined in the NBC 2023 (AE). Prior to March 12, 2018, The City of Calgary Land Use Bylaw did not permit secondary suites in most areas of the city. As a result, the Building Code and Fire Code requirements were not readily applied at that time.

The NBC 2023 (AE) Division A, Clause 1.1.1.2.:

- a. Contains provisions for application to buildings and construction that existed prior to May 01, 2024, which is the date of enactment of the NBC 2023 (AE).
- b. Enables the Authority Having Jurisdiction (AHJ) to accept an alternative or proposal that achieves the appropriate level of safety for the specific activity for which the building is used and may accept existing construction not in complete compliance subject to conditions.

Advisory:

The interpretation of the The City of Calgary is that:

1. For secondary suites that are new construction after March 12, 2018, either in a new home or a renovation in an existing home where there was not previously a secondary suite, the requirements of the current code, namely; the NBC 2023 (AE) are applicable.
2. For secondary suites that existed prior to the adoption (Note: a declaration will be required for eligibility [Owner Declaration](#)) of the secondary suite requirements into the Land Use Bylaw on March 12, 2018:
 - a. Changes to the existing secondary suite, including those required to meet a minimum acceptable level safety, shall comply with the NBC 2023 (AE).
 - b. The City of Calgary will accept an alternative or proposal to determine what is required for minimum safety, as permitted by the NBC 2023 (AE) Division A, Clause 1.1.1.2.. (see below for details).

3. This interpretation will apply until the end of the Secondary Suites Amnesty period on December 31, 2026. At that time, this advisory will be reviewed.

Acceptable Alternative/Proposal Required for Minimum Safety in an Existing Secondary Suite:

Secondary Suites existing prior to March 12, 2018

Application

- 1) Except as provided in this interpretation document secondary suites shall conform to the requirements of the National Building Code – 2023 Alberta Edition (NBC 2023 [AE]).
- 2) Secondary suites that existed on or before March 12, 2018 shall conform to the conditions noted below.

Assessment of Existing Suite

In addition to the required declaration, a Building Safety Codes Officer may assess if the suite qualifies as existing and if current conditions have not been significantly altered or constructed after the March 12, 2018. If the suite does not qualify as pre-existing, further code improvements will be required.

General Information Required

Sufficient information shall be provided to show that the proposed work will conform to the NBC 2023 (AE) and whether it may affect the adjacent property.

Bedroom Windows

Except as permitted in Sentence 9.9.10.1.(1) of Division B of the NBC 2023 (AE), each bedroom within a secondary suite shall have at least one outside window that meets the requirements of Article 9.9.10. of Division B of the NBC 2023 (AE).

Openings Near Unenclosed Exterior Exit Stairs and Ramps

Unprotected openings in exterior walls of the building shall be protected, where:

- a) an unenclosed exterior exit stair or ramp provides the only means of egress from a suite and is exposed to fire from unprotected openings in the exterior walls of another fire compartment
or:
- ii) another dwelling unit, ancillary space or common space in a house with a secondary suite, and unprotected openings in the exterior walls of the building are within 3 m horizontally and less than 10 m below or less than 5 m above the exit stair or ramp.

Also See: [B23-012 Protection of Openings Near Unenclosed Exterior Stairs and Ramps](#)

Means of Egress

- 1) Except as permitted in Sentence (2), each dwelling unit shall be provided with at least one exit that leads directly to the outside.
- 2) Dwelling units may share a common exit meeting the requirements of Protection of Exits.

Protection of Exits

Every exit, other than an exit doorway, shall be separated from adjacent floor areas by not less than one layer of 12.7 mm thick gypsum wallboard or equivalent material on each side of the walls.

Dwelling Unit Separations

Dwelling units shall be separated from each other by not less than one layer of 12.7 mm thick gypsum wallboard or equivalent material on the ceiling and on each side of the walls.

Protection of Public Corridors

A public corridor shall be separated from the remainder of the building by not less than one layer of 12.7 mm thick gypsum wallboard or equivalent material on each side of the walls.

Furnace Room Separations

- 1) A furnace room shall be separated from the remainder of the building by not less than one layer of 12.7 mm thick gypsum wallboard or equivalent material on the ceiling and on each side of the walls.
- 2) A solid door shall be provided to each furnace room.

Continuous Smoke Barrier

- 1) A wall or floor assembly required to be a separation shall be constructed as a continuous barrier against the passage of smoke.
- 2) Doors in smoke-tight barriers shall be solid and have a self-closing device.

Heating and Ventilation Systems

For an existing secondary suite, a single heating and ventilation system may be used to serve both the secondary suite and main dwelling unit.

Smoke Alarms

- 1) Smoke alarms conforming to CAN/ULC-S531, "Smoke-Alarms," shall be installed in accordance with Subsection 9.10.19. of Division B of the NBC 2023 (AE) in each dwelling unit.
- 2) Smoke alarms shall be installed by permanent connections to an electrical circuit and, when acceptable to the authority having jurisdiction, the interconnection of smoke alarms can either be hard wired or wireless so that activation of one smoke alarm will cause all alarms within both dwelling units to sound.
- 3) Smoke alarms shall be installed in areas that are common to both dwelling units and connected in conformance with Sentence (2).

Carbon Monoxide Alarms

- 1) Carbon monoxide alarms conforming to CSA 6.19, "Residential Carbon Monoxide Alarming Devices," shall be installed in accordance with Sentence 9.32.3.9.(2) of Division B of the NBC 2023 (AE) in the primary and secondary dwelling units.
- 2) Carbon monoxide alarms shall be installed by permanent connections to an electrical circuit and interconnected so that the activation of one carbon monoxide alarm will cause all alarms within both dwelling units to sound.
- 3) Carbon monoxide alarms shall be installed in areas that are common to both dwelling units and connected in conformance with Sentence (2).

Inspection, Testing and Maintenance of Smoke Alarms and Carbon Monoxide Alarms

Smoke alarms and carbon monoxide alarms required by this Section shall be inspected, tested and maintained in conformance with the manufacturer's instruction.

This interpretation was accepted by the Codes and Standards Technical Interpretation Committee (CSTIC – December 18, 2023).

Chief Building Official
The City of Calgary

This Advisory is issued by The City of Calgary. Advisories have no legal status and cannot be used as an official interpretation of the various bylaws, codes, and regulations currently in effect. The City of Calgary accepts no responsibility to persons relying solely on this information.