

Fire Protection and Prevention Act, 1997
Loi de 1997 sur la prévention de la protection contre l'incendie

ONTARIO REGULATION 388/97

Amended to O. Reg. 315/01

FIRE CODE

Notice of Currency:* This document is up to date – 11.19.2003.

This Regulation is made in English only.

SECTION 9.8 TWO UNIT RESIDENTIAL OCCUPANCIES

Subsection 9.8.1. Application

Application

9.8.1.1. (1) This Section applies to a detached house, semi-detached house or row house containing 2 existing dwelling units, where

- (a) the **building** is 3 **storeys** or less in **building height**,
- (b) the **building area** does not exceed 600 m², and
- (c) one dwelling unit or a portion of a dwelling unit is situated above another dwelling unit, or two dwelling units side by side share a common interior means of escape.

(2) For the purposes of this Section,

- (a) "1994 Building Code" means Revised Regulations of Ontario 1990, Regulation 61, as amended by Ontario Regulations 400/91, 158/93, 160/93 and 383/94,
- (b) "dwelling unit" means a room or suite of rooms operated as a housekeeping unit that is used as a domicile by one or more persons, and that contains cooking, eating, living, sleeping and sanitary facilities,
- (c) "existing" means in existence on July 14, 1994,
- (d) "row house" means a residential structure which
 - (i) is one of a group of three or more horizontally attached residential structures, and

(ii) is separated vertically from one or two of the other structures by common walls which do not provide for internal access from the living space in one structure to another, and

(e) "semi-detached house" means a residential structure which

(i) is one of two horizontally attached residential structures, and

(ii) is separated vertically from the other residential structure by a common wall which does not provide for internal access from the living space in one structure to the other.

Subsection 9.8.2. Containment

General requirements for fire separations

9.8.2.1. (1) **Fire separations** required to have a **fire-resistance rating** by this Section shall comply with Article 9.10.3.1. of the 1994 Building Code or the corresponding compliance alternatives in Part 11 of the 1994 Building Code.

(2) Except as permitted in Article 9.8.2.5., a wall or floor assembly required to be a **fire separation** shall be constructed as a continuous barrier against the spread of fire.

(3) Where a 30-min **fire-resistance rating** is required, existing wall assemblies and floor assemblies consisting of membranes of lath and plaster or gypsum board shall be deemed to be in compliance with Sentence (1).

(4) Where a 15-min **fire-resistance rating** is required, existing wall assemblies and floor assemblies consisting of membranes of plaster board with a plaster skim coat shall be deemed to be in compliance with Sentence (1).

Fire separations between dwelling units

9.8.2.2. (1) Except as permitted in Article 9.8.2.3., each dwelling unit shall be separated from other rooms and areas by a **fire separation** having a 30-min **fire-resistance rating** conforming to Article 9.8.2.1. or shall comply with Sentence (2) or (3) of this Article.

(2) Except as permitted in Article 9.8.2.3., each dwelling unit shall be separated from other rooms and areas by a **fire separation** having a 15-min **fire-resistance rating** conforming to Article 9.8.2.1. and be equipped with interconnected **smoke alarms** conforming to Article 9.8.4.1.

Existing fire separations with sprinklers

(3) Existing **fire separations** shall be deemed to be in compliance with Sentence (1) where the detached house, semi-detached house, or row house is **sprinklered** in accordance with Article 9.8.5.1.

Alternative protection for ceilings

9.8.2.3. The **fire-resistance rating** of the **fire separation** above a room containing a fuel-fired **appliance** is not required where the room is **sprinklered**, providing a minimum average density of 6.5 L/min/m² over the room area.

Combustion air

9.8.2.4. Where a room containing a fuel-fired **appliance** is enclosed to satisfy other provisions of this Section in a manner that restricts the supply of combustion air, sufficient combustion air shall be brought directly from the outside for the proper combustion and safe operation of the **appliance**.

Protection of openings in fire separations

9.8.2.5. (1) Openings in **fire separations** required by Sentences 9.8.2.2.(1) and (2) and 9.8.3.3.(1) shall be protected with **closures** conforming to Articles 9.10.13.2. and 9.10.13.10. of the 1994 Building Code.

(2) Despite Sentence (1), existing 45 mm solid core wood, hollow metal or kalamein doors equipped with self-closing devices, installed in hollow metal or solid wood frames, are acceptable.

(3) Despite Sentence (1), **fire dampers** or **fire-stop flaps** are not required in ducts at penetrations of a **fire separation**.

Subsection 9.8.3. Means of Egress

Requirements for means of escape

9.8.3.1. Each dwelling unit shall be provided with a means of escape conforming to Article 9.8.3.2., 9.8.3.3., 9.8.3.4. or 9.8.3.5.

One means of escape

9.8.3.2. (1) Each dwelling unit shall be served by at least one means of escape consisting of a door that

- (a) serves only that dwelling unit,
- (b) opens directly to the exterior from that dwelling unit, and
- (c) has direct access to ground level.

9.8.3.3. (1) Each dwelling unit shall have direct access to at least one means of escape that may be shared if

- (a) the means of escape is separated from the remainder of the **building** by a **fire separation** having a 30-min **fire-resistance rating**,

(b) the **flame-spread rating** of interior wall and ceiling finishes within the means of escape does not exceed 150, and

(c) the means of escape does not involve entering another dwelling unit or other **occupancy** and leads directly to the exterior with direct access to ground level.

(2) Where a means of escape provided by Sentence (1) serves a dwelling unit situated entirely on the third **storey**, the detached house, semi-detached house or row house shall be equipped with interconnected **smoke alarms** conforming to Article 9.8.4.1.

Two means of escape

9.8.3.4. (1) Each dwelling unit shall be served by at least two means of escape arranged in such a manner that

(a) one means of escape shall be through a door which may lead through another dwelling unit, and

(b) the second means of escape shall be through a window if,

(i) the window conforms to Sentence (2) or (3), and

(ii) the detached house, semi-detached house or row house is equipped with interconnected **smoke alarms** conforming to Article 9.8.4.1.

(2) A window may serve as a second means of escape if

(a) the sill is not more than 1 m above or below the adjacent ground level,

(b) the window can be opened from the inside without the use of tools,

(c) the window has an individual, unobstructed open portion having a minimum area of 0.38 m² with no dimension less than 460 mm,

(d) the sill height does not exceed 900 mm above the floor or fixed steps,

(e) where the window has a window-well, a clearance of at least 1 m is provided in the window-well in front of the window, and

(f) where the window has a window-well, the window opens into the dwelling unit and does not interfere with escape.

(3) A window may serve as a second means of escape if

(a) the window is of a casement type,

(b) the window is not less than 1060 mm high and 560 mm wide,

(c) the sill of the window is not more than 900 mm above the inside floor, and

(d) the sill of the window is not less than 1 m and not more than 5 m above the adjacent ground level.

Existing means of escape with sprinklers

9.8.3.5. An existing means of escape, not conforming to Article 9.8.3.2., 9.8.3.3. or 9.8.3.4., is acceptable if the detached house, semi-detached house or row house is **sprinklered** in accordance with Article 9.8.5.1.

Subsection 9.8.4. Fire Alarm and Detection

Interconnected smoke alarms

9.8.4.1. (1) Interconnected **smoke alarms** required in Sentences 9.8.2.2.(2) and 9.8.3.3.(2) and Clause 9.8.3.4.(1)(b) shall be installed on or near the ceiling in each

(a) **storey** within a dwelling unit, including every **basement**, and

(b) shared means of escape.

(2) **Smoke alarms** referred to in Sentence (1) shall be

(a) electrically interconnected so that the activation of any **smoke alarm** will sound a similar signal in each of the interconnected devices,

(b) installed in accordance with the manufacturers' instructions, and on floor levels containing bedrooms or sleeping areas, the required **smoke alarms** shall be installed between such bedrooms and the remainder of the dwelling unit, such as in a hallway or corridor serving such rooms or areas,

(c) connected to an electrical circuit with no disconnect switch between the overcurrent device and the **smoke alarms**,

(d) **listed** for use in an interconnected installation, and

(e) audible in bedrooms when the intervening doors are closed.

Smoke alarms

9.8.4.2. (1) **Smoke alarms** shall be installed in each dwelling unit in accordance with Sentences 3.2.4.21.(1) to (4) of the 1994 Building Code.

(2) Battery operated **smoke alarms** shall be deemed to be in compliance with Sentence 3.2.4.21.(4) of the 1994 Building Code.

(3) **Smoke alarms** required in Sentence 9.8.4.2.(1) shall be designed in conformance with CAN/ULC-S531, "Smoke Alarms", and installed in accordance with CAN/ULC-S553, "Installation of Smoke Alarms".

(4) Existing **smoke alarms** meeting the requirements of ULC-S531-1978, "Smoke Alarms", shall be deemed to be in compliance with Sentence (3).

(5) When interconnected **smoke alarms** are installed in accordance with Article 9.8.4.1., the **smoke alarms** referred to in Sentence (1) of this Article are not required.

Maintenance of smoke alarms

9.8.4.3. (1) All **smoke alarms** required by this Section shall be maintained in operating condition.

(2) This Article is revoked when Subsection 6.3.3. comes into force.

Subsection 9.8.5. Suppression

Sprinkler systems

9.8.5.1. Sprinkler protection required in this Section shall be designed and installed in conformance with NFPA 13D, "Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes".

Subsection 9.8.6. Electrical

Electrical inspections required

9.8.6.1. (1) Each detached house, semi-detached house and row house regulated by this Section shall be subjected to a general inspection by the Electrical Safety Authority, as defined in the *Electricity Act, 1998* and inspection fees shall be paid by the **owner**.

(2) Electrical hazards identified during an inspection required by Sentence (1) shall be repaired in accordance with the **Electrical Safety Code** made under the *Electricity Act, 1998*.

(3) The letter of compliance from the Electrical Safety Authority, as defined in the *Electricity Act, 1998* shall be made available to the **Chief Fire Official** upon request.

O. Reg. 388/97, Part 9; O. Reg. 302/99, ss. 6, 7.

10. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 388/97, s. 10.

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