



BUILDING BULLETIN

Building Services

Subject: **Bed & Breakfast: Criteria for Change of Use**
Building Bulletin No: **BD.BB.19.15**
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Reference: *s. 10 Building Code Act*

A. Purpose

The purpose of this Building Bulletin is to clarify when a Change of Use permit is required for a proposed Bed & Breakfast establishment.

B. Background and Definitions

Building Code Act

Change of use

10 (1) Even though no construction is proposed, no person shall change the use of a building or part of a building or permit the use to be changed if the change would result in an increase in hazard, as determined in accordance with the building code, unless a permit has been issued by the chief building official. 2002, c. 9, s. 16.

Ontario Building Code

Boarding, lodging or rooming house means a building,

- a) that has a building height not exceeding three storeys and a building area not exceeding 600 m²,

- b) in which lodging is provided for more than four persons in return for remuneration or for the provision of services or for both, and
- c) in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants.

Dwelling unit means a *suite* operated as a housekeeping unit, used or intended to be used by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

Hotel means *floor areas*, a *floor area* or part of a *floor area* that contains four or more *suites* and that provides sleeping accommodation for the travelling public or for recreational purposes.

Occupant load means the number of persons for which a building or part thereof is designed.

Suite means a single room or series of rooms of complementary use, operated under a single tenancy, and includes,

- a) *dwelling units*,
- b) individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories, and
- c) individual stores and individual or complementary rooms for *business and personal services occupancies*.

3.1.17.1. Occupant Load Determination

(1) The *occupant load* of a *floor area* or part of a *floor area*, or of a *building* or part of a *building* not having a *floor area*, shall be based on,

- a) the number of seats in an *assembly occupancy* having fixed seats,
- b) **two persons per sleeping room or sleeping area in a *dwelling unit* or *suite***, or
- c) the number of persons...

C. General Interpretation and Requirements

A determining factor when determining if a Change of Use Permit is required is whether the suite is operated as a housekeeping unit, used or intended to be used as a domicile by 1 or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

- "Tenancy in the context of the term "suite" applies to both rental and ownership tenure. In a condominium arrangement, for example, dwelling units are considered separate suites even though they are individually owned. In order to be of complementary use, a series of rooms that constitute a suite are in reasonably close proximity to each other and have access to each other either directly by means of a common door way or indirectly by a corridor, vestibule or other similar arrangement.
- The term "suite" does not apply to rooms such as service rooms, common laundry rooms and common recreational rooms that are not leased or under a separate tenure in the context of the Building Code.
- Similarly, the term suite is not normally applied in the context of buildings such as schools and hospitals, since the entire building is under a single tenure. A rented room in a nursing home could be considered as a suite if the room was under a separate tenure. A hospital bedroom on the other hand is not considered to be under a separate tenure, since the patient has little control of that space, even though they pay the hospital a per diem rate for the privilege of using the hospital facilities, which include the sleeping areas.
- For certain requirements in the Code, the expression "room or suite" is used (e.g.travel distance). This means that the requirement applies within the rooms of suites as well as to the suite itself and to rooms that may be located outside the suite. In other places the expression "suite, and rooms not located within a suite is used (e.g. for the installation of smoke and heat detectors). This means that the requirement applies to individual suites as defined, but not to each room within the suite. The rooms "not within a suite" would include common laundry rooms, common recreational rooms and service rooms that are not considered as tenant occupied space."

Based on these definitions:

1. A bed and breakfast facility that caters to **not more than 4 guests** may be classified as a dwelling unit, if the dwelling unit is operated as one housekeeping unit.
2. Conversely, if a bed and breakfast facility is not operated as one housekeeping unit, it cannot be classified as a dwelling unit. Where a bed and breakfast facility caters to more than 4 guests, it cannot be classified as a dwelling unit. It may be classified as either
 - a. a boarding, lodging or rooming house, or
 - b. a hotel.
3. A Building Permit is not required if the number of guests does not exceed 4 people while using existing bedrooms and bathrooms.

4. Occupant load will be calculated at *two persons per sleeping room*; or maximum 2 bedrooms for guests.
5. A Change of Use Permit is required if the number of guests is 5 or more people or 3 bedrooms as this would result in an increase in hazard.
6. A Building Permit is required if additional bedrooms and/or bathrooms are proposed either within the existing house or through an addition.
7. A Septic Permit is required where additional bedrooms and/or bathrooms are being proposed.

D. Reference Information

Building Code Act

E. Attached

N/A

F. Review Cycle

This building bulletin will be reviewed annually by the Chief Building Official.

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