

PROPOSED CHANGE TO THE 2024 BUILDING CODE O. REG. 163/24 AS AMENDED

CHANGE NUMBER: B-03-19-01

SOURCE: Ontario-Only

CODE REFERENCE: Division B / 3.19.

DESCRIPTION OF THE PROPOSED AMENDMENT

This proposed amendment introduces a new Section to permit the construction of four-storey non-stacked row house (town house) buildings.

EXISTING 2024 BUILDING CODE PROVISION(S)

None

PROPOSED CODE CHANGE

3.19. Four-Storey Row House (A-3.19.)

3.19.1. Scope

3.19.1.1. Application

(1) Except as provided in this Section, the requirements in this Division apply to a Group C major occupancy *building* of row houses that,

- (a) is 4 *storeys* above *grade*,
- (b) is not more than 1 *storey* below *grade*,
- (c) does not contain any portion of a roof that supports an *occupancy*,
- (d) has a *building area* not more than 600 m², and
- (e) each *dwelling unit*
 - (i) has no *mezzanines*,
 - (ii) contains sleeping accommodations for not more than 10 persons,
 - (iii) has no *dwelling unit* above another *dwelling unit*,
 - (iv) has direct access to its interior by means of an exterior doorway located not more than 1 500 mm above or below adjacent finished ground level, and
 - (vi) does not contain a *secondary suite*.

3.19.2.1. Construction

3.19.2.1. Group C, Rowhouse, up to 4 Storeys, Sprinklered, Limited Area

- (1) The *building* described in Article 3.19.1.1. is permitted to be of combustible construction or noncombustible construction used singly or in combination, provided
- (a) the *building* is *sprinklered* throughout in accordance with Article 3.19.4.1,
 - (b) it is 4 *storeys* in *building height*, and
 - (c) it has a *building area* not more than 600 m².
- (2) Floor assemblies, including floors over *basements*, that are entirely contained within each *dwelling unit* need not be constructed as *fire separations* or have a *fire-resistance rating*.

3.19.3. Means of Egress

3.19.3.1. Egress from Dwelling unit

- (1) The requirements of Article 3.3.4.4. are not applicable to *buildings* described in Article 3.19.1.1.
- (2) Each dwelling unit shall be served by a direct *exit* that is an exterior doorway located not more than 1 500 mm above adjacent ground level.
- (3) Each *dwelling unit* shall be served by,
- (a) an exterior balcony with a minimum dimension not less than 1 200 mm on the uppermost *storey*, and
 - (b) an openable window on the two uppermost *storeys* that,
 - (i) provides an unobstructed opening of not less than 1 m in height and 0.55 m in width, and
 - (ii) is located so that the sill height is not more than 1 m above the floor.

3.19.4. Fire Protection Systems

3.19.4.1. Automatic Sprinkler System

- (1) The *building* shall be equipped with an automatic sprinkler system designed, constructed, installed, and tested in conformance with NFPA 13D, “Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes”, provided,
- (a) no *dwelling unit* is located above another *dwelling unit*,
 - (b) each *dwelling unit* is separated by a vertical *fire separation* having a *fire-resistance rating* of not less than 1 h that provides continuous protection from the top of the footing to the underside of the roof deck, with any space between the top of the wall and the roof deck tightly filled with mineral wool or *noncombustible* material,
 - (c) each *dwelling unit* has its own sprinkler water supply provided in accordance with NFPA 13D, “Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes”,
 - (d) a passive purge sprinkler system design is used as described in NFPA 13D, “Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes”,
 - (e) where the sprinkler system is taken into consideration for the reduction of *limiting distance*, all rooms, including closets, bathrooms and attached garages, that adjoin an *exposing building face* are *sprinklered*, notwithstanding any exemption stated in NFPA 13D, “Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes”, and
 - (f) Notwithstanding any exemption stated in NFPA 13D, “Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes”, sprinklers shall be provided for all balconies.

3.19.4.2. Standpipe and Hose Systems

(1) A standpipe and hose system is not required to be installed in the *building*.

3.19.5. Provisions for Firefighting

3.19.5.1. General

(1) Except as provided in this Subsection, the applicable requirements in Articles 3.2.5.1. to 3.2.5.6. for providing access to the *building* and fire department access routes shall apply to *buildings* described in Article 3.19.1.1.

3.19.5.2 Location of Access Routes

(1) The *building* shall be provided with access routes for fire department vehicles so that each *dwelling unit* principal entrance is located not less than 3 m and not more than 15 m from the closest portion of the access route, measured horizontally from the face of the *building*.

(2) The *building* shall be provided with fire department access routes so that balconies and window openings required by Sentence 3.19.3.1.(3) are located not less than 3 m and not more than 15 m from the closest portion of a fire department access route, measured horizontally from the face of the *building*.

A-3.19. Four-Storey Row House Design.

This Section is intended to permit four-storey townhouse/rowhouse developments (i.e. townhouse blocks or back-to-back townhouses/row houses blocks with no dwelling unit located above another dwelling unit) that maintain a fire risk profile comparable to buildings constructed in accordance with Part 9, while incorporating certain provisions of Part 3.

Where specific Code provisions are not explicitly addressed in this Section, it is intended that all other applicable provisions of Part 3, as well as other relevant Parts of the Code, continue to apply.

Where the townhouse or row house building is three storeys or less, it is not intended to fall within the scope of this Section and should continue to conform to the applicable requirements of Part 9 (600m² or less) or Part 3 (more than 600 m²), as appropriate.

Limitations on size and configuration, and additional measures for fire department access are intended to ensure that these provisions apply only to buildings with fire safety characteristics comparable to typical small residential dwellings, and not to larger or more complex building forms. In addition, windows and sprinklered balconies can help facilitate access to the building for firefighters.

This building is intended to be used solely as a collection of single dwelling units and not for occupancies such as boarding houses, lodging houses, rooming houses, group homes, care or supervised living facilities, multi-family dwellings, or dormitories, which involve shared accommodations, transient occupancy, or the provision of care or supervision. Accordingly, to maintain a fire and life safety risk profile consistent with that of typical town house dwellings, the occupant load is limited to a maximum of 10 persons per dwelling unit.

To limit fire spread, town house/row house unit compartmentalization and spatial separation are intended to be consistent with the objectives of Part 3. Given the reliance on firefighting operations, design professionals are strongly encouraged to consult with the local fire department early in the design process. Fire department operational policies may vary between jurisdictions depending on factors such as apparatus type, staffing levels, standard operating procedures, and available resources. Early consultation helps ensure that proposed fire protection features and access provisions are compatible with local firefighting operations and capabilities.

RATIONALE FOR CHANGE

Problem/General Background

The current Code provisions applicable to non-stacked townhouse/row house buildings under Part 3 were historically developed with buildings of up to three storeys in mind, particularly with respect to certain fire and life safety measures. While these provisions have performed well for their intended building height, they do not explicitly contemplate four-storey combustible townhouse/row house construction within the prescriptive framework.

Over the past decade, there has been a clear and sustained market trend toward the development of four-storey non-stacked townhouse or row house buildings. This built form has emerged as a viable and efficient residential archetype that supports gentle intensification, increases housing supply, and responds to urban growth pressures.

This building archetype has typically been approved through the alternative solution process. While many proposals have demonstrated acceptable performance, reliance on alternative solutions has led to inconsistent interpretation and application across jurisdictions, extended approval timelines, and increased design, review, and administrative burden for both authorities having jurisdiction and design professionals.

The absence of clear prescriptive provisions for sprinklered four-storey, non-stacked townhouse buildings creates regulatory uncertainty and reduces predictability in the approvals process. As this building typology becomes more prevalent in response to housing demand and urban intensification objectives, there is a need to formally address it within the Code. Establishing clear prescriptive requirements would better reflect current construction practices, improve consistency in enforcement, and maintain the intended level of fire and life safety performance.

Justification/Explanation

A comprehensive fire risk assessment was undertaken using a holistic, objective-based approach to evaluate the feasibility of permitting four-storey (plus basement) townhouses. The purpose of the assessment was to establish validated and practical fire and life safety measures that would enable increased building height while maintaining or enhancing the level of safety intended by the Building Code.

The analysis considered existing design constraints within the current regulatory framework capable of supporting the proposed building form. The assessment included a review of historical Building Code provisions related to fire and life safety for this building type. In addition, a review and analysis of fire incident statistics in Ontario was conducted to assess historical risk trends associated with residential occupancies.

The findings indicate that, with the incorporation of appropriate fire protection measures, four-storey (plus basement) townhouses can achieve an equivalent or improved level of fire and life safety relative to existing Code-compliant townhouse provisions, while supporting broader provincial housing supply objectives.

The townhouse building form can provide an adequate level of fire safety where certain conditions are met. For example:

- No dwelling unit is located above another dwelling unit.
- Continuous vertical fire separations are provided between dwelling units.
- Each dwelling unit is served by its own independent exit.
- The building is four storeys in height, with a only one basement level.
- The overall building size is limited.

- Adequate access is provided to support fire department operations.

These proposed changes would help streamline the construction of four-storey townhouse/row houses, enabling a greater diversity of housing types, increasing flexibility for builders, and supporting the Ministry’s priority to advance the Government’s housing supply objectives.

Cost/Benefit Implications

By removing design constraints in the Building Code when constructing four-storey townhouses, the proposed change will streamline approvals which has the potential to save soft costs in creating these building types. These changes will also unlock more housing types in the province and add more flexibility to builders.

Enforcement Implications

There are no anticipated additional enforcement issues and no increase in enforcement resources required.

Who is Affected

Designers, Architects, Engineers, Builders, Developers, Building Officials

Objective Based Analysis

Provision	Objective/Functional Statement
Division B 3.19.1.1. Application	
(1)	N/A
Division B 3.19.2.1. Group C, Row House, up to 4 Storeys, Sprinklered, Limited Area	
(1)	N/A
(2)	N/A
Division B 3.19.3.1. Egress from Dwelling unit	
(1)	N/A

Provision	Objective/Functional Statement
(2)	[F05, F10-OS3.7]
(3)	[F05, F10-OS3.7]
Division B 3.19.4.1. Automatic Sprinkler System	
(1)	[F02, F81, F82-OP1.2] [F02, F81, F82-OS1.2]
Division B 3.19.4.2. Standpipe and Hose Systems	
(1)	N/A
Division B 3.19.5.1. General	
(1)	N/A
Division B 3.19.5.2. Location of Access Routes	
(1)	[F12-OS1.5, OS1.2] [F06-OS1.1] [F12-OP1.2]
(2)	[F12-OS1.5, OS1.2] [F06-OS1.1] [F12-OP1.2]

OTHER SUPPORTING MATERIALS

N/A.