

The Building Code Regulations are proposed to be amended by adding immediately after Article 1.2.1.2., the following article:

1.2.1.3. Home Based Business Exemptions

- (1) The *authority having jurisdiction* may consider a *home based business* as part of the *Group C residential occupancy* of a *dwelling unit* and not a separate *major occupancy* for the purposes of the *Code*, if all of the following criteria are met:
 - a) the business or service use of the *dwelling unit*, an accessory *building* to the unit, or both is secondary to the *residential occupancy* use of the *dwelling unit*,
 - b) at least 1 full-time resident of the *dwelling unit* with the *home based business* operates the business or service,
 - c) the business or service use is not a *Group F1- High-hazard industrial occupancy*, or a *Group F2- Medium-hazard industrial occupancy*,
 - d) the *home based business* uses an aggregate *floor area* of less than 50 m², and;
 - e) the *home based business* uses less than 25% of the *floor area* of the *dwelling unit*.
- (2) A *home based business*, that meets all of the criteria in sentence (1), is not considered a separate and adjoining *major occupancy* from the *dwelling unit* for the separation requirements in Article 3.1.3.1.(Part 3, Division B) of the *National Building Code of Canada*.
- (3) The *authority having jurisdiction* must not require additional water closets, under Article 3.7.2.2. (Part 3, Division B) of the *National Building Code of Canada*, for a *dwelling unit* with
 - a) a *home based business* that meets all the criteria in Sentence (1), or
 - b) a *home based business* located within an accessory *building* if that *building* is less than 45 m from the *dwelling unit*.
- (4) A *dwelling unit* with a *home based business* conducted within the unit is considered a *building* which is exempt from the *barrier-free* design requirements under Clause 3.8.1.1.(1)(a) of the regulations.

(5) A *home based business*, that meets all of the criteria in Sentence (1), is not considered a separate *major occupancy* from the *dwelling unit* for occupancy classification purposes in Subsection 9.10.2.(Part 9, Division B) of the *National Building Code of Canada*.

2. The regulations are proposed to be amended by adding to Article 1.3.1.3. immediately after "Heritage Conservation District" the following:

"Home based business" means a business or service use located in a *dwelling unit* that is used or occupied as a single housekeeping unit.

Proposed Appendix note:

The intention is to ensure that these dwelling units are used as residential units rather than other occupancies with subsidiary sleeping areas. The appropriate uses for home based businesses, signage and parking requirements should be set out in the Land Use Bylaw.

Where a home based business in a dwelling unit exceeds the limits set out in sentence 1.2.1.3.(1) of the regulation, it may be permitted, however there is no exemption from it being a major occupancy and the usual requirements including those for separation. Sentence 1.2.1.3.(4) of the regulations clarifies that any dwelling unit with a home based business is considered the same as a house and exempt from the barrier free design requirements in Section 3.8. (Part 3, Division B) of the Code.