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Item No. 21.4
Halifax Regional Council
December 2, 2025

TO: Mayor Fillmore and Members of Halifax Regional Council

FROM: Brad Anguish, Acting Chief Administrative Officer

DATE: October 14, 2025

SUBJECT: Missing Middle Housing

INFORMATION REPORT

ORIGIN

On August 6, 2024, Regional Council passed the following motion:

Moved by Councillor Austin, seconded by Councillor Mason

THAT Halifax Regional Council direct the Chief Administrative Officer to prepare a staff report on potential amendments to the building code that would eliminate barriers to constructing small scale multi-unit buildings (i.e. missing middle housing) including relaxing rules that require a second point of egress in every building of two or more storeys.

MOTION PUT AND PASSED UNANIMOUSLY.

EXECUTIVE SUMMARY

- Halifax Regional Municipality does not have the authority to modify the provincial building code. Although municipalities can propose changes to the Nova Scotia Building Code Regulations as outlined in the Building Code Act, Section 4 (2):

“Upon the recommendation of the council of a municipality, the Minister may, by regulation, prescribe additional standards applicable to the construction or demolition of buildings in that municipality, where such standards are more stringent than the standards in the Building Code or relate to matters not regulated by the Building Code.”

Proposed building code changes typically are reviewed by the Nova Scotia Building Advisory Committee and are ultimately decided upon by the provincial Minister.

- Evaluating building code changes such as increasing the allowable height of an apartment building served by a single exit stair, reducing corridor width and minimum room areas

must be completed in a time-tested, balanced, consensus-based process which considers the latest research, current practices, and technologies.

There is a significant risk to the protection and safety of the public which needs to be addressed when considering a single exit stair, however, staff can accept objective-based solutions to single entrances and exits as conditions warrant.

BACKGROUND

The motion seeks to explore potential amendments to the building code to reduce barriers to the development of small-scale, multi-unit buildings in Halifax. Missing middle housing refers to residential building types such as duplexes, triplexes, townhouses, and small apartment buildings that provide diverse and affordable housing options within established communities.

Currently, the Nova Scotia Building Code requires that all buildings of two or more storeys provide a secondary means of egress for safety reasons. Likewise, it requires buildings to be constructed with hallways having a minimum width of 860mm (34 inches) used to facilitate egress, and a minimum room area over which a clear ceiling height must be maintained. These rules, while intended to ensure occupant safety in the event of an emergency, can add complexity and costs to small-scale developments.

It is important to note that municipalities do not have the authority to modify the provincial building code. That said, there are provisions within the code that allow for designers to propose an objective-based solution that demonstrates an equivalency to the objectives and prescriptive requirements of the building code. Division C, Section 2.3 of the National Building Code (NBC) describes the supporting documentation required for objective-based solutions.

Staff are well-positioned to evaluate alternative solutions under Division C, Section 2.3 of the NBC, but may not be mandated or resourced to request formal code amendments without Council's direction.

DISCUSSION

The Nova Scotia Building Code Regulation adopts the National Building Code of Canada (NBC), with only some minor deviations. Municipalities, including Halifax Regional Municipality, do not have the authority to amend or override the provincial building code enabling single exit stair.

The 2024 British Columbia Building Code incorporated changes enabling a single exit for building up to six storeys in height, these changes are summarized as follows:

- Limit the occupancy load to 24 people per floor,
- Limit the travel distance to the exit,
- Provide automatic sprinkler systems throughout buildings, including balconies,
- Manage smoke movement and include other fire protections, and
- Require high-level local fire department and high-level building operations and management to ensure ongoing fire system inspections.

Municipalities can work within the existing framework to encourage innovation in design and construction. Professional designers can propose alternative solutions to the building code requirements, including egress / exiting provisions, under Division C, Section 2.3 of the NBC, which outlines objective-based solutions.

For example, for an apartment building proposing a single exit design that does not conform to the prescribed requirements of the building code, designers may demonstrate that the intent and objectives of the code are still met through an alternative, objective-based approach. As a minimum, an objective-based solution shall address the following concerns related to increasing the height of an apartment building that employs a single exit stair:

- The single exit stair results in the means of egress being susceptible to a single point of failure,
- The types of allowable construction for single exit stair buildings (combustible vs non-combustible construction materials),
- Impact of a single exit stair on emergency responder operational capabilities,
- Occupants exiting while first responders are entering,
- Hazards and Fire Code deficiencies arising post-occupancy (i.e. damaged or inoperable fire protection systems such as sprinklers and fire alarms, personal property obstructing fire doors and access to exits), and
- Human behavior regarding fire safety (i.e. delayed response when leaving the building in the event of an emergency).

Designers may propose alternative designs to address the increased risks, such as the use of sprinkler systems, fire-resistant materials, or other architectural features, these designs must provide an equivalent level of safety compared to a second point of egress. Alternative-based solutions must be supported by documentation and evidence that they meet the safety and fire protection objectives of the building code. These objectives can be found in the NBC and are summarized here:

- **Safety** in use (Section OS 3.7) - avoid persons being delayed in or impeded from moving to a safe place during an emergency.
- **Fire Protection** of the building (Section OP 1.2) - limit the risk that fire or explosion will impact areas beyond its point of origin.

Any alternative must demonstrate the safety and well-being of occupants including first responders. The primary concern of the building code is public safety, and any changes must adhere to its underlying principles.

Alternatives proposed by designers are thoroughly evaluated by municipal Building Officials, who are the appropriate authority, to ensure they meet or exceed the minimum safety standards outlined in the NBC. HRM's Building Officials have routinely reviewed and approved alternative-based solutions related to building egress and single exits.

The municipality can further support this process by ensuring that applicants have access to information on how to best propose alternative-based solutions in accordance with the NBC and work with designers to understand the intent and function of the code. Industry professionals are encouraged to explore and utilize this pathway as a proactive means of achieving compliance and innovation, rather than waiting for formal amendments to the provincial building code. This

approach allows for timely implementation of safe, effective design strategies that align with evolving construction industry and project needs.

Objective based solutions are site specific and are not equivalent to code amendments. While they allow flexibility, they do not change the underlying code and cannot be relied upon to systematically reduce barriers across multiple projects. If a situation is encountered regularly, there may be pause to review the regulations and staff are of the opinion that this is best left to the governing bodies that develop building codes, notably the Canadian Commission on Building and Fire Codes and the National Research Council.

FINANCIAL IMPLICATIONS

There are no financial implications associated with this report.

COMMUNITY ENGAGEMENT

No engagement to report.

LEGISLATIVE AUTHORITY

Building Code Act, SNS 1989, c 46.

- 5 (1) The council of a municipality is responsible for the administration and enforcement of this Act in the municipality.
- (2) A building official or building officials shall be appointed by each council to administer and enforce this Act in the municipality

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ATTACHMENTS

None.

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