

# STUDENT HOUSING, BOARDERS, AND ROOMING HOUSES



## INFORMATION FOR HOMEOWNERS AND LANDLORDS:

Houses in Winnipeg are leased to individuals or families on a regular basis and, in most cases, zoning and building codes regarding rental use are no different than those applied to owner-occupied houses (NOTE: there is an exception described in the footnote below).<sup>1</sup> For example, as with all single family dwellings, all rental dwelling units must comply with the housing standards prescribed under the Neighbourhood Liveability By-law<sup>2</sup>. In some cases, however, different regulations do apply, and it is important for homeowners and landlords to understand categories of occupancy and related requirements or restrictions. Rental housing occupancy can be separated into three categories: boarders, multiple dwelling unit housing, and 'rooming houses'.

Please note that this brochure is intended to provide a broad overview of the City's approach to occupancies but is not a definitive statement of the law. Readers should consult with the City's zoning by-laws, the Neighbourhood Liveability By-law and the Winnipeg Building By-law and building codes for the applicable law.

## BOARDERS

**Zoning:** The City's Zoning By-laws permit an owner or primary tenant<sup>3</sup> of a single family dwelling or duplex to take in up to two boarders (boarders may be students, but are not required to be), without applying for a change of land use.<sup>4</sup> For the purposes of Zoning, a boarding situation generally involves

- (a) The owner living in the house; and
- (b) The boarder paying for rent and meals.

**Building Code:** A boarding situation is also not a problem from a Building Code perspective provided that these two conditions identified above are met and the boarder is living as part of the owner's family.

In order to live as part of the owner's family, both the owner and the boarder must have access to all or most areas of the home. One of the key indicators of this state of affairs is whether there are keyed locks on bedrooms. (Keyed locks can be locked from the outside of the room.) If a bedroom door is equipped with a keyed lock, it creates an area of the house that would be considered under the Building Code to be a separate suite because the space is no longer under control by the homeowner.<sup>5</sup> If the renter can physically secure her/his room when she/he is not there, this points to the conclusion that he/she is not a boarder but rather a tenant.

In summary, if someone is living in the home with the owner as a member of the owner's family, is paying for meals as well as sleeping facilities, and there are no locks on the bedroom doors or a separate tenancy space, this points to a boarding situation. Boarding situations are not an issue for either zoning by-laws or the Building Code (unless there are more than two boarders). However, where one or more of these elements are absent, the situation differs and likely becomes either a multiple dwelling unit house or a rooming house.

---

<sup>1</sup> One difference between owner-occupied and rental dwellings is identified in the The Fire Prevention By-law 150/2004. All rental dwelling units require 10 year lithium battery operated or hard-wired smoke alarms with a pause/hush/silencer or false alarm control feature and be installed in rental units that consist of one single room, within ten feet of the entrance to a bathroom; within ten feet of a cooking area or within ten feet of a cooking appliance in a motel or hotel room. Additionally, the owner must maintain annual smoke alarm records and supply each tenant with a copy of Schedule C from the by-law at the outset of each tenancy.

<sup>2</sup> For more information visit <http://winnipeg.ca/cms/BLES/PNS/default.stm>

<sup>3</sup> For the purposes of this brochure, we will use the word "owner" to refer to the person who has control over the entire house, townhouse or apartment. Of course, that person may in fact be leasing the house, townhouse or apartment from the actual owner.

<sup>4</sup> An application for ~~to~~ more than two boarders can be made by way of a Conditional Use application.

<sup>5</sup> Control and access are both concerns. A small fire in a locked bedroom can compromise the safety of other occupants in the dwelling unit, which is what suite-to-suite fire separations are meant to control.

## MULTIPLE DWELLING UNIT HOUSES INCLUDING SECONDARY SUITES AND DUPLEXES

Homeowners may choose to develop or create additional dwelling units within a home for rental purposes. These may or may not be self-contained. A self-contained dwelling unit has facilities for sleeping, food preparation, and toileting (including bathing/showering). Where a second self-contained dwelling unit exists in a house, it may constitute a 'secondary suite' or the house may need to meet the standards of a duplex. If the dwelling unit is not self-contained, the situation is categorized as a rooming house or 'shared facilities dwelling' (see below).

Both secondary suites and duplexes (or more than two self-contained suites in a house) must be legally established under both zoning by-laws and the Building Code via the permit process. See [Secondary Suites and Attached Secondary Suites brochure](#) and [Attached Secondary Suites Building Guide](#). The primary differences between a secondary suite and duplex is that a secondary suite is limited in size – it is accessory to the primary unit – and it is not obvious from the front street (e.g. there are not two entrances at the front of the house).

Secondary suites and duplexes can be rented by a couple or by several individuals as a group. This does not change its legal status; the law considers this arrangement the same as if a single individual had rented the dwelling unit.

Houses establishing three or more self-contained suites have more complex zoning and Building Code requirements.

**Note:** Some houses that established three or more suites or dwelling units prior to 1986 may fall into a category of buildings that the City requires to meet the life/safety standards set out in the Residential Buildings Fire Safety By-law 4304/86 and are required to be licensed as a 'Converted Residential Dwelling'. Houses that have legally established additional dwelling units (through approved building permits) since 1986 are not required to be licensed, because they were constructed to meet the Manitoba Building Code at the time of construction.

## ROOMING HOUSES (licensed as 'converted residential dwellings with shared facilities')

While the Building Code, zoning and licensing by-laws do not use the term 'rooming houses', the term is commonly used to describe houses or other dwelling units where there are multiple tenants, each of whom rents a separate bedroom, and where other areas are shared with other occupants. (Typically, these other areas include kitchens, washrooms and living rooms.) Bedrooms are typically locked from the outside and each occupant has his or her own rental arrangement with the landlord (who may or may not be an occupant of the house).

It is difficult under current regulations to convert an existing single-family dwelling to a rooming house. Current zoning rules require that the property be rezoned to something other than the R1 (Residential Single-Family) or R2 (Residential Two-Family) category. Additionally, under the Manitoba Building Code this is a 'change of use' from a single dwelling unit to a multi-suite dwelling with shared exits. As such, each bedroom would be considered to be a separate suite under the Building Code. Building and other permits such as an occupancy permit would have to be issued and the property inspected to legally establish a rooming house.

As with multiple-suite houses, where a rooming house was established prior to 1986 and met the life-safety standards set out in By-law 4304 and the zoning requirements, the City of Winnipeg's Doing Business in Winnipeg By-law additionally requires rooming house owners to obtain a "[Converted Residential Dwelling with Shared Facilities" Licence](#).

## SHARED TENANCIES VS. INDIVIDUAL TENANCIES

As can be seen, there is a big difference in legal status between a rooming house and a house with a secondary suite or a duplex. So what is the difference between a rooming house and a group of people renting a house, duplex or a secondary suite together? In each situation, several people may be living in a dwelling unit, each with a bedroom but sharing bathrooms, kitchens and living areas. However, the law treats one situation quite differently than the other.

The key lies in the words "group" and "together". A rooming house involves individual tenancy agreements between the landlord and each occupant, whereas when a group of people rent a house, duplex or secondary suite together they will have a single rental agreement between the group (or a representative of the group) and the landlord. A group must also act as a group, especially in deciding who else will live in the unit. If the tenant group can ask individuals to leave the group and invite new occupants to join, this is a strong indication that the group as a whole is occupying the dwelling unit. However, if individual occupants can be evicted and/or new tenants selected *by the landlord*, this suggests that the situation is a rooming house and not a shared tenancy of a self-contained dwelling unit. Another, somewhat less significant feature, is the presence of keyed locks on bedrooms. If all occupants have access to all areas of the dwelling unit, including bedrooms, this is a strong indication that they are part of a group. If bedrooms have keyed locks, this may be an indication that they are not truly part of a group which 'lives as a family' with a shared lease.

## COMPARISON TABLE

Category	Keyed locks	Owner lives in dwelling unit	More than one self-contained suite
<b>Boarder</b>	No	Yes (required)	No self-contained suite involved
<b>Multiple Dwelling Units</b>	Yes (not on bedroom door, but to access the self-contained dwelling unit)	Irrelevant	Yes
<b>Rooming House</b>	Yes (locks are an indicator, but the removal of locks on bedroom doors may not necessarily mean that the building is not a rooming house).	Irrelevant	No (although a variant might have a rooming house which also contains one or more self-contained suites)

Any questions or inquiries can be directed to the City of Winnipeg's Customer Service Centre (311 or [311@winnipeg.ca](mailto:311@winnipeg.ca)). It is important to note that property owners who do not obtain proper permissions, permits or approvals where they are required may be subject to Compliance Orders or Common Offence Notices (tickets) from the City of Winnipeg. Where dangerous conditions are allowed to persist, property owners may be legally liable for any and all damages that occur as a result.

[Additional information about Zoning and Permits](#)

[The Doing Business in Winnipeg and Residential Fire Safety By-laws](#)