

**BUILDING CODE COMMISSION**

**IN THE MATTER OF** Subsection 24(1) of the *Building Code Act*, S.O. 1992, c. 23, as amended.

**AND IN THE MATTER OF** Sentences 3.2.2.4.(2), 3.2.2.5.(1), 3.2.2.6.(1), Article 3.2.2.24. and Sentence 11.2.1.2.(1) of Regulation 403, as amended by O. Reg. 22/98, 102/98, 122/98, 152/99, 278/99, 593/99, 597/99, 205/00 and 283/01 (the “Ontario Building Code”).

**AND IN THE MATTER OF** an application by Jeffrey W. Glendinning, Glendinning Funeral Home, for the resolution of a dispute with Jim Watson, Chief Building Official, Township of Blandford-Blenheim, to determine whether the proposed 56.6 m<sup>2</sup> addition to an existing multiple occupancy (A2 and C) building, which is intended to be unsprinklered and constructed using combustible construction, provides sufficiency of compliance with Sentences 3.2.2.4.(2), 3.2.2.5.(1), 3.2.2.6.(1), Article 3.2.2.24. and Sentence 11.2.1.2.(1) of the Ontario Building Code at the Glendinning Funeral Home, 40 William Street, Plattsville, Ontario.

<b>APPLICANT</b>	Jeffrey W. Glendinning Glendinning Funeral Home Plattsville, Ontario
<b>RESPONDENT</b>	Jim Watson Chief Building Official Township of Blandford-Blenheim
<b>PANEL</b>	Kenneth Peaker, Chair Robert De Berardis Fred Barkhouse
<b>PLACE</b>	Toronto, Ontario
<b>DATE OF HEARING</b>	December 6, 2001
<b>DATE OF RULING</b>	December 6, 2001
<b>APPEARANCES</b>	Tim Schaner Tim A. Schaner Project Management Design-Management Waterloo, Ontario <b>Agent for the Applicant</b>
	Jim Watson Chief Building Official Town of Blandford-Blenheim <b>The Respondent</b>

## **RULING**

### **1. The Applicant**

Jeffrey W. Glendinning, Glendinning Funeral Home, Plattsville, Ontario, has applied for a building permit under the *Building Code Act*, S.O. 1992, c. 23, as amended, and is proposing to construct an addition to the Glendinning Funeral Home, 40 William Street, Plattsville, Ontario.

### **2. Description of Construction**

The Applicant is proposing to construct a 56.6 m<sup>2</sup> addition to an existing multiple occupancy building. The existing structure has a building area of 667.7 m<sup>2</sup> and accommodates both Group A, Division 2 and Group C major occupancies. The existing building is comprised of combustible construction and is not equipped with either a fire alarm system or a sprinkler system.

The purpose of the proposed addition is to enlarge the lobby area of the existing funeral home. This portion of the building has an A2 occupancy classification and is one storey in building height. The structure also encompasses a one storey, Group C dwelling, directly to the north of the funeral home portion as well as a seven unit, three storey, Group C apartment building occupying the southwest portion of the structure. The proposed lobby addition is solely attached to the one storey section of the building along the east side and does not come into contact with the three storey apartment. While a masonry block wall separates the three storey portion from the remainder of the building, this is not considered to be a fire wall and, as such, the entire structure is considered to have a building height of three storeys.

The construction in dispute involves the one storey addition to the funeral home lobby which is to be constructed using combustible construction and, without a sprinkler system. The proposal for this addition calls for the use of wood frame construction and fire rated drywall. In addition, while the Applicant's preference is to avoid sprinklering this small area entirely, he would concede to sprinklering the addition using the existing domestic water supply as well as provide interconnected smoke alarms to compensate for the use of combustible material in the construction.

### **3. Dispute**

The issue at dispute between the Applicant and Respondent is whether the proposed unsprinklered addition comprised of combustible construction provides sufficiency of compliance with Sentences 11.2.1.2.(1), 3.2.2.4.(2), 3.2.2.5.(1) and 3.2.2.6.(1) and Article 3.2.2.24. of the Ontario Building Code (OBC).

Sentence 11.2.1.2.(1) of the Code, concerning renovations to buildings with multiple major occupancies, directs readers to Articles 3.2.2.5. to 3.2.2.8. Furthermore, Sentence 3.2.2.4.(2) provides that, where a building contains more than one major occupancy, the Code provisions concerning building size and construction relative to occupancy will apply according to Articles 3.2.2.5. to 3.2.2.8.

Particular to this dispute, Sentence 3.2.2.5.(1) requires that, in determining fire safety requirements in relation of each major occupancy, building height and area shall be used. In addition, Sentence 3.2.2.6.(1) provides, with an exception not applicable here, that for a building containing more than one major occupancy, the requirements for the more restricted major occupancy shall apply to the whole building.

In respect to the subject proposal, when considering building height, area and the most restricted major occupancy, the relevant requirements for the structure are outlined in Article 3.2.2.24. These requirements apply to the Group A, Division 2 occupancy. Article 3.2.2.24. would require that the subject addition be sprinklered and be constructed using noncombustible materials. Floor assemblies are to be fire separations having a resistance rating of not less than one hour and all loadbearing walls, columns and arches shall provide a fire-resistance rating not less than what is required for the supported assembly.

In respect to the proposed construction as noted above, the addition to the funeral home lobby is intended to be comprised of combustible construction and, as originally proposed, will not be equipped with a sprinkler system. In the alternative, sprinklering with use of the existing domestic water supply has been offered as well as a system of interconnected smoke detectors intended to compensate for the use of combustible construction material.

#### **4. Provisions of the Ontario Building Code**

##### **3.2.2.4. Buildings with Multiple Major Occupancies**

(1) The requirements restricting fire spread and collapse for a *building* of a single *major occupancy* classification are provided in this Subsection according to its *building height* and *building area*.

(2) If a *building* contains more than one *major occupancy*, classified in more than one Group or Division, the requirements of this Subsection concerning *building* size and construction relative to *major occupancy* shall apply according to Articles 3.2.2.5. to 3.2.2.8.

##### **3.2.2.5. Applicable Building Height and Area**

(1) In determining the fire safety requirements of a *building* in relation to each of the *major occupancies* contained therein, the *building height* and *building area* of the entire *building* shall be used.

##### **3.2.2.6. Multiple Major Occupancies**

(1) Except as permitted by Articles 3.2.2.7. and 3.2.2.8., in a *building* containing more than one *major occupancy*, the requirements of this Subsection for the most restricted *major occupancy* contained shall apply to the whole *building*.

##### **11.2.1.2. Multiple Occupancies**

(1) The classification of an existing *building* of multiple *occupancy* under Article 11.2.1.1. shall be applied according to Articles 3.2.2.5. to 3.2.2.8.

##### **3.2.2.24. Group A, Division 2, up to 6 Storeys, Any Area, Sprinklered**

(1) A *building* classified as Group A, Division 2, that is not limited by *building area*, is permitted to conform to Sentence (2) provided

- (a) except as permitted by Sentence 3.2.2.7.(1), *the building* is *sprinklered*, and
- (b) it is not more than 6 *storeys* in *building height*.

(2) Except as permitted by Article 3.2.2.16., the *building* referred to in Sentence (1) shall be of *noncombustible construction*, and

- (a) floor assemblies shall be *fire separations* with a *fire-resistance rating* not less than 1 h,
- (b) *mezzanines* shall have a *fire-resistance rating* not less than 1 h, and
- (c) all *loadbearing* walls, columns and arches shall have a *fire-resistance rating* not less than that required for the supported assembly.

## 5. Applicant's Position

The Applicant's Agent advised that they are looking to construct a small addition to the vestibule/lobby area of the existing funeral home portion of the building. It is proposed that the addition would be of similar construction to the existing building, consisting of wood frame construction and fire rated dry wall. Although it is the Applicant's preference not to sprinkle this relatively small area, they offered to sprinkle the addition using the existing domestic water supply and suggested that engineered drawings could be provided for an appropriate system.

The Agent emphasized that their prime concern was with respect to the requirement for the use of noncombustible construction material. In this regard, to allow for continuity in the appearance between the addition and the existing the building it would be preferable to build using similar construction materials as the remainder of the structure. This would be the most cost effective and aesthetic option, particularly in light of the relatively small size of the addition.

The Agent emphasized that, although the funeral home is connected to the three storey residential portion of the building, the addition itself is not. The construction would be located adjacent to the single storey residential building at the front entrance of the one storey funeral home which would stand between the new construction and the seven unit apartment. To compensate for the use of combustible construction in the addition, the Agent submitted that the Applicant is willing to install a system of interconnected smoke alarms throughout the building. This would provided for an increased level of safety for the occupants of the Group C portions of the building.

In summation, the Agent recognized the OBC requirements for buildings up to six storeys in height containing a Group A, Division 2 occupancy, but suggested that in light of the relatively small size of the addition and considering the composition of the rest of the building, there would be little or no benefit to require strict compliance with these provisions in this instance. In addition, he reiterated the Applicant's willingness to provide sprinklering from the domestic water supply and to furnish the building with interconnected smoke detectors, although not required by the Code.

## 6. Respondent's Position

The Respondent submitted that it was his position that the proposed addition did not comply with the provisions outlined in the Code. In this regard he advised that noncombustible construction and a sprinkler system would be required. He was unable to accept the Applicant's proposal for the use of combustible construction and, in respect to any proposed sprinkler system from the existing domestic water supply, he stated that engineered stamped drawings would be required to ensure compliance with Code standards. He emphasized, however, that sprinklering would only be required in the area of the new addition.

## 7. Commission Ruling

It is the decision of the Building Code Commission that the proposed 56.6 m<sup>2</sup> addition to an existing,

multiple occupancy (A2 and C) building which is intended to be unsprinklered and constructed using combustible construction does not provide sufficiency of compliance with Sentences 3.2.2.4.(2), 3.2.2.5.(1), 3.2.2.6.(1), Article 3.2.2.24. and Sentence 11.2.1.2.(1) of the Ontario Building Code at the Glendinning Funeral Home, 40 William Street, Plattsville, Ontario.

**8. Reasons**

- i) The new addition is required to comply with the construction requirements of Article 3.2.2.24. of the Ontario Building Code.
- ii) The compensating measures offered in lieu of compliance are inadequate to achieve sufficiency of compliance with the requirements of the Code.

Dated at Toronto this **6th** day in the month of **December** in the year **2001** for application number **2001-71**.

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Kenneth Peaker, Chair

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Robert De Berardis

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Fred Barkhouse