



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 Article 3.3.5.6. 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 Larry McDonald, Director, Ira McDonald Construction Ltd. for the resolution of a dispute with Agris Robeznieks, Chief Building Official, City of Mississauga, to determine whether the "trucking area" (used for loading/unloading) in an industrial building is considered as a "storage garage" and therefore required to be separated from the adjacent warehouse area by a fire separation having a fire-resistance rating of 1.5 hours in accordance with Article 3.3.5.6. of the Ontario Building Code at Ontario Flower Growers, 910 Midway Boulevard, Mississauga, Ontario.

APPLICANT	Larry McDonald, Director Ira McDonald Construction Ltd.
RESPONDENT	Agris Robeznieks Chief Building Official City of Mississauga
PANEL	Kenneth Peaker, Chair Donald Pratt Gary Burtch
PLACE	Toronto, Ontario
DATE OF HEARING	November 8 th , 2001
DATE OF RULING	November 8 th , 2001
APPEARANCES	Stephen Parazder, President S.P. Design Inc. Agent for the Applicant
	Frank Spagnolo Manager, Building Engineering & Inspections City of Mississauga Designate for the Respondent

RULING

1. The Applicant

Mr. Larry McDonald, Director, Ira McDonald Construction Ltd., has received a building permit under the *Building Code Act*, S.O. 1992, c. 23, as amended and is constructing an addition to a warehouse facility known as Ontario Flower Growers, 910 Midway Boulevard, Mississauga, Ontario.

2. Description of Construction

The Applicant is constructing a one storey addition to an existing one storey warehouse facility. The building is classified as a Group F, Division 3 major occupancy and, with the completion of the 8,362 m² addition, will have a total building area of 14,514 m². Both the existing building and proposed addition are comprised of noncombustible construction and are equipped with fire alarm and sprinkler systems.

The addition itself is divided into two equal halves. The western half is designed as a truck loading area and the eastern portion of the addition is designated for warehouse purposes. A north-south running, 203 mm (8 in), thick concrete block partition separates these two areas. The ceiling height within the building is approximately 9.1 m. The masonry partition will be less than this height, i.e., it will extend not extend to the underside of the ceiling. In addition, non-rated swing doors and overhead doors are proposed to provide access through the partition for the purposes of transferring products between the truck loading area and the warehouse portion of the building.

The construction in dispute involves design of the partition which divides the two areas of the addition. Specifically, the determination of whether the truck loading area is considered as a “storage garage” for the purposes of the application of the Building Code will affect its design. As noted, the concrete block wall that will divide the trucking area and warehouse portion of the structure does not extend to full ceiling height and is penetrated by swing and overhead doors. This wall would not provide a fire separation with a resistance rating of 1.5 hours that would be required if the trucking area were considered as a storage garage.

3. Dispute

The issue at dispute between the Applicant and Respondent is whether the “trucking area” is considered a “storage garage” and is therefore required to be separated from the adjacent warehouse area by a fire separation having a fire-resistance rating of 1.5 hours in accordance with Article 3.3.5.6. of the Ontario Building Code (OBC).

Article 3.3.5.6. of the Code outlines the separation requirements for a “storage garage” and mandates that, such an area be separated from other occupancies by a fire separation having a resistance rating of not less than 1.5 hours. It should be noted that “storage garage” is defined in the Building Code as “a *building* or part thereof intended for the storage or parking of motor vehicles and which contains no provision for the repair or servicing of such vehicles.”

The Respondent is advancing the position that the truck loading area is, in fact a storage garage, and therefore subject to the provisions outlined in Article 3.3.5.6. The Applicant disagrees with this assertion and, as noted above, the partition separating the two areas of the new addition is not designed to provide for a fire-resistance rating of 1.5 hours.

4. Provisions of the Ontario Building Code

3.3.5.6. Storage Garage Separation

(1) Except as permitted by Sentences 3.3.4.2.(4) and (5), a *storage garage* shall be separated from other *occupancies* by a *fire separation* with a *fire-resistance rating* not less than 1.5 h. Articles 3.1.8.7. and 3.1.8.8.

5. Applicant's Position

The Applicant's Agent advised that the building operation involves the transport of plants and flowers that are susceptible to extreme weather conditions. As a result, the loading and unloading of product would ideally occur within the building to prevent damage during the winter months. He ensured the Commission that the Applicant acknowledges the importance of fire and life safety features. He submitted that the building is comprised of noncombustible construction, it faces three streets, has vehicular access on all four sides and is within 90 metres of 9 fire hydrants.

The Agent stated that it was his interpretation that the passageway through the truck loading area was not a "storage garage" as defined by the Building Code. It is merely an area for trucks to drive into for the purpose of loading and unloading. He suggested that there are many such buildings being constructed, particularly for use by the steel industry. He further maintained that it would be almost impossible to fire separate the two areas given the nature and function of the building.

The Agent advised that it was also important to note that the existing building, built in 1985, incorporated similar trucking areas. There were no fire separations between those areas and adjacent uses. These portions of the original structure have since been converted to cooling areas for cut flowers and potted plants. In his opinion, the new addition has the same use and function as the previously approved structure. He further argued that the entire building is classified as an F3 occupancy. As a result, the warehouse and truck loading areas are not required to be fire separated.

In support of his position and the proposed partition design, the Agent advised that there would be staff present to monitor the area. He stated that there is no extended parking inside the facility. Trucks simply line up, a load is transferred, and the vehicles drive out. He suggested that the masonry wall that currently divides the areas is primarily for the control of carbon monoxide and to address security concerns. The doors are not proposed to be fire rated and there is some question, from a structural standpoint, about whether the wall under construction can be safely extended to the height of the building. In addition he stated that, for the purpose of this operation, it is not functional to have the doors close after each use. This would significantly impede the flow of product between the two areas.

In summation, to alleviate any concerns, the Agent offered to post signs within the area to prevent extended parking and to double the number of available fire extinguishers. He reiterated that this is a fully sprinklered building and maintained that a fire separation in this area is not required. His position remained that this was not a storage garage. It was, he argued, a monitored area used for the transference of product. He submitted that there are many such buildings throughout the province which have not been required to fire separate the subject areas.

6. Respondent's Position

The Designate for the Respondent submitted that, while the portion of the building in question may be termed a loading and unloading area, it is also considered a storage garage for the purposes of applying the Building Code. Although the occupancy classification is the same throughout the building, the OBC requires a fire separation of other building areas from a storage garage. Therefore, he submitted, a 1.5 hour fire resistance rating is required between the trucking area and the remainder of the building.

The Designate advised that, from the time he has held his present position, this requirement has been consistently enforced in the City of Mississauga, even in steel operations. He emphasized that there is no control over how long a vehicle may remain in the truck loading area. It maybe 5 minutes or possibly 2 hours or more. In fact, he argued, there is the potential for parking inside the structure for extended periods of time.

He stated that, while he understands that a fire separation may hinder the flow of material between the warehouse and the truck loading area, he emphasized that safety is his main concern. He maintained that his position in the application of Code is that this area is considered as a storage garage and must meet the requirements set out in Article 3.3.5.6.

7. Commission Ruling

It is the decision of the Building Code Commission that the "trucking area" (used for loading/unloading) in the subject industrial building is a "storage garage" and therefore required to be separated from the adjacent warehouse area by a fire separation having a fire-resistance rating of 1.5 hours in accordance with Article 3.3.5.6. of the Ontario Building Code at Ontario Flower Growers, 910 Midway Boulevard, Mississauga, Ontario.

8. Reasons

- i) Trucks will be temporarily parked inside the building within the trucking area for the loading and unloading of material. Regardless of the length of time the vehicles remain parked, the function is still one of a storage garage as defined by the Ontario Building Code. A 1.5 hour fire separation is therefore required.
- ii) While the major occupancy classification for the entire building is F3, the requirement to separate a storage garage from the adjacent occupancies remains. The function of the adjacent area is different and the prescribed level of construction is appropriate for the protection of the warehouse facility and its occupants.

Dated at Toronto this **8th** day in the month of **November** in the year **2001** for application number **2001-70**.

Kenneth Peaker, Chair

Donald Pratt

Gary Burtch