

Guideline for 'CHANGE OF USE' (Commercial business)

Owner/Tenant: The following guideline will assist the commercial design professional in preparing a complete application for an owner and/or tenant base building-tenant fit-up that may involve changing major occupancy to a greater hazard index based on a building code application for permit review. If the level of safety of the Code (known as 'performance level' of a building) is reduced, it must be maintained. Part 10 of the Ontario building Code sets out minimum performance level checks against potential upgrading to meet code. This is outlined below and includes any expansion of one tenancy into another. Part 11 of the OBC covers renovation of existing building systems. Certain projects can involve both, known as an OBC Part 10/11 Review. A separate directly related guideline is available for commercial renovation, if the existing building classification remains same use. A common example of change of use is a small food premise (ie. Restaurant/bar/cafe) of 30 seats or less that expands use within to more than 30 seats of public use. This change from a mercantile/retail (group E) classification to an assembly (group A) use requires a building permit be filed.

Project Designer: Prepare **Two (2) Full Sets of Working Drawings** dimensioned/detailed/drawn to scale:

Site Plan; to meet Town Zoning By-Law Permitted Use: Site Plan; Parking, entry/exit doors, street/lane, sidewalk/patio

Design Professional; to meet Ontario Building Code (OBC) & Town Building By-Law required drawings:

- a) **Matrix design data form** completed by the **Building Code Designer** to review project/code,
- b) **Existing Floor Plan** with all rooms labelled for use and all proposed new floor areas of work,
- c) Any **Expanded Floor Plan** and proposed use of additional floor area use within existing,
- d) Any Building **Elevations, Section Details or Framing Plans** (as the case may be)
- e) **Mechanical-Heating/Ventilation/Plumbing, Electrical or Structural Review** by report or drawing by professional review of any integral key building systems not accounted for,
- f) '**Schedule 1: Designer Information**' form completed by a Designer (Engineer/Architect exempt).

Ontario Building Code-OBC Part 10-Change of Use Summary; Every building is classified as to its proper use under the building code to assess life health, safety and fire protection of its occupants. A design professional reviews project scope, existing conditions and completes a snapshot review (matrix form) of the work (renovation and/or change of use). OBC-Part 10 Change of Use outlines specific criteria to check level of safety (performance level) of a building where:

1-Existing structural floor-roof Framing Systems and their supporting members are not adequate to support the proposed dead loads and live loads of the new major occupancy; unless restricted to the loading it will support and signs posted;

2-Evaluation of Early Warning/Evacuation system requirements of the building do not meet criteria of 10.3.2.2.A for new major occupancy that the building is to support, such as checked against a) exit/access exit widths per occupant load, b) exit signs/lighting and emergency lighting, c) fire alarm or smoke alarm systems, d) travel distance and number of exits, e) door release hardware and deficiencies shall be upgraded;

3-Change of Use will result in a change of major occupancy of all or part of an existing building to another major occupancy of a greater 'hazard index', unless the hazard index of the new major occupancy is not greater than the 'construction index' of the existing building;

4-Existing building of Combustible (wood) construction, the occupancy is changed to residential in all or part and if the building was new, it would have been required to be non-combustible; unless the building is sprinklered of 6 storeys building height or less;

5-New major occupancy in an existing building of multiple occupancy is not separated from adjoining major occupancies by fire separations conforming to the OBC 3.1.1, 9.10.9 (Fire separations between rooms/spaces within buildings) or Table 10.3.3.2.B;

6-The building after the change in use will not comply with OBC 3.1.3.2. (Combined Occupancies) or 9.10.9.12. (Residential Suites, Live/Work Units and Industrial Buildings); 7-The total daily design sanitary sewage flow of new major occupancy as per 8.2.1.3., exceeds the capacity serving the building or the type or amount that will be discharged to a sewage system serving the building is prohibited by 8.1.3.1.; Or, 8-The use of the building is changed to a retirement home as defined and outlined per OBC Part 10.

And; Furthermore related to performance level when **construction** involved; ('may remain the same or made better, but not worse')

OBC Part 11-Renovation outlines specific criteria in evaluating reduction in performance level of a building where:

Structural and Occupant Load = Change in major occupancy;

9-Building use a) changes to a different major occupancy, b) **occupant load increases by more than 15%** or c) the live load will increase due to the change of use within the same major occupancy and the existing structural floor and roof framing systems and their supporting members after the construction are not adequate to support the proposed dead and live loads.

10-Less than 15% occupant load increase and the New Occupant Load will be more than 15% above the occupant load for which a fire alarm system is required per OBC

11-Less than 15% occupant load increase and the New Occupant Load will be more than 15% above the existing exit capacity as required per OBC 3.4.3.2.

Change in major occupancy;

12-Change of all or part of a) major occupancy to another major occupancy of greater hazard index, b) convert single residential into multi-unit residential (more than 1), c) convert assembly into a gaming premises as defined per OBC, d) change farm building to a major occupancy, e) change building to a post-disaster building or retirement home as defined per OBC or f) change use where previous major occupancy can not be determined.

13-Early warning and evacuation system requirements of other Parts for proposed major occupancy exceed those of the existing.

14-Building is not separated from the adjoining major occupancies by fire separations having fire-resistance ratings per OBC

15-Occupancy of all or part of an existing building of combustible construction is changed to a new major occupancy that would require the building (if it were a new building) to be of non-combustible construction or be built as per 3.2.2.43A or 3.2.2.50A

16-Despite hazard index, any change of occupancy to residential in a building over 3 storeys building height, except per OBC

Plumbing;

17-Building extended or subject to material alteration or repair, and Plumbing in the existing building is adversely affected by same

Sewage systems;

18-Building extended or subject to material alteration or repair, and Sewage Systems in the existing building is adversely affected by a) extension, alteration or repair, b) increased new occupant load results in total daily design sanitary sewage flow per OBC 8.2.1.3., exceeding the capacity of any component of a sewage system serving the building, unless for a dwelling unit under 15% new finished area, no new bedrooms or no new plumbing fixtures exceeding capacity per OBC 8.2.1.3. calculations.

19-Dwelling unit a) increases bedroom number, b) extension or alteration/renovation exceeds 15% of the finished area of dwelling and c) new plumbing fixtures added that exceed capacity of any sewage system component as per OBC 8.2.1.3. calculations.

20-Extension of a storey or more of combustible construction where building height exceeds 4 storeys.

Applicant: File form 'Application for a Permit to Construct' with above drawings;

- If Agent signs application; Owner to authorize agent to act on their behalf (consent letter);
- On section A. Project Information of the application form;
- Area of Work (Square Feet) from Designer calculation
- Project Value (\$) for all Labour, Materials, Services & Equipment to complete work in full
- Permit Fee initial payment by debit/cash/cheque as per the Building By-Law fee schedule
- Final permit Fee due prior to permit pickup of the issued building plans

Note: This is a general list only; Other information may be required as per governing standards. 11/21