



# BUILDING BULLETIN

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## Building Services

<b>Subject:</b>	<b>Occupancy Load for an AGCO Licensed Premises</b>
<b>Building Bulletin No:</b>	<b>BD.BB.21.20</b>
<b>Date Issued:</b>	June 1, 2021
<b>Date Revised:</b>	
<b>Reference:</b>	3.1.17, Division B, Ontario Building Code

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### A. Purpose

The purpose of this Building Bulletin is to:

- Clarify the calculation of the occupant load(s) for a new or renovated licensed premises under a building permit in accordance with the building code; and
- Provide consistent interpretation for Staff and the public with respect to requests for an Agency Approval Letter from the Chief Building Official in support of an AGCO liquor licence application.

### B. Background and Definitions

Occupant Load: means the number of persons for which a building or part of a building is designed and is referred to as the “*design occupant load*” in this building bulletin.

The design occupant load is determined by a qualified person (i.e. an Architect) taking into consideration of:

- The minimum number and width of exit and access to exit facilities
- The number of sanitary fixtures required
- Determining if a fire alarm system is required
- Determining if emergency lighting is required
- Determining if exit signs are required
- Determining if the type of hardware required on exit and access to exit doors

- The required direction of door swing

## Ontario Building Code and Related Standards

### 3.1.17. Occupant Load Note 1 & 2

#### 3.1.17.1. Occupant Load Determination

(1) The *occupant load* of a *floor area* or part of a *floor area*, or of a *building* or part of a *building* not having a *floor area*, shall be based on,

- (a) the number of seats in an *assembly occupancy* having fixed seats,
- (b) 2 persons per sleeping room or sleeping area in a *dwelling unit* or *suite*, or
- (c) the number of persons,
  - (i) for which the area is designed, or
  - (ii) determined from Table 3.1.17.1. for *occupancies* other than those described in Clauses (a) and (b).

(2) If a *floor area* or part of it has been designed for an *occupant load* other than that determined from Table 3.1.17.1., a permanent sign indicating that *occupant load* shall be posted in a conspicuous location.

**Note 1:** The total occupant load for a tenancy shall be calculated on the bases of the area per person applied to **that particular use of the area**.

For example, a billiards hall with seating for food/drink & a stand-up bar would have a total occupant load of based on the below:

- 9.30 m<sup>2</sup>/person for the portion being used for a billiards hall.
- 1.10 m<sup>2</sup>/person for the portion being used for a restaurant with seats & tables.
- 0.6 m<sup>2</sup>/person for the portion being used for a stand-up bar.

**Note 2 :** The occupant load sign shall have lettering on the sign that is at least 25 mm high with a 5 mm stroke.

## C. General Interpretation and Requirements

### New or Increased Occupant Load (with a building permit):

1. The associated building permit plans and work scope summarized in the OBC Data Matrix Form will be used to verify the occupant load.

2. Should the proposed work not be completed at the time of the occupant load application, the applicant will receive an occupant load that is pending final approval of the occupancy permit.
3. An architect may or may not be required, depending on whether the number requested will be over or under 30 persons, the type of building and scope of proposed work.
4. Where an occupant load request is in relation to a liquor license application, the applicant can make this known at time of building permit application so that staff can provide the Agency Letter of Approval concurrently.

### **Outdoor Patios**

1. An occupant load must be established for patios and decks, however; this occupant load is NOT in addition to the design occupant load for the interior space as these areas are assumed to be occupied by the same patrons notwithstanding that the building code is silent with respect to patios.
2. In no circumstance shall the required exits from the main building empty into an enclosed patio or a contained exterior space. *Refer the Office of the Fire Marshal's document number OFM-TG-03-2007, "Outdoor Patio Fire Safety".*

### **Factors in Calculating the Occupant Load**

The following factors as required by the Ontario Building Code (OBC), shall be considered in determining the occupant load:

#### **1. Floor Area (Table 3.1.17.1., Div. B)**

- An occupant load of 1.1m<sup>2</sup> net floor area per person for licensed restaurants (Table 3.1.17.1)
- Occupant load calculations are specific to the use of different areas with the establishment. For example; kitchen areas are calculated at 9.3m<sup>2</sup>/person under Table 3.1.17.1.
- Washrooms are not included in the floor area calculation
- An occupant load must be established for **patios and decks**, however; this occupant load is NOT in addition to the design occupant load for the interior space as these areas are assumed to be occupied by the same patrons notwithstanding that the OBC is silent with respect to patios.
- In no circumstance shall the required exits from the main building empty into an enclosed patio or a contained exterior space.

#### **2. Required Number of Water Closets and Lavatories**

- The minimum required number of water closets and lavatories shall conform with 3.7.4.3., Div. B of the OBC
- Universal toilet rooms, where required, shall comply with 3.8.3.12., Div. B, OBC.
- Dining Rooms, Restaurants, Cafeteria & Alcoholic Beverage Establishments with *more than 40 seats*, shall conform to Table 3.7.4.3.D, Div. B, OBC for patrons and Table 3.7.4.3.F, Div. B, OBC for employees (note the calculation from Table F is calculated separately from the calculation from table D as employee's facilities are separate).
- Dining Rooms, Restaurants, Cafeteria & Alcoholic Beverage Establishments with *not more than 40 seats*, shall conform to Table 3.7.4.3.D, Div. B, OBC
- Establishments used primarily for the consumption of alcohol beverages with limited or no food service shall conform to Table 3.7.4.3.E, Div. B, OBC. Please refer to Table 3.7.4.3.F, Div. B, OBC for employee facilities with *more than 40 seats*.
- Existing establishments that do not meet the current OBC requirements for washrooms shall be required to be upgraded where renovations are proposed or where a request for an occupant load increase is proposed and an insufficient number of water closets exist.

### 3. Exit Capacity

- Exit capacity of the building shall be reviewed conforming to 3.4.3.2., Div. B, OBC
- 6.1mm per person of exit width required (a 36" door may accommodate 150 persons) however, shall not be permitted to accommodate more than half of the required occupant load as per 3.4.3.2.(6) where 2 exits are required.

### 4. Fire Alarm System

- Fire alarm provisions under 3.2.4.1., Div. B, OBC shall be reviewed
- A fire alarm system is required where the occupant load **exceeds 150 persons**.
- Fire alarms shall be designed by a competent person (Electrical Engineer).

### 5. Exit Signs (3.4.5.1.(8), Div. B)

- Exit sign provisions shall be reviewed under 3.4.5.1., Div. B, OBC.
- Exit signs are required where the occupant load **exceed 60 persons**.
- Exit signs shall consist of a green pictogram and white graphic symbol complying with ISO 3864-1 meeting the visibility specifications and ISP 7010 meeting the dimensional requirements.
- Doors must exit in the direction of travel to be considered an exit.
- Exits shall conform with all other building code requirements such as emergency lighting, flame spread ratings, permitted openings, etc.

## 6. Door Release Hardware

- Door release hardware provisions shall be reviewed under 3.4.6.1.16, Div. B, OBC
- Door release hardware or “panic hardware” shall be provided on exit doors where the occupant load **exceeds 100 persons**.

## 7. Parking Requirements

- Parking shall be in accordance with the applicable Zoning By-Law No. 2010-040, as amended – please review the by-law on the [Town website](#) or contact Planning Services.
- Other parking requirements may be determined under the Site Plan Approval process administered by the Planning Services Division, where applicable.
- Please contact the Planning Services Division for more information.

## D. Reference Information

*Ontario Building Code*

## E. Attached

N/A

## F. Review Cycle

This building bulletin will be reviewed annually by the Chief Building Official.

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