

## Information Bulletin

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# Guidelines for Partial Interim Occupancy Permit (the use of a part of a building or tenant space)

There are inherent risks in occupying a portion of a building or tenant space that is an active construction site, and the general safety is legally incumbent on the owner, who is reliant on the design professionals and builders to mitigate the inherent hazards through life safety measures detailed in the Manitoba Building Code (MBC) and Manitoba Fire Code (MFC).

Partial Interim Occupancy can be considered for a part of a building (i.e. storey, wing or defined contiguous area) in accordance with the Winnipeg Building Bylaw, provided a coordinating registered professional (CRP) is responsible for a Code assessment to support the partial interim occupancy request and certification.

### Winnipeg Building Bylaw 4555/87

15.1.3 (1) The designated employee may issue an Interim Building Occupancy Permit for a partial use of a building or structure subject to any conditions imposed by the designated employee.

(2) Without restricting the generality of item (1), the conditions imposed on an Interim Building Occupancy Permit may include

(a) requiring that the applicant release and indemnify the City of Winnipeg from any claims made against it for harm or loss resulting from the issuance of the Permit;

(b) requiring that the applicant provide a certificate of insurance in an amount and of a type that the designated employee considers sufficient to adequately protect the City from liability; and

(c) requiring that the owner undertake to obtain a final building occupancy permit within a specified period of time. added 54/2012

(3) A person who fails to comply with a condition imposed under this Sentence commits an offence.

## Eligibility and approval of the partial occupancy proposal

A request for a partial occupancy shall be submitted by the CRP and is directed to [occupancy@winnipeg.ca](mailto:occupancy@winnipeg.ca) or 204-986-5136 and can be considered any time after the issuance of the building permit. Information required for eligibility screening shall include:

- Building address and permit number,
- Summary of the building design (i.e. building construction article, alternative solutions))
- Denotation of completed and incomplete systems and building features
- A key plan showing the area partial occupancy is sought for, along with required exits and separations from the construction zone.

If eligible, a partial occupancy proposal shall be submitted for review. Meeting fee (if applicable) and review fees apply in accordance with bylaw 66/2016. A minimum of ten business days is required for the review of the proposal (time frame may be longer at peak times of the year).

### Fees

- Partial Interim Occupancy (minor) \$580 (meeting fee separate if requested)
  - Examples include buildings or tenant spaces where Life / Fire Safety are complete or minor elements remain incomplete, as outlined in the Code Analysis and defined area (see below), and construction work is ongoing.
- Partial Interim occupancy (major) \$2433.90 (includes GST and meeting)
  - Examples include High Rises, Buildings of Special Design, 6 Storey Wood Construction, EMTC and Building where significant Life / Fire Safety Systems are not complete and construction work is ongoing.

Please note fees are subject to annual increase to fee schedule.

## Responsibilities of the coordinating registered professional

The Coordinating Registered Professional must be:

- A registered member of the Manitoba Association of Architects (MAA), authorized to practice architecture in the Province of Manitoba; or
- A registered member of the Engineers and Geoscientists of Manitoba (EGM), authorized to practice engineering in the Province of Manitoba and skilled in the appropriate area of work concerned.
- The Coordinating Registered Professional shall;
  - provide a code analysis to support the partial occupancy proposal (see below guidelines for what to include)
  - ensure the design requirements are coordinated under the professionals of record
  - ensure the field reviews are coordinated under the professionals of record

- ensure the provisions of the proposal are known to all contractors
- certify that the construction substantially complies with the partial occupancy proposal

## Responsibilities of the owner

- The owner shall;
  - Retain a Coordinating Registered Professional
  - Provide a letter of acknowledgment in regards to the partial occupancy proposal

For reference 5.17 of the Winnipeg Building Bylaw states, “Should occupancy occur prior to the completion of any work being undertaken that requires a permit, every owner shall ensure that no unsafe condition exists or will exist because of the work being undertaken or not completed”.

## Code Analysis and defined area

Building services, (including those services for fire safety, mechanical, electrical and plumbing systems) fire department requirements and the defined area to be occupied must be considered when determining the provisions to support the Partial Interim Occupancy request. To assist design professionals, the below guidelines provides criteria the designated employee will want to see included in the Code assessment. Some of the items may only apply to specific construction situations, hence the following is not to be considered a comprehensive list.

For buildings where a Life Safety Test is required, this must be incorporated into the proposal (e.g. multiple life safety tests may be required to commission).

### Building

- 1) Lower storeys in a multi-storey building or defined area such as between firewalls or fire separations that allow the occupied area to operate independent of the construction area may be considered.
- 2) In multi-storey buildings a non-occupied buffer storey shall separate the lower storeys from the storeys under construction. The buffer floor shall be complete from life safety perspective.
- 3) The structure and enclosing walls of the building are complete up to and including the roof.
- 4) Fire Resistance Ratings of all structural members must be in place.
- 5) Firewalls shall be completed.
- 6) All required *fire separations* and *closures* shall be completed on all *storeys* to be occupied.
- 7) All required *exits* shall be completed, including all *fire separations*, doors, door hardware, self-closing devices, *guards* and handrails, from the buffer storey to grade level and below if an exit connects with lower storeys. Measures shall be taken to separate the exit above the buffer storey, including stand-pipe protection and fire department operations.
- 8) Emergency Crossover Access to Floor Areas shall be provided.
- 9) All shafts including *closures* shall be completed to the floor-ceiling assembly above the *storey* to be occupied and shall have a temporary *fire separation* at such assembly.

- 10) All guards for balconies shall be complete.
- 11) If service rooms are in operation, or contain equipment essential to the operation of fire safety systems in the building, fire separations around the service rooms shall be complete and closures shall be installed.
- 12) Main garbage rooms, chutes and ancillary services shall be completed up to all storeys that are to be occupied.
- 13) Barrier-free design (including elevator) outlined in Section 3.8. shall be completed for all areas intended to be occupied.
- 14) Washroom facilities shall be in place and functional in all areas being occupied.

### **Electrical**

- 1) Fire alarm system must be operative in all areas. Where this is not possible due to construction-related issues, other provisions must be implemented to afford the same level of protection.
- 2) Emergency lighting must be operable in all required exits including stairwells.
- 3) Lighting in corridors, exits and stairwells shall be complete for all storeys up to and including the one to be occupied.
- 4) Central monitoring of the fire alarm system and sprinkler systems (where required) shall be connected.
- 5) Emergency power supply systems shall be installed, operational and connected to the equipment and appliances requiring emergency power supply. These systems shall be maintained throughout the duration of construction.

### **Mechanical**

- 1) Standpipe and sprinkler systems shall be complete and operational for all storeys up to and including the buffer storey and exterior connections for fire department use are installed and operational.
- 2) Standpipe systems for firefighting on all unfinished floors shall be operational.
- 3) Standpipe, sprinkler, fire alarm and detection systems shall be maintained throughout the duration of construction on all occupied floors.
- 4) If smoke control measures are required, the measures shall be complete and operational for all floors to be occupied, including floors designated as areas of refuge.
- 5) Water supply, drain, waste and vent systems shall be complete and operational for all storeys up to and including the one to be occupied. Plumbing vent systems should be completed. All unused openings in waste pipes must be effectively capped off.
- 6) Mechanical systems such as heating, ventilating and air conditioning systems serving occupied areas are complete and operational

### **Fire Department**

- 1) Firefighting equipment to be complete and operable. This includes fire pumps, standpipe systems, sprinkler systems and fire extinguishers.

- 2) The fire safety plan required by Section 5.6. of Division B of the MFC for buildings and portions of buildings under construction shall be adapted to include provisions for the occupants and the workers to the satisfaction of the Fire Prevention Branch.
- 3) The fire fighter elevator in high rise buildings shall be operational for all storeys up to and including the buffer storey.
- 4) Firefighting access routes around the building shall be provided and accessible,
- 5) Floors, halls, corridors, lobbies and means of egress shall be free of construction materials and other hazards,
- 6) Measures shall be taken to prevent access by unauthorized persons to parts of the building and site that are incomplete.

**Additional guidelines for Buildings constructed to 3.2.2.48., 3.2.2.51, 3.2.2.57 and 3.2.2.60 (2020 NBCC – Encapsulate Mass Timber Construction and Combustible Construction)**

- 1) Defined area shall be an entire storey (occupied from the lower stories up and shall include any below grade storeys) and if separated by firewalls, the adjacent building shall meet the same criteria as below or alternately a risk assessment shall be undertaken to determine measures necessary to prevent fire spread from the adjacent building in accordance with 5.6.1.2 of the 2020 NFCC
- 2) The *building* envelope, including, but not limited to, cladding, roofing, windows, doors, assemblies requiring *fire-resistance ratings, closures, insulation, vapour barriers* and air barriers, shall be complete,
- 3) All *exits* shall be completed, including all *fire separations, doors, door hardware, self-closing devices, guards* and handrails.
- 4) All shafts including *closures* shall be completed.
- 5) Standpipe, sprinkler and fire alarm systems shall be complete and operational, together with required pumper connections for such standpipes and sprinklers.

Disclaimer: The information in this bulletin is not intended to provide professional design advice. If professional expertise is required with respect to a specific issue or circumstance, the services of a professional should be sought.