

COMMUNIQUE

du commissaire des incendies

April 14, 2020

No. 2020-09

Building Code and Fire Code Exemptions for Temporary Health and Residential Facilities

On April 9, 2020 the Ministry of Municipal Affairs and Housing filed [Ontario Regulation 141/20](#), an Emergency Order made under the *Emergency Management and Civil Protection Act* establishing that, for the purposes of expediting construction, temporary health and residential facilities that are being constructed or converted in response to the COVID-19 emergency, are exempt from compliance with the Building Code and building permit processes under the *Building Code Act, 1992* as well as compliance with certain bylaws and approvals required under the *Planning Act*.

The Emergency Order is retroactive to March 17, 2020 and sets out the following requirements for these temporary facilities:

- Any new facilities must be designed, and construction must be overseen by an architect and professional engineer;
- The professional must submit designs and reports to the Chief Building Official, who must attest to their receipt;
- The Chief Building Official must conduct inspections of a new or converted facility prior to occupation; and,
- The Chief Building Official must conduct monthly inspections thereafter to determine continued safety.

As a result of this Emergency Order and to align with its requirements, [Ontario Regulation 144/20](#) made under the *Fire Protection and Prevention Act, 1997*, was filed and came into force on April 11, 2020. Under this regulation, these temporary health and residential facilities are exempt from the following Fire Code requirements:

- Article 2.1.2.2. requiring approvals from the local Chief Fire Official for undertaking activities in a building that are not allowed for in the original design;
- Article 2.9.1.1. requiring tents and air-supported structures to comply with the Building Code; and

- Part 9 requiring retrofits for certain types of existing buildings, including health care facilities and residential occupancies.

To raise fire department awareness of changes occurring in the community, this regulation also requires that notice be provided to the Chief Fire Official prior to or as soon practicable after construction, conversion or use of a temporary health or residential facility begins. This will provide fire departments with the opportunity to conduct pre-planning, and to assist building owners and operators with the implementation of fire safety plans.

Ontario Regulation 141/20 and Ontario Regulation 144/20 permit the temporary flexibility needed to expand Ontario's capacity to meet the anticipated demand for health and residential facilities due to the COVID-19 emergency.

Enquiries regarding Ontario Regulation 141/20 may be directed to the Ministry of Municipal Affairs and Housing at Building and Development Branch. Please email codeinfo@ontario.ca, or call 416-585-6666 and select option one (1) to leave a message. Staff will return your call within one (1) business day.

Enquiries regarding Ontario Regulation 144/20 may be directed to your local Field and Advisory Services Advisor or to the Field and Advisory Services general telephone number at 1-844-638-9560.