



To Keep or Remove Common Area Furniture?

By Trisha Ashworth, P.Eng



This question is raised more often these days by building owners and property managers when their building is visited by fire inspectors. Understanding your responsibility for fire safety and taking steps to mitigate risk is important.

In early 2018, the Office of the Fire Marshal and Emergency Management invited the public to comment on proposed changes to the Ontario Fire Code intended to address furniture in corridors and lobbies. As of the writing of this article, the Ontario Fire Code has not been modified to reflect the proposed changes or comments. However, fire departments continue to visit buildings and issue orders to

modify or remove furniture in corridors and lobbies.

In this shifting landscape, it is a valid question to ask “is furniture permitted in lobbies and corridors?”

Two Regulations

At a high level, there are two Codes governing the design and use of buildings in Ontario: the Ontario Building Code and the Ontario Fire Code.

The Ontario Building Code (OBC) contains a set of minimum technical requirements for design and construction that address safety, health and accessibility among other objectives. Fire safety is specifically addressed and includes items including construction type, fire resistance ratings, fire protection systems, exits, etc.

The Ontario Fire Code (OFC) contains minimum requirements for the ongoing maintenance and use of a building, for example fire hazards, emergency planning, flammable and combustible liquids, testing of fire protection equipment etc.

These documents are complementary and are intended to work together to ensure buildings are safely designed and remain safe during use.

Furniture During Building Design

With very few exceptions, all buildings are anticipated to be furnished to some degree. While the OBC does not regulate furniture, it does consider how buildings are intended to be occupied and used by categorizing them by major occupancy type.

The OBC includes thirteen major occupancy classifications, including residential occupancies (Group C). There are different requirements and permissions for each occupancy to address the risk posed by the anticipated use. Requirements such as noncombustible construction, fire resistance ratings, sprinkler protection, and floor area design vary to reflect the required level of protection to address the risks of the anticipated use.

Residential occupancies inherently

require furniture to fulfill their function of providing sleeping accommodation and living areas. So while the OBC does not mention furniture; furniture is unquestionably part of the intended occupancy and use of any building.

Corridors and Lobbies During Building Design

Furniture is not prohibited in corridors under the OBC, in fact Sentence 3.3.1.9.(5) states, "If a corridor contains an occupancy, the occupancy shall not

reduce the unobstructed width of the corridor to less than its required width". Furniture is an occupancy. To contrast, exits are not permitted to serve any other purpose except as access to floor areas, so exits clearly are not permitted to contain furniture.

Exit stairs are permitted to discharge through a lobby, often referred to as an "exit lobby". Just as exits are not permitted to be furnished, the conventional application of the OBC for exit lobbies is that furniture is not located in an exit lobby. However, if a lobby is not an exit lobby then furniture is not restricted provided it does not otherwise obstruct the egress paths.

Furniture in Corridors Under the Fire Code

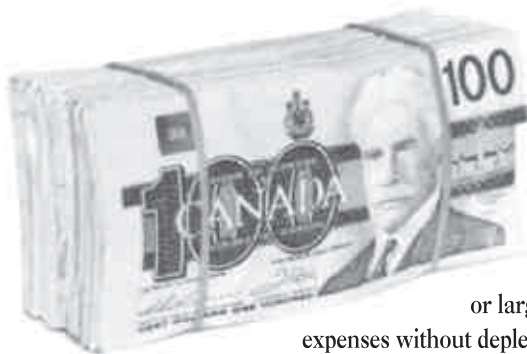
There is currently a move from fire departments to investigate furniture in corridors in residential occupancies, and to require upgrades or removals of furniture. From experience, municipal fire departments commonly reference the "accumulation of combustible materials" provision in Sentence 2.4.1.1.(2) of the OFC for current enforcement activities for furniture in corridors:

Combustible materials shall not be *accumulated* in any part of an elevator shaft, ventilation shaft, **means of egress, service room or service space**, unless the location, room or space is *designed for those materials*. [emphasis added]

The language in this provision is open to interpretation. In particular, there is no clear definition of what is meant by "accumulated". In our judgement, where furniture is provided and arranged in a manner consistent with its expected use, it is not an accumulation. On the other hand, stock piling increasing amounts of storage or debris that is not directly related to the use of the space would be more consistent with the common use of "accumulated". An accumulation of combustibles is a potential hazard in the event of fire.

There is also a lack of deep understanding of what it means for a space to be "designed for those materials". With respect to design, the OBC provides the minimum requirements for various uses (major occupancies), as previously discussed.

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If building documentation (approved permit drawings, fire safety plan, etc.) shows furniture, it is clear that the space was designed for that use. Even in the absence of furniture on drawings, judgement may be applied to areas of the building labelled or intended to be used as congregating spaces, such as corridor alcoves and recesses, or lobbies (not exit lobbies) where it is common to have a couch or a few chairs for occupants to wait or rest.

The application of the OFC requires a degree of judgment and an understanding of the building's design under the OBC applicable at the time of construction.

It is important to note that the current OBC does not retroactively apply to existing buildings that are not undergoing renovation or change of use, and that the OFC only applies once the building is constructed.

Fire Department Inspections

Under the Fire Protection and Prevention Act (FPPA) a fire official may inspect your property for

the "purpose of assessing fire safety" (FPPA, Sentence 19.(2)). At the discretion of the fire official, written notice, either through a Notice of Violation or an Inspection Order, may be issued to address fire safety concerns.

If you receive written notice for furniture in a lobby or corridor, or indeed any other issue, it is important to take immediate action. If you are unsure about the contents of the order and how it applies to your building, it is your right to ask for a review. In fact, the FPPA details a formal process of review by the Fire Marshal when an Inspection Order is issued. The critical point is not to wait. The request for review must be submitted within 15 days of the order being served (FPPA, Sentence 25.(1)). The FPPA also allows "aggrieved persons" to apply for an extension in time for resolving items on an order if there are reasonable grounds for the extension. Applications for extension in time must be submitted within 30 days of the order being served (FPPA, Sentence 25.(3)). The fire department's decision is final, pending the outcome of an appeal.

Summary

Property managers, consultants/designers and fire departments have different roles in keeping buildings and the people within them safe. Fire inspectors are knowledgeable about the OFC requirements for life safety and should be respected for their work; particularly if they provide you with written notice of safety concerns identified within your building. Their role is to identify where an item may be in noncompliance, and to review submitted information to confirm if the item is resolved or requires further action. If you are questioning how, or if, a concern raised about furniture in a corridor or lobby applies to your building, don't delay. Seek advice and exercise your right to review.

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