

B3 Fire Code and Care
Occupancy



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Background

Increasingly, fire marshals and inspectors are looking at the interplay between building code and actual lived experience. One of the growing review elements is identifying buildings where three or more residents receive support for daily living (care occupancy).

To be clear, tenants who may need support but don't have support are excluded from this definition; tenants who are higher on their own supports are excluded, but if three or more individuals are getting support from one agency in a building, then the building is subject to meeting the code requirements of B3, including fire safety, updated zoning, etc.

In real terms, you can have 3 seniors with dementia with no other support but drop-in care, and while their risks are higher, they would not be deemed a risk from a fire code review, while 3 people with developmental or physical disabilities receiving care support would trigger a fire code violation.

From a code perspective, the building can meet all code requirements, including fire code, during and after construction, but as soon as three or more people with supports move into it, it is no longer fire-safe.

Recommendation: Given that B3 fire standards are protective of all, they become standardized in any building and certainly any building funded by any or all levels of government.

We again would distinguish between b3 building designs, which are fully care-occupancy buildings, and the addition of b3 fire code standards into b4 buildings. Reena has voluntarily added these requirements to our building with negligible cost, securing 100% of residents and exceeding fire department expectations.

Layman's Guide to Care Occupancy Definitions and Rules in Canada and Ontario Using a Building and Fire Code Lens

Introduction

This is an attempt to clarify the definitions of Care Occupancy, looking at Building and Fire Codes.

It first provides 2 individual definitions for Care Occupancy from the Canadian National Level of Building and Fire codes – and then points out the differences between the two.

The paper then provides 2 individual definitions for Care Occupancy from the Ontario Provincial Level of Building and Fire codes – and then points out the differences between the two.

Finally, it provides comparisons between Building codes – National and Provincial, followed by comparisons between Fire Codes national and provincial.

Since we must comply to provincial rules, additional information and follow-on definitions are provided in the appendix.

Any lobbying for clarification would be best served influencing the National level and generating consistency / unification of definition of Care Occupancy between the two perspectives, Building and Fire, with the hope that it will then cascade down to the provincial level and remain consistent across the country.

If all else fails, we follow Beit Hillel.

National Building Code of Canada (NBCC) – Definition of Care Occupancy

The National Building Code of Canada (NBCC) defines a Care Occupancy as a building or part of a building that is used for the provision of services to persons who require assistance with activities of daily living or are incapable of evacuating themselves during an emergency. Care Occupancies can include facilities such as nursing homes, long-term care facilities, and hospitals.

According to the NBCC, Care Occupancies must comply with specific requirements related to fire protection, means of egress, and accessibility. For example, the NBCC requires that all Care Occupancies have a fire alarm system that is connected to a central monitoring station, a sprinkler system, and fire separations that meet specific requirements to prevent the spread of fire. Additionally, the NBCC requires that all Care Occupancies have an evacuation plan that is specific to the needs of the occupants and includes procedures for staff to assist with the evacuation of persons who require assistance.

The NBCC provides detailed requirements related to Care Occupancies in Part 3, Division B, Section 3.2.6 of the code. This section provides information on the design and construction

requirements for Care Occupancies, as well as requirements related to fire protection, means of egress, and accessibility.

National Fire Code of Canada (NFCC) – Definition of Care Occupancy

The National Fire Code of Canada (NFCC) defines Care Occupancy as a building or part of a building used for the treatment or care of persons who, because of their physical or mental condition, require assistance to evacuate the building during an emergency. The definition of Care Occupancy in the NFCC emphasizes the importance of the occupants' emergency evacuation needs and the need for assistance to be provided in case of an emergency.

The NFCC provides specific requirements related to Care Occupancies in Part 3 of the code. Section 3.2.6 of the NFCC provides detailed information on the design and construction requirements for Care Occupancies, as well as requirements related to fire protection, means of egress, and emergency preparedness. The section also provides guidance on the types of Care Occupancies and their respective requirements based on the level of care required by the occupants.

Additionally, the NFCC requires that Care Occupancies have an emergency response plan in place that addresses the unique needs of the occupants. This plan must include provisions for the evacuation of the occupants, the communication of the emergency to the occupants and emergency responders, and the provision of assistance to the occupants during the evacuation.

National Building Code (NBCC) vs. National Fire Code (NFCC) – Differences in Definition of Care Occupancy

The NFCC defines Care Occupancy as a building or part of a building used for the treatment or care of persons who require assistance to evacuate the building during an emergency. This definition emphasizes the emergency evacuation needs of the occupants and the need for assistance during an emergency.

On the other hand, the NBCC defines Care Occupancy as a building or part of a building used for the provision of services to persons who require assistance with activities of daily living or are incapable of evacuating themselves during an emergency. This definition is more comprehensive and includes the daily living needs of the occupants as well as their emergency evacuation needs.

Furthermore, the NFCC provides specific requirements related to Care Occupancies in Part 3 of the code, while the NBCC provides information on Care Occupancies in Part 3, Division B, Section 3.2.6 of the code. Both codes address fire protection, means of egress, and emergency preparedness, but the NFCC places more emphasis on the emergency evacuation needs of the occupants.

In summary, while both the NFCC and the NBCC provide guidance on Care Occupancies, the NFCC places more emphasis on the emergency evacuation needs of the occupants, while the NBCC provides a more comprehensive definition that includes the daily living needs of the occupants as well as their emergency evacuation needs.

Ontario Building Code (OBC) – Definition of Care Occupancy

The Ontario Building Code (OBC) defines a Care Occupancy as a building or part of a building used for the provision of services to persons who require assistance with activities of daily living or are incapable of evacuating themselves during an emergency. This definition highlights the importance of the daily living needs of the occupants as well as their emergency evacuation needs.

The OBC provides specific requirements related to Care Occupancies in Part 3 of the code. Section 3.2.6. of the OBC sets out detailed information on the design and construction requirements for Care Occupancies, as well as requirements related to fire protection, means of egress, and emergency preparedness. The section also provides guidance on the types of Care Occupancies and their respective requirements based on the level of care required by the occupants.

The OBC also requires that Care Occupancies comply with the Accessibility for Ontarians with Disabilities Act (AODA) to ensure that the building is accessible and that the occupants' needs are met. The AODA sets out accessibility standards for buildings and includes requirements related to accessibility features such as ramps, elevators, and accessible washrooms.

By following the OBC's requirements, the safety and well-being of the occupants can be ensured.

Ontario Fire Code (OFC) – Definition of Care Occupancy

The Ontario Fire Code (OFC) defines a Care Occupancy as a building or part of a building used for the treatment, care or housing of persons who, because of their physical or mental condition, require assistance to evacuate the building during an emergency. The definition of Care Occupancy in the OFC highlights the importance of the occupants' emergency evacuation needs and the need for assistance to be provided in case of an emergency.

The OFC provides specific requirements related to Care Occupancies in Part 3 of the code. Section 3.2.6. of the OFC sets out detailed information on the design and construction requirements for Care Occupancies, as well as requirements related to fire protection, means of egress, and emergency preparedness. The section also provides guidance on the

types of Care Occupancies and their respective requirements based on the level of care required by the occupants.

Additionally, the OFC requires that Care Occupancies have an emergency response plan in place that addresses the unique needs of the occupants. This plan must include provisions for the evacuation of the occupants, the communication of the emergency to the occupants and emergency responders, and the provision of assistance to the occupants during the evacuation.

Ontario Building Code (OBC) vs Ontario Fire Code (OFC) – Differences in Definition of Care Occupancy

The Ontario Building Code (OBC) and the Ontario Fire Code (OFC) both define a Care Occupancy as a building or part of a building that is used for the care, treatment, or control of persons who, because of their physical or mental condition, require supervision or assistance in case of an emergency. However, there are some key differences in how the two codes approach the definition of Care Occupancy.

The OBC defines Care Occupancy as a building or part of a building that provides sleeping accommodation for more than three persons who require assistance for normal evacuation in case of an emergency. This definition places greater emphasis on the emergency evacuation needs of the occupants, rather than their daily living needs.

In contrast, the OFC provides a more comprehensive definition of Care Occupancy, which includes requirements for fire safety, emergency response planning, and the protection of vulnerable occupants. The OFC also distinguishes between different types of Care Occupancies based on the level of care required by the occupants and imposes different requirements accordingly.

The requirements related to Care Occupancies in the OBC are outlined in Part 3 of the code, while the requirements in the OFC are outlined in Part 2 of the code. Both codes are available online through the Ontario Ministry of the Attorney General website.

National Building Code (NBCC) vs Ontario Building Code (OBC) – Differences in Definition of Care Occupancy

The National Building Code of Canada (NBCC) and the Ontario Building Code (OBC) both have definitions of Care Occupancy, which are similar in many ways. However, there are some key differences between the two definitions.

The NBCC defines a Care Occupancy as a building or part of a building where people receive care or treatment and may require assistance to evacuate the building during an emergency.

This definition focuses on the emergency evacuation needs of the occupants. In contrast, the OBC defines a Care Occupancy as a building or part of a building used for the provision of services to persons who require assistance with activities of daily living or are incapable of evacuating themselves during an emergency. This definition highlights the daily living needs of the occupants as well as their emergency evacuation needs.

Another key difference between the two codes is that the OBC requires Care Occupancies to comply with the Accessibility for Ontarians with Disabilities Act (AODA) to ensure that the building is accessible and that the occupants' needs are met. The NBCC does not have this requirement.

Section 3.2.6 of the OBC provides guidance on the design and construction requirements for Care Occupancies, while Section 3.2.2.6 of the NBCC provides similar guidance.

It is important for building owners, designers, and contractors to be aware of the differences in the definitions of Care Occupancy between the NBCC and the OBC to ensure compliance with all relevant requirements when designing and constructing Care Occupancies in Ontario. By following the appropriate requirements, the safety and well-being of the occupants can be ensured.

National Fire Code (NBCC) Vs Ontario Fire Code (OBC) – Differences in Definition of Care Occupancy

The National Fire Code of Canada (NFCC) and the Ontario Fire Code (OFC) both have definitions of Care Occupancy, which are similar in many ways. However, there are some key differences between the two definitions.

The NFCC defines a Care Occupancy as a building or part of a building where people receive care or treatment and may require assistance to evacuate the building during an emergency. This definition focuses on the emergency evacuation needs of the occupants, similar to the definition in the National Building Code of Canada.

In contrast, the OFC defines a Care Occupancy as a building or part of a building used for the provision of services to persons who require assistance with activities of daily living or are incapable of evacuating themselves during an emergency. This definition highlights the daily living needs of the occupants as well as their emergency evacuation needs, similar to the definition in the Ontario Building Code.

Both the NFCC and the OFC have specific requirements related to Care Occupancies. These requirements include provisions related to fire protection systems, means of egress, emergency lighting, and other safety features. However, there may be some differences in the specific requirements between the two codes.

The specific sections of the codes related to Care Occupancies include Section 3.3.3.3 of the NFCC and Section 3.2.6 of the OFC. The NFCC and the OFC are available online through the National Research Council of Canada website and the Government of Ontario website, respectively.

Conclusion

It is important for building owners, designers, and contractors to understand the differences between the two codes to ensure compliance with all relevant requirements when designing and constructing Care Occupancies in Ontario.

The B3 Guide is an important resource for building owners, architects, engineers, and other professionals involved in the design, construction, and maintenance of buildings and premises in Ontario.

Sources

NFCC and NBCC - National Research Council Canada (NRC) website at

<https://nrc.canada.ca/en/certifications-evaluations-standards/codes-canada/codes-canada-publications>.

NBCC - <https://nrc.canada.ca/en/certifications-evaluations-standards/codes-canada/codes-canada-publications/national-building-code-canada-2015>

NFCC - <https://nrc.canada.ca/en/certifications-evaluations-standards/codes-canada/codes-canada-publications/national-fire-code-canada-2015>.

OBC - <https://www.ontario.ca/laws/regulation/120332>,

OFC - <https://www.ontario.ca/laws/regulation/140213>.

Office of the Fire Marshall – Group Homes - https://www.orillia.ca/en/living-here/resources/TG-01_2003GroupHomesAccess.pdf

Detailed Appendix

Ontario's Building Code

CODE REFERENCE Div. A /1.4.1.2.(1)

CHANGE NUMBER A-01-04-01

Care occupancy (Group B, Division 3) means the occupancy or use of a building or part of a building where care is provided to residents.

Care occupancy (Group B, Division 3) means an occupancy in which persons receive special or supervisory care because of cognitive or physical limitations, but does not include a dwelling unit.

Care Occupancy

Support services rendered by or through care facility management refer to services provided by the organization that is responsible for the care for a period exceeding 24 consecutive hours. They do not refer to services provided by residents of dwelling units or suites, or to services arranged directly by residents of dwelling units or suites with outside agencies.

In the context of care occupancies, these services may include a daily assessment of the resident's functioning, awareness of their whereabouts, the making of appointments for residents and reminding them of those appointments, the ability and readiness to intervene if a crisis arises for a resident, supervision in areas of nutrition or medication, and provision of transient medical services. Services may also include activities of daily living such as bathing, dressing, feeding, and assistance in the use of washroom facilities, etc. No actual treatment is provided by or through care facility management.

Inherent in receiving special or supervisory care services for cognitive or physical limitations are the residents' limited capacity for self-preservation and reliance on staff for assistance in evacuation to a point of safety in the event of a fire emergency. Residents requiring assistance to evacuate could include persons who:

- are incapable of independent mobility;
- require assistance to use or access a mobility aid, e.g., transferring to and from a wheelchair or accessing a walker or cane;
- are incapable of following directions under emergency conditions; or
- are capable of self-evacuation, but not without direction or within time frames considered necessary for safe evacuation in an emergency situation.

Treatment

The ability to evacuate unassisted implies that a person is capable of recognizing and responding to an emergency given their physical, cognitive and behavioural abilities, and able to move to a safe location without the assistance of another person.

For example, such persons must be able to arise and walk, or transfer from a bed or chair to a means of mobility, and leave the building or move to a safe location on their own.

Treatment Occupancy

"Treatments" may include such things as surgery, intensive care, and emergency medical intervention. Treatment services differ from the services provided by care occupancies like personal care assistance or the administration of medication, and from those provided by business and personal services occupancies like dentistry or day procedures.

The Vulnerable Occupancies Technical Advisory Committee (TAC) identified that the current definitions would benefit from additional clarity in that:

- they include terms and phrases that are not clearly defined;
- the definition for care occupancy requires clarification that the care occupancy standards apply whether the care is received directly or indirectly through care facility management;

and

- the current exemption for dwelling units potentially allows for the unintended exemption of buildings in which residents receive special or supervisory care based on the physical layout rather than the actual use.

Ministry of Municipal Affairs and Housing

[http://www.ontariocanada.com/registry/showAttachment.do?postingId=11902&attachmentId=18353#:~:text=Care%20or%20detention%20occupancy%20means,\(c\)%20receive%20supervisory%20care.](http://www.ontariocanada.com/registry/showAttachment.do?postingId=11902&attachmentId=18353#:~:text=Care%20or%20detention%20occupancy%20means,(c)%20receive%20supervisory%20care.)

THE ONTARIO BUILDING CODE | GROUP B, DIVISION 3 OCCUPANCIES

3.1.2.5. Group B, Division 3 Occupancies

- (1) Group B, Division 3 occupancies are permitted to be classified as Group C major occupancies
- (2) provided,

(a) the occupants live as a single housekeeping unit in a suite with sleeping accommodation for not more than 10 persons and

(b) not more than two occupants require assistance in evacuation in case of an emergency.

<https://www.buildingcode.online/15.html>

BC Building Code – Group B, Division 3 (Care) occupancies

<https://ghl.ca/wp-content/uploads/2021/09/2021-09-15-Group-B-Division-3-Occupancies.pdf>

The Ontario Fire Marshal's Office publishes a guide called the "Fire Protection and Life Safety Measures for Buildings and Premises in Ontario", commonly known as the B3 Guide. This guide provides guidance on fire protection and life safety measures that should be implemented in buildings and premises in Ontario, including:

Fire alarm and detection systems: This includes the installation, maintenance, and testing of fire alarm and detection systems, as well as the requirements for audible and visible notification devices.

Fire suppression systems: This covers the installation, maintenance, and testing of fire suppression systems, such as sprinklers, standpipes, and fire extinguishers.

Means of egress: This covers the requirements for exit routes, including the width and number of exits, the design and construction of stairs, ramps, and other means of egress, and the requirements for lighting and signage.

Fire separations: This covers the requirements for fire-rated walls, floors, and doors, as well as the requirements for fire dampers, smoke dampers, and other fire and smoke control systems.

Hazardous materials: This covers the requirements for the storage, handling, and use of hazardous materials, including flammable and combustible liquids, gases, and chemicals.

Emergency planning and training: This covers the requirements for emergency planning and training, including the development and implementation of emergency response plans, the training of employees and occupants, and the testing of emergency systems.