

# Manitoba Building Code Updates

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Home-Type Care Occupancies



# Background

- Effective January 1, 2024, Manitoba will be adopting the 2020 editions of the National Building Code of Canada (NBC) and the National Fire Code of Canada (NFC) published by the National Research Council (NRC).
- Permitting and inspections authorities responsible for adopting and enforcing Manitoba's construction codes will be required to approve building and plumbing permits based on the 2020 national model codes starting January 1, 2024.
- Inspections based on permits approved before January 1, 2024 must ensure compliance with approved plans based on the previous codes.

# Background

- In coordination with Manitoba's Canadian Free Trade Agreement (CFTA) partners, the national model codes are now freely available online through the NRC's website:

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

- The 2020 NBC is adopted with amendments under the Manitoba Building Code (MBC) regulation which is available on the Manitoba Laws website:

<https://web2.gov.mb.ca/laws/regs/annual/2023/078.php?lang=en>

- The 2020 NFC is adopted with amendments under the Manitoba Fire Code (MFC) regulation which is available on the Manitoba Laws website:

<https://web2.gov.mb.ca/laws/regs/annual/2023/082.php?lang=en>

## 2020 NBC – Home-type care occupancy

- The 2020 NBC and NFC contain a new “home-type care occupancy” which replaces Manitoba’s “residential care occupancy” classification.
  - The 2020 NBC adds provisions for non-sprinklered home-type care occupancies with four or less residents receiving care. Manitoba is carrying over existing building code provisions for conversions of houses into small non-sprinklered home-type care occupancies, so long as they are in detached housing.
  - Requirements for existing facilities under the MFC remain unchanged.

## 2020 NBC – Home-type care occupancy

- Previous changes to the 2010 NBC required residential care facilities to be treated as care occupancies which are required to be sprinklered.
- The sprinklering requirement was challenging for smaller facilities, which prompted Manitoba, as well as other provinces, to amend their codes to accommodate non-sprinklered facilities with four or fewer residents provided:
  - the licensing authority deems sprinklering unnecessary after having conducted a risk assessment;
  - the building is equipped with emergency lighting;
  - the building is equipped with portable extinguishers; and
  - the first storey and each of the other floor areas in the building, including the basement, are served by at least two remotely placed means of egress, or by a single means of egress if the floor area meets specified requirements.

## 2020 NBC – Home-type care occupancy

- The 2020 NBC has adopted similar provisions to the previously existing Manitoba-specific amendments, to allow for the construction and conversion of “home-type care occupancies” (previously referred to as “residential care occupancies” in Manitoba) without the need for sprinklering in facilities with four or fewer residents.

## 2020 NBC – Home-type care occupancy

- The new definition of a home-type care occupancy under the NBC is tied to the residents receiving “care” as defined under the code:
  - *Home-type care occupancy* (Group B, Division 4) means the *occupancy* or use of a *building* consisting of a single detached housekeeping unit where care is provided to residents and may include the living space of the caregiver and their family.
- The definition of “care” under the NBC is as follows:
  - *Care* means the provision of services other than treatment by or through *care* facility management to residents who require these services because of cognitive, physical or behavioural limitations.

## 2020 NBC – Home-type care occupancy

- If the residents are ambulatory and are not receiving care as defined under the code, then the NBC will allow facilities with up to 10 residents in a group setting to be treated as a residential occupancy.

### 9.10.2.2. Home-Type Care Occupancies

- 1) Children's custodial homes and convalescent homes for ambulatory occupants living as a single housekeeping unit in a *dwelling unit* with sleeping accommodation for not more than 10 persons are permitted to be classified as *residential occupancies* (Group C).
- If residents are receiving care then the facility may be treated as a home-type care occupancy under the updated provisions in the 2020 NBC.



## 2020 NBC – Home-type care occupancy

- Under these new provisions, facilities must be in detached dwellings and newly constructed facilities may be non-sprinklered provided:
  - sleeping accommodation for residents is only provided on the first storey;
  - egress requirements on the first storey are followed, including requirements for two remotely placed means of egress on the first storey to be barrier-free and to exit at grade or be provided with a ramp;
  - the facility is equipped with a residential fire warning system;
  - the residential fire warning system shuts down the air handling system and notifies the fire department when initiated (for two storey houses);
  - enhanced requirements for flame spread ratings on doors leading to basements and smoke and fire separations between the basement and the first storey are followed; and
  - The first storey complies with the building code requirements for accessibility.

## 2020 NBC – Home-type care occupancy

- The new 2020 NBC provisions for small non-sprinklered facilities may prove challenging for conversion of houses into home-type care occupancies.
- Manitoba is therefore carrying over amendments that will allow the conversion of houses into non-sprinklered facilities housing four or less residents, provided:
  - the home is a detached house (i.e., no side-by-sides or row housing);
  - the building is equipped with emergency lighting;
  - the building is equipped with portable extinguishers; and
  - the first storey and each of the other floor areas in the building, including the basement, are served by at least two remotely placed means of egress, or by a single means of egress if the floor area meets specified requirements.
- The MFC also requires that the licensing/authorizing authority deems sprinklering unnecessary after a risk assessment has been completed.

# Code Development

Under CFTA commitments Manitoba adopts the national model construction codes and is limited in its ability to make amendments.

Anyone interested in contributing to the national code development process can visit:

<https://ccbfc-cccbpi.ca/en/get-involved/>

The NRC also offers an e-mail newsletter and alert subscription service for those who want to stay notified about changes at the national level:

<https://nrc.canada.ca/en/subscribe/>