



Southwest
New Brunswick
Service Commission

Changing occupancy – what does it mean?

The province's [Building Code Administration Act](#) makes it abundantly clear that any change in occupancy of a building requires a building permit.

"7) Even if no construction work is proposed, no person shall change the use of a building or part of a building with respect to the occupancy classifications of the Code or permit the use to be changed unless a building permit has been issued."

But what does that mean, exactly? What is a change of occupancy and why is a permit required to change occupancy?

Building Code regulations not only cover how a building must be physically constructed, but also what kind of life-safety features are incorporated into the building. Those life-safety features depend on how the building is being used: if the use changes, perhaps the life-safety features have to change as well: if an old factory is going to be converted into a restaurant, the building may need more exit doors, fire alarms, and the like. Certain combinations of uses may not be permitted at all: a fireworks factory isn't allowed in the same building as a nursing home, for obvious reasons.

Unfortunately, changes of occupancy aren't intuitive: turning a dentist's office into a take-out pizza store isn't a change of occupancy under Code, but turning a dentist's office into a small convenience store is. But why?

The National Building Code divides occupancy into seven categories identified by a letter, and in some cases, an added number as a sub-category.

F: Industrial uses. This is a general catch-all for processing, warehousing, production facilities, and so on. There are three sub-categories for low, medium and high-hazard industrial.

- Low-hazard industrial (F3) would include things like fish-processing plants, or warehouses for benign materials not likely to construe a fire hazard;
- Medium-hazard industrial (F2) includes service stations, lumber warehouses and factories;
- High-hazard industrial (F1) would include things like distilleries, grain elevators and other processes where there is a high fire risk.

E: Mercantile uses. Any kind of store where goods are on sale and access is provided to the general public.

D: Business and Personal Services. Offices (including medical services), grocery stores, take-out food providers (with no eat-in seating) and the like.

C: Residential. Includes homes, rental accommodation and hotels.

B: Care and Detention. This is divided into three categories:

- B1: Jails, psychiatric hospitals with detention centres, prisons
- B2: Hospitals, nursing homes with treatment, hospices with treatment
- B3: assisted living complexes, children's custodial homes*, large daycare facilities, nursing homes without treatment

* Only if overnight sleeping in certain circumstances.

A: Assembly use. Covers a wide range of situations where large numbers of people gather.

- A1: Theatres, movie theatres
- A2: Churches, restaurants**/bars, schools, community halls, museums
- A3: Hockey rinks, indoor swimming pools
- A4: Outdoor public gathering places, including stadiums, open-air stages and so on.

** A restaurant is any food-service establishment with seating for clients.

Each of these uses has different set of requirements for safety. For example, turning a take-out restaurant into a facility with eat-in seating may require adding washrooms; and moving a grocery store into the space previously occupied by an insurance company may require more exits to handle added volumes of shoppers. Safety requirements also hinge upon the area of the building and how many storeys it has, as well as what other occupancies may be in the building.

For this reason, we urge clients to call us before embarking on a project, or altering a business plan, since some uses or combination of uses may require installation of sprinklers or alarms: each situation has to be dealt with on a case-by-case basis.