



SAFETY CODES COUNCIL

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COUNCIL ORDER No. 0015421

ORDER

BEFORE THE BUILDING TECHNICAL COUNCIL

On May 17, 2012

IN THE MATTER OF the Safety Codes Act, Revised Statutes of Alberta 2000, Chapter S-1.

AND IN THE MATTER OF the Order dated April 12, 2012 issued by the Accredited Municipality (Respondent) against a Theatre Company (Appellant).

UPON REVIEWING the Order **AND UPON HEARING** the Appellant and the Respondent; **THIS COUNCIL ORDERS THAT** the Order is **REVOKED**.

Issue:

1. The Appeal concerns a theatrical building.
2. The issues on appeal are two-fold:
 - a) Does the performance platform intended for use conform to the definition of Stage as indicted in article 1.4.1.2. of the Alberta Building Code 2006 (ABC 2006)?
 - b) Do the requirements of article 3.2.2.13. , with respect to sprinkler deluge system and associated venting, apply to this building?

The Record:

3. The Appeal Panel considered, or had available for reference, the following documentation:

- a) Corrected Written Notification of Appeal Hearing, dated May 4, 2012, from the Coordinator of Appeals to the Appellant.
 - b) Written Notification of Appeal Hearing, dated May 1, 2012, from the Coordinator of Appeals to the Appellant.
 - c) Letter dated May 1, 2012, from the Building Technical Council to the Appellant granting a Stay of the Order pending hearing.
 - d) Letter dated April 26, 2012, from the Coordinator of Appeals to the Appellant acknowledging receipt of Notice of Appeal and request for a Stay of Order.
 - e) Letter dated April 13, 2012, from the Appellant to the Coordinator of Appeals authorizing another individual, to speak on behalf of the Appellant.
 - f) Letter dated April 13, 2012, from the Appellant to the Coordinator of Appeals advising notice of appeal and requesting a Stay of the Order.
 - g) Order dated April 12, 2012, issued by the Respondent to the Appellant.
 - h) Building Code Equivalency Report prepared by an engineering company.
4. The Appeal Panel considered all relevant materials comprising the record of this proceeding, including the evidence and argument provided by each party. References in this decision to specific parts of the record are intended to assist the reader in understanding the Appeal Panel's reasoning relating to a particular matter and should not be taken as an indication that the Appeal Panel did not consider all relevant portions of the record with respect to that matter.

Position of the Parties

Appellant

5. The Appellant's position is that:

- a) The stage in the building does not meet the definition of a "Stage for Theatrical Performances". Therefore the requirements of sentence 3.3.2.13. of the ABC 2006 do not apply.

Respondent

6. The Respondent's position is that:

- a) The stage does meet the definition of a "Stage for Theatrical Performances" and 3.3.2.13. of ABC 2006 applies.

Provisions of the Alberta Building Code 2006:

7. The applicable code is the Alberta Building Code 2006 (ABC 2006). The Appellant applied for a building permit for renovations in 2010. The applicable building code in 2010 was the ABC 2006.

Division A

Section 1.3. Divisions A, B and C of this Code

1.3.3. Application of Division B

1.3.3.4. Building Size Determination

1) Where a *firewall* divides a *building*, each portion of the *building* so divided shall be considered as a separate *building*, except when this requirement is specifically modified in other parts of this Code. (See Appendix A)

2) Except as permitted in Sentence (3), where portions of building are completely separated by a vertical *fire separation* that has a *fire-resistance rating* of not less than 1 h and extends through all *storeys* and *service spaces* of the separated portions, each separated portion is permitted to be considered as a separate *building* for the purpose of determining *building height*, provided

a) each separated portion is not more than 3 *storeys* in *building height* and is used only for *residential occupancies*, and

b) the unobstructed path of travel for a firefighter from the nearest *street* to one entrance of each separated portion is not more than 45m.

(see Appendix A.)

3) The vertical *fire separation* referred to in Sentence (2) may terminate at the floor assembly immediately above a *basement* provided the *basement* conforms to Article 3.2.1.2. of Division B.

1.4.1.2. Defined Terms

Fire-resistance rating – means the time in minutes or hours that a *closure* will withstand the passage of flame when exposed to fire under specified conditions of test and performance criteria, or as otherwise prescribed in this Code.

Firewall – means a type of *fire separation* of *non-combustible construction* that subdivides a building or separates adjoin buildings to resist the spread of fire and that has a *fire-resistance rating* as prescribed in this Code and has structural stability to remain intact under fire conditions for the required fire-rated time.

Stage - means a space that is designed primarily for theatrical performances with provision for quick change scenery and overhead lighting, including environmental control for a wide range of lighting and sound effects and that is traditionally, but not necessarily, separated from the audience by a proscenium wall and curtain opening.

Division B

Part 3 Fire Protection, Occupant Safety and Accessibility

Section 3.3. Safety within Floor Areas

(see Appendix A.)

3.3.2. Assembly Occupancy

3.3.2.13. Stages for Theatrical Performances

1) A stage for theatrical performances and ancillary spaces, including workshops, dressing rooms and storage areas, shall be sprinklered.

2) A fire separation with a fire-resistance rating not less than 1 h shall be provided between a stage for theatrical performances and ancillary spaces, including workshops, dressing rooms and storage areas.

3) Except as permitted by Sentence (6), a *stage* for theatrical performances and ancillary spaces, including workshops, dressing rooms and storage areas, shall be separated from the seating area by a *fire separation* having a *fire-resistance rating* not less than 1 h, except for a proscenium opening protected with

- a) a sprinkler deluge system conforming to the requirements of NFPA 13, "Installation of Sprinkler Systems,"
- b) an unframed fire curtain if the opening is not more than 20 m wide, or
- c) a semi-rigid fire curtain if the opening is more than 20 m wide.

4) A fire curtain requirement by Sentence (3) shall be of a type acceptable to the authority having jurisdiction and designed to close

- a) automatically upon the actuation of the sprinkler system
- b) automatically upon actuation of the fire alarm system, and
- c) manually by remote control devices located at the curtain control panel and at each side of the stage.

5) At least 2 vents for the purpose of venting fire and smoke to the outside of a building shall be provided above a stage designed for theatrical performances and shall

- a) have an aggregate area not less than one eighth of the area of the stage behind the proscenium opening, and
- b) be arranged to open automatically upon actuation of the sprinkler system.

6) The fire separation referred to in Sentence (3) is not required between a stage and a seating area in a building that is sprinklered throughout, provided a sprinkler deluge system is installed at the boundary between the stage and seating area.

Findings of Fact

8. The structure is two buildings, Building A and Building B, separated by a concrete block firewall with a 2 hour fire-resistance rating.

9. Building A is 715 m², is sprinklered, and is classified as Group A, Division 1, One Storey. An assembly occupancy intended for the production and viewing of the performing arts. This building contains a raised performance platform, an auditorium with a maximum occupancy of 300, a foyer, and an office. The raised performance platform was expanded by the Appellant and is constructed of combustible material and is sprinklered on the underside. The Appellant sprinklered Building A.
10. Building B is 446 m², is not sprinklered and is classified as Group A, Division 2, One Storey. An assembly occupancy not elsewhere classified in Group A. This building contains a lecture room, dining room, washrooms, wing, and a food prep area. Building B does not require sprinklering.
11. The original date of construction of the building is not known and was not provided in evidence or testimony.
12. Since the time of original construction the building was renovated from a mercantile occupancy (Group E) to a motion picture theatre (Group A Division 1).
13. In 1986 an adjacent lot was acquired and the structure expanded to include an addition of three theatres and office space.
14. In 2010 the Appellant applied for a building permit to renovate the structure to accommodate dinner theatre productions.
15. When initial renovations began, the Appellant discovered that the structure had a concrete block firewall with a 2 hour fire resistance rating separating the structure into two buildings. With the classification of the two buildings, Building B did not require sprinklering.
16. A fly tower is not in use at the structure.
17. The raised performance platform does not include a proscenium wall.
18. Storage areas and workshops are not attached to the raised performance platform. The storage area adjacent to the raised performance platform is separated from the platform by a firewall and fire shutter at the opening.

Reasons for Decision:

19. The Appeal Panel is satisfied that the stage is more appropriately identified as a performance platform and does not meet the definition of *Stage* as defined in Division A, Article 1.4.2.1. of the ABC 2006.
20. The raised performance platform does not have a fly tower that would provide theatrical effects such as quick change of scenery; changes to scenery are caused by the manual removal or addition of props without the use of a fly tower. The raised performance platform does not have

overhead lighting that includes environmental control for a wide range of lighting and sound effects; the lights are light weight overhead lighting. In addition, the raised performance platform is not separated from the audience by a proscenium wall, and storage areas and workshops are not attached to the raised performance platform. The storage area adjacent to the raised performance platform is separated from the platform by a firewall and fireshutter at the opening.

21. The sprinklering of the underside of the performance platform increases the level of protection and mitigates risk from fire.

Dated at Edmonton, Alberta this 25th day of June 2012

Chair, Building Technical Council Appeal Panel