

# OCCUPYING UNFINISHED BUILDINGS

*Your Guide to Making an Application for Occupancy Authorization  
for an Unfinished Building (Division C Part 1 Section 1.3.3. of the Ontario Building Code)*

## **What You Need to know...**

- Ontario Building Code Requirements
- Owners' Responsibilities
- Scope of the Occupancy
- Scheduled Date of the Occupancy
- General Review Reports
- Occupancy Conditions
- Applying for Authorization to Occupy
- Form for making an application to 'Occupy an Unfinished Building'
- Payment and Issuance of Partial Occupancy Permit

## **Purpose of this Guide**

The City of Markham has an obligation to ensure the health and safety of the general public and business employees are protected from hazards associated with occupying a building under construction. This guide will help you obtain authorization to occupy your unfinished building in accordance with the Ontario Building Code.

## **Building Code Requirements**

The Ontario Building Code establishes standards for public health and safety, fire protection, structural sufficiency, accessibility, conservation and environmental integrity with respect to buildings.

Within the context of the above standards, the Ontario Building Code regulates the occupancy of buildings. The occupancy of a building or part of a building prior to its completion poses a special risk to the general public. To protect the public health and safety, the Ontario Building Code requires the following;

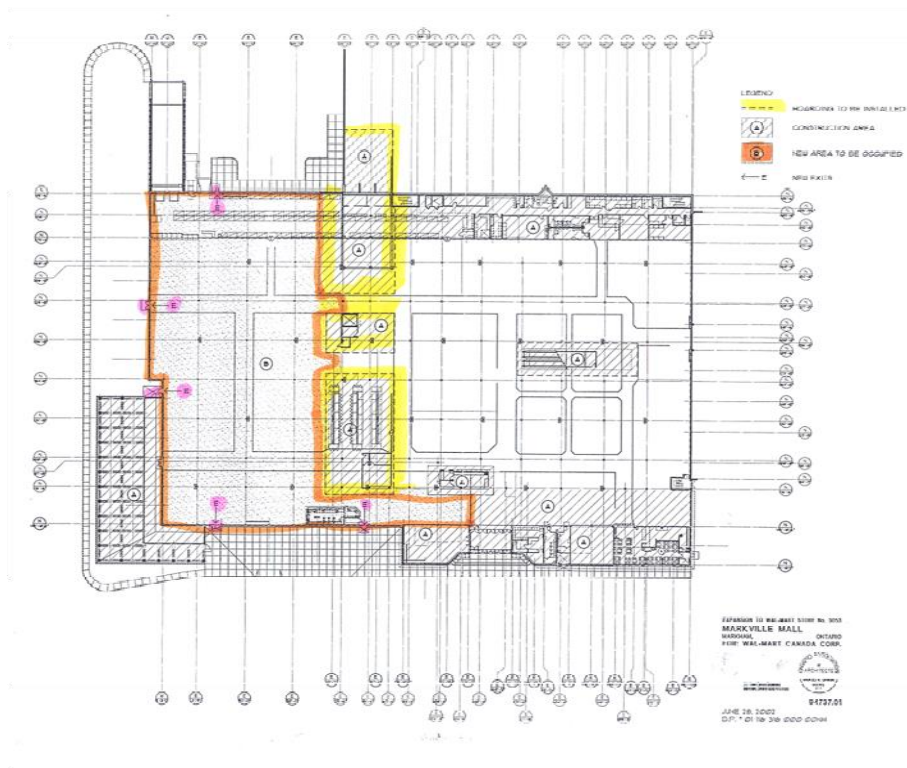
*“... a person may occupy or permit to be occupied any building or part thereof that has not been fully completed at the date of occupation where the chief building official or a person designated by the chief building official has issued a permit authorizing occupation of the building or part thereof prior to its completion in accordance with Sentence (2).”*

## **Owners' Responsibilities**

The owner or building permit holder must obtain written permission from the City of Markham prior to occupying or causing the occupancy of a building or part of a building. This guide is intended to help owners meet their responsibilities.

## SCOPE OF THE Occupancy

Consider the area(s) and/or floor(s) of the building to be occupied. When occupying a portion of the floor area, the project architect must prepare a floor plan of the building area to be occupied. The floor plan must identify the exits for the floor area and the methods employed to prevent access to other parts of the building under construction, including any overhead work. The floor plan below is an example of an architect's 'proposed occupancy layout drawing' indicating the area to be occupied (orange colour), the exits from the area (pink colour) and the location of barricades (yellow colour) between the occupied area and the building under construction. This drawing must be submitted with the 'Application to Occupy an Unfinished Building'. A copy of the application is included at the end of this guide.



## SCHEDULED DATE FOR OCCUPANCY

The scheduled date for occupancy must be communicated to the building inspector on the 'Request to Occupy an Unfinished Building'. Once your request has been submitted, the building inspector will co-ordinate with the site supervisor on how your construction project will comply with the 16 occupancy provisions of the Building Code. For example, one of the items to be co-ordinated will be the testing of life safety systems by the building inspector. This item alone may incur 3 to 5 days of testing and deficiency rectification.

## GENERAL REVIEW REPORT STATUS

The submission of reports from the general review professionals, specialists, consultants and testing agencies assist the chief building official determine readiness for occupancy. Each report is reviewed by the Building Standards Department for Building Code deficiencies. Outstanding Building Code deficiencies that will have a direct effect on the occupancy of the building must be corrected. Listed below are mandatory reports that must be current at the time of requesting occupancy. Some projects may not include the scope of work listed.

- ▶ Architects' general review reports
- ▶ Structural engineers' general review reports
- ▶ Electrical engineers' general review reports
- ▶ Mechanical engineers' general review reports
- ▶ Site servicing general review reports
- ▶ Geotechnical/soil reports
- ▶ Concrete compressive strength reports
- ▶ Structural steel, metal deck and joist reports
- ▶ Fire Safety reports, including the final report on the integration of fire protection and life safety systems
- ▶ Reinforcing steel reports
- ▶ Precast concrete floor or wall fabrication and erection reports
- ▶ Wood truss fabrication and erection reports
- ▶ Domestic and fire water line disinfection reports

Your building inspector will advise the applicable professional should any of the above reports or tests require updating or further explanation to confirm the project's compliance with the Building Code.

## OCCUPANCY CONDITIONS MAY APPLY

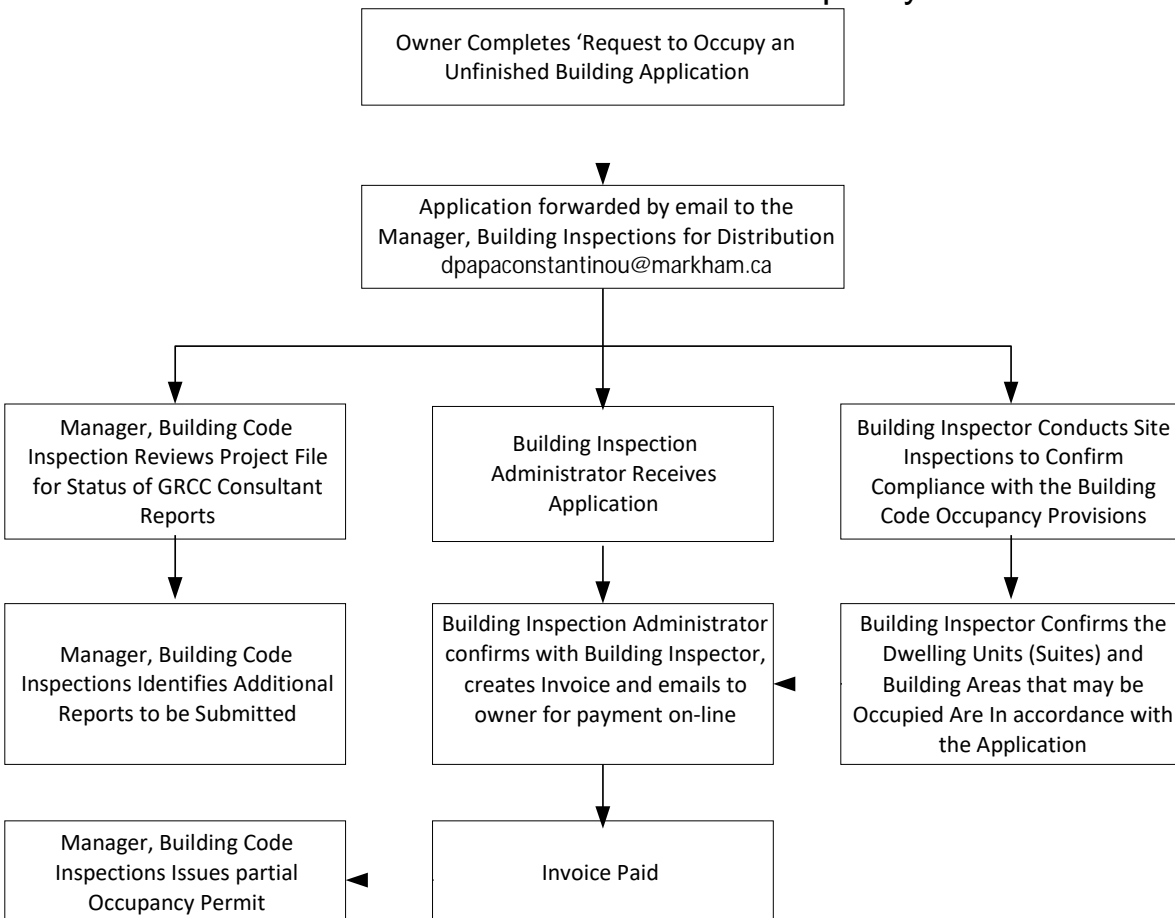
Your authorization to occupy may include conditions set by the City of Markham. Conditions play an important role in allowing an expedient occupancy while ensuring public safety. It is the owner's responsibility to comply with all conditions until a Certificate of Completion is issued by the City of Markham. Failure to maintain all conditions for occupancy may result in the issuance of a Stop Work Order, order to prohibit occupancy of the building, revoking of the partial occupancy permit and commencement of legal action.

# REQUESTING OCCUPANCY



The first step towards obtaining occupancy authorization, is to complete the 'Application to Occupy an Unfinished Building' form. The form should be completed by representative of the owner, such as, the site supervisor or project architect on behalf of the owner. Once completed, forward the form to the Manager, Building Inspections via email to [dpapaconstantinou@markham.ca](mailto:dpapaconstantinou@markham.ca)

Upon receiving a completed application form, a streamlined process is implemented to meet your scheduled date for occupancy. The flow chart below provides an outline of the steps to be taken by the owner and City of Markham for the issuance of the Certificate of Occupancy.





# APPLICATION TO OCCUPY AN UNFINISHED BUILDING

The Ontario Building Code, Division C, Part 1, Sentence 1.3.3.1.(1) requires that a person obtain written authorization from the chief building official or designate to permit occupancy of a building or part thereof that has not been fully completed at the date of occupation. To process your application, please review and provide us with the following information:

### Scope of Partial Occupancy Requested

Building Permit # \_\_\_\_\_ Municipal address \_\_\_\_\_

This request is being submitted for the issuance of a Partial Occupancy Permit for the following dwelling units and/or areas of the building;

Dwelling Units (use the suite numbers shown on the entrance door): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and/or

Areas to be occupied (Name each separate area within the building, such as lobbies, pools, amenity areas, roof occupancies, underground parking garages etc\*):

\_\_\_\_\_  
\_\_\_\_\_

\*Note: public corridors that serve dwelling units, mechanical and electrical rooms and stair shafts are not considered separate areas and therefore do not require a partial occupancy permit.

For areas of a floor to be occupied, please include a floor plan of the building area to be occupied and the location of any barricades to prevent access to parts of the building under still construction. See colour-coded example in this guide.

The scheduled date for occupancy is: \_\_\_\_\_ Please note, to facilitate the testing of life safety systems and to rectify deficiencies, the occupancy inspection by the building inspector must occur a minimum of 5 business days prior to the scheduled date for occupancy.

### General Review Report Status

Prior to approving the occupancy of a building, the following general review, specialists, consultants and agencies test reports must be submitted and reviewed by the Building Standards Department. Should any report not be submitted or approved, occupancy approval may be delayed. Some projects may not include the scope of work listed. Please contact the consultants involved to ensure their reports are current and are void of Building Code deficiencies.

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|---|--|
| Architect general review reports                  | Structural steel, metal deck and joist reports   |
| Structural general review reports                 | Reinforcing steel reports                        |
| Mechanical general review reports                 | Precast concrete reports (wall and floor panel)  |
| Electrical general review reports                 | Wood truss erection reports                      |
| Site servicing general review reports             | Water system disinfection report                 |
| Geotechnical/soil reports (bearing capacity)      | Concrete compressive strength reports            |
| Integrated Fire Protection and Life Safety Report | Fire Alarm Installation and Verification reports |



## Construction Completion Status

Prior to approving the occupancy of a building or part thereof, the building inspector will review the dwelling units (suites) and/or floor areas you have applied for occupancy. Please ensure the construction of the building and the area(s) to be occupied comply with the following Building Code criteria. Please note that buildings constructed in conformance with Articles 3.2.2.43.A and 3.2.2.50A (Group C and D Buildings respectively, up to 6 storeys of combustible construction) have additional occupancy requirements under Article 1.3.3.5. of Division C.

- 1. The structure of the building, or part thereof is completed to the roof.** *Reports have been submitted from the structural review engineer and independent inspection and testing agencies confirming the structural adequacy of the area of the building to be occupied. These reports include; soil bearing capacities, structural steel and precast fabrication and erection final reports, reinforcing steel inspection final reports. Final reports do not contain deficiencies. Caution: work to be performed on any structural element in an area not requested for occupancy cannot have an effect on the occupied area.*
- 2. The enclosing walls of the building, or part thereof are completed to the roof.** *The balcony guards are completed. Final precast panel, glass curtain wall system, exterior insulation finish system and masonry wall inspection reports have been submitted to the Building Inspector.*
- 3. Walls enclosing the space to be occupied are completed.** *Permanent guards, filler panels and walls are installed on all floors. All operable windows in suites in a residential building are equipped with latching devices and screens meeting the appropriate CGSB Standard. Guards are installed on retaining walls.*
- 4. Fire separations/closures are completed on all storeys to be occupied.** *Reports have been submitted for spray fireproofing verifying thickness, density and fire-resistance rating. Openings around ducts, pipes etc. in fire separations are sealed with an approved firestopping material.*
- 5. Required exits completed and fire separated including all doors, door hardware, self-closing devices, balustrades/guards and handrails, from the uppermost floor to be occupied down to grade level and below, if any exit connects with lower stories.** *All stair enclosure shafts are completed. Permanent stairs, handrails and guards installed. Exterior passage from each exit to public thoroughfare with guards, hoarding and overhead protection provided. Installed electromagnetic locking devices are included with the permit documents and are de-energized or are approved for use.*
- 6. Shafts including closures are completed to the floor-ceiling assembly above the storey to be occupied and have a temporary fire separation at such assembly.**
- 7. Measures have been taken to prevent access to parts of the building and site that are incomplete or still under construction.** *Hazardous and unfinished areas are adequately barricaded and signed to prevent access by the public. Construction material removed from site. Incomplete construction remaining in the area requested for occupancy must be completed during non-business hours or when tenants, owners or members of the public do not occupy the area.*



- 8. Floors, halls, lobbies and required means of egress are kept free of loose materials and other hazards.** *Construction material and equipment are removed from site while the area is occupied.*
- 9. If service rooms should be in operation, required fire separations are completed and all closures installed.** *Service rooms do not contain construction equipment and materials.*
- 10. All building drains, building sewers, water systems, drainage systems and venting systems are complete and tested as operational for the storeys to be occupied. Water service pipes (potable water) have been flushed and disinfected.** *Reports from an accredited testing laboratory have been submitted confirming 'no evidence of bacterial contamination'. Backflow prevention installed to prevent contamination of the potable water system.*
- 11. Required lighting, heating and electrical supply are provided for the suites, rooms and common areas to be occupied.** *Normal lighting levels and heating temperatures are in effect for the type of occupancy as provided for by the building code.*
- 12. Required lighting in corridors, stairways and exits is completed and operational up to and including all storeys to be occupied.** *Emergency lighting operational.*
- 13. Required standpipe, sprinkler, and fire alarm systems are complete and operational up to and including all storeys to be occupied, together with required pumper connections for such standpipes and sprinklers.** *Complete the testing of integrated fire protection and life safety systems in accordance with CAN/ULC-S1001. Building inspector to witness test the sprinkler, standpipe, fire alarm and emergency power systems. Above and below ground test certificates for the sprinkler, standpipe and private hydrants submitted. Fire alarm verification and installation certificate submitted to the building inspector prior to the test.*
- 14. Required fire extinguishers have been installed on all storeys to be occupied.** *Fire extinguishers have been installed the day of the occupancy inspection.*
- 15. Main garbage rooms, chutes and ancillary services thereto are completed to all storeys to be occupied.** *Fire separations completed, closures and sprinklers heads installed.*
- 16. Required fire-fighting access routes have been provided and are accessible.** *Access routes for fire department vehicles are located and constructed in accordance with the permit documents.*





# APPLICATION TO OCCUPY AN UNFINISHED BUILDING

As owner or on behalf of the owner (a professional), I am satisfied the building meets the requirements of the Ontario Building Code that apply to the occupancy of buildings under construction, and hereby request permission to occupy the building as described in this application.

\_\_\_\_\_

Name of applicant (print)	Position	Date
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Forward to the Manager, Building Inspections, dpapaconstantinou@markham.ca

Name and email of person to send the invoice and Partial Occupancy Permit. The invoice must be paid prior to the issuance of the Partial Occupancy Permit;

Name: \_\_\_\_\_ Email: \_\_\_\_\_

## City of Markham Office Use—Invoice Calculation

In accordance with the City of Markham Building By-law, Section 5.24 Partial Occupancy Permits of Unfinished Buildings issued under Division C, Part 1, Section, 1.3.3 of the building code will be charged at \$150 per dwelling unit listed per certificate and \$1000 each for all other partial occupancy certificates.

A) Total number of dwelling units for this request to occupy an unfinished building\*:

\_\_\_\_\_

B) Total number of separate areas requiring a partial occupancy permit\*:

\_\_\_\_\_

Total Invoice is (A) + (B) = (C)

A) \_\_\_\_\_ x \$150 = \$ \_\_\_\_\_

B) \_\_\_\_\_ x \$1,000 = \$ \_\_\_\_\_

A) \$ \_\_\_\_\_ + (B) \$ \_\_\_\_\_ = (C) \$ \_\_\_\_\_

Total invoice for this partial occupancy permit is (C) \$ \_\_\_\_\_

\* Refer to the Scope of Occupancy section of this application.