

# NOTICE

## 10-minute Rule Exemption

As part of its commitment to addressing high intensity residential fires (HIRF) in Alberta, the province recently amended its building and fire codes to help make homes safer from the spread of fire, and to provide more time for occupants to escape and firefighters to respond when there is a fire. The requirements that Alberta adopted in spring 2009 are the same requirements that will be considered by all provinces and territories later this year as part of the 2010 edition of the National Building Code.

When the building and fire codes were amended, Municipal Affairs also clarified the intent of the 10-minute fire response time. The 10-minute fire response time requires more stringent fire protection for construction outside of the 10-minute fire department response time area. While the 10-minute response time has been in place in Alberta since 1981, the clarification raised municipal awareness of the requirement. Municipalities and developers expressed concerns to Municipal Affairs in early 2009, as some municipalities were measuring the fire department response time in a substantially different manner.

On July 24, 2009 the Minister of Municipal Affairs, responded to their concerns by issuing a building code exemption to provide a transitory measure for developers and municipalities to adapt to the HIRF requirements. The exemption applied to all buildings on lots registered with Alberta Land Titles before June 1, 2010, (provided a permit to construct has been issued before January 1, 2015.)

This exemption applied only to the calculation of allowable window areas in side-walls. All other safety requirements, such as gypsum board under vinyl siding and non-vented soffits, were not exempted.

Recently, some municipalities and the construction industry have indicated more time is needed to ensure development throughout Alberta is not impeded as municipalities and industry work to ensure their developments are designed in a manner that complies with the 10-minute fire response time rule.

In response to these concerns, Minister Goudreau extended the date of the exemption to December 31, 2010. Where a municipal fire department previously used a different fire department response time calculation, he has temporarily allowed side-yard windows to be included in new homes as if the building were within a 10-minute fire department response time. However, no relaxation will be given for any of the other fire safety measures. Because the goal of the fire response time is the prevention of fire spread, and because other safety measures will remain in place, the Minister is satisfied that authorizing this exemption will allow planned construction to proceed without adversely affecting the safety of the homes and occupants.

### Background

Fire department response time as a condition of building construction requirements has existed in Alberta since the introduction of the Alberta Building Code 1981. This recognizes the positive effects of fire suppression in preventing fire spread to adjacent buildings where the fire department arrives on scene in ten minutes or less. Since that time, the intent behind the requirement has always been that where the fire department in a municipality cannot respond to a fire in less than 10 minutes, buildings must be located farther away from the property line or provided with additional fire protection, such as non-combustible siding, no side-yard windows and/or sprinkler systems. Additional fire protection measures slow the spread of fire by either containing it or suppressing it and giving the fire department vital extra minutes to arrive before the fire spreads out of control or becomes a high intensity residential fire.

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For further information about this exemption, contact the Safety Services Branch toll-free at 1-866-421-6929.

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The wording of the requirement in previous versions of the Alberta Building Code left the start and end times of the 10-minute rule open to interpretation. With the coming into force of Building Code Amendment Regulation (AR 49/2009) on May 3rd, 2009, the timeframe for calculation was clarified as being from the time of receipt of a fire alarm by the fire department to the point at which a fire department vehicle capable of beginning fire suppression activities (typically a pumper truck with hoses and a crew) arrives at the scene of incident. It was also clarified that this performance criteria must be met in less than 10 minutes 90 per cent of the time.

## Exemption

Section 2(2) of the *Safety Codes Act* states:

The Minister may, by order, exempt any person or municipality or any thing, process or activity from any or all provisions of this Act and attach terms and conditions to the exemption.

Due to the above, the Minister authorized the attached exemption which is now in effect.

### 1. The exemption states:

1. Sentence 9.10.15.3.(1) of Division B of the Alberta Building Code 2006 ("Division B of the 2006 Code") does not apply to Sentence 9.10.1 5.4.(1) of Division B of the 2006 Code for a building on a parcel of land described in a subdivision plan that was registered in a Land Titles office before December 31, 2010, if a municipality or local authority elects to adhere to the fire department response times established in accordance with its policies and procedures as they existed, before the coming into force of the Building Code Amendment Regulation, AR 49/2009, on May 3, 2009.

## Explanation

This gives an exemption to Sentence 9.10.15.4.(1) for the application of Sentence 9.10.15.3.(1). This means that if a municipality is willing to calculate their fire department response times in the manner they used prior to May 3rd, 2009, a building that falls under the scope of Subsection 9.10.15. of the Alberta Building Code 2006 (houses, duplexes, row houses and any associated detached garages) is permitted to have a maximum aggregate area of glazed openings calculated on that basis. This exemption only applies to the calculation of the maximum aggregate area of glazed openings. All other requirements in Subsection 9.10.15., including all HIRF-related amendments (separation of glazed openings, maximum area of individual glazed openings, allowable projection of soffits, etc.) still apply in the same manner, taking into consideration the actual fire department response time in the area.

This exemption only applies to a building on a parcel of land that has been registered with Alberta Land Titles before December 31st, 2010, provided a building permit is obtained within a prescribed amount of time (see Clause 2). The exemption does not apply to any building on a parcel of land that was registered with Alberta Land Titles on or after December 31st, 2010.

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## Conditions

2. The exemption also contains the following conditions:

2. The exemption referenced in section 1 only applies to buildings for which a subsisting building permit has been issued in accordance with section 6(1) of the Permit Regulation, AR 204/2007, prior to January 1, 2015 and provided that the permit has not expired or been revoked.

### Explanation

This condition specifies that if the exemption applies to a specific parcel of land, the exemption only applies if the building is constructed under a building permit that is obtained before January 1<sup>st</sup>, 2015, provided the permit has not been revoked or expired.

The exemption does not apply to a building constructed under a building permit that was obtained on or after January 1<sup>st</sup>, 2015, even if the exemption given in Clause 1 was applicable to that specific parcel of land.

3. Only the Chief Building Administrator, as defined in Article 1.4.1.2. of Division B of the 2006 Code, may issue a variance with respect to the exemption described herein.

### Explanation

This condition specifies that since this is a province-wide exemption, only the Chief Building Administrator is permitted to issue any kind of variance in relation to the calculation of maximum aggregate area of glazed openings for a building that falls within the parameters of the exemption given in section 1.

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