



**DEVELOPMENT SERVICES DEPARTMENT
BUILDING DIVISION**

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Industry Updates

This communication is to inform industry stakeholders of Kitchener Building Division interpretation changes relating to the Ontario Building Code (OBC). These changes are effective immediately.

1. Determination of Grade

At the November 3rd virtual industry workshop, it was mentioned staff are working on guidelines and establishing criteria on what we consider 'finished ground' at exterior walls of a building for the purposes of determining "grade" as defined by the OBC.

This project is still ongoing however, at this stage the City of Kitchener has made the decision that we will be making changes to how we have determined finished ground at sunken terraces. Moving forward we will consider the elevation (slab) of a sunken terrace as the finished ground for the determination of grade.

This change can impact buildings that have both a sunken terrace and walk-out lot if the design is based on Part 9. This change aligns us with other Municipalities across the Region and Ontario.

2. Group E Restaurants and Group C Care Facilities

A restaurant is classified as a Group A2 occupancy under the OBC, which fall under Part 3 of the OBC. Article 3.1.2.6. allows some restaurants to be classified as a Group E occupancy, however there is no code compliance path to then move into Part 9 of the OBC, therefore remain in Part 3. This same concept applies to Group B3 care facilities permitted to be classified as Group C in accordance with 3.1.2.5.

Therefore, restaurants permitted to be classified as Group E, and care facilities permitted to be classified as Group C are to be designed and reviewed under Part 3 of the OBC. This change aligns us with other Ontario municipalities. Note businesses with no patron seating (take-out only) are not defined as a restaurant and therefore are permitted to be classified as Group E and designed and reviewed under Part 9 where the building characteristics fit within Part 9.

We support advance communication and understand the effect of these interpretation changes which is why we are choosing to share this information so you may plan accordingly for any active or future projects.

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