

Section 1.7. Permission to Occupy Buildings

1.7.1. General

1.7.1.1. Occupancy Permit Required

- 1) Except as otherwise provided in this By-law, no person shall occupy or allow the *occupancy* of any *building* or part thereof unless the *owner* has obtained an *occupancy permit* from the *Chief Building Official*.
- 2) No person shall occupy any *building* for a purpose other than the *occupancy* stipulated in an *occupancy permit* issued by the *Chief Building Official*.

1.7.1.2. Occupancy Permit

(See Note A-1.7.1.2.)

- 1) Every *owner* shall obtain an *occupancy permit* from the *Chief Building Official* prior to any
 - a) *occupancy* of a *building* or part thereof after *construction* or *alteration* of that *building*,
 - b) change in the *major occupancy* of any *building* or part thereof, or
 - c) change in the permitted *occupancy* within the same Division of the *major occupancy* Group, where the occupant load or the fire load has increased.

1.7.1.3. Exemptions from Occupancy Permit

- 1) Despite the requirements of Articles 1.7.1.1. and 1.7.1.2., an *occupancy permit* is not required for
 - a) residential *building* with not more than two principal *dwelling units*, or
 - b) a change in the permitted *occupancy* within the same *major occupancy* classification provided the *occupant load* is not increased and no *construction* has taken place.

1.7.1.4. Posting of Lawful Use

- 1) In any *building* not requiring an *occupancy permit*, the *Chief Building Official* may post a notice which describes the uses to which the *building* may be lawfully put.

1.7.2. Occupancy Permit Process

1.7.2.1. Owner's Obligation

- 1) An *owner* who wishes to obtain an *occupancy permit* shall file an application in the form required by the *Chief Building Official*.

1.7.2.2. Requirements for Occupancy Permit Application

- 1) The *permit* application requirements described in Article 1.6.2.2. do not apply to an application for an *occupancy permit* if the application includes
 - a) a letter from the *owner* declaring that the work complies with the By-law, the necessary *permits*, including *operating permits*, have been obtained and the *building* conforms with the accepted plans, in any case where a professional is not required by Subsection 2.2.7., Division C, Book I,
 - b) the appropriate letters of assurance in any case where a professional *field review* is required by Subsection 2.2.7. of Division C of Book I (General) of this By-law,
 - c) the anticipated date of completion,
 - d) the classification of the *building*,
 - e) the number of *storeys* in the *building*,
 - f) the gross *floor area* of each *storey*,
 - g) the allowable *live loads* for each *floor area*, and
 - h) an annual permit as required by the Electrical By-law.

1.7.2.3. Scheduling of Construction, Fire and Life Safety Systems Inspection

1) Prior to the issuance of an *occupancy permit*, the *owner* of a *building* shall call for and coordinate a final inspection of *construction*, fire and life safety systems in the *building*.

1.7.2.4. Requirements prior to Construction, Fire and Life Safety Systems Inspection

1) At least 24 hours prior to the final inspection for an *occupancy permit*, every *owner* shall submit to the *Chief Building Official*

- a) proof of compliance with the By-law for all materials, equipment and methods of *construction*,
- b) letters of assurance in the applicable forms attached as Schedules C-A and C-B, at the end of Part 2 of Division C,
- c) a *contractor's* material and test certificate, certifying that the *sprinkler systems* have been flushed, inspected and tested,
- d) a certificate of verification and a manufacturer's inspection report for the fire alarm system,
- e) a fire safety plan and record of installed fire safety systems, conforming to the Fire By-law, and
- f) a letter from a fire protection consultant verifying that the special devices or methods forming part of the alternative solution achieves the alternative solution.

1.7.2.5. Requirements during Construction, Fire and Life Safety Systems Inspection

1) During the final inspection of *construction*, fire and life safety systems in the *building*, the *owner* of the *building* shall make available

- a) a copy of the fire safety plan,
- b) a copy of the record of installed fire safety systems, and
- c) a preventive maintenance and testing schedule and a maintenance log book for the life and fire safety systems.

1.7.2.6. Notice of Change Prior to Occupancy

1) Every *owner* shall give notice in writing to the *Chief Building Official* of any change to the *owner's* address or any change in the *ownership* of the *building* which occurs

- a) prior to the issuance of an *occupancy permit*, or
- b) prior to the *occupancy* of the *building*.

1.7.3. Partial Occupancy Permit for Building Under Construction**1.7.3.1. Partial Occupancy Permit**

1) The *Chief Building Official* may issue a partial *occupancy permit* for part of a *building* which is under *construction* if, in the opinion of *Chief Building Official*, such partial *occupancy* would not jeopardize life or property.

2) The *Chief Building Official* may impose conditions on a partial *occupancy permit*.

3) The *Chief Building Official* may revoke a partial *occupancy permit* if the *permit* holder fails to comply with the conditions imposed by the *Chief Building Official*.

4) The *Chief Building Official* may revoke a partial *occupancy permit* if the *owner* fails to comply with any *permit* relating to the *building*.

1.7.3.2. Owner's Obligation regarding Unsafe Conditions

1) The *owner* of a *building* for which a partial *occupancy permit* has been issued shall ensure that there are no *unsafe conditions* in the *building*.

1.7.4. Temporary Occupancy Permit**1.7.4.1. Temporary Occupancy Permit**

1) The *Chief Building Official* may issue a temporary *occupancy permit* for a temporary use within an *existing building*, or for the limited use of a *building* approved according to Subsection 1.6.8. or as otherwise provided in this By-law.

1.7.5. Re-Occupancy Permit**1.7.5.1. Re-occupancy Permit**

1) Every *owner* shall obtain a *re-occupancy permit* from the *Chief Building Official* prior to any *occupancy* of a *building* or part thereof in respect of which the *Chief Building Official* has issued an order to cease *occupancy* due to an *unsafe condition*.