

**Ministry of
Municipal Affairs
and Housing**

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**Ministère des
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et du Logement**

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December 23, 2020

Mr. Dennis Purcell
President, LMCBO
and
Mr. Grant Brouwer
President, OBOA

[sent via email: PurcellD@cambridge.ca; gbrouwer@town.stmarys.on.ca]

Dear Sirs:

Many thanks to you and to your members for joining our meeting on December 17, 2020. I am writing to you today to follow up on the topic of patio tents that emerged from our conversation at the meeting. As Ontario enters another lockdown period, use of patio tents will not be permitted, however, this time provides an opportunity to work with small businesses, including local restaurants, to support their plans for re-opening when restrictions are eased.

There was discussion at the meeting about whether the Building Code requirements for tents were intended to apply to tents used during winter months, and the applicability of the appendix note A-3.14. which describes some examples of temporary and seasonal tents. As you know, appendix notes are provided for information only and need to be considered with the Building Code. There is nothing in the Building Code that limits the erection of tents to summer months, and therefore the Building Code does not prohibit the erection and use of tents in winter months.

While the Building Code exempts tents described in Subsection 3.14.1. of Division B from the need to comply with specific snow load requirements, it also exempts such tents from all other requirements in Part 4. However, structural sufficiency is an important factor that must be taken into account. Tents must be safe and possess the necessary characteristics to perform their intended functions under the expected conditions. Applicants are advised to consult a professional engineer to determine safe structural requirements for tents used in the winter.

If the installation of a tent requires a building permit, but the applicant cannot meet all the applicable requirements in the manner set out in the Building Code, the applicant should be encouraged to achieve compliance with the Building Code through an alternative

solution. Alternative solutions could potentially rely on operation and maintenance plans for tents, which would help with some of the issues that were discussed such as egress, fire safety and snow removal. Design professionals can assist applicants to consider the level of performance required by acceptable solutions in respect of the objectives and functional statements attributed to them when developing an alternative solution. Many building departments have policies that rely on the seal of professional engineers and architects, meaning that detailed review of the design is not needed.

As you are aware, under the Building Code Act and Building Code, applicants are permitted to submit alternative solutions for review. I encourage you to work with applicants as appropriate to develop alternative solutions to the requirements of Ontario's Building Code.

We encourage LMCBO and OBOA to circulate the attached guidance material to your membership. Please contact me for any questions, comments or feedback. I can be reached at mansoor.mahmood@ontario.ca.

Sincerely,

A handwritten signature in black ink that reads "Mansoor Mahmood". The signature is stylized with a large, bold "M" and a long, sweeping underline.

Mansoor Mahmood, P.Eng., PhD
Director

- c. MPP Jim McDonell, Parliamentary Assistant
- Matt Farrell
- George Kotsifas
- Ezio Savini
- Nick Anastasopoulos
- John Buck
- Bill Stamatopoulos
- Michael Janotta
- Sandra Burrows
- Will Johnston
- Sean Fitzpatrick