

Elevator Operations and Accessibility

PURPOSE

The purpose of this interpretation is to clarify the application of the National Building Code-2019 Alberta Edition (NBC(AE)) for elevators to be operational in buildings in relation to barrier-free path of travel.

DISCUSSION

Barrier-free is a defined term in the National Building Code-2019 Alberta Edition (NBC(AE)). “*Barrier-free* means that a building and its facilities can be approached, entered, and used by persons with physical, cognitive or sensory disabilities.” Under Article 3.8.2.1., the requirements for barrier-free path of travel for residential buildings does not apply to detached houses, semi-detached houses, houses with a secondary suite, duplexes, triplexes, townhouses, and row houses/boarding houses that are not used for social service, care or treatment programs.

For other residential buildings (i.e. multi-unit buildings) Article 3.8.2.3 of the NBC(AE) requires a barrier-free path of travel from the entrance of a building and throughout all normally occupied floor areas. Residential buildings that are not more than 3 storeys in building height, not more than 600 m² in building area, and also not served by an elevator or elevating device are not required to have a barrier-free path of travel provided to any storey above or below the first storey. Other buildings less than 3 storeys, with any storey less than 600m² in area, also has an exception for barrier-free path of travel.

Municipal Affairs and municipalities have received numerous complaints from residents that their buildings have no working elevators over long periods of time, placing residents with mobility issues with no safe access to or from their residential units. As the aging population increases, this situation poses serious health and safety issues for both seniors and persons with disabilities. Safety codes officers have indicated to Municipal Affairs that there is uncertainty with respect to safety codes, the authority to direct an owner to take all necessary steps to place an elevating device into operation.

The (NBC(AE) requires at least one elevator to be available for firefighter use at all times for high-rise buildings, but this requirement does not directly apply to access and use by building occupants. The Elevating Devices Code Regulation (which includes the elevating devices codes) sets rules for the safety of operational elevating devices, but does not require an elevating device to be operational.

The authority for ordering an owner to make an elevator operational is under Article 3.8.2.3. of the NBC(AE). Where a building has a requirement for a barrier-free path of travel and is served by a passenger-type elevator or other platform-equipped passenger-elevating device, an operational elevating device is necessary to maintain a barrier-free path of travel and

Unless stated otherwise, all Code references in this STANDATA are to Division B of the National Building Code-2019 Alberta Edition

Issue of this STANDATA is authorized by
the Provincial Building Administrator

[Original Signed]
Paul Chang

The logo for the province of Alberta, featuring the word "Alberta" in a stylized, cursive font with a small blue square at the end of the word.

compliance with Article 3.8.2.3. Without an operational elevating device, barrier-free path of travel is not maintained and therefore, the building is no longer in compliance with the NBC(AE).

The NBC(AE) is to be interpreted broadly for the purpose of co-ordinating and encouraging the principles of barrier-free design and access. An objective of the NBC(AE) is to limit the probability that a person with physical or sensory limitations will be unacceptably impeded from accessing the building, or circulating within it as a result of design and construction.

The *Safety Codes Act* also speaks to accessibility and provides guidance for the application of all regulations, codes and standards under the *Act* related to accessibility. Section 1(3) states that “this Act is to be interpreted in a manner consistent with the principles of barrier-free design and access to allow persons with physical and sensory disabilities to more easily and safely access and use buildings, facilities and services to which this Act applies.”

CODE REFERENCES

Article 3.8.2.3 states:

3.8.2.3. Areas Requiring a Barrier-Free Path of Travel

(See Note A-3.8.2.3.)

1) Except as permitted by Sentences (2), (4) and (5), a *barrier-free* path of travel from the entrances required by Sentences 3.8.2.2.(1) and (2) shall be provided throughout all normally occupied *floor areas*. (See Article 3.3.1.7. for additional requirements regarding *floor areas* above or below the *first storey* to which a *barrier-free* path of travel is required.)

2) A *barrier-free* path of travel for persons using wheelchairs is not required

a) to *service rooms*,

b) to elevator machine rooms,

c) to janitors' rooms,

d) to *service spaces*,

e) to crawl spaces,

f) to *attic or roof spaces*,

g) to *mezzanines* not served by a passenger elevator, a platform-equipped passenger-elevating device, an escalator, or an inclined moving walk,

h) to *high-hazard industrial occupancies*,

i) within portions of a *floor area* with fixed seats in an *assembly occupancy* where those portions are not part of the *barrier-free* path of travel to spaces designated for use by persons using wheelchairs,

j) within floor levels of a *suite* of *residential occupancy* that are not at the same level as the entry level to the *suite*,

k) within a *suite* of *residential occupancy* that has not been required by other provisions of this Code to be *barrier-free*, or

l) within those parts of a *floor area* that are not at the same level as the entry level, provided amenities and uses provided on any raised or sunken level are accessible on the entry level by means of a *barrier-free* path of travel.

3) Unless a *barrier-free* path of travel is not required in an *assembly occupancy* by Clause (2)(i), the number of spaces designated for use by persons using wheelchairs within rooms or areas with fixed seats shall conform to Table 3.8.2.3. and be dispersed

a) in each floor level of seating,

b) in each price range of seating, and

c) in each viewing section of seating.

(See Article 3.8.3.21. for the design requirements.)

4) Except as provided in Sentence (5) and except for a *storey* containing a physician clinic or office within the scope of Subsection 3.8.5., Sentence (1) does not apply to any *storey*, not more than 600 m² in area, above or below the *first storey* of a *building* that does not exceed two *storeys* in *building height*.

5) Sentence (1) does not apply to any *storey* above or below the *first storey* in a *building* of *residential occupancy* that is

a) not more than 3 *storeys* in *building height*,

b) not more than 600 m² in *building area*, and

c) not served by a passenger-type elevator or other platform-equipped passenger-elevating device.

Article 3.8.3.7. states:

3.8.3.7. Passenger-Elevating Devices

1) Where passenger elevators are used in a *barrier-free* path of travel, features described in Appendix E of ASME A17.1/CSA B44, "Safety Code for Elevators and Escalators," shall be included in their design and construction.

2) A platform-equipped passenger-elevating device used in a *barrier-free* path of travel shall conform to the Elevating Devices Codes Regulation made pursuant to the Safety Codes Act.

Article 3.5.2.1 states:

3.5.2.1. Elevators, Escalators and Dumbwaiters

1) The design, construction, installation and *alteration* of every elevator, escalator, passenger-elevating device, freight platform lift and dumbwaiter shall conform to the Elevating Devices Codes Regulation made pursuant to the Safety Codes Act. (See Note A-3.5.2.1.(1).)

2) Before being placed in service, every elevator, escalator, passenger-elevating device, freight platform lift or dumbwaiter installation, including safety and control devices, shall be inspected and tested in accordance with the Elevating Devices Codes Regulation made pursuant to the Safety Codes Act.

3) Passenger elevators shall conform to Appendix E of ASME A17.1/CSA B44, "Safety Code for Elevators and Escalators."

APPLICATION

This interpretation applies to buildings and residential buildings where a barrier-free path of travel is required and is served by a passenger-type elevator(s) or other platform-equipped passenger-elevating device(s).

INTERPRETATION

This interpretation is authority for building safety codes officers to enforce the NBC(AE) to require the owner to make the elevating device operational or put in place alternative, equivalent measures for accessibility. The requirement for operational elevating devices to support barrier-free path of travel came into force on May 30, 1981 and is applicable from May 30, 1981 to all buildings with elevating devices.

Fire safety codes officers may also enforce the NFC(AE) to require the owner to make the elevating device operational or put in place alternative, equivalent measures for accessibility. In

non-emergency situations, authority for a fire safety codes officer is under Subsection 2.8.2. Division B, of the NFC(AE) respecting fire safety plans. If the non-operation of the elevating device impacts emergency procedures, such as the plans for evacuating the occupants, the maintenance of building facilities provided for the safety of occupants or other related measures, the fire safety codes officer may issue an order to the owner to take all necessary steps to make the elevating device operational.

This interpretation does not mean that an elevating device cannot be taken out of service for maintenance or repairs or because of an emergency. Under reasonable situations, where the owner is diligently attempting to have maintenance or servicing carried out, any enforcement action by the safety codes officer including an order for compliance may not be necessary. In situations where the owner is not cooperating in response to a complaint or purposely or negligently delaying or preventing the operation of the elevating device(s), a building or fire safety codes officer may issue an order to the owner to place the elevating device(s) in operation and set conditions and timelines for compliance.

This INTERPRETATION is applicable throughout the province of Alberta.

Issue of this STANDATA is authorized by the following Administrators:

[Original Signed]

Paul Chang
Provincial Building Administrator

[Original Signed]

Dean Bruce
Provincial Elevating Devices Administrator

[Original Signed]

Linnie Tse
Provincial Barrier-free Administrator

[Original Signed]

Tina Parker
Provincial Fire Administrator