

BARRIER-FREE DESIGN REQUIREMENTS: RELAXATIONS

PURPOSE

This interpretation is developed to clarify when a request for relaxation of barrier-free requirements is appropriate.

DISCUSSION

The Province of Alberta's Barrier-Free Administrator and Provincial Building Administrator are receiving barrier-free relaxation requests that are either not appropriate for relaxation or that lack the required review by the authority having jurisdiction (i.e. accredited municipality or agency) during the building permit application stage.

Barrier-free design requirements apply to buildings as specified in Article 3.8.1.1. of the National Building Code-2019 Alberta Edition (NBC(AE)). All new construction, including additions and change of use as set out in Article 3.8.1.1., are required to comply with all barrier-free design requirements. In accordance with the NBC(AE), barrier-free relaxations may be issued where compliance with barrier-free design requirements are unnecessary or extraordinary circumstances prevent conformance with the requirements. These two situations may be appropriate for a relaxation provided the applicant has demonstrated to the satisfaction of the Provincial Building Administrator and Barrier-Free Administrator that valid conditions exist to support a relaxation of barrier-free requirements, either because it is unnecessary or extraordinary circumstances prevent compliance.

Exempted building uses from Barrier-Free Design and Access Requirements

Barrier-free design requirements do not apply to certain industrial uses, which pose greater danger to persons and property from the use of hazardous materials and processes. Some special purpose buildings in heavy industries often require grade separations and other features essential to their functioning that are not compatible with barrier-free design and access. Other special purpose buildings may be partially exempt from barrier-free design requirements, such as certain industrial uses requiring barrier-free design for persons with hearing or visual disabilities but not for persons with physical disabilities.

Exemptions are listed in Sentence 3.8.1.1.(1) Application, Sentence 3.8.2.1.(2) Areas Requiring a Barrier-Free Path of Travel, and Sentence 3.8.2.8.(10) Showers.

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

Issuance 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 to the right.

CODE REFERENCES

Sentence 2.2.1.4.(1) of Division C states:

2.2.1.4. Barrier-Free Relaxations

- 1) The *Provincial Building Administrator* may grant relaxation of one or more of the requirements of Section 3.8. of Division B if an *owner* can demonstrate to the satisfaction of the *Provincial Building Administrator* that
- a) the specific requirements are unnecessary, or
 - b) extraordinary circumstances prevent conformance.

INTERPRETATION

Applications for barrier-free relaxations will not be accepted by Municipal Affairs for new building construction that is required to comply with barrier-free design requirements under the NBC(AE).

Requests for relaxations that contain incomplete plans/drawings or have no assessment by the authority having jurisdiction will not be reviewed by the Provincial Building Administrator or Barrier-Free Administrator.

Barrier-free relaxations will not be issued as a means for the applicant (i.e., owner or designer) to lower construction costs or to avoid the activity of evaluating more difficult design alternatives. The Provincial Building Administrator has the discretion under Article 2.2.1.4., Division C of NBC(AE) to grant or refuse a relaxation, even if the owner can demonstrate that the barrier-free design requirements are unnecessary or that extraordinary circumstances prevent compliance.

The Provincial Building Administrator, in consultation with the Barrier-Free Administrator, may also issue a barrier-free relaxation if the owner can demonstrate extraordinary circumstances that prevent conformance. This condition is interpreted to mean that relaxations will be granted where no practical alternative or alternative design solution is possible in the opinion of the Building and Barrier-Free Administrators.

The Provincial Building Administrator, in consultation with the Barrier-Free Administrator, may issue a barrier-free relaxation if the owner can demonstrate that the barrier-free requirements are unnecessary. It is the opinion of the Building and Barrier-Free Administrators that determines if barrier-free design and access requirements are unnecessary.

If a building project is assessed by the authority having jurisdiction or safety codes officer as exempted use under the NBC(AE), an application for a barrier-free relaxation to Municipal Affairs is not required.

Sentence 3.8.1.1.(1) of the NBC(AE) allows for the authority having jurisdiction or safety codes officer the discretion to assess building projects as exempt or partially exempt from barrier-free design requirements, provided the building project meets the conditions described under 3.8.1.1.(1).

The following occupancies or uses may be assessed as equivalent to the exempted uses currently described in the NBC(AE):

- Fire & EMS dormitories, including washrooms and showers
- Industrial buildings used for heavy equipment maintenance and/or storage
- Workers' facilities or camps located on industrial sites such as drilling, forestry or mining sites
- Waste Management Facilities
- Abattoirs
- Recycling Centres – operations/sorting areas



- Food/beverage service kiosks
- Limited-use, limited-access washroom facilities, such as in transit turnarounds
- Temporary structures where barrier-free design requirements are demonstrated to be unnecessary to the authority having jurisdiction or safety codes officer

This INTERPRETATION is applicable throughout the province of Alberta.

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