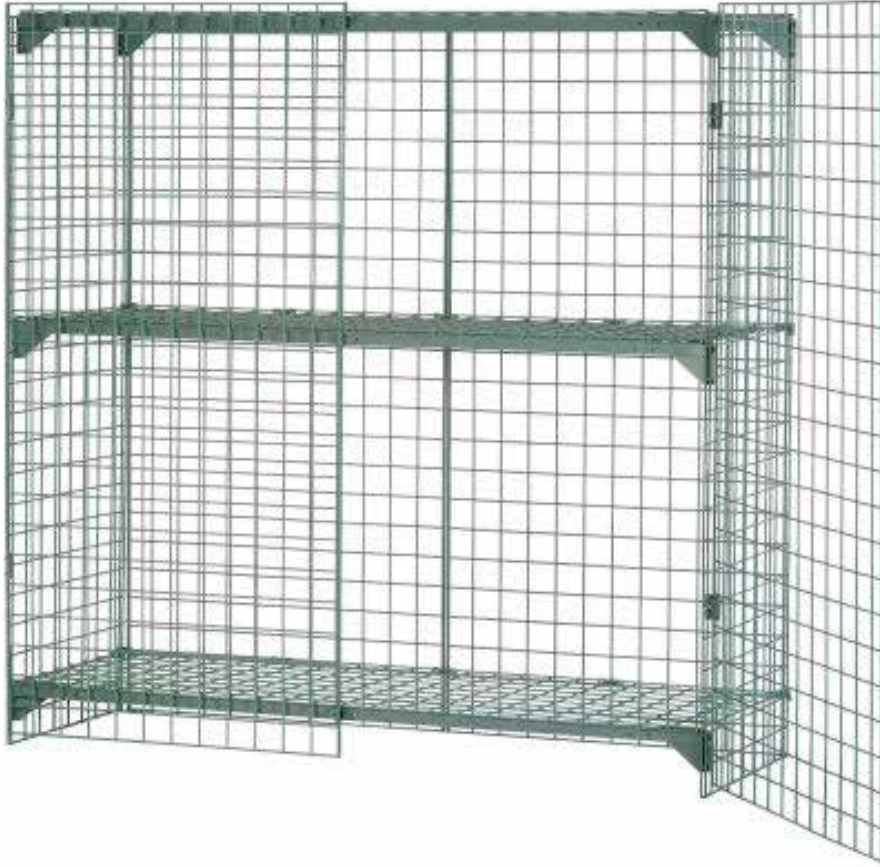


FIRE CODE, PARKADES & STORAGE LOCKERS



This topic was raised by a member at CCI Manitoba's *Presidents' Forum* on April 11th, 2023, which pertained to an item in our Summer 2017 Newsletter¹ that published a bulletin from the Fire Prevention Branch of the Winnipeg Fire Paramedic Service (WFPS) which provided details on the new fire prevention by-law 35/2017. Since its initial release, the by-law has been amended twice, once in 2021 (updates to penalties and enforcement in section 70) and once in 2022 (changes to Council Committee names). The new (and current) by-law, 35/2017, replaces the prior by-law 150/2004.

Note that condo corporations in other municipalities should pay attention to this article as well because while by-law 35/2017 applies only to Winnipeg, the Manitoba Fire Code² is applicable across the Province and to all municipalities. For more information on how the Manitoba Fire Code relates to municipalities and other Provinces, review the website of Manitoba's Office of the Fire Commissioner https://firecomm.gov.mb.ca/codes_legislation.html.

BY-LAW 35/2017 & PARKADES

The 2017 bulletin highlighted requirements for storage lockers in parkades, which is covered in Part 6 starting on page 15. For reference,

By-law 35/2017 can be found on the City's website³. Note that this by-law pertains to parkades that you would associate with a highrise or even a lowrise apartment-style condo (i.e. the parkades are attached to the residential building, are above or below grade and are categorized as Group F, Division 3 low-hazard industrial occupancies). By-law 35/2017 does not pertain to garages that would be attached to or detached from townhouses or bungalows or to bi-, tri or quad-plexes.

The key sections pertaining to parkades are 41-43 (excerpts below). Section 41 deals with storage of combustible materials in a parkade within a parking space. Note that limited storage is allowed irrespective of the presence or absence of a storage locker.

41 Storage not permitted:

Storage is not permitted in a garage, except:

- (a) storage of a vehicle; and
- (b) storage of no more than two (2) bicycles or empty metal collapsible grocery carts within a delineated parking space.

For the sake of clarity, Section 41 means that regardless of the presence or absence of an

approved storage locker, you can keep two bicycles in your garage space or one bicycle and a collapsible shopping cart.

Section 42 deals with storage locker prohibitions, which is what is causing some condominium corporations some grief if storage lockers have been added or modified over the years after the initial construction and occupancy.

42 Storage lockers prohibited:

Storage lockers in a garage are not permitted, except where:

- (a) the storage lockers form part of the original design or construction of the garage; or
- (b) the owner provides the designated employee with a stamped engineer's report which confirms that the storage lockers meet all requirements under this By-law, the Manitoba Fire Code and the Manitoba Building Code.

Section 43 details the requirements for storage lockers and applies only to previously established storage lockers in sprinklered garages. No new storage lockers are permitted unless they meet the current Manitoba Building Code and Fire Code requirements.

43 Storage locker requirements:

Subject to section 42 and in addition to the standards and requirements of the Manitoba Building Code and the Manitoba Fire Code, the owner must ensure at all times that

(a) storage lockers comply with the following requirements:

(i) no more than one storage locker is permitted within each delineated parking space;

(ii) the total aggregate area of all storage lockers must not exceed 10% of the total area of the garage;

(iii) storage lockers must not be more than 3 feet deep and must not be wider than a delineated parking space;

(iv) storage lockers must not be located so as to cause any vehicle parked in the parking space where the storage locker is located to extend beyond the length of the parking space and into the drive aisle of the parking garage; and

(v) the storage locker door, top, and walls (rear, front, and sides), and all shelving within the storage locker, must be constructed of wire mesh designed with a minimum open

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area of no less than 70% affixed directly to the framing material to permit sprinkler penetration into the storage locker, and

(b) that the garage is sprinklered such that:

(i) the system of automatic sprinklers is designed and installed in conformance with the Manitoba Fire Code;

(ii) a sprinkler head is located outside of each storage locker so as to ensure that water from the sprinkler head can completely penetrate and saturate the storage locker and its contents; and

(iii) the top of each storage locker is no higher than 18 inches below the nearest sprinkler head.

Note: If the parkade does not include a sprinkler system to suppress a fire, no storage lockers are allowed.

Also, for the sake of clarity, if your storage locker meets the requirements of Section 43, you can store household items in the locker, such as bins, boxes, Xmas decorations and the like.

An example of an acceptable storage locker is shown in the figure.

Note: for storage lockers installed prior to by-law 35/2017, the onus is on the Condo Corporation to prove that they were installed prior to by-law 35/2017 and met the requirements at that time. The required proof includes documentation such as permits, designs, inspections, certifications, approvals, etc.

STORAGE IN NON-PARKADE GARAGES

While researching this article I thought it would be useful to ask some questions about

parking garages for smaller condominium corporations, such as townhouses and detached bungalows that may have detached or attached garages, with one, two or several parking spots within said garage

While the WFPS Fire Prevention Branch is not typically involved with these types of garages, they will investigate complaints. Some of the items to pay attention to include:

- Flammable Liquids - There is a limit of 150L of flammable liquids, such as gasoline, properly stored in jerrycans. Note the 150L limit applies to the entire garage regardless of the number of parking spots, unless the parking spots are separated by a barrier meeting the one-hour fire separation requirement.
- Wood stoves require a permit.
- Propane tanks, such as for a BBQ, can not be stored in those garages, with the exception that up to three of the small propane cylinders are allowed (net weight 16 oz or 453g or aka 1LB).

COMPLIANCE AND ENFORCEMENT

In the case of a contravention of By-law 35/2017 where illegal storage lockers are observed during an inspection, the WFPS process would be as follows::

1. The attending condominium corporation officer or the condominium corporation's agent (such as the property manager) would be provided with a violation notice that will outline the contravention issues and provide a timeline for compliance. The WFPS Fire Prevention Branch is normally generous with their timelines for storage locker remediation - a month is given at the outset in most instances. If there are extenuating circumstances like the owner of the storage locker is out of the country, they will allow for some flexibility to achieve compliance.

2. The inspector will return to complete a re-inspection. If compliance is achieved at the time of that second inspection, the file is closed and no charges are imposed.
3. If at the time of re-inspection there is no compliance then charges begin.
4. Fees escalate with each re-inspection required to obtain compliance (\$200 for the second re-inspection, \$400 for the third, \$800 for the fourth and \$1000 for each subsequent re-inspection. Note that the WFPS has a schedule of fees and service rates available online.⁴
5. The Fire Prevention Branch can also issue an Order to compel compliance and conduct enforcement through the Provincial Offences Act which involves bringing the issue before the Court of King's Bench.

OTHER WFPS RESOURCES

The WFPS has public education webpage that is worth having a look at https://legacy.winnipeg.ca/FPS/Public_Education/default.stm. 🍁

¹ Condominium News and Views, CCI Manitoba, Summer 2017, p10 https://cci-manitoba.ca/sites/default/uploads/files/newsletter/CCI-MB-Newsletter-2017-Summer.pdf?zoom_highlight=35+2017#search=%2235%202017%22

² The Fires Prevention and Emergency Response Act (Manitoba Fire Code) https://web2.gov.mb.ca/laws/regs/current/_pdf-regs.php?reg=155/2011

³ City of Winnipeg By-law 35/2017 <https://clkapps.winnipeg.ca/dmis/DocExt/ViewDoc.asp?DocumentTypeId=1&DocId=7085>

⁴ Fire Inspection Fees and Service Rates, WFPS, effective 2023-04-01 <https://legacy.winnipeg.ca/FPS/Billing/Fire%20Inspection%20Fees%20and%20Service%20Rates.pdf>



Apex is excited to welcome **Pamela Pyke** to their team to lead their growing real estate practice. Pamela is a long-time CCI Manitoba Chapter volunteer and has held many roles on the board including that of President. Currently she is a volunteer on the Newsletter Committee. Pam is looking forward to continuing to support and provide solutions to clients. Apex Surety & Insurance Ltd. is a specialty insurance brokerage based in Winnipeg.


APEX
SURETY & INSURANCE

www.apexsurety.ca

204.560.2508

5th Floor-305 Broadway
Winnipeg, MB R3C 3J7