



June 2010 Newsletter

Climbability Legislation and the Rail Manufacturer

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Over the last number of years, challenges have arisen in our industry regarding climbability clauses in the Ontario Building Code. Most industry insiders will tell you that section 9.8.8.6 has never been a section of the code that was very clear or really understood. The inevitable unfortunate result of this has proven to be confusion and stressed relations between builders, building inspectors and ultimately the rail manufacturers in Ontario.

The Stair and Railing Association of Canada (SARA) has worked hard over the last number of years to facilitate in the clarification of this section of the code for all interested parties. Long standing efforts have resulted in SARA prompting the National Research Council (the original authors of the code) for clarification letters on this section of the code. These letters have contributed by yielded some Building Code Commission rulings that are helping to clarify this section of the code.

In addition the Stair & Rail Association has provided technical support to committees studying climbability in the building code. Our efforts have helped to clarify the code and this knowledge is available to all SARA members.

Differences in Interpretation – The And vs. Or Debate

Section 9.8.8.6 of the OBC lists 4 distinct clauses that pertain to interior residential guards. These clauses place restrictions on elements protruding from the baluster with the ultimate goal of not facilitating climbing. All 4 clauses try to address a different perspective including frequency, horizontal offset, slope of the element & toe space.

Depending on who you are speaking with, opinions vary on how to interpret the clauses. Some individuals will read the code and suggest that the barrier installation must meet all 4 criteria in the code. Other individuals will read the same code and interpret that the requirement is to simply meet one of the 4 provisions. Well who's right?

What does the NRC say?

Based on SARA prompting, the National Research Council of Canada has provided clarification on the code requirement in a letter dated October 25, 2007. In this document they provide that "In Sentence 9.8.8.6.(2), the "or" after clause (c) means that as long as one of the Clauses (a), (b), (c) or (d) is met, the guard is deemed to comply". In the eyes of the author of the code they are underscoring that the "Or"

interpretation of the code is the correct interpretation.

Building Code Commission Rulings

Various rulings have come into play over the last number of years regarding interpretation of the 9.8.8.6. The most recent and definitive was Ruling No. 09-22-1234 in which in point 2 of the commission's reasoning, they are in agreement with the afore mentioned NRC letter suggesting that the interpretation that "the "or" between Clauses (c) and (d) of sentence 9.8.8.6.(2) to be read between all four clauses". So the BCC is in agreement with the "Or" interpretation.

Working with Building Inspectors

The building inspector is the front line enforcers of the code and when you think about all the knowledge they carry with them, they do an incredible job! The unfortunate situation with 9.8.8.6 is that a poorly worded code has led to confusion between the enforcer of the code and the suppliers of the service. As a railing manufacturer, the best thing you can do when you find yourself in conflict with building inspectors is certainly not to try to show them how much smarter you are than they (odds are you'll lose that debate). Simply provide the building inspector with readily available information on previous rulings like the one cited above. As representatives of the stair and railing industry, SARA has a

couple of rulings on file and available to members at all times to facilitate in the clarification of the code.

Got a Question?

If you have any questions regarding climbability, SARA is here to help. While our opinions are certainly not binding, we do feel we have seen a wide scope of challenges and are thus in a position to provide an unbiased opinion. Simply go to our web page and click on the top right corner for the SARA hotline. E-mail us your question.