Building Advisory B23-015
November 19, 2026

Subject: Alternative Classification of Small Assembly Occupancies

Background:

Small restaurants and small gyms that are used for fitness, yoga or martial arts classes are currently required to meet the same requirements as much larger occupancies of the same Group A, Division 2, Assembly Occupancy (A2) classification under the National Building Code - Alberta Edition (NBC - [AE]). A small amount of risk exists for these small occupancies relative to the building code requirements for them. This Advisory is to make small restaurants and small gyms that are used for fitness, yoga, martial arts classes, or similar uses, more feasible for the owners and allow them to fit into more types of buildings based on their construction and whether they are sprinklered or not without compromising safety. This advisory will provide an explanation of how an individual small occupancy can be alternatively interpreted as a Group E, Mercantile Occupancy (E) or Group D, Business and Personal Services Occupancy (D) meeting the prescriptive requirements of the NBC - AE.

There are several relevant background points in considering the alternative classification of what would normally be A2 occupancies like Group D or E when there is a low occupant load.

The City of Calgary has already considered small vocational colleges as D occupancies under Regulation Bulletin RB14-021.

a) The Ontario Building Code addresses small restaurants under Subsection 3.1.2.

3.1.2.7. Restaurants

(1) A restaurant is permitted to be classified as a Group E major occupancy within the application of Part 3 provided the restaurant is designed to accommodate not more than 30 persons consuming food or drink.

b) National Fire Protection Association (NFPA) 101 Life Safety Code 2018 Edition defines an assembly occupancy as being:

i. An occupancy used for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, or similar uses; or used as a special amusement building regardless of occupant load."

ii. Table 7.3.1.2. Occupant Load Factor
Occupant load calculation for rooms containing fitness equipment is 4.6 m2/person and room without fitness equipment is 1.4 m2/person. [note that in the NBC - AE 3.1.17.1. the occupant load for personal service shops is 4.6.m2/person]

c) For a gathering of 30 people or less:

i. only a single means of egress is required, which most likely represents the way from which the occupants entered the space.

ii. the tenant layout will be simple, providing an efficient evacuation.

iii. 30 represents half of the maximum occupant load (60) allowing one means of egress.

d) The definition of assembly occupancy as provided in the NBC - AE includes “consumption of food or drink”. That is the part that seems to put restaurants there. The dictionary definition of restaurant would seem to put it there as well. However, one of the examples under mercantile occupancy in the dictionary is “shops”. That definition includes “a building, room, or other establishment used for the retail sale of esp. specialty goods or services (barber shop, coffee shop).” A small restaurant could therefore be seen as a “shop” and therefore considered mercantile.

e) If the food preparation and sales area is larger than the seating area it would make it more a mercantile than an assembly as well. That is supported by the NBC - AE classifying take-out food establishments as mercantile (E) occupancies. Sentence 3.7.2.2.(14) allows small mercantile (E) occupancies to only consider the number of staff when determining water closet numbers. Therefore, small mercantile occupancies would only be required to have one washroom.

f) In examining the definitions, the use of the space for fitness and related types of classes could be considered assembly for “educational” purposes but they could also be considered as business and personal services for “receiving of professional or personal services”. Nothing in the definition of business and personal services says one-on-one services. In small groups a fitness class could be considered business and personal services. In article 3.2.4.1.(4)(f) a fire alarm system is required in a school with more than 40. Therefore 40 would be a supportable number to arrive at since it is based on the NBC - AE. If the occupant load area were considered, the values from the occupant load table in 3.1.17.1. could be used. In that case the occupant load would be 4.6 sq.m./person for a business and personal services space.

Advisory:

The City of Calgary may consider an alternative classification of a single small occupancy used as a small restaurant or small gym that is used for fitness, yoga, martial arts classes, or other similar use as follows:

- A small restaurant may alternatively be classified as a mercantile (E) rather than an assembly (A2) occupancy if there is:
  - seating for 30 or less people, and
  - no egress is proposed through the kitchen.

- A small fitness facility business may be considered business and personal services (D) rather than an assembly (A2) occupancy if there is:
  - services for not more than 40 people at one time, or
  - the occupant load does not exceed 40 people based on an area of 4.6 sq.m./person

For applications using this advisory, a permanent sign indicating the maximum permissible occupant load of the business shall be posted in a conspicuous location.

Note: This advisory shall not be used for the alternative classification of a small assembly occupancy in a building that contains a Group F, Division 1 High Hazard Industrial Occupancy.

This interpretation was accepted by the Codes and Standards Technical Interpretation Committee (CSTIC – November 19, 2026).

Codes and Standards Technical Interpretation Committee
Development, Business and Building Services
The City of Calgary

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