

Establishing the Capacity of a Room or Terrace For the Purposes of a Liquor Permit

Guide for Applicants and Board Personnel

In the interests of both the permit holder and the general public, a liquor permit issued by the Régie des alcools, des courses et des jeux (the Board) must stipulate the maximum number of authorized occupants for a given site. The purpose of this is to:

- Ensure that activities run smoothly;
- Protect the safety of the public.

To establish the maximum number of occupants, the Board's regulations refer to the requirements stipulated in the Building Code – Chapter 1, Buildings, which refers to the *National Building Code of Canada 1995* and subsequent amendments (hereinafter the Code).

A detailed plan of the space, approved by an architect, engineer or the municipality in which the establishment is located, must be included with the permit application or increased capacity application.

For the sake of efficiency and standardization, the Board has decided to make available to its clients a description of the method used to establish the capacity of a room or terrace. The method is divided into steps, as follows:

Step 1: Identification of Use(s)

- 1.1. Identify the proposed occupancy (or occupancies) of the space* for which a liquor permit is required. The occupancy(ies) should be those that best correspond to the proposed layout and use. (For a list of occupancies, refer to the "Description (Occupancy) of the Space" column in the attached table.)
- 1.2. If the space* for which the liquor permit is being requested comprises several different sections intended for different types of occupancy (e.g. a section with tables and chairs for alcohol consumption while seated, plus a standing bar section), a specific occupancy will be allocated to each section.

- 1.3. If a space* is used for other purposes at other times, the occupancy retained is that for which the corresponding ratio (m²/person) is the least (i.e. that with the highest number of occupants). A detailed layout plan for each occupancy must be submitted to the Board at the same time as the permit application or increased capacity application.

Step 2: Determination of Surface Area

- 2.1. The area used to determine the capacity of a space used for one or more purposes identified in step 1 must be established from the information contained in the plan mentioned above.
- 2.2. The area in question does not include any service and traffic areas within the space*. Thus, the areas occupied by the following must be excluded:
 - a) Structural elements such as interior walls and columns;
 - b) Exits and vertical service spaces;
 - c) Fixtures such as counters, billiard tables and display cases;
 - d) Restrooms, cloakrooms, administrative offices, kitchens, spaces reserved exclusively for staff;
 - e) Areas occupied by equipment.
- 2.3. In addition, where a video lottery machine site operator's licence has been obtained or is being requested for the room, the area occupied by five (5) video lottery machines and their seats (i.e. 5.30 square metres) must be deducted from the total area.

Step 3: Calculation of Total Capacity

- 3.1. The capacity of a space* with fixed seating (e.g. a theatre) is established from the number of seats. However, if the space also includes sections reserved for standing clients or the use of removable seats, the capacity of these sections is established using the method described in paragraph 3.2 of this Guide.
- 3.2. The capacity of spaces* other than those containing fixed seating is established by dividing the surface area obtained in step 2 by the ratio for the occupancy established in step 1 (see the attached table).
- 3.3. Add the capacities obtained for each section. The total is the total capacity for the room or terrace.

Step 4: Compliance with Capacity

- 4.1. The authorized number of occupants (i.e. the capacity) must be able to be evacuated via the means of emergency escape.
- 4.2. The number of occupants able to be evacuated by the means of emergency escape is known as the discharge value.
- 4.3. The discharge value is established from the rules governing means of emergency escape (access to exits and exits) in accordance with divisions 3.3 and 3.4 of the *National Building Code of Canada 1995* and subsequent amendments. These rules include requirements concerning the width, capacity, number and location of the means of emergency escape.
- 4.4. Where the discharge value is equal to or in excess of the capacity calculated using the method described earlier, this latter becomes the number of occupants for which a liquor permit is requested.
- 4.5. Where the discharge value is less than the anticipated capacity, the building is deemed non-compliant and corrections must be made:
 - Either by creating, modifying or reorganizing the means of escape to bring the discharge value into line with the capacity.
 - Or by reducing the capacity, for example by implementing a physical layout that limits occupancy of the space in question.

In all cases, the lesser capacity, supported by solid evidence, must be approved by the appropriate authorities, namely the Régie du bâtiment du Québec (RBQ) or the municipality, acting on behalf of the RBQ.

IN NO CASE may the problem be resolved artificially by bringing the capacity into line with the discharge value, by posting a notice indicating the maximum number of occupants permitted or by using an attendant to control entry.

The Board reserves the right to ask applicants to submit a layout plan showing the means of escape, so that it can check the discharge capacity of the space* for which a liquor permit or increased capacity is required.

The Board may refuse or revoke a liquor permit if it believes public safety may be compromised, for example due to an incorrect estimate of the discharge value, potentially causing serious problems during evacuation.

The attached table is used to calculate the capacity based on the occupation ratio for each room or terrace for which a liquor permit is required.

Even where the established capacity is in compliance with the Code, **the Board may set a different capacity** if it would be in the public interest to do so, or to preserve the peace or protect public safety.

If you deal with a professional for the preparation of the plan, steps 1, 2 and 3 must appear on the plan. The professional must also indicate the discharge value for each space* on the plan, or must state that the calculation method used is in compliance with the Code's provisions relating to means of escape. The professional may also use the attached table and enclose it with the plan.

If you do not deal with a professional for the preparation of the plan, you must have the attached table completed by a professional or by a firm having expertise with the Code. You must also have the table and plan approved by the municipality in which the establishment is located.

Note

The guide is published for information purposes only. It has no legal value and does not replace the text of the Act or regulations.

* Space: a room, terrace or meeting place

For further information please contact our Customer Service Department, which is open from Monday to Friday, 8:30 a.m. to midday and 1:00 p.m. to 4:00 p.m., at the numbers shown at the bottom of the first page of this Guide.

Calculation of Capacity from Occupation Ratio

| Name of establishment | Number |
|-----------------------|--------|
| | |

| Room or terrace |
|-----------------|
| |

| Procedure for Calculating Total Capacity from Occupation Ratio: $1 - (2 + 3) = 4$ $4 \div 5 = 6$ $A + B + C + D + E + F + G + H + I + J + K = 7$ | | | | | | |
|--|------------------------------------|--|---|-------------------------------|--|------------------------|
| Description (Occupancy) of the Space (room, terrace, meeting place) | 1 | 2 | 3 | 4 | 5 | 6 |
| | Total Surface (m ²) | Subtract Service Areas* (m ²) | Subtract 5.30 m ² for LLV** | Subtotal (m ²) | Ratio (m ² /pers. or no. of seats) | Number of Occupants |
| Fixed seating | | | | | Number of seats | A |
| Removable seating | | | | | 0.75 m ² /pers. | B |
| Removable tables and seating | | | | | 0.95 m ² /pers. | C |
| No seating/standing bar | | | | | 0.40 m ² /pers. | D |
| Platform and stands | | | | | 0.60 m ² /pers. | E |
| Bowling/Billiards | | | | | 9.30 m ² /pers. | F |
| Dining room | | | | | 1.20 m ² /pers. | G |
| Bar | | | | | 1.20 m ² /pers. | H |
| Dance floor | | | | | 0.40 m ² /pers. | I |
| Stage | | | | | 0.75 m ² /pers. | J |
| Exhibition room | | | | | 3.00 m ² /pers. | K |
| Total capacity from occupation ratio | | | | | | 7 |
| Discharge value*** | | | | | | 8 |

* Subtract from the total area in m² (1) the area occupied by service areas, traffic areas (interior walls, columns, exits, vertical service areas, fixtures, restrooms, cloakrooms, kitchens, offices, equipment, etc.) within the space.

** Subtract 5.30 m² from the total area in m² (1) where a video lottery machine site operator's licence is in operation or has been requested.

*** **Warning concerning discharge value:** To obtain the capacity that will be entered on the liquor permit, you must also calculate the discharge value. The discharge value must be equal to or in excess of the total capacity (7).

| Filled in by | Profession | Date |
|--------------|------------|----------------------|
| | | Year Month Day |