



TOWNSHIP OF MELANCTHON

COMMITTEE OF THE WHOLE

THURSDAY, MARCH 5, 2015 - 3:00 P.M.

1. Call to Order

2. General Business

1. Review of the Fire Services Provided by the Fire Departments Servicing Melancthon Township: Mulmur-Melancthon; Shelburne & Southgate

3. Correspondence Included in Agenda Package

1. Fire Protection and Prevention Act, 1997
2. Mulmur-Melancthon Fire Department Agreement
3. Southgate Fire Department Agreement
4. Shelburne and District Fire Department Agreement
5. Melancthon Township Simplified Risk Assessment
6. OFM 30 Recommendations
7. By-law No. 39-2014

3. Adjournment



Français

Fire Protection and Prevention Act, 1997

S.O. 1997, CHAPTER 4

Consolidation Period: From October 15, 2014 to the e-Laws currency date.

Last amendment: 2013, c. 14, ss. 2-5.

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PART I
DEFINITIONS

Definitions

1. (1) In this Act,

“community fire safety officer” means a community fire safety officer appointed under clause 2 (2) (a) or subsection 2 (4) or by an agreement under clause 3 (2) (a); (“agent local de la sécurité-incendie”)

“community fire safety team” means a community fire safety team appointed under clause 2 (2) (a) or subsection 2 (4) or by an agreement under clause 3 (2) (a); (“équipe locale de la sécurité-incendie”)

“fire chief” means a fire chief appointed under subsection 6 (1), (2) or (4); (“chef des pompiers”)

“fire code” means the fire code established under Part IV; (“code de prévention des incendies”)

“fire department” means a group of firefighters authorized to provide fire protection services by a municipality, group of municipalities or by an agreement made under section 3; (“service d’incendie”)

“firefighter” means a fire chief and any other person employed in, or appointed to, a fire department and assigned to undertake fire protection services, and includes a volunteer firefighter; (“pompier”)

“Fire Marshal” means the Fire Marshal appointed under subsection 8 (1); (“commissaire des incendies”)

“fire protection services” includes,

- (a) fire suppression, fire prevention and fire safety education,
- (b) mitigation and prevention of the risk created by the presence of unsafe levels of carbon monoxide and safety education related to the presence of those levels,
- (c) rescue and emergency services,

- (d) communication in respect of anything described in clauses (a) to (c),
- (e) training of persons involved in providing anything described in clauses (a) to (d),
and
- (f) the delivery of any service described in clauses (a) to (e); (“services de protection contre les incendies”)

“Fire Safety Commission” means the Fire Safety Commission continued under Part X of this Act; (“Commission de la sécurité-incendie”)

“Minister” means, in each Part of this Act, the member of the Executive Council to whom the administration of this Act, or of the Part of this Act, is assigned from time to time; (“ministre”)

“municipality” means local municipality as defined in the *Municipal Act, 2001*; (“municipalité”)

“prescribed” means prescribed by regulation; (“prescrit”)

“regulation” means a regulation made under this Act; (“règlement”)

“volunteer firefighter” means a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance. (“pompier volontaire”) 1997, c. 4, s. 1 (1); 2001, c. 25, s. 475 (1); 2013, c. 14, s. 2.

Interpretation of land and premises

(2) For the purposes of this Act, a reference to land and premises or to land or premises includes any buildings, structures or things situated on or attached to the land or premises. 1997, c. 4, s. 1 (2).

Application of definition of firefighter

(3) The definition of firefighter in subsection (1) does not apply to Part IX. 1997, c. 4, s. 1 (3).

Automatic aid agreements

(4) For the purposes of this Act, an automatic aid agreement means any agreement under which,

- (a) a municipality agrees to ensure the provision of an initial response to fires, rescues and emergencies that may occur in a part of another municipality where a fire department in the municipality is capable of responding more quickly than any fire department situated in the other municipality; or
- (b) a municipality agrees to ensure the provision of a supplemental response to fires, rescues and emergencies that may occur in a part of another municipality where a fire department situated in the municipality is capable of providing the quickest supplemental response to fires, rescues and emergencies occurring in the part of the other municipality. 1997, c. 4, s. 1 (4).

Same

(5) A mutual aid plan established under section 7 does not constitute an automatic aid agreement for the purposes of subsection (4). 1997, c. 4, s. 1 (5).

PART II

RESPONSIBILITY FOR FIRE PROTECTION SERVICES

Municipal responsibilities

2. (1) Every municipality shall,

- (a) establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and
- (b) provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances.

Methods of providing services

(2) In discharging its responsibilities under subsection (1), a municipality shall,

- (a) appoint a community fire safety officer or a community fire safety team; or
- (b) establish a fire department.

Services to be provided

(3) In determining the form and content of the program that it must offer under clause (1) (a) and the other fire protection services that it may offer under clause (1) (b), a municipality may seek the advice of the Fire Marshal.

Shared responsibilities

(4) Two or more municipalities may appoint a community fire safety officer or a community fire safety team or establish a fire department for the purpose of providing fire protection services in those municipalities.

Services outside municipality

(5) A municipality may, under such conditions as may be specified in the agreement, enter into an agreement to,

- (a) provide such fire protection services as may be specified in the agreement to lands or premises that are situated outside the territorial limits of the municipality; and
- (b) receive such fire protection services as may be specified in the agreement from a fire department situated outside the territorial limits of the municipality.

Automatic aid agreements

(6) A municipality may enter into an automatic aid agreement to provide or receive the initial or supplemental response to fires, rescues and emergencies.

Review of municipal fire services

(7) The Fire Marshal may monitor and review the fire protection services provided by municipalities to ensure that municipalities have met their responsibilities under this section and, if the Fire Marshal is of the opinion that, as a result of a municipality failing to comply with its responsibilities under subsection (1), a serious threat to public safety exists in the municipality, he or she may make recommendations to the council of the municipality with respect to possible measures the municipality may take to remedy or reduce the threat to public safety.

Failure to provide services

(8) If a municipality fails to adhere to the recommendations made by the Fire Marshal under subsection (7) or to take any other measures that in the opinion of the Fire Marshal will remedy or reduce the threat to public safety, the Minister may recommend to the Lieutenant Governor in Council that a regulation be made under subsection (9).

Regulation

(9) Upon the recommendation of the Minister, the Lieutenant Governor in Council may make regulations establishing standards for fire protection services in municipalities and requiring municipalities to comply with the standards.

Same

(10) A regulation under this section may be general or specific in its application and may be restricted to those municipalities specified in the regulation. 1997, c. 4, s. 2.

Territory without municipal organization

3. (1) The Fire Marshal, a services board established to provide services in territory without municipal organization or a prescribed person or organization may enter into agreements to provide fire protection services in territory without municipal organization and to govern the provision of those services.

Same

(2) An agreement referred to in subsection (1) may provide for,

- (a) the appointment of a community fire safety officer or a community fire safety team;
or
- (b) the establishment of a fire department. 1997, c. 4, s. 3.

Community fire safety officer or team

4. (1) A community fire safety officer or a community fire safety team appointed in a municipality or in a group of municipalities shall provide the program established under clause 2 (1) (a) in the municipality or in the group of municipalities, as the case may be.

Same

(2) A community fire safety officer or a community fire safety team appointed by agreement with the Fire Marshal, a services board or a prescribed person or organization to provide services in territory without municipal organization shall provide a program which includes public education with respect to fire safety and certain components of fire prevention in the territory in accordance with the agreement. 1997, c. 4, s. 4.

Municipalities may establish fire departments

5. (0.1) The council of a municipality may establish, maintain and operate a fire department for all or any part of the municipality. 2001, c. 25, s. 475 (2).

Fire departments

(1) A fire department shall provide fire suppression services and may provide other fire protection services in a municipality, group of municipalities or in territory without municipal organization. 1997, c. 4, s. 5 (1).

Same

(2) Subject to subsection (3), the council of a municipality may establish more than one fire department for the municipality. 1997, c. 4, s. 5 (2).

Exception

(3) The council of a municipality may not establish more than one fire department if, for a period of at least 12 months before the day this Act comes into force, fire protection services in the municipality were provided by a fire department composed exclusively of full-time firefighters. 1997, c. 4, s. 5 (3).

Same

(4) The councils of two or more municipalities may establish one or more fire departments for the municipalities. 1997, c. 4, s. 5 (4).

Fire chief, municipalities

6. (1) If a fire department is established for the whole or a part of a municipality or for more than one municipality, the council of the municipality or the councils of the municipalities, as the case may be, shall appoint a fire chief for the fire department.

Same

(2) The council of a municipality or the councils of two or more municipalities may appoint one fire chief for two or more fire departments.

Responsibility to council

(3) A fire chief is the person who is ultimately responsible to the council of a municipality that appointed him or her for the delivery of fire protection services.

Fire chief, territory without municipal organization

(4) If a fire department is established in territory without municipal organization under subsection 3 (2), the agreement shall provide for the appointment of a fire chief.

Powers of fire chief

(5) The fire chief may exercise all the powers assigned to him or her under this Act within the territorial limits of the municipality and within any other area in which the municipality has agreed to provide fire protection services, subject to any conditions specified in the agreement.

Delegation

(6) A fire chief may delegate his or her powers or duties under sections 14, 19 and 20 and such other powers and duties as may be prescribed to any firefighter or class of firefighters, subject to such limitations, restrictions or conditions as may be prescribed or set out in the delegation. 1997, c. 4, s. 6.

Fire co-ordinators

7. (1) The Fire Marshal may appoint fire co-ordinators for such areas as may be designated in the appointment. 1997, c. 4, s. 7 (1).

Duties

- (2) A fire co-ordinator shall, subject to the instructions of the Fire Marshal,
- (a) establish and maintain a mutual aid plan under which the fire departments that serve the designated area agree to assist each other in the event of an emergency; and
 - (b) perform such other duties as may be assigned by the Fire Marshal. 1997, c. 4, s. 7 (2); 2002, c. 18, Sched. N, s. 1.

Municipal by-laws

7.1 (1) A council of a municipality may pass by-laws,

- (a) regulating fire prevention, including the prevention of the spreading of fires;
- (b) regulating the setting of open air fires, including establishing the times during which open air fires may be set;
- (c) designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle parked or left along any of the fire routes at the expense of the owner of the vehicle. 2001, c. 25, s. 475 (3).

Definition

(2) For the purpose of clause (1) (c),

“private road” means any private road, lane, ramp or other means of vehicular access to or from a building or structure and may include part of a parking lot. 2001, c. 25, s. 475 (3).

Scope

(3) A by-law under this section may deal with different areas of the municipality differently. 2001, c. 25, s. 475 (3).

Officer

(4) A municipality may appoint an officer to enter upon land and into structures at any reasonable time to inspect the land and structures to determine whether by-laws enacted in accordance with this section are being complied with. 2001, c. 25, s. 475 (3).

Exercise of power

(5) The exercise of powers by an officer appointed under this section shall be carried out in accordance with Part XIV of the *Municipal Act, 2001*, other than clause 431 (a) of that Act or with Part XV of the *City of Toronto Act, 2006*, other than paragraph 4 of subsection 375 (1) of that Act, as the case may be. 2001, c. 25, s. 475 (3); 2006, c. 32, Sched. C, s. 20 (1).

PART III FIRE MARSHAL

Appointment of Fire Marshal

8. (1) There shall be a Fire Marshal who shall be appointed by the Lieutenant Governor in Council.

Deputy Fire Marshal

(2) There shall be a Deputy Fire Marshal, who shall be appointed by the Lieutenant Governor in Council and who shall act in the stead of the Fire Marshal if he or she is absent or unable to act, and who, when so acting, has all the power and authority of the Fire Marshal. 1997, c. 4, s. 8.

Powers of Fire Marshal

9. (1) The Fire Marshal has the power,

- (a) to monitor, review and advise municipalities respecting the provision of fire protection services and to make recommendations to municipal councils for improving the efficiency and effectiveness of those services;
- (b) to issue directives to assistants to the Fire Marshal respecting matters relating to this Act and the regulations;
- (c) to advise and assist ministries and agencies of government respecting fire protection services and related matters;
- (d) to issue guidelines to municipalities respecting fire protection services and related matters;
- (e) to co-operate with any body or person interested in developing and promoting the principles and practices of fire protection services;
- (f) to issue long service awards to persons involved in the provision of fire protection services; and
- (g) to exercise such other powers as may be assigned under this Act or as may be necessary to perform any duty assigned under this Act. 1997, c. 4, s. 9 (1).

Duties of Fire Marshal

(2) It is the duty of the Fire Marshal,

- (a) to investigate the cause, origin and circumstances of any fire or of any explosion or condition that in the opinion of the Fire Marshal might have caused a fire, explosion, loss of life or damage to property;
- (b) to advise municipalities in the interpretation and enforcement of this Act and the regulations;
- (c) to provide information and advice on fire safety matters and fire protection matters by means of public meetings, newspaper articles, publications, electronic media and exhibitions and otherwise as the Fire Marshal considers advisable;
- (d) to develop training programs and evaluation systems for persons involved in the provision of fire protection services and to provide programs to improve practices relating to fire protection services;
- (e) to maintain and operate a central fire college;
- (f) to keep a record of every fire reported to the Fire Marshal with the facts, statistics and circumstances that are required under this Act;
- (g) to develop and maintain statistical records and conduct studies in respect of fire protection services; and
- (h) to perform such other duties as may be assigned to the Fire Marshal under this Act. 1997, c. 4, s. 9 (2).

Application of *Public Inquiries Act, 2009*

(3) Section 33 of the *Public Inquiries Act, 2009* applies to any inquiry or investigation by the Fire Marshal under this Act. 2009, c. 33, Sched. 6, s. 59.

Employment of expert, etc.

(4) The Fire Marshal may employ legal, technical, scientific, clerical or other assistance that the Fire Marshal considers advisable or necessary in the conduct of any inquiry or investigation under this Act or in carrying out any of his or her powers or duties under this Act. 1997, c. 4, s. 9 (4).

Delegation

10. (1) The Fire Marshal may delegate any power or duty that is granted to or vested in the Fire Marshal under this Act to any person or class of persons, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation.

Same

(2) Subsection (1) applies with respect to any power or duty held by the Fire Marshal under this Act, including such statutory or discretionary powers as may be assigned to the Fire Marshal under this Act.

Certificate of appointment

(3) A certificate under the hand and seal of the Fire Marshal of the appointment of a person under this Act is proof in the absence of evidence to the contrary of the appointment in any court or elsewhere. 1997, c. 4, s. 10.

Assistants to the Fire Marshal

11. (1) The following persons are assistants to the Fire Marshal and shall follow the Fire Marshal's directives in carrying out this Act,

- (a) the fire chief of every fire department;
 - (b) the clerk of every municipality that does not have a fire department;
 - (c) any member of a fire prevention bureau established by a municipality; and
 - (d) every person designated by the Fire Marshal as an assistant to the Fire Marshal.
- 1997, c. 4, s. 11 (1); 2002, c. 18, Sched. N, s. 2 (1).

Duty to report

(2) The assistants to the Fire Marshal shall report to the Fire Marshal all fires and other matters related to fire protection services as may be specified by the Fire Marshal. 1997, c. 4, s. 11 (2).

Submitting report

(3) A report under subsection (2) shall be made in the form and manner and within the time period specified by the Fire Marshal. 1997, c. 4, s. 11 (3).

Workers' compensation not affected

(4) The relationship between a person who is an assistant to the Fire Marshal under this section and the municipality or such other person by which he or she is employed continues for the purposes of the *Workplace Safety and Insurance Act, 1997* as if the person were not an assistant to the Fire Marshal. 1997, c. 4, s. 11 (4); 2002, c. 18, Sched. N, s. 2 (2).

**PART IV
FIRE CODE****Fire Code**

12. (1) The Minister may make regulations that are considered advisable or necessary for the purpose of establishing a fire code for Ontario governing standards for equipment, systems, buildings, structures, land and premises, as those standards relate to fire safety or the risk created by the presence of unsafe levels of carbon monoxide. 2013, c. 14, s. 3.

Same

(1.1) A regulation made under this section may,

- (a) prescribe any method, matter or thing relating to fire protection;
- (b) prescribe any method, matter or thing relating to protection against the presence of unsafe levels of carbon monoxide;
- (c) govern standards for reducing the risk of, or consequences of, a fire that would seriously endanger the health or safety of any person or the quality of the natural environment for any use that can be made of it;
- (d) govern standards for reducing the risk of, or consequences of, the presence of unsafe levels of carbon monoxide that would seriously endanger the health or safety of any person or the quality of the natural environment for any use that can be made of it;
- (e) require and regulate fire protection equipment and systems and govern the maintenance of the equipment and systems;
- (f) require and regulate protection equipment and systems related to the presence of unsafe levels of carbon monoxide and govern the maintenance of the equipment and systems;
- (g) require and regulate means of egress, separations, finish materials, furnishings and decorations, standards of housekeeping and heating, ventilation, air conditioning and incinerating equipment and systems;
- (h) control or prohibit any material, substance, equipment or system affecting fire safety;
- (i) control or prohibit any material, substance, equipment or system affecting safety from the presence of unsafe levels of carbon monoxide;
- (j) require and regulate procedures respecting fire safety and the keeping and furnishing of records and reports;
- (k) require and regulate procedures respecting safety from the presence of unsafe levels of carbon monoxide and the keeping and furnishing of records and reports;
- (l) require the approval of the Fire Marshal or of a prescribed person respecting any method, matter or thing;
- (m) require notice to be given to the Fire Marshal or to a prescribed person respecting any change in use or occupancy;
- (n) prescribe conditions for use, occupation or demolition;

- (o) exempt any class of building, structure, lands or premises from compliance with the regulations or any provision of them and attach terms and conditions to the exemptions;
- (p) govern the qualifications and training of persons servicing, maintaining, testing or repairing fire protection devices, equipment or systems and the licensing of those persons;
- (q) govern the qualifications and training of persons servicing, maintaining, testing or repairing protection devices, equipment or systems related to the presence of carbon monoxide and the licensing of those persons;
- (r) adopt by reference, in whole or in part, with the changes that the Minister considers necessary, any code or standard and require compliance with any code or standard that is so adopted. 2013, c. 14, s. 3.

Limitation of application

(2) Any regulation made under this section may be limited in its application territorially or to any class of building, structure, land or premises or to any building, structure, land or premises used for any specified purpose. 1997, c. 4, s. 12 (2).

Buildings under construction

(3) Subject to subsection (4), the fire code does not apply to the unoccupied parts of a building that is under construction within the meaning of the *Building Code Act, 1992* or of a predecessor to that Act. 1997, c. 4, s. 12 (3).

Same

(4) The fire code applies to the unoccupied parts of a building that is under construction within the meaning of the *Building Code Act, 1992*, or of a predecessor to that Act, if,

- (a) there has been no substantial work related to the construction of the building for at least six months; or
- (b) the conditions in the unoccupied portions threaten the safety of the occupied portions. 1997, c. 4, s. 12 (4).

Municipal by-law prevails

(5) If there is a conflict between a provision of the fire code and a provision of a municipal by-law respecting the keeping and manufacturing of explosives, the provision that is the most restrictive prevails. 1997, c. 4, s. 12 (5).

PART V

RIGHTS OF ENTRY IN EMERGENCIES AND FIRE INVESTIGATIONS

Entry on adjacent lands by firefighters, etc.

13. (1) A firefighter or such other person as may be authorized by the fire chief, the Fire Marshal or an assistant to the Fire Marshal may, without a warrant, enter on lands or premises,

- (a) that are adjacent to the lands or premises on which a fire or emergency has occurred or is occurring, for the purposes of fighting the fire or of providing rescue or emergency services; or

- (b) that are adjacent to the lands or premises on which there is a serious threat to the health and safety of any person or the quality of the natural environment, for the purpose of removing or reducing the threat. 1997, c. 4, s. 13 (1); 2001, c. 25, s. 475 (4).

Prevention of fire spreading

(1.1) A firefighter or such other person as may be authorized by the fire chief may, without a warrant, enter on lands or premises on which a fire is occurring, or that are adjacent to those lands or premises, for the purposes of pulling down or removing buildings, structures or things on or attached to the lands or premises on which a fire is occurring or that are adjacent to those lands or premises if, in the opinion of the fire chief, it is necessary to do so to prevent the spread of the fire. 2001, c. 25, s. 475 (5).

Entry onto land outside municipality

(2) A firefighter or such other person as may be authorized by the fire chief may, without a warrant, enter on lands or premises that are outside the territorial limits of the municipality of the fire department that employs the firefighter or fire chief for the purposes of fighting a fire or of providing rescue or emergency services on such lands or premises if,

- (a) in the opinion of the fire chief, the fire or emergency threatens persons, property or the environment within the territorial limits of the municipality served by the fire department; and
- (b) there is no fire department or other emergency response capability for the area in which the lands or premises are situated. 1997, c. 4, s. 13 (2).

Automatic aid

(3) A firefighter or such other person as may be authorized by the fire chief may, without a warrant, enter on lands or premises that are outside the territorial limits of the municipality of the fire department that employs the firefighter or fire chief for the purposes of fighting a fire or of providing rescue or emergency services on such lands or premises if the council of the municipality has entered into an automatic aid agreement or any other agreement under which the entry is permitted. 1997, c. 4, s. 13 (3).

Common law right of entry preserved

(4) Nothing in this section derogates from a firefighter's right of entry at common law. 1997, c. 4, s. 13 (4).

Entry where fire has occurred or is likely to occur

14. (1) The Fire Marshal or a fire chief may, without a warrant, enter on land or premises if,

- (a) a fire has occurred on the land or premises; or
- (b) he or she has reason to believe that a substance or device that is likely to cause a fire may be situated on the land or premises.

Powers upon entry

(2) Upon entering on land or premises under subsection (1), the Fire Marshal or a fire chief may,

- (a) close, and prevent entry to, the land or premises for the length of time necessary to complete the examination of the land or premises;
- (b) in the case of an entry under clause (1) (a), remove from the land or premises, retain and examine any article or material, and take such samples or photographs, make videotapes and other images electronic or otherwise that in his or her opinion may be of assistance in determining the cause of the fire under investigation;
- (c) make such excavations on the land or premises as he or she considers necessary;
- (d) require that any machinery, equipment or device be operated, used or set in motion under specified conditions; and
- (e) make any reasonable inquiry of any person, orally or in writing.

Entry to adjacent lands

(3) A person who enters on land or premises under subsection (1), may, without a warrant, enter on adjacent land or premises if the entry is necessary for the purposes of conducting an investigation into the cause of a fire or of determining whether a substance or device that is likely to cause fire is situated on the land or premises.

Same

(4) A person who enters on adjacent land or premises under subsection (3) may exercise any of the powers mentioned in subsection (2) on or with respect to the adjacent land or premises.

Use of force

(5) A person who enters land or premises under subsection (1) or (3) shall not use force to enter the land or premises.

Warrant authorizing entry

(6) A justice of the peace may issue a warrant authorizing the Fire Marshal or a fire chief named in the warrant to enter on land or premises and exercise any of the powers referred to in subsection (2) or (3) if the justice of the peace is satisfied on evidence under oath that there are reasonable grounds to believe that entry on the lands or premises is necessary for the purposes of conducting an investigation into the cause of a fire or of determining whether a substance or device that is likely to cause fire is situated on the land or premises and,

- (a) the Fire Marshal or fire chief has been denied entry to the land or premises or has been obstructed in exercising any other of those powers with respect to the land or premises; or
- (b) there are reasonable grounds to believe that the Fire Marshal or fire chief will be denied entry to the land or premises or obstructed in exercising any other of those powers with respect to the land or premises.

Execution and expiry of warrant

(7) A warrant issued under subsection (6) shall,

- (a) specify the times, which may be at any time during the day or night, during which the warrant may be carried out; and

(b) state when the warrant expires.

Extension of time

(8) A justice of the peace may extend the date on which a warrant expires for such additional periods as the justice of the peace considers necessary.

Use of force

(9) A person authorized by a warrant issued under subsection (6) to enter land or premises for the purpose of doing a thing may call on police officers as necessary and may use force as necessary to make the entry and do the thing.

Application without notice

(10) A justice of the peace may receive and consider an application for a warrant or extension of a warrant under this section without notice to the owner or occupant of the land or premises. 1997, c. 4, s. 14.

Immediate threat to life

15. (1) If the Fire Marshal, an assistant to the Fire Marshal or a fire chief has reasonable grounds to believe that a risk of fire poses an immediate threat to life, he or she may, without a warrant, enter on any land or premises and, for the purpose of removing or reducing the threat, may,

- (a) remove persons on the land or premises;
- (b) post a fire watch;
- (c) remove combustible or explosive material or anything that may constitute a fire menace;
- (c.1) dispose of any material or thing that was removed under clause (c), in accordance with any directives issued by the Fire Marshal;
- (d) eliminate ignition sources;
- (e) install temporary safeguards, including fire extinguishers and smoke alarms;
- (f) make minor repairs to existing fire safety systems;
- (g) do any other thing that the Fire Marshal, an assistant to the Fire Marshal or a fire chief has reasonable grounds to believe is urgently required to remove or reduce the threat to life. 1997, c. 4, s. 15 (1); 2002, c. 18, Sched. N, s. 3.

Notice to owner

(2) A person who enters land or premises under subsection (1) shall promptly after exercising any powers under this section give notice thereof to the owner if the owner's whereabouts in Ontario are known. 1997, c. 4, s. 15 (2).

Notice to be posted

(3) The person who gives notice under subsection (2) shall post a copy of the notice on the land or premises. 1997, c. 4, s. 15 (3).

Contents of notice

- (4) The notice shall,
- (a) describe the location of the land or premises;

(b) state the reason for the entry; and

(c) state the things done under subsection (1) to remove or reduce the threat to life.
1997, c. 4, s. 15 (4).

Use of force

(5) A person who enters on land or premises under this section may call on police officers as necessary and may use force as necessary to make the entry. 1997, c. 4, s. 15 (5).

Assistance

16. A person who enters on land or premises under section 14 or 15 may call on any other persons he or she considers advisable to assist. 1997, c. 4, s. 16.

Identification

17. On the request of an owner or occupant of the land or premises, a person who enters on land or premises under section 14 or 15 shall identify himself or herself and shall explain the purpose of the entry. 1997, c. 4, s. 17.

PART VI INSPECTIONS

Interpretation

18. For the purposes of this Part, fire safety includes the following:

1. Safety from the risk that a fire, if started, would seriously endanger the health and safety of any person or the quality of the natural environment for any use that can be made of it.
2. Safety from the risk that the presence of unsafe levels of carbon monoxide on premises would seriously endanger the health and safety of any person. 2013, c. 14, s. 4.

Inspectors

19. (1) The Fire Marshal, an assistant to the Fire Marshal or a fire chief is an inspector for the purposes of this Part.

Inspections

(2) An inspector may, without a warrant, enter and inspect land and premises for the purposes of assessing fire safety.

Time of entry

(3) The power to enter and inspect land and premises without a warrant may be exercised at all reasonable times.

Assistance

(4) An inspector who enters land or premises under this section may take with him or her a police officer or such other person as he or she considers advisable to assist.

Identification

(5) On the request of an owner or occupant of the land or premises, an inspector shall identify himself or herself and shall explain the purpose of the entry.

Powers during inspection

(6) An inspector conducting an inspection may,

- (a) examine a document or other thing that is relevant to the inspection;
- (b) demand the production for inspection of a document or other thing that is relevant to the inspection;
- (c) remove any thing that is relevant to the inspection for review and examination and remove any document that is relevant to the inspection for review and copying;
- (d) conduct tests, take and remove samples, take photographs and make videotapes and other images, electronic or otherwise, that are relevant to the inspection;
- (e) in order to produce a document in readable form, use data storage, information processing or retrieval devices or systems that are normally used in the premises being inspected; and
- (f) question a person on matters relevant to the inspection.

Obligation to produce and assist

(7) If an inspector demands that a document or other thing be produced for inspection, the person who has custody of the document or thing shall produce it and, in the case of a document, shall on request provide any assistance that is reasonably necessary to interpret the document or to produce it in a readable form.

Document and thing removed from place

- (8) A document or other thing that has been removed from land or premises,
- (a) shall be made available to the person from whom it was removed on request and at a time and place that are convenient for the person and for the inspector; and
 - (b) shall, if it is possible to return the document or thing to the person, be returned within a reasonable time.

Copy admissible in evidence

(9) A copy of a document that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value. 1997, c. 4, s. 19.

Warrant authorizing entry

20. (1) A justice of the peace may issue a warrant authorizing an inspector named in the warrant to enter on lands or premises and exercise any of the powers referred to in subsection 19 (6) if the justice of the peace is satisfied on evidence under oath that there are reasonable grounds to believe that entry on the lands or premises is necessary to assess fire safety and,

- (a) the inspector has been denied entry to the lands or premises or has been obstructed in exercising any other of those powers with respect to the lands or premises; or
- (b) there are reasonable grounds to believe that the inspector will be denied entry to the lands or premises or obstructed in exercising any other of those powers with respect to the lands or premises.

Execution and expiry of warrant

(2) A warrant issued under subsection (1) shall,

- (a) specify the times, which may be at any time during the day or night, during which the warrant may be carried out; and
- (b) state when the warrant expires.

Extension of time

(3) A justice of the peace may extend the date on which a warrant expires for such additional periods as the justice of the peace considers necessary.

Use of force

(4) A person authorized under subsection (1) to enter land or premises for the purpose of doing a thing may call on police officers as necessary and may use force as necessary to make the entry and do the thing.

Assistance

(5) A person named in a warrant issued under subsection (1) may call on any other persons he or she considers advisable to execute the warrant.

Application without notice

(6) A justice of the peace may receive and consider an application for a warrant or extension of a warrant under this section without notice to the owner or occupant of the land or premises.

Identification

(7) On the request of an owner or occupant of the land or premises, a person who exercises a power conferred under subsection (1) shall identify himself or herself and shall explain the purpose of the entry.

Application

(8) Subsections 19 (7), (8) and (9) apply with respect to an inspection carried out under a warrant issued under this section. 1997, c. 4, s. 20.

Inspection orders

21. (1) An inspector who has carried out an inspection of land or premises under section 19 or 20 may order the owner or occupant of the land or premises to take any measure necessary to ensure fire safety on the land and premises and may for that purpose order the owner or occupant,

- (a) to remove buildings or structures from the land or premises;
- (b) to make structural and other repairs or alterations, including material alterations, to the buildings or structures;
- (c) to remove combustible or explosive material or any thing that may constitute a fire hazard;
- (d) to install and use specified equipment or devices as may be necessary to contain hazardous material on the land or premises and, in the event of a fire, to remove or transport the material;
- (e) to discontinue the manufacturing, production or fabrication of any material, device or other thing that creates or poses an undue risk of fire or explosion;

- (f) to do anything respecting fire safety including anything relating to the containment of a possible fire, means of egress, fire alarms and detection, fire suppression and the preparation of a fire safety plan;
- (g) to remedy any contravention of the fire code.

Same, closure of premises

(2) An inspector who has carried out an inspection of land or premises under section 19 or 20 may, with the approval of the Fire Marshal and upon such terms and conditions as the Fire Marshal considers proper,

- (a) order that the owner or occupant of the land or premises close the land or premises and prevent persons from entering thereon until such time as the corrective actions ordered under subsection (1) have been completed; or
- (b) if the inspector is of the opinion that it is necessary for the immediate protection of persons and property that the lands or premises be closed immediately, cause the land or premises to be closed immediately and persons on the premises to be removed and direct that the lands or premises remain closed and that the premises be vacated until such time as the corrective actions ordered under subsection (1) have been completed. 1997, c. 4, s. 21 (1, 2).

Same, electrical installations

(3) If, upon an inspection, it is determined that the electrical installations in a building or structure create or pose a risk of fire because of the inadequacy or want of repair of the installations and their wiring, the inspector may order that the electrical installations in the building or structure be inspected by a representative of the Electrical Safety Authority referred to in Part VIII of the *Electricity Act, 1998* and that the costs of the inspection be paid by the owner or occupant of the building or structure. 1997, c. 4, s. 21 (3); 1998, c. 15, Sched. E, s. 12.

Limitation on orders relating to structural repairs

22. (1) No inspector shall make an order under clause 21 (1) (b) requiring structural repairs or alterations to a building, structure or premises that was constructed in compliance with the building code established under the *Building Code Act, 1992* or under a predecessor to that Act and that continues to comply with that code as it existed at the time of construction, unless the order is necessary to ensure compliance with the provisions of the fire code relating to the retrofitting of existing buildings.

Repairs, etc., deemed not to contravene Building Code

(2) If repairs, alterations or installations are carried out in compliance with an order made under subsection 21 (1) or for the purposes of complying with the fire code, the repairs, alterations or installations shall be deemed not to contravene the building code established under the *Building Code Act, 1992*.

Copy of order

(3) An inspector who makes an order requiring repairs, alterations or installations to be made to a building, structure or premises shall furnish a copy of the order to the proper chief building official appointed under the *Building Code Act, 1992*. 1997, c. 4, s. 22.

Contents of order

23. An order made under subsection 21 (1) or (2) shall set out,

- (a) the reasons for the order;
- (b) an explanation of the action required by the order;
- (c) the time within which the owner or occupant must comply with the order; and
- (d) the right to request a review of the order by the Fire Marshal under section 25 or, in the case of an order made by the Fire Marshal, the right of appeal to the Fire Safety Commission under section 26. 1997, c. 4, s. 23.

Service of order

24. (1) A copy of an order made under section 21 shall be served upon the owner and any occupant of the land and premises.

Same, multi-unit building

(2) In the case of an order respecting a building that contains two or more units intended for separate occupancy, the order shall be deemed to be served upon the occupants of the building if a copy of the order is posted in a conspicuous place in or outside the building.

Posting and service of order to close premises

(3) If an order is made under subsection 21 (2) requiring the closing of land or premises, a copy of the order shall be posted on the land or premises and shall be served on the owner of the lands or premises if the owner is in Ontario and his or her whereabouts are known. 1997, c. 4, s. 24.

Review of inspection order by Fire Marshal

25. (1) A person who considers himself or herself aggrieved by an order made by an inspector, other than the Fire Marshal, under subsection 21 (1) or (2) may, within 15 days after the order is served, submit a written request to the Fire Marshal for a review of the order. 1997, c. 4, s. 25 (1).

Extension of time

(2) The Fire Marshal may, upon application by a person referred to in subsection (1), extend the time for making a request under this section if he or she is satisfied that there are apparent grounds for granting relief to the person and that there are reasonable grounds for applying for the extension and may give directions that the Fire Marshal considers proper consequent upon the extension. 1997, c. 4, s. 25 (2); 2002, c. 18, Sched. N, s. 4 (1).

Same

(3) An application for an extension of time may be made either before or after the expiration of the time fixed in subsection (1) but shall be made within 30 days after a copy of the order under subsection 21 (1) or (2) is served. 1997, c. 4, s. 25 (3).

Powers of Fire Marshal

(4) The Fire Marshal may,

- (a) refuse to consider the substance of the request and refer the matter to the Fire Safety Commission for a hearing under section 26; or
- (b) confirm, amend or rescind the order or make such other order as he or she deems appropriate. 1997, c. 4, s. 25 (4).

No hearing required

(5) The Fire Marshal is not required to hold a hearing when conducting a review of an order under this section. 1997, c. 4, s. 25 (5).

Order stayed by application for review

(6) An application made under subsection (1) for a review operates as a stay of the order pending the outcome of the review. 2002, c. 18, Sched. N, s. 4 (2).

Lifting of stay

(7) The Fire Marshal may, upon request therefor by an inspector, which may be made without notice, order that the stay of the order be lifted if, in his or her opinion, the action is necessary in the interest of public safety. 2002, c. 18, Sched. N, s. 4 (2).

Appeal to Fire Safety Commission

26. (1) Any person who considers himself or herself aggrieved by an order made by the Fire Marshal under subsection 21 (1) or (2) or section 25 may appeal the order to the Fire Safety Commission. 1997, c. 4, s. 26 (1).

Time for filing appeal

(2) A notice of appeal from an order referred to in subsection (1) shall be filed with the Fire Safety Commission within 15 days after the order is served. 1997, c. 4, s. 26 (2).

Extension of time

(3) The Fire Safety Commission may, upon application by a person referred to in subsection (1), extend the time for appealing an order if it is satisfied that there are apparent grounds for granting the appeal and that there are reasonable grounds for applying for the extension and may give directions that it considers proper consequent upon the extension. 1997, c. 4, s. 26 (3); 2002, c. 18, Sched. N, s. 5 (1).

Same

(4) An application for an extension of time may be made either before or after expiration of the time fixed in subsection (2) but shall be made within 30 days after a copy of the order from which the appeal is made is served. 1997, c. 4, s. 26 (4).

Hearing by Commission

(5) If an application is made under subsection (1) or if a matter is referred to the Fire Safety Commission by the Fire Marshal under clause 25 (4) (a), the Commission shall appoint a time for and hold the hearing. 1997, c. 4, s. 26 (5).

Powers of Commission

(6) The Fire Safety Commission may confirm, amend or rescind the order of the Fire Marshal or make such other order as the Commission deems appropriate. 1997, c. 4, s. 26 (6).

Order stayed by appeal

(7) An appeal under subsection (1) operates as a stay of the order pending the outcome of the appeal. 2002, c. 18, Sched. N, s. 5 (2).

Lifting of stay

(8) The Fire Safety Commission may, upon application therefor by an inspector or the Fire Marshal, which may be made without notice, order that the stay of the order be lifted if,

in its opinion, the action is necessary in the interest of public safety. 2002, c. 18, Sched. N, s. 5 (2).

Appeal to Divisional Court

27. (1) Any party to the hearing before the Fire Safety Commission under section 26 may appeal from the decision of the Commission to the Divisional Court in accordance with the rules of court on any question that is not a question of fact alone.

Minister to be heard

(2) The Minister is entitled to be heard at a hearing under this section.

Powers of court on appeal

(3) The judge who hears an appeal under this section may,

- (a) refer the matter back to the Commission for reconsideration by the Commission;
- (b) confirm or alter the decision of the Commission; or
- (c) make such other order as he or she sees fit, including an order that the Fire Marshal or an inspector do any act he or she is authorized to do under this Act. 1997, c. 4, s. 27.

PART VII OFFENCES AND ENFORCEMENT

Offences

28. (1) Every person is guilty of an offence if he or she,

- (a) hinders, obstructs or interferes with the Fire Marshal, an assistant to the Fire Marshal or a fire chief in the exercise of his or her powers and duties;
- (b) prevents an inspector from entering land or premises under section 19 or 20, refuses to answer questions on matters relevant to the inspection or provides the inspector with information, on matters relevant to the inspection, that the person knows, or ought reasonably to know, to be false or misleading;
- (c) subject to subsection (2) contravenes any provisions of this Act or the regulations; or
- (d) refuses or neglects to obey or carry out the directives of the Fire Marshal, an assistant to the Fire Marshal or a fire chief given under the authority of this Act. 1997, c. 4, s. 28 (1); 2002, c. 18, Sched. N, s. 6.

Same

(2) A person who contravenes a provision in Part IX of this Act is not guilty of an offence. 1997, c. 4, s. 28 (2).

Penalty

(3) An individual convicted of an offence under subsection (1) is liable to,

- (a) in the case of an offence other than one described in clause (b), a fine of not more than \$20,000 or imprisonment for a term of not more than one year, or both; and

- (b) in the case of an offence for contravention of the fire code, a fine of not more than \$50,000 or imprisonment for a term of not more than one year, or both. 2005, c. 33, s. 8.

Same

(4) A corporation convicted of an offence under subsection (1) is liable to a fine of not more than \$100,000. 2005, c. 33, s. 8.

Offence, director or officer of corporation

(5) A director or officer of a corporation who knows that the corporation is violating or has violated a provision of the fire code is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both. 2005, c. 33, s. 8.

Liability of directors

(6) Despite subsections (1) and (3), every director or officer of a corporation who knowingly commits an offence under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than one year, or to both. 2005, c. 33, s. 8.

Offence, removal of posted notice

29. Any person who removes a copy of an order or of a notice posted in accordance with subsection 15 (3), 24 (2), (3) or 31 (4) without the approval of the Fire Marshal, an assistant to the Fire Marshal or a fire chief is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. 2005, c. 33, s. 9.

Offence, failure to comply with inspection order

30. Every person who fails to comply with an order made under section 21, 25 or 26 is guilty of an offence and on conviction is liable to a fine of not more than \$20,000 for every day during which the default continues, and the imposition or payment of the fine does not relieve the person from complying with the order. 2005, c. 33, s. 10.

Order to close premises, etc.

31. (1) The Fire Marshal, an assistant to the Fire Marshal or a fire chief may apply to the Ontario Court of Justice for an order under this section if,

- (a) a person who has been convicted of an offence under section 30 for failing to comply with an inspection order under section 21 or an order under section 25 or 26 has not complied with the order within 30 days of the conviction; or
- (b) a person who has been convicted of an offence under clause 28 (1) (c) for contravening a provision of the fire code has not ceased to contravene the provision or remedied the contravention within 30 days of the conviction. 1997, c. 4, s. 31 (1); 2002, c. 18, Sched. N, s. 7 (1).

No notice required

(2) An application under subsection (1) may be made without notice to the person referred to in clause (1) (a) or (b). 1997, c. 4, s. 31 (2).

Order

(3) Upon an application under subsection (1), a judge may, if in his or her opinion it is necessary in the interest of public safety, order that the Fire Marshal, assistant to the Fire Marshal or fire chief,

- (a) close access to, or remove, the building, structure or premises to which the order relates; or
- (b) remove or remove and dispose of any substance, material or thing from the building, structure or premises. 1997, c. 4, s. 31 (3); 2002, c. 18, Sched. N, s. 7 (2).

Application

(4) If an order is made under clause (3) (a), subsection 24 (3) applies with necessary modifications to the service and posting of the order. 1997, c. 4, s. 31 (4).

Compliance order

32. (1) The Fire Marshal, an assistant to the Fire Marshal or a fire chief may, in addition to any other rights he or she may have under this Act, apply to a judge of the Superior Court of Justice for an order,

- (a) requiring a person to comply with an inspection order made under section 21 or with an order made under section 25 or 26 if the person has failed to comply with the order; or
- (b) requiring a person to remedy any contravention of a provision of the fire code. 1997, c. 4, s. 32 (1); 2002, c. 18, Sched. N, s. 8.

Powers of judge

(2) Upon an application being made under subsection (1), a judge may make the order requested or such other order as he or she sees fit. 1997, c. 4, s. 32 (2).

Appeal

(3) An appeal lies to the Divisional Court from the judge's order. 1997, c. 4, s. 32 (3).

Fire Marshal to carry out inspection order

33. (1) If an order made under subsection 21 (1) or (2) or section 25 or 26 requires a thing to be done, an inspector may apply to the Fire Safety Commission for an order authorizing him or her to cause the thing to be done. 1997, c. 4, s. 33 (1).

Hearing

(2) Upon receiving an application under subsection (1), the Fire Safety Commission shall appoint a time for and hold a hearing. 1997, c. 4, s. 33 (2).

Consolidation of hearings

(3) If an application is made under this section and an appeal is made under section 26 in respect of the same order, the Fire Safety Commission may, if it considers it practical to do so, consolidate the hearings. 1997, c. 4, s. 33 (3).

Grounds for decision

(4) The Fire Safety Commission may authorize the inspector to cause to be done any thing required to be done by an order made under subsection 21 (1) or (2) or section 25 or 26 if,

- (a) the person required by the order to do the thing,

- (i) has refused to comply with or is not complying with the order,
 - (ii) is not likely, in the Commission's opinion, to comply with the order promptly,
 - (iii) is not likely, in the Commission's opinion, to carry out the order competently,
or
 - (iv) requests the assistance of the inspector in complying with the order; and
- (b) in the Commission's opinion, failure to do the thing would seriously endanger the health or safety of any person or the quality of the natural environment for any use that can be made of it. 1997, c. 4, s. 33 (4).

Powers of Commission

(5) The Fire Safety Commission may, in addition to authorizing an inspector to cause to be done any thing required to be done by an order under subsection 21 (1) or (2) or section 25 or 26,

- (a) rescind the order; or
- (b) amend the order, or make such other order as the Commission deems should have been made under the relevant section, and order the inspector to do the thing in accordance with the amended order or the other order. 1997, c. 4, s. 33 (5).

Same

(6) If the order amended or made under clause (5) (b) provides for the removal of any combustible or explosive material or any thing that may constitute a fire hazard, the Fire Safety Commission may also authorize the inspector to dispose of the material or thing. 2002, c. 18, Sched. N, s. 9.

Warrant authorizing entry

34. (1) If a justice of the peace is satisfied on evidence under oath that there are reasonable grounds to believe that entry on certain land or premises is necessary for the purpose of doing a thing that the Fire Safety Commission has authorized to be done under section 33, the justice of the peace may issue a warrant authorizing the person named in the warrant to enter and do the thing on the land or premises including, where necessary, entering an adjacent property in order to access the property named in the warrant.

Execution and expiry of warrant

- (2) A warrant issued under subsection (1) shall,
- (a) specify the times, which may be at any time during the day or night, during which the warrant may be carried out; and
 - (b) state when the warrant expires.

Extension of time

(3) A justice of the peace may extend the date on which a warrant expires for such additional periods as the justice of the peace considers necessary.

Use of force

(4) A person authorized under subsection (1) to enter land or premises for the purpose of doing a thing may call on police officers as necessary and may use force as necessary to make the entry and do the thing.

Assistance

(5) A person named in a warrant issued under subsection (1) may call on any other persons he or she considers advisable to execute the warrant.

Application without notice

(6) A justice of the peace may receive and consider an application for a warrant or extension of a warrant under this section without notice to the owner or occupant of the land or premises.

Identification

(7) On the request of an owner or occupant of the land or premises, a person who exercises a power conferred under subsection (1) shall identify himself or herself and shall explain the purpose of the entry. 1997, c. 4, s. 34.

**PART VIII
RECOVERY OF COSTS****Fire Marshal's order to pay costs**

35. (1) The Fire Marshal, a fire chief or an assistant to the Fire Marshal may issue an order to pay the costs incurred by the Province of Ontario or a municipality,

- (a) in doing any thing done in accordance with an authorization given under section 33, to any person required by an order made under subsection 21 (1) or (2) or section 25 or 26 to do the thing; or
- (b) in entering land or premises and doing any thing under section 15, to the owner or the person having control of the land or premises. 1997, c. 4, s. 35 (1).

Idem

- (2) An order under subsection (1) to pay costs shall include,
- (a) a description of the things done for which the costs were incurred and a statement of the authority for doing the things;
 - (b) a detailed account of the costs incurred by the Province of Ontario or the municipality, as the case may be; and
 - (c) a direction that the person to whom the order is issued pay the costs to the Minister of Finance or the municipality, as the case may be. 1997, c. 4, s. 35 (2); 2002, c. 18, Sched. N, s. 10.

Appeal to Fire Safety Commission

36. (1) A person to whom an order to pay costs is issued may, by written notice served on the person who issued the order and on the Fire Safety Commission within 15 days after service on the person of a copy of the order, require a hearing by the Commission.

Costs specified in order to pay may be increased by Commission

(2) At a hearing by the Fire Safety Commission on an order to pay costs, the Fire Marshal or an assistant to the Fire Marshal or a fire chief may, on reasonable notice to all parties, ask the Commission to amend the order by adding new items of cost or by increasing the amounts set out in the order.

What Commission may consider at hearing

(3) At a hearing by the Fire Safety Commission on an order to pay costs, the Commission shall consider only whether any of the costs specified in the order,

- (a) are unreasonable having regard to what was done; or
- (b) do not relate to a thing,

- (i) that the person to whom the order to pay costs was issued was required to do by an order made under subsection 21 (1) or (2) or section 25 or 26 or on any appeal from any such order, or
- (ii) that the Fire Marshal, an assistant to the Fire Marshal or a fire chief was authorized to do under section 15.

Appeal to Divisional Court

(4) Any party to a hearing by the Fire Safety Commission on an order to pay costs may appeal from the decision of the Commission to the Divisional Court on any question that is not a question of fact alone.

Idem

(5) Subsections 27 (2) and (3) apply with necessary modification to an appeal under subsection (4). 1997, c. 4, s. 36.

Enforcement of order to pay costs

37. (1) An order to pay costs may be filed with the Superior Court of Justice and enforced as if it were an order of the court. 1997, c. 4, s. 37 (1); 2002, c. 18, Sched. N, s. 11.

Interest

(2) Section 129 of the *Courts of Justice Act* applies in respect of an order filed under subsection (1) and, for the purpose, the date of filing shall be deemed to be the date of the order. 1997, c. 4, s. 37 (2).

Instructions for municipality to recover costs

38. (1) The Fire Marshal, a fire chief or an assistant to the Fire Marshal may inform a municipality as to the amount of any of the following expenses incurred by the municipality or the Province of Ontario that relate to things done in connection with land or premises in the municipality and instruct the municipality to recover the amounts:

1. Expenses incurred in carrying out an order made under subsection 31 (3) that relates to the land or premises.
2. Where an order to pay costs has been issued under section 35 to a person who owns the lands or premises in the municipality,
 - i. expenses incurred in doing anything done in accordance with an authorization given under section 33 to do things to the land or premises, or
 - ii. expenses incurred in doing a thing under section 15 in order to remove or reduce an immediate threat to life on the land or premises. 1997, c. 4, s. 38 (1).

Municipal lien

(2) Upon receiving instructions under subsection (1), a municipality shall have a lien against the land or premises in respect of which expenses referred to in subsection (1) were incurred for the amount of the expenses. 1997, c. 4, s. 38 (2).

Lien

(3) The amount of any expenses referred to in subsection (1) shall have priority lien status, as described in section 1 of the *Municipal Act, 2001*, or section 3 of the *City of Toronto Act, 2006*, as the case may be, and shall be added by the treasurer of the municipality to the tax roll. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 20 (2).

Remitting costs to Province

(4) Subject to subsection (7), money collected in accordance with subsection (3) in order to recover expenses referred to in subsection (1) that were incurred by the Province of Ontario shall be paid by the municipality to the Minister of Finance; but the municipality may retain such amounts as may be reasonably attributable to the collection. 1997, c. 4, s. 38 (4).

Same

(5) A lien created under subsection (2) in favour of a municipality for amounts incurred by the Province of Ontario is not an estate or interest of the Crown within the meaning of clause 379 (7) (b) of the *Municipal Act, 2001* or clause 350 (7) (b) of the *City of Toronto Act, 2006*, as the case may be. 1997, c. 4, s. 38 (5); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 20 (3).

Interpretation

(6) In subsections (7) and (8),

“cancellation price” has the same meaning as in Part XI of the *Municipal Act, 2001* or Part XIV of the *City of Toronto Act, 2006*, as the case may be. 2006, c. 32, Sched. C, s. 20 (4).

Proceeds of tax sale

(7) If there is a sale of land under Part XI of the *Municipal Act, 2001* or Part XIV of the *City of Toronto Act, 2006*, as the case may be, and amounts are payable out of the proceeds to the Minister of Finance under this Act, the *Environmental Protection Act* or the *Ontario Water Resources Act*, those amounts shall not be paid until after payment of all other amounts payable out of the proceeds in respect of the cancellation price of the land. 1997, c. 4, s. 38 (7); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 20 (5).

Cancellation price

(8) Despite Part XI of the *Municipal Act, 2001* or Part XIV of the *City of Toronto Act, 2006*, the treasurer of a municipality may sell land under those Acts for less than the cancellation price, so long as the land is not sold for less than what the cancellation price would have been but for this Act, the *Environmental Protection Act* and the *Ontario Water Resources Act*, and the purchaser may be declared to be the successful purchaser under Part XI of the *Municipal Act, 2001* or Part XIV of the *City of Toronto Act, 2006*, as the case may be. 2006, c. 32, Sched. C, s. 20 (6).

Collection of costs

39. (1) The Fire Marshal, an assistant to the Fire Marshal or a fire chief may give written notice to the Minister of Finance of the amount of any of the following expenses

incurred by the Province of Ontario that relate to things done in connection with the land and premises in territory without municipal organization, requesting the collection of the amount under the *Provincial Land Tax Act, 2006*:

1. Expenses incurred in carrying out an order made under subsection 31 (3) that relates to the land or premises.
2. Where an order to pay costs has been issued under section 35 to a person who owns the lands or premises in territory without municipal organization,
 - i. expenses incurred in doing anything done in accordance with an authorization given under section 33 to do things to the land or premises, or
 - ii. expenses incurred in doing a thing under section 15 in order to remove or reduce an immediate threat to life on the land or premises. 1997, c. 4, s. 39 (1); 2006, c. 33, Sched. Z.3, s. 12 (1).

Same

(2) When the Minister of Finance receives notice of an amount under subsection (1), the amount may be collected under the *Provincial Land Tax Act, 2006* as if the amount was a tax imposed under that Act. 2006, c. 33, Sched. Z.3, s. 12 (2).

(3) Repealed: 2006, c. 33, Sched. Z.3, s. 12 (2).

Expenses related to work on other lands

40. The amount to be recovered by way of municipal taxes against land or premises under section 38 or 39 shall include all expenses incurred in doing any thing in connection with the land or premises that the Fire Marshal, an assistant to the Fire Marshal or a fire chief was authorized to do under an order or authorization referred to in subsection 38 (1), whether or not the thing was done on the land or premises. 1997, c. 4, s. 40.

PART IX FIREFIGHTERS: EMPLOYMENT AND LABOUR RELATIONS

DEFINITIONS

Definitions

41. (1) In this Part,

“Board” means the Ontario Labour Relations Board; (“Commission”)

“collective agreement” means an agreement in writing between an employer and a bargaining agent that represents firefighters employed by the employer containing provisions respecting terms or conditions of employment or the rights, privileges or duties of the employer, the bargaining agent or the firefighters; (“convention collective”)

“employer” means a municipality, person or organization that employs firefighters; (“employeur”)

“firefighter” means a person regularly employed on a salaried basis in a fire department and assigned to fire protection services and includes technicians but does not include a volunteer firefighter. (“pompier”)

Managers not firefighters

- (2) For the purposes of this Part, a person shall be deemed not to be a firefighter if,
- (a) in the opinion of the Board, he or she exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations; or
 - (b) he or she is a person designated under subsection 54 (4).

Application of LRA, 1995

(3) Sections 110 to 112, subsections 114 (1) and (3), sections 116 to 118 and 120 to 123 of the *Labour Relations Act, 1995* apply with necessary modifications to proceedings before the Board under this Act and the Board may exercise the powers under those provisions as if they were part of this Act.

Transition

(4) An agreement made under section 5 of the *Fire Departments Act*, or a decision or award made under section 6 of that Act, that is in effect immediately before the day this Part comes into force shall, on and after that day, remain in effect and be deemed to be a collective agreement to which this Part applies.

Same

(5) If a request to bargain was made under section 5 of the *Fire Departments Act* before the day this Part comes into force, this Part applies as if notice had been given under section 47 on that day. 1997, c. 4, s. 41.

WORKING CONDITIONS**Strike and lock outs**

42. (1) No firefighter shall strike and no employer of firefighters shall lock them out.

Definitions

(2) In this section,

“lock-out” and “strike” have the same meaning as in the *Labour Relations Act, 1995*. 1997, c. 4, s. 42.

Hours of work

43. (1) In every municipality having a population of not less than 10,000, the firefighters assigned to firefighting duties shall work according to,

- (a) the two-platoon system where the firefighters are divided into two platoons, the hours of work of which shall be,
 - (i) for each platoon 24 consecutive hours on duty followed immediately by 24 consecutive hours off duty, or
 - (ii) for one platoon in day-time ten consecutive hours on duty followed immediately by 14 consecutive hours off duty and for the other platoon in night-time 14 consecutive hours on duty followed immediately by 10 consecutive hours off duty,

and the platoons shall alternate at least every two weeks from night work to day work and vice versa;

- (b) the three-platoon system where the firefighters are divided into three platoons, the hours of work of which shall be eight consecutive hours on duty followed immediately by 16 consecutive hours off duty, and the platoons shall rotate in their periods of duty and time off as may be arranged for the purpose of changing shifts at least every two weeks; or
- (c) any other system of platoons or hours of work under which the maximum hours of work or hours on duty on average in any work week are not more than 48 hours.

Other personnel

(2) Firefighters assigned to duties other than fire-fighting duties shall work such hours as are determined, but in no case shall such hours of work exceed the average work week of the other full-time firefighters.

Maximum hours

(3) No firefighters shall be required to be on duty on average in any work week more than 48 hours.

Weekly day off duty

(4) Every firefighter shall be off duty for one full day of 24 hours in every calendar week, but where a two-platoon system or a three-platoon system is in operation, the 24 hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section.

Time off duty

(5) Nothing in this Part prohibits any municipality from granting the firefighters more than one day off duty in every calendar week.

Off duty

(6) The hours off duty of firefighters shall be free from fire department duties.

Exception for emergencies

(7) Despite subsections (1) to (6), the fire chief may call in off-duty firefighters if, as a result of a major emergency, the fire department needs the services of more firefighters than are on duty. 1997, c. 4, s. 43.

Termination of employment

44. (1) The employment of a firefighter may be terminated upon seven days' notice. The notice must be accompanied by written reasons for the termination.

Independent review

(2) A firefighter who has received a notice of termination of employment may require a review of the termination to be conducted, unless a collective agreement provides for another review mechanism.

Same

(3) If a review of a termination is required under subsection (2), the municipality in which the firefighter is employed shall appoint a person who is not employed in the fire department to conduct the review.

Review, no hearing

(4) A person appointed to conduct a review shall conduct the review within 10 days after the day the review is required. The person is not required to hold a hearing in conducting a review under this section.

Decision

(5) A person conducting a review of a termination under this section may uphold the termination, order that the firefighter be returned to duties under such conditions as may be specified in the order or make such other order as he or she considers proper.

Probationary period

(6) The employment of a firefighter may be terminated without cause at any time during the first 12 months, unless a collective agreement provides otherwise. Subsections (2) to (5) do not apply with respect to a termination during that period. 1997, c. 4, s. 44.

ESTABLISHMENT OF BARGAINING RIGHTS BY CERTIFICATION

Bargaining unit

45. (1) The firefighters employed in a fire department constitute a bargaining unit for the purposes of collective bargaining under this Act.

Exclusion

(2) The bargaining unit shall not include persons who are deemed not to be firefighters under subsection 41 (2). 1997, c. 4, s. 45.

Bargaining agent

46. (1) The majority of firefighters in a bargaining unit may request an association of firefighters to represent them and act as their bargaining agent for purposes of collective bargaining under this Part.

Transition

(2) An association of firefighters that, immediately before the day this Part comes into force, was a party to, or bound by, an agreement made under section 5 of the *Fire Departments Act* or was bound by the decision or award of a board of arbitration under section 6 of that Act shall, on and after the day this Part comes into force and until such time as a new bargaining agent is requested under subsection (1), be deemed to be the bargaining agent for the firefighters in the bargaining unit. 1997, c. 4, s. 46.

DUTY OF FAIR REPRESENTATION

Duty of fair representation by bargaining agent

46.1 (1) A bargaining agent entitled to represent firefighters in a bargaining unit shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the firefighters in the unit, whether or not they are members of the bargaining agent. 2011, c. 13, s. 1.

Transition

(2) This section does not apply in respect of any conduct or events that occurred before December 1, 2011. 2011, c. 13, s. 1.

Inquiry, alleged contravention

46.2 (1) The Board may authorize a labour relations officer to inquire into any complaint alleging a contravention of section 46.1. 2011, c. 13, s. 1.

Duties

(2) The labour relations officer shall promptly inquire into the complaint and endeavour to effect a settlement of the matter complained of. 2011, c. 13, s. 1.

Report

(3) The labour relations officer shall report the results of his or her inquiry and endeavours to the Board. 2011, c. 13, s. 1.

Inquiry by Board

(4) If the labour relations officer is unable to effect a settlement of the matter complained of or if the Board considers it advisable to dispense with an inquiry by a labour relations officer, the Board may inquire into the complaint. 2011, c. 13, s. 1.

Remedy for contravention

(5) If the Board inquires into the complaint and is satisfied that a bargaining agent has failed to comply with section 46.1, the Board shall determine what, if anything, the bargaining agent, the employer or any other person shall do or refrain from doing with respect to the contravention, including, despite the provisions of any collective agreement,

- (a) ceasing to do the act or acts complained of;
- (b) rectifying the act or acts complained of;
- (c) in the case of the bargaining agent, compensating the firefighter for loss of earnings or other employment benefits in an amount that may be assessed by the Board against the bargaining agent; or
- (d) in the case of the employer,
 - (i) reinstating the firefighter in employment with compensation for loss of earnings or other employment benefits in an amount that may be assessed by the Board against the employer,
 - (ii) reinstating the firefighter in employment, without compensation, or
 - (iii) compensating the firefighter for loss of earnings or other employment benefits in an amount that may be assessed by the Board against the employer, without reinstatement. 2011, c. 13, s. 1.

Filing in court

(6) A bargaining agent, employer, firefighter or other person affected by the Board's determination under subsection (5) may file the determination, excluding the reasons, in the prescribed form in the Superior Court of Justice and the determination shall be entered and is enforceable in the same way as an order of that court. 2011, c. 13, s. 1.

Effect of settlement

(7) If a complaint under this section has been settled, whether through the endeavours of the labour relations officer or otherwise, and the terms of the settlement have been put into writing and signed by the parties or their representatives, the settlement is binding upon the

parties and the bargaining agent, employer, firefighter or other person who agreed to the settlement and shall be complied with according to its terms. 2011, c. 13, s. 1.

Failure to comply

(8) A complaint that the parties or the bargaining agent, employer, firefighter or other person who agreed to the settlement of a complaint under this section has not complied with the terms of the settlement shall be dealt with as a new complaint under this section. 2011, c. 13, s. 1.

Board power re interim orders

46.3 (1) Subject to subsection (2), on application by any party to a pending inquiry under section 46.2, the Board may make any interim order it considers appropriate concerning procedural matters. 2011, c. 13, s. 1.

No reinstatement

(2) The Board shall not make an interim order requiring an employer to reinstate a firefighter in employment. 2011, c. 13, s. 1.

No power under SPPA

(3) The Board's power to make interim orders under this section applies instead of the power under subsection 16.1 (1) of the *Statutory Powers Procedure Act*. 2011, c. 13, s. 1.

Expedited enforcement

46.4 (1) This section applies when the Board receives a complaint that a bargaining agent has failed to comply with its duty under section 46.1. 2011, c. 13, s. 1.

Withdrawal of complaint

(2) A complaint described in subsection (1) may be withdrawn by the complainant on conditions determined by the Board. 2011, c. 13, s. 1.

No hearing

(3) The Board is not required to hold a hearing to determine a complaint under this section. 2011, c. 13, s. 1.

Interim orders

(4) Subject to subsection (5), the Board may, after consulting with the parties, make any interim order it considers appropriate concerning procedural matters. 2011, c. 13, s. 1.

No reinstatement

(5) The Board shall not make an interim order requiring an employer to reinstate a firefighter in employment. 2011, c. 13, s. 1.

Cease and desist orders

(6) In an interim order or after making an interim order, the Board may order any bargaining agent, employer, firefighter or any other person to cease and desist from doing anything intended or likely to interfere with the terms of an interim order respecting the assignment of work. 2011, c. 13, s. 1.

Final orders

(7) The Board may, after consulting with the parties, make any final order it considers appropriate. 2011, c. 13, s. 1.

Filing in court

(8) A party to an interim or final order may file the order, excluding the reasons, in the prescribed form in the Superior Court of Justice and the order shall be entered and is enforceable in the same way as an order of that court. 2011, c. 13, s. 1.

Enforcement

(9) An order that has been filed with the court is enforceable by a firefighter affected by it on the day after the date fixed in the order for compliance. 2011, c. 13, s. 1.

Interim orders prevail

(10) A bargaining agent, employer, firefighter or any other person affected by an interim order made by the Board under this section shall comply with the order despite any provision of this Part or of any collective agreement. 2011, c. 13, s. 1.

Same

(11) A bargaining agent, employer, firefighter or any other person who is complying with an interim order made by the Board under this section is deemed not to have violated any provision of this Part or of any collective agreement. 2011, c. 13, s. 1.

Proceedings in Superior Court of Justice

46.5 If a bargaining agent, employer, firefighter or any other person is affected by a determination of the Board under section 46.2, an interim order of the Board under section 46.3 or an interim or final order of the Board under section 46.4, proceedings to enforce the determination or the interim or final order may be instituted in the Superior Court of Justice by or against the bargaining agent, employer, firefighter or any other person who is subject to the determination or order. 2011, c. 13, s. 1.

COLLECTIVE BARGAINING**Notice of desire to bargain**

47. (1) If no collective agreement is in effect, a bargaining agent acting pursuant to subsection 46 (1), shall give written notice to the employer of its desire to bargain with a view to making a collective agreement.

Same

(2) The employer or the bargaining agent may give written notice of its desire to bargain with a view to making a collective agreement within the period of 90 days before the expiry date set out in the collective agreement or, if no expiry date is set out in the agreement, within the period of 90 days before the expiry date referred to in subsection 52 (1). 1997, c. 4, s. 47.

Obligation to bargain

48. (1) The employer and the bargaining agent shall meet within 15 days after the notice is given, or within such longer period as they may agree upon, and they shall bargain in good faith and make every reasonable effort to make a collective agreement.

Parties

(2) The employer and the bargaining agent are the parties to the bargaining. 1997, c. 4, s. 48.

Conciliation

49. (1) After notice is given under section 47 or after the parties have met and bargained, and upon the request of either party, a conciliation officer shall be appointed in accordance with the regulations to endeavour to effect a collective agreement. 1997, c. 4, s. 49 (1).

Duties

(2) The conciliation officer shall confer with the parties and endeavour to effect a collective agreement. 1997, c. 4, s. 49 (2).

Report to Minister

(3) Within 14 days after being appointed or within such longer period as the parties may agree upon, the conciliation officer shall report the results of his or her endeavour to the Minister. The Minister may also extend the 14-day period if the conciliation officer advises him or her that, with the extension, an agreement may be made within a reasonable period of time. 1997, c. 4, s. 49 (3).

Report to parties

(4) The Minister shall forthwith, by notice in writing, inform the parties of the conciliation officer's report. 1997, c. 4, s. 49 (4).

Application of the *Labour Relations Act, 1995*

(5) The following provisions of the *Labour Relations Act, 1995* apply for the purposes of this section in respect of the following matters:

1. Subsection 119 (2), in respect of information or material furnished to or received by a conciliation officer.
2. Subsection 119 (3), in respect of the report of a conciliation officer.
3. Section 120, in respect of any information or material furnished to or received by a conciliation officer. 2006, c. 19, Sched. M, s. 2.

Arbitration

50. Where the Minister has informed the parties that the conciliation officer has been unable to effect a collective agreement, the matters remaining in dispute between the parties shall be decided by arbitration in accordance with this Part. 1997, c. 21, Sched. A, s. 3 (1).

Appointment of single arbitrator

50.1 (1) Where the parties agree to have the matters in dispute between them decided by a single arbitrator, they shall, within the time set out in subsection 50.2 (1), jointly appoint a person who agreed to act.

Single arbitrator's powers

(2) The person appointed under subsection (1) shall constitute the board of arbitration for the purposes of this Part and he or she shall have the powers and duties of the chair of a board of arbitration.

Notice to Minister

(3) As soon as the parties appoint a person to act as a single arbitrator, they shall notify the Minister of the name and address of the person appointed. 1997, c. 21, Sched. A, s. 3 (1).

Appointment of board of arbitration

50.2 (1) Within seven days after the day upon which the Minister has informed the parties that the conciliation officer has been unable to effect a collective agreement, each of the parties shall appoint to a board of arbitration a member who has agreed to act.

Extension of time

(2) The parties by a mutual agreement in writing may extend the period of seven days mentioned in subsection (1) for one further period of seven days.

Failure to appoint member

(3) Where a party fails to appoint a member of a board of arbitration within the period or periods mentioned in subsection (1), the Minister, upon the written request of either of the parties, shall appoint such member.

Third member

(4) Within ten days after the day on which the second of the members was appointed, the two members appointed by or on behalf of the parties shall appoint a third member who has agreed to act, and such third member shall be the chair.

Failure to appoint third member

(5) Where the two members appointed by or on behalf of the parties fail within ten days after the appointment of the second of them to agree upon the third member, notice of such failure shall be given forthwith to the Minister by the parties, the two members or either of them and the Minister shall appoint as a third member a person who is, in the opinion of the Minister, qualified to act.

Notice of appointment by party

(6) As soon as one of the parties appoints a member to a board of arbitration, that party shall notify the other party and the Minister of the name and address of the member appointed.

Notice of appointment by members

(7) As soon as the two members appoint a third member, they shall notify the Minister of the name and address of the third member appointed.

Selection of method

(8) If the chair of the board of arbitration was appointed by the Minister, subject to subsections (9) to (11), the Minister shall select the method of arbitration and shall advise the chair of the board of arbitration of the selection.

Same, mediation-arbitration

(9) The method selected shall be mediation-arbitration unless the Minister is of the view that another method is more appropriate.

Same, final offer selection

(10) The method selected shall not be final offer selection without mediation.

Same, mediation-final offer selection

(11) The method selected shall not be mediation-final offer selection unless the Minister in his or her sole discretion selects that method because he or she is of the view that it is the most appropriate method having regard to the nature of the dispute.

Vacancies

(12) If a person ceases to be a member of a board of arbitration by reason of resignation, death or otherwise before it has completed its work, the Minister shall appoint a member in his or her place after consulting the party whose point of view was represented by such person.

Replacement of member

(13) If, in the opinion of the Minister, a member of a board of arbitration has failed to enter on or to carry on his or her duties so as to enable it to render a decision within the time set out in subsection 50.5 (5) or within the time extended under subsection 50.5 (6), the Minister may appoint a member in his or her place after consulting the party whose point of view was represented by such person.

Replacement of chair

(14) If the chair of a board of arbitration is unable to enter on or to carry on his or her duties so as to enable it to render a decision within the time set out in subsection 50.5 (5) or within the time extended under subsection 50.5 (6), the Minister may appoint a person to act as chair in his or her place.

Where single arbitrator unable to act

(15) If the person appointed jointly by the parties as a single arbitrator dies before completing his or her work or is unable to enter on or to carry on his or her duties so as to enable him or her to render a decision within the time set out in subsection 50.5 (5) or within the time extended under subsection 50.5 (6), the Minister may, upon notice or complaint to him or her by either of the parties and after consulting the parties, inform the parties in writing that the arbitrator is unable to enter on or to carry on his or her duties and the provisions of this section relating to the appointment of a board of arbitration shall thereupon apply with necessary modifications.

Time and place of hearings

(16) Subject to subsection (17), the chair of the board of arbitration shall fix the time and place of the first or any subsequent hearing and shall give notice thereof to the Minister and the Minister shall notify the parties and the members of the board of arbitration thereof.

When hearings commence

(17) The board of arbitration shall hold the first hearing within 30 days after the last (or only) member of the board is appointed.

Exception

(18) If the method of arbitration selected by the Minister under subsection (8) is mediation-arbitration or mediation-final offer selection, the time limit set out in subsection (18) does not apply in respect of the first hearing but applies instead, with necessary modifications, in respect of the commencement of mediation.

Failure of member to attend

(19) Where a member of a board of arbitration appointed by a party or by the Minister is unable to attend the first hearing at the time and place fixed by the chair, the party shall, upon the request in writing of the chair, appoint a new member in place of such member and where such appointment is not made within five days of the date of the request, the Minister shall, upon the written request of the chair, appoint a new member in place of such member.

Order to expedite proceedings

(20) Where a board of arbitration has been established, the chair shall keep the Minister advised of the progress of the arbitration and where the Minister is advised that the board has failed to render a decision within the time set out in subsection 50.5 (5) or within the time extended under subsection 50.5 (6), the Minister may, after consulting the parties and the board, issue whatever order he or she considers necessary in the circumstances to ensure that a decision will be rendered within a reasonable time.

Procedure

(21) Subject to the other provisions of this section, a board of arbitration shall determine its own procedure but shall give full opportunity to the parties to present their evidence and make their submissions.

Same

(22) If the members of a board of arbitration are unable to agree among themselves on matters of procedure or as to the admissibility of evidence, the decision of the chair governs.

Time for submission of information

(23) If the method of arbitration selected by the Minister under subsection (8) is mediation-arbitration or mediation-final offer selection, the chair of the board of arbitration may, after consulting with the parties, set a date after which a party may not submit information to the board unless,

- (a) the information was not available prior to the date;
- (b) the chair permits the submission of the information; and
- (c) the other party is given an opportunity to make submissions concerning the information.

Decision

(24) The decision of a majority of the members of a board of arbitration is the decision of the board, but, if there is no majority, the decision of the chair is the decision of the board.

Notice of agreement to recommence

(25) If any member of the board of arbitration was appointed by the Minister, the parties may, at any time before the arbitrator or board renders a decision, jointly serve written notice on the Minister that they have agreed that the arbitration should be recommenced before a different board of arbitration.

Termination of appointments

(26) If notice is served on the Minister under subsection (25), the appointments of all the members of the board of arbitration are terminated.

Effective date of terminations

(27) The terminations are effective on the day the Minister is served with the notice.

Obligation to appoint

(28) Within seven days after the day the Minister is served with the notice, the parties shall jointly appoint, under subsection 50.1 (1), a person who agreed to act or shall each appoint, under subsection (1) of this section, a member who has agreed to act and section 50.1 and this section apply with respect to such appointments.

Powers

(29) The chair and the other members of a board of arbitration established under this Act have, respectively, all the powers of a chair and the members of a board of arbitration under the *Labour Relations Act, 1995*. 1997, c. 21, Sched. A, s. 3 (1).

Appointment or proceedings of board not subject to review

50.3 Where a person has been appointed as a single arbitrator or the three members have been appointed to a board of arbitration, it shall be presumed conclusively that the board has been established in accordance with this Part and no application shall be made, taken or heard for judicial review or to question the establishment of the board or the appointment of the member or members, or to review, prohibit or restrain any of its proceedings. 1997, c. 21, Sched. A, s. 3 (1).

Single arbitration of several disputes

50.4 (1) Where there are matters in dispute between parties to be decided by more than one arbitration in accordance with this Part, the parties may agree in writing that the matters in dispute shall be decided by one board of arbitration.

Parties

(2) For the purposes of section 50.2, the bargaining agents for or on behalf of any firefighters to whom this Part applies shall be one party and the employers of such firefighters shall be the other party.

Powers of board

(3) In an arbitration to which this section applies, the board may, in addition to the powers conferred upon a board of arbitration by this Part,

- (a) make a decision on matters of common dispute between all of the parties; and
- (b) refer matters of particular dispute to the parties concerned for further bargaining.

Same

(4) Where matters of particular dispute are not resolved by further collective bargaining under clause (3) (b), the board shall decide the matters. 1997, c. 21, Sched. A, s. 3 (1).

Duty of board

50.5 (1) The board of arbitration shall examine into and decide on matters that are in dispute and any other matters that appear to the board necessary to be decided in order to conclude a collective agreement between the parties. 1997, c. 21, Sched. A, s. 3 (1).

Criteria

(2) In making a decision, the board of arbitration shall take into consideration all factors the board considers relevant, including the following criteria:

1. The employer's ability to pay in light of its fiscal situation.
2. The extent to which services may have to be reduced, in light of the decision, if current funding and taxation levels are not increased.
3. The economic situation in Ontario and in the municipality.

4. A comparison, as between the firefighters and other comparable employees in the public and private sectors, of the terms and conditions of employment and the nature of the work performed.
5. The employer's ability to attract and retain qualified firefighters. 1997, c. 21, Sched. A, s. 3 (1).

Restriction

(3) Nothing in subsection (2) affects the powers of the board of arbitration. 1997, c. 21, Sched. A, s. 3 (1).

Board to remain seized of matters

(4) The board of arbitration shall remain seized of and may deal with all matters in dispute between the parties until a collective agreement is in effect between the parties. 1997, c. 21, Sched. A, s. 3 (1).

Time for decision

(5) The board of arbitration shall give a decision within 90 days after the last (or only) member of the board is appointed. 1997, c. 21, Sched. A, s. 3 (1).

Extension

(6) The parties may agree to extend the time described in subsection (5), either before or after the time has passed. 1997, c. 21, Sched. A, s. 3 (1).

Remuneration and expenses

(7) The remuneration and expenses of the members of a board of arbitration shall be paid as follows:

1. A party shall pay the remuneration and expenses of a member appointed by or on behalf of the party.
2. Each party shall pay one-half of the chair's remuneration and expenses. 1997, c. 21, Sched. A, s. 3 (1).

Enforcement of arbitration decisions

(8) Where a party or firefighter has failed to comply with any of the terms of the decision of an arbitration board, any party or firefighter affected by the decision may file in the Superior Court of Justice a copy of the decision, exclusive of the reasons therefor, whereupon the decision shall be entered in the same way as a judgment or order of that court and is enforceable as such. 1997, c. 21, Sched. A, s. 3 (1); 2002, c. 18, Sched. N, s. 12.

Non-application

(9) The *Arbitration Act, 1991* and the *Statutory Powers Procedure Act* do not apply with respect to an arbitration under this Part. 1997, c. 21, Sched. A, s. 3 (1).

Where agreement reached

50.6 (1) Where, during the bargaining under this Part or during the proceedings before the board of arbitration, the parties agree on all the matters to be included in a collective agreement, they shall put them in writing and shall execute the document, and thereupon it constitutes a collective agreement.

Failure to make agreement

(2) If the parties fail to put the terms of all the matters agreed upon by them in writing or if having put the terms of their agreement in writing either of them fails to execute the document within seven days after it was executed by the other of them, they shall be deemed not to have made a collective agreement and the provisions of sections 49 to 50.5 apply, with necessary modifications.

Decision of board

(3) Where, during the bargaining under this Part or during the proceedings before the board of arbitration, the parties have agreed upon some matters to be included in the collective agreement and have notified the board in writing of the matters agreed upon, the decision of the board shall be confined to the matters not agreed upon by the parties and to such other matters that appear to the board necessary to be decided to conclude a collective agreement between the parties.

Same

(4) Where the parties have not notified the board of arbitration in writing that, during the bargaining under this Part or during the proceedings before the board of arbitration, they have agreed upon some matters to be included in the collective agreement, the board shall decide all matters in dispute and such other matters that appear to the board necessary to be decided to conclude a collective agreement between the parties.

Execution of agreement

(5) Within five days of the date of the decision of the board of arbitration or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute a document giving effect to the decision of the board and any agreement of the parties, and the document thereupon constitutes a collective agreement.

Preparation of agreement by board

(6) If the parties fail to prepare and execute a document in the form of a collective agreement giving effect to the decision of the board and any agreement of the parties within the period mentioned in subsection (5), the parties or either of them shall notify the chair of the board in writing forthwith, and the board shall prepare a document in the form of a collective agreement giving effect to the decision of the board and any agreement of the parties and submit the document to the parties for execution.

Failure to execute agreement

(7) If the parties or either of them fail to execute the document prepared by the board within a period of five days from the day of its submission by the board to them, the document shall come into effect as though it had been executed by the parties and the document thereupon constitutes a collective agreement. 1997, c. 21, Sched. A, s. 3 (1).

Delegation

50.7 (1) The Minister may delegate in writing to any person the Minister's power to make an appointment, order or direction under this Act. 1997, c. 21, Sched. A, s. 3 (1); 2002, c. 18, Sched. N, s. 13 (1).

Proof of appointment

(2) An appointment, an order or a direction made under this Act that purports to be signed by or on behalf of the Minister shall be received in evidence in any proceeding as

proof, in the absence of evidence to the contrary, of the facts stated in it without proof of the signature or the position of the person appearing to have signed it. 1997, c. 21, Sched. A, s. 3 (1); 2002, c. 18, Sched. N, s. 13 (2).

Existing proceedings discontinued

50.8 (1) Proceedings before a board of arbitration under this Part or a predecessor to this Act in which a hearing was commenced before the date on which subsection 3 (1) of the *Public Sector Dispute Resolution Act, 1997* comes into force are terminated and any decision in such proceedings is void.

Exception, completed proceedings

(2) This section does not apply with respect to proceedings in which a hearing was commenced before June 3, 1997 if,

- (a) a final decision is issued on or before June 3, 1997; or
- (b) a final decision is issued after June 3, 1997 and the decision is served before the date on which subsection 3 (1) of the *Public Sector Dispute Resolution Act, 1997* comes into force.

Exception, by agreement

(3) This section does not apply if the parties agree in writing after the date on which subsection 3 (1) of the *Public Sector Dispute Resolution Act, 1997* comes into force to continue the proceedings. 1997, c. 21, Sched. A, s. 3 (1).

OPERATION OF COLLECTIVE AGREEMENTS

Collective agreement

51. (1) Every collective agreement must be set out in writing.

Binding effect

(2) A collective agreement is binding upon the employer, the bargaining agent and the members of the bargaining unit.

Commencement

(3) A collective agreement comes into effect according to its terms. If the agreement does not provide for its commencement date, it comes into effect at the beginning of the first fiscal period in respect of which the employer budgets for expenditures under the agreement.

Same

(4) Despite subsection (3), if a collective agreement provides that it comes into effect on a specified day and that day occurs before the beginning of the first fiscal period in respect of which the employer can budget for expenditures under the agreement, the agreement shall be deemed to provide that it comes into effect at the beginning of that first fiscal period. 1997, c. 4, s. 51.

Minimum term of collective agreements

52. (1) If a collective agreement does not provide for its term of operation or provides for its operation for an unspecified term or for a term of less than one year, it shall be deemed to provide for its operation for a term of one year from the date that it commenced to operate.

Extension of term of collective agreement

(2) Despite subsection (1), the parties may, in a collective agreement or otherwise and before or after the collective agreement has ceased to operate, agree to continue the operation of the collective agreement or any of its provisions for a period of less than one year while they are bargaining for its renewal with or without modifications or for a new agreement and the continuation of the collective agreement may be terminated by either party upon 30 days notice to the other party.

Early termination of collective agreements

(3) A collective agreement shall not be terminated by the parties before it ceases to operate in accordance with its provisions or this Act without the consent of the Board on the joint application of the parties.

Revision by mutual consent

(4) Nothing in this section prevents the revision by mutual consent of the parties at any time of any provision of a collective agreement other than a provision relating to its term of operation. 1997, c. 4, s. 52.

Arbitration provision required

53. (1) Every collective agreement shall provide for the final and binding settlement by arbitration of all differences between the parties arising from the interpretation, application, administration or alleged violation of the collective agreement, including any question as to whether a matter is arbitrable, by a single arbitrator.

Same

(2) If a collective agreement does not contain the provision mentioned in subsection (1), it shall be deemed to contain the following provision:

If a difference arises between the parties relating to the interpretation, application, administration of this agreement, including any question as to whether a matter is arbitrable, or if an allegation is made that this agreement has been violated, either of the parties may, after exhausting any grievance procedure established in this agreement, notify the other party in writing of its desire to submit the difference or allegation to a single arbitrator.

Selection of single arbitrator

(3) If a matter is referred to arbitration, the arbitrator shall be selected in accordance with the regulations.

Commencement of proceedings

(4) The arbitrator shall begin the arbitration proceedings within 30 days after his or her appointment or within such longer period as the parties may agree upon or as the arbitrator may determine.

Time for decision

(5) An arbitrator shall give a decision within 30 days after hearings on the matter submitted to arbitration are concluded.

Same

- (6) The time described in subsection (5) for giving a decision may be extended,
- (a) with the consent of the parties to the arbitration; or

- (b) in the discretion of the arbitrator so long as he or she states in the decision the reasons for extending the time.

Oral decision

(7) An arbitrator may give an oral decision and, if he or she does so, subsection (5) does not apply and the arbitrator,

- (a) shall give the decision promptly after hearings on the matter are concluded;
- (b) shall give a written decision, without reasons, promptly upon the request of either party; and
- (c) shall give written reasons for the decision within a reasonable period of time upon the request of either party.

Orders re decisions

(8) If the arbitrator does not give a decision within the time described in subsection (5) or does not provide written reasons within the time described in subsection (7), the Minister may,

- (a) make such orders as he or she considers necessary to ensure that the decision or reasons will be given without undue delay; and
- (b) make such orders as he or she considers appropriate respecting the remuneration and expenses of the arbitrator.

Powers of arbitrators

(9) An arbitrator has power,

- (a) to require any party to furnish particulars before or during a hearing;
- (b) to require any party to produce documents or things that may be relevant to the matter and to do so before or during the hearing;
- (c) to fix dates for the commencement and continuation of hearings;
- (d) to summon and enforce the attendance of witnesses and to compel them to give oral or written evidence on oath in the same manner as a court of record in civil cases;
- (e) to administer oaths and affirmations,
- (f) to accept the oral or written evidence as the arbitrator in his or her discretion considers proper, whether admissible in a court of law or not;
- (g) to enter any premises where work is being done or has been done by the firefighters or in which the employer carries on business or where anything is taking place or has taken place concerning any of the differences submitted to the arbitrator, and inspect and view any work, material, machinery, appliance or article therein, and interrogate any person respecting any such thing or any of such differences;
- (h) to authorize any person to do anything that the arbitrator may do under clause (g) and to report to the arbitrator thereon;
- (i) to make interim orders concerning procedural matters;

- (j) to interpret and apply human rights and other employment-related statutes, despite any conflict between those statutes and the terms of the collective agreement.

Restriction re interim orders

(10) An arbitrator shall not make an interim order under clause (9) (i) requiring an employer to reinstate a firefighter in employment.

Extension of time

(11) Except where a collective agreement states that this subsection does not apply, an arbitrator may extend the time for the taking of any step in the grievance procedure under a collective agreement, despite the expiration of the time, where the arbitrator is satisfied that there are reasonable grounds for the extension and that the opposite party will not be substantially prejudiced by the extension.

Substitution of penalty

(12) Where an arbitrator determines that a firefighter has been discharged or otherwise disciplined by an employer for cause and the collective agreement does not contain a specific penalty for the infraction that is the subject-matter of the arbitration, the arbitrator may substitute such other penalty for the discharge or discipline as to the arbitrator seems just and reasonable in all the circumstances.

Effect of arbitrator's decision

(13) The decision of an arbitrator is binding upon the parties and the firefighters who are covered by the agreement and affected by the decision.

Costs of arbitration

(14) Each party shall assume its own costs in the arbitration proceedings and pay one-half of the costs of the arbitrator.

Non-application

(15) The *Arbitration Act, 1991* and the *Statutory Powers Procedure Act* do not apply with respect to an arbitration under this section. 1997, c. 4, s. 53.

Mandatory retirement

Application

53.1 (1) This section applies to a firefighter only if the firefighter is regularly assigned to fire suppression duties. 2011, c. 13, s. 2.

Mandatory retirement provision permitted

(2) A collective agreement may contain a provision requiring firefighters to retire at a specified age of 60 or over and, if it does, a firefighter subject to the agreement shall, subject to subsection (4), retire at the specified age. 2011, c. 13, s. 2.

Existing and new collective agreements

(3) Subsection (2) applies to collective agreements that are in operation on the day section 2 of the *Fire Protection and Prevention Amendment Act, 2011* comes into force and to collective agreements that come into force after that day. 2011, c. 13, s. 2.

Deemed mandatory retirement provision

(3.1) If a collective agreement does not contain a provision requiring firefighters to retire at a specified age or if it contains a provision requiring firefighters to retire at an age

under 60, the agreement is deemed to contain a provision requiring firefighters to retire at the age of 60 and a firefighter subject to the agreement shall, subject to subsection (4), retire at that age. 2011, c. 13, s. 3.

Reasonable accommodation

(4) A firefighter shall not be required to retire if the firefighter can be accommodated without undue hardship, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. 2011, c. 13, s. 2.

Human Rights Code

(5) This section applies despite the *Human Rights Code*. 2011, c. 13, s. 2.

Managers, etc.

54. (1) An employer may assign a person employed by it to a position which, in the opinion of the employer, involves the exercise of managerial functions or employment in a confidential capacity in matters relating to labour relations, but, subject to subsection (4), the assignment is not conclusive of the question of whether the person does exercise such functions or is employed in such capacity.

Board to decide status

(2) Subject to subsection (4), the Board, on application of an employer, has exclusive jurisdiction to determine any question as to whether a person exercises managerial functions or is employed in a confidential capacity in matters relating to labour relations, and its decision is final and conclusive for all purposes.

Same

(3) Subject to subsection (4), a person shall remain in the bargaining unit until the Board makes a determination under subsection (2), unless the parties otherwise agree.

Designation

(4) Subject to subsections (5) and (8), an employer may, in its sole discretion, designate a person described in subsection (1) as a person who shall for purposes of this Act be conclusively deemed to be exercising managerial functions or acting in a confidential capacity in matters relating to labour relations.

Consent required

(5) An employer shall not designate a person under subsection (4) unless the person consents to the designation.

If no consent

(6) If a person does not consent to a designation under subsection (4), the employer shall assign the person to a position in the bargaining unit. If the position to which a person is assigned has a lower salary than the position held by the person before the assignment, he or she is entitled to be paid the same salary and to receive the same benefits after the assignment as he or she was paid and received before the assignment.

Revocation

(7) A designation under subsection (4) may be revoked by the employer at any time.

Restriction

(8) An employer shall not designate under subsection (4) more than,

- (a) two persons, if the employer employs fewer than 25 persons;
- (b) three persons, if the employer employs 25 or more but fewer than 150 persons;
- (c) four persons, if the employer employs 150 or more but fewer than 300 persons; or
- (d) five persons, if the employer employs 300 or more persons. 1997, c. 4, s. 54 (1-8).

Amalgamations

(8.1) If, after the day on which subsection 3 (2) of the *Public Sector Dispute Resolution Act, 1997* comes into force, two or more municipalities that are employers of firefighters amalgamate, the amalgamated municipality is entitled under subsection (4) to designate the number of persons that is equal to the sum of the numbers of persons that each of the amalgamating municipalities would have been able to designate immediately before the amalgamation.

Dissolutions and incorporations

(8.2) If, after the day on which subsection 3 (2) of the *Public Sector Dispute Resolution Act, 1997* comes into force, two or more municipalities that are employers of firefighters are dissolved and the inhabitants of the municipalities are incorporated in a new municipality, subsection (8.1) shall apply as if the dissolved municipalities were amalgamating municipalities and the new municipality was an amalgamated municipality. 1997, c. 21, Sched. A, s. 3 (2).

Calculating number of persons employed

(9) For the purposes of subsection (8), the number of persons employed by the employer is the sum of,

- (a) the number of persons employed by the employer who are firefighters; and
- (b) the number of persons who are performing or conclusively deemed to be performing managerial functions with respect to firefighters or acting in a confidential capacity in matters relating to labour relations with respect to firefighters. 1997, c. 4, s. 54 (9).

Enforcement of decisions

55. (1) If a person or bargaining agent fails to comply with a decision of an arbitrator under section 53, the person or bargaining agent affected by the decision may file a copy of the decision (excluding the reasons for the decision) with the Superior Court of Justice. 1997, c. 4, s. 55 (1); 2002, c. 18, Sched. N, s. 14.

Same

(2) The decision shall not be filed with the court until 30 days have elapsed after the date the decision was released or after the date specified in the decision for complying with it. 1997, c. 4, s. 55 (2).

Effect of filing

(3) When it is filed with the court, the decision shall be entered in the same way as a judgment or order of the court and is enforceable as such. 1997, c. 4, s. 55 (3).

Working conditions not to be altered

56. (1) If notice has been given under section 47 by a bargaining agent for a unit of firefighters or an employer and no collective agreement is in operation,

- (a) the employer shall not, except with the consent of the bargaining agent, alter the rates of wages or any other term or condition of employment or any right, privilege or duty of the employer or the firefighters until the right of the bargaining agent to represent the firefighters has been terminated; and
- (b) the bargaining agent shall not, except with the consent of the employer, alter any term or condition of employment or any right, privilege or duty of the employer, the bargaining agent or the firefighters until the right of the bargaining agent to represent the firefighters has been terminated.

Arbitration if no agreement

(2) If notice has been given under subsection 47 (2) and no collective agreement is in operation, any difference between the parties as to whether or not subsection (1) was complied with may be referred to arbitration by either of the parties as if the collective agreement was still in operation and the arbitration shall proceed in accordance with section 53. 1997, c. 4, s. 56.

REGULATIONS

Regulations

57. The Minister may make regulations,

- (a) governing the appointment of conciliation officers under this Act;
- (b) governing the selection of arbitrators under section 53;
- (c) prescribing forms for the purposes of subsections 46.2 (6) and 46.4 (8). 1997, c. 21, Sched. A, s. 3 (3); 2011, c. 13, s. 4.

PART X FIRE SAFETY COMMISSION

Fire Safety Commission

58. (1) The Fire Code Commission is continued under the name the Fire Safety Commission in English and Commission de la sécurité-incendie in French and is composed of such number of members as is determined by the Lieutenant Governor in Council. 1997, c. 4, s. 58 (1).

Appointment of members

(2) The Lieutenant Governor in Council shall appoint the members to the Commission, and may designate one of the members as chair and one or more of the members as vice-chair. 2006, c. 35, Sched. C, s. 44 (1).

Ineligibility

(2.1) A person is not eligible to be a member of the Commission if the person is,

- (a) a deputy minister of a ministry;
- (b) a public servant employed under Part III of the *Public Service of Ontario Act, 2006*;
or

(c) an employee of a municipality. 2006, c. 35, Sched. C, s. 44 (1).

Remuneration

(3) The members of the Commission shall receive such remuneration and expenses as the Lieutenant Governor in Council may determine. 1997, c. 4, s. 58 (3).

Quorum

(4) Three members of the Commission constitute a quorum. 1997, c. 4, s. 58 (4).

PART XI FIRE MARSHAL'S PUBLIC FIRE SAFETY COUNCIL

Definition: "Council"

59. In this Part,

"Council" means the Fire Marshal's Public Fire Safety Council. 1997, c. 4, s. 59. .

Council established

60. (1) A corporation without share capital is hereby constituted to be known in English as the Fire Marshal's Public Fire Safety Council and in French as Conseil public du commissaire des incendies sur la sécurité-incendie. 1997, c. 4, s. 60 (1).

Membership

(2) The Council shall consist of its board of directors and such other persons who are appointed as members of the Council by the Fire Marshal. 1997, c. 4, s. 60 (2).

Non-application of corporate Acts

(3) The *Corporations Act* and *Corporations Information Act* do not apply to the Council. 1997, c. 4, s. 60 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (3) is amended by striking out "The *Corporations Act*" at the beginning and substituting "The *Not-for-Profit Corporations Act, 2010*". See: 2010, c. 15, ss. 227, 249.

Conflict of interest

(4) Section 132 of the *Business Corporations Act* applies to the Council and to its directors and officers. 1997, c. 4, s. 60 (4).

Objects

61. The objects of the Council are,

- (a) to promote fire safety throughout the province;
- (b) to produce and distribute materials for public education with respect to fire safety;
- (c) to provide or endorse training, education and fire prevention activities;
- (d) to facilitate and co-ordinate the public exchange of information and ideas on matters of fire safety;
- (e) to solicit, receive, manage and distribute money and other property to support the objects described in clauses (a), (b), (c) and (d);

(f) to enter into partnerships and agreements with persons or organizations in the private sector or with public bodies or organizations to further the objects described in clauses (a), (b), (c), (d) and (e); and

(g) to advise the Fire Marshal on matters of fire safety. 1997, c. 4, s. 61.

Board

62. (1) The affairs of the Council shall be managed by its board of directors.

Composition

(2) The board shall be composed of the Fire Marshal, or if he or she is absent or unable to act, the Deputy Fire Marshal, and at least six directors appointed from among the members by the Minister on the recommendation of the Fire Marshal.

Term of office

(3) A director is appointed for a term not exceeding three years, and may be reappointed for successive terms not exceeding three years each.

Chair

(4) The Fire Marshal, or if he or she is absent or unable to act, the Deputy Fire Marshal, is chair of the board.

Vice-chairs

(5) The Fire Marshal shall designate one or more other directors to be vice-chairs.

Same

(6) If the Fire Marshal or Deputy Fire Marshal is absent from a meeting of the board or is unable to act, a vice-chair shall act as and have all the powers of the chair.

Quorum

(7) A majority of the directors constitutes a quorum.

Vacancies

(8) If a director's position becomes vacant, the Minister may appoint another person to the board for the remainder of his or her term.

Remuneration

(9) The appointed directors shall receive such remuneration and reimbursement for reasonable expenses as may be determined by the Council. 1997, c. 4, s. 62.

Powers of Council

63. (1) The Council has the capacity and the rights, powers and privileges of a natural person, subject to the limitations set out in this Act, for the purpose of carrying out its objects.

Same

(2) Without limiting the generality of subsection (1), the board of directors of the Council may,

(a) enter into agreements with any organization with objects similar to or consistent with those of the Council;

(b) authorize any person or organization to use the Council's logo to indicate the Council's endorsement of a product, service, training course, education course or activity;

- (c) otherwise endorse any product, service, training course, education course or activity;
- (d) solicit, receive, manage, invest, transfer, use and distribute money and other property to support the objects of the Council.

Logo

(3) The board of directors shall by by-law adopt a logo for the Council. 1997, c. 4, s. 63.

Borrowing powers

64. (1) The board of directors of the Council may borrow money on the credit of the Council for the purposes of the Council and may use any money or property of the Council as security for such borrowing.

Limitation on borrowing powers

(2) The amount that may be borrowed under subsection (1), together with the total of any previous borrowing that remains unpaid, shall not exceed \$50,000 at any one time without the approval of the Minister, but no lender shall be required to inquire into the board's compliance with this section and all loans to the Council shall be deemed to have been lawfully made under the authority of this section despite any non-compliance of the board. 1997, c. 4, s. 64.

By-laws

65. The board of directors of the Council may pass by-laws,

- (a) regulating its proceedings;
- (b) establishing the fiscal year for the Council;
- (c) specifying the powers, duties and remuneration of its officers and employees;
- (d) establishing an executive committee and other committees and delegating powers of the board to such committees;
- (e) providing for membership in the Council, establishing classes of membership and prescribing the qualifications, conditions and rights of membership, the fees, if any, to be paid for membership and providing for and regulating members' meetings;
- (f) generally for the management of the Council. 1997, c. 4, s. 65.

Council's property to be dedicated to objects

66. (1) All the property of the Council and all its income, revenue and profits shall be devoted and applied solely to carrying out the objects of the Council.

Investment

(2) Any funds of the Council that are not immediately required for promoting and carrying out its objects, and the proceeds of any property of the Council, subject to any trust affecting them, not immediately required for such purpose, may be invested and reinvested as the board of directors considers proper.

Money vests in Council

(3) All amounts in the Consolidated Revenue Fund credited, immediately before this section comes into force, to an advisory committee that was established under the *Fire*

Marshals Act, being chapter F.17 of the Revised Statutes of Ontario, 1990, are hereby vested in the Council. 1997, c. 4, s. 66.

Employees

67. (1) The board of directors of the Council may employ or contract for the services of such persons, including any persons who are appointed directors, as it considers necessary for the functioning of the Council. 1997, c. 4, s. 67 (1).

Not an employee of the Crown

(2) A person who is employed or whose services are contracted under subsection (1) is not and shall not be deemed to be an employee of the Crown. 2006, c. 35, Sched. C, s. 44 (2).

Ministry support

68. The Office of the Fire Marshal may, on request, provide administrative, technical or expert advice or assistance to the Council. 1997, c. 4, s. 68.

Protection from personal liability

69. (1) No action or other proceeding for damages may be instituted against a director or a member of the Council or any employee of the Council for any act done in good faith in the execution or intended execution of the person's power or duty or for any alleged neglect or default in the execution in good faith of the person's power or duty.

Same

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject.

Indemnification for legal costs

(3) With the approval of the Minister, a person described in subsection (1) or a former director, member or employee of the Council shall be indemnified by the Crown in right of Ontario for his or her reasonable legal costs in respect of any proceeding in which the person's execution in good faith of his or her duties is in issue, if the person acted in good faith. 1997, c. 4, s. 69.

Auditors

70. The board of directors of the Council shall appoint one or more auditors licensed under the *Public Accounting Act, 2004* to audit the accounts and transactions of the Council for each fiscal year. 1997, c. 4, s. 70; 2004, c. 8, s. 46.

Annual and other reports

71. The board of directors of the Council shall submit an annual report to the Minister on the affairs and transactions of the Council in the preceding fiscal year and shall submit such other reports as the Minister may request. 1997, c. 4, s. 71.

Winding-up

72. Upon the winding-up or dissolution of the Council, all its assets, after discharging all outstanding liabilities, shall vest in the Crown. 1997, c. 4, s. 72.

Review

73. The Minister shall, five years after this Part comes into force, undertake a review of the activities of the Council and submit to the Lieutenant Governor in Council a report that recommends the continuation, amendment or repeal of this Part. 1997, c. 4, s. 73.

PART XII MISCELLANEOUS

Protection from personal liability

74. (1) No action or other proceeding for damages shall be instituted against a firefighter, a fire co-ordinator, a community fire safety officer, a member or employee of the Fire Safety Commission, an assistant to the Fire Marshal, the Deputy Fire Marshal, the Fire Marshal, or a person acting under his or her authority, for any act done in good faith in the execution or intended execution of his or her power or duty or for any alleged neglect or default in the execution in good faith of his or her power or duty.

Crown, municipality not relieved of liability

(2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown or a municipal corporation of liability in respect of a tort committed by a person referred to in subsection (1) to which they would otherwise be subject. 1997, c. 4, s. 74.

Indemnification

75. (1) A firefighter, a fire co-ordinator, a community fire safety officer, a member or employee of the Fire Safety Commission, an assistant to the Fire Marshal, the Deputy Fire Marshal, the Fire Marshal or a person acting under his or her authority shall be indemnified for reasonable legal costs incurred,

- (a) in the defence of a civil action, if the person is not found to be liable;
- (b) in the defence of a criminal prosecution, if the person is found not guilty;
- (c) in respect of any other proceeding in which the person's execution of his or her duties is an issue, if the person acted in good faith.

Same

(2) Indemnification under subsection (1) shall be made by,

- (a) in the case of a firefighter, community fire safety officer or assistant to the Fire Marshal who is employed by a municipality, the municipal corporation;
- (b) in the case of a firefighter, community fire safety officer or assistant to the Fire Marshal who is working under an agreement with the Crown or in the case of a fire co-ordinator, a member or employee of the Fire Safety Commission, the Deputy Fire Marshal, the Fire Marshal or a person acting under his or her authority, the Crown.

Effect of collective agreement

(3) A collective agreement made under Part IX or a decision under section 53 may provide for indemnification of the legal costs of firefighters, except the legal costs of a firefighter who is found guilty of a criminal offence, and if such an agreement exists, the municipal corporation shall indemnify the firefighters in accordance with the agreement and subsections (1) and (2) shall not apply. 1997, c. 4, s. 75.

No action for damages from accidental fire

76. No action shall be brought against any person in whose house or building or on whose land any fire accidentally begins, nor shall any recompense be made by that person for any damage suffered thereby; but no agreement between a landlord and tenant is defeated or made void by this Act. 1997, c. 4, s. 76.

Manner of service

77. (1) Where a copy of an order or notice is required to be given to, or served on, a person under this Act, the copy may be served personally, by regular letter mail, by electronic transmission, by telephone transmission of a facsimile or by some other method that allows proof of receipt.

Deemed receipt

(2) Service by regular letter mail under subsection (1) shall be deemed to be received by the person on the fifth day after mailing unless the person establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control receive a copy until a later date than the deemed date of receipt.

Same

(3) Service by electronic transmission or by telephone transmission of a facsimile under subsection (1) shall be deemed to be received the day after it is sent or, if that day is a Saturday or holiday, on the next day that is not a Saturday or holiday, unless the person establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control receive a copy until a later date than the deemed date of receipt. 1997, c. 4, s. 77.

Regulations

78. (1) The Minister may make regulations,

- (a) respecting the operation and administration of fire departments and community fire safety teams established or appointed by an agreement made under section 3 and respecting the functions of community fire safety officers appointed by such an agreement;
- (b) prescribing persons or organizations for the purposes of subsections 3 (1) and 4 (2);
- (c) prescribing powers and duties that a fire chief may delegate in addition to those mentioned in subsection 6 (6);
- (d) prescribing limitations, restrictions, or conditions that apply to a delegation of powers or duties of a fire chief under subsection 6 (6), including restricting the type of power or duty that may be delegated or the class of person to whom the power or duty may be delegated;
- (e) respecting the records and returns to be used, kept and made by fire chiefs in respect of their inspections of any class of premises or premises used for any specified purpose;
- (f) requiring any person to furnish such statistical and other information to the Fire Marshal as he or she considers necessary;

- (g) requiring the following persons or entities to report to the Fire Marshal the particulars of any insurance loss or claim,
 - (i) a fire insurance company authorized to transact business in Ontario,
 - (ii) a person adjusting a claim against a fire insurance company, whether the insurance company is licensed to transact business in Ontario or not and whether the adjuster represents the company or the claimant, or
 - (iii) a person sustaining or claiming to have sustained a loss by fire on property in Ontario insured wholly or partially by an insurance company that is not licensed or registered under the Insurance Act;
- (h) defining “regularly employed” for the purposes of the definition of “firefighter” in subsection 41 (1) and “activity allowance” for the purposes of the definition of “volunteer firefighter” in subsection 1 (1);
- (i) respecting standards for fire protection devices, equipment and systems;
- (j) providing for licensing and regulating the manufacture, sale, installation, servicing, maintenance, testing and repairing of fire protection devices, equipment and systems;
- (k) respecting practices and standards for fire protection services and certification and training of firefighters, including full-time, volunteer and part-time firefighters;
- (l) prescribing fees and allowances for services and training provided by or on behalf of the Province or municipalities and respecting the person or body to whom the fees or allowances shall be paid;
- (m) governing the inspection of hotels;
- (n) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Same

2 A regulation made under this section may be general or specific in its application. 1997, c. 4, s. 78.

Municipal by-laws superseded

79. A regulation, including the fire code, supersedes all municipal by-laws respecting standards for land and premises, as those standards relate to fire safety or the risk created by the presence of unsafe levels of carbon monoxide. 2013, c. 14, s. 5.

80.-93. Omitted (amends or repeals other Acts). 1997, c. 4, ss. 80-93.

94. Omitted (provides for coming into force of provisions of this Act). 1997, c. 4, s. 94.

95. Omitted (enacts short title of this Act). 1997, c. 4, s. 95.

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THIS AGREEMENT MADE THIS 11th DAY OF AUGUST, 2010 BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF MULMUR

--AND --

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

WHEREAS Section 19 (2), c. 25 of the Municipal Act S.O. 2001 allows for entering into agreements with one or more municipalities to provide for the joint management and operation of the Fire Departments and for the establishment of Joint Boards of Management thereof;

AND WHEREAS Section 20 (1), c. 25 of the Municipal Act S.O. 2001 grants permission for two (2) or more municipalities to establish, maintain and operate Fire Departments upon such basis as to the distribution of costs as the municipalities may agree;

AND WHEREAS Section 2, Fire Protection & Prevention Act, 1997 provides that every municipality shall establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention and provide such other fire protection services as it determines may be necessary in accordance with its' needs and circumstances;

AND WHEREAS the parties hereto have agreed to jointly manage and operate a Fire Department known as the Mulmur-Melancthon Volunteer Fire Department, hereinafter called the "DEPARTMENT", for the purpose of providing fire protection in the areas defined in this Agreement. "FIRE PROTECTION", for the purpose of this Agreement shall mean prevention, rescue and suppression services;

AND WITNESSETH THIS AGREEMENT that in consideration of the covenants and terms contained herein, the parties hereto agree as follows:

1. A Joint Board of Management shall be established and shall be composed of two (2) members from each municipality and to be known as the Mulmur-Melancthon Volunteer Fire Department Joint Board of Management, hereinafter called the "FIRE BOARD". The Fire Board shall be appointed by the Councils of the participating municipalities, each Council appointing in December, to take office effective January 1st next following, for a term concurrent with Council. Each member shall be an elected member for a time period consistent with the policies of each respective municipality in force and effect at the time of appointment. Any vacancy occurring on the Fire Board shall be filled within thirty (30) days of same occurring by the Council of the municipality that had appointed the member wherein the vacancy occurred. Each member from Mulmur Council shall have two (2) votes each on the Board, and each member from Melancthon Council shall have one (1) vote each on the Board for operating items. Each member from Mulmur Council shall have one (1) vote each on the Board, and each member from Melancthon Council shall have one (1) vote each on the Board for capital items.
2. The maximum number of personnel for the department shall be set at twenty-three (23), consisting of one Chief, one Deputy-Chief, one Dispatch, four Captains, and sixteen firefighters.
3. The Fire Board shall appoint a Chairperson and Vice-Chairperson from among its' members at the first meeting of the Fire Board on each calendar year. The Chairperson shall preside at all meetings of the Fire Board and be charged with the general administration of the business and affairs of the Fire Board.

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4. The Fire Board shall appoint a Secretary at the first meeting of the Fire Board in each calendar year. The Mulmur Township Treasurer shall be the treasurer for the Fire Board. The Treasurer shall keep full and accurate books of account in which shall be recorded all receipts and disbursements of the Department and, under the direction of the Fire Board, shall deposit all monies with respect to the operation of the Department. The Treasurer shall render to the Fire Board at the meetings thereof, or whenever required, an account of all transactions and of the financial position of the Department. The Treasurer shall pay only such items as are approved. Costs for administering the books shall be apportioned to Melancthon Township on the cost-sharing proportion as set out in Schedule "B". It shall be the policy of the board that the current year's operating surplus or operating deficit be allocated to the following year's operating budget. The Township of Mulmur shall be responsible for P.S.A.B. (Public Sector Accounting Board) regulations and required bookkeeping.
5. The Fire Board shall hold at least six regularly scheduled meetings annually, and at such other times at the call of the Chairperson or on petition of a majority of the members of the Fire Board.
6. The Fire Board shall ensure that all meetings are convened and continued only when there is a quorum of three (3) members present.
7. All Fire Board meetings shall have business conducted by Parliamentary procedure. Copies of all draft minutes of regular and special meetings of the Fire Board are to be promptly submitted to the Councils of each party to this Agreement. Monthly financial statements are to be provided to the Board. Quarterly unaudited Financial Statements, after consideration by the Fire Board, are to be forwarded to the Councils of each party to this Agreement forthwith.
8. By the 30th day of September in each year, the Fire Board shall endeavor to submit in writing to each of the parties hereto a draft budget for the operation of the Department for the following year. Each party hereto shall endeavor to approve such draft budget or an amendment thereof as agreed to by the other parties on or before the 31st day of December in each year for the subsequent year's budget. The methodology of budgeting, whether on an accrual or cash basis, will be determined at a future date once the full implementation of P.S.A.B. (Public Sector Accounting Board regulations) has been completed. Each party hereto agrees to pay the amount required from the municipality for Fire Board purposes as set out in Schedule "B", as billed.
9. It shall be the responsibility of the Fire Board to prepare draft by-laws and formulate policies and procedures for and relating to the administration of the Department and of the Fire Board.
10. The Fire Board shall provide adequate facilities and equipment for the operation of the department.
11. The Fire Board shall be responsible for providing fire protection to areas within the boundary lines as per Schedule "A" attached and forming part of this agreement.
12. The Department shall endeavor to respond as soon as possible to all emergency calls with the defined areas as per Schedule "A" with such apparatus and manpower as per policy established by the Fire Board.

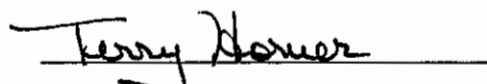
13. All parties to this Agreement shall give such authority as may be necessary, by by-law, to the members of the Department in all matters pertaining to Fire Protection.
14. The Fire Board will arrange, in consultation with the Councils of the parties hereto, for the issue of policies of insurance to protect assets in the case, custody and control of the Fire Board from physical loss or damage, and for protecting the Fire Board, the parties hereto and members of the Department against legal liability resulting from the activities of the Fire Board and the operations of the Department, and to ensure that all policies of insurance provide that all parties to this Agreement are endorsed as additional named insureds as their interest may appear.
15. The parties hereto agree that, for the purpose of the financial terms and commitments of this Agreement, all operating costs incurred by the Department shall be apportioned to the parties of this Agreement according to Schedule "B" which forms part of this Agreement. All capital costs incurred by the Department shall be on a 50/50 basis. Cost sharing between Mulmur and Melancthon Townships for any major upgrades to capital assets shall be on a 50/50 basis unless otherwise directed by the Board by motion. Commencing in 2008, capital expenditures will be reflected on the Consolidated Statement of Financial Position previously known as the Consolidated Balance Sheet. Amortization/Depreciation on capital expenditures will be reflected in the Consolidated Statement of Operations.
16. This agreement shall be in effect when all parties have signed the said Agreement and shall remain in effect until a new Agreement is made.
17. So often as there shall be any dispute between the parties to this Agreement or any of them with respect to any matter contained in this Agreement including, but not limited to, the interpretation of this Agreement, the same shall be submitted to arbitration under the provisions of the Arbitrations Act, 1991, and the decision rendered in respect of such proceedings shall be final and binding upon the parties to this Agreement. If, for any reason, the said arbitration cannot be conducted pursuant to the provisions of the Municipal Arbitrations Act, then the parties hereto shall agree to the selection of a single arbitrator and, in the absence of agreement, such arbitrator shall be appointed by a judge of the Supreme Court of Ontario pursuant to provisions of the Arbitrations Act, 1991 or pursuant to any successor legislation.
18. In the event that any municipality wishes to cease participating in the Fire Board, they may do so provided that:
 - a) Two (2) years written notice is given to the Fire Board and to the other party. Any written notice given as aforesaid shall terminate this Agreement as of 31 December of the appropriate year.
 - b) Any debt incurred by the municipality for Fire Board purposes, whether through the issue of debentures or any other way, shall remain the responsibility of the participating municipality.
 - c) Any assets, including reserves contributed by the municipality to the Department shall remain the property of the Department.

- d) If the Department is completely dissolved, the realized value of assets are to be split on a 50/50 basis between the two participating municipalities.
 - e) This agreement recognizes the construction of a new fire hall in the year 2003, which was completed in the year 2004. Financing of the construction of the new fire hall was based on equal participation in the capital costs of same.
19. It is agreed that, with respect to matters not dealt with in this Agreement, the Fire Board may formulate policies for and relating to the administration and operation of the Department unless otherwise prohibited by any applicable statute or regulation passed there under.
20. The parties hereto shall execute such further assurances as may be reasonably required to carry out the terms hereof.
21. Upon the execution of this Agreement by all parties, any existing Agreements among the parties as amended with respect to fire protection shall forthwith become null and void. In the event that any covenant provision or terms of this Agreement should at any time be held by any competent tribunal to be void or unenforceable, then the Agreement shall not fail, but the covenant, provision of term shall be deemed to be severable from the remainder of this Agreement, which shall remain in full force and effect mutatis mutandis.


IN WITNESS WHEREOF, the parties hereto have hereunto affixed their respective corporate seals duly attest to by the hands of their respective proper officers in that behalf.

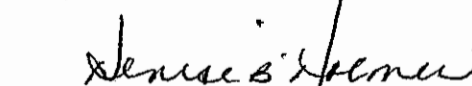
TOWNSHIP OF MULMUR


Per: Gordon Montgomery, Mayor


Per: Terry Horner, CAO/Clerk

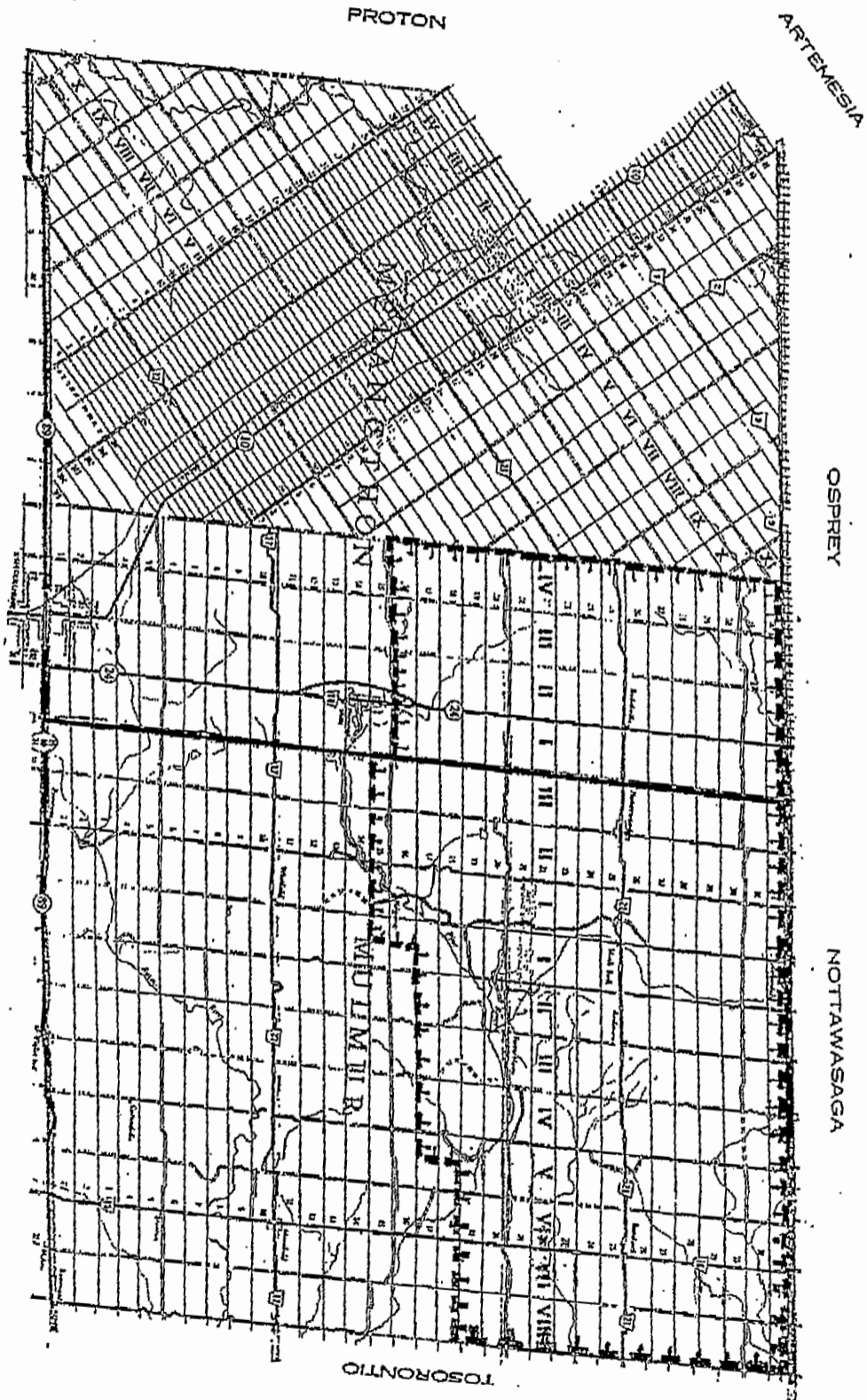
TOWNSHIP OF MELANCTHON


Per: Debbie Fawcett, Mayor


Per: Denise Holmes, CAO/Clerk-Treasurer

SCHEDULE "A"
TO DRAFT MULMUR- MELANCTHON FIRE AGREEMENT
FIRE SERVICE AREA

SCHEDULE "A"
MULMUR- MELANCTHON FIRE AGREEMENT
FIRE SERVICE AREA



© RBY

SCHEDULE "B"
TO MULMUR- MELANCTHON FIRE AGREEMENT

COST SHARING

1. **DEFINITIONS:**

"Assessment" shall include all taxable residences, taxable commercial and industrial as shown on the previous year's assessment roll, for the current taxation but shall not include exempt assessment.

"Households" shall include all primary or tenant households and apartments as shown on the previous year's assessment roll, for the current year's taxation (according to codes RU, FRU, RDU...)

"Fire Calls" shall include all emergency calls that involve calling the volunteers and/or vehicle(s) out, including false alarms, but shall not include calls to provincial or county highways which will be billed out direct to those jurisdictions by the Department. Fire calls from the previous three years shall be included.

2. Operating cost sharing shall be calculated annually by the Treasurer of the Department by taking the data provided by the Clerks from the previous year's assessment roll, for the current taxation, for total assessment and total households, and average fire calls as recorded by the Department for the previous three years and converting each category into an average percentage as in part "3". The combined average percentage shall be used for cost sharing.

3.

Municipality	Assessment	%	Res/Comm Units/Hsholds	%	Fire Calls	%	Combined Average
MULMUR	195,627,250	85.12%	604	79.37%	25.33	61.78%	75.42%
MELANCTHON	34,202,500	14.88%	157	20.63%	15.67	38.22%	24.58%
TOTAL:	229,829,750	100.00%	761	100.00%	41	100.00%	100.00%

4. Capital cost sharing on the construction of the new hall, constructed in 2003, and completed in 2004, was based on an equal 50/50 partnership between the two participating municipalities. Purchase of the land in 2002 known as Lot 42, Plan 39, was split on the existing cost sharing percentage for the year 2002.

5. Capital purchases will be shared on a 50/50 basis subject to the approval of the Board's respective Councils.

AGREEMENT made this 19th day of May 2011.

BETWEEN

THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE
Hereinafter called the "Township"

AND

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON
Hereinafter called "Melancthon"

WHEREAS By-laws have been duly enacted by the corporate parties pursuant to the provisions of the Fire Protection and Prevention Act, as amended, to authorize an agreement between the parties; and

AND WHEREAS the Township operates fire protection services and assets suitable to meet municipal responsibilities required by the Fire Protection and Prevention Act, through a department situated within the Township of Southgate;

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, it is mutually agreed between the parties hereto, as follows;

1. In this agreement,
 "Designate" means a person who in the absence of the fire chief has the same powers and authority as the fire chief.
 "Fire area" means the fire area(s) of Melancthon as described in Schedule "A" attached to and forming part of this agreement,
 "Fire chief" means the chief of the fire department,
 "Fire department" means the "Township of Southgate Fire Department (Dundalk)"
 "Fire protection services" means and includes activities defined in the Fire Protection and Prevention Act, more particularly described as:
 "includes fire suppression, fire prevention, fire safety education, inspections upon request or complaint, auto/farm/industrial accidents and extrications, hazardous material responses on awareness level only, contact and assist OFM on fire investigations, medical assist responses, communications, training of persons involved in the provision of fire protection services and the delivery of all of those services".
2. The Township will supply, except as hereinafter limited or excluded, fire protection services to Melancthon in the fire area as described in Schedule "A" attached to and forming part of this agreement.

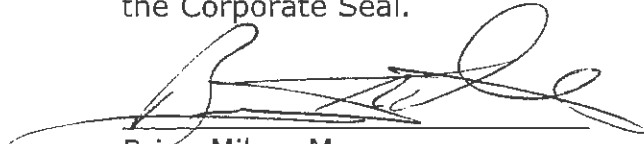
3. Fire apparatus and personnel that will respond to occurrences in the fire area of Melancthon will constitute sufficient apparatus and firefighters to accomplish the specific services identified in the agreement, subject to Section (5) hereunder, and subject also to roads being impassable by reason of snow, water, mud, etc. which would prevent fire apparatus and personal from reaching the incident.
4. Should the fire chief, or designate, require assistance, or believe assistance may be required, by way of additional personnel, apparatus, or equipment, in addition to that provided by Section (3) above, at an occurrence in the fire area, such assistance shall be summoned under provisions of the fire protection agreement between Township and Melancthon . Should the fire chief, or designate, require assistance, or believe assistance may be required, by way of personnel, apparatus, or equipment, in addition to that provided by the Township, the fire chief may invoke the applicable provisions of the Dufferin or Grey County Mutual Aid Plans.
5. Notwithstanding section 3 above, the fire chief, or designate, may refuse to supply the described response to occurrences if such response personnel, apparatus or equipment are required in the Township or elsewhere, under the provisions of the Dufferin or Grey County Mutual Aid Plan. Similarly, the fire chief or designate may order the return of such apparatus, equipment, or personnel that is responding to or is at the scene of an incident in the fire area. In such cases the fire chief, or designate, may summon assistance in accordance with the provisions of the fire protection or mutual aid agreements referred to in Section (4) above.
6. The fire chief, or designate shall use their best endeavors to prevent answering false alarms, but they shall not be required to unnecessarily delay the fire department when a call has been received to assure them that the call is not a false alarm.
7. The fire chief, or designate, shall have full authority and control over any and all activities in which the fire department may be engaged in the fire area of Melancthon.
8. The fire chief, or designate, shall meet and report to the Melancthon council or a committee of council quarterly to report all incidents in the fire area to which the fire department has responded in the previous quarter. Any Melancthon by-law infractions or vehicle accidents will be reported to Melancthon within seven (7) days of the infraction.

9. A map of the fire area clearly indicating the civic addresses of each intersection has been provided. See Schedule "A" attached to and forming part of this agreement. Melancthon agrees to identify all streets and roads in the fire area by having them marked at all intersections. Melancthon agrees to identify all bridges in the fire area as to weight limits and advise of alternate routes for fire apparatus to travel. Bridges identified, as being unable to carry the weight of the fire apparatus, shall be set out in Schedule (A) attached to and forming part of this agreement. Any such bridges, so identified, will either limit or exclude fire protection services where the use of any of these bridges is required by fire apparatus.
10. Melancthon shall be responsible for establishing and notifying in the manner and to the extent deemed necessary, residents and occupants of the fire area, of the procedures for reporting an emergency and of the services provided by the fire department.
11. The Melancthon Township warrants by-law(s) have been enacted authorizing the activities and responsibilities of the fire chief under the Melancthon Township emergency plan, as in Schedule "C" attached to and forming part of this agreement.
12. Melancthon shall take whatever action is appropriate and necessary to have the fire chief appointed as "Chief Fire Official" for the fire area.
13. In consideration of the fire protection services undertaken by the Township in the fire area of Melancthon, Melancthon shall pay fees to the Township as set out in Schedule "B" attached hereto and forming part of this agreement.
14. Notwithstanding anything herein contained, no liability shall attach or accrue to the Township for failing to supply Melancthon on any occasion, or occasions, any of the fire protection services provided for in this agreement.
15. No liability shall attach or accrue to Melancthon by reason of any injury or damage sustained by personnel, apparatus, or equipment of the fire department while engaged in the provision of fire protection services in the fire area.
16. The parties agree that this agreement may be amended at any time by mutual consent of the parties, after the party desiring the amendment(s) gives the other party a minimum of thirty (30) days written notice of the proposed amendment(s).

17. So often as there may be any dispute between the parties to this agreement, including, but not limited to the interpretation of this agreement, the same shall be submitted to arbitration under the provisions of the Municipal Arbitrations Act, and the decision rendered in respect of such proceedings shall be final and binding upon the parties to this agreement. If for any reason the said arbitration cannot be conducted pursuant to the provisions of the Municipal Arbitrations Act, the parties hereto shall agree to the selection of a single arbitrator, and in the absence of agreement, such arbitrator shall be appointed by a judge of the Supreme Court of Ontario pursuant to the provisions of the Arbitrations Act or any successor legislation.
18. In the event that any covenant, provision or term of this agreement should at any time be held by any competent tribunal to be void or unenforceable, then the agreement shall not fail but the covenant, provision or term shall be deemed to be severable from the remainder of this agreement which shall remain in full force and effect mutatis mutandis.
19. This agreement shall be in force from January 1, 2011 for a term of five years ending December 31, 2015 and replaces the previous fire agreement and thereafter it shall be automatically renewed from year to year unless in any year either party gives notice to the other party as set out in Section (16).
20. Notwithstanding Section (18), either party giving written notice to the other party not less than twelve (12) months prior to the desired termination date may terminate this agreement. In any case of termination prior to the twelve (12) month date, the fees specified in Section (13) will be applied on a pro rata basis using the same formula as applied previous to the termination date.

21. It is further agreed that these presents and everything herein shall respectively ensure to the benefit of and be binding upon the parties here to and their respective successors and assigns.

Passed by resolution of the Corporation of the Township of Southgate this 18 day of May, 2011 and signed by the Mayor and Clerk as witnessed by the Corporate Seal.




Brian Milne, Mayor

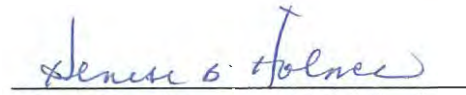


Carol Watson, Clerk Director of Council

Passed by resolution of the Corporation of the Township of Melancthon this 19th day of May 2011 and signed by the Mayor and Clerk as witnessed by the Corporate Seal.



Bill Hill, Mayor



Denise Holmes, CAO/Clerk-Treasurer

SCHEDULE "A"

FIRE AREA SECTION OF MELANCTHON TOWNSHIP

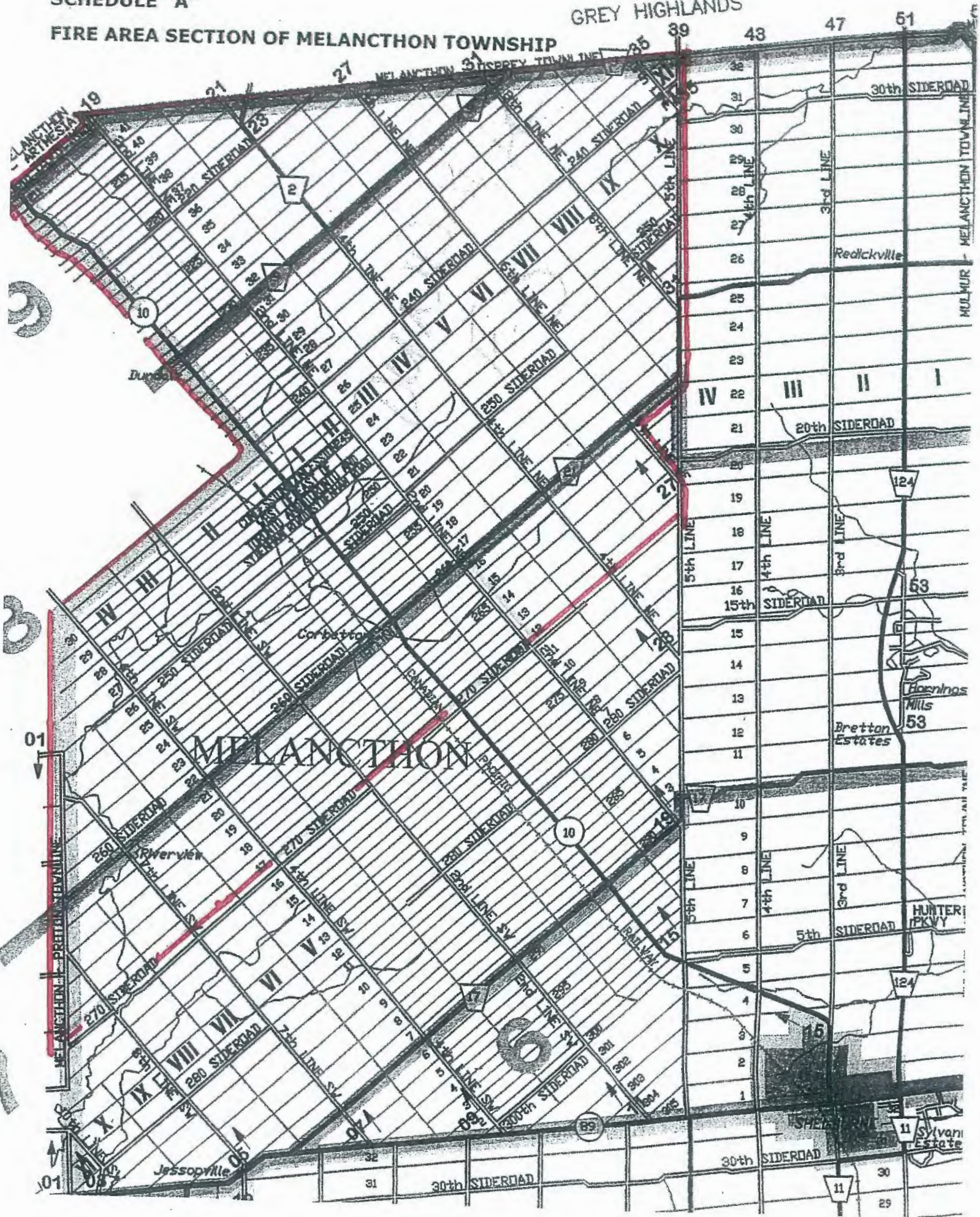
Attached to and forming part of "Township of Southgate" and "Township of Melancthon" fire protection agreement dated May 18, 2011.

The following map indicates the Fire Area of Melancthon for the purposes of the fire protection services agreement between the Township and Melancthon.

SCHEDULE "A"

FIRE AREA SECTION OF MELANCTHON TOWNSHIP

GREY HIGHLANDS



MELANCTHON

30th SIDEROAD

3rd LINE

Redickville

20th SIDEROAD

124

63

Hornings Mills

53

Brettan Estates

HUNTER

124

5th SIDEROAD

15

Sylvan Estate

11

30th SIDEROAD

30

11

29

30th SIDEROAD

32

31

Jessopville

01

08

SCHEDULE "B"

SERVICE FEES SECTION:

Attached to and forming part of "Township of Southgate" and "Township of Melancthon" fire protection agreement dated May 18, 2011

Fire protection services fees payable by the Township of Melancthon to the Township as follows:

1. It is agreed that Melancthon will pay the sum of \$22,000.00 per year to cover the base operating costs for Fire Protection Services in the Melancthon service area defined in Schedule A.
2. It is agreed that for major unforeseen incidents or other services provided as described under Section 1 of this agreement that could exceed our base annual amount will be adjusted accordingly upon provisions of appropriate documentation. "Notwithstanding Clause 16 of the agreement, in the event of an exceptional occurrences relating to fire services during the term of this Agreement that has a negative financial impact to the Southgate Fire Department, Melancthon will agree to meet with the Fire Board annually and review the facts. If at the end of the agreement, there was a shortfall as a result of exceptional occurrence(s), Melancthon would agree to cover the shortfall and/or work those costs into a new or amended Agreement"
3. It is agreed that the Melancthon will contribute a capital sum of \$7,000.00 dollars per year to Southgate for the five (5) year period of this agreement to be held in a Melancthon fire reserve. Southgate will maintain a Melancthon Fire reserve account to hold any unused capital contributions each year. This reserve will be to absorb the impact of large purchases and or unforeseen emergency capital requirements in future years. Melancthon will not be indebted to Southgate for more than the annual capital plus the balance of the Melancthon reserve account at that point in time. A report on the balance of the Melancthon Fire reserve will be included in the annual year end report as well as reporting on all items defined under the term, "Fire Protection Services" in Section 1 of the agreement submitted to Melancthon by the Southgate Fire Chief.
4. It is agreed that the base operating costs for Fire Protection Services will be indexed annually from year 2 to year 5. The Federal Consumers Price Index will be used to calculate the annual increase based on the October annual cost of living increase each year from Stats Canada. This will be added to the sum of the base operating Fire Protection Services each year of the last four (4) years of the agreement.

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NUMBER 06-1993

Being a by-law to provide for regulating, policies, and procedures for and relating to the administration of the Shelburne and District Fire Department

WHEREAS Section 210 of the Municipal Act R.S.O 1990, Chapter M45 provides for the regulating, policies and procedures pertaining to a Fire Department.

THEREFORE the Council of the Corporation of the Township of Melancthon enacts as follows:

1. Definition

- 1.1 Agreement means the Shelburne and District Board of Management Agreement dated October 15th, 1991.
- 1.2 Council means the Council of the Corporation of the *Township of Melancthon*
- 1.3 Department means the Shelburne and District Fire Department.
- 1.4 Fire Board means the Shelburne and District Joint Board of Management.
- 1.5 Fire Area means the area serviced by the Shelburne and District Fire Department as defined in Appendix "A" (D) attached to the agreement.
- 1.6 Fire protection means a range of programs designed to protect the lives and property of the inhabitants of the fire department response area from the adverse effects of fires, sudden medical emergencies or exposure to dangerous conditions created by man or nature and includes fire prevention and public education, rescue and suppression services, including but not limited to rescue from motor vehicle accidents, farm accidents, industrial accidents, confined spaces, building collapse, rescues involving specialized rope rescue equipment and procedures, water and ice, and emergencies involving hazardous goods, to the level of training taken and equipment available.
- 1.7 Volunteer fire fighters means a person who voluntarily acts as a fire fighter for a nominal consideration or honorarium.
- 1.8 Member means a volunteer fire fighter.
- 1.9 Approved means approved by the municipal councils.
- 1.10 Chief means the one person appointed by a by-law of the Councils of the municipalities to act as Fire Chief who shall be the Head of the Department.
- 1.11 Deputy-Fire Chief means the one person appointed by the Councils of the municipalities to act in the place of the Chief of the fire department in his/her absence or in the case of a vacancy in the department.

*Replaced
by bylaw
14-2000*

- 1.12 Company means a complement of personnel operating one or more pieces of apparatus under the supervision of an officer.
2. The (goal, primary objective, and mission statement) of the department shall be as those contained in Appendix "A" of this by-law and the department shall be organized as per table 1 forming part of this by-law.
3. In addition to the chief of the department, the department personnel shall consist of a deputy chief and such number of captains and members as from time to time may be deemed necessary by the Board.
4. The remuneration of all members of the department shall be as determined by the Board and approved by the Councils.
5. The chief of the department may recommend to the Board the appointment of any qualified person as a member of the department, subject to approved hiring policies developed by the fire chief.
- 5.2 Every member of the department appointed for fire fighting duties is subject to a medical examination at the time of hiring and such other times as the chief of the department may require.
- 5.3 A person appointed as a member of the department for fire fighting shall be on probation for a period of six months during which period he/she shall take such special training and examination as may be required by the chief of the department.
- 5.4 If a probationary member appointed for fire fighting duties fails any such examinations, the chief of the department may recommend to the Board that he/she be dismissed.
- 6.1 The chief of the department may reprimand, suspend or recommend dismissal of any member for insubordination, inefficiency, misconduct, tardiness or for noncompliance with any of the provisions of this by-law or general orders and departmental rules, that in the opinion of the chief, would be detrimental to the discipline and efficiency of the Department and same shall be documented.
- 6.2 Following the suspension of any member, the chief of the department shall report the suspension and his/her recommendations to the Board.
- 6.3 A member shall not be dismissed without being afforded the opportunity for a hearing before the Board, if he/she makes a written request for such hearing, within seven days after receiving his/her proposed dismissal.
7. The chief of the department is responsible to the Councils through the Fire Board for the proper administration and operation of the Department, for the discipline of its members, and,
 - 7.1 Shall develop, and publish such written standard operating procedures and such general orders and departmental rules as may be necessary for the care and protection of the department property, department

equipment and department personnel, and generally for the efficient operation of the Department, provided that such general orders and rules do not conflict with the provisions of any by-laws of the municipality.

- 7.2 Shall review periodically the policies and procedures of the department, and may establish an advisory committee consisting of such individuals as he/she may determine from time to time to assist him/her in these duties.
- 7.3 Shall take all proper measures for the prevention, control and extinguishment of fires and for the protection of life and property and shall enforce all municipal by-laws respecting fire prevention and exercise the powers imposed on him/her by the Fire Marshals Act, and the Fire Chief or his/her designate shall be empowered to authorize fire department members to:
 - i) pull down or demolish any building or structure to prevent the spread of fire,
 - ii) when unable to contact the property owner, to take such necessary action which may include boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident.
 - iii) The municipality may recover expenses incurred by such necessary action in a manner provided by the Municipal Act.
- 7.4 Is responsible for the enforcement of this by-law and the general orders and departmental rules.
- 7.5 Shall report all fires to the Fire Marshal as required by the Fire Marshals Act.
- 7.6 Shall submit to the Councils through the Fire Board, for their approval, the annual estimates for the Department.
- 7.7 Shall submit to the Councils through the Fire Board the annual report of the Department.
8. The Deputy-Fire Chief shall be the second ranking officer of the Department and it shall be his/her responsibility to carry out the orders of the Chief and perform such duties as the Chief may assign, and, in the absence of the Chief has all the powers and shall have all the duties of the Chief.
9. The Department is composed of the following divisional functions:
 - 9.1 Administration
Apparatus, Equipment and Communications
Fire Suppression and Rescue
Fire Prevention
Training
 - 9.2 Each divisional function of the Department is the responsibility of the Chief and is under the direction of the Chief, or such member designated by the Chief.
 - 9.3 The Chief shall prepare the draft annual budgets and annual report for all the divisions.

10. The Chief of the Fire Department is responsible for carrying out, or delegating in total, or in part, the following duties pertaining to the Administration of the Department.
 - 10.1 Shall ensure adequate facilities for the Administration of the Department.
 - 10.2 Shall exercise control of the finalized budget.
 - 10.3 Prepare the payroll of the Department and initiate requisitions for materials and services and certify all accounts of the Department.
 - 10.4 Maintain personnel records.
 - 10.5 Provide liaison with the local fire fighters' association.
 - 10.6 Carry out the general administrative duties of the Department.
 - 10.7 Provide liaison with the County fire coordinator.
 - 10.8 Assist the county fire coordinator in the preparation of a County Emergency Fire Service Plan and Program.
 - 10.9 Shall attend or ensure representation at each Fire Board meeting.
11. The Chief of the Fire Department is responsible for carrying out, or delegating in total, or in part, the following duties pertaining to Apparatus, Equipment, and Communications, He/she shall:
 - 11.1 Prepare specifications for the purchase of apparatus and equipment.
 - 11.2 Maintain and keep in repair all existing buildings, fire fighting, rescue and salvage apparatus of the Department.
 - 11.3 Modify apparatus and equipment as required.
 - 11.4 Provide recharging facilities for the fire fighting extinguishers and cylinders and to test and repair hose.
 - 11.5 Where a waterworks commission is established, provide liaison in order to ensure an adequate flow of water in new waterworks projects and the adequate maintenance of existing waterworks facilities for the use of the Department.
 - 11.6 Issue clothing, equipment and cleaning supplies.
 - 11.7 Receive alarms and dispatch equipment.
 - 11.8 Maintain the Department communication systems and, prepare specifications for new communication systems and for additions to existing communications systems.
- 12.1 The Chief of the Fire Department is responsible for carrying out, or delegating in total, or in part, the following duties pertaining to Fire Suppression and Rescue. He/she shall:

- i) Prevent, control and extinguish fires.
 - ii) Conduct investigations of fire in order to determine cause, origin, and where appropriate, to request the Office of the Fire Marshal to conduct an investigation.
 - iii) Perform rescue and salvage operations and render first aid, and perform ice and water base land rescue.
 - iv) Respond and assist at such emergencies as may be required.
 - v) Participate in training at stations.
 - vi) Conduct pre-fire fighting operations planning.
 - vii) Perform apparatus maintenance and cleaning duties at stations.
- 12.2 The Captains are responsible for those duties assigned to them by the Fire Chief.
- 12.3 Where the Chief of the Department designates a member to act in the place of an officer in the department, such member, when so acting, has all the powers and shall perform all duties of the officer replaced.
13. The Chief of the Fire Department is responsible for carrying out, or delegating in total, or in part, the following duties pertaining to Fire Prevention through an approved fire prevention policy. He/she shall:
- 13.1 Conduct fire prevention inspections of premises.
 - 13.2 Enforce fire prevention by-laws.
 - 13.3 Examine building plans.
 - 13.4 Provide personnel for fire prevention lectures.
 - 13.5 Maintain fire loss records.
 - 13.6 Receive, process and follow up reports of fire prevention inspections conducted under the Fire Suppression and Rescue Division.
14. The Chief of the Fire Department is responsible for carrying out, or delegating in total, or in part, the following duties pertaining to training. He/she shall:
- 14.1 Establish a Fire Department training program, complete with written records, and conduct training for all personnel of the Department in fire administration, fire prevention and fire fighting.
 - 14.2 Administer training programs in stations.
 - 14.3 Prepare and conduct examinations of members as required.
15. The Chief shall develop an approved Fire Department promotional policy based on such evaluations, written, practical and oral examinations as deemed necessary.
- 15.1 As part of the approved promotional policy, the Chief of the Department and the Deputy-Chief shall evaluate all members of the Department who are participating in an examination for promotion.

- 15.2 When in the opinion of the Chief of the Department, all other factors for the promotion of two or more members are equal, seniority of service in the Department governs.
16. The fire fighting and station record of each member of the Department shall be annually evaluated by the Chief.
17. The Fire Department shall not respond to a call with respect to a fire or emergency outside the limits of the defined area (Appendix "A", Section D) except with respect to a fire or emergency;
- 17.1 That in the opinion of the Chief of the Department threatens property in the participating municipalities or property situated outside the defined fire area that is owned or occupied by one of the participating municipalities.
- 17.2 In a municipality with which an approved agreement has been entered into to provide fire protection.
- 17.3 On property with which an approved agreement has been entered into with any person or corporation to provide fire protection.
- 17.4 At the discretion of the Chief to a municipality authorized to participate in the County emergency fire service plan and program or any other organized plan or program on a reciprocal basis.
- 17.5 On those highways that are under the jurisdiction of the Ministry of Transportation or within the County where the County has established a rescue system.
- 17.6 On property beyond the municipal boundary where the fire chief or his designate determines that immediate action is necessary to preserve and protect life and/or property and the correct department is notified and/or assumes command. The Fire Chief shall subsequently inform the councils through the Fire Board in writing of invocation of this clause.
18. This by-law comes into effect the day it is passed by Council.

By-law read a first and second time this 21st day of January 1992³ ^{2nd}

By-law read a third time and passed this 4th day of February 1992³ ^{3rd}

Muriel A. Hester
CLERK

SC [Signature]
HEAD OF COUNCIL

APPENDIX "A"

(A) Primary Goal Of The Fire Department

The goal of the Shelburne and District Fire Department is to provide fire protection services through a range of programs designed to protect the lives and property of the inhabitants from the adverse effects of fires, sudden medical emergencies or exposure to dangerous conditions created by man or nature; first to their fire area; second to those municipalities requiring assistance through authorized emergency fire service plan and program (mutual aid) activities; and third, to those municipalities which are provided fire protection by the fire department via an authorized agreement.

(B) Primary objectives of the Fire Department

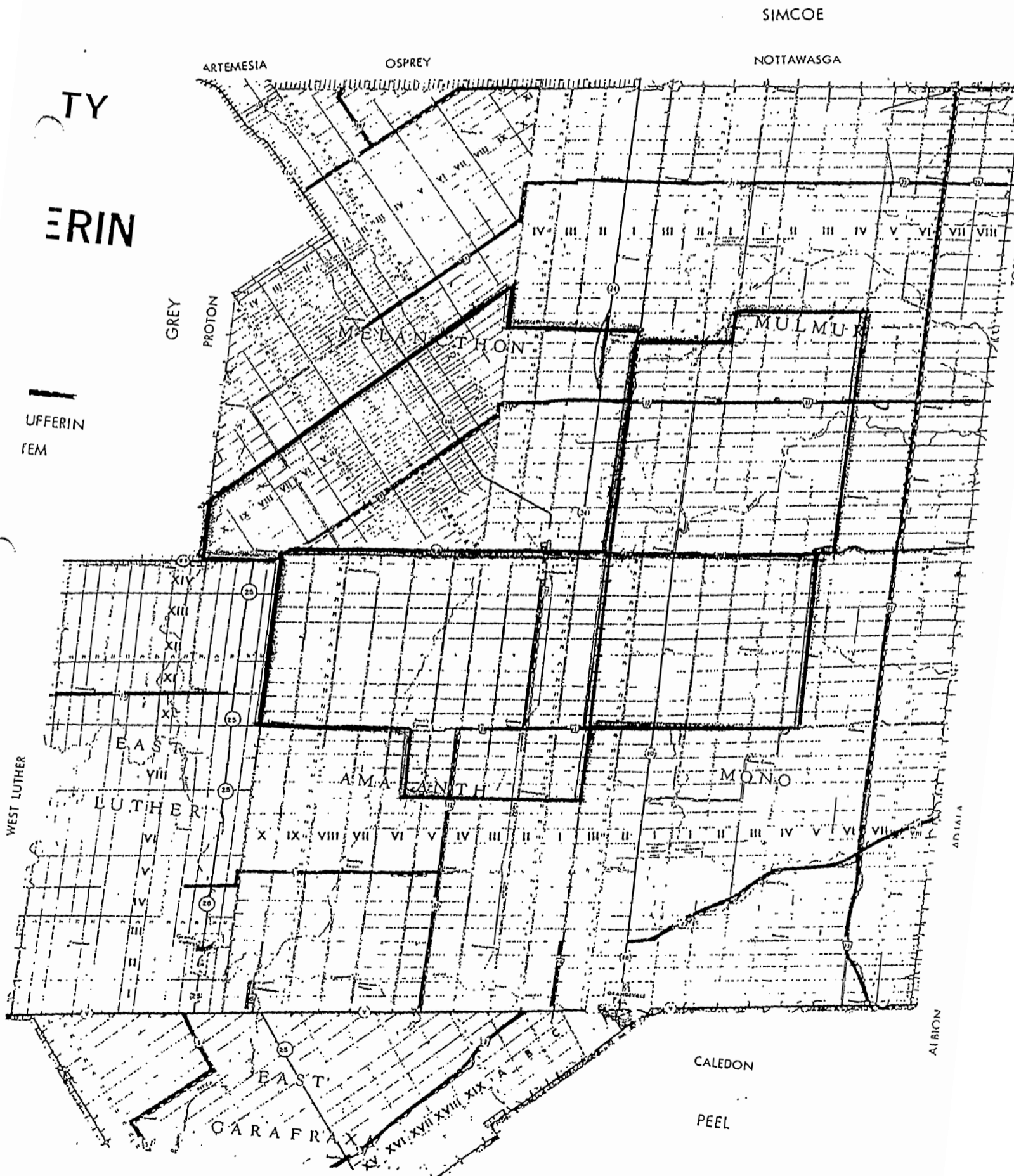
In order to achieve the goal of the fire department, necessary funding must be in place and the following objectives met:

- 1) Identify and review the fire services requirements of the coverage area.
- 2) Provide an administrative process consistent with the needs of the department.
- 3) Ensure that fire fighting equipment and operating personnel are available within the area to provide adequate response to a citizen's call within a reasonable length of time.
- 4) Provide departmental training to an accepted standard which will ensure the continuous up-grading of all personnel in the latest technique of fire prevention, fire fighting and control of emergency situations and to cooperate with other municipal departments with respect to management training and other programs.
- 5) Provide a maintenance program to ensure all fire protection apparatus, including allied equipment, is ready to respond to emergency calls.
- 6) Provide an effective fire prevention program to:
 - (a) Ensure, through inspection, that required fire protective equipment is installed and maintained within buildings.
 - (b) Reduce and/or eliminate fire hazards.
 - (c) Ensure compliance with applicable municipal, provincial and federal fire prevention legislation, statutes, codes and regulations in respect to fire safety.
- 7) Ensure in the event of a major catastrophe in the coverage area, assistance to cope with the situation is available from outside departments and other agencies.
- 8) Develop and maintain a good working relationship with all federal, provincial and municipal departments, utilities and agencies, related to the protection of life and property.
- 9) Interact with other municipal departments respecting the aspects of fire on any given program.

(C) Fire Department Mission Statement

The primary mission of the Shelburne and District Fire Department is to provide a range of programs to protect the lives and property of the inhabitants of the fire area from the adverse effects of fires, sudden medical emergencies or exposure to dangerous conditions created by man or nature, to the level of training taken and equipment available.

(D) Define Service Area of the Fire Department



THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 18-1999

BEING A BY-LAW TO AMEND BY-LAW NO. 6-1993.
A BY-LAW TO PROVIDE FOR REGULATING POLICIES, PROCEDURES
FOR AND RELATING TO THE ADMINISTRATION OF THE
SHELBURNE AND DISTRICT FIRE DEPARTMENT

Whereas By-law No. 6-1993, was passed by the Corporation of the Township of Melancthon and came into force on the 21st day of January, 1993.

And Whereas, the Council of the Township of Melancthon deems it expedient to amend such by-law.

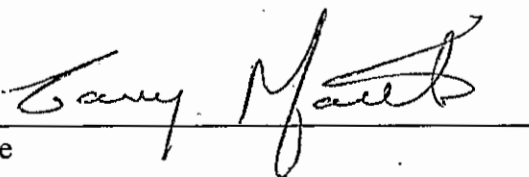
Now therefore the Corporation of the Township of Melancthon by its Municipal Council enacts as follows:

1. That By-law No. 6-1993, be amended by adding the following clauses:
 - 1.13 Honorary Member means a member with at least 10 years active service with the Shelburne & District Fire Department, or designated at the discretion of the Board, upon receipt of a recommendation from the Chief. An Honorary Member shall receive no remuneration.
 - 5.5 Every member of the Department on reaching he age of 65 shall voluntarily retire and may become an Honorary Member of the Department.
2. That By-law No. 6-1993, be amended by changing the following clause:
 - 5.3 Changing the Probationary Period from six (6) months to twelve (12) months
3. This By-law shall take effect and come into force on the 1st day of June, 1999.

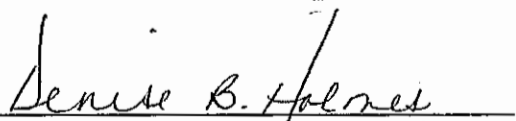
By-law read a first and second time this 22nd day of April, 1999.

By-law read a third time and passed this 22nd day of April, 1999.

Reeve



Clerk



THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NUMBER 14-2000

BEING A BY-LAW TO AMEND BY-LAW NUMBER 06-93, AS AMENDED
A BY-LAW TO PROVIDE FOR THE REGULATING POLICIES
PROCEDURES, FOR AND RELATING TO THE ADMINISTRATION OF
THE SHELBURNE AND DISTRICT FIRE DEPARTMENT

WHEREAS By-Law 06-93 was passed by the Corporation of the Township of Melancthon and came into force on the 21st day of January 1993.

AND WHEREAS the Corporation of the Township of Melancthon deems it expedient to amend such By-Law.

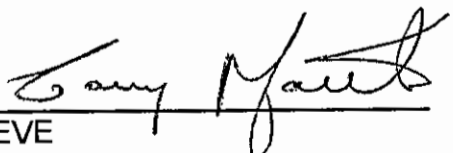
NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF MELANCTHON BY ITS MUNICIPAL COUNCIL ENACTS AS FOLLOWS:

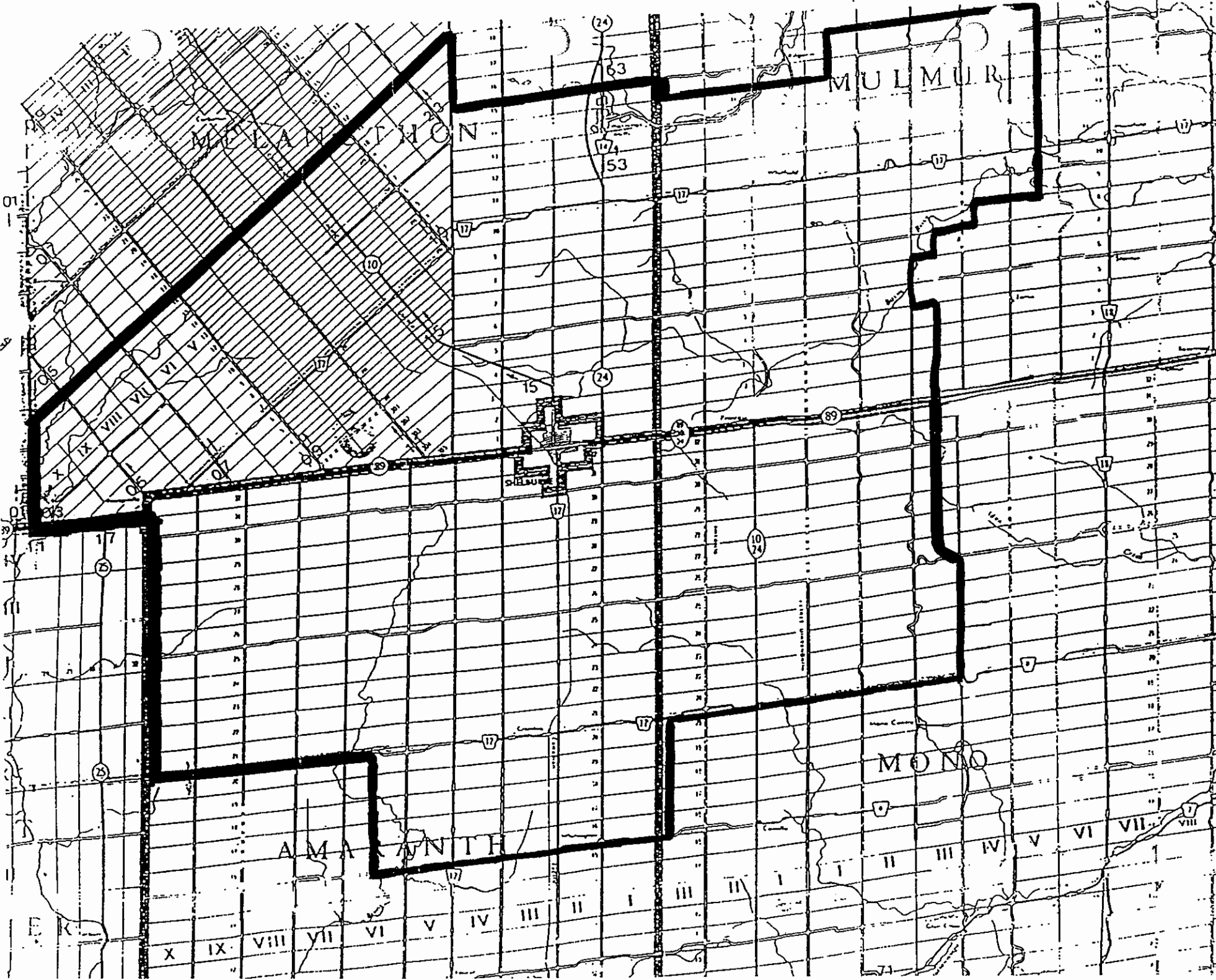
1. THAT Appendix "A" (D) of By-Law Number 06-1993 - Define Service Area of Fire Department be replaced by the attached Schedule "A" which forms part of this By-Law.
2. THAT Section 1.5 of By-Law Number 06-1993 be repealed in its entirety and the following substituted therefore:
 - 1.5 Fire Area means the area serviced by the Shelburne and District Fire Department as defined in Schedule "A" attached to the by-law; SAVE AND EXCEPT any defined area that any one municipality may deem to be excluded from fire suppression and/or rescue service as defined in their own respective municipal by-laws.
3. THAT this By-Law shall take effect and come into force on the passing thereof.

BY-LAW READ A FIRST AND SECOND TIME THIS 22nd DAY OF MARCH, 2000.

By-LAW READ A THIRD TIME AND PASSED THIS 22nd DAY OF MARCH, 2000.


CLERK


REEVE



Schedule: A

TO BY-LAW NUMBER 14-2006

SIMCOE

Fire Service Area

5

ADJALA

4

3

NTIO

MULMUR

AMARANTH

MONO

(24)

63

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TOWNSHIP OF MELANCTHON SIMPLIFIED RISK ASSESSMENT

Prepared by:
Township of Melancthon
June, 2014

Conducting a Simplified Risk Assessment is a practical information gathering and analysing exercise intended to create a community fire profile that will aid in identifying appropriate programs or activities that can be implemented to effectively address the community's fire safety needs.

As a minimum requirement, a community fire safety program must include:

1. A Simplified Risk Assessment
2. A Smoke Alarm Program
3. Distribution of fire safety education materials, and
4. Participating in inspection upon complaint or when requested to assist with fire code compliance

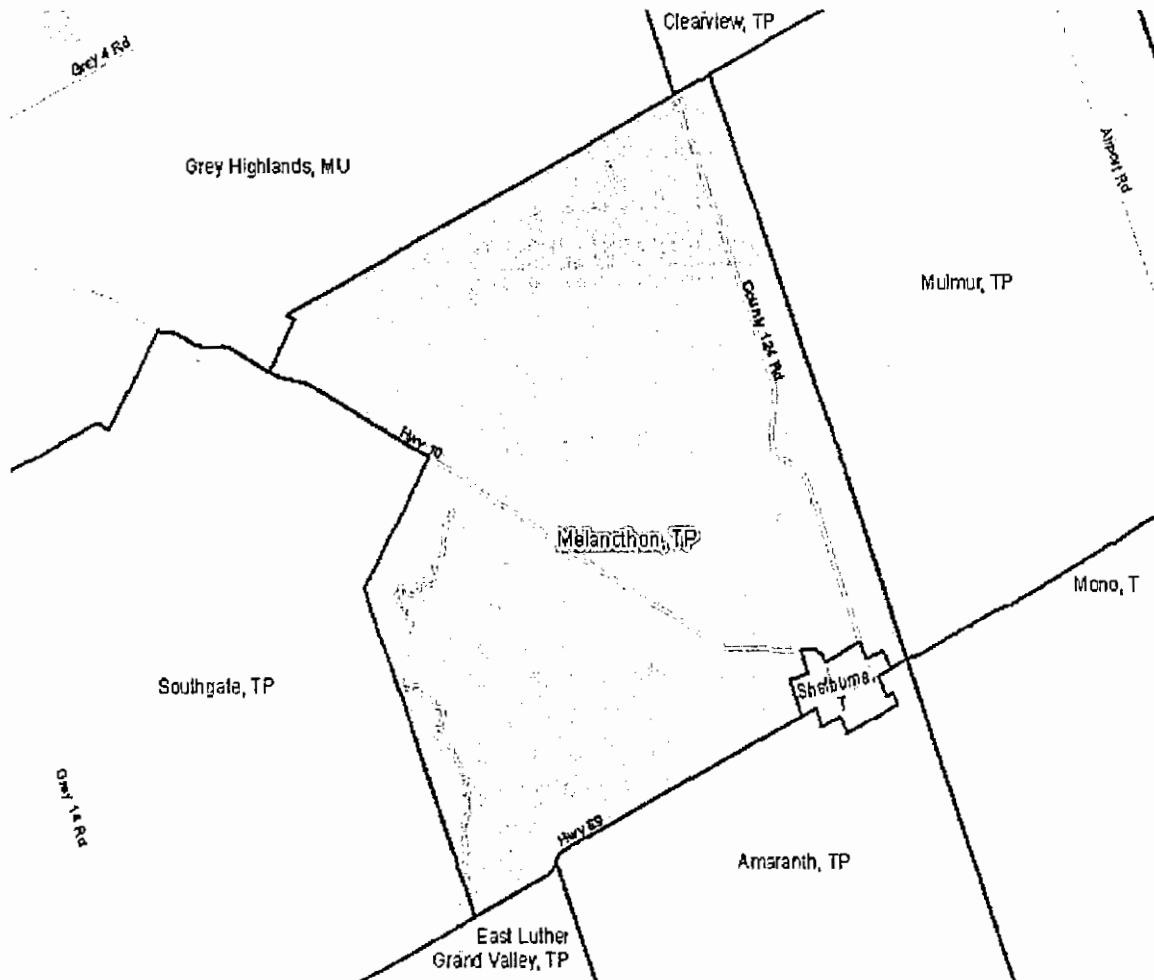
The Simplified Risk Assessment is made up of the following components:

1. Demographic Profile
2. Building Stock Profile
3. Local Fire Loss Statistics
4. Information Analysis and Evaluation
5. Priority Setting for Compliance
6. Implementing Solutions

Date Collection Component

Demographic Profile

The Township of Melancthon is a rural community that is located north and west of the Town of Shelburne. The arterial roads are County Road 124 north to Collingwood, Highway 10 north to Owen Sound and Highway 89 west to Mount Forest. The Township encompasses approximately 31,264 hectares. Within the Township, there are three Hamlets – Corbetton, Riverview and Horning's Mills. A well-known characteristic of the Township is the unique manner in which it was originally surveyed. The main occupation in the Township is farming. The growing and marketing of potatoes is a major industry. There is limited beef, dairy, sheep and horse farming carried out in the Township. The Township of Melancthon was the 1st municipality to approve and have constructed the largest wind farm in Ontario with 45 turbines. Melancthon is now home to 118 turbines with 49 more being built. The Municipal Office for the Township of Melancthon is located at 157101 Highway 10.



Demographic Profile for All of Melancthon

Age of Population	Number	% of Total Population
0-14	515	18
15-64	2025	71
65 and over	300	11
Total Population	2840	100

(Figures based on Statistics Canada – 2011)

Vulnerable Groups/Individuals (i.e. - Non ambulatory)

List of applicable occupancies	None
Total number of individuals	None

Barriers to Public Education

At different times of the year, farmers bring in Offshore Workers (approximately 50 people) to help with farming operations. According to Statistics Canada, less than 10% of the population in Melancthon Township does not speak English. Because the number of persons affected in this community is so small, it does not warrant a community-wide public education program for specific language or culture.

Information Analysis and Evaluation

Melancthon Township is mostly rural with a lot of active farming. There are three small hamlets and one rural subdivision. Melancthon has limited commercial activity but a lot of Mennonite Machine Shops. Most residents work outside the community.

Building Stock Profile Commentary

The Township of Melancthon's building stock is largely residential with strong rural and farming background. The Township of Melancthon does not have any major employers and the majority of residents work outside of the municipal boundaries. In the last few years, the Township has seen a lot of development of Mennonite Machine Shops and as of the past year, On Farm Businesses. The Township of Melancthon has three settlement areas: Horning's Mills, Corbetton and Riverview and is mostly made up of single family dwellings and farm properties. We are at the Headwaters of five Rivers - the Grand, the Nottawasaga, the Pine, the Saugeen and the Beaver. There is no industrial type farming. Off shore workers are housed in dwellings that are on the property owned by the farmer. Some are housed in mobile homes which are inspected by the Health Unit. The Township is home to 118 constructed turbines and 49 more being built at the present.

Municipal Fire Loss Profile

Municipal Fire Loss Commentary

As illustrated in the fire loss statistical information provided in the below charts, the greatest fire concern to the municipality is residential fires.

Municipal Fire Loss Profile Concerns

- Rural remote residential single family dwellings
- Farm outbuildings
- Mennonite Machine Shops

Municipal Fire Deaths and Injuries

Occupancy Classification		2011		2012		2013		Total Deaths + Injuries (2011-2013)
		Deaths	Injuries	Deaths	Injuries	Deaths	Injuries	
Group A	Assembly		0		0	0	0	0
Group B	Institutional	0	0	0	0	0	0	0
Group C	Residential	0	0	0	0	0	0	0
Groups D & E	Commercial	0	0	0	0	0	0	0
Group F	Industrial	0	0	0	0	0	0	0
Mobile Homes & Trailers		0	0	0	0	0	0	0
Other		0	0	0	0	0	0	0
Total Deaths/ Injuries		0	0	0	0	0	0	0

Municipal Property Dollar Loss

Occupancy Classification		2011		2012		2013		% of Total Dollar Loss (2011-2013)
		# of Fires	\$	# of Fires	\$	# of Fires	\$	
Group A	Assembly							
Group B	Institutional							
Group C	Residential			2	100,000	4	2,315,000	92%
Groups D & E	Commercial							
Group F	Industrial			1	200,000			8%
Mobile Homes & Trailers								
Other								
Total Dollar Loss		0	0	3	300,000	4	2,315,000	100%

Priority Setting Worksheet

Priority	Existing Status		Goals and Objectives		
Fire Safety Priority List in order of Priority	Current fire prevention/public education programs that address the fire safety priority		Existing programs adequately address the fire safety priority and ensure compliance with minimum FPPA requirements?		
			Y/N	If no, how would you reallocate resources and/or implement additional fire prevention or public education program activities	
	Fire Prevention (Inspection Activities)	Public Education Activities		Fire Prevention (Inspection) Activities	Public Education Activities
1. Residential Occupancies				N/A	<p>Each fire department shall create a pamphlet that can be handed out at the Township Office to new residents and those wishing to obtain a fire permit and as well, will be made available for all residents coming into the office.</p> <p>Each fire department shall submit a write up to go in the Township Newsletter which is published two times per year.</p> <p>The Township will advertise and sell smoke alarms at the Township Office.</p> <p>Each fire department shall submit a report to the Township advising on how their fire department is implementing the OFM "Alarmed for Life" program.</p> <p>Each fire department will attempt twice a year to visit and check residential smoke alarms. The fire department shall include this information in its quarterly report.</p>

2. Farm Safety				N/A	The fire departments shall work together to speak with the local 4H Club, Horse Associations, Ontario Federation of Agriculture and other such groups to give presentation(s) on fire and farm safety as requested.
3. Routine Inspection of High Risk Occupancies				Each Fire Department shall set up an annual inspection date of High Risk Occupancies and send a copy of the report to Council within 1 month of the inspection.	N/A
4. Seniors Population				N/A	Each Fire Department shall create a pamphlet to be left at local doctor's, dentist's senior's residents, etc., and the Township Office outlining the OFM's "Older & Wiser" program to the senior citizens of Melancthon Township.
5. Forest Fires				N/A	Each Fire Department shall prepare literature that can be handed out to residents regarding the prevention of forest fires.

#11



Corporation of the Township of Melancthon

Moved by N. Malek

Seconded by J. Crowe

Date Aug 14, 2014

Be it resolved that:

Council receive the responses from and give thanks to Jim Clayton, Mulmur Melancthon Fire Chief; the Mulmur Melancthon Fire Board; Joe Casey, OFMEM; Mayor Bill Hill and CAO Denise Holmes, for their assistance and efforts in preparing the written responses to the Ontario Fire Marshal's 30 recommendations on Fire Protection Services/Fire Prevention in the Township of Melancthon. Council appreciates their continued follow through and cooperation with the OFMEM to continue to improve fire service for Melancthon Township.

And further that Council directs staff to follow up with the Fire Chiefs to ensure receipt of documentation as required in the 30 recommendations on an annual basis.

And further that Council directs staff to forward the responses to the OFMEM and express appreciation to them, specifically Joe Casey, Program Specialist for his assistance in this matter.

Recorded Vote

Yea

Nay

- Mayor Bill Hill
- Deputy Mayor Darren White
- Councillor John Crowe
- Councillor Janice Elliott
- Councillor Nancy Malek

I, Denise B. Holmes, Clerk of the Corporation of the Township of Melancthon, do hereby certify that this is a true copy of Motion # 11 passed in open Council on Aug 14, 2014

Dated this 16th day of August, 2014

Denise Holmes
Clerk, Township of Melancthon

Carried/Lost: Bill Hill

MAYOR



Response to the 30 OFM

Recommendations

on

Fire Protection Services (Fire Prevention)

Pertaining to Mulmur/Melancthon

Fire Department

Service to the

Township of Melancthon

Prepared in conjunction with

Fire Chief Jim Clayton, Mulmur
Melancthon Fire Board, OFMEM, Mayor
Bill Hill and Denise Holmes, CAO/Clerk

August 2014

Recommendation #1

The municipal councils of Melancthon, Mulmur and Shelburne must ensure the completion of a risk assessment in their respective municipalities utilizing the OFM Fire Risk Sub-Model to identify extreme and high risk buildings/occupancies and demographic groups. Councils must then resubmit their Annual Compliance Declaration to the OFM.

Response 1: Melancthon Township has completed the Simplified Risk Assessment. The Township and the Mulmur/Melancthon Fire Department will meet in the beginning of every year and review the Annual Compliance Declaration to ensure the information is accurate and current

Recommendation#2

The municipal councils of Melancthon, Mulmur and Shelburne must ensure that the updated risk assessments for each municipality are used to develop one coordinated, comprehensive fire profile which prioritizes all extreme and high risk buildings/occupancies and demographic groups across all municipalities. Councils must ensure that the comprehensive fire profile is used to develop, evaluate and update public education, fire safety inspection and fire investigations programs and services provided across all municipalities. FPPA 9.(1)(a)

Response 2: Melancthon Township and the Mulmur/Melancthon Fire Department have and will continue to review the Annual Compliance Declaration and ensure it prioritizes all extreme and high risk buildings/occupancies and demographic groups across the Township of Melancthon. Melancthon Council, through the Fire Chief will ensure that the comprehensive fire profile is used to develop, evaluate and update public education, fire safety inspection and fire investigations programs and services provided across their municipality. The Fire Chief will submit a comprehensive report to council annually that satisfies this recommendation.

Recommendation #3

The municipal councils of Melancthon, Mulmur and Shelburne must revise their Establishing and Regulating By-laws to clearly define core services and the levels of fire prevention services based on the comprehensive fire profile for all municipalities. FPPA 9.(1)(a)

Response 3: Melancthon Township has revised their Establishing and Regulating By-Law for the Township which is waiting to be passed by council. The core services and fire prevention policy formed part of the E&R bylaw. It is my understanding that this recommendation will be satisfied upon councils passing.

Recommendation #4

The municipal councils of Melancthon, Mulmur and Shelburne must ensure an operating guideline is developed and implemented to provide written delegation of a chief fire official where referenced in the Ontario Fire Code for sections requiring "approved". FPPA 9.(1)(a)

Response 4: The Fire Chief for the department is the Chief Fire Official by default. Investigations are still under way with respect to Shelburne and how or if they will have a Fire Prevention Officer. Depending on what happens in this regard, the person would only be designated a CFO for the portions they are responsible for. If someone from another municipality was responsible for inspection and enforcement in the agreement area of the municipality then that person could be designated as the CFO for the agreement area as a whole.

Recommendation #5

The municipal councils of Melancthon, Mulmur and Shelburne must develop fire related by-laws and ensure the designation of sufficient staff to ensure the enforcement of municipal fire-related by-laws.

Response 5: The Fire Chiefs will assist in the development of municipal fire related by-laws and recommend the drafting of these bylaws as per our needs and circumstances. The Fire Chief will supply Mulmur/Melancthon Fire Board & Melancthon Township with any request or change of any By Laws that are fire department related.

Recommendation #6

The municipal councils of Melancthon, Mulmur and Shelburne must create an advisory committee with representation from each municipality. Councils must ensure the advisory committee meets annually to develop, coordinate, review and update Establishing and Regulating By-laws, fire board agreements, fire-related bylaws, policies and operating guidelines pertaining to fire prevention services to ensure continuity of service across all municipalities. FPPA 9.(1Xa)

Response 6: Melancthon will not be creating an advisory committee as we feel it will be a duplication of responsibilities of a Fire Board. However, Melancthon will work and develop a policy to be adopted by the Mulmur Melancthon and Shelburne Fire Boards to ensure that there are specific reports generated at least annually to develop, co-ordinate, review and update Establishing and Regulating By-laws, fire board agreements, fire related by-laws, policies and operating guidelines pertaining to fire prevention services to ensure continuity of service across all municipalities, FPPAS-9(1)(a) The CAO's will ensure that this is brought to the attention of the Fire Boards in January of each year to have items completed.

Recommendation #7

The municipal councils of Melancthon, Mulmur and Shelburne must ensure the comprehensive fire profile is utilized to develop a routine fire safety inspection program targeting extreme and high risk occupancies in all municipalities.

Response 7: Mulmur/Melancthon Fire Department will assist the Mulmur/Melancthon Fire Board & Melancthon council in identifying extreme and high risk occupancies and participate in inspections of these buildings as per the Fire Prevention Policy.

Recommendation #8

The municipal councils of Melancthon, Mulmur and Shelburne must ensure the development of an operating guideline for all fire departments that outlines a standard method of conducting complaint, request and routine fire safety inspections across all municipalities. FPPA 9.(1Xa)

Response 8: Fire Prevention & Inspection Policy is currently being presented to Melancthon council for approval. This Policy forms part of the E&R By-law

Recommendation #9

The municipal councils of Melancthon, Mulmur and Shelburne must ensure the development of an operating guideline for all fire departments that outlines a standard method of maintaining and storing fire safety inspections files. FPPA 9.(1Xa)

Response 9: It is recommended that Melancthon Township request past Fire Inspections reports or orders from Fire Officials, a schedule of upcoming inspection dates be delivered and reviewed by a designated township official.

Recommendation #10

The municipal councils of Melancthon, Mulmur and Shelburne must ensure that a fire safety plan is prepared "approved" and implemented in all buildings regulated by Article 2.8.1.1 of the Ontario Fire Code.

Response 10: All buildings in the Township that require Fire Safety Plans will be inspected and the Fire Safety Plans approved by the Chief Fire Official with a copy supplied to the responding fire department and a designated township official.

Recommendation #11

The municipal councils of Melancthon, Mulmur and Shelburne must ensure that personnel in all fire departments who are conducting fire safety inspections be designated as Assistants to the Fire Marshal as outlined in OFM Communique 2009- 1324. FPPA 9.(1)(a)

Response 11: More investigation needs to be conducted in this area to ensure that inspectors have the correct Assistant to the Fire Marshal designation for the parts of the municipality they will be conducting inspections in. The Mulmur/Melancthon Fire Chief will maintain this list and meet with the inspectors periodically to address any comments or concerns they may have.

Recommendation #12

The municipal councils of Melancthon, Mulmur and Shelburne must ensure that personnel in all fire departments who are conducting fire safety inspections attend training sessions on OFM Technical Guideline OFM-TG-01-2012 Fire Safety Inspections and Enforcement learn about enforcement options to gain compliance with the Ontario Fire Code. FPPA 9.(1)(a)

Response 12:

The Fire Chief for Mulmur/Melancthon will ensure all persons conducting inspections have attended the training session on OFM Technical Guideline OFM-TG-0-1-2012 Fire Safety Inspections and Enforcement. In the event the inspector has not had this formal training the Fire Chief will arrange for the individual to attend.

Recommendation #13

The municipal councils of Melancthon, Mulmur and Shelburne must ensure the development of an operating guideline for all fire departments to assist in choosing the most appropriate enforcement options pursuant to the Fire Protection and Prevention Act 27 and the Provincial Offences Act.

Response 13: We currently have a method in place for fire enforcement of fire related By-Laws.

Recommendation #14

The municipal councils of Melancthon, Mulmur and Shelburne must ensure a review is conducted of all property files maintained by all fire departments to determine if any outstanding Ontario Fire Code violations exist. Then, councils must ensure follow-up/recall inspections are conducted to verify that either compliance with the previous inspection has been obtained or should use options available for remedying Fire Code contraventions and/or fire hazards as per OFM Technical Guideline OFM-TG-01-2012 Fire Safety Inspections and Enforcement 28.

FPPA 9.(1)(a)

Response 14: Melancthon Township will request the property files with Fire Inspections from the Fire Officials from Shelburne and Mulmur. The Fire Chief will review these files and follow up with recommendations and a schedule of re-inspection dates.

Recommendation #15

The municipal councils of Melancthon, Mulmur and Shelburne must ensure the development of an operating guideline or memorandum of understanding that formalizes the relationship between all fire departments and the County of Dufferin Building Department for the purpose of plan reviews, final occupancy inspections and information sharing. FPPA 9.(1Xa)

Response 15: Mulmur/Melancthon Fire Department will work with the County of Dufferin Building Department for dealing with fire code reviews.

Recommendation #16

The municipal councils of Melancthon, Mulmur and Shelburne must designate personnel in all fire departments to receive their Building Code Inspection Number (BCIN) from the Ontario Ministry of Municipal Affairs and Housing if they are going to complete plan reviews and final occupancy inspections. FPPA 9.(1Xa)

Response 16: Currently all the plans review and final occupancy inspections are the responsibility of the Dufferin County Building Department. In the event Melancthon decides to provide this service we will endeavor to have staff designated.

Recommendation #17

The municipal councils of Melancthon, Mulmur and Shelburne must ensure the development of an operating guideline for all fire departments for the development, implementation and location/availability of pre-incident plans for all extreme and high risk occupancies.

Response 17: An Operational Guideline has been drafted to ensure Pre-Incidents are developed and approved by Fire Chief through Fire Safety Inspections.

Recommendation #18

The municipal councils of Melancthon, Mulmur and Shelburne must ensure that a training program on pre-incident planning is developed. Councils must ensure that all suppression and fire prevention personnel in all fire departments participate in all pre-incident planning activities, including training. FPPA 9.(1Xa)

Response 18: An Operational Guideline have been developed to ensure pre-incident planning is developed and ensure that all suppression and fire prevention personnel participate in all pre-incident planning activities.

Recommendation #19

The municipal councils of Melancthon, Mulmur and Shelburne must designate a shared, certified chief fire prevention officer to ensure the capacity to develop, implement, track, and recommend public fire and life safety education programs and to evaluate public education, fire safety inspections and fire investigations programs and activities across all municipalities. FPPA 9.(1)(a)

Response 19: With the education back ground required and the college time needed, it is hard for firefighter to commit to completing the Fire Prevention Officers courses and the sophistication required to complete fire inspections, a shared FPO would be beneficial to ensure that uniform public education programs are addressing the needs of the community.

Recommendation #20

The municipal councils of Melancthon, Mulmur and Shelburne must ensure the development of an operating guideline for all fire departments outlining the implementation of the OFM's Alarmed for Life³¹ smoke alarm program, and include strategies to enforce the smoke alarm legislation, to ensure continuity of service and consistent messaging across all municipalities.
FPPA 9.(1Xa)

Response 20: We have a current operating guideline for the OFM's Alarmed for Life smoke alarm program, and include strategies to enforce the smoke alarms in our community.

Recommendation#21

The municipal councils of Melancthon, Mulmur and Shelburne must ensure interaction within and between all fire departments for the transfer of information to develop, update and evaluate all public education, fire safety inspection and fire investigations programs.

Response 21: Representatives from Melancthon Township will be asked to meet with all Fire Chiefs in their respective areas to evaluate all public education, fire safety inspection and fire investigations programs. Currently meeting minutes are reviewed at council.

Recommendation #22

The municipal councils of Melancthon, Mulmur and Shelburne must ensure that all fire departments report all fire incidents to the OFM that meet the criteria as stated in the fire Marshal's Directive 2011-01: OFM Notification of Fires and Explosions.
FPPA 9.(1)(a)

Response 22: Mulmur/Melancthon Fire Department is already in compliance with the OFM's Directive 2011-01: OFM Notification of Fires and Explosions it is standard procedure for this department, refer to Operational Guideline #1303

Recommendation #23

The municipal councils of Melancthon, Mulmur and Shelburne must ensure the development of an operating guideline for all fire departments outlining the requirements and procedures for post-fire follow-up inspections of a building or occupancy to verify compliance with relevant codes and standards.
FPPA e.(l)(a)

Response 23: Mulmur/Melancthon Fire Department is already in compliance with the procedures for post-fire follow-up inspections of a building procedure for this department; refer to Operational Guideline #1310

Recommendation#24

The municipal councils of Melancthon, Mulmur and Shelburne must ensure the development of an operating guideline for all fire departments outlining the implementation of a fire watch in a building or occupancy where the fire protection systems are out of service as a result of a fire or malfunction.
FPPA e.(l)(a)

Response 24: Mulmur/Melancthon Fire Department is already in compliance with the procedures for Fire Watch & Spark Watch for this department, refer to Operational Guideline #812 & 813

Recommendation # 25

The municipal councils of Melancthon, Mulmur and Shelburne must ensure the development of operating guidelines, a formal indoctrination process and training programs to ensure personnel in all fire departments involved in fire prevention activities are trained as required to perform their municipal and legislative responsibilities and duties. FPPA 9.(1)(a)

Response 25: Currently we only have one trained Firefighter at the level required to conducting Fire Inspections, for the past this was adequate, but discussions of recruiting services from other Fire Prevention Services could decide if more education & certified members are required.

Recommendation #26

The municipal councils of Melancthon, Mulmur and Shelburne must ensure that all fire departments maintain training records for training in fire prevention activities. FPPA e.(IXa)

Response 26: Reports of training are presented in year-end reports with a break-down of topics and time spent on that topic.

Recommendation#27

The municipal councils Melancthon, Mulmur and Shelburne must ensure all fire departments provide all personnel involved in fire prevention activities with the required equipment for the performance of their duties. FPPA 9.(1)(a)

Response 27: Fire Chief has budgeted for Fire Prevention supplies.

Recommendation #28

The municipal councils of Melancthon, Mulmur and Shelburne, in consultation with their legal services, must develop a policy pertaining to the retention of fire department records. FPPA 9.(1Xa)

Response 28: Mulmur/Melancthon Fire Department will supply Melancthon Township with copies of Fire Inspections and Fire Plans from Fire Officials. Copies will be kept on file as per what their document control requires.

Recommendation #29

The municipal councils of Melancthon, Mulmur and Shelburne must ensure that a records management system be developed and implemented across all fire departments to ensure consistency and continuity. FPPA 9.(1)(a)

Response 29: The Fire Chief will work with Melancthon Township to devise a plan to control Fire Inspections from Fire Officials and maintain Fire Inspection files with all other township documents.

Recommendation #30

The municipal councils of Melancthon, Mulmur and Shelburne must develop a timeline for the implementation of the recommendations contained within this report. FPPA 9.(1Xa)

Response 30: Melancthon Township should set up meeting ASAP with the 3 Fire Officials and discuss this report and recommendations and put plan in place with time lines.

THE CORPORATION OF THE TOWNSHIP OF MELANCTHON

BY-LAW NO. 39-2014

BEING A BY-LAW TO ESTABLISH AND REGULATE A FIRE
DEPARTMENT FOR THE CORPORATION OF THE TOWNSHIP OF
MELANCTHON AND TO REPEAL BY-LAW NO. 15-2014

WHEREAS Section 8 of the Municipal Act, 2001, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the Act;

AND WHEREAS Section 130 of the Municipal Act, 2001, provides that a municipality may regulate matters for the health, safety and wellbeing of the inhabitants of the municipality;

AND WHEREAS Section 5 of the Fire Protection and Prevention Act, 1997, provides that the Council of a municipality may establish, maintain and operate a fire department for all or any part of the municipality;

NOW THEREFORE be it resolved that the Council of the Corporation of the Township of Melancthon hereby enacts the following:

1. In this By-Law, unless the context otherwise requires,
 - a) "Additional Service(s)" includes retaining a private contractor, renting special equipment not normally carried on fire apparatus, or using more materials than are carried on a fire apparatus normally.
 - b) "Approved" means approved by the Council of the Township of Melancthon.
 - c) "Chief Administrative Officer" means the person appointed by the Council of the Township of Melancthon to act as Chief Administrative Officer for the Corporation.
 - d) "Confined Space" means any space that has limited or restricted means for entry or exit, such as tanks, vessels, silos, storage bins, hoppers, vaults, trenches, excavations and pits, and which are not designed for continuous human occupancy.
 - e) "Corporation" means the Corporation of the Township of Melancthon.
 - f) "Council" means the Council of the Township of Melancthon.
 - g) "Deputy Fire Chief" means the person(s) recommended by the Fire Board and appointed by the Council of the Township of Melancthon to act in the place of the Fire Chief in the Fire Chief's absence, or in the case of a vacancy in the position of Fire Chief.
 - h) "Fire Chief" means the person recommended by the Fire Board and appointed by the Council of the Township of Melancthon to act as Fire Chief of the fire department and is ultimately responsible to the Council of the Township of Melancthon as defined in the *Fire Protection and Prevention Act*.
 - i) "Fire Code" means the *Ontario Fire Code Ontario Regulation 213/07* established under Part IV of the FPPA.
 - j) "FPPA" means the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c 4, as amended.

- k) "Fire Department(s)" means the Shelburne and District Fire Department, the Mulmur Melancthon Fire Department and the Township of Southgate Fire Department.
 - l) "Fire Board" means the elected representatives appointed from the participating municipalities covered by the Shelburne and District Fire Department and the Mulmur Melancthon Fire Department is hereby referenced in this document as "the Board".
 - m) "Fire Protection Agreement" is a contract between municipalities, other agencies, individuals, or a company that clearly defines the responsibilities, terms, conditions, and all other aspects of the fire services purchased, provided and/or required.
 - p) "Fire Protection Services" includes fire suppression, fire prevention, fire safety education, communications, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all of those services.
 - n) "Member" means any persons employed in, or appointed to, a fire department and assigned to undertake fire protection services and includes its volunteer officers and volunteer firefighters.
 - o) "Officer" means person(s) appointed to the rank of District Fire Chief, Training Officer, Captain, Lieutenant or Fire Prevention Officer.
 - p) "Specialized rescue" shall mean rescue response to low angle rope rescue, shore based water rescue, confined space rescue, trench collapse awareness, auto extrication, Mission Specific Operations Level Hazardous Materials Response, Awareness Level Hazardous Materials Response in accordance with available resources, other rescues deemed by the fire service to fall within available training skill sets, available personnel and required specialized equipment.
 - q) "Volunteer Firefighter" means a firefighter who provides fire protection services either voluntarily or for a nominal consideration, honorarium, training or activity allowance.
2. The fire departments servicing the Corporation are the Shelburne and District Fire Department, the Mulmur Melancthon Fire Department and the Township of Southgate Fire Department and the head of those departments shall be known as the Fire Chief.
 3. The Southgate Fire Department will service the portion of the municipality as outlined in Appendix C under Fire Protection Agreement dated May 19, 2011.
 4. The fire departments may be structured with a Fire Chief, Deputy Fire Chief, officers and firefighters in accordance with the organization chart and the Fire Protection Services defined in this section.
 5. The Fire Chief shall report to the Fire Board(s) and the Chief Administrative Officer but is ultimately responsible to the Council of the Township of Melancthon for the delivery of fire protection services and for proper administration and operation of the fire department
 6. The Fire Chief may recommend to the Board/Council, the appointment of any qualified person as a member of the fire department subject to the approved hiring policies of the Board/Council.
 7. A person is qualified to be appointed as a member who:
 - a) Is not less than 18 years of age and not more than 60 years of age for Fire Suppression;
 - b) Passes such tests, exams and interviews as shall be required by the Fire Chief; and,
 - c) Is medically fit to be a member as certified by a licensed physician. If the existing

member is 60 or older and wishes to remain in a Fire Suppression role on the fire department they must pass and annual medical and fitness testing as outlined by the fire department; which shall be paid for by the Board.

8. Persons appointed as members of the fire department shall be on probation for a period of twelve months during which period the probationary member shall take such special training and examinations as may be required by the Fire Chief.
9. If a probationary member fails any such examinations, the Fire Chief may recommend to the Board/Council that he/she be dismissed.
10. Working conditions and remuneration for all firefighters shall be determined by the Board/Council.
11. If a medical examiner finds a member is physically unfit to perform assigned duties and such condition is attributed to and a result of employment in any fire department serving Melancthon Township, the Board/Council may assign the member to another position in the fire department or may retire him/her. The Board/Council may provide retirement allowances to members, subject to *the Municipal Act*.
12. The Fire Chief may appoint an existing member or any other person deemed appropriate, to the position of Fire Department Chaplain. The Chaplain may provide services including but not limited to:
 - a) Critical incident stress counselling and debriefing
 - b) Chaplaincy services at official functions, fire service funerals and memorials
13. Nothing in this By-Law will restrict the Fire Department to providing only Core Services (Appendix A) or limit the provision of the Fire Protection Services at the discretion of the Chief Fire Official or Incident Commander provided that fire department staff is not requested to perform duties outside of their provided training, equipment, resources and sufficient staff availability
14. The Fire Chief shall implement and review periodically all approved policies and shall develop such standard operating procedures and guidelines, general orders and departmental rules as necessary and shall ensure the appropriate care and protection of all fire department equipment. The Fire Chief may establish a committee consisting of such members of the fire department as the Fire Chief may determine from time to time to assist in these duties.
15. The Fire Chief shall submit to the Township of Melancthon or the Board for approval, the annual budget estimates for the fire department, an annual report and any other specific reports requested by the Board/Council.
16. Each division of the fire department is the responsibility of the Fire Chief and is under the direction of the Fire Chief or a member designated by the Fire Chief. Designated members shall report to the Fire Chief on divisions and activities under their supervision and shall carry out all orders of the Fire Chief.
17. Where the Fire Chief designates a member to act in the place of an officer in the fire department, such member, when so acting, has all powers and shall perform all duties of the officer replaced.
18. The Fire Chief may reprimand, suspend or dismiss any member for an infraction of any of the provisions of this bylaw, policies, general orders and department rules that in the opinion of the Fire Chief would be detrimental to the discipline and efficiency of the fire department.
19. Following the dismissal to a member, the Fire Chief shall report in writing the reasons for the dismissal to the Board.

20. A volunteer firefighter shall not be dismissed without being afforded the opportunity for a review of termination by the Board if he/she makes a written request for such a review within seven working days after receiving the notification of the proposed dismissal.
21. The Fire Chief shall take all proper measures for the prevention, control and extinguishment of fires and the protection of life and property. The Fire Chief shall exercise all powers mandated by *the Fire Protection and Prevention Act*, and the Fire Chief shall be empowered to authorize:
 - a) Pulling down or demolishing any building or structure to prevent the spread of fire.
 - b) All necessary actions which may include boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident, when unable to contact the property owner.
 - c) Recovery of expenses incurred by such necessary actions for the Board/Council and/or municipalities in the manner provided through *the Municipal Act* and *the Fire Protection and Prevention Act*.
 - d) Shall prepare an annual report and present to the municipalities it represents including activities according to *the Fire Protection and Prevention Act*.
22. That as a result of a Fire Department's response to a fire or emergency incident, the Fire Chief or his designate determines that it is necessary to incur additional expenses, retain a private contractor, rent special equipment not normally carried on fire apparatus or use more materials that are carried on a fire apparatus in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, control and eliminate an emergency, carry out or prevent damage to equipment owned by or contracted to the Corporation, assist in or otherwise conduct fire cause investigation or determination or otherwise carry out the duties and functions of the Fire Department and/or to generally make "safe" an incident or property, the owner of the property requiring or causing the need for the "Additional Service" or expense shall be charged the full costs to provide the "Additional Service" including all applicable taxes. Property shall mean personal and real property.
23. The fire department shall not respond to a call with respect to a fire or emergency outside the limits of the municipalities represented in the Board/Council except with respect to a fire or emergency:
 - a) That, in the opinion of the Fire Chief or designate of the fire department, threatens property in the municipality represented in the Board/Council or property situated outside the municipalities represented by the Board/Council that it is owned or occupied by the municipality.
 - b) In the municipalities represented by the Board/Council with which an approved agreement has been entered into to provide fire protection services which may include mutual or automatic aid.
 - c) On property with which an approved agreement has been entered into with any person or corporation to provide fire protection services.
 - d) At the discretion of the Fire Chief, to a municipality authorized to participate in any county, district or regional mutual aid plan established by a fire coordinator appointed by the Fire Marshal or any other similar reciprocal plan or program.
 - e) On property beyond the municipal boundary of the municipalities represented by the Board/Council, where the Fire Chief or designate determines immediate action is necessary to preserve life or property and the appropriate department is notified to respond and assume command or establish alternative measures, acceptable to the Fire Chief or designate.

AND FURTHER THAT the attached Appendix A titled "Core Services", Appendix B titled "Fire Prevention Policy", Appendix C "Fire Areas" and Appendix D "Organizational Chart" shall constitute part of this By-law. Appendices may be updated as need by a motion of the Council of the Township of Melancthon.

This by-law comes into effect the day it is passed by Council of the Township of Melancthon. By-law 15-2014 passed on March 6, 2014 is hereby repealed.

BY-LAW read a first, second and a third time and finally passed in open Council of the Township of Melancthon this 14th day of August, 2014.

Denise Holm
.....
CLERK

Bill Hill
.....
MAYOR

APPENDIX A

Township of Melancthon - Core Services

All Fire Departments shall have an operational guideline and/or procedure for each of the Core Services listed below.

Interior Suppression & Rescue

Performed when staffing and building integrity permit entry, performed with fire suppression support, performed as water supply permits and implemented to rescue trapped persons.

Offensive Operations (interior fire suppression)

Performed when staffing, water supply and building integrity permit entry and implemented to prevent further dollar loss.

Defensive Operations

Performed when there is insufficient staffing and/or structural instability, performed as water supply permits and implemented to reduce loss to surrounding areas.

Areas without Municipal Water Supply

In areas without municipal water supply, the fire department will respond with water tankers. This service does not meet Superior Tanker Shuttle accreditation.

Rural Firefighting Operations

In areas outside of a 4 kilometer radius of a fire station, which may or may not have municipal water supply, there may be increased response times due to travel distance, road grades and weather conditions. Fire suppression operations will be determined by accessibility, staffing, structural integrity and water supply.

Tiered Response

The fire department does have an agreement to respond as a tiered agency with OPP and EMS. The fire department will respond as requested to provide assistance for the OPP or EMS.

Motor Vehicle Accidents

The fire department will respond as a tiered agency and will offer traffic control, patient care, scene stabilization and spill/debris cleanup as needed.

Vehicle Extrication

The fire department will respond as a tiered agency and will gain access to patients trapped in vehicles, for removal by EMS or other agencies using hand tools, heavy hydraulics and air bags as required.

Remote Extrication

The fire department will assist police and/or EMS in the search/extrication of patients from remote locations. Typical patients include hikers, bikers, skiers, horseback riders, snowshoers and climbers. The fire department will respond with ATV and trailer mounted stretcher and respond on foot where ATV access is not possible. Extrication is limited by terrain and weather conditions. All personnel will be trained in the operation of the ATV.

The fire department is trained to confined space awareness level only. The fire department will respond based on conditions and circumstances

Farm Accidents

The fire department is trained to confined space awareness level only. The fire department will respond based on conditions and circumstances to assist in remote areas, roll overs, entanglements, confined space* and silos* using hand tools, heavy hydraulics, air bags as required.

Industrial Accidents

The fire department is trained to confined space and HazMat awareness level only. The fire department will respond based on conditions and circumstances to assist with entanglements, confined space*, electrical hazards and chemical hazards using hand tools, heavy hydraulics and/or air bags as required.

Confined Space Rescue

**Confined Space Rescue is only performed providing that all training, equipment, knowledge and personnel are available to facilitate rescue.*

The fire department is trained to confined space awareness level only. The fire department will respond based on conditions and circumstances to assist with rescue from areas not designed for human occupancy, restricted means for entry or exit, back up for municipal employees working in these areas including but not limited to cisterns and vaults and municipal water tower (interior only).

Rescue shall be provided using hand tools, ropes, tripod and confined space self-contained breathing equipment.

Low Angle Rescue (steep slope)

This form of rescue will be used to perform remote extrication and vehicle accidents with rescue provided using hand tools, ropes, pulley systems.

Water Rescue

All firefighters shall wear a life jacket when engaged in water rescue.

Water rescue shall be delivered in 3 methods dependent on the circumstances and shall include search and rescue on the surface but does not include salvage or recovery. Static Water (harbour, shoreline); Swift Water (shoreline), and Ice Water (harbour, shoreline).

Rescue will be administered shore based using ropes.

Services Requiring Outside Agencies

Building Collapse Rescue and Trench Rescue

Mutual Aid coordinator shall be contacted and the fire department will provide support and assistance to the responding agency.

Awareness Level Response Hazardous Materials (transporting, storage)

Includes all hazardous materials and fire incidents involving propane storage, agricultural and industrial process. CANUTEC shall be contacted. The fire department will provide support and assistance to the responding agency.

Electrical Hazards

Includes responses to downed or arcing hydro wires. Hydro and OPP shall be contacted and the fire department will provide scene security and traffic control as required until the responding agencies arrive.

Carbon Monoxide

Includes responses to residential and commercial carbon monoxide alarms or as requested by outside agencies. Will include using air monitoring detectors to determine the presence of carbon monoxide, evacuate the areas as required, and notify outside agencies as required to respond, locate and repair source of carbon monoxide leak.

Natural Gas Leaks

Includes responses to gas line ruptures or as requested by outside agencies. Gas Company and the OPP shall be contacted. The fire department will provide scene security and traffic control as required until the responding agencies arrive.

Mutual Aid

The fire department will activate Provincial Mutual Aid when the need arises and will follow all the procedures in the plan.

The fire department will respond to assist with Mutual aid when requested.

APPENDIX B

Township of Melancthon - Fire Prevention Policy

This Fire Prevention Policy has been reviewed and approved by the Municipal Council of the Township of Melancthon on _____ and is applicable in its entirety for the whole of the municipality.

For the purposes of this Policy, fire safety includes safety from the risk that a fire, if started, would seriously endanger the health and safety of any person or the quality of the natural environment for any use that can be made of it. 1997, c.4, s.18. *Fire Protection and Prevention Act* Part VI s.18

Fire Prevention Records Keeping

Current records relating to all fire prevention activities must be prepared and retained at the Fire Hall and a copy forwarded to the Township. These records include:

- Emergency response statistics using the Standard Fire Incident Report
- Fire investigations (with a copy to the Ontario Fire Marshal) including post-fire follow-up inspection reports.
- Simplified risk assessment and any other needs analysis processes containing a current community fire profile identifying current public education and prevention needs
- List of complaint, request and routine fire safety inspections completed according to schedule. Report of follow up to ensure that all (if any) outstanding Ontario Fire Code contraventions or fire hazards as per Ontario Fire Marshal (OFM) Technical Guideline OFM-TG-01-2012 Fire Safety Inspections and Enforcement are completed.
- List of pre-incident plans for all extreme and high risk occupancies
- Record of all personnel who have completed a training program on pre-incident planning
- Detail of implementation including strategies to enforce legislation, to ensure continuity of service and consistent messaging regarding OFMEM's Alarmed for Life smoke alarm program.
- Record and copies of distribution of Public Fire Safety information and media releases
- Record of Fire Department attendance at municipal events for Public Fire Safety
- Copies of lectures, demonstrations and presentations to the public
- Building code plans examinations
- Written delegations of a chief fire official where referenced in the *Ontario Fire Code*

- Written designations of Assistants to the Fire Marshal as outlined in OFM Communique 2009-1324 for all personnel who are conducting fire safety

inspections and verification that personnel attended training session on OFM Technical Guideline OFM-TG-01-2012 Fire Safety Inspections and Enforcement

- Fire safety plans for "approved" buildings regulated by Article 2.8.1.1 of the *Ontario Fire Code*.
- List of designated personnel that have received their Building Code Inspection Number (BCIN) from the Ontario Ministry of Municipal Affairs and Housing in order to be able to complete plan reviews and final occupancy inspections.
- List of personnel involved in fire prevention activities that are trained to perform their municipal and legislative responsibilities and duties.

Inspections:

Issues as they relate to the Ontario Building Code for new construction and/or alterations to existing buildings shall be referred to the Building Department.

New Construction

- Compliance issues which reference the Ontario Building Code through the Ontario Fire Code shall be addressed in consultation with the Building Department.
- The fire department shall consult with the Building Department for tactical purposes in regard to life safety systems, suppression systems, fire routes, and water supply and f/d connections.
- The fire prevention department shall consult with the Building Department prior to commercial building occupancy, to ensure proper placement of fire extinguishers and fire safety plan development.
- The Building Department will be requested to advise the fire department when building occupancy has been granted and/or building permits closed.
- To ensure accurate records for the maintenance of fire systems within buildings after occupancy has been granted, the Building Department will be requested to forward copies of all installation, test and verification reports to the fire department upon completion of the project or occupancy of the building.

Routine

- It is the policy of the fire departments to conduct fire prevention inspections of occupancies, at the frequencies indicated in this policy as approved by Council.

Request

- Request inspections shall be completed by qualified staff within 5 business days or as soon as practical as determined by fire and life safety concerns.

Complaint Inspections

- Complaint inspections shall be completed by qualified staff within 1 business day or as soon as practical as determined by fire and life safety concerns.

Boarding Lodging and Rooming Houses

- When the fire department becomes aware of Boarding Lodging and Rooming Houses, as described by Fire Code Commission Ruling 2011A012-177, or through request and/or complaint inspections, they shall be inspected in accordance with section 9.3 Div B of the Ontario Fire Code. Requirements of the Ontario Fire Code shall be enforced. Requirements of the Ontario Fire Code which are relevant to the Ontario Building Code shall be directed to the Building Department and completed under permit as applicable.

Fireplaces and Woodstoves

- These appliances will be inspected upon request. Inspections will be limited to the visible portions of the existing unit only, as at the time of inspection.
- The inspection shall include only those maintenance items regulated by Ontario Fire Code Div B 2.6.
- WETT (Wood Energy Technical Training) inspections shall be requested. The subsequent reports shall be forwarded to the fire and Building Departments.
- The building department should be advised of the inspection and subsequent findings to ensure the appliance has been installed under permit.

Retrofit

- The fire department will take a pro-active approach to notifying any/all property owners whose property is governed under the Ontario Fire Code Retrofit legislation.
- The fire department will inspect any properties governed by retrofit legislation as requested by the property owner to ensure compliance and advise the owners in writing of their compliance requirements.
- The building owner will be required to consult Building Department where OBC requirements are identified to comply with the Ontario Fire Code.
- The Chief Fire Prevention Officer (CFPO) shall advise the Chief Building Officer (CBO) accordingly.

Fire Code Enforcement

- With discretion, the fire department shall enforce the Ontario Fire Code in accordance with Part VII of the Fire Protection & Prevention Act, where building owners fail to comply with requirements of the Act or the regulations.

Ontario Fire Code References to the Ontario Building Code

- Where the Ontario Fire Code references the Ontario Building Code(OBC) for compliance requirements, the following shall apply:
 - The Chief Building Official shall be notified in writing by the Chief Fire Prevention Officer, of the circumstances, and provided with a copy of the report/order which has been issued to the building owner.
 - The CFPO shall direct the building owner to Building Department for all issues relating to the OBC and related permits.
 - The CBO shall keep the CFPO informed of project status and approvals.

- The CBO shall be responsible for accepting all requirements of the OBC referenced by the OFC.

Zoning Related Issues

- The Planner shall be advised of all Zoning inquiries and concerns.

Fire And Life Safety Education:

- The fire department will provide public fire and life safety education programs to the residents of the municipality on an ongoing basis.
- Programs will be developed internally or where applicable utilize Ontario Fire Marshal and Emergency Management programs such as: Learn Not to Burn, Alarmed for Life, TAPP-C etc.

Distribution of Fire Safety Information:

- The fire department will provide public fire safety messages and awareness campaigns through all available media.
- The fire department will make fire prevention information, pamphlets and literature available to the public.

Smoke Alarm Program:

- The fire department will maintain a working smoke alarm program throughout the municipality.
- The program shall be reviewed and revised annually, or as required, due to changes in legislation and/or demographics.

Risk Assessment:

- The Risk Assessment shall be reviewed and revised every three years.

Fire Investigation and Cause Determination:

- The fire department will investigate all fires within its responding area with the intent to determine cause for the purposes of developing public education programs accordingly.
- The Office of the Fire Marshal and Emergency Management (OFMEM) shall be notified to investigate fire scenes in accordance with OFMEM Guidelines.
- Buildings damaged by fire, will be assessed for structural integrity by a qualified person, should there be any question in regards to the safety of personnel entering for investigation purposes.

Fire Loss Statistics:

- Fire loss statistics will be gathered, analyzed and used in the development of future fire prevention/education programs.

Fire Prevention Staff Training:

- To ensure the required level of Fire Prevention and Public Education as outlined by this policy, an ongoing comprehensive training program will be put in place for fire department personnel.
- To ensure the required level of Fire Prevention and Public Education as outlined by this policy; prevention staff will participate in-service training and Ontario Fire College prevention curriculum.

Conclusion:

Fire Prevention includes public education, early detection and early suppression as integral components in the protection of life and property in the municipality. Reducing injuries and losses coupled with empowering owners to maintain their buildings; is a cornerstone in the foundation of developing a fire safe community. The fire prevention policy provides for the participation of all members of the department in fire prevention activities. The inspections, enforcement and public education duties will be regulated by the Chief Fire Prevention Officer in consultation with the Fire Chief. The types and frequency of inspections approved by Council are listed on the following table.

TYPES AND FREQUENCY OF INSPECTION
 Not including by complaint or by request
 Detailed listing included in the Simplified Risk Assessment

<i>Occupancy</i>	<i>Frequency</i>
Group A - Assembly - An assembly occupancy is defined as one that is used by a gathering of persons for civic, political, travel, religious, social, educational, recreational or like purposes or for the consumption of food or drink (more than 30 persons) Includes Arenas and occupancies in which occupants are gathered in the open air.	Every two years or annually if possible
Group B - Care or Detention Occupancies - A care or detention occupancy means the occupancy or use of a building or part thereof by persons who (a) are dependent on others to release security devices to permit egress,(b) receive special care and treatment, or(c) receive supervisory care	Annually
Group C - Residential - A residential occupancy is defined as one that is used by persons for whom sleeping accommodation is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained.	As noted below
Single Family Dwelling Units	Complaint or request only
Multi-unit Residential	Every two years or annually if possible

Hotel/Motel	Every two years or annually if possible
Mobile Homes and Trailers	Complaint or request only
Residential Schools / Treatment Centre	Annually
Group D - Business and Personal Services Occupancies - A business and personal services occupancy is defined as one that is used for the transaction of business or the rendering or receiving of professional or personal services.	Complaint or request only
Group E - Mercantile Occupancies - A mercantile occupancy is defined as one that is used for the displaying or selling of retail goods, wares or merchandise	Complaint or request only
Group F - High/Medium/Low Hazard Industrial Occupancies An industrial occupancy is defined as one for the assembling, fabricating, manufacturing, processing, repairing or storing of goods and materials. This category is divided into low hazard (F3), medium hazard (F2) and high hazard (F1) based on its combustible content and the potential for rapid fire growth.	Complaint or request only
Other Properties - Not Classified in OBC, not including farm buildings. Includes those that contain large quantities of combustible materials, Aggregates, propane storage facilities, outdoor tire storage yards, grasslands/forests, plastic recycling depot, railway lines used to transport high volumes of large quantities of hazardous chemicals, etc.	Complaint or request only

APPENDIX D

Township of Melancthon - Fire Organizational Chart

