Fire Safety Enforcement Highlights: 

* O. Reg. 33-19 has amended the Fire Code and addresses Cannabis and Fire Fighters elevators but also amends the frequency of fire drills required in Retirement Homes to monthly in addition to the annual drill based on an approved scenario that is observed by the inspector.
* Inspection Orders-
  + When issuing an inspection order under section 21 (1) the FPPA allows you to issue the order to the “owner and/or occupant”; but the reference to the “owner” in the FPPA *does not* reflect the expanded definition of the term “owner” found in the Fire Code and this should not be used to determine who you hold responsible for doing the work required. In cases when you wish work to be undertaken to address fire safety issues by the “owner” then efforts should be made to determine the legal owner of the premises. This is the information that will be entered into the “TO” line on the order and should be the same information entered onto the “served upon” line at the bottom of the order. It stands to reason that if you wish someone to undertake work that they should be served a copy of the paperwork clearly stating that
  + TIP- once filled in, the “TO” line never changes on the order but the “served upon” line may. If you wish to serve a copy of that order to any other person after you have served the person you are holding responsible to do the work, such as directors, officers, or managers you may simply change the name entered into the “served upon line” to reflect those other persons but you *do not* change the “TO” line to include their names as you are not changing the party you are originally holding responsible to complete the work.
  + When you are articulating in the order the action(s) required to address the fire safety issues, inspectors should not include wording in this part to “order” someone to obtain a building permit as part of the “actions required” in the inspection order; this is outside the scope of your authority as an inspector enforcing the Fire Code and FPPA. That particular authority rests with the Building Department as outlined under the Building Code Act. You may opt to include a “note” at the bottom of the order reminding the recipient they should contact the local building department to obtain any required permits before they undertake the work outlined in the order, the OFMEM template has included this already.
  + The most common order- 21 (1) (G)- to remedy a contravention of the Fire Code. Although there is no set prescribed wording for orders there is certain required content or “ a recipe” that would go towards supporting your under upon review. Whether you use a DBL APPENDIX or a single APPENDIX format, the “reasons for the order” are required as per FPPA Section 23. For orders that are being issued to address contraventions of the Fire Code it is not sufficient to simply state that building is in contravention of the Fire Code; that is already known as you have stipulated the FPPA Authority on the front of the order as “G”. What is required under this portion of the order, which is typically in Appendix A, is a description of what the contravention is and where the contravention exists. Then in APPENDIX B you would quote the applicable fire code reference and provide appropriate direction to alleviate the contravention. See example at bottom of article. For those who have computer programs that do not let you modify the APPENDIX A it doesn’t matter if the description and location of the contravention goes in APPENDIX B as long as the information is there somewhere in the order. The OFM forms are not prescribed which means you can format the information as you like as long as the key components of an inspection order are all there.
  + Inspection Orders and the word “rescind”. Although it can be frustrating for an inspector to have your order or part of your order rescinded this does not prevent you from addressing the fire safety issues. Seek additional information if not already provided upon review as to why your order was rescinded and then take steps to draft a new order with the revised wording necessary to fix the issues. If you wish to “withdraw” an order previously issued for any reason you should do so formally by contacting the parties it was issued to/served upon and advise them the inspection order has been withdrawn. If the order has been formally appealed and you wish to withdraw it to make any necessary corrections or amendments and re- issue it, the same process is followed however the agency conducting the review should also receive a formal notification that the inspection order has been withdrawn- this will close out that current review process and email is an acceptable method when dealing with the Fire Marshal’s office.
* Hoarding- if you wish to use an inspection order to address the reduction of stored combustibles in a residential suite the OFMEM has some sample wording available you may wish to review. Contact the Inspections and Enforcement Unit.
* Immediate Threat to Life- FPPA Section 15- Provides the Assistant to the Fire Marshal (AFM) with certain powers they may exercise in order to alleviate the immediate fire safety issues. This does not involve ordering the owner or occupant to do anything but rather reflects the various temporary measures an AFM may implement as necessary. They may be used singly or in conjunction with one another but no dot include installing/changing locks on doors which effectively closes access to the premises. If a closure is deemed necessary by the inspector then the AFM is required to contact the office of the Fire Marshal if they wish to proceed under FPPA Section 21(2) (a-b).
* Canlii has the decisions from the Fire Safety Commission which can provide an AFM with very good explanatory information related to fire safety enforcement. The link is: <https://www.canlii.org/en/on/onfsc/>
* Information related to fire safety enforcement topics are now being made available in monthly webinars. Please view our catalog of events and register at the following link:

<https://ofmem-fas.adobeconnect.com/admin/show-event-catalog>

* VO’s- please ensure you are using the revised Technical Guideline TG-03-2016 “Staffing Levels in Care/Care and Treatment and Retirement Homes” as it has additional explanatory information to support the Fire Service and owner/operator. The VO registry also has an updated manual as of 2016 to assist persons making entries, editing information and or looking to extract reports for review. If you require a copy of the Registry User Guide 2016 contact the Inspections and Enforcement Unit.
* Air BNB- this is a growing concern in many communities and in some cases may pose fire risks to occupants in buildings that have undergone a change in use to become short term rentals. The province has created resources for municipalities who are considering regulating “home sharing” which can be found at the following link:

<https://www.ontario.ca/page/home-sharing-guide-ontario-municipalities>

* + Currently there are no amendments to the Fire Code to address AirBNB but that doesn’t mean it can’t assist in addressing fire safety issues.
  + In cases where a single dwelling unit has been changed into a building that provides short term rental accommodations for the travelling public and contains four or more individual rental suites, the inspector should engage the Chief Building Official to review this change of use but may also consider applicable sections of Fire Code such as section 2.8, Part 6 (smoke/CO alarms), 9.3 and 9.9.
  + In cases where the entire dwelling unit is rented similar to a cottage some municipalities have opted to enforce the requirement for testing documents for smoke/CO alarms for rental units and have initiated by-laws to require licensing of the AirBNB’s.

SAMPLE Inspection Order wording for 21 (1) (G) order abbreviated):

To: Bugs Bunny

Owned

By you Namely: Multi unit residential

“Reasons for the order are”: SEE APPENDIX A

“Therefore it is ordered that”: SEE APPENDIX B

APPENDIX A: During the inspection the building was observed to be in contravention of the Fire Code, O. Reg. 213/07 as amended as:

* 1) Combustibles stored in basement service room
* 2) Self closing device on door to first floor laundry room not operational
* 3) Smoke alarm test records not available for review during inspection

Appendix B:

For each item you would quote the correct Fire Code reference and then under each outline the required work/ action required such as:

1. Remove combustibles from basement service room
2. Repair the self closing device on the first floor laundry room door to ensure proper closing and latching
3. Provide copies of smoke alarm test records for all suites to the Chief Fire Official and maintain copies of records at the premises in accordance with subsection 1.1.2.

This order was served upon: Bugs Bunny on July 30 -2019 by regular mail.

An additional copy of this order was served upon: Tweety Bird, Superintendent, on July 30th-2019 in person.

A copy of this order was served upon building occupants on July 30-2019 by posting a copy of the order on the building.

Inspections and Enforcement Unit, Tawnya Roberts: tawnya.roberts@ontario.ca