



Office of the Fire Marshal and Emergency Management

**Review of Fire Protection Services
In The United Townships Of
Head, Clara and Maria**

**February 21, 2018
4798 – 2018 Head, Clara and Maria**



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1.0 Executive Summary

1. The purpose of the Office of the Fire Marshal and Emergency Management's (OFMEM) municipal review is to assess compliance with legislative responsibilities with the *Fire Protection and Prevention Act, 1997 (FPPA)*. The review also examines adherence to standards and best practices.
2. The *FPPA* sets out municipal responsibility to determine the level of fire protection services¹ provided. Sub-clause 2.(1)(a) outlines legislated municipal responsibilities. A municipality is meeting the expectations of the OFMEM with respect to its responsibilities at 2.(1)(a) by having at a minimum the following components in place:
 - having conducted a community risk assessment
 - establishment of smoke and carbon monoxide alarm programs including home escape planning
 - distribution of public fire safety education materials, and
 - conducting inspections upon complaint or request².
3. For sub-clause 2.(1)(b) of the *FPPA*, the OFMEM advises that municipal councils determine the level of fire protection services to be delivered in accordance with their local needs and circumstances. The *FPPA* provides broad authority for municipalities to determine how they want to provide services including, but not limited to:
 - establishing a fire department
 - appointing a community fire safety officer or a community fire safety team
 - purchasing services, and
 - jointly operating and managing a fire department with one or more municipalities.

¹ *FPPA* 1997 Chapter 4, Part 1 Definitions: "Fire protection services", as defined in the *Fire Protection and Prevention Act, 1997* includes,

(a) fire suppression, fire prevention, 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) communications in respect to 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).

² O. Reg. #365/13 now compels specified persons to undertake an assessment of fire safety complaints and requests for approval



4. In considering their needs and circumstances, the OFMEM advises municipalities to consider those things that impact on the provision of fire protection services, including, but not limited to:
 - type of service delivery model (full-time, composite or volunteer)
 - economic situation
 - demographic considerations
 - geography and physical layout of the municipality
 - building profile
 - various risks to be protected, and
 - community infrastructure of roads, water systems, hydrants.
5. This review has determined that the United Townships of Head, Clara and Maria has met its responsibilities with respect to 2.(1)(a) of the *FPPA* and the minimum expectations of the OFMEM.
6. This report provides 13 recommendations to assist with maintaining an effective level of legislative compliance and to optimize the fire protection service delivery model. Some recommendations apply to multiple report sections. Two appendices have been created:
 - Appendix 1: “Legislation and Principles”
 - Appendix 2: “Head, Clara and Maria Review Recommendations”
7. Central themes in the recommendations relate to:
 - municipal fire risk assessment
 - fire prevention and public education practices
 - training and delivery of fire protection services
 - currency, validity and relevance of by-laws and agreements
 - records management standards, and
 - policies and operating guidelines.
8. It is the responsibility of the municipal council of the United Townships of Head, Clara and Maria to ensure continued legislative compliance. The OFMEM will provide advice and assistance throughout implementation of the recommendations contained in this report.

2.0 Scope

9. On June 30, 2016, correspondence from the OFMEM to the mayor and council outlined the scope of the review, which was to examine:
 - the level of fire protection services
 - community fire risk assessment



- fire inspection practices and protocols
- fire investigations
- public education programs, and
- smoke alarm, carbon monoxide alarm and home escape planning programs.

3.0 Review Methodology

10. The OFMEM review team uses a methodology based on principles established by the Ontario Ministry of Community Safety and Correctional Services (MCSCS), the OFMEM, and other recognized public oversight and regulatory processes³. Review team members are assigned tasks and collect information on specific topics.
11. Sources of information include: OFMEM records, municipal records, interviews with municipal staff and officials, review team observations, spot audits/inspections, and any other documents pertaining to the scope of the review. The review team conducted interviews on March 7th, 2017, as part of the data collection process and followed up with additional requests for information.
12. As benchmarks, legislation, OFMEM documents such as Public Fire Safety Guidelines (PFSGs), OFMEM Technical Guidelines, National Fire Protection Association (NFPA) Standards, and best practices are used to analyze information. Recommendations in this report are evidence based.
13. The review team extends its appreciation to the municipality for their cooperation and commitment during the process.

4.0 Fire Protection Services Analysis

14. For this review, fire protection services information was requested for the following topics: municipal fire risk, administration and governance, records management, public fire safety education, fire safety inspections and enforcement, fire investigations, and training.

4.1 Municipal Fire Risk

15. The assessment of fire risk is a formal process which examines and analyzes relevant factors unique to a community. This information is then used to identify potential fire scenarios, followed by an analysis of likelihood and potential

³ See the *Ontario Major Case Management Manual*, Ministry of Community Safety and Correctional Services, March 2, 2012. The Ministry of Labour, Section 21 Guidance Notes (Occupational Health and Safety Act) and the processes used by the Ombudsman's office also guide the review process.



consequences. The analysis becomes the basis for setting priorities to reduce the likelihood of fires and to mitigate impact if they occur. The risk assessment should be reviewed and updated regularly to remain current with changes in the community.

16. The municipality was able to demonstrate that a community risk assessment has been completed. The community risk assessment provided to the review team is dated October 2007 and updated March 2010.
17. Information received from the Chief Administrative Officer (CAO) during the interview indicates that the community risk assessment is reviewed for revision annually in cooperation with the Chief Building Official (CBO), who is also the Community Fire Safety Officer (CFSO). No evidence was provided to the review team to corroborate that yearly reviews are conducted. Therefore, fire prevention and public safety education programs and priorities may not be connected to the outcomes of a current community risk assessment. In addition, the responsibility for the completion and maintenance of a community risk assessment is not identified in a job description, policy, by-law or council resolution.
18. While the community risk assessment document provided to the review team contained some elements for assessing fire risks⁴, the process could be improved by reviewing the Public Fire Safety Guidelines available on the OFMEM website⁵. The following are example elements to be considered:
 - a section to record the document version history with sign off by the municipal employee having conducted the review and update
 - including a section to record building age and construction
 - road infrastructure
 - identify any trends respecting fire cause and location, and
 - fire loss statistics for the past 5 years.

Recommendation #1

The Municipal Council of the United Townships of Head, Clara and Maria should ensure the community risk assessment is reviewed regularly and updated to remain current with changes in the municipality.

⁴ Public Fire Safety Guideline PFSG 02-02-03 and PFSG 02-02-12, Fire Risk Assessment

⁵ http://www.mcscs.jus.gov.on.ca/english/FireMarshal/FireServiceResources/PublicFireSafetyGuidelines/PFSGIndex/PFSG_Index.html



4.2 Administration and Governance

19. The administration and governance of fire protection services should be guided by fire related by-laws⁶, council resolutions, agreements, policies, and contracts, supported by resources to achieve its goals and objectives. Council is responsible for developing and passing by-laws that may impact fire protection services within the municipality⁷.

4.2.1 Fire Protection Services - Related By-laws

20. All available by-laws pertaining to the fire protection services as provided by the municipality were assessed. While the municipality's by-laws address several important topics, improvements could be made by:
- reviewing by-laws to ensure accurate and up to date information regarding legislation and references to other by-laws (i.e.: *Municipal Act, 2001*, the *FPPA, 1997* (as amended), and the *Ministry of Natural Resources*⁸ (*MNR*) by-law and agreement)
 - referencing Fire Marshal Directives and communiqués in applicable by-laws
 - adding definitions into by-laws where applicable, and
 - ensuring that the by-laws reflect current practices relating to fire protection services that are approved by council.
21. By-law 2006-10, *a By-Law to Regulate Open Air Burning*, establishes compliance requirements and liabilities. However there are no enforcement provisions such as Part I offences or a set fine schedule.
22. The municipality should consider the development, and/or updating, of by-laws addressing the following topics:
- fees for service
 - cost recovery for demolition during fires and investigations, and
 - the safe handling, storage and sale of fireworks.

⁶ A by-law is a municipal council document governing the affairs for fire protection services meeting the community's needs and circumstances. Under S. 14 of the Municipal Act, 2001, municipal by-laws cannot conflict with or frustrate the purpose of federal or provincial statutes or regulations or legislative instruments.

⁷ These may include by-laws to authorize or regulate the following:

- records retention
- service delivery agreements (i.e. for inspections or investigations)
- open air burning
- fees for service
- cost recovery for demolition during fires and fire investigations
- the safe handling, storage, sale and discharge of fireworks
- anything requiring council authorization

⁸ As of 2014, the Ministry of Natural Resources was renamed to the Ministry of Natural Resources and Forestry.



Recommendation #2

The Municipal Council of the United Townships of Head, Clara and Maria should ensure fire protection services related by-laws are developed, implemented, and enforced based on the municipality's needs and requirements. These by-laws should be regularly reviewed, and revised as required.

4.2.2 Service Delivery Agreements

23. A service delivery agreement is a municipal contract with other municipalities, agencies, individuals or companies which clearly outlines responsibilities, terms and conditions for providing or receiving fire protection services. Council is responsible for determining the type and extent of fire protection services purchased through an agreement and service contract. The municipality does have agreements in place for fire protection services which include public education and wildfire protection services.
24. The municipality has entered into a Municipal Forest Fire Management Agreement with the MNR pursuant to Section 19 of the *FFPA* with respect to the prevention, control and extinguishment of wildfires within the limits of the Municipality.
25. Under the Agreement the municipality is responsible for:
 - implementing a fire prevention plan for all areas of the Municipality
 - design a fire prevention/education program based on the principles of the Ministry's FireSmart program
 - controlling open air burning in a coordinated fashion in the Municipality through by-laws or a municipal fire permit system consistent with the *FFPA* and applicable Ministry of Environment guidelines, and
 - managing and enforcing the municipal fire permit system enacted under the authority of a by-law.
26. Council and administrative staff would benefit from an increased understanding about municipal requirements and responsibilities under the *FPPA*. This would include best practices for managing fire protection services risk and liability. An opportunity for municipal leaders and staff to participate in an OFMEM led session on these topics may assist with meeting fire protection service delivery requirements.⁹

⁹ OFMEM. (2017). Essentials of Municipal Fire Protection & Emergency Management. *A Decision Maker's Guide*.



Recommendation #3

The Municipal Council of the United Townships of Head, Clara and Maria and administration should attend an OFMEM session on legislative requirements, risk and liability management and best practices for fire protection service delivery.

4.2.3 Fire Protection Service Delivery Model

27. Resources and personnel are key components in meeting the goals and objectives of established levels of fire protection services in a municipality. The levels of fire protection services should be uniquely tailored to a community's needs and circumstances. Efficient and effective management of a fire protection service delivery model is facilitated through clearly identified roles, responsibilities, programs and processes within the municipality's organization.
28. The review team assessed the United Townships of Head, Clara and Maria's fire protection service delivery model through an analysis of available documents and practices, including topics such as:
 - by-laws
 - policies
 - awareness and knowledge base of the *FPPA*
 - operating guidelines, and
 - job descriptions.
29. The current state of the model was analyzed by the review team. Although, the United Townships of Head, Clara and Maria is a small community without a fire department and with limited human resources, efficient and effective management of the municipality's fire protection service delivery model could be enhanced through:
 - development of policies¹⁰ or operating guidelines¹¹ describing components of the fire protection model such as fire prevention and public fire safety education programs
 - development of policies or operating guidelines describing processes for obtaining services for fire prevention activities i.e. conducting fire safety inspections, reviewing and approval of fire safety plans, *Fire Code* enforcement, and conducting fire investigations
 - development of policies or operating guidelines that describe the roles and responsibilities for the fire protection service delivery model i.e. related to the Community Fire Safety Officer and the assistant to the Fire Marshal

¹⁰ A policy is a principle or rule to guide decisions and achieve rational outcomes.

¹¹ A guideline is a statement to determine a course of action.



- development of policies or operating guidelines addressing topics such as the submission of Standard Incident Reports (fire reports), completion of fire investigations and notification of the OFMEM when required
- development of goals and objectives for components of the model such as public fire safety educational activities and functions, and
- providing opportunities for training and education for positions assigned roles and responsibilities within the fire protection services model.

30. Within the fire protection service delivery model, there may be some components requiring skills, knowledge, experience and proper authority that may not be available within the municipality. The municipality should ensure the development of agreements, policies and operating guidelines for obtaining the services of competent providers in the delivery of fire protection services.

Recommendation #4

The Municipal Council of the United Townships of Head, Clara and Maria should consider enhancing the fire protection services delivery model by developing and implementing applicable policies or operating guidelines.

4.2.4 Municipal Services Communications and Interaction

31. The depth of communications and interaction helps to understand the type and level of fire protection services provided. Seamless and efficient interaction between the municipal services and agencies or organizations involved in the delivery of fire protection services ensures optimal customer service, and reduces municipal liability and risk.
32. The assessment revealed there is some communication and interaction related to the delivery of fire protection services within the municipality and with external partners. Intra-departmental communication relating to fire protection services occurs through a combination of email, sticky notes and verbal conversations. Communication with external partners such as MNR is infrequent and generally not tracked except through formal agreements.
33. Although having limited staffing for internal communication and interaction, the municipality could initiate improvements through the development of policies or operating guidelines for exchanging information, managing administrative workload and coordinating activities and functions related to the delivery of fire protection services.



Recommendation #4

The Municipal Council of the United Townships of Head, Clara and Maria should consider enhancing the fire protection services delivery model by developing and implementing applicable policies or operating guidelines.

4.2.5 Policies and Operating Guidelines

34. Policies¹² and operating guidelines (OGs)¹³ ensure that all personnel understand and perform services in a specific and routine manner, promoting operational continuity and consistency. Policies and operating guidelines help to clearly establish the level of fire protection services in a municipality. In addition, these documents enhance safety and training, ensure consistent levels of performance, reduce municipal liability, and contribute to the demonstration of due diligence.
35. The review team requested all policies and operating guidelines pertaining to the scope of the review. The review team did not receive any municipal operating guidelines in respect to the scope of the review. One policy was attached to By-law 2012-20, a *By-Law to Regulate the Implementation of Municipal Fire Bans*.
36. The municipality was unable to provide examples or evidence of processes for the regular review and revision of policies or operating guidelines.
37. The municipality can improve the efficiency and effectiveness of its fire protection services and ensure operational consistency and continuity through the development and implementation of policies and operating guidelines addressing topics such as:
 - conducting an annual review of the community risk assessment to remain current with changes in the municipality
 - smoke alarms, carbon monoxide alarms and home escape planning
 - public fire safety education (including tracking and evaluation of effectiveness of activities)
 - conducting fire safety inspections
 - management of fire safety plans
 - *Fire Code* enforcement
 - reporting fires and explosions and conducting investigations, and
 - training for the Community Fire Safety Officer and administrative staff.

¹² A policy is a principle or rule to guide decisions and achieve rational outcomes.

¹³ A guideline is a statement to determine a course of action.



Recommendation #4

The Municipal Council of the United Townships of Head, Clara and Maria should consider enhancing the fire protection services delivery model by developing and implementing applicable policies or operating guidelines.

Recommendation #5

The Municipal Council of the United Townships of Head, Clara and Maria should ensure that all personnel responsible for the delivery of fire protection services are trained and competency is maintained to carry out all duties and responsibilities.

4.3 Records Management

38. Management of fire service records is critical to meeting the organization's core business needs while supporting the effective delivery of fire protection services.
39. Fire protection services records are municipal records, and therefore subject to the *Municipal Act, 2001* and the *Municipal Freedom of Information and Protection of Privacy Act, 1990*. Fire protection services records should be retained and preserved in a secure and accessible manner. Incomplete processes in the management of fire protection services records may make it challenging to access information. This deters from the process of evaluating, adjusting and producing the most effective fire protection services for the municipality, while meeting legislative requirements. In addition, this may place the municipality in an uncertain position if required to establish due diligence, support actions taken and defend in the event of legal proceedings related to the delivery of fire protection services.
40. Municipal records are currently retained in a combination of hard copy and electronic format. Hard copy records are stored in file cabinets and storage boxes in the municipal hall. The archived storage boxes are stored in the vault. Electronic records are backed-up daily and as an added protection there is a weekly backup of data performed and stored in the vault. The backup devices are rotated on a weekly schedule.
41. By-law 2009-11, "*Records Retention*", a records management by-law, and the attached Schedule "A" were provided to the review team. Schedule "A" provides direction on the retention of fire protection services records and documents.



4.4 Public Fire Safety Education

42. Public fire safety education¹⁴ is designed to increase knowledge, and develop or change attitudes and behaviours. It encompasses a wide spectrum of programs, activities and media campaigns presented to diverse audiences. The distribution of public fire safety education materials is a component of the fire protection services model a municipality may have in place to address its responsibilities within clause 2.(1)(a) of the *FPPA*. Additional components, advised by the OFMEM for all municipalities include: a municipal risk assessment, smoke and carbon monoxide alarm programs, and the mandatory requirements of Ontario Regulation 365/13 *Mandatory Assessment of Complaints and Requests for Approval*.
43. A municipality's public fire safety education activities should be based on a current community risk assessment, fire call data and the results of fire investigations (i.e. the cause, origin and circumstances of fires).
44. The municipality provided evidence of the distribution of public fire safety education materials attached to the municipal tax bills, other mailings, posted on the municipal website and at the municipal office. However, the municipality was not able to demonstrate that a public fire safety program is in place complete with components such as: goals and objectives, the establishment of risk based priorities, program assessment and evaluation processes, and adequate training outlined for the Community Fire Safety Officer and other staff having roles and responsibilities for public education activities.
45. The municipality's public fire safety education program could be enhanced by:
- referencing a current Community risk assessment to assist with establishing goals, objectives and program priorities
 - using tracking methods for public fire safety education activities, functions and distribution of materials
 - developing and implementing policies and operating guidelines that provide direction for program development, implementation and monitoring
 - accessing OFMEM resources such as: information cards, key messages and information available on the OFMEM website or through other credible sources for fire prevention and public education material, and
 - providing access to training in public fire safety education to the Community Fire Safety Officer and other staff having program roles and responsibilities.

¹⁴ A public fire safety education program is a component of compliance with clause 2. (1)(a) of the *FPPA*.



Recommendation #6

The Municipal Council of the United Townships of Head, Clara and Maria should ensure the development and implementation of a public fire safety education program that is supported by policy, and based on a current municipal risk assessment, the analysis of response and fire investigation data, and includes sufficient documentation for monitoring and evaluation purposes.

4.4.1 Smoke Alarm, Carbon Monoxide Alarm and Home Escape Planning Program

46. An effective smoke and carbon monoxide alarm program includes activities to ensure that residential occupancies meet the requirements of the *Fire Code*. Smoke and carbon monoxide alarm programs are additional components of a fire protection services model that a municipality is advised to have in place to address its responsibilities within sub-clause 2.(1)(a) of the *FPPA*.
47. This program includes means of distributing messages ensuring that residents are aware of the need for the provision, installation and maintenance requirements for the alarms. If reasonable and within its circumstances, a municipality may conduct checks of residential occupancies to ensure that alarms have been installed and are maintained in a fully functional state.
48. In addition to a smoke and carbon monoxide alarm program a municipality should implement a program that addresses home fire escape planning activities in residential occupancies.
49. The analysis indicated that the municipality sends educational material to residents through the mail, attached to municipal tax bills, and is available on the municipal website. The information provided for the review is related to smoke alarms, home escape planning, and recently introduced requirements for carbon monoxide alarms. Compliance checks of residential occupancies for installation and maintenance of alarms are conducted by the Community Fire Safety Officer (CFSO) when he is in an occupancy for the purposes of a building permit.
50. As a means of advancing the smoke and carbon monoxide alarm and home escape planning program, the municipality should consider the development of a policy or operating guideline for the program. The policy or operating guideline should include topics such as:
 - the mandatory legislated requirements for smoke and carbon monoxide alarms
 - additional rationale for life safety advantages by having fully functional alarms and home escape planning
 - goals and objectives for the program



- activities and functions described within the program
- tracking methods for records related to the information and distribution of materials associated with the program
- responsibility for program coordination and reporting, and
- training needs for staff having roles and responsibilities for the program.

Recommendation #7

The Municipal Council of the United Townships of Head, Clara and Maria should consider enhancing the smoke, carbon monoxide alarm, and home escape planning program by developing and implementing policies or operating guidelines.

4.5 Fire Safety Inspections and Enforcement

51. Building owners are responsible for ensuring buildings are maintained according to the requirements of the *Fire Code*. Buildings conforming to the *Fire Code* may prevent or reduce the impact of fire events and provide a greater degree of protection for occupants and when applicable, responding members of emergency services agencies. A municipality has a vested interest in ensuring buildings are maintained according to the *Ontario Building Code* and the *Fire Code*: for the safety of personnel and public safety, to meet legislative requirements, and to manage municipal liability. Contribution to the process for conformance of buildings with the *Fire Code* is provided through assistants to the Fire Marshal who enforces legislation and regulations related to fire safety and all Fire Marshal Directives¹⁵.
52. Information obtained during the review indicated that the need for fire safety inspections and enforcement measures associated with the *Fire Code* are infrequent. This takes into consideration the limited growth of new properties in the municipality and statements provided during interviews.
53. During interviews, the municipality indicated that the Chief Building Official/ Community Fire Safety Officer would be contacted if a request or complaint inspection is required.
54. The municipality could develop a more comprehensive fire safety inspection program by developing and implementing policies and operating guidelines for managing:
 - for a complaint:

¹⁵ This requirement is outlined in *FPPA* 11.(1) Fire Marshal directives are issued to assistants to the Fire Marshal.



- involvement of the Community Fire Safety Officer during the assessment of the complaint and determination to conduct a fire safety inspection
- ensuring that an inspector conducts the fire safety inspection in accordance with Directives issued by the Fire Marshal, and
- include requirements of O. Reg. 365/13 which compels specified persons to undertake an assessment of fire safety complaints and requests for approval.
- for a request:
 - made by or on behalf of an owner of a building for anything that the *Fire Code* requires to be approved or permits to be approved, including the involvement of a Chief Fire Official (CFO), and
 - the CFO will assess the request and determine the need to conduct a fire safety inspection in the building or a part of the building to determine granting or refusing the approval.
- post-fire inspections
- a routine inspection program for high and extreme risk occupancies, identified through the municipal fire risk assessment
- enforcement of fire protection services by-laws and the *Fire Code*
- the receipt of reports and related documentation, and
- other requirements that are based on Directives issued by the Fire Marshal.

Recommendation #8

The Municipal Council of the United Townships of Head, Clara and Maria should develop and implement a policy or operating guideline addressing O. Reg. 365/13 *Mandatory Assessment of Complaints and Requests for Approval*, and ensure additional fire and life safety concerns are adequately assessed and appropriate action is applied.

4.5.1 Assistants to the Fire Marshal

55. Assistants to the Fire Marshal (AFM) derive their authority to enforce legislation and the *Fire Code* from the *FPPA*.¹⁶ Since the *FPPA* identifies specific persons as “assistants to the Fire Marshal”, these designated people have a statutory role and shall follow the Fire Marshal’s Directives in carrying out this Act. Assistants to the

¹⁶ *FPPA* 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
- (d) every person designated by the Fire Marshal as an assistant to the Fire Marshal



Fire Marshal must be familiar with all the provisions of the *FPPA* pertaining to their duties and with the *Fire Code*. There is also a need to ensure that assistants to the Fire Marshal are trained and qualified to carry out their responsibilities¹⁷.

56. Assistants to the Fire Marshal are provincial offences officers with limited authority under the *Provincial Offences Act, 1990 (POA)*¹⁸.
57. Actions taken by an assistant to the Fire Marshal should be based on options found in legislation. The use of legislation to address contraventions/hazards formally assigns responsibility to the building owner or designate and, where applicable, allows for charges under the *POA* if required. The use of recommended enforcement measures contributes towards the managing of municipal risks.
58. The municipal CAO/Clerk and the CFSO/CBO are assistants to the Fire Marshal for the municipality, and have the assistant to the Fire Marshal card¹⁹ for use in the execution of their duties. During interviews, the assistants to the Fire Marshal were not able to demonstrate a clear understanding of the powers and duties of an assistant to the Fire Marshal, or the process for designation of an assistant to the Fire Marshal described in *FPPA* 11.(1).
59. There was no evidence provided indicating training as an assistant to the Fire Marshal for the AFM card holders. As a result, adequate systems and processes in support of the statutory role including enforcement of applicable legislation, regulations and the Fire Marshal's Directives are not in place.

Recommendation #9

The Municipal Council of the United Townships of Head, Clara and Maria should ensure that staff who have assistant to the Fire Marshal cards receive training in order to fulfill the responsibilities and duties of an assistant to the Fire Marshal.

¹⁷ The powers and duties of assistants to the Fire Marshal under the *FPPA* include: authorizing a firefighter or other person to enter on land or premises 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 providing rescue or emergency services; authorizing a firefighter or other person to enter on land or premises 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 environment for the purpose of removing or reducing the threat; with reasonable grounds to believe that a risk of fire poses an immediate threat to life, without a warrant entering and inspecting land or premises for the purposes of assessing fire safety; and following the inspection of lands or premises, issuing inspection orders. Fire Marshal's Communiqués "2015-02: Assistant to the Fire Marshal Identification Cards" and "2015-12: Assistant to the Fire Marshal Identification Cards: Update" both provide additional information about the process for obtaining a card.

¹⁸ The definition of a provincial offences officer under the *POA* (Section 1) includes "an officer, employee or agent of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act, while in the discharge of his or her duties". As provincial offences officers, assistants to the Fire Marshal can commence proceedings under the *POA* for *Fire Code* violations: http://www.mcscs.jus.gov.on.ca/english/FireMarshal/FireServiceResources/Communiqués/OFM_Com_2015-05.html

¹⁹ In reference to the *FPPA* 11.(1)(b).



4.5.2 Review of Inspection Files

60. OFMEM “Technical Guideline 01-2012²⁰: *Fire Safety Inspections and Enforcement*” (TG 01-2012) outlines best practices to be followed. Fire safety inspection practices must be systematic. Inspection files should include the following documents as applicable: inspector’s notes, building audits, fire alarm and protection systems verifications, photographs, building plans, occupancy permits, fire safety plans, and enforcement records.
61. Analysis of information received indicates that the municipality does not have a routine fire safety inspection program with risk based priorities. Complaints are forwarded from municipal staff to the CFSO/CBO by informal processes such as phone calls and handwritten notes, and these may be retained in a hardcopy file. Any official inspection documents completed by the CFSO/CBO are stored electronically on the CityReporter Mobile Inspection Software. For building permits – combined *Building Code* and *Fire Code* inspections occur during the building permit review process. Fire safety inspections for assembly occupancies are done annually, and documented in the CFSO/CBO’s notes. There is no formal report unless it is documented electronically in the CityReporter Mobile Inspection Software used by the CFSO/CBO.

Recommendation #10

The Municipal Council of the United Townships of Head, Clara and Maria should ensure that a policy or operating guideline is in place to ensure that fire safety inspections are performed in a routine and consistent manner across the municipality, including any inspection services provided through agreements.

4.5.3 Fire Safety Plans

62. Under the *Fire Code*, an approved²¹ fire safety plan is required for specific buildings or premises, such as assembly occupancies and schools. Without an approved fire safety plan²² a building owner is not compliant with the regulation. The *Fire Code* also stipulates content requirements for fire safety plans. The lack of an approved fire safety plan for higher risk occupancies is a significant public safety issue.
63. A fire safety plan for the municipal community hall and library were provided for review. This municipality does not have a fire department and therefore does not have a Chief Fire Official who is authorized to approve the fire safety plans. This is

²⁰ Fire Safety Inspections and Enforcement Technical Guideline (TG 01-2012).

<http://www.mcscs.jus.gov.on.ca/english/FireMarshal/Legislation/TechnicalGuidelinesandReports/TG-2012-01.html>

²¹ Ontario Regulation 213/07 *FIRE CODE*, **approved** means approved by the **Chief Fire Official**.

²² Ontario Regulation 213/07 *Fire Code*, Section 2.8 Emergency Planning, Sentences 2.8.1.1 (1) and 2.8.2.1.(1).



the only building in the United Townships of Head, Clara and Maria that requires a fire safety plan as there are no vulnerable occupancies, schools or other occupancies identified as needing a fire safety plan in the municipality. The OFMEM Review of the municipality found that there is no formal process for reviewing, tracking, approving and filing of FSPs on a regular interval.

64. The skills necessary to identify the need for and conduct reviews of fire safety plans may not be available in the municipality. In addition, fire safety plans require the approval of a Chief Fire Official (CFO).
65. The United Townships of Head, Clara and Maria should consider options provided through legislation to have a Fire Chief appointed for the community. Options may include:
 - submitting a written request to the Fire Marshal requesting that the Fire Marshal formally appoint a competent, trained and skilled person to serve as the Fire Chief for the United Townships of Head, Clara and Maria (OFC Division C 1.1.1.1), and
 - entering into an agreement with a neighbouring municipality (*FPPA* 6.(5)).

OFMEM staff will be available to provide advice and assistance where legislative requirements need to be met.

66. A process for the identification, review, approval and retention of fire safety plans within the municipality can be developed and implemented by:
 - ensuring that the community risk assessment identifies higher risk properties that may require a fire safety plan
 - implementing a policy and operating guideline for the review, approval and retention of fire safety plans
 - securing the services of persons with legislated authority to approve fire safety plans, and
 - establishing a records management process for the retention of approved fire safety plans.

Recommendation #11

The Municipal Council of the United Townships of Head, Clara and Maria should develop a process that ensures compliance with legislation and Fire Marshal's Directives for the development and approval of fire safety plans as required.



4.6 Fire Investigations

67. Fire investigations are an important component of fire prevention. Information collected during investigations is a valuable tool in developing an effective fire prevention program, as information relates specifically to a community's needs and circumstances, allowing for the planning and implementation of proactive preventative measures.
68. Investigations should be conducted at all fires and explosions.²³ The responsibility to investigate fires is contained within the *FPPA* Part II Subsection 2.(1)(b). Subsection 14.(1) of the *FPPA* 1997 authorizes entry on to lands or premises if (a) a fire has occurred on the land or premises; or (b) there is reason to believe that a substance or device that is likely to cause a fire may be situated on the land or premises. Furthermore the *FPPA* describes the powers upon entry where fire has occurred or is likely to occur.²⁴
69. In addition, assistants to the Fire Marshal must follow "Fire Marshal Directive 2015-002: *Reporting of Fires and Explosions Requiring Investigation.*" Fire Marshal Directive 2015-001 "*Standard Incident Report (SIR) Filing*" describes the need to complete a Standard Incident Report for every response made by a fire department. This reporting applies to all fire departments responding into the municipality's jurisdiction.
70. Within the United Townships of Head, Clara and Maria, the Community Fire Safety Officer submits Standard Incident Report data to the OFMEM after an incident has occurred. The CFSO would benefit from reviewing Fire Marshal's Directive 2015-001 "*Standard Incident Report (SIR) Filing*".
71. Administration and management of the reporting of fires and investigations could be implemented through policies and operating guidelines that:
- ensure the assistant to the Fire Marshal is knowledgeable about the reporting requirements in the event of a fire or explosion²⁵

²³ Under clause 9.(2)(a) of the *FPPA*, it is a duty of the Fire Marshal 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. In order to carry out this duty, specified fires must be reported to the Fire Marshal. Clauses 11.(2) and 11.(3) of the *FPPA*, establish fire reporting duties for assistants to the Fire Marshal.

²⁴ 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.

²⁵ Fire Marshal's Directive: 2015-002. Reporting of Fires and Explosions Requiring Investigation



- ensure the assistant to the Fire Marshal is aware of the process involving the submission of Standard Incident Reports²⁶
- describe the responsibility and process for submitting Standard Incident Reports
- ensure the municipality conducts investigations of fires and explosions, and
- ensure core elements for conducting fire investigations are addressed:
 - note taking
 - securing the scene
 - securing evidence
 - witness statements, and
 - retention of investigation files.

Recommendation #12

The Municipal Council of the United Townships of Head, Clara and Maria shall ensure that all fires and explosions are reported to the OFMEM, Standard Incident Reports are filed, and further should ensure that all fires are investigated for cause and origin.

4.7 Training

72. Municipal council, as the employer, has a legal responsibility to ensure that staff are trained, competent and provided with the resources needed to perform duties and safely conduct the tasks they are assigned.²⁷
73. In addition to formal external training opportunities, regular training opportunities should also exist in the workplace. Along with enhancing job performance, demonstrating competency through documented regular training and experience increases credibility in court proceedings.
74. The assessment revealed that the municipality is not providing adequate training to ensure an understanding of the applicable legislative requirements within the *FPPA* and the *Fire Code* for the planning, development and monitoring of fire prevention and public education programs.

²⁶ Fire Marshal's Directive: 2015-001: Standard Incident Report (SIR) Filing

²⁷ Section 25 of the *OHS Act* describes various duties of employers, including:

- 25.(2)(a) "An employer shall, provide information, instruction and supervision to a worker to protect the health or safety of the worker"; and
- 25.(2)(h) "An employer shall, take every precaution reasonable in the circumstances for the protection of a worker."



75. A formal training program complete with job performance reviews and succession planning could be implemented by:
- developing annual training plans that include fire prevention and public education subjects
 - providing training opportunities for the CFSO and any other delegated staff, in fire prevention and public education
 - ensuring that staff responsible for assistant to the Fire Marshal duties receive adequate training
 - implementing a process for the CFSO and assistants to the Fire Marshal to acknowledge receipt and understanding of important industry information, including Fire Marshal Directives and communiqués
 - implementing measures for performance reviews to include fire prevention and public fire safety education
 - implementing measures for succession planning that include roles and responsibilities for fire protection services, and
 - ensuring a policy, process or guideline is in place to secure the services of a competent person in fire prevention and public fire safety education when required.

Recommendation #5

The Municipal Council of the United Townships of Head, Clara and Maria should ensure that all personnel responsible for the delivery of fire protection services are trained and competency is maintained to carry out all duties and responsibilities.

5.0 Office of the Fire Marshal and Emergency Management

Conclusion: *Fire Protection and Prevention Act – Municipal Responsibilities*

76. The purpose of this review is to assist the United Townships of Head, Clara and Maria with meeting legislative responsibilities as per Clauses 2.(1)(a) and 2.(1)(b) of Part II of the *Fire Protection and Prevention Act, 1997*.
77. This review has identified 13 recommendations to assist the municipality in meeting these responsibilities. The recommendations are listed in “Appendix 2: Head, Clara and Maria Review Recommendations”.
78. The Office of the Fire Marshal and Emergency Management will continue to monitor fire protection services in the municipality, and will provide further advice and assistance, in cooperation with municipal council and the CFSO.



Recommendation #13

The Municipal Council of the United Townships of Head, Clara and Maria should develop a timeline and tracking system for the implementation and course of action for each legislative recommendation contained in this report, in collaboration with the OFMEM.

Signed in Sudbury, ON, on
February 21, 2018

Art Booth
A/Assistant Deputy Fire Marshal, Field and Advisory Services



Appendix 1: Legislation and Principles

1.0 Legislative Authority to Conduct Reviews

This review was conducted under the authority of the *FPPA* which states:

1. ***FPPA, Part III Fire Marshal - Powers of the 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*

1.1 ***Service Delivery Review Part 1: Fire Protection Services - Fire Protection and Prevention Act, 1997***

2. The powers of the Fire Marshal, municipal responsibilities for fire protection services, and the Fire Chief's responsibilities, powers and ability to delegate are outlined in the *FPPA*. The OFMEM review process is based on this legislation.

2.0 ***Part II – Responsibility for Fire Protection Services, Fire Protection and Prevention Act, 1997***

3. The *FPPA* establishes responsibility for fire protection services. For example, in Part II - Responsibility for Fire Protection Services, the legislation outlines municipal responsibilities as follows:

Municipal responsibilities

2. (1) *Every municipality shall:*

- (a) *establish a program in the municipality which must include public fire safety 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 (The *FPPA* outlines options for providing fire protection services.)

2. (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.*



4. When a fire department is established the fire chief's responsibilities, powers and ability to delegate are outlined as follows:

Fire chief, municipalities

6. (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.*

Powers of fire chief

6. (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. (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.*

3.0 Municipal Responsibilities – Fire Prevention and Public Fire Safety Education, Clause 2.(1)(a), *Fire Protection and Prevention Act, 1997*

5. Clause 2.(1)(a) of the *FPPA, 1997* outlines the minimum municipal responsibilities for the provision of fire protection services, specifically fire prevention and public fire safety education. Compliance with this clause includes the following components:
 - annual review and revisions as required of a municipal fire risk assessment
 - a carbon monoxide and smoke alarm program, including home fire escape planning
 - the distribution of public fire safety education materials
 - fire safety inspections upon request or complaint, and as directed by the Fire Marshal, and
 - *Fire Code* enforcement.
6. In January 2014, the Ontario government enacted two regulations pursuant to the *FPPA* to protect Ontarians²⁸. These regulations are further supported by three compulsory Fire Marshal Directives²⁹. These regulations and directives now form part of the minimum requirements for the delivery of fire protection services.

²⁸ Ontario Regulation 364/13 Mandatory Inspection – Fire Drill In Vulnerable Occupancy; O. Reg. 365/13 Mandatory Assessment of Complaints and Requests for Approval

²⁹ Directives are made through powers afforded to the Fire Marshal, as described in Section 9.(1)(b) of the *FPPA* to enhance fire protection services. *FPPA*, 9.(1) states "The Fire Marshal has the power, (b) to issue directives to assistants to the Fire Marshal respecting matters relating this Act and the regulations." The directives referred to here are: 2014-001 Registry of Vulnerable Occupancies, 2014-002 Vulnerable Occupancies – Fire Drill Scenarios, Fire Drill Observations, Fire Safety Inspections, 2014-003 Inspections of All Buildings.



4.0 Municipal Responsibilities – Other Fire Protection Services as Necessary, Clause 2.(1)(b), *Fire Protection and Prevention Act, 1997*

7. Building on the above minimum acceptable model, a municipality is responsible for providing other fire protection services it determines necessary according to its needs and circumstances, as per Clause 2.(1)(b) of the *FPPA*.
8. A municipality should identify its fire risks through a fire risk assessment³⁰, as part of determining which fire protection services are necessary. In consideration of municipal needs and circumstances, council is responsible for determining and establishing fire protection services and allocating adequate resources.
9. The review team evaluated fire protection services related to Clause 2.(1)(b) by considering:
 - the municipality's fire risk assessment
 - fire-related by-laws
 - fire-related agreements
 - fire related policies, and
 - fire protection services provided

5.0 Fire Marshal Directives, Clause 9. (1)(b), *Fire Protection and Prevention Act, 1997*

10. Directives are issued by the Fire Marshal under the authority of the *FPPA* when there is a need to achieve consistency in the application of certain technical or administrative requirements related to the Act or regulations:

Part III Fire Marshal - Powers of the Fire Marshal

9. (1) *The Fire Marshal has the power*
 - (b) *To issue directives to assistants to the Fire Marshal respecting matters related to this Act and the regulations.*

³⁰ The OFMEM [Fire Risk Sub-Model](#) (June 2009) is a component of the Comprehensive Fire Safety Effectiveness Model, which is a tool that serves as a basis for the objective evaluation of fire protection services in a municipality. The [Integrated Risk Management Web Tool](#) is available online at www.ofm.ca. This tool calculates individual building fire risk, to assist municipalities in establishing priorities for fire prevention and public fire safety education.



11. It is the responsibility of every assistant to the Fire Marshal to follow the directives³¹. Assistants to the Fire Marshal are designated under the *FPPA*.

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.

- an Emergency Operations Centre with appropriate technological and telecommunications systems
- an employee of the municipality as the Emergency Information Officer
- assignment of responsibilities and notification procedures for positions identified in the emergency response plan, and
- completion of annual training³².

³¹ There are seven Fire Marshal directives, as follows: 2015-002 Reporting of Fires and Explosions Requiring Investigation, 2015-001 Standard Incident Report (SIR) Filing, 2014-003 Inspections of All Buildings, 2014-002 Vulnerable Occupancies – Fire Drill Scenarios, Fire Drill Observations, Fire Safety Inspections, 2014-001 Registry of Vulnerable Occupancies, 2002-001 Disposal of Material or Thing Removed Under the Authority of Clause 15. (1)(c) of the *Fire Protection and Prevention Act, 1997, As Amended*; and 1998-001 Tubular Doors Under Retrofit.

³² Fire Marshal & Chief, Emergency Management Guidance: 2015-01-08
Topic: Ontario Regulation 380/04 training requirements. This guidance is issued under the provisions of *Ontario Regulation 380/04 Standards 2004*. <http://www.ontario.ca/emo>



Appendix 2: Head, Clara and Maria Review Recommendations

Recommendation #1

The Municipal Council of the United Townships of Head, Clara and Maria should ensure the community risk assessment is reviewed regularly and updated to remain current with changes in the municipality.

Recommendation #2

The Municipal Council of the United Townships of Head, Clara and Maria should ensure fire protection services related by-laws are developed, implemented, and enforced based on the municipality's needs and requirements. These by-laws should be regularly reviewed, and revised as required.

Recommendation #3

The Municipal Council of the United Townships of Head, Clara and Maria and administration should attend an OFMEM session on legislative requirements, risk and liability management and best practices for fire protection service delivery.

Recommendation #4

The Municipal Council of the United Townships of Head, Clara and Maria should consider enhancing the fire protection services delivery model by developing and implementing applicable policies or operating guidelines.

Recommendation #5

The Municipal Council of the United Townships of Head, Clara and Maria should ensure that all personnel responsible for the delivery of fire protection services are trained and competency is maintained to carry out all duties and responsibilities.

Recommendation #6

The Municipal Council of the United Townships of Head, Clara and Maria should ensure the development and implementation of a public fire safety education program that is supported by policy, and based on a current municipal risk assessment, the analysis of response and fire investigation data, and includes sufficient documentation for monitoring and evaluation purposes.

Recommendation #7

The Municipal Council of the United Townships of Head, Clara and Maria should consider enhancing the smoke, carbon monoxide alarm, and home escape planning program by developing and implementing policies or operating guidelines.

**Recommendation #8**

The Municipal Council of the United Townships of Head, Clara and Maria should develop and implement a policy or operating guideline addressing O. Reg. 365/13 *Mandatory Assessment of Complaints and Requests for Approval*, and ensure additional fire and life safety concerns are adequately assessed and appropriate action is applied.

Recommendation #9

The Municipal Council of the United Townships of Head, Clara and Maria should ensure that staff who have assistant to the Fire Marshal cards receive training in order to fulfill the responsibilities and duties of an assistant to the Fire Marshal.

Recommendation #10

The Municipal Council of the United Townships of Head, Clara and Maria should ensure that a policy or operating guideline is in place to ensure that fire safety inspections are performed in a routine and consistent manner across the municipality, including any inspection services provided through agreements.

Recommendation #11

The Municipal Council of the United Townships of Head, Clara and Maria should develop a process that ensures compliance with legislation and Fire Marshal's Directives for the development and approval of fire safety plans as required.

Recommendation #12

The Municipal Council of the United Townships of Head, Clara and Maria shall ensure that all fires and explosions are reported to the OFMEM, Standard Incident Reports are filed, and further should ensure that all fires are investigated for cause and origin.

Recommendation #13

The Municipal Council of the United Townships of Head, Clara and Maria should develop a timeline and tracking system for the implementation and course of action for each legislative recommendation contained in this report, in collaboration with the OFMEM.