



# **Office of the Fire Marshal and Emergency Management**

**Review of Fire Protection Services  
(Fire Prevention and Public  
Education) in the  
City of St. Catharines**

**March 5, 2015  
2653-2014 (St. Catharines)**



## Table of Contents

1.0	Executive Summary .....	3
2.0	Review Background .....	3
3.0	Legislative Authority .....	4
4.0	Scope .....	4
5.0	Review Methodology .....	4
6.0	<i>Fire Protection and Prevention Act</i> , 1997 - Fire Protection Services.....	5
6.1	OFMEM's Three Lines of Defence .....	5
6.2	Municipal Responsibilities - Clause 2.(1)(a), <i>Fire Protection and Prevention Act</i> .....	6
6.3	Municipal Responsibilities - Clause 2.(1)(b), <i>Fire Protection and Prevention Act</i> , 1997 .....	6
6.4	Municipal Fire Risk .....	7
6.5	Administration and Governance .....	8
6.6	Records Management .....	10
6.7	Public Fire Safety Education .....	11
6.8	Fire Safety Inspections and Enforcement.....	12
6.9	Pre-Incident Planning.....	15
6.10	Fire Investigations .....	15
6.11	Training .....	17
7.0	Office of the Fire Marshal and Emergency Management Conclusion – Municipal Fire Protection and Prevention Responsibilities.....	18
7.1	Legislative Requirements and Recommendations .....	20
8.0	Appendices .....	24
	Appendix 1 .....	24
	Appendix 2 .....	27



## **1.0 Executive Summary**

- 1 The Office of the Fire Marshal and Emergency Management's municipal review process is utilized to evaluate components of the delivery of fire protection services<sup>1</sup> by municipalities. The purpose is to assess municipal compliance with legislative responsibilities as per Part II of the *Fire Protection and Prevention Act, 1997* (FPPA), Chapter 4, specifically those pertaining to certain components of fire prevention<sup>2</sup> as stated in Clauses 2.(1)(a) and 2.(1)(b) of the Act.
- 2 The FPPA places responsibility with municipal council to determine the level of fire protection services the fire department will provide. The aforementioned clauses outline the municipality's legislated requirements, including establishing public education and fire prevention programs.
- 3 This review has determined that the City of St. Catharines could improve compliance with certain legislated requirements of the FPPA. However, the City of St. Catharines continues to improve its service delivery on an ongoing basis.
- 4 The Office of the Fire Marshal and Emergency Management (OFMEM) has identified the following:
  - Nine Legislative recommendations to improve compliance with the FPPA;
  - Four Municipal recommendations to improve compliance with the Municipal Act; and
  - Sixteen recommendations to provide direction for the optimization of their municipal fire protection delivery model.
- 5 It is the responsibility of the City of St. Catharines to take the necessary steps to ensure compliance with the FPPA by prioritizing and developing a council approved and monitored implementation plan. The said plan will be submitted to the OFMEM for review and follow up within a timeframe agreed upon by the Council and the OFMEM.

## **2.0 Review Background**

- 6 The OFMEM met with City of St. Catharines municipal officials on May 21, 2014, and it was mutually agreed by both parties that St. Catharines would benefit from a review of the municipality's fire protection services as outlined above.
- 7 On May 29, 2014, correspondence from the OFMEM to the mayor and council outlined the scope of the review. On July 7, 2014, the review team gathered in St. Catharines to initiate the process of data collection and conducted interviews with fire service and municipal personnel.

---

<sup>1</sup>"Fire protection services" includes fire suppression, fire prevention, fire safety education, 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, rescue and emergency services, communication in respect of anything described in clauses (a) to (c), training of persons involved in providing anything described in clauses (a) to (d), and the delivery of any service described in clauses (a) to (e); ("services de protection contre les incendies".)

<sup>2</sup>For the purposes of this report "components of fire prevention" refers to public fire safety education, fire safety inspections and *Fire Code* enforcement, and fire investigations activities.



8 The current organizational structure of the St Catharines Fire Services was provided to the review team. In support of the scope of the review the hierarchal structure of the Fire Prevention Division was reviewed and is described as follows:

- Chief Fire Prevention Officer (1)
- Fire Prevention Officer (FPO) (1) currently on leave since January 2014
- Senior Fire Inspector (1) currently acts as FPO
- Fire Inspector (5)

### 3.0 Legislative Authority

9 This review was conducted under the authority of Part III of the *Fire Protection and Prevention Act*, which states:

***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.*

### 4.0 Scope

10 As indicated in the May 29, 2014 letter, this review evaluated the following:

- Establishing and Regulating By-law (determine the level of fire prevention services in the City of St. Catharines);
- Risk Assessment (utilizing the fire risk sub-model and the integrated risk model) to identify all high and extreme risks in the municipality;
- Fire Inspection practices and protocols (training, frequency, enforcement option, utilization of non-traditional staff such as fire suppression)
- Public Education programs development and utilization;
- Fire investigation to assist in improving fire service delivery gaps;
- Evaluation of current pre-plans in place and identify gaps that would benefit from preplanning;
- developing pre-plans for all high and extreme risks (enhancing the health and safety for staff and residents/occupants); and
- Interaction between fire services and various city services (improving response to various issues.)

### 5.0 Review Methodology

11 The Fire Marshal's review team uses a methodology based on principles established by the Ontario Ministry of Community Safety and Correctional Services,<sup>3</sup> the OFMEM and other established public oversight and regulatory processes. Review team members are assigned tasks and collect information

---

<sup>3</sup>See the *Ontario Major Case Management Manual*, Ministry of Community Safety and Correctional Services, October 1, 2004.  
[http://www.mcscs.jus.gov.on.ca/english/police\\_serv/MajorCaseManagement/mcm.html](http://www.mcscs.jus.gov.on.ca/english/police_serv/MajorCaseManagement/mcm.html).



focusing on specific issues pertaining to the provision of fire protection services within a given municipality.

- 12 As benchmarks, the review team then applies OFMEM Public Fire Safety Guidelines and other publicly available publications and programs to analyze the information collected. The recommendations contained within this report are based on this methodology.

## **6.0 Fire Protection and Prevention Act, 1997 - Fire Protection Services**

- 13 The *Fire Protection and Prevention Act*, 1997 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 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.*

- 14 Furthermore, the fire chief's responsibilities are outlined:

### ***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. A fire chief also has specific authorizations in sections 14, 19 and 20 of the FPPA.*

## **6.1 OFMEM's Three Lines of Defence**

- 15 As a principled approach to delivering effective and efficient fire protection services, the OFMEM advocates the Three Lines of Defence to prevent and mitigate fire loss, injury and death, and promoting firefighter safety within a community. The Three Lines of Defence are:

1. Public Fire Safety Education
2. Fire Safety Standards and Enforcement
3. Emergency Response

- 16 In January 2014, the Ontario government enacted two regulations pursuant to the FPPA to protect Ontarians. These regulations<sup>4</sup> are further supported by three compulsory directives<sup>5</sup> issued under the provisions of the FPPA Chapter 4, Clause

<sup>4</sup>O. Reg. 364/13 Mandatory Inspection — Fire Drill In Vulnerable Occupancy; O. Reg. 365/13 Mandatory Assessment Of Complaints And Requests For Approval

<sup>5</sup>Fire Marshal Directive 2014-001 - Registry of Vulnerable Occupancies

Fire Marshal Directive 2014-002 - Vulnerable Occupancies – Fire Drill Scenarios, Fire Drill Observations, Fire Safety Inspections (PDF version 343Kb) (Inspection Checklist)

Fire Marshal Directive 2014-003 - Inspections Of All Buildings



9.(1)b to perform activities that enhance the requirements of Clauses 2.(1)a and 2.(1)b.

## **6.2 Municipal Responsibilities - Clause 2.(1)(a), Fire Protection and Prevention Act**

17 Public Fire Safety Guidelines are issued under authority of the Fire Marshal. These guidelines establish compliance requirements with Clause 2.(1)(a) of the FPPA. The OFMEM's *minimum acceptable model*<sup>6</sup> for public fire safety education and fire safety inspections states that a municipality should provide and maintain the following programs and activities for annual compliance:

- a risk assessment;
- a smoke alarm program, including home fire escape planning; and
- the distribution of public fire safety education materials.

18 To determine compliance with Clause 2.(1)(a), the following was requested:

- the risk assessment for the City of St. Catharines;
- the municipality's smoke alarm program, including home fire escape planning; and
- documentation related to the distribution of public fire safety education information and the implementation of Public Fire Safety Education Programs.

19 To determine compliance with the three Fire Marshal directives mentioned in Paragraph 16, the following was requested:

- documentation of fire safety inspections that were conducted upon complaint or request;
- documentation supporting the registry of vulnerable occupancies; and
- documentation to support the annual requirements for fire drills and inspections in vulnerable occupancies.

## **6.3 Municipal Responsibilities - Clause 2.(1)(b), Fire Protection and Prevention Act, 1997**

20 In addition to Clause 2.(1)(a), a municipality is responsible for providing other fire protection services it determines may be necessary in accordance with its needs and circumstances as per Clause 2.(1)(b). In order to determine what other fire protection services are necessary, a municipality should identify its fire risks through the completion of a comprehensive fire risk assessment utilizing the OFMEM's Fire Risk Sub-Model<sup>7</sup> and the Integrated Risk Management Web Tool. The comprehensive fire risk assessment provides the basis for establishing the needs and circumstances in the municipality.

<sup>6</sup>See the Office of the Fire Marshal's Public Fire Safety Guidelines 04-40 (A-D)-03 and 04-40 (A-D)-12.

<sup>7</sup> OFM Fire Risk Sub-Model - June 2009

[http://www.mcscs.jus.gov.on.ca/english/FireMarshal/FireServiceResources/ComprehensiveFireSafetyEffectivenessModel/FireRiskSub-Model/Fire\\_risk\\_submodel.html](http://www.mcscs.jus.gov.on.ca/english/FireMarshal/FireServiceResources/ComprehensiveFireSafetyEffectivenessModel/FireRiskSub-Model/Fire_risk_submodel.html)



21 As the principal adviser, the fire chief is ultimately responsible for assessing the community fire risk and developing recommendations regarding the delivery of fire protection services to council. Considering the municipality's needs and circumstances, council is responsible for establishing and determining the level of fire protection services that will be delivered by the fire department to address identified risks.

22 The review team also evaluated the fire service's undertakings related to Clause 2.(1)(b) by assessing:

1. The municipality's fire risk;
2. The Establishing and Regulating By-law and fire-related by-laws; and
3. Fire protection services provided in the municipality as identified in Section 4.0 Scope.

#### **6.4 Municipal Fire Risk**

23 Assessing fire risks within a community is the process of examining and analyzing the relevant factors that characterize the community, and applying this information to identify potential fire scenarios that may be encountered. A fire risk assessment includes an analysis of the likelihood of these scenarios occurring and their subsequent consequences. This information serves as the basis for formulating and prioritizing fire risk management decisions to reduce the likelihood of these events from occurring and to mitigate the impact of these events should they occur.

24 The Fire Risk Sub-Model assesses fire risk utilizing seven components to examine and analyze the relevant factors that characterize the community. The Sub-Model assessment includes an analysis of the likelihood of these scenarios occurring and their subsequent consequences. High and extreme risks (major and catastrophic in the sub-model) should be assessed by the fire department to determine best mitigation strategies when applying the Three Lines of Defence. High risks may include occupancies such as a non-sprinklered nursing home. Extreme risks may include industrial occupancies in communities that have experienced urban encroachment next to a fertilizer plant.

25 The Integrated Risk Management Web Tool (IRM) is intended for municipal and fire service decision-makers. The tool will assist municipalities in fulfilling the responsibilities prescribed in Section 2 of the Fire Protection and Prevention Act, 1997 (FPPA).

26 The IRM Web Tool can be used by all Ontario's municipalities and fire departments to determine building fire risks in their respective communities by taking into account building characteristics (Building Factors) and the Three Lines of Defence against fire.

27 The review team concluded that St. Catharines does not have an approved risk assessment.



- 28 The review team found no evidence of any mechanism to measure fire risk within the municipality which would determine what fire protection services will be delivered by the fire department.

**Provincial Legislative Recommendation #1**

The municipal council of the City of St. Catharines shall complete a comprehensive fire risk assessment in the municipality to identify high and extreme risk buildings/occupancies and develop fire prevention programs and activities based on those identified risks.

## **6.5 Administration and Governance**

- 29 The Establishing and Regulating By-law is a council level document outlining municipal policy for the fire protection services it provides to meet the community's needs and circumstances. The primary issues addressed in an Establishing and Regulating By-law shall include policy direction in these areas:

- legislative requirements that may impact the delivery of fire protection services (i.e. of MOL, MOE);
- Fire Marshal directives;
- Industry best practices (i.e. Section 21 Guidance notes, NFPA standards);
- general functions and core services to be delivered;
- goals and objectives of the department;
- general responsibilities of members;
- organizational structure;
- authority to proceed beyond established response areas;
- authority to apply costs to property owner for fire investigations; and
- authority to effect necessary department operations.

- 30 St. Catharines provided a document that could be interpreted as an E & R By-law titled Preventing Fire, the Spread of Fires and for the Preservation of Life (No. 76-319, November 22/76). This by-law is currently being used as their E & R By-law, but should be updated to reflect current service levels and provincial legislation.

**Municipal Recommendation #1**

The municipal council of the City of St. Catharines shall develop and implement an updated Establishing and Regulating By-law consistent with the legislative requirements of the Municipal Act and FPPA.

- 31 Council is responsible for developing and passing by-laws that may impact fire protection services within the municipality. These may include by-laws to authorize:

- designation of the fire chief and deputy fire chief positions;
- fire protection agreements;
- participation in Mutual Aid System;
- communications agreements;
- jointly managed and operated services (such as a fire department);
- the sale or purchase of fire protection;
- fire hydrants;





- fire access routes;
- open air burning;
- fees-for-service;
- cost recovery for demolition during fires and investigations;
- the safe handling, storage and sale of fireworks; and
- anything to which the fire department requires council authorization.

32 In reviewing the existing municipal fire related by-laws the following discrepancies and/or deficiencies were identified:

- By-law (No 2013-286) Fee for Service – outlines the process and fee schedule for the recovery of costs however, the fire service does not take measures to recover costs;
- By-law (No 89-304) Fire Route Parking – requires updating to reflect current environment;
- By-law (No 2004-291) Fire Works – lacks proper designation and fails to identify a process that allows for the enforcement of the by-law; and
- By-law (No 5476 dated 13 March 1950) – allows for the Fire Chief to discipline or dismiss members of the fire service. This By-law is antiquated and may not reflect current fire department operations.

33 Furthermore, the following fire related by-laws should be considered to ensure the effective and efficient delivery of fire protection services:

- Open –Air Burning By-law;
- Appointment of Deputy Fire Chief(s);
- Appointment of Fire Prevention personnel as municipal by-law officers for the enforcement of fire related by-laws; and
- Fire Hydrants.

#### Municipal Recommendation #2

The municipal council of the City of St. Catharines shall ensure that existing by-laws that have established legislative requirements or appointments are reviewed, amended or repealed as required.

#### Recommendation #1

The municipal council of the City of St. Catharines should ensure that fire-related by-laws be developed, implemented and enforced based on the municipalities requirements and be reviewed regularly to ensure currency, accuracy, relevancy, and effectiveness when delivering fire protection services.

#### 34 Policies and Operating Guidelines

Policies and operating guidelines are used by the fire department to ensure that fire department personnel perform services in a specific and routine manner or to promote continuity and consistency of operations.

A **policy** is a principle or rule to guide decisions and achieve rational outcomes and a **guideline** is a statement by which to determine a course of action. The documents outline the performance or behaviour of fire department staff, whether



functioning alone or in groups. The creation of policies and guidelines could protect the fire department and municipality from civil lawsuits, enhance safety, training and orientation, ensure consistent levels of performance, and may demonstrate due diligence.

The review team evaluated existing guidelines that were provided pertaining to fire prevention and public education activities (some in Draft form), including fire safety inspections, investigations, Fire Code enforcement, pre-planning, risk assessment and records management for fire prevention and the following issues were identified:

- fire prevention structure and identified positions/responsibilities does not reflect the current approved organizational chart;
- specific fire prevention policies, programs, and guidelines for fire prevention staff are not clearly outlined and/or not being conducted by the fire service;
- inconsistent information regarding who is responsible for developing policies and operating guidelines;
- inconsistent information about *Fire Code* enforcement;
- in some cases, fire department personnel are not aware of, and are not following, the policies and operating guidelines;
- policies or operating guidelines outlining the process for conducting routine, request or complaint inspections need to be developed;
- policies or operating guidelines outlining the development and implementation of public fire safety education programs and activities need to be developed;
- policies or operating guidelines outlining consistent fire investigation activities need to be developed; and
- policies or operating guidelines governing fire service records management that aligns with the municipal retention by-law needs to be developed.

#### Recommendation #2

The municipal council of the City of St. Catharines should ensure that fire service policies and operating guidelines are developed or updated to reflect the delivery of approved core services in the Establishing and Regulating By-law. The fire service staff responsible for fire prevention activities receives training prior to the implementation of fire prevention policies and operating guidelines.

### 6.6 Records Management

- 35 Fire department records are municipal records and therefore subject to the *Municipal Act* and the *Municipal Freedom of Information and Protection of Privacy Act*. Under the *Municipal Act*, municipalities have a legislated responsibility to have a records retention schedule which includes fire department records. These records should be located centrally within the fire department to control and prevent unauthorized access.
- 36 St. Catharines' municipal records retention by-law (By-law No. 2006-264) outlines records retention requirements for fire department files. However, fire department personnel were not entirely familiar with the by-law.



- 37 The current methodology used in the Fire Prevention Division to collect and store information is held in both the electronic form (Amanda system) and in a hard copy within the Division.
- 38 During the course of their duty Fire Prevention staff is not provided with similar devices to record and store data as other municipal employees which leads to the duplication of documentation.
- 39 A primary concern was raised by Fire Prevention staff regarding the security of data imputed into “Amanda” could be easily accessed by other municipal staff. It was noted during the review process that an upgrade to the “Amanda” system has been purchased and will be implemented on a priority basis.
- 40 Due to the absence of a designated “Responsible Person” in accordance with the by-law Fire Prevention personnel are not consistent in their methods of records retention and management. For example, personnel indicated that they use different enforcement methods and documentation to address Fire Code violations identified during fire safety inspections of buildings.
- 41 The absence of administrative staff during normal business hours, with the exception of Wednesdays creates difficulties with both the inspection staff and the general public. Inspection staff is burdened with a heavier administrative workload and delays in inspection processes. The public's access to the fire prevention office for such items as fire safety plans approval or to request or file a complaint inspection is hindered. The general public is directed to attend the headquarters building for their inquiries when the office is not staffed.

#### Recommendation #3

The municipal council of the City of St. Catharines should ensure that fire prevention staff be provided with the necessary devices to perform their duties in an efficient and consistent manner, with priority being given to upgrading the “Amanda” system.

#### Municipal Recommendation #3

The municipal council of the City of St. Catharines shall conduct an audit of Fire Prevention records to confirm compliance with By-law (No 2006-264) Preservation, Retention and Destruction of Records.

#### Recommendation #4

The municipal council of the City of St. Catharines should designate appropriate resources to ensure the Fire Prevention Division operates in a professional, consistent and efficient manner to meet the increasing municipal requirements of the community.

## **6.7 Public Fire Safety Education**

- 42 A municipality's public fire safety education programs should be based on the needs and circumstances as determined by its comprehensive fire risk assessment



and the results of fire investigations (i.e. the cause, origin and circumstances of fires).

- 43 The review team determined that no formal evaluation or analysis of fire investigations conducted by fire service personnel is utilized in the development of fire safety education programs. Fire response data is not considered when determining fire safety education programs.
- 44 Fire service personnel could not identify how they assess, evaluate and prioritize risk within the community. Public fire safety education programs and activities are not risk based and no formal process for identifying high and extreme risks is in place.
- 45 The review team found that there is no formal smoke alarm or home fire escape planning program implemented or approved.
- 46 No records or tracking of public fire safety activities exist.
- 47 Several factors have hindered the development of routine, targeted and proactive public fire safety education programs and activities, including:
- the lack of an updated comprehensive fire risk assessment;
  - no analysis of post-fire information from fire investigation activities or fire response data to determine fire prevention activities;
  - no tracking/evaluation process to validate and revise public fire safety education programs and activities according to the determined needs and circumstances of the municipality;
  - the lack of operating guidelines or policies outlining the development, implementation and tracking of public fire safety education activities; and
  - low priority placed on public fire safety education by the fire department.

#### Recommendation #5

The municipal council of the City of St. Catharines should ensure that there is a policy describing how public fire safety education activities are developed, delivered and documented for the identified risks in the municipality.

#### Provincial Legislative Recommendation #2

The municipal council of the City of St. Catharines shall ensure the development and implementation of a smoke alarm program, including home fire escape planning.

### **6.8 Fire Safety Inspections and Enforcement**

- 48 In accordance with legislative requirements, municipalities are now compelled to ensure all complaint and requests for inspections are assessed and conducted, if required. Furthermore, occupancies that house vulnerable persons compel Chief Fire Officials to conduct on an annual basis an inspection, fire drill and fulfill the registry requirements with the OFMEM.



- 49 Through a lens of risk management, the municipality should adopt and implement a routine fire safety inspection program for high and extreme risk buildings identified within their community based on a comprehensive fire risk assessment.
- 50 The review team concluded that fire safety inspections are not conducted according to risk; fire risk assessments are not used to determine which buildings are inspected or the frequency of inspections. A building when in conformance with legislated Codes and Standards' requirements will perform according to its occupancy classification and design and will enhance public and firefighter safety.
- 51 As identified in the 2014 Action Plan for Fire Prevention Division Building Permits and Business License inspections are the priority. According to this Action Plan the Fire Prevention Division focuses inspection activities on municipal priorities as opposed to risk.
- 52 The FPPA identifies specific persons as *Assistants to the Fire Marshal* and as such have a statutory role and shall follow the Fire Marshal's Directives in carrying out the requirements under the FPPA. Furthermore, there is an expectation of the de facto statutory duty of the Provincial Offences Officer.
- 53 In accordance with Technical Guideline 01-2012 – *Fire Safety Inspections and Enforcement* an Inspector's notes will form part of the evidence to be disclosed as required when exercising options for remedying Fire Code contraventions and or fire hazards. Accurate, detailed and complete notes give credibility to the Inspector's testimony when required to give evidence in court. In all circumstances, notes must be protected from revisions, amendments or deletions after they have been completed. It is important that in courtroom proceedings the notes reflect an accurate account of observations made at the time of the inspection.

**Provincial Legislative Recommendation #3**

The municipal council of the City of St. Catharines shall develop and implement a formal inspection policy to conduct inspections based on a complaint or request.

**Provincial Legislative Recommendation #4**

The municipal council of the City of St. Catharines shall develop and implement a formal policy for vulnerable occupancies in compliance with the legislative requirements.

**Recommendation #6**

The municipal council of the City of St. Catharines should ensure a routine inspection policy be developed and implemented based on a comprehensive risk assessment.

**Recommendation #7**

The municipal council of the City of St. Catharines should ensure Fire Prevention inspection activities are risk based.



54 The review team examined fire safety inspection files. The following inconsistencies were identified:

- Enforcement option of utilizing an Inspection Order and Notice of Violation for the same building for non-compliance violations;
- Inconsistent application of enforcement options by fire prevention staff that may be attributed to a lack of training;
- Initial inspection on file with non-compliance violations remain outstanding;
- Random spot inspections were conducted by team members to determine compliance with the Fire Code, no major violations were identified however, classification of building occupancy was often incorrect;
- The lack of property data and follow-up made it difficult to evaluate the status of the files;
- Fire Safety Plans (FSP) are missing, incomplete or out of date on numerous files; and
- Inconsistent approval process for FSPs.

55 The FPPA allows a municipality's Chief Fire Official and/or Fire Chief to delegate their authority. Written documents supporting the Fire Chiefs delegation of authority were provided however, incorrect FPPA/OFC references were used.

**Provincial Legislative Recommendation #5**

The municipal council of the City of St. Catharines shall ensure that all Fire Prevention property files are reviewed in consultation with the building department for accuracy, consistency, correct building classification and to affirm that all outstanding fire code contraventions or fire hazards are remedied and the building is compliant with the Ontario Fire Code.

**Provincial Legislative Recommendation #6**

The municipal council of the City of St. Catharines should ensure that Fire Prevention staff apply the enforcement options consistently pursuant to FPPA and Provincial Offences Act.

**Provincial Legislative Recommendation #7**

The municipal council of the City of St. Catharines shall ensure that a thorough review of property files is conducted to ascertain all buildings that require a fire safety plan are present and approved by the Chief Fire Official or their designate as outlined in the FPPA and Ontario Fire Code.

56 Interaction between fire department personnel and officials from municipal building departments is important to ensure fire safety requirements of the *Ontario Building Code* are achieved in all buildings. Currently building and fire departments are jointly reviewing the municipal business license process. Some of the areas of concern being addressed are:

- The overlapping of inspector duties (i.e. compliance letters);
- Building inspector inability to access fire prevention staff schedules to co-ordinate joint inspections; and
- Fire inspector notes not entered into Amanda system.



- 57 Members of the review team interviewed a member of the City of St. Catharines Department of Planning and Development to determine the interaction with the fire department. It was confirmed that there are no policies or formal procedures outlining interaction with the fire service. A representative from the Fire Prevention Division attends meetings on a regular basis to provide input on the new Legislation Policy Initiative.
- 58 The Ministry of Municipal Affairs and Housing requires those involved in the enforcement of the Building Code Act and Regulations as well as people involved in the design and supervision of construction must keep abreast of new techniques and current Building Code requirements. Detailed technical training courses are intended to assist experienced code users to prepare for the mandatory Ministry Building Code Qualification Examinations.

**Provincial Legislative Recommendation #8**

The municipal council of the City of St. Catharines shall ensure a policy is developed to delineate the perspective roles of the Building and Fire Inspectors for the plans review process and inspection.

## **6.9 Pre-Incident Planning**

- 59 Numerous Ontario Coroners Jury's have made recommendations to fire services pertaining to Pre-incident Planning. Pre-incident planning is the process of preparing an advance plan for emergency operations at a given occupancy if a fire occurs. It increases the effectiveness of fire suppression operations at a fire scene, and enhances public and firefighter safety and the protection of property.<sup>8</sup> Involving fire prevention staff in the pre-incident planning process benefits emergency operations and provides suppression crews with accurate fire safety inspection information.
- 60 The review team determined there were no pre-incident plans in existence for any of St. Catharines buildings.
- 61 There is no Pre-Incident Planning Policy or Guideline and there is no collaboration or training provided between Suppression and Fire Prevention Divisions.

**Recommendation #8**

The municipal council of the City of St. Catharines should ensure the development and implementation of a Pre-Incident Planning Operating Guideline that includes both Suppression and Fire Prevention Divisions and all staff be trained accordingly.

## **6.10 Fire Investigations**

- 62 Fire investigations can be proactive in assisting with determining, developing and validating current fire protection services. Information collected when conducting

<sup>8</sup>Clinton H. Smoke. 2009. *Company Officer*. Third Edition. p. 314; *The Firefighter Handbook: Essentials of Firefighting and Emergency Response*. Second Edition. 2004. p. 950.; *Ontario Fire Services Standards: Firefighter*. Section 11. p. 30.





fire investigations can be a valuable tool in developing an effective public education program for a municipality as it relates specifically to a community's needs and circumstances.

- 63 Communication between the divisions is required to ensure continuity of the investigative process to ensure accurate fire cause determination.
- 64 The Memorandum of Understanding (MOU) between the Niagara Regional Police Services, OFMEM and the fire services for the Region of Niagara (including St. Catharines Fire Department) defines the role of each agency in relation to fires/explosions investigation occurring in the municipality.
- 65 The review team examined St. Catharines Fire Department procedure for conducting fire investigations and utilizing this information for prioritizing fire prevention activities and the development of public education programs. The following issues were identified:
- fire prevention staff are currently utilized to perform fire investigation activities when requested by suppression. There are no formal policies or existing operating guidelines pertaining to calling in fire prevention staff or conducting fire investigations;
  - there is a lack of communication between Fire Prevention and Suppression Divisions. Communication is required to ensure continuity of the investigative process to ensure accurate cause determination;
  - fire investigations completed by suppression are entered as a complaint in the Amada system however, many fire prevention staff cannot access this data;
  - no consistent process is used for transferring information between suppression and fire prevention regarding fire investigations;
  - emergency response and fire investigation data are not considered when prioritizing inspections or developing public education activities/programs;
  - no formal policy or operating guideline exists pertaining to the requirements and procedures for post-fire fire safety inspections of a building/occupancy to verify compliance with relevant codes and standards; and
  - staff identified that they were not familiar with the requirements of Fire Marshal's Directive 2011-01: Office of the Fire Marshal and Emergency Management Notification of Fires and Explosions. This directive requires all Assistants to the Fire Marshal to notify the Office of the Fire Marshal and Emergency Management of all incidents that meet specific criteria in the province.

**Municipal Recommendation #4**

The municipal council of the City of St. Catharines shall ensure the Memorandum of Understanding for Fire/Explosion Investigations is reviewed, amended and updated as required.





#### Recommendation #9

The municipal council of the City of St. Catharines should ensure operational guidelines pertaining to fire investigation activities and the transferring of information between the Divisions are developed, implemented and training of fire department staff provided accordingly.

#### Recommendation #10

The municipal council of the City of St. Catharines should ensure fire prevention staff have access to response and fire investigation data to prioritize fire prevention activities and develop relevant public education programs in the community.

#### Recommendation #11

The municipal council of the City of St. Catharines should ensure the development of a policy outlining the requirements and activities for post-fire fire safety inspections of a building or occupancy to verify compliance with the *Fire Code*.

#### Provincial Legislative Recommendation #9

The municipal council of the City of St. Catharines shall ensure that fire department staff are aware of directives issued by the Fire Marshal including the criteria stated in the Fire Marshal's Directive 2011-01: Office of the Fire Marshal and Emergency Management Notification of Fires and Explosions.

### 6.11 Training

- 66 Training of fire department personnel is required under the *Occupational Health and Safety Act* (OHSA) as prescribed by the Ontario Ministry of Labour. The Ministry of Labour, in collaboration with fire service stakeholders, develops Ontario Fire Service Section 21 Committee Guidance Notes.
- 67 The Fire Prevention Division training was reviewed but the team did not assess the content of the training program however, it did include the documentation of training activities.
- 68 Training records provided indicated the following:
- 8 staff have completed the Fire Prevention Officer Diploma Program at the Ontario Fire College
  - 6 staff have completed the Public Fire and Life Safety Educator Certification
  - 4 staff have completed the Fire Inspector Level II Plans Review Gap course
- 69 There is no formal annual training program for the Fire Prevention Division and therefore could not be assessed by the review team.
- 70 St Catharine's Training Division is responsible for providing corporate training to the Fire Prevention Division and maintains those records. A new Records Management System for training records is being developed with the capabilities of tracking staff training. Any training conducted or received outside the purview of this scope is maintained by the Fire Prevention Officer.



- 71 No indoctrination/formalized training or professionalization program/policy exists that outlines the development expectations for fire prevention staff.
- 72 Annual written tests are currently administered by the Chief Fire Prevention Officer however; this process is not supported by the Collective Agreement and there is no formal policy to support the measurement expectations of staff.
- 73 Training on the current Record Management System (Amanda) was identified as an issue by the Fire Prevention Division.

**Recommendation #12**

The municipal council of the City of St. Catharines should ensure the development of a formal indoctrination process and training program to ensure all fire prevention staff is trained as required to perform their municipal and legislative responsibilities and duties.

**Recommendation #13**

The municipal council of the City of St. Catharines should ensure a fire department annual training program and policy is developed for each core service identified in the Establishing and Regulating By-law.

**Recommendation #14**

The municipal council of the City of St. Catharines should ensure a training records management system is developed, implemented and administered by the Training Division. This will ensure consistent individual training assessments and reports are accurate and stored in a secure central location for fire service staff.

**Recommendation #15**

The municipal council of the City of St. Catharines should ensure a professionalization development process and policy for fire prevention staff is developed and implemented.

**7.0 Office of the Fire Marshal and Emergency Management Conclusion –  
Municipal Fire Protection and Prevention Responsibilities**

- 74 The purpose of this review is to assist the City of St. Catharines in meeting its legislative responsibilities as per Part II of the *Fire Protection and Prevention Act*, 1997 R.S.O. 1997, Chapter 4. The review has identified a number of legislative requirements and recommendations to assist the municipality in meeting its responsibilities in accordance with the requirements of fire protection services (fire prevention components), as stated in Clauses 2.(1)(a) and 2.(1)(b) of the legislation.
- 75 The Office of the Fire Marshal and Emergency Management will continue to monitor fire protection services in this community and will provide further advice and assistance in cooperation with municipal council and their fire department.



**Recommendation #16**

The municipal council of the City of St. Catharines shall develop a timeline and tracking system for the implementation and course of action for each recommendation and legislative requirement contained within this report in collaboration with the Office of the Fire Marshal and Emergency Management.



## **7.1 Legislative Requirements and Recommendations**

### **Provincial Legislative Recommendation #1**

The municipal council of the City of St. Catharines shall complete a comprehensive fire risk assessment in the municipality to identify high and extreme risk buildings/occupancies and develop fire prevention programs and activities based on those identified risks.

### **Provincial Legislative Recommendation #2**

The municipal council of the City of St. Catharines shall ensure the development and implementation of a smoke alarm program, including home fire escape planning.

### **Provincial Legislative Recommendation #3**

The municipal council of the City of St. Catharines shall develop and implement a formal inspection policy to conduct inspections based on a complaint or request.

### **Provincial Legislative Recommendation #4**

The municipal council of the City of St. Catharines shall develop and implement a formal policy for vulnerable occupancies in compliance with the legislative requirements.

### **Provincial Legislative Recommendation #5**

The municipal council of the City of St. Catharines shall ensure that all Fire Prevention property files are reviewed in consultation with the building department for accuracy, consistency, correct building classification and to affirm that all outstanding fire code contraventions or fire hazards are remedied and the building is compliant with the Ontario Fire Code.

### **Provincial Legislative Recommendation #6**

The municipal council of the City of St. Catharines should ensure that Fire Prevention staff apply the enforcement options consistently pursuant to FPPA and Provincial Offences Act.

### **Provincial Legislative Recommendation #7**

The municipal council of the City of St. Catharines shall ensure that a thorough review of property files is conducted to ascertain all buildings that require a fire safety plan are present and approved by the Chief Fire Official or their designate as outlined in the FPPA and Ontario Fire Code.

### **Provincial Legislative Recommendation #8**

The municipal council of the City of St. Catharines shall ensure a policy is developed to delineate the perspective roles of the Building and Fire Inspectors for the plans review process and inspection.



**Provincial Legislative Recommendation #9**

The municipal council of the City of St. Catharines shall ensure that fire department staff are aware of directives issued by the Fire Marshal including the criteria stated in the Fire Marshal's Directive 2011-01: Office of the Fire Marshal and Emergency Management Notification of Fires and Explosions.

**Municipal Recommendation #1**

The municipal council of the City of St. Catharines shall develop and implement an updated Establishing and Regulating By-law consistent with the legislative requirements of the Municipal Act and FPPA.

**Municipal Recommendation #2**

The municipal council of the City of St. Catharines shall ensure that existing by-laws that have established legislative requirements or appointments are reviewed, amended or repealed as required.

**Municipal Recommendation #3**

The municipal council of the City of St. Catharines shall conduct an audit of Fire Prevention records to confirm compliance with By-law (No 2006-264) Preservation, Retention and Destruction of Records.

**Municipal Recommendation #4**

The municipal council of the City of St. Catharines shall ensure the Memorandum of Understanding for Fire/Explosion Investigations is reviewed, amended and updated as required.

**Recommendation #1**

The municipal council of the City of St. Catharines should ensure that fire-related by-laws be developed, implemented and enforced based on the municipalities requirements and be reviewed regularly to ensure currency, accuracy, relevancy, and effectiveness when delivering fire protection services.

**Recommendation #2**

The municipal council of the City of St. Catharines should ensure that fire service policies and operating guidelines are developed or updated to reflect the delivery of approved core services in the Establishing and Regulating By-law. The fire service staff responsible for fire prevention activities receives training prior to the implementation of fire prevention policies and operating guidelines.

**Recommendation #3**

The municipal council of the City of St. Catharines should ensure that fire prevention staff be provided with the necessary devices to perform their duties in an efficient and consistent manner, with priority being given to upgrading the "Amanda" system.



**Recommendation #4**

The municipal council of the City of St. Catharines should designate appropriate resources to ensure the Fire Prevention Division operates in a professional, consistent and efficient manner to meet the increasing municipal requirements of the community.

**Recommendation #5**

The municipal council of the City of St. Catharines should ensure that there is a policy describing how public fire safety education activities are developed, delivered and documented for the identified risks in the municipality.

**Recommendation #6**

The municipal council of the City of St. Catharines should ensure a routine inspection policy be developed and implemented based on a comprehensive risk assessment.

**Recommendation #7**

The municipal council of the City of St. Catharines should ensure Fire Prevention inspection activities are risk based.

**Recommendation #8**

The municipal council of the City of St. Catharines should ensure the development and implementation of a Pre-Incident Planning Operating Guideline that includes both Suppression and Fire Prevention Divisions and all staff be trained accordingly.

**Recommendation #9**

The municipal council of the City of St. Catharines should ensure operational guidelines pertaining to fire investigation activities and the transferring of information between the Divisions are developed, implemented and training of fire department staff provided accordingly.

**Recommendation #10**

The municipal council of the City of St. Catharines should ensure fire prevention staff have access to response and fire investigation data to prioritize fire prevention activities and develop relevant public education programs in the community.

**Recommendation #11**

The municipal council of the City of St. Catharines should ensure the development of a policy outlining the requirements and activities for post-fire fire safety inspections of a building or occupancy to verify compliance with the *Fire Code*.

**Recommendation #12**

The municipal council of the City of St. Catharines should ensure the development of a formal indoctrination process and training program to ensure all fire prevention staff is trained as required to perform their municipal and legislative responsibilities and duties.



**Recommendation #13**

The municipal council of the City of St. Catharines should ensure a fire department annual training program and policy is developed for each core service identified in the Establishing and Regulating Bylaw.

**Recommendation #14**

The municipal council of the City of St. Catharines should ensure a training records management system is developed, implemented and administered by the Training Division. This will ensure consistent individual training assessments and reports are accurate and stored in a secure central location for fire service staff.

**Recommendation #15**

The municipal council of the City of St. Catharines should ensure a professionalization development process and policy for fire prevention staff is developed and implemented.

**Recommendation #16**

The municipal council of the City of St. Catharines shall develop a timeline and tracking system for the implementation and course of action for each recommendation and legislative requirement contained within this report in collaboration with the Office of the Fire Marshal and Emergency Management.

Signed in Sudbury, ON

Arthur Booth  
Operations Manager  
Office of the Fire Marshal and Emergency Management and Emergency Management and  
Emergency Management



## 8.0 Appendices

### Appendix 1

**Ministry of  
Community Safety and  
Correctional Services**

Office of the  
Fire Marshal

Suite 6  
3767 Hwy 69 South  
Sudbury ON P3G 0A7  
Tel: 1-800-565-1842  
Fax: (705) 564-4555

**Ministère de la  
Sécurité communautaire et des  
Services correctionnels**

Bureau du  
commissaire des incendies

Suite 6  
3767, route 69 sud  
Sudbury ON P3G 0A7  
Tel: 1-800-565-1842  
Télec. : (705) 564-4555



File Reference/Référence: 687-17-2653

May 29, 2014

Mayor Brian McMullan and Members of Council  
City of St. Catharines  
P.O. Box 3012, 50 Church Street  
St. Catharines, ON L2R 7C2

**Re: Notification of OFMEM review of fire protection services in the City of  
St. Catharines pursuant to Clause 9.(1)(a) of the Fire Protection and  
Prevention Act, 1997**

Dear Mayor Brian McMullan and Members of Council:

Officials from the Office of the Fire Marshal and Emergency Management (OFMEM) have participated in ongoing discussions with municipal officials from the City of St. Catharines pertaining to the delivery of fire protection services and emergency management. It was agreed by both parties on May 21, 2014, that the City of St. Catharines would benefit from a review. During this conversation, we advised that we would conduct a review of fire protection services pursuant to our authority as per the Fire Protection and Prevention Act, 1997(FPPA), Part III, Clause 9. (1)(a), specifically to review (items such as: fire prevention, public education, inspections, enforcement, and fire investigations) activities for the City of St. Catharines.

Upon completion, the review will provide the City of St. Catharines with recommendations to assist in improving the effectiveness and efficiency of the delivery of fire protection services to its residents and in meeting its responsibilities under the FPPA and other supporting legislation.





-2-

It will be the responsibility of the City of St. Catharines to provide all requested documentation pertaining to fire protection services and emergency management prior to commencing the on-site visit. During the on-site visit the review team must be provided access to all required documentation.

The scope of the review will address:

1. Establishing and Regulating By-law (determine the level of fire prevention services in the City of St. Catharines.)
2. Risk Assessment (utilizing the fire risk sub-model and the integrated risk model) to identify all high and extreme risks in the municipality.
3. Fire Inspection practices and protocols (training, frequency, enforcement option, utilization of non-traditional staff such as fire suppression).
4. Public Education programs development and utilization.
5. Fire investigation to assist in improving fire service delivery gaps.
6. Evaluation of current pre-plans in place and identify gaps that would benefit from pre-planning; developing pre-plans for all high and extreme risks (enhancing the health and safety for staff and residents/occupants.)
7. Interaction between fire services and various city services (improving response to various issues.)
8. Emergency Management Planning.

Under the direction of the Regulating Modernization Act, during the course of the review, should the OFMEM become aware of other issues which may impact on another ministry or regulatory authority, the OFMEM will notify both the municipality and that ministry or authority. Further, the OFMEM as part of its responsibilities will address any critical fire protection delivery issues that may be identified during the review process. The OFMEM will provide any assistance necessary to resolve any critical issues that are identified.

We are anticipating a start date of July 8, 2014. We will provide further correspondence to assist you in preparing for the review. The OFMEM will provide a report to council with recommendations and follow up with advice and assistance until all recommendations are completed. Your ongoing cooperation is anticipated so that the report will be completed in a timely manner.



-3-

The OFMEM is available throughout the review to respond to any questions or address any concerns. I will be the lead on this review and I may be reached by e-mail at [Art.Booth@ontario.ca](mailto:Art.Booth@ontario.ca) or by telephone at 705-564-4472.

Sincerely,

A handwritten signature in black ink, appearing to read "Art Booth".

Art Booth  
Operations Manager  
Field and Advisory Services


- c. Dan Carnegie, Chief Administrative Officer
- Bonnie Nistico-Dunk, City Clerk
- Mark Mehlenbacher, Fire Chief
- Jim Jessop, Director
- Barney Owens, Director
- Al Suleman, Director
- Pierre Yelle, A/Assistant Deputy Fire Marshal
- Jeff Dick, A/Executive Officer
- Tony Pacheco, Executive Assistant
- Jonathan Stone, Executive Assistant



## Appendix 2

### DECLARATION OF COMPLIANCE

*We, the undersigned declare that the information provided is true and accurate. Further, we declare that the municipality of City of St Catharines has completed all the necessary requirements for continued compliance with the public fire safety education and fire prevention requirements stated in clause 2(1)(a) of the Fire Protection and Prevention Act, 1997.*

  
Mark Mehlenbacher, Director/Fire Chief  
St.Catharines Fire & Emergency  
Management Services.

JAN 31 / 11  
Date

*"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", subsection 6(3) of the Fire Protection and Prevention Act, 1997.*

  
Mayor Brian McMullan  
Corporation of City of St. Catharines.

Feb 1, 2011  
Date