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Lundi 28 août 2006

**Standing committee on
regulations and private bills**

**Comité permanent des
règlements et des projets
de loi d'intérêt privé**

Chair: Andrea Horwath
Clerk: Susan Sourial

Présidente : Andrea Horwath
Greffière : Susan Sourial

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE
ON REGULATIONS
AND PRIVATE BILLS**

**COMITÉ PERMANENT DES
RÈGLEMENTS ET DES PROJETS DE LOI
D'INTÉRÊT PRIVÉ**

Monday 28 August 2006

Lundi 28 août 2006

The committee met at 1002 in committee room 1.

The Chair (Ms. Andrea Horwath): Good morning, everyone, and welcome to the standing committee on regulations and private bills. We're going to get started, as we do have a quorum. I want to welcome those of you for whom it's your first time back since we broke for the summer to this meeting today to talk about Bill 120, An Act to require the Building Code and the Fire Code to provide for fire detectors, interconnected fire alarms and non-combustible fire escapes.

Today's proceedings will be depositions from the public on Bill 120. Each deponent will have a 20-minute time slot to be able to make their presentation. But we will begin with the report of the subcommittee on committee business.

SUBCOMMITTEE REPORT

The Chair: I believe a member of committee has volunteered to read that report.

Mr. Michael Prue (Beaches–East York): Okay, I'll read the report.

Your subcommittee on committee business met on Wednesday, July 19, 2006, and recommends the following with respect to Bill 89, An Act to amend the Child and Family Services Act and the Coroners Act to better protect the children of Ontario, and with respect to Bill 120, An Act to require the Building Code and the Fire Code to provide for fire detectors, interconnected fire alarms and non-combustible fire escapes:

(1) That as per the agreement of the three party whips, the committee hold up to two days of public hearings on Bill 89 on Tuesday, August 29, and Wednesday, August 30, 2006, in Toronto and one day of clause-by-clause consideration on Friday, September 1, 2006; and one day of public hearings on Bill 120 on Monday, August 28, 2006, and one day of clause-by-clause consideration on Thursday, August 31, 2006.

(2) That all meetings will start at 10 a.m.

(3) That the committee clerk, with the authority of the Chair/Vice-Chair (as appropriate), post information regarding the committee's business on the Ontario parliamentary channel, the committee's website and one day in the Globe and Mail, the Brantford Expositor, the Hamilton Spectator and the Burlington Post. The one ad will include both bills.

(4) That interested people who wish to be considered to make an oral presentation on these bills should contact the committee clerk by 5 p.m., Monday, August 21, 2006.

(5) That on Monday, August 21, 2006, after 5 p.m., if there are more requests received than spaces available for Bill 120, the committee clerk supply the subcommittee members with a list of requests to appear received for Bill 120.

(6) That on Monday, August 21, 2006, after 5 p.m., the committee clerk supply the subcommittee members with a list of requests to appear received for Bill 89.

(7) That if there are more requests received than spaces available, each of the subcommittee members supply the committee clerk with a prioritized list of the names of witnesses they would like to hear from by 5 p.m., Tuesday, August 22, 2006, and that these witnesses must be selected from the original list distributed by the committee clerk to the subcommittee members.

(8) That the committee clerk, in consultation with the Chair/Vice-Chair (as appropriate), be authorized to schedule witnesses from the prioritized lists provided by each of the subcommittee members.

(9) That if all groups can be scheduled, the committee clerk, in consultation with the Chair/Vice-Chair (as appropriate), be authorized to schedule all interested parties and no party lists will be required.

(10) That late-comers be accommodated on a first-come, first-served basis as long as there are spaces available for Bill 89 and Bill 120.

(11) That groups and individuals be offered 20 minutes in which to make a presentation on Bill 120.

(12) That the two families be offered one hour each to make a presentation on Bill 89. Additional time may be added at the call of the Chair.

(13) That individuals be offered 20 minutes and groups 30 minutes in which to make a presentation on Bill 89.

(14) That the Chair have the flexibility to add time to the presentations on Bill 89.

(15) That the Ministry of the Attorney General be invited to make a presentation to the committee on Bill 89 regarding supervised access.

(16) That the deadline for written submissions be 5 p.m., Monday, August 28, 2006.

(17) That a deadline (for administrative purposes) for filing amendments (as per the agreement of the three party whips) be Tuesday, August 29, 2006, 12 noon for Bill 120 and Thursday, August 31, 2006, 12 noon for Bill 89.

(18) That Mr. Jackson and Mr. Prue each make a five-minute opening statement on the day of clause-by-clause of their bill.

(19) That the research officer update the paper on supervised access for Bill 89.

(20) That the research officer prepare a comparison of other jurisdictions in Canada for Bill 120.

(21) That the research officer prepare a summary of the testimony heard.

(22) That the clerk of the committee, in consultation with the Chair/Vice-Chair (as appropriate), be authorized, prior to the passage of the report of the subcommittee, to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Chair: Thank you very much, Mr. Prue. Members of committee, with that report, can I get a mover?

Interjection.

The Chair: Oh, sorry. Mr. Prue moves it by virtue of having read it. Thank you. Can I get a seconder? Mr. Levac. Thank you very much.

All those in favour? Any opposed? Okay, that one's carried. Thank you very much.

FIRE PROTECTION STATUTE LAW AMENDMENT ACT, 2006

LOI DE 2006 MODIFIANT DES LOIS EN CE QUI A TRAIT À LA PROTECTION CONTRE L'INCENDIE

Consideration of Bill 120, An Act to require the Building Code and the Fire Code to provide for fire detectors, interconnected fire alarms and non-combustible fire escapes / Projet de loi 120, Loi exigeant que le code du bâtiment et le code de prévention des incendies prévoient des détecteurs d'incendie, des systèmes d'alerte d'incendie interconnectés et des sorties de secours incombustibles.

CANADIAN AUTOMATIC SPRINKLER ASSOCIATION

The Chair: We'll begin now with the presentations, the first presentation on Bill 120, and I welcome to come to the end of the table here Matthew Osburn, code and technical services manager for the Canadian Automatic Sprinkler Association.

Welcome, Mr. Osburn. Have a seat and make yourself comfortable. You have 20 minutes allotted. If you don't use your full 20 minutes, we will be having an opportunity for the members of committee to ask any questions or for clarifications of your comments. So welcome, and thank you for coming to speak to us.

Mr. Matthew Osburn: Great. Thank you very much. Good morning, Chairperson Horwath and members of the committee. My name is Matthew Osburn. I'm the technical codes manager at the Canadian Automatic Sprinkler Association. I want to thank the committee for the opportunity to attend this meeting this morning and the opportunity to share our thoughts on Bill 120.

The Canadian Automatic Sprinkler Association is a national trade contractors' association and has been in place in one form or another since the 1920s. Our association's mandate is "to enhance the level of life safety and property conservation from the effects of fire through the use of fire sprinklers." Our membership consists of contractors, manufacturers-suppliers and design professionals from across Canada.

I would like to recognize and thank the member from Beaches-East York, Mr. Prue, for bringing forward and addressing the need for better fire safety measures in Ontario. On behalf of the Canadian Automatic Sprinkler Association, I am pleased to offer our support in favour of Bill 120.

On January 14, 1999, a horrific fire occurred in the area of Beaches-East York that tragically claimed the lives of Ms. Linda Elderkin and Mr. Paul Benson. The Canadian Automatic Sprinkler Association would like to offer our deepest sympathies to the families of Ms. Linda Elderkin and Mr. Paul Benson. This tragic fire resulted in a coroner's inquest that was conducted and completed in 2000. As a result of the investigation, a series of recommendations were made that would hopefully help prevent any future tragedies due to fire.

To the member's credit, two of the recommendations made by that coroner's inquest appear in Bill 120: the requirement for fire detectors in all public corridors and common areas of the building and interconnected fire alarms that are audible throughout the building and, secondly, every fire escape to be constructed of non-combustible material.

The Canadian Automatic Sprinkler Association supports these recommendations and strongly supports the use of fire alarms, smoke alarms and fire detectors to provide the occupants with an early warning system to safely evacuate the building.

The Canadian Automatic Sprinkler Association believes that a fire alarm or early warning system is only one integral part of a complete fire safety system. It is our opinion that a complete fire safety system should include both an early warning system, such as smoke alarms, fire detectors and fire alarm systems, and also an active suppression system, such as a fire sprinkler system. Statistics from the National Fire Protection Association have shown that a building occupant is 82% more likely to survive a fire if an active fire alarm and fire sprinkler system are present.

1010

I would like to point out that the third recommendation made by the coroner's inquest into this tragic fire was to require a part of the building to be partially sprinklered, with a single sprinkler head located outside

and above entry doors and in all common areas. The rationale given in the coroner's report was that sprinklers may have made a difference in the early stages of the fire.

The Canadian Automatic Sprinkler Association can understand these recommendations that a partial sprinkler system be required, due to the tragic results of this fire. Our association, however, does not support the use of a partial fire sprinkler system, as recommended in the coroner's inquest findings. Our recommendation would be to install a residential sprinkler system in conjunction with the proper standard, these being NFPA 13D, 13R, and 13. With the proven technology in the fire sprinkler industry available today, it would be advantageous to the building owner and occupant to have the entire residence fully sprinklered. Never before has a residential sprinkler system been more affordable or easy to install in a new home. On average, the cost to install a residential fire sprinkler system in a new home is approximately 1% to 1.5% of the total value of the home. This is comparable to the cost of a carpet upgrade or kitchen cabinet upgrade.

A fire sprinkler system has the ability to respond to a fire during the early stages. Only the sprinkler head closest to the fire will automatically activate, helping suppress and control the fire until the fire department can arrive. At the same time that the single sprinkler head activates, an audible alarm automatically operates, providing the building occupants with an early warning system, thus allowing them a safe means of evacuating the building.

Since 1990, over 30 communities in the lower mainland of British Columbia, including the city of Vancouver, have had a mandatory residential sprinkler ordinance. Presently, there are over 200 jurisdictions in North America that have a residential sprinkler ordinance in place. During this time frame, there has never been an accidental multiple loss of life in a residence where a residential fire sprinkler system was present and fully operational.

Unfortunately, there is no way of accurately predicting where and when the next fire will occur. Fire does not discriminate against whom it will strike next. It affects all walks of life: the young, the old, the rich, the poor, the healthy and the sick. It does not recognize creed or colour. Unfortunately, its wrath and fury will continue in the future. Sadly, fire kills approximately 100 innocent people and injures thousands more each year in Ontario. Whether it be the loss of a home or, in the worst circumstance, a loved one, fire will continue to impact Ontarians on a daily basis. The only way to adequately protect building occupants from fire is to require an early warning detection system in conjunction with an automatic suppression system.

Bill 120 will definitely help increase the level of fire safety for Ontario citizens. The recommendations made in Bill 120 will provide more Ontario citizens with an adequate early warning system and will hopefully allow those Ontario citizens a safe means of evacuating their homes in the event of a fire.

The Canadian Automatic Sprinkler Association believes the only way to truly protect Ontario citizens from fire is to incorporate a complete fire protection system. The use of an early warning detection system in conjunction with an automatic sprinkler system is the only proven method that can both notify the building occupants in the event of a fire and actively suppress the fire until the fire department can arrive.

The Canadian Automatic Sprinkler Association recommends that Bill 120 be modified to include the requirement of a fire sprinkler system per NFPA standards.

The Canadian Automatic Sprinkler Association commends the member from Beaches–East York for bringing forward such an important bill to the Ontario Legislature. Mr. Prue should be congratulated for his continued efforts to help improve the level of fire safety for Ontario citizens.

The Chair: Thank you very much, Mr. Osburn. I believe there are still seven or eight minutes left of your time, so I'll now turn it over to the committee to see if there are any questions or comments. I'm assuming that's the completion of your—

Mr. Osburn: Yes, it is.

The Chair: Okay, great. Are there any questions or comments from the committee? Mr. Prue and then Mr. Levac.

Mr. Prue: You've correctly pointed out that it would cost 1% to 1.5% to fire sprinkler a new home, and I am in complete agreement. Mrs. Jeffrey has put her private member's bill forward, and I spoke to it and support it.

A question, though, arises. Can you give us any indication—and I know this will be very difficult, because there are so many different types of buildings—of how much it will cost to sprinkler, say, an average 10-unit apartment building in Ontario that's 50 or 60 or 100 years old?

Mr. Osburn: Yes. I don't know if I could accurately give you a number. My estimations would probably be that you would be looking at double to triple the amount if you were to install it in a new building. Yes, the cost is going to increase.

Mr. Prue: So it would probably be 4% to 5% of the cost of the building.

Mr. Osburn: Correct. That would probably be a proper range.

Mr. Prue: So on a million-dollar building, you're looking at—I'm trying to put the right number here—\$50,000?

Ms. Osburn: That's correct.

The Chair: Thank you, Mr. Levac.

Mr. Dave Levac (Brant): Just for clarification: In our packages, we received a package from Vipond. Is that an example of a private company that provides the service that you're talking about?

Mr. Osburn: Yes.

Mr. Levac: So that package would give us the education about what sprinkler systems are all about?

Mr. Osburn: Yes, it should.

Mr. Levac: Okay. Second question: You said it's the only proven method at the very end of your presentation. That's as of today?

Mr. Osburn: That's correct.

Mr. Levac: That's not assuming that any other modern technological advancements step forward.

Mr. Osburn: No. That's as of today. I wanted to make the point that there is no other system that can both send an alarm and suppress a fire at the same time.

Mr. Levac: Speaking specifically to Bill 120, your recommendation is that there be an addition that includes sprinkler systems versus any changes to Bill 120.

Mr. Osburn: Yes, that's correct.

Mr. Levac: Bill 120—Michael, you can help me with this—prescribes to the building code technical requirements. That's unique. Are there other ways which you're familiar with that either a sprinkler system or the improvements to the issue that Mr. Prue is talking about can be done within the building code or the fire code?

Mr. Osburn: I'm not too familiar—I guess you could send a proposal through the building code process, but I'm not familiar.

The Chair: Thank you, Mr. Levac. Mr. Martiniuk?

Mr. Gerry Martiniuk (Cambridge): As I understand your evidence—I mean, I understand it's a round-figure estimate—to retrofit a 10-unit older building, you estimate the price of \$50,000, which works out to \$5,000 per unit?

Mr. Osburn: That would be correct, yes.

Mr. Martiniuk: And is it fair to say that as the number of units decreases, the costs per unit would probably rise?

Mr. Osburn: Yes, that would probably be accurate.

Mr. Martiniuk: Thank you very much. That's a fair answer. You understand that landlords have the right to pass capital costs on to the tenants?

Mr. Osburn: Yes.

The Chair: Seeing that there are no other questions from the committee, I will say thank you very much for your presentation, Mr. Osburn. You can be sure that the committee members have heard what you've had to say, and I want to thank you for taking the time out to come to speak to us.

We will now ask if our next presenter is here. I think we're running a little bit early, which is kind of nice. Having said that, though, just to remind members—and I should have done this earlier—there are packages of material provided for you, including Mr. Osburn's comments as well as the next presenter's comments and the comments from the presenter for 11:10 a.m. as well. As members know, the people who bring written comments can have them copied and distributed as well.

THOMAS STEERS

The Chair: Is Thomas Steers available?

Mr. Steers, welcome. Make yourself comfortable at the end of the table. Thank you very much for coming to make a presentation to committee this morning on Bill

120. As you've seen from the previous presenter, you have 20 minutes for comments to committee. If you leave some time after you've completed your comments, that will be divided up amongst committee members to be able to ask you any questions or clarification of your comments. Welcome, and you may begin when you're ready.

Mr. Thomas Steers: Good morning. First, I'd like to thank the committee for allowing me to make this submission and thank Michael Prue for introducing Bill 120, which is being considered today.

I'm here out of the conviction, based on a very personal experience, that this bill will save lives in our province, lives that will be lost needlessly in fires without the protection that the bill provides.

The bill is simple. First, it would require that every residential building in Ontario with two or more dwelling units be equipped with fire detectors in all public corridors and common areas. Then, importantly, the bill requires that the alarms be interconnected in a way that if one fire detector in a public area detects a fire, an alarm will sound that can be heard throughout the building. Second, it would ban wooden fire escapes by requiring all fire escapes to be made of non-combustible material.

1020

The reason I have such strong personal interest in this bill is that in January 1999 my girlfriend, whom I'd planned to marry, Linda Elderkin, died in a fire in the city of Toronto. The provincial coroner's jury looked into Linda's death in a formal inquest. Linda died in that fire and another person, Paul Benson, also died. They made a number of recommendations to the Ontario government in June 2000. I've waited six years to see these jury recommendations acted upon. I've written letters, Michael Prue has written letters, I've asked for meetings, and the result has been absolutely nothing—no action. In that time, over 500 people in this province have died in fires.

Key among the coroner's jury recommendations was that there be legislation requiring interconnected fire detectors and alarms that can be heard throughout a residential building to warn residents of fire. Another was that fire escapes be made of non-combustible material. The coroner's jury considered these two recommendations key. They made their recommendations based on testimony and other evidence of what happened in Linda's building on the night that she died.

Early in the morning of January 14, 1999, a fire broke out at 2362 Queen Street East in Toronto. Based on the fire marshal's investigation and the coroner's inquest, it's believed the fire began in the apartment immediately below Linda's. She lived on the top floor of a four-storey building, an older apartment building. The fire marshal's investigation and inquest testimony revealed that none of the residents who ran from the building that night pulled the fire alarms in the building hallways—the pull alarms. The coroner's jury said that one lesson from this tragedy is that an automatic system to alert residents of a building fire is absolutely necessary. Residents of a burning build-

ing cannot be depended upon to alert others. In some cases fires, perhaps of an electrical origin, can break out in vacant apartments.

By the time Linda awoke and became aware of the fire, it was too late. The stairway that led down to the street was fully engulfed in flames—the interior stairway. City of Toronto fire personnel who tried to rescue her were met with a fire so hot that their visors began to melt, and they suffered burns through their protective clothing.

Had a system of interconnected fire detectors and alarms of the type called upon by Bill 120 been present in Linda's building, she would be alive today. Experienced fire personnel have told me how critical even minutes can be in a fire, minutes that can make the difference between life and death, between time to escape and an inferno. Mere minutes can be all that it takes for a flashover situation to occur in a fire that makes rescues virtually impossible.

The only other way out of the building for Linda that night was the rear fire escape. This fire escape, however, was made of wood. Firemen who ran to the rear of the building found the fire escape fully engulfed in flames, unusable. It should not be necessary in the 21st century to argue against wooden fire escapes or fire escapes made of other combustible material. It's incredible and inexcusable that the law does not prohibit them. I submit to you that it's also shameful that it hasn't been acted upon. How many other deaths must occur before the situation is addressed? What compelling arguments must be offered to correct such a glaring weakness that can be so easily remedied?

This morning I must also argue, as strongly, that the province's failure to require fire detectors and alarms in the public areas of all multi-unit residential dwellings that are interconnected, and that can provide an audible warning to residents, is just as outrageous. This legislative omission is equally dangerous but also easily remedied. With today's technology, wiring a building with such a system to protect and save residents' lives is not much more expensive than wiring buildings for cable access. I know because I've looked into it. Given that such costs can be legally transferred to tenants, what right-minded, prudent landlord would not want such protection, both for tenants and for himself or herself? What insurance company would not consider this desirable? Most relevant is, what legislator would not want this protection for their constituents?

What do we say to Ontario residents, "We must still study these simple things before safeguarding you and your children"? What do we say to the dead and those who grieve for them, "Accidents happen and we must not offend building owners"?

The current legislation in regard to fire escapes and interconnected fire detectors and alarms is inadequate, poorly drafted, overly complex, contradictory, and broadly interpreted by the Office of the Fire Marshal generally in favour of landlords. Were it not so, Linda Elderkin and Paul Benson, as well as many others, I believe, would not be dead. Linda died waiting for help and she died a

horrible, terrifying death. Bill 120 will not save her, but it can save many other people.

My hope is that in the future no one will have to die like Linda did. I'd also hope that no one would go through the experience that I did, the pain being made all the worse because I know that the death was preventable. I've spoken with the firemen who tried to save Linda that night and they told me no one should have died in that fire. So little could have made so much of a difference.

With the protection Bill 120 provides, residents will receive a life-saving warning alarm, allowing them to flee burning buildings. With residents safely out of buildings, fire personnel will not have to put their lives at risk trying to save trapped individuals. This bill will provide protection to some of our province's most vulnerable citizens, those who live in older, smaller apartment buildings: young families, the aged, new immigrants, the poor.

Linda was a compassionate, loving person; a talented artist; a joy to everyone who knew her—and someone who died long before her time.

I would ask that you support Bill 120. Life is too precious to be lost needlessly, and it's time for the Ontario Legislature to act. Thank you.

The Chair: Thank you very much, Mr. Steers. We have about 12 minutes or so, which would give us about four minutes for each party if they want to make some remarks. I'll start with the government side.

Mr. Levac: It usually rotates to the next—

The Chair: Yes. Actually, Michael started. Thank you. Mr. Craitor.

Mr. Kim Craitor (Niagara Falls): First of all, thank you very much, Mr. Steers, for a very personal presentation. Certainly on behalf of the government, and on behalf of myself just as an individual, I want to offer you my condolences. I know it must be very difficult to be sitting in front of us and having to make this kind of presentation, knowing what has happened and what you're going through.

There are just a couple of things. First, there's always room for improvement with anything a government does. It's certainly what we've been looking at. I want to commend my good friend Michael for bringing this forward.

I just want to share a couple of things with you that I think indicate that the government truly does care. I think all of us at Queen's Park, regardless of what party we belong to, truly do care and we want to make safety, and fire safety in particular, important.

To tell you a really quick story, the other day I was at the opening of a park in Niagara Falls, Empire Park. It's a park that was going to be closed and we saved it. The reason I tell you this is because part of the event of the opening of the park was having the fire department there. They were all there, giving out colouring books and educating the kids in particular about fire safety, what to look for and how to prepare yourself. So even at the local level, those are things that we put forward to try to educate people about fire safety.

I want to quickly mention to you that there are a couple of things that we've done and I just want to share

them with you. In December 2005, we announced an amendment to the Ontario fire code to require working smoke detectors on every storey of a home. One of the other things we did was, in March of this year we provided about \$30 million to local fire departments across Ontario as part of an initiative to provide more funding for training and for equipment. Those are all positive things.

I'm just saying to you that your presentation is great. There's always room for improvement, and that's what your presentation is asking for. So I just want to say thanks a lot for taking the time.

1030

The Chair: Any further comments? Mr. Martiniuk.

Mr. Martiniuk: I'd merely like to express condolences for your loss. I'll cede the rest of my time to Mr. Prue.

The Chair: Thank you very much. Mr. Prue.

Mr. Prue: There are just a few things that I'd like the committee members to know. I've known Tom for quite some time.

You attended all of the coroner's inquest. How many days or weeks did that inquest last?

Mr. Steers: It was approximately one month.

Mr. Prue: How many citizens were on the jury?

Mr. Steers: Twelve.

Mr. Prue: So 12 citizens sat down and they came up with 28 recommendations, some of which have been enacted. But these two have not. What have you done over the last six years to try to get them enacted? Whom have you met with? I know you've met with ministers; you said so. Can you tell us whom you've met with or tried to meet with and what the results have been?

Mr. Steers: I had tried to meet with Monte Kwinter. I had tried to arrange a meeting through Michael Prue's office. I had written letters, and there were no responses.

Going back to the coroner's jury inquest recommendations, they went out of their way to say that these two recommendations embodied in Bill 120 were the thrust, the heart, of what they believed would have saved lives in this fire. It's just an absolute non sequitur that there be wooden fire escapes.

On the interconnected smoke alarms, in essence the situation is this—and I'm not a technical person. Imagine that you're on the top floor of a four-storey building and the apartment on either the second floor or the third floor goes up in flames. It's the middle of the night. Perhaps that apartment is vacant and it's an electrical fire. You simply won't know in time. The fire will progress to the point where very possibly the hallway will be blocked with fire. That was the case in the Queen Street fire. If the fire escape in the back is made of wood—and these buildings are throughout Ontario, southern Ontario as well as northern Ontario, many existing in the Beaches area, many existing in northern towns that I've visited. With these two situations, you have the formula for a death, and it's as simple as that. You have the power to do something about it.

Some people will say that there's a cost factor. Yes, there is. There's a cost factor with seat belts. There's a cost factor with safety devices in factories. What's the difference between a human life and paying to replace a wooden fire escape or a simple wiring job that costs as much as wiring a building for high-speed Internet access or cable? This will pay dividends in human life.

Mr. Prue: You said that you've investigated the cost of wiring a building for cable. Can you give us an indication of how much one would have to spend? I know to put cable into my house—I guess I paid the bill, but it didn't seem to take very long.

Mr. Steers: In the companies that I've contacted in the area where I live, to wire a building like Linda's building would have been in the area of as low as a couple of thousand dollars. The costs can be transferred to tenants. I can't imagine any tenant strongly objecting to having a wooden fire escape replaced or to having interconnected smoke alarms so that if someone else's apartment is blazing, they receive enough notice simply to get out of the building.

It's the critical minutes here that are at issue. From what fire personnel have told me, the period of time from the beginning of the fire to flashover can be as little as five to six minutes in some fires. So those five or six minutes are the difference between life and death.

Mr. Prue: You said—and I think the committee members understand this—that the cost of retrofitting a building can be passed on to the tenants. Have you ever spoken to any tenants or any tenants' associations that would be opposed to paying? This would be a dollar a month or a couple of dollars a month on their rent to ensure safety.

Mr. Steers: I've never met anyone who would be opposed. I have spoken to the people who lost their homes at 2362 Queen Street East, and they certainly would have been supportive of fire escapes that didn't burn or interconnected smoke and fire alarms.

Mr. Prue: Thank you.

The Chair: Thank you, Mr. Steers, once again, for coming and sharing your pain with us and your story. We very much appreciate you coming here to speak to us today.

TORONTO FIRE SERVICES

The Chair: Our next presenter is the city of Toronto Fire Services, represented by Frank Lamie, the deputy fire chief.

Deputy Chief, are you ready for your presentation? Welcome. Thank you very much for coming. Make yourself comfortable. As you've observed, you have about 20 minutes. If you leave any time at the end of that, in a rotation, the members of committee will be able to ask you some questions. So again, thank you for coming to speak to us this morning, and the floor is yours.

Mr. Frank Lamie: Good morning, Chairperson Horwath and members of the committee. It is my pleasure to address the committee this morning on behalf of

Toronto Fire Chief William Stewart regarding our support of Bill 120. My name is Frank Lamie. I'm the deputy fire chief for fire prevention and public education in the city of Toronto Fire Services.

We would like to express our thanks for giving us the opportunity to speak to this important life safety issue for the citizens of Toronto and Ontario. We also wish to thank Mr. Michael Prue, MPP for Beaches–East York, for introducing this bill. Mr. Prue has been a long-time supporter of fire safety in the community. As mayor of East York, councillor for the city of Toronto and now MPP, Mr. Prue's leadership to improve fire safety in the province of Ontario is demonstrated through this bill. Mr. Prue understands that the main goal of the fire service is to stop loss of life due to fire.

The measures that will be implemented when the bill is passed into law are steps to help reach this goal in residential buildings. We also appreciate the support of the members who passed this bill through first and second readings.

In the 10 years from 1994 to 2004, the city of Toronto lost 259 citizens to fire. Of these, 223—or 88%—were in residential buildings. The fire service considers this totally unacceptable. We consider the provisions of this bill will make the residential buildings safer for the occupants and for firefighters. Not nearly as important, I would like to mention, however, that during this same time period, residential fires in Toronto resulted in property losses valued at over \$263 million.

The message of the fire service historically has been to prevent fires from happening in the first place. We know this is not always possible, so we go on from there with efforts that will prevent deaths when the fire does happen.

All fire prevention efforts are based on what I call the three E's: engineering, enforcement and education. The province of Ontario has recognized engineering through the building code, it has recognized enforcement through the fire code, and it has recognized public education through the Fire Protection and Prevention Act.

Part of public education is to teach the public how to plan an escape route and how to react in a fire emergency. However, the best plans and education cannot be implemented if the fire is not detected in an early stage and the building residents are not warned of the emergency.

All residential units require smoke alarms to be installed on each floor level. A smoke alarm, when activated, warns the residents of that sweep. The measures required in Bill 120 will enhance early detection and provide early warning to all building occupants. Bill 120 will also provide an alternate escape route that can be part of the residential fire escape plan. The main advantage of early detection and early warning is to allow building occupants to get out of the building when the fire is small.

A second issue that is not widely known is that of flashover. Flashover occurs when the temperature in a room reaches a point where the gases and materials in the

room simultaneously ignite. Temperatures can jump to 2,000 degrees in seconds, and the room is engulfed by flame.

Flashover is not something new; however, it is something seldom experienced even by firefighters, say, 40 years ago, as our homes were then furnished with natural materials that would take some time to build heat to a point where flashover would occur. Today, every home has a very large amount of plastics and other synthetics that produce very large amounts of heat when they burn. This has reduced the time between free-burning fire and flashover to between 2.2 and 4.3 minutes, making early detection and warning even more important. Flashover can kill fully protected firefighters, let alone an un-protected occupant.

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The fire service is also advocating installation of automatic sprinklers in all residential properties. This bill does not include residential sprinklers. However, I would like to point out that automatic sprinklers can prevent flashover. Also, automatic sprinklers are related to the bill as they can be used as the detection device the bill requires. The sprinkler system can be connected to an alarm system that will sound the warning to residents when the sprinkler system is activated. When activated, automatic sprinklers will keep the fire in check to allow residents more time to escape and they will prevent flashover in almost every case. We consider residential sprinklers the next logical step in best practices for fire safety. As a large majority of fire deaths and injuries occur in residential buildings, fire protection measures that target residences have a great potential to save lives.

I would like to thank you for the opportunity to express our opinions and concerns and I encourage you to support the passing of Bill 120 into law.

The Chair: Thank you very much, Deputy Fire Chief Lamie. I appreciate your being here. We have about 14 minutes left, leaving just a little over four minutes for each of the parties, starting with Mr. Martiniuk.

Mr. Martiniuk: Thank you very much for your presentation. I'm just curious, if you would advise: What is the present status of new construction? How many units are required before they require sprinkler systems?

Mr. Lamie: No residential unit requires a sprinkler system now in new construction.

Mr. Martiniuk: None?

Mr. Lamie: None.

Mr. Martiniuk: Even high-rise?

Mr. Lamie: No, sir. Not residential high-rise. Office buildings require them. This building requires them.

Mr. Martiniuk: Why does this building require them?

Mr. Lamie: Well, it's been retrofitted, I'm sure, because of the age of it, but this is basically an office building and an assembly building, and they're required under the building code when they're newly built.

Mr. Martiniuk: Of course, I reside in a high-rise in Toronto and I note that it does have interconnecting—but it does not have a sprinkler system.

Mr. Lamie: It doesn't have a sprinkler system in the residential areas. In your suite there is no sprinkler head.

Mr. Martiniuk: Thank you.

The Chair: Mr. Prue, do you have any questions?

Mr. Prue: I have the Ontario fire code here. It's highly complex. The fire escapes can be made of combustible materials. Now, this is not unique. I thought it was unique to Ontario, but legislative counsel has pointed out that it's commonplace in other provinces as well.

Mr. Lamie: I can't speak for the fire marshal's office. In the late 1980s, the government passed the fire code into law, and that code provided for maintenance of fire systems that were in buildings. The code at that time also had a section that was empty, part 9, for retrofit. In 1991-92, part 9.8 and 9.9 were passed into law as a regulation under the fire code, and they were for the retrofit of low-rise and high-rise residential buildings. This is the section that includes the provision for wooden fire escapes, which Mr. Prue was speaking of. Also, shortly after that, after a tragic rooming house fire on Rupert Street in Toronto, a section was passed into law requiring rooming houses, which are buildings with 10 or fewer apartment units—and that also allowed for wooden fire escapes. Again, I can't speak for the fire marshal's office and why they allowed wood, but my opinion is that it was a cost-saving measure, because when the retrofit is first put into place, there are many things that a building owner must do to meet those requirements. So that would be a cost-saving measure compared to a steel structure for sure.

Mr. Prue: We read, tragically, of firefighters losing their lives quite often: flashover, but also I guess just attending ordinary fires when rooms collapse; escape routes. You know that this bill would save residents' lives. Would it also save firefighters' lives and injuries?

Mr. Lamie: I believe it would. In the Queen Street fire it was tragic that we had the loss of citizens. From a firefighter's point of view, the fact that the fire escape was in flames when they arrived probably saved their lives. If they had gone up through the structure and then had to use that fire escape after it was burning, they likely wouldn't have been able to, so they would have been trapped inside as well. Flashover, as I mentioned, does injure firefighters but it can kill them as well.

Mr. Prue: Thank you.

The Chair: Thank you, Mr. Prue. The government side, any comments? Mr. Wong.

Mr. Tony C. Wong (Markham): I want to start by saying that certainly fire safety matters with respect to all buildings, whether they are new or existing ones, are important to the government. I want to commend my colleague MPP Michael Prue for addressing these concerns. There's no question in my mind that he has the best of intentions.

In general, Deputy Chief, it is more appropriate to implement these types of changes in the building code. Do you think that in this instance it's better to address these issues and develop these changes through the building code, which is the standard practice, as opposed to being prescribed by legislation?

Mr. Lamie: This particular bill, sir, is a retrofit provision, and that is under the fire code. The building code is for building new buildings and the fire code has the retrofit provisions for upgrading fire and life safety issues in existing buildings. So this bill is directed at the fire code so that it will upgrade those existing buildings.

The building code has a different process for implementing new requirements for new buildings. This is one that we're working on with the introduction of residential sprinklers.

The Chair: Any further questions or comments from the government side? Mr. Levac.

Mr. Levac: Yes, just a technical observation: Somebody's got either a cellphone or a BlackBerry sitting beside their speaker and that's what's happening. So if you've got a cellphone or a BlackBerry sitting up against your speaker—

Mr. Lamie: That's what does it at our fire academy too.

Mr. Levac: Not to take away the seriousness of the topic, but that's where that buzz is coming from.

Just in terms of your mentioning the fire code and the building code, in the combination of the building code and the fire code, we end up with the best possible practices that we can have: the upgrade in 2006 in the recommendations for the changes in the building code. In other words, there's an evolution in both the fire code and the building code as we proceed. But if there's any change in modern technology, then you'd have to come back to the Legislature, if we entrench this in law, versus putting it into the building code or the fire code. That means we can get a quicker response to any changes that are required. Would you agree that, with consultation with the fire marshal's office and all of the stakeholders, putting the changes that are recommended by Mr. Prue inside of the fire code and the building code would be a more appropriate way to do this if—and I use the word very carefully—those types of changes would accomplish the same intent that Mr. Prue is asking for?

Mr. Lamie: In my understanding of the building code cycle right now, it would not be enacted for six years. That's a concern for us—another six years without it, of course.

Speaking directly to the wording of the bill, though, in my opinion it's worded broadly enough that it just speaks of detection and interconnection of warning devices and fireproof means of egress. Any new technologies that came along would still fit into that. As I mentioned, a sprinkler system that has been around for over 100 years can be used as a detection device and meet this bill. That's the old technology that's in there, but there are also electronic devices that can be used as the detection device interconnected to the alarm system to sound the alarm and give warning to the occupants.

Mr. Levac: Good. Thank you. Coming back to that point inside of your comment that the sprinkler system could apply what Mr. Prue is looking for in the detection component—I'm not sure if he agrees or not; I haven't gotten a signal from him, and I'd like somewhere down

the line to see if the sprinkler system being used as that component would satisfy him—that satisfies the detection component to what you're saying and also includes in itself the approach to suppression. Can I ask, if that were used as part of an amendment to complement that, would that satisfy your concerns regarding suppression and detection and safety?

Mr. Lamie: It would certainly help.

Mr. Levac: In a previous presentation, that comment was made as well.

Mr. Lamie: Yes, it would certainly help. Can I make one comment too? The sprinkler system can also satisfy the requirement for the alarm to all the residents, because when water flows in a sprinkler system it activates a switch, and then that alarm can be sent to the alarm-sounding devices so that they sound out through the building. So the sprinkler system can be used as both of those components when it's properly installed.

Mr. Levac: Would that be part and parcel of the other component of Mr. Prue's bill, which is the simultaneous hallway alarm?

Mr. Lamie: Yes, sir. That's what I'm speaking of, yes.

The Chair: Thanks very much, Deputy Chief Lamie. We really appreciate you being here and giving us your wisdom on this issue.

Mr. Lamie: Thank you.

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ONTARIO MUNICIPAL FIRE PREVENTION OFFICERS' ASSOCIATION

The Chair: Next we have Brian Maltby, who's a member of the Ontario Municipal Fire Prevention Officers' Association. Mr. Maltby, thank you for joining us. Again, you'll have about 20 minutes, and of that, if you leave some time at the end, members of the committee will be able to ask you for questions, clarifications and comments. So go ahead. Thank you.

Mr. Brian Maltby: Good morning, Chairperson Horwath and members of the committee. My name is Brian Maltby and I'm division chief of fire prevention and chief fire official for the City of Brampton Fire and Emergency Services in Brampton, Ontario.

I am before you here today as a member of the Ontario Municipal Fire Prevention Officers' Association. The OMFPOA has over 600 members from over 200 departments across Ontario, and we also include other fire-service-related organizations throughout the province. The OMFPOA plays a key role in providing fire prevention and fire safety education initiatives on both provincial and federal levels. We are regularly consulted on and participate in the development of codes, standards and other relevant legislation by organizations such as the Ontario Fire Marshal's Office, the Ministry of Community Safety and Correctional Services, and the Ministry of Municipal Affairs and Housing.

I am very pleased to participate in the dialogue about Bill 120 and tell the committee that the OMFPOA sup-

ports the fine work of the member from Beaches-East York, Mr. Prue. Mr. Prue is to be commended for his courage, determination, leadership and vision to act when he saw the need to improve fire safety conditions in the homes of the very people we serve. Good work and well done, Mr. Prue.

The OMFPOA goes on record as being in favour of Bill 120 and will work to ensure that the fire safety features of the bill serve Ontarians well. Fire safety is our business, and some may even say it's our passion. Bill 120 is about fire safety: fire safety for the public and fire safety for the firefighters who protect the public.

I'm here today to share my thoughts with you about fire safety. We in the fire service believe that fire safety is a balanced system approach that includes both active fire safety components and passive fire safety features. Our experience has taught us that in order to provide the optimum in fire safety, we cannot rely on any one fire safety component and that the formula to ensure that the people and firefighters are given the best odds to survive a fire in a home is to provide that balanced system about which I talked earlier.

Mr. Prue has done an excellent job in suggesting several modifications to our safety codes that would enhance the passive component of the fire safety system. Smoke alarms intend to notify the occupants of a building of a fire condition, and non-combustible fire escapes provide for an alternate means of escape. But I would argue that we have not done enough in the area of the active component of fire safety systems. I propose that Bill 120 be modified to include residential fire sprinklers, the next evolution in fire protection.

Flashover is a condition where everything in a room reaches its auto-ignition temperature and instantaneously bursts into flames. At one time, it was believed that flashover took place at about 11 to 12 minutes after the start of a fire. Now, with the highly flammable toxic materials that we find in homes, such as carpets, plastics, draperies, etc., flashover occurs much, much earlier than we ever anticipated. The Ontario fire marshal has recently distributed a video entitled "No Time to Spare," in which a flashover condition takes place in less than three minutes after the ignition of a fire. No one, not even the best-equipped firefighters, can survive flashover. Even the most modern, best-trained fire department cannot receive an alarm, dispatch the necessary fire vehicles, respond to the scene, set up their equipment and routinely be prepared to deal with a fire without posing a potential risk because of the flashover condition. Having residential fire sprinklers is like having a firefighter in every room in your house 24/7, and the deadly flashover condition can never occur because of the quick response of the sprinklers.

When Mr. Prue first introduced Bill 184, the predecessor to this bill, in the House, he talked very passionately about the tragic deaths of Linda Elderkin and Paul Benson and how they died waiting to be rescued from their burning residence. I am very confident that had this building been equipped with a residential fire

sprinkler, Ms. Elderkin and Mr. Benson would have survived the events of that fateful morning.

Please allow me to tell you why I and many, many members of the fire prevention officers' association ask you to consider including residential sprinklers in Bill 120.

In 1993, a young mother collapsed in my arms after being told that her two babies had perished in a basement apartment fire. As I tried in vain to comfort this distraught mother, I could not help but think of my own family. It made her anguish so very real to me. For months after the fire, I would lie awake at night thinking about that young woman and her loss, about how her whole life had changed for the worse in a flash and about how these two young lives were snuffed out in such a horrifying manner.

Regrettably, this is a scenario that my fellow fire prevention officers experience, on average, 100 times per year here in Ontario. I believe the reason I'm having difficulty putting this tragic episode behind me is because I know that we have the technology we need to prevent this type of loss of life. What disturbs the membership of the OMFPOA the most is that while more than 230 jurisdictions across North America require residential sprinklers, none of these jurisdictions are here in Ontario. We feel frustrated, handicapped and handcuffed in our ability to help save lives. We have to ask why sprinklers are not mandatory here in Ontario. Do houses burn differently here? Is the fire service that much more effective here in Ontario? Do people die differently here? I think we all know the answer to those questions.

On September 21, 2000, in my hometown of Brampton, Ontario, pumper 205 was dispatched to a residential fire on McLaughlin Road. Upon arrival, the crew found the house fully engulfed. Luckily, all the residents were accounted for.

As First Class Firefighter Larry Brooks, a 19-year veteran career firefighter, stretched an attack hose line around the east side of house, the roof, the east wall and the block chimney collapsed, trapping Larry in the rubble. Larry's crew worked feverishly to pull Larry out from underneath that debris and for a while it was uncertain that Firefighter Brooks would survive his injuries. Larry, being the fighter that he is, did survive, but in the summer of 2004, after four years of trying to save Larry's left arm, the doctors finally had to amputate it.

Obviously, Larry will never return to work as a firefighter, the work that he loved. I ask you, do you think that Larry and his family contemplate the events of that tragic day and how it changed their lives? I know they do. And do you not think that we have an obligation to reflect on these events ourselves and realize that had that home been equipped with a sprinkler system, Firefighter Larry Brooks would still be doing the work that he so loved today and his life would not have changed so dramatically?

The members of the OMFPOA are professionals in fire protection. We have asked ourselves whether we've done enough to prevent many of these fatalities and

injuries. We know that the answer is, "Well, we've come a long way in fire prevention, but there's still much more work to do."

For example, in the 1970s, Ontarians were dying in fires at a rate of about 280 persons per year. Now the death rate is a little less than 100 persons per year. Much of the improvement in the death rate can be attributed to the legislation relating to smoke alarms. But the death rate of approximately 100 persons per year seems to have reached a plateau at that level. People are still dying at a rate that is unacceptable in the eyes of the OMFPOA. There is little doubt that smoke alarms save lives, but they don't save every life.

The Ontario fire marshal has reported that in the 609 fatal fires from 1995 to 2004, where the presence of smoke alarms could be determined, 35% of the time the smoke alarm sounded an alarm and many, many people still perished. According to the US Public/Private Fire Safety Council's white paper on home smoke alarms published in April of this year, "smoke alarms have problems of audibility in certain situations and problems with waking effectiveness for some people." Sprinklers, on the other hand, have a very, very high success rate because they are automatic and reliable and need no human interaction.

We need look no further than the city of Vancouver, where they've had a residential sprinkler requirement for more than 10 years. In Vancouver, there has never been an accidental fire death in a sprinklered residential building. That speaks volumes about how effective sprinklers are at saving lives.

I'm here to tell you that Bill 120 enhances fire safety and that residential sprinklers improve on the measures that Mr. Prue has introduced. In fact, the National Fire Protection Association reports that smoke alarms in combination with residential sprinklers improve survivability of a fire by 82% over having neither.

The membership of the OMFPOA and other fire service professionals understand that there's some resistance to residential sprinklers by many members of the building industry, but please remember that the builders own a home just until they sell it. A homeowner owns a home for an average of five to seven years. A community owns that home forever. As an important member of that community, the OMFPOA thinks that homes should be equipped with residential sprinklers.

One can't place a value on the cost of human life, especially when one tragically loses a loved one in a fire that could have been prevented by a proven life safety system like residential sprinklers. Our citizens rely on and expect life safety and building construction codes to provide a safe place for their families to live. We all realize most occupants are not that familiar with the safety code requirements and rely on safety professionals to make sure that the codes include the necessary requirements to keep their families safe. Fire service professionals are clearly saying that residential sprinklers should be one of those provisions included in our fire safety codes.

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Fire prevention offices, along with our fire service professionals, have been leading advocates for residential sprinklers because of their effectiveness in protecting the people they serve and our own firefighters. Day in and day out we see how fire sprinklers save lives and reduce property damage. We just need the people with the authority to make these changes to hear what we are saying about fire sprinklers and have the courage to effect those changes, people like Mr. Prue who understand that we can save the lives of people like Ms. Elderkin and Mr. Benson by amending the fire safety codes to include technologies of the day, including residential fire sprinklers.

I have a vision of a day when the people of Ontario are afforded the best fire protection possible and when each and every firefighter returns home to their loved ones each and every day. We have this technology to make it happen; we need to find the will. This committee can help make that happen.

A wise man once told me that the best time to plant a tree was 25 years ago; the second-best time is today. The best time to include residential sprinklers in the code would have been 25 years ago or more. I am quite confident that the young mother on Charles Street, and Firefighter Brooks and his family, all wished that the code development people had the foresight to include residential sprinklers in the design and construction of one- and-two-family dwellings back then. The second-best time to install sprinklers is today.

I respectfully ask that you have the foresight and seize the day. We owe it to the people we serve and the firefighters who devote their lives to their safety.

I thank you for allowing me to speak here today and would be pleased to answer any questions you may have.

The Chair: Thank you very much, Division Chief Maltby. We appreciate your comments. We have about eight minutes left, so in rotation we can start with Mr. Prue this time, if you have any questions or comments, Mr. Prue.

Mr. Prue: Thank you very much for your presentation. The provision for sprinkler systems was in Mrs. Jeffrey's bills. We looked upon them together as companion pieces—one for older buildings, one for new buildings—in terms of not only the fire code but the construction and building codes.

There has been resistance from the construction industry. There has been resistance, sadly, from people who own multi-residential buildings—smaller ones, particularly—to the cost to retrofit with sprinklers. Any comment on those costs?

We heard a gentleman today say it would be 5%, probably, of the value of a building to put sprinklers into older buildings.

Mr. Maltby: I am one of those persons. I retrofitted my home, I believe in sprinklers so much. The cost that I have is about \$3 per square foot to retrofit an existing building, especially a one- or-two-family dwelling. For me, that was a no-brainer. That was \$3,000 or \$4,000.

That's a no-brainer when you're talking about the lives and the value of the lives of the people I love the most.

Mr. Prue: I think so too, but some people who own the buildings say that this is a cost they're not willing to pay. Any idea—did your insurance costs go down for your house?

Mr. Maltby: Yes, they did. I was about to mention that there are savings that could be recognized through reduction in insurance premiums. It all varies, but I receive a 10% reduction in my home insurance because of residential sprinklers.

Mr. Prue: I would assume that people who own residential properties, who rent them out, would receive likewise.

Mr. Maltby: I would imagine they would.

Mr. Prue: Thank you.

The Chair: On the government side, any questions or comments? Mr. Craitor.

Mr. Craitor: First, I just wanted to share something with yourself. My colleague Tony Wong had mentioned the concept of, as opposed to going through an act, having this proposal maybe going through the building code. It was mentioned by the previous speaker, the deputy fire chief from Toronto, and he made reference to the fact that the building code is looked at every six years. The only point I was going to make is that the code itself is reviewed every six years, the entire code, and I was familiar with that, being a member of city council. So it is reviewed every six years, but every year the government has the right to put forward amendments to the building code or the fire code. In fact I was looking up some of my notes, and between 2000 and 2006, 20 packages of amendments were submitted and approved through cabinet, and we have another package coming forward. I didn't want you to comment; I just wanted to get that on the record.

The other comment I'm going to make is that, personally, I am a supporter of Mrs. Jeffrey's bill. In fact, I had the honour of speaking when she presented the bill to the House and I happen to personally believe in it and think people across Ontario do. Excellent presentation; you've reconvinced me that it's the right thing to do, so I thank you for that as well.

Mr. Maltby: Thank you.

The Chair: Mr. Martiniuk?

Mr. Martiniuk: We have before us—I'm a bit curious about the use of the code and the use of legislation. The letter before us from the Large Municipalities Chief Building Officials Group states, "The proposed legislation"—we're referring to Mr. Prue's Bill 120—"appears to circumvent the traditional process by pre-determining amendments to the respective regulations without the full benefit of consultation and review normally associated with amendments to the regulations governing construction and maintenance requirements." They seem to be saying that for some reason this bill circumvents the traditional method of approaching this. Now, keeping in mind that this bill is retroactive, is the code retroactive?

Mr. Maltby: Which code?

Mr. Martiniuk: The fire code, I assume.

Mr. Maltby: There is a retroactive provision in the fire code. Yes, part 9 of the Ontario fire code deals solely with retroactivity.

Mr. Martiniuk: So the code could be amended retroactively?

Mr. Maltby: Yes. It's done fairly regularly. As a matter of fact, there's a new section 9.9 that's coming out that retroactively deals with hotels, for example.

Mr. Martiniuk: And does the fire code regulate residential buildings, or could it?

Mr. Maltby: Yes, it does.

Mr. Martiniuk: And you're saying it could do it retroactively?

Mr. Maltby: Yes, it does. Yes, it could.

Mr. Martiniuk: Thank you.

The Chair: Thank you very much, Division Chief Maltby. We really appreciate your being here and thank you for bringing your comments to us today.

Mr. Maltby: You're welcome, and thank you.

The Chair: The agenda has next on it Terry Hewitson, who is the president of the Ontario Building Officials Association. Is Mr. Hewitson here? Mr. Hewitson is not here yet.

We are running a little bit ahead of schedule, so I had asked through the clerk whether Ms. Jeffrey might be interested in bumping, because she is here and is on the agenda later on at the end. With the agreement of committee members, Ms. Jeffrey has agreed to fill in if there is a vacant spot because of our time frame being earlier. Is that all right with everyone? Okay.

LINDA JEFFREY

The Chair: Ms. Jeffrey, thank you very much for coming. Please join us at the end of the table. I would say you know the shtick, having done this job yourself a couple of times.

Mrs. Linda Jeffrey (Brampton Centre): It's kind of fun being on this side, though.

The Chair: Welcome and good morning. Please go ahead and begin your comments. We'll be asking questions if there's time at the end.

Mrs. Jeffrey: Thank you, Chair and members of the committee, for allowing me the opportunity to appear before this committee. I had planned on being a cleanup hitter but I think you've heard some of the things that I will be talking about. I wanted to be here today to voice my support of Bill 120, the Fire Protection Statute Law Amendment Act, 2006.

I've only been a member of provincial Parliament since 2003, but I understand it's rather unusual for a member of the Legislature to sit as a deputant before a standing committee. But like the member for Beaches–East York, I too am passionate about fire safety in this province and I believe there is more that our province can do to save lives and property.

I'd like to join all the other speakers in congratulating the member from Beaches–East York for his vision. I remember the first time this bill was introduced, in April 2005. The predecessor to this bill was Bill 184, and I'm delighted to have an opportunity to again support this legislation, which is designed to save lives and protect what we all value most.

Fire kills over 100 Ontarians each and every year and injures many more, the overwhelming number at home. Fatal residential fires most often occur between the hours of midnight and 6:00 a.m., when people are asleep. Victims are disproportionately children and the elderly, who are vulnerable because they're less physically capable of escaping.

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A national study commissioned by Duracell and the Canadian Association of Fire Chiefs revealed that 48% of Canadians feel that they have almost no chance of being in a house fire. In fact, one in 10 Canadians has experienced a home fire and, sadly, the vast majority of deaths occur in people's homes, the very place people should feel the safest and have the greatest amount of control or influence. The study also found that while 64% of Canadians claimed to have a fire escape plan in place, 63% of those Canadians actually failed to practise their escape plan even once.

Despite mandatory smoke alarms and improved building construction, there hasn't been a substantial reduction in the number of deaths in over a decade. In the past, smoke alarms did make a difference in reducing the number of deaths in Ontario, but without a serious paradigm shift we aren't going to see a decline in those 100 annual deaths. The cost to our economy in health care expenses, property loss and, most importantly, the personal impact is in the hundreds of millions of dollars. Clearly, smoke alarms are simply not enough.

Bill 120 is a step in the right direction but, as you've heard earlier today, there's a proven and cost-effective solution that will save lives: residential fire sprinklers. The Ontario building code already requires fire sprinklers in places where we work, where we dine, where we pray, where we learn and where we shop, just to name a few. It is unfortunate that in the place that we should feel the safest, our home, we actually have the least protection.

Over 220 jurisdictions in North America have passed residential sprinkler legislation. You've heard earlier today that in 1990, Vancouver, British Columbia, became the first Canadian city to enact a residential sprinkler bylaw. Since its enactment, while there have been a number of deaths in homes that were unsprinklered, there hasn't been a single accidental fire-related fatality where a properly installed and functioning residential sprinkler was present.

Residential fire sprinklers are a proven, reliable technology that will respond quickly in a fire, thereby offering seniors, the disabled and our children additional time to escape. These systems have been a proven fire-fighting device for 140 years and have been used in residential applications since the 1930s. They save lives.

They reduce property loss and they can cut homeowners' insurance premiums.

For more than 25 years, nearly a dozen coroners' juries and inquests have recommended changes to the Ontario building code to include residential fire sprinklers. In fact, there have been at least 19 times when the Ontario building code has been amended outside the code cycle. When it makes sense, and in this case saves lives, I believe the code should be amended.

A report by CBC Marketplace broadcast in June 1990 reported that one third of smoke alarms fail to go off in an emergency. People just don't maintain them. One of the most crucial precautions to surviving a fire is having a working smoke alarm. Only 28% of Canadians surveyed had replaced the batteries in the alarm twice; 19% admitted to never having replaced their batteries. Frequently, smoke alarms aren't functioning and receive little or no maintenance to ensure they're working.

Canada has one of the highest rates of fire deaths in the world, and almost 80% of them happen at night. Many people mistakenly think the smell of smoke will wake them up. Fire alarms cannot protect you from fire, and often a fire is out of control by the time people in a residence are warned by a fire alarm. A fire doubles in size each minute, so that first two or three minutes are critical. By the time a parent realizes their house is on fire, it's too late to save the children. By the time you realize there's a fire, it may be too late to save an elderly parent.

The age group of 65-plus constitutes 25% to 30% of fire fatalities in Ontario every year. This demographic is getting older and they're having more difficulty hearing a working smoke alarm. As well, their reaction time is usually slower. The installation of residential sprinklers would allow seniors to remain in their homes longer and enhance their quality of life.

I recently read a frightening article written by Jen Horsey of the Canadian Press. She wrote:

"A recent surge in concern over the way children react to smoke alarms has the key Canadian standard setter considering changing the rules that govern the devices.

"Children don't necessarily hear the smoke detectors,' Gina MacArthur, a spokeswoman for the Canadian Hearing Society, said ... after a meeting with experts and Underwriters Laboratories." That's the group that sets the standards for smoke alarms in Canada. "There are few scientific studies into children's responses to smoke detectors, but experts agree that kids may be less responsive than adults when an alarm sounds.

"Fire officials universally cite horror stories of frightened children crawling into closets"—or going under their beds—"to hide from smoke and the noise of the alarm....

"Fire prevention officer Derrick Ethridge investigated the issue after children in his eastern Ontario community of Loyalist township suggested the alarms wouldn't wake them.

"He teamed up with Queen's University ... and sent 222 questionnaires to grade 6 students asking their

parents to conduct night fire drills and record their responses....

"Thirty-two per cent ... didn't wake to the initial sound of the alarm at all; 53% didn't wake during the crucial first minute.

"Smoke alarms are required to sound at a standardized level of 85 decibels at a distance of three meters—roughly equivalent to the volume of a garbage disposal at close range.

"But even alarms that meet that standard failed to wake some children....

"Sleep experts suggest the poor response could be due in part to the way kids sleep.... Dr. Shelley Weiss, a pediatric sleep expert at the Toronto Hospital for Sick Children, notes that 'children spend more time in the deep, dreamless phase of sleep, so even a blaring smoke alarm won't always wake them.'"

This study should frighten every parent. Parents need to realize that children won't necessarily hear a smoke alarm, and if they do, they won't necessarily respond to it appropriately. In other words, if you rely on a smoke alarm to wake your sleeping child, you may be making a fatal error.

There's no magic bullet or single solution to the dilemma we face in legislating adequate fire protection; rather, for Ontarians to be effectively protected from fire, we need to use a number of strategies. It's clear that simply having a smoke alarm is not enough.

Installing both smoke alarms and a fire sprinkler system reduces the risk of a fire death in a home, as you heard earlier, by 82% in comparison to having neither. Smoke alarms definitely save lives, but the total reliance on these pieces of equipment is clearly misplaced. Sprinklers are an automatic device, a technology that requires no human intervention or reaction. Sprinklers can contain or even extinguish a fire in less time than it would take the fire department to arrive on the scene, and a good fire department arrives in four minutes. It's a proven technology. It's like airbags. It doesn't rely on changing human behaviour to prevent an accident or a loss of life.

In conclusion, I believe Bill 120 and Bill 2 have the same goal: to protect what we value most. I believe these two private member's bills complement each other, and we're at a crossroads. We have an opportunity to do something historic and meaningful. Let's move to the next level and combine the best of both pieces of legislation. It would make infinite sense to combine Bill 120 and Bill 2, allowing us to craft amendments which incorporate the best recommendations from both coroners' juries and professional firefighters to pass life-saving legislation.

The facts are overwhelming and the terrible ongoing loss of life is preventable. This issue goes beyond partisan politics. Again, I'd like to commend the member from Beaches—East York for being persistent in bringing forward this important piece of legislation. I'm happy to support Bill 120, the Fire Protection Statute Law Amendment Act, 2006. I believe the time is right to bring for-

ward legislation that's meaningful and ensures the safety and security of all Ontarians.

Thank you, and I'd be happy to answer any questions.

The Chair: Thank you very much for your presentation, Ms. Jeffrey. There's about 10 minutes left, so there's just a couple of minutes for each of the parties to ask some questions. I believe it's time for the government side to start.

Mr. Levac: Thank you, Madam Chair. Are we receiving copies of the presentation that's been made?

Mrs. Jeffrey: I can make sure you have one, yes.

The Chair: We don't have any here.

Mr. Levac: I wasn't sure if she's giving yours out afterwards. That's fine. Can we get copies done, please?

The Chair: Certainly.

Mr. Levac: The second comment, or actually a question: Do you see the value of each of the bills? I know you've referenced the sprinkler system and there have been several references to it in the presentations. Do you see the spirit of what the expectation is for fire safety to be entrenched or could be entrenched other than legislation to be done in the building code and/or the fire code?

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Mrs. Jeffrey: I wouldn't want to choose one or the other. Is that what you're asking?

Mr. Levac: Yes. I said once before and I'll be as strong as I was then, that if we were able to entrench the intent of Bill 120 and, in your case, the bill that you're referencing, Bill 4—

Mrs. Jeffrey: Bill 2.

Mr. Levac: —Bill 2, would that satisfy the request that you're making in terms of your quest for sprinkler systems and, in this case, the escape—

Mrs. Jeffrey: Yes.

Mr. Levac: The next question I have is very specific and that is, in combination of a sprinkler system and/or Bill 120, have you looked at the marriage of the two to combine what Mr. Prue is looking for—and I spoke to the deputy about this—in the combination of satisfying both the good of 120 and 2 in kind of a metamorphosized bill or a metamorphosized building code amendment and fire code amendment?

Mrs. Jeffrey: I haven't looked at it. I think Mr. Prue has received advice today that would allow him to craft amendments that he could bring to clause-by-clause that would satisfy the request that you've heard this morning, but I see them as friendly amendments because I think at the end of the day when you hear good advice and historic advice from professionals and from coroners' juries, we would be unwise not to take those recommendations seriously.

Mr. Levac: Finally, in your research for your bill and possibly 120 and your presentation, the request from Mr. Prue—I think Mr. Prue or the committee asked the two questions for backgrounder information—

Mr. Prue: That's correct. I asked that.

Mr. Levac: Okay, thank you. It seems that the wooden fire escapes in this backgrounder are all done in

each of the provinces with combustible buildings, meaning that there must be—and I don't know what this is and whether or not it can be clarified for me—some kind of technical reason why you wouldn't upgrade an escape alone if you had a combustible building. There seems to be some type of firefighting expertise that speaks to that. Did you find any of that in your research? What I'm concerned—not concerned about; what I would observe is that, in the question-and-answer, every single province does that. With wooden, combustible materials for the building, they've allowed for wooden, combustible fire escapes.

Mrs. Jeffrey: I can't comment on the fire escapes. The history of why I'm here is because I used to be a member of council in the city of Brampton and I was dealing with group homes. Essentially, it's a business and a lot of the group home operators were trying to evade fire code, so I was trying to find a way to protect a vulnerable population. A really smart firefighter educated me about sprinklers, and the more I have learned about it, the more obvious it is to me that Vancouver was courageous and did a really smart thing. The numbers speak for themselves: Nobody's dying in Vancouver in a sprinklered building. I would like Ontario to join that.

I think Mr. Martiniuk asked a really good question about the high-rises. I look to my neighbours in the south and they're about to build some really beautiful high-rises—the Marilyn I believe it's called. Neither of those two buildings are going to be sprinklered. There are a lot of people in those high-rises. So the more I learned about it—but I certainly didn't pursue any evaluation of wooden fire escapes.

Mr. Levac: Thanks for your passion. I appreciate it.

The Chair: Mr. Martiniuk, do you have any questions?

Mr. Martiniuk: I have no questions other than to congratulate you on bringing this to the public's attention.

The Chair: Mr. Prue?

Mr. Prue: I have no questions—well, I do have questions. This bill is dealing with the retroactivity provisions of the fire code. I don't want to get it confused here with the building code, and I am not entirely convinced that your bill, although I support your bill, falls within the total ambit of the fire code. I believe it also falls within the building code. As much as I support your bill, I'm not willing to wait six years to combine the two. Can you assuage my fears and tell me that yours is entirely within the fire code, as this is, so that I could move or support someone else moving the combination of the two?

Mrs. Jeffrey: I'm not an expert in this. I would say that I can get experts to give you the comfort that you need before you get to clause-by-clause. I agree with you—

Mr. Prue: We have tomorrow at noon.

Mrs. Jeffrey: We will have an answer for you today. I would say that I agree with you. I don't want to wait any longer. We've waited too long already and we've lost a lot of people in Ontario whose deaths were preventable.

Mr. Prue: Neither my bill nor your bill deals with this, but some of the research that I have done shows the escape clause that allows health care facilities to avoid interconnected fire and smoke alarms by having a currently existing system approved by the fire marshal. It also allows an escape clause that health care facilities and old age homes are allowed to have combustible fire escapes. Old age homes; can you imagine? There are other provisions—anyway, just some of those. Was your bill going to deal with those? My bill deals with apartment buildings, basically.

Mrs. Jeffrey: Initially, the first bill was single family homes and then it was all housing. It dealt with wherever you slept. So I think the next time I bring it back, should I have to, I'll extend it to anybody who's renovating their homes. At the end of the day, I don't think anybody ever wanted seat belts nor did they ever want air bags, and we know the results of that legislation. The same arguments were put forward then about cost, how people don't want them and how they're inconvenient.

I want Ontario to be the head of life safety, fire safety in Canada, and you've got to make courageous moves in order to do that. I think the building community is our best ally; they just don't know it yet.

Mr. Prue: Again in terms of the retroactivity, what is being suggested is that we incorporate the provisions of your bill, but your bill specifically contemplates new housing.

Mrs. Jeffrey: Just new housing.

Mr. Prue: So what you've suggested in the past would have to be modified to make older housing retroactive as well within the confines of this bill.

Mrs. Jeffrey: I don't know that yet. I would have to say that I will get an answer for you so that you can have some clarity on that issue before the end of the day. I'm not a lawyer and I'm not as familiar with the building code as some of our firefighters. They would be much better versed at answering those questions.

Mr. Prue: Thank you.

The Chair: Mr. Martiniuk?

Mr. Martiniuk: Could we have counsel's opinion by our clause-by-clause as to whether or not Bill 120, acting retroactively, and Bill 2, if it were acting retroactively, fall within either the building code of Ontario or the fire code of Ontario and whether or not those codes are authorized to cover either Bill 2 or Bill 120 acting retroactively?

The Chair: We can certainly endeavour to get that response, I believe. Do you have any comments? We have research here, but we don't have legal here. So we could get what we can from research if they have something. I think Ms. Drent has some information and then if there's further information needed, we'll endeavour to get that from legal before the clause-by-clause.

Ms. Drent, did you have any comments?

Ms. Margaret Drent: Yes. I would be happy to help you out. I am a lawyer, but as was mentioned by Ms. Sourial, normally the lawyers or the research service do

not act as counsel to committees. Nonetheless we'd be more than happy to work with legislative counsel to get you an answer to your question.

Mr. Martiniuk: Thank you.

The Chair: That's great. Mr. Levac?

Mr. Levac: Further clarity: It's been referenced twice now that the cycle is every six years and you can't wait six years. I just want to make sure that it's understood clearly that amendments can be made to both the fire code and the building code before a six-year cycle or a 10-year cycle. Let's make sure people understand that. It's not a matter of waiting for the next cycle because, as I said, and Mr. Craitor indicated, there have been 20 packages of amendments offered since 2000, and there's also one package prepared for even the 2006 review that's already taken place. Another package is already prepared. So I don't want people to misunderstand that this cycle that they're referring to can only happen every six years. I just want to make it clear.

The Chair: Thank you, Mr. Levac.

Thank you very much, Mrs. Jeffrey, for your time today. We appreciate your comments.

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ONTARIO BUILDING OFFICIALS ASSOCIATION

The Chair: We would now move back to the regular agenda and ask that Terry Hewitson, the president of the Ontario Building Officials Association, come forward. Is Mr. Hewitson here? Thank you. Join us at the end of the table, Mr. Hewitson.

Just for your information, the process as you've watched it unfold so far is that you have exactly 20 minutes. If you don't use all of your 20 minutes, the time will be divided up amongst all of the parties to ask any questions or comments of clarification. I don't know if you have someone who's going to be joining you. If that is the case, we just need to have the name put into the record. It's certainly allowed. If you would like to have someone join you, that's fine.

Mr. Terry Hewitson: Ralph Palumbo is with Pathway Group. He's a consultant that we use.

The Chair: Mr. Palumbo, welcome. Go ahead, then.

Mr. Hewitson: Good morning. My name is Terry Hewitson. I am president of the Ontario Building Officials Association. The association is pleased to provide its views on Bill 120, An Act to require the Building Code and the Fire Code to provide for fire detectors, interconnected fire alarms and non-combustible fire escapes.

The Ontario Building Officials Association is a self-governing, not-for-profit association committed to maintaining the highest degree of professionalism in the field of building code inspection, administration and building safety. As well, through its committee work, training and education services, the association promotes both uniform building code enforcement and interpretation across the province.

At the outset, the association wishes to make it clear that, in making its submissions to the committee, we are not commenting on, or in fact disputing, the need for legislation or regulations to compel the installation of fire detectors, interconnected fire alarms and non-combustible fire escapes, where permitted, in every residential building in which there are two or more dwelling units. Rather, the association believes that there are more effective ways to achieve the stated objectives of this legislation. It is our submission that there are currently in place several mechanisms that will ensure a rigorous review of the need for changes to the legislation or regulations that are required as a result of new directions in government policy as well as new technologies. We submit that these mechanisms should be assessed in order to determine whether codes should be amended to require the installation of fire detectors, interconnected fire alarms and non-combustible fire escapes.

Amending the code on an ad hoc basis through private members' legislation does not provide the same level of review of the technical or policy considerations as the existing code review process. Where a need has been identified, technical changes to the regulations, such as the Ontario building code, should be submitted as a proposed code change for technical and policy review by code review committees. Such changes can be vetted for technical content and impact on other parts of the code and can be made at any time throughout a code cycle. As you've heard earlier, the current 1997 Ontario building code has seen 19 separate amendments since it was proclaimed. Many of these changes have been the direct result of specific issues that have been identified and forwarded to the Ministry of Municipal Affairs and Housing.

It is also apparent that changes to regulations dealing with code issues, unlike legislative amendments, can be effected in a relatively short period of time. As an example, a structural issue arising out of a regulation made pursuant to the building code was identified as requiring an amendment, and the amending regulation was in place in only six weeks.

An alternative method of bringing about code changes is the newly established Building Advisory Council, whose mandate is to provide strategic advice on policy, technical and administrative issues relating to the Building Code Act and the building code. We believe that the Building Advisory Council process is a more appropriate vehicle to deal with technical changes to the building code, such as the one before you at this time, than separate pieces of legislation dealing with a variety of individual code issues.

In our view, the Building Advisory Council is a particularly effective mechanism for dealing with code issues given the broad considerations it undertakes on any given issue. For example, when dealing with issues before it, and formulating advice, the council will consider:

- the impact on public safety, building code enforcement, streamlining of the building regulatory system, accountability and innovation;

- provincial policy goals and national code harmonization;
- technical feasibility;
- economic impacts, including impacts on the construction industry;
- social impacts; and
- the building code, whose purpose is to establish standards for public health and safety, fire protection, structural sufficiency, conservation and environmental integrity and barrier-free access, with respect to buildings; and to establish processes for the enforcement of the standards and requirements.

Not only is there a rigorous review of the considerations relevant to the amendment of the building code, the council's mandate to make recommendations to the minister may very well reduce the time it may take to implement changes viewed by the council as having real merit.

The Ontario Building Officials Association submits that changes to the legislation and regulations, more specifically the Building Code Act and building code, should be enacted through the regular code review process and not through individual pieces of private members' legislation, which are more difficult to amend and which may not be subject to the same in-depth technical discussion on the merits of the proposed changes.

The Ontario Building Officials Association respectfully recommends that proposed changes to the Building Code Act as described in Bill 120 be withdrawn and brought to the Ministry of Municipal Affairs and Housing's buildings branch as a proposed code change to the regulations.

Alternatively, with the establishment of the Building Advisory Council, the matter of the installation of fire detectors, interconnected smoke alarms and non-combustible fire escapes should be a topic for consideration by the council with appropriate recommendations made to the minister for changes to the regulations.

The association appreciates the opportunity to present its views on Bill 120. I would be happy to answer any questions.

The Chair: Thank you very much, Mr. Hewitson, for your presentation. You've taken about six minutes for your presentation, so that leaves about 14 minutes for committee members, a little over four or five minutes each for questions.

I think we start this time with Mr. Martiniuk, if you have any questions.

Mr. Martiniuk: Yes, I just want some clarification on your presentation, which was an excellent presentation, by the way. I'm a little confused. Do I understand that the Building Code Act and the fire code are the same?

Mr. Hewitson: No.

Mr. Martiniuk: They're separate.

Mr. Hewitson: Definitely separate.

Mr. Martiniuk: So your recommendations only address the Building Code Act and the building code.

Mr. Hewitson: Specifically, yes, sir.

Mr. Martiniuk: Does the Building Code Act or the building code permit retroactive legislation? What's your understanding? I'm not asking you for your legal opinion. You've made a submission. I assume you've reached some understanding as to whether or not the Building Code Act or the building code permit retroactivity.

Mr. Hewitson: At this time, I'm not aware of any elements that could be retroactive.

Mr. Martiniuk: So the bill presently before the committee, Bill 120, which acts retroactively, really could not be implemented under the building code as it presently stands.

Mr. Hewitson: As it presently stands; correct.

The Chair: Mr. Prue.

Mr. Prue: This, then, causes a great confusion in my mind. This is a bill dealing with the fire code act. You're here talking about the Building Code Act. Do you have any objections if this goes through the fire code act, as it is intended?

Mr. Hewitson: I would have no objection as it relates to the building code, because the fire code has been known to have retroactive elements.

Mr. Prue: That's correct.

Mr. Hewitson: I do have a concern in general with legislation being brought forward in this manner, which would not be subject to the technical review of a code review committee, whether it be fire code or building code, and subsequently much more difficult to amend in the future.

Mr. Prue: In 2000, a coroner's inquest made these two recommendations—two ministers, two governments, and no legislation, no discussion. How else does this go forward? Has your organization put forward this discussion?

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Mr. Hewitson: No, sir, we have not.

Mr. Prue: Do you know of any minister or ministry staff who have put forward this discussion in the last six years?

Mr. Hewitson: I'm not aware of any.

Mr. Prue: So then, when nobody is taking any action, you want the only action that's being taken to be withdrawn.

Mr. Hewitson: No, sir.

Mr. Prue: Then I'm failing to understand your position.

Mr. Hewitson: I'm suggesting that this could be put forward as an amendment to the building code.

Mr. Prue: But it doesn't deal with the building code.

Mr. Hewitson: But this legislation will affect the building code because it specifically addresses the building code. In addition, the Building Advisory Council, which is a newly formed body—it's been in existence a matter of months, out of the recommendations of the Building Regulatory Reform Advisory Group—has been created and recommendations could be put forward through that group if the need were seen.

Mr. Prue: Who do you propose puts it to that group? Would this be the minister who has chosen not to act on this?

Mr. Hewitson: It could be a minister, any minister, or a private citizen who proposes that to the council.

Mr. Prue: What is the time frame that your group would need to study the technical aspects of a proposal that you don't disagree with?

Mr. Hewitson: I couldn't address how long it would take. What I can say is that with the legislation in its current form—although I am commenting more on process—the technical aspects could be reviewed by more technically knowledgeable individuals as an amendment.

Mr. Prue: So they would give their technical expertise as to the actual wording of the amendment, but you have no idea how long that would take.

Mr. Hewitson: I do not, sir.

Mr. Prue: We've heard from the fire chief, we've heard from people who have studied this a lot, that about a hundred people a year die by fire-related injury. Would it take you a year? I'm just worried about a hundred people dying while we're studying this.

Mr. Hewitson: My objection is not on the merit of the legislation; it's on process. As to time, no, I can't give you a time.

Mr. Prue: In the Legislature, all bills that involve money must be government bills. Private members are given an opportunity to address their concerns, and usually get a chance about every two years to put forward something for debate in the Legislature, and about one out of 10 of them actually ends up in committee. Do you think this is a wrong process? This is a process the Legislature uses. It obviously doesn't go through the ministry and therefore does not involve you. I'm just having difficulty understanding. You want a process that would not allow private members' bills to go forward, as they impact you, anyway.

Mr. Hewitson: No, sir. What we are suggesting is that a change such as this be through an amendment, which can be done more expeditiously, subject to technical review, and amended in a much more efficient manner.

Mr. Prue: But that can only be done if it is a ministerial bill, not if it's a private member's bill.

Mr. Hewitson: Amendments can be brought at any time.

Mr. Prue: By whom?

Mr. Hewitson: The government can bring amendments at any time.

Mr. Prue: Thank you.

The Chair: On the government side, Mr. Levac.

Mr. Levac: I have a copy of the bill in my hand. The title of the bill is An Act to require the Building Code and the Fire Code to provide for fire detectors, interconnected fire alarms and non-combustible fire escapes. The bottom line is that there's a full section that does amend the building code, so to make clarity here, it's not just the fire code; it's both the building code and the fire code. I think the building code is what you're making reference to in terms of amendments. Those amendments

that take place on a regular basis can happen at any time by the ministry through cabinet. They don't require legislation or full-scale public interviews and stakeholder participation. That's a way to clarify what the comments are about.

"Section 34 of the Building Code Act, 1992, is amended by adding the following subsections ... Regulations made under subsections (1) and (2) shall require that every residential building in which there are two or more dwelling units is equipped with,

"(a) fire detectors installed in all public corridors and common areas of the building."

Specifically, this is in the building code and requires this piece of legislation, so there seems to be a marriage between the fire code and the building code. What you're requesting is that the process presently used to amend the building code and the fire code be used to achieve the spirit of what Mr. Prue is talking about. You're not specifically against what Mr. Prue is proposing. I want to make sure that I understand that with clarity. You're not against the idea that fire escapes should be as modernized as possible and that the corridors should be shared and all that kind of stuff. You're not against that part.

Mr. Hewitson: Not at all, sir.

Mr. Levac: You're after the process that's being used. It's common that these types of amendments we're talking about are captured inside of the amendments that are offered to the building code and to the fire code.

Mr. Hewitson: Yes, sir.

Mr. Levac: Thank you very much.

The Chair: Any further questions?

Thank you very much, Mr. Hewitson, for your presentation. Just clear up your paperwork and we'll be moving forward with the next presenter.

ONTARIO ASSOCIATION OF FIRE CHIEFS

The Chair: Next we have with us the Ontario Association of Fire Chiefs, represented by Chief Richard Boyes and Deputy Chief Cynthia Ross-Tustin. Welcome, Chief and Deputy Chief. Thank you for coming. The floor is yours for about 20 minutes. Any time that you leave after your comments will give the committee members a chance to ask any questions or points of clarification. Begin any time you like.

Ms. Cynthia Ross-Tustin: Good morning and thank you, Madam Chair and members of the committee. My colleague and I are here on behalf of the Ontario Association of Fire Chiefs. We are representative of the chief officers within the municipalities. We look after your fire departments, your fire services in your community. We are here today because we would like to applaud the spirit and intent of Mr. Prue's Bill 120, an Act to require the Building Code and the Fire Code to provide for fire detectors, interconnected fire alarms and non-combustible fire escapes. We have a great appreciation for anybody who goes to these lengths to work on fire safety.

We represent 487 different fire departments across Ontario, both full-time and part-time, every size and description. We believe that Bill 120, with its spirit and intent, has great merit but we believe it is incomplete in several areas.

The bill is in response to the very tragic deaths of Linda Elderkin and Paul Benson in January 1999. As a subsequent result of those untimely deaths, an inquest was held and 28 recommendations were made. I'm sure all of you are aware of those recommendations. Some of the key elements of that inquest were pulled out and put into this bill, but we feel that there are more that could be added.

I just feel like I should have a conversation with you as opposed to reading from a prepared report. I don't know how aware you are of fire prevention issues, but in the fire service we look at fire prevention as pillars and cornerstones. The cornerstone of fire prevention, to make it truly effective for the people you serve and we serve, are safe exiting and early detection.

Early detection makes perfect sense. That's smoke alarms, fire detectors. "Smoke alarms" are what we in the business call them. That's the appropriate language. We've spent great time, at great length, promoting smoke alarms. That's what gets people out of buildings earliest. Safe exiting is the other component. It makes no sense if you tell them there's a fire but they can't get out. That's what we build on in many ways. The fire code is built on those principles. It's a little grey in a few areas and it needs to be fixed, and I think what Mr. Prue is attempting to do—without putting words in his mouth—is to fix some of those issues.

The fire code is not just there for the safety of the public; it's there for the safety of our firefighters. So when you have early warning and safe exiting, those residents are out of that building quicker and faster, and they're out on the lawn waiting for us when we get there. We would approach a fire in a different manner if we had to do rescue. You're saving residents but you're also saving firefighters. You're making it less difficult or less onerous or less dangerous if the building is empty of its occupants for the firefighters.

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We appreciate that retrofitting to six units is going to be somewhat onerous. That's a recommendation from the inquest, as opposed to Mr. Prue's bill. We feel that six is appropriate, if necessary. Six units in the fire code right now is a grey area and it needs to be fixed. The recommendations from the inquest fix that, but it needs to go further. It needs to fix other issues within 9.5 of the fire code.

The other thing that a lot of people don't understand is that the fire code and the building code are companion documents. The building code is only there for when the building is built—its design purpose, during construction. Then it's finished. Once the building is to become occupied, it's done. The fire code, as its companion document, takes over and it is responsible for the safety of that building for the rest of that building's life. Every-

thing that needs to be done or fixed to it is done through the fire code. That's why some of these amendments are very important. There is a small retrofit section in the building code; that's when you go back and take out a permit. Throughout the fire code it's there for certain residential buildings, and that's necessary.

This is one of the reasons that we feel the code process or the review process is so important—the amendment process—because of these grey areas, the difference between two-unit residential 9.8, which is basement apartments, and 9.5, which is the rest of the buildings up to 10. There are differences and there are nuances: whether it's a three-storey or a four-storey, whether there are more than five people in a bedroom. They all need to be fixed, but if we just bring in amendments to the code through this piece, some of those other nuances are going to be missed, some of the interconnected issues will be missed, and we would like those addressed.

The other essential element that we feel is missing from the bill is that of sprinklers. Residential sprinklers were put throughout the recommendations of the inquest and we feel that they are invaluable. I think it's interesting, if you're familiar with the automotive industry at all, that when airbags were first coming in we thought, "Oh, we can't have all these regulations. It'll cripple the automotive industry." Now we wouldn't dream of having a vehicle without an airbag. As a matter of fact, car companies are going above and beyond and there are extra airbags. There are side curtain airbags; there are wall airbags; there are rear airbags. It's above and beyond. Nobody would drive a car today without an airbag, and yet we continue to build residential buildings without sprinklers. I'm just not sure of the logic in that.

I'll go back to the cost. I've heard that said as a rationale for not doing this. I'm not sure that cost is the best reason for not putting in interconnected smoke alarms and pull stations. I looked in the paper on the weekend just to see what was going on downtown. I looked at rental accommodations. Oddly enough, there were eight buildings that said, "Newly wired for cable and Internet high-speed access." We wouldn't think about living without those, but I bet at the time they certainly didn't think about wiring for their smoke alarms and making those improvements. We need those kinds of things to be done.

Finally, one of the last recommendations that's in the coroner's inquest and not in this bill is an improvement to some of the fire safety education-related issues. There are some excellent recommendations that would improve the signage and the ability of residents to activate pull stations or get out of their building safely. Those recommendations are not in here and I would like to see those. The Association of Fire Chiefs thinks those are very important issues.

We understand that the fire marshal's office is currently in the process of working through some of these changes through the amendment process. Mr. Prue, I could sense the frustration in your voice earlier that this has gone on too long, and that's one of the reasons we're

here today. These things have gone on too long and it's time that it be done. The Ontario Association of Fire Chiefs is willing to work with this committee or whoever else is necessary to not only speed up the process, but to help champion these causes and put them through faster. The length of time it has taken is unacceptable.

If you have any questions—

Interjection.

Ms. Ross-Tustin: I'll go back to process; my colleague has reminded me. We believe in the process and we support the process of the code and review amendment. If you look at some of the issues that I talked about a few minutes ago, the difference between 9.8 and 9.5—9.5 in the fire code looks after greater stories of residential; 9.8 only looks after two-unit residential. There's a split in the code and they're different. Interconnected smoke alarms are already required in two-unit residential under 9.8, but there are lots of things in 9.5 that don't link up—linking the smoke alarms with the fire alarms and having them interconnected in those sizes of buildings—and it's necessary. We're afraid that if these things are introduced through this process and not through the regular amendment process, some of these nuances are going to be missed and we'll still have a code that's not as wholly functioning as it could be.

The Chair: Does Chief Boyes have anything to say as well?

Mr. Richard Boyes: We've pretty much covered it. The major issue is the public education to ensure that we get the message out and to ensure that the proper process is followed through to do the code amendments. When we do it hit-and-miss, we get where we almost are today: with gaps. The main reason we're here: We want to ensure that we follow a process, but expedite the process so that it does not take forever to get going, because we find the delay—from moments like this to implementation to getting it on the street—very frustrating ourselves. We're fully supportive of fire safety in the province. We need to expedite the process to move it forward in the proper forum.

The Chair: We have about three minutes for each party, starting with Mr. Prue of the NDP.

Mr. Prue: Just by way of background, so you know, public education involves the expenditure of money. That's why I couldn't put it in my private member's bill. No private member can do a bill that expends money. That is the responsibility of the government. So the bill contains everything that costs nothing. Do you support those two items that cost nothing or not?

Ms. Ross-Tustin: Absolutely.

Mr. Prue: Okay. We've had other fire chiefs and people come in and talk about the bill. I just want to get clear, because there has been some confusion over the fire code act and the Building Code Act. This bill purports to amend the fire code act, because that can be done retroactively to older buildings. The building code, of course, is for new buildings, and you've correctly pointed that out. How would the provisions of having a non-combustible fire escape route and interconnected fire

alarms in all buildings be any different, whether it was a two-unit building, a 10-unit building, a three-storey, a five-storey, a seven-storey—and I have the building code here; I understand all the differences—if all of them were required to have it? I don't understand this from what you're saying either.

Ms. Ross-Tustin: I'm trying to make sure I understand your question.

Mr. Prue: If I can paraphrase what you said, you correctly pointed out that sections 9.5 and 9.8 deal with different types of buildings—and I have that here, and they do. But this bill is under the fire code act, and it wants to deal with everybody in the same way. It says that whether you're in a rooming house, whether there are 10 people sleeping there, whether they're side by side or whether they're on top of each other, they should all be interconnected. I don't understand, first of all, why the old bill makes those differences. What is wrong with combining, so that every resident, no matter whether they live in a two-storey, a five-storey, a nine-storey, whether they're on top of each other, beside each other—why can't they all be interconnected and why can't they all have a non-combustible fire escape?

Ms. Ross-Tustin: I don't disagree with the premise. I remember learning the KISS principle in school. What you are suggesting is straightforward and simple, so it almost makes people say, "What? Common sense? I'm not sure we could do that." I think we're here because we do support the intent and the spirit of your bill and we believe in the principles that I believe you're trying to achieve. Our reasons for coming to present here today were so that you know that we do support that spirit and intent but also that we have issues with overlying or skipping a process. There are nuances that can be brought together to make it indeed simple without sidestepping the amendment process. We are in support of the amendment process, and if the amendment process makes it that simple, that would be even better. But we don't want the amendment process overlooked, and we would like this group to work with our group in the fire marshal's office to make sure that the amendment process in fire safety is carried out.

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The Chair: Thank you. Government side, questions?

Mr. Levac: It sounds to me like you're not against the spirit; obviously, you've said that a couple of times. What Mr. Prue has asked is whether or not that's on, if that's what you're supporting, and you've said yes. The process that you keep referring to is the amendment process that's within the building code and the fire code. I think what's missing here is that some people are trying to separate the two, some people are trying to say that you can do one without the other. The implication of the bill as its written includes the building code and the fire code, so there are pieces, there are sections in the building code that, if this gets applied, apply to the building code. What I'm hearing you say, I think, is that there are other things that will get missed if the specifics of this bill are used and not taken to the amendment process, that there are things to add.

Ms. Ross-Tustin: That's correct.

Mr. Levac: Can I assume—I shouldn't do that—that it's because there are more things that could be in the amendment process attached to the spirit of the bill to improve it even more and to effect better fire safety and building code improvements to keep us all safe and secure?

Ms. Ross-Tustin: Yes, sir.

Mr. Levac: Can you maybe reference what some of those things could be?

Ms. Ross-Tustin: For example, let's look at 9.5 of the fire code. They differentiate between the height of a building and when things are alarmed and not alarmed. There is something that could be fixed immediately. There are small nuances to the code; it's not an easy code to work within. The regulations on rooming houses are different between the building code and the fire code. It got missed. The fire code says one thing and the building code says another. There's something that could be fixed that sends the fire service over the edge trying to work it out and make rooming houses safer. There's a nuance that would be missed.

Mr. Levac: Is there some professional understanding—I asked this earlier, but somebody didn't know—of why all of the provinces in our research paper indicated that there was an exemption of wooden fire escapes if they're attached to combustible buildings? Is there some kind of technical fire thing that I'm not aware of in terms of suppression that talks about why they gave the exemption in the first place?

Ms. Ross-Tustin: I'm not familiar with that, unless it's specific to the height of a building and the protection of the window or the exit. I can't answer the nuances of that question either. It almost seems like a line in a bad joke, that you can have a non-combustible building but a fire escape that will burn. That doesn't make any sense.

The Chair: Thank you. Mr. Martiniuk?

Mr. Martiniuk: In reference to the Benson inquest, I notice the magic number of six units appears. Could you explain the rationale of that for me?

Ms. Ross-Tustin: I'm not sure what the jury's rationale was, but the fire code differentiates in 9.5. It talks about six-unit residential; I believe that's what it differentiates.

Mr. Martiniuk: It differentiates for what purpose?

Ms. Ross-Tustin: Part 9 of the fire code was written in pieces, so I'm not sure why, when they wrote 9.5, it came up later on to 9.8. First they started with assembly occupancies, then they moved to 9.3, and then they moved to residential buildings that could be rooming houses.

Mr. Boyes: This is one of the problems that we're running into, that every time you look at the fire code, it's not clear-cut. That's why we want to ensure that the amendment process is put in place so that we can start to pick up on all these holes that are in the fire code. You can talk about occupancies, about the number of bedrooms, and if there's a number of bedrooms, that drives fire alarms or it doesn't; the 9.5s, the 9.6s, high- and low-rise buildings; the 9.8s, which are basically basement

apartments in residential dwellings. That's why we're here really wanting to support the process to expedite all these common-sense questions that are asked. But as the people who enforce the fire code and our other colleagues in the audience will tell you, it's a very frustrating experience trying to interpret this fire code and figure out where it sits with some of the old buildings. Again, the two companion documents—the building code will ensure that new buildings are built with the proper fire alarms, and fire escapes for the old ones.

Mr. Martiniuk: That's a long answer, but it still doesn't answer the question. The inquest dealt with the matter and came up with specific recommendations, and they keep referring to six. I'm just wondering if there was a barrier. For instance, I don't see where safety in a six-unit or a four-unit should be any different, but for some reason they continually, throughout their decision, refer to six units and up. Now, there must be some basis on which they made that conclusion, and I assume that basis is somewhere hidden in the fire code.

Ms. Ross-Tustin: I cannot speak to why the jury chose six specifically, but I believe the difference is in the fire code: the difference between a section 9.5 and a section 9.8.

Mr. Martiniuk: But what's the difference between those two sections?

Ms. Ross-Tustin: The difference between the two sections is a section 9.8 in the fire code deals just with basement apartments: two-unit residential, basement apartment or a one-unit accessory. Section 9.5 deals with low-rise or six-units and up.

Mr. Martiniuk: Does it specifically refer to six? So that's obviously where the jury—

Ms. Ross-Tustin: Yes, sir. I believe that's where they've come up with it, but I can't decide why the jury went that way.

Mr. Martiniuk: And what inferences can we draw from the code in the magic number of six? I mean, are there higher standards for six units and up in the code than a duplex or a triplex?

Ms. Ross-Tustin: They are written differently—and I'll go back to my answer about being written. If all of part IX had been written at one time, they may very well have recognized the wisdom of Mr. Prue's, "Let's do it this way." But it was written in different times and as a result of other inquests, previous inquests—I believe the rooming house fire back in the 1980s in downtown Toronto was part of the reason why section 9.5 came in, because it speaks to rooming houses. A need came up and it was written.

Mr. Martiniuk: So the six-unit significance is lost in the fog of history and tradition; is that what you're telling me?

Ms. Ross-Tustin: I believe it's not lost in the fog of tradition, sir. I believe they attempted at the time, as a result of that inquest, to address a need that was not in the fire code and they made amendments to try and address six-unit residential. Since that time, we've had issues and we've needed to address two-unit residential, so they moved on and added more to the fire code.

Mr. Martiniuk: Okay. Thank you.

The Chair: Thanks a lot, Chief Boyes and Deputy Chief Ross-Tustin, for your testimony today. We really appreciate it. Your deputation was very much welcome. So that's your time now.

FEDERATION OF RENTAL-HOUSING PROVIDERS OF ONTARIO

The Chair: It is now time for the committee members to hear the deputation from the Federation of Rental-housing Providers of Ontario, Megan Harris and Randal Brown. Please join us at the end of the table. As you've seen, you have 20 minutes to make your presentation. If you leave any time at the end, that will be divvied up between the various committee members to ask questions of you. So get comfortable, and welcome. The floor is yours when you're ready.

Ms. Megan Harris: Thank you very much. First of all, I'd just like to say thank you to the committee and to Mr. Prue for giving us this opportunity to speak to you today on this piece of legislation. As some of you may know, the Federation of Rental-housing Providers of Ontario is the largest association in this province that represents those who build, rent, manage and invest in rental properties. Our membership base is quite diverse and it exceeds 250,000 different residential units.

We have four primary concerns with the proposed legislation, and they are: (1) with the process; (2) with some of the technical flaws, which I think came about as a consequence of the process; (3) this legislation does not recognize some of the substantial investments that this industry has put forward to meet the retrofit requirements that were just concluded; (4) we think this legislation goes too far.

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Regarding the first concern: As I heard a number of the previous presenters this morning indicate, there's an established and reputable process by which code amendments are made in this province. The consequence is that that process is very inclusive, it's rigorous and it allows for stakeholder input. As I indicated previously, we're the largest organization of this kind in this province, and for legislation of this magnitude and implications—we were not asked to provide any input whatsoever in the process, and that, I think, is a fundamental flaw. As well, the process that's established and currently in place allows time for detailed analysis, including a cost-benefit analysis, as well as to look at the full spectrum of the implications of the proposed changes. So our first concern, again, goes to the process.

Number two: We believe this legislation has a number of technical flaws. Again, we think this is a consequence of the process that has been undertaken. The discussion of an interconnected fire alarm: My understanding is that the current code does not have a definition for the term that is being used throughout this piece of legislation. This brings me to the next one. There's a lack of clarity in terms of what the intent is and what some of the terminology used in this legislation is to establish.

Number three: The rental housing industry has made substantial investments to meet the retrofit requirements under the Ontario fire code, and this legislation does not recognize that. In addition to those substantial investments that were required of the industry, now we're going to be asked to make additional changes without a full appreciation of the broad spectrum of the implications of this legislation.

Finally, quite frankly, we think this goes too far.

The requirement for retroactive changes to buildings through amendments to the fire code: In reference to Vancouver, in relation to the requirement about the combustible balconies, Vancouver did not require a retrofit. The Vancouver requirements in this area are equal to those that we have here in Ontario.

We've also given you a presentation that we had prepared by Randal Brown and Associates. Randal Brown has nearly 30 years' experience as a fire code engineer. We asked him to look through this legislation and to comment on some of its technical content, so I'm going to have him speak to that at this point.

Mr. Randal Brown: I've got four main points I want to touch on in regard to the fire alarm component of the bill. As well, I just want to touch briefly on the fire escape component of the bill.

I think in our meetings with the federation and Megan's staff—the federation supports fire safety initiatives in multi-unit residential rental buildings. Part of our concern with Bill 120 is from a technical standpoint. As most of you have heard today, the owners have done mandatory retrofit provisions; in 1994, 1996 is when they came out. They could have asked for an extension. Those were all in the Ontario fire code. The concern we have is that this bill is not necessarily coordinated with that piece of legislation, and I'll show you where in one second.

Secondly, there's a process in place. Any member of the public can make a proposed code change to the building code or the fire code. It then goes to a technical body, a committee, which reviews it. There are all kinds of stakeholders there. You're going to have the owners of buildings, the builders of buildings, code authorities, fire officials, the construction industry—you'll have all the stakeholders at that meeting to make sure that, at the end of the day, the piece of legislation reflects what needs to be done, that it is beneficial to the residents of Ontario and that the wording is clear. We've seen a lot of legislation that passed go out where the wording is not clear.

My third point: My main concern when I read through this legislation is under (2.1)(b), which says "fire alarms interconnected." The concern we have is that "fire alarms interconnected" is not defined anywhere. You go to the building code, you go to the fire code, and "fire detectors" is defined. There's not a problem with that; we understand what that is. The problem is that "fire alarms interconnected" is not defined. My concern here and the reason I bring this up is that what we don't want to do is end up putting a piece of legislation in place in which we as end users or implementers don't understand what's being asked and the authorities don't understand what's

being asked. We'd only get a different interpretation from one part of the province to another. Yes, municipalities are responsible for the legislation, to enforce it, but they need to understand, as do the engineers, the installers, the contractors, what is being asked. There is a clarity issue here that has to be developed within the legislation. The current process does that.

Right now, as I sit here looking at this bill, when I look at "fire alarms interconnected," I couldn't tell you what that is. I don't know if that's interconnected smoke alarms. Is that a fire alarm system? The concern I have is that because "fire alarm" is defined, it could force every building to have a fire alarm system. If that's what the province wants and they feel there's enough benefit there for residents in rental buildings, that's fine. In a lot of buildings, such as high-rises, it's there already. It was mandated under the retrofit, high-rise rental buildings.

So part of my real concern is, what is this term "fire alarms interconnected"? It's not defined in the legislation. That's one of our biggest problems. It could be interpreted in a host of ways. When residential retrofit first came out, we had opinions all over the map as to what "audibility" was. Some wanted what was in the building code; some wanted a certain level in the rooms. Eventually, the fire marshal's office issued three or four options as to what was audibility under the fire code. It took a number of years to do. I'd hate to see a piece of legislation of this kind going out which ends up as the same thing: "What do we really want in this thing?"

I'd like to cover a fourth thing really quickly if I can. Do I have time? Okay. The guys at the back of the room know me; I keep rambling.

The real impact of a lot of this is going to be the low-rise product: less than or equal to three storeys, less than or equal to 10 dwelling units. One of the things I ask is that when you put a piece of legislation in, you make sure it's clear. That's one of the key things we have to do. These people are already working on marginal budgets. We need to make sure that when we put an initiative like this forth, we know what we're asking for.

One of the other things, if I can address a previous question: The topics of smoke alarms and fire escapes can be interrelated or they can be separate. If you go into the retrofit, especially when you get into some of the more recent stuff, it looks at what is the egress. How many ways are there for a person to get out of the building? Is it shared, not shared? What's the level of fire compartmentation within the building? That depends on where you put smoke alarms and smoke detectors. So one of the things I ask is, please, when you put in a piece of legislation like this, let's get a consistency of interpretation across the province. Let's make sure we understand what people are asking for.

My main thing is "fire alarms interconnected." I appreciate the spirit of this piece of legislation, but it's not defined. I couldn't tell you what it's asking for today.

Cost-benefit analysis: We have to look at that. Somebody needs to do a comprehensive analysis of what level of safety the province wants in its residential buildings.

How is it going to be paid for? That needs to be addressed.

If I can speak for just one minute to fire escapes, I want to clarify one thing. Section 9.5 of the fire code is for buildings up to and including six storeys in building height with residential occupancies. I have no clue, sir, where the six units came from, whether it's two units wide by three storeys high is six units; it's math. I couldn't tell you. If we go back to the fire marshal's office, they may have some additional information. I haven't done any research on that for today.

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The fire escapes component of this bill needs to be considered in that, if a building is permitted to be of combustible construction, it goes on to say that all of it can be combustible. My concern is that if this bill gets passed and we require all fire escapes to be non-combustible, we have to consider how far that goes. What about the balconies? What about porches? What about platforms? What about eaves?

The other thing is, fire escapes can only be used on existing buildings under the building code. When the building is between three and five storeys in height, under the building code—and this is where you have to look at where some of this legislation is coming from—the windows and the doors facing that fire escape are required to be protected to provide exposure protection to people using the fire escape.

The other thing is, even if we go metal, if the building's falling down, I don't think the metal fire escape is going to do a whole lot of good. We also need to give some thought to things like planning, zoning, building permits, foundations, structural support, the need for a professional engineer or architect to design a support for this non-combustible fire escape, how it's attached to the building. It sort of mushrooms.

In summary, my prime concern is with the term "fire alarms that are interconnected" that's in the current bill and not defined anywhere. Things like that, the terminology, will come out if the current process of the building code committees—the review process that's there; we've sat on those. If that's used, things like that terminology will be ironed out. What is it you want? Do you want smoke alarms? Do you want smoke detectors? Do you want heat detectors? Do you want a fire alarm system? Those kind of issues will come out in the committee. If it has to go to a task group, it goes to a task group, but it gets vetted in that process.

Madam Chairman, thank you very much. I appreciate it.

The Chair: Thank you. Does that complete your presentation, then? Okay, we've got about seven minutes or so, so a couple of minutes for each side. We start with the government side. Mr. Craitor?

Mr. Craitor: Thank you for your presentation. In fact, I must thank all these speakers for their presentations because certainly for me it's been extremely educational. I have a better understanding of this process and why it's important to follow.

I'm just going to make a very quick comment and it's to my good friend Michael Prue. You know, I think I'd be sitting on the other side having this sense of frustration because it has been 1999, we're in 2006, and why? I know exactly—

Mr. Prue: And nothing done. Nothing.

Mr. Craitor: Nothing. Now we're talking about following a process that seems, as I listen to it, to make sense, and I understand the rationale. I guess I'm just saying to my good friend Michael, I'd be frustrated too.

How do we—for yourself, for example, for the other speakers—is this going forward? Obviously, this has to go forward. They said that anyone can put forward amendments. We had the people here from the various fire agencies. Chair, is there anything that you're aware of that's coming forward on this other than the fact that Mr. Prue has this bill that we're dealing with? Is there anything else through this technical process that's taking place?

The Chair: That would be something the government would probably have more information on than I would, what else is coming forward. In terms of this bill particularly, you know that there is an opportunity for amendments to this bill through the clause-by-clause process, but in terms of what else is out there I don't know if there is anything specifically in process right now. We could ask legislative research if they have any information.

Ms. Drent: I could try and find out whether there are any other proposals that are on the table.

The Chair: Through the advisory committee processes for either code, as well as any other legislation that's possibly out there?

Mr. Craitor: Would you do that? Thank you.

The Chair: Certainly. We'll try to have that for clause-by-clause. Mr. Martiniuk?

Mr. Martiniuk: Yes. You didn't deal with it, but there's a suggestion before this committee that, in addition to Bill 120, we also in some way try to amalgamate Bill 2 with it. Bill 2 requires, retroactively, systems of sprinklers. We do have an estimate that to retrofit a unit would run approximately \$5,000 for a sprinkler. Now, landlords have the right under the law to pass this to tenants. I'm just wondering, if a landlord did approach a rental tribunal, the administrative board, to pass this on to his tenants, what would be the amortization?

Ms. Harris: I can get that information and come back to you with that. I can't tell you offhand.

Mr. Martiniuk: You don't have that right now. Okay. My only concern is, of course, that even if the amortization was a known, the burden of a \$5,000-per-unit expense on a tenant would be proportionately more with tenants paying less rent as compared to an expensive rent. Is that fair?

Ms. Harris: Well, the cost implication to tenants to meet the retrofit requirements, as you're stating, will be that, as a landlord, we would certainly have to transfer some of those costs to the tenants, who are already quite burdened, as you know.

Mr. Martiniuk: Do you have any estimates as to the cost of replacing wooden fire escapes per unit, or to wire it to interconnect fire alarm systems?

Ms. Harris: No, we don't have an estimate at this time but I can certainly have that information provided to the committee by end of day, if that's the request.

Mr. Martiniuk: I would appreciate that.

The Chair: Thank you. Mr. Levac?

Mr. Levac: Just a short one, please. I just wanted to make one comment—

The Chair: Can I just ask—I'll finish with Mr. Prue and then I'll come back to you for your last question, because I guess I moved forward. You had about a minute left. Is that all right?

Mr. Levac: Yes, okay.

Interjection.

The Chair: Okay then. That's fine, then. Go ahead.

Mr. Levac: This will be very quick. You made a statement, "going too far." I just want to make a comment that I don't believe Mr. Prue's request is going too far. The same comments came from a very large, vocal group when it came to airbags and seat belts and all kinds of extra safety precautions. I just want to be on the record as simply saying to you, I'm sorry, I disagree with you; going too far is not far enough when it saves a life.

However, I do understand that you're questioning the use of the process, and I accept that as a recommendation and a concern, which has been voiced by other groups. I, for one, will not accept that we can go too far to save a life.

The Chair: Thank you. Mr. Prue?

Mr. Prue: In that same vein, both of you, several times, used the phrase "cost-benefit analysis." A hundred people, on average, a year are dying in fires in this province. What's the cost-benefit you're talking about? How much it's going to cost a landlord so that the tenant doesn't die?

Ms. Harris: I think what we're trying to say, certainly in my comments, is—and again, this goes to the process through which the kind of changes that you require, you are asking in this legislation—if we were to go through that process, then it would be clear for all concerned as to what the implications are and then decisions can be made in that manner. Just circumventing that process, as is required here, means that the kind of rigorous analysis required to really determine how best to achieve the end that's desired is not clear and has not taken place.

Mr. Prue: How do you expect a private member's bill to do anything other than what this one is doing? Because only the government can go through the analysis and all of the other things that you are rigorously demanding. How does a private member's bill do all of that?

Ms. Harris: You know, the virtues of a democracy are that they allow, not just private members, but any citizen to put forward proposed amendments. But, at the end of the day, it's important also that when this process takes place there are established means through which you appropriately vet those recommendations so that they are more helpful than not. I think the desired goal is an

admirable one, and one certainly that should be worked towards, but this legislation, as proposed, does not accomplish that.

Mr. Prue: Your third provision, your third difficulty, puzzles me immensely: that it's going to cost the landlord some money. But, of course, if you replace the carpet, you can get the money back. If you replace the wiring, you can get the money back—the plumbing, the roof. If you repave the driveway, you can get the money back. You get it all back through your tenants. The provisions are very clear in law. Why is this any different than paving the driveway if you were to put in a proper fire escape and you were to hook up the interconnected fire alarms, which you don't understand anyway? But the real thing it comes back to is your cost.

1230

Ms. Harris: Could you define what that means, then, because we have an expert with 30 years' experience in the sector and that terminology is not—

Mr. Prue: What I want to know is, number three, under what circumstances would the landlord not be able to recoup the costs? I can't think of a single reason, if you can do it for your carpeting or your plumbing or the roof, that you couldn't do it for interconnected, which you don't understand. Or let's make it something you do understand: a fire escape that isn't going to burn down.

Ms. Harris: In all fairness, Mr. Prue, as we've indicated, we support fire safety initiatives that follow the established process because they then allow a very systematic review process in place to ensure that the desired result is achieved. But to a previous member you mentioned that there were no costs involved. Of course there are costs involved, and at the end of the day the tenants are going to be the ones to bear the costs of these initiatives. Tenants don't mind paying when they see that there is definitely a benefit.

Mr. Prue: Exactly. So if their lives are safer and 100 fewer of them are going to die every year, surely they would see the benefit to that.

Ms. Harris: If they believe that what is being proposed is going to achieve that. Our contention remains that the aim of the legislation is one that is worth supporting. However, as a result of the process you're using to do that, it will not achieve that end. This is where the difficulty lies.

The Chair: Thank you very much. We've run out of time. We appreciate your deputation and your comments. Thank you for coming in.

ONTARIO PROFESSIONAL FIRE FIGHTERS ASSOCIATION

The Chair: We will now ask for the presentation by the Ontario Professional Fire Fighters Association: Mr. Fred LeBlanc, president; Brian George, executive vice-president; and Jeff Braun-Jackson, researcher. Gentlemen, please join us at the end of the table. Welcome. Thank you very much for taking the time to come and speak to the committee today. As you may have ob-

served, the process is, I'm sure, not unfamiliar to you. You will make your presentation. You have 20 minutes. Then, after your comments are complete, if there is time left on the clock, the various members of the committee will have a chance to ask you some questions. Begin at any time.

Mr. Brian George: Thank you, Madam Chair and members of the committee, for the opportunity to address you this morning. Fred LeBlanc, president of the OPFFA, sends his regrets. Unfortunately, he's stuck in other committee meetings at our international convention just down the road. With me today is Jeff Braun-Jackson, our office manager and researcher, and Chris Bardecki, a Toronto firefighter and member of their legislative committee.

The Ontario Professional Fire Fighters Association is a professional organization representing 10,000 professional full-time firefighters across Ontario. The OPFFA serves our members' interests in numerous ways, from education to representation on matters concerning health and safety, workers' compensation, pensions and legislation.

Our membership consists of firefighters who perform emergency response, prevention, public education, investigation, training, communications and maintenance. The priority of our members, as detailed in our code of ethics, is a commitment to the protection and preservation of life and property.

NDP MPP Michael Prue has introduced Bill 120 to ensure that a residential building with two or more dwelling units is equipped with (a) fire detectors installed in all public corridors and common areas of the building, and (b) fire alarms interconnected such that activation of a fire detector in a place or common area of the building will sound an alarm that is audible throughout the building. Further, Bill 120 proposes that regulations shall require that the fire escapes, where permitted, are constructed of non-combustible materials.

The OPFFA recognizes that the catalyst for Bill 120 was the fire which took place in January 1999 at 2362 Queen Street East in Toronto. Tragically, Ms. Linda Elderkin and Mr. Paul Benson lost their lives in that fire, and the OPFFA extends its sincerest condolences to the Elderkin and Benson family members.

A coroner's inquest discovered that there were many circumstances that led to the tragic results of this fire, including: the lack of smoke detectors in many apartments, no smoke detectors in the hallways, residents' failure to pull manual alarms, and a hollow-core door that was used as the main entrance to Ms. Elderkin's apartment.

The coroner's office made several recommendations, but two are reflected within Bill 120. The OPFFA believes that we need to first understand the current relationship between the building code and the fire code in the province of Ontario, specifically in the areas identified within the bill.

Fire escapes: In accordance with the 1990 and 1986 Ontario building codes, fire escapes are not permitted on new construction in Ontario. Therefore, part 9 of the

Ontario fire code and related sections of the Ontario building code stipulate the requirements for fire escapes on existing buildings. In summary, fire escapes can be erected in the following circumstances: existing residential and assembly buildings of up to five storeys, or up to two storeys in existing class B buildings—health care facilities. Fire escapes shall be of metal or concrete, except that the wooden fire escapes may be used on buildings of combustible construction. Specifics regarding the construction of the fire escapes can be found in the Ontario fire code, which refers to the 1990 and 1986 building codes. We have attached those sections to our presentation.

Access doors to the fire escapes are known within the codes as "closures." The regulations regarding closures require doors and windows to meet the predetermined fire ratings to resist fire penetration for the specified time, i.e., 20 or 45 minutes. As well, doors shall be equipped with self-closing devices. Notwithstanding, the Fire Protection and Prevention Act, 1997, in some instances may permit existing fire escapes to be accepted.

Fire alarms, interconnected: With respect to fire alarm requirements in residential buildings, the fire code requires a fire alarm system to be installed in accordance with the building code where the building is greater than three storeys in building height or sleeping accommodation is provided for more than 10 persons. Specific applications are applied to each actual building depending on numerous variables, including but not restricted to the number of dwelling units, occupant load, building size and configurations etc. However, a building not greater than three storeys in building height that contains not more than 10 dwelling units and provides sleeping accommodation for not more than 24 persons shall be deemed to be in compliance where the building is equipped with smoke alarms installed and interconnected so that the activation of any smoke alarm will sound a similar signal in each of the interconnected devices, and a manual pull station at each exterior exit door for the actuation of the smoke alarms.

Despite specific fire code and building code requirements, "where the performance and reliability of an existing fire alarm system will provide an early warning level, the existing system may remain, be modified or be extended, if compatibility of the components is maintained and the system is approved" by the chief fire official.

Our position is that Ontario's fire code and building code attempt to ensure high levels of public safety and, by relationship to that, firefighter safety. The facts and results surrounding the January 1999 fire that took the lives of Linda Elderkin and Paul Benson are tragic in many ways. It is clear from the accounts of what occurred during this fire that existing code compliance and a properly executed fire safety plan may have significantly altered the results of that fire.

Where buildings with fire escapes conform to all elements of the fire code and the building code, it is our position that they would provide a reliable means of

egress during an emergency. The difficulty is the fire services' ability to inspect every building for compliance across Ontario, but it is important to remember that it is the responsibility of the property owner to be in compliance first.

Early detection is the critical element to aid in the person's ability to escape. Just this year, the Ontario fire code was amended to mandate a working smoke alarm on every level of each home in Ontario. This is a significant step forward. However, this recent amendment and the current requirements for interconnected smoke alarms do not address multi-dwelling units to the degree outlined in Bill 120. This is where we believe the focus of the legislative movement should be.

Other jurisdictions have witnessed positive effects from similar legislation. Similar changes implemented in other jurisdictions have dramatically reduced the number of deaths from fires in multi-unit dwellings. The city of Vancouver implemented its changes nearly a decade ago. The government of Alberta, in 2004, recommended that secondary suites, defined as self-contained dwellings within a house or other building, be equipped with interconnected smoke alarms. In 1998, the Manitoba Legislature amended the Fires Prevention Act to mandate the installation of interconnected smoke alarms in all buildings.

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A study completed by the Canada Mortgage and Housing Corporation, CMHC, reported that the rates of fire incidence, injuries, property damage and death dropped by 75% between 1980 and 1999 due to the installation of smoke alarms and increased public education about fire prevention and safety.

Ensuring that residential buildings with two or more dwelling units have interconnected fire alarms is sound and needs further consideration. Our only caution is the confusion this may cause in buildings already requiring fire alarm systems under the fire and building codes. Therefore, it is our position that the legislation be amended insofar that where a residential building does not require a fire alarm system as per the requirements of the Ontario fire code, interconnected smoke alarms throughout all areas of the building be mandated. This would greatly enhance the safety of the residents and the firefighters responding to the emergency.

Thank you for the opportunity to appear before this committee today. If time permits, we'll answer any questions.

The Chair: Thank you very much, Mr. George. We have about 12 minutes left, so it's about four minutes for each side. I believe we begin with the Conservatives.

Mr. Martiniuk: Thank you, Mr. George, for your excellent presentation. There has been some discussion at this committee that the provision dealing with "interconnected" is somewhat vague. I'm not asking you for your legal opinion. I can read subsection (b) from a legal standpoint, but you, with your background and expertise in the area of fire detection and extinguishment, might have a different opinion. If I could direct your attention

to 1(2.1)(b), it states, "fire alarms interconnected such that the activation of a fire detector in a public or common area of the building will sound an alarm that is audible throughout the building." I ask you, with your expertise, do you find that vague?

Mr. George: I don't have a copy of it in front of me to read right now. From a firefighter perspective—and I don't consider myself to be an expert on any fire alarms or their operation; only the receiving end of it when we pull up to the front door—any system that is audible throughout the entire building to alert the residents and give them the earliest warning possible, is going to help us save lives and give the residents the ability to get earlier detection and have them save themselves.

Mr. Martiniuk: Thank you.

The Chair: Mr. Prue.

Mr. Prue: It seems to me you understand what "interconnected" means. You just wire them all together.

Mr. George: That's my understanding.

Mr. Prue: I don't think engineers understand that quite as well as firefighters, perhaps. Having said that, I'm a little bit confused about the fire escapes. You're correct: If the building is six storeys or more, there are no fire escapes. That has been done away with. This bill intends that the fire escapes that do exist and continue to exist on buildings five storeys or less would be of non-combustible material. You haven't really put a position on that. Can you tell me, have you ever been involved in buildings where the fire escape was on fire?

Mr. George: I personally have not been. However, I do know that Scott Marks, president of the Toronto Professional Fire Fighters' Association, was involved at this fire, and in discussions with him, that was the case. The fire escape had been ignited from the fire venting through a window. I'm not sure what storey, whether it was the first or second storey. I'm not even clear on how many storeys this building had.

Mr. Prue: Four storeys.

Mr. George: Four. However, our contention was that in the fire code and the building code currently—and I neglect to be able to go right back to the different parts of the code—there are different areas in the code that would give protection to those fires getting out to the fire escape. Our contention is that if there was possibly more enforcement and the ability to do that enforcement, these so-called enclosures would protect those fire escapes longer to give the residents that time to get out quicker.

Mr. Prue: May I ask a question—it's a difficult one—on your own individual homes? If you had a home that was three or four storeys high, would you build a wooden fire escape for your family?

Mr. George: If I was to build a home three to four storeys, which I would not be able to, I would say that that would probably not be the case.

Mr. Prue: Do you think that having a metal or concrete or some other non-combustible material is a preferable thing in terms of safety?

Mr. George: Yes. In building my own home I would make everything as fire-safe as possible, with as many

sources of egress as possible for my family, and they would likely be of a non-combustible material.

Mr. Prue: And I'll bet you'd put in a sprinkler system to boot.

Mr. George: I probably would.

Mr. Prue: Okay. Thank you so much.

The Chair: Mr. Levac.

Mr. Levac: I've been seeking some clarity on this question, so I'll ask you guys if you might have this answer. In the discussions we've been having today, there are changes that weren't made in all of the provinces that we had reports on, indicating that if there was a combustible building, a wooden fire escape was acceptable. It's telling me something, and I can't quite figure it out, that there must be some relationship between the actual building that it's attached to and why they've exempted going into modernizing, either using a steel or a concrete fire escape. They've allowed wooden fire escapes.

This isn't to speak against what Mr. Prue is trying to do. It's trying to find an answer to a question as to why these exemptions are permitted in all of the provinces. Would you have any kind of professional opinion as to why that's the case?

Mr. George: I'll let Mr. Bardecki answer that.

Mr. Chris Bardecki: I think the exemptions point to the fact that if the building is made of combustible materials, there's no great benefit to be had by erecting a non-combustible fire escape. What we're trying to key on is the fact that if you create a better separation between the interior combustible structure and the fire escape itself, you're going to enhance people's ability to get on that fire escape and actually self-rescue.

Mr. Levac: So it's the piece in between that you would really focus on.

Mr. Bardecki: The piece in between—it's a little more critical. When you're dealing with a building that's going to burn, if you put up a metal fire escape and it's standing after the building has burned to the ground, it doesn't mean anything.

Mr. Levac: Okay. I think that's part and parcel of the other question I've been asking, and that is the process itself. Some of that has been questioned as to whether or not what you see could be accomplished within the spirit of what Mr. Prue is asking for. In fairness, there have been presentations about sprinkler systems. If there's a way to get the spirit of both of those inside of the building code and the fire code in the process—and we now know that it's not six years, because they do a review every six years; it's whenever an amendment is used—would that satisfy the professional firefighters in terms of at least capturing what Mr. Prue is asking for?

Mr. George: Yes, I believe so.

Mr. Levac: My final comment is to you gentlemen, as always to all of the people here who represent those who keep us as safe as possible: to the firefighters, our obvious gratitude and thanks. I was privileged to take part in an activity that opened my eyes about what you

face day in and day out, so I want to thank you for the work that you do.

The Chair: Thanks very much. Thank you as well, gentlemen, from the position of the Chair for your presentation. It was very helpful. Thanks a lot for coming in.

Mr. George: Thank you, Madam Chair.

NATIONAL FIRE PROTECTION ASSOCIATION

The Chair: Our final presenter of the day is the National Fire Protection Association, Sean Tracey, the Canadian regional manager.

If you want to come to the end of the table and get yourself comfortable—the format, as you've observed, is that you have 20 minutes available for your presentation. If you leave some time within that 20 minutes, the committee members will use that up in asking you questions. Welcome, Mr. Tracey, and please begin.

Mr. Sean Tracey: Thank you very much. Good afternoon, Chairperson Horwath and members of the committee. Thank you for the opportunity to present this testimony today. I am very particularly pleased to be able to do so in my home province of Ontario. As well, I'd like to thank the honourable member Mr. Prue for bringing these public safety initiatives forward.

I am Sean Tracey. I'm a registered professional engineer in the province of Ontario and a member of the Institution of Fire Engineers. I am the Canadian regional manager for the National Fire Protection Association. My office is currently based in Ottawa, Ontario.

NFPA has been established since 1896 as the world leader in advocating fire safety codes, standards and public education programs. In fact, all firefighters who are being certified currently in Canada are certified to NFPA codes and standards. At this particular point in time, we have over 40 codes and standards referenced in the national building code, Ontario building code, fire codes and other code documents in North America.

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The protection of Canadians has been paramount with NFPA since its beginning, as one of the founding organizations was the Canadian Fire Underwriters Association. Although headquartered in the United States, we have operations worldwide. Of our 80,000 members, 3,000 are Canadians from all walks and fields, including the fire service, professional engineers, health care professionals and others.

NFPA publishes codes and standards, which, written by volunteers, form the fabric for many of the fire safety provisions currently covered in the Ontario fire and building codes. This includes over 40 reference standards in each of these documents. The NFPA 101 Life Safety Code has its origins following the 1911 Triangle Shirtwaist Factory fire. It is essentially the first building code for North America, and it continues on as being the exit code standard for most references that we currently hold in the national building code and Ontario building and

fire codes. And as such, it is essentially the reference document of choice by code officials for fire and life safety provisions, many of which we take for granted today.

First let me speak to the process that is being used here today. Bill 120 is a very good start in bringing Ontario life safety provisions in line with the rest of North America, and it is therefore supported by NFPA. Discussing code amendments in such a forum is essential in Ontario as it permits the general public to have a voice in the building code amendment process, a code amendment process that has otherwise been behind the rest of North America and has been neither open nor accountable to Ontarians. Bill 120 will give the public and fire safety groups a voice in such a forum. We therefore thank you for this opportunity. NFPA supports the Bill 120 provisions, as presented, but has a number of suggested changes that improve the fire and life safety provisions and will thus better protect Ontarians.

In making these comments, I will be referring to the NFPA document, NFPA 101 Life Safety Code, the 2006 edition. This document is the source document, as stated earlier, for many of the fire safety provisions that we find in Canadian codes. But additionally, it has been adopted already in PEI and in Newfoundland and Labrador, and in both cases has been used for over 20 years harmoniously with the national building code and national fire code. Additionally, this code document has been in use or is in use in all 50 US states, by US federal government facilities and for all health care facilities that are accredited in the United States. Similarly, it has been used in Ontario in numerous fire code opinions as well as in the Ontario Building Code Commission for egress equivalencies. So, when in doubt, it has been used as the first source to cite for reference code issues, those that have not been adequately addressed by the current building and fire codes.

I'd first like to talk about fire detectors in public corridors. The intent behind placing these detectors in public areas is to improve the occupants' evacuation times and thus their survivability from fires that occur outside of their dwelling units. Unfortunately, the provisions would still require able-bodied occupants to evacuate under what may be potentially life-threatening situations or conditions. In surveys conducted by NFPA, over one third of households who made an estimate of their evacuation time thought that they would have at least six minutes from the notification of the alarm to complete their evacuation. The unfortunate reality is that this is significantly less. We know from studies conducted by the National Institute of Standards and Technology, NIST, in the United States, that it can be as little as one minute to a minute and a half from the notification of an alarm to such time that even in a single-family dwelling the conditions become untenable.

Only 8% of those who were surveyed actually said that their first thought on hearing a smoke alarm would be to get out—only 8%. This, unfortunately, is human behaviour in fire. People wait for reinforcing cues.

We've all typically stayed or may have stayed in a hotel room when the fire alarm has gone off. What we will typically do is get out of bed, open the door, stick our head out and wait for direction or clues, for some sort of response as to what's happening. Unfortunately, that is human behaviour.

In the decade from 1995 to 2004 in Ontario, smoke alarms were present in 60% of all fatal residential fires. Furthermore, 65% of those fire fatalities occurred when the fire department response time was five minutes or less. The provisions in Bill 120 for interconnected fire detection devices will improve the detection time for fires, but it does nothing to suppress the fire itself. It will only marginally increase successful evacuation time for able-bodied residents. It does nothing to address concerns that we have for seniors who we know do not have the capability of hearing the detection or the alarms, and for those members of our population, in increasing percentages, who are physically incapable of self-evacuation either because of age or physical impairment. These individuals will still be at great risk. It does not improve all of their survivability. It is not the best method of protecting these facilities. Residential sprinklers are. Please let me explain.

The provisions that you've identified in Bill 120 are in line with those for existing facilities found in NFPA 101. They are what we require in all of those jurisdictions for existing buildings. What you are asking is not unrealistic. We agree with that, and it should be retroactive for all of those existing buildings. NFPA 101, in deciding that, has a balance of representation on our open, consensus-based committees, so we have building owners' representation, BOMA, fire service, public sector, private sector, all balanced to make those decisions, because they recognize and rationalize that this was an acceptable cost versus the risk we are facing in the society. NFPA requires that, and that is not unrealistic. It is currently a requirement now, as we state, in PEI and Newfoundland and Labrador.

NFPA 101, however, makes no such provisions for new construction. That is because the assumption made is that all of these facilities would be protected throughout by an automatic residential sprinkler system with smoke alarms in every single dwelling unit. It is out of concern for public safety that NFPA's technical committees, made up of volunteers, required NFPA to write into our building and fire codes the mandatory sprinklering of all residential properties, including one- and two-family dwellings, as a requirement in the 2006 code cycle. Again, that is a position supported by the Canadian Association of Fire Chiefs. Residential fire sprinklers save lives.

Ontario home fires account for 96% of fire fatalities in all buildings and other structures. We are at greatest risk from fire where we feel most secure. The most recent report from the NFPA on the US experience with sprinklers and other fire extinguishing equipment actually showed that having sprinklers reduces the potential for damage and property damage in a fire by one half to two thirds in all types of buildings. Although sprinkler usage remains limited, even though the statistical infor-

mation supports it, we are on the crest of a wave that is seeing the increased introduction of residential sprinklers. The number of communities is growing across North America, and we have now over a decade of use in Vancouver and other cities in Canada.

However, while the presence of smoke alarms has been very effective—correction: somewhat effective—in Ontario, the presence of smoke alarms alone does not generate the same potential life-saving benefits of both smoke alarms and fire sprinklers. The added study by the National Bureau of Standards in the United States found that the estimated likelihood of dying in a fire is reduced by 82% when both a smoke alarm and residential sprinklers are added to a home that had neither.

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As a resident of Ontario, I also want to use this as an opportunity to express alarm, and to note that Ontario is the only jurisdiction in North America that does not require the sprinkling of high-rise residential properties. Every condominium being built that is a high-rise right now downtown or in any large city in Ontario is not required to have a residential sprinkler. These provisions were deleted by Ontario Municipal Affairs and Housing in the last code cycle despite requirements in the national building code of Canada and both building codes in the United States. These facilities would have been required to be with a sprinkler. This decision by Ontario Municipal Affairs and Housing, without public discussion, increases the risk to Ontario residents. An Ontarian working in a high-rise office tower would be protected while at work, but when returning home to cook and sleep would not be given the same protection. This is striking when you consider again that 96% of fatalities occur in homes.

In a letter by NFPA to the Minister of Municipal Affairs and Housing dated July 20, 2005, NFPA pointed out that an Ontario resident living in a high-rise structure was from four to 9.5 times more likely to die in a high-rise fire than in any other Canadian province. These increased risk figures were developed from fire risk modelling software prepared by the National Research Council of Canada. Unfortunately, the proposed changes in Bill 120 will not change any of these risk factors. Residential sprinklers will.

I therefore suggest an alternative to the Bill 120 wording be considered. Please consider the mandatory sprinkling of residential properties in Ontario as identified in Bill 2. This will give the best protection to Ontarians. Failing that, consider wording that would increase the likelihood that residential sprinklers will be supported. Amend the wording of the bill by the addition of a clause that states that the presence of interconnected fire detection devices is not required when the entire building is equipped with approved automatic sprinklers and smoke alarms in each dwelling unit. Finally, please correct the abhorrent exception in the Ontario building code that makes Ontario the only jurisdiction not to sprinkler high-rise residential properties in North America.

I was not planning on discussing fire escapes, but hearing the testimony from the past two individuals, I thought it was appropriate to at least say what the NFPA 101 Life Safety Code would require for fire escapes. We have similar provisions to what is currently found in the Ontario building code and fire code, with the exception that we would get into about 10 pages of detailed requirements.

One of the concerns is that NFPA requires only non-combustible construction on any fire escape. The rationale used for that is that one has to consider that these are only permitted in structures that are existing because there is already an existing deficiency in the exit capacity of that building. Fire escapes are not a suitable replacement for proper means of egress; they are a compromise to life safety and therefore need to have a higher standard of protection. Requiring them to be made of non-combustible construction requires that the owners, who are using these as an escape clause from having adequate fire protection features, go the extra length to ensure that they're a properly designed feature.

One of the other concerns we need to consider as well is firefighter operations and fire ground operations. The Ontario fire code and building code's new edition does not require or identify as a core requirement or functional statement the protection of first responders or what their fire ground operations are. These were deleted from the 1995 editions of the national building code and fire code. Much of the requirement for these to be of non-combustible construction is to allow the fire department to use them for their fire ground operations, as much for the safe egress of the occupants but also for the fire services personnel. That is why we need to have these non-combustible constructions: so they can conduct their fire ground operations.

In conclusion, ladies and gentlemen, Bill 120 is a very good start to increasing the safety of Ontarians. It has permitted an open dialogue on fire and life safety issues that has not previously been in the public domain on certain issues. Bill 120 is a good start with good intentions, but it needs some minor tweaking or changes to better protect Ontarians. Encourage the use of residential sprinklers as a viable alternative to interconnected fire detection devices. Better still, require the sprinkling of all residential properties, as proposed by Bill 2, but please revisit why Ontarians living in residential high-rises are not worthy of protection to the same requirements of anyone else in Canada or North America. Ontario residents will benefit by the reduced risk. There is a movement afoot in North America, and Ontario is far behind.

Again, I support you and encourage you on Bill 120. Are there any questions?

The Chair: Thank you very much, Mr. Tracey. There are about four minutes left, so just a little over a minute each for members of the committee to ask a question. We start with Mr. Prue from the New Democratic Party.

Mr. Prue: Thank you very much. You have clarified so much, after so much muddying of the water today. I

just want to be clear about “North America,” because people often talk about North America being only the United States and Canada. You are including Mexico in that?

Mr. Tracey: I am not including Mexico in that.

Mr. Prue: I just want to make sure. Then we’re not the only ones in—

Mr. Tracey: No. But if you consider—

Mr. Prue: Well, they are North Americans.

Mr. Tracey: Yes.

Mr. Prue: Oh yes, they absolutely are.

Mr. Tracey: But we are not including Mexico in that.

Mr. Prue: All right. I just wanted to be clear about that one statement. I think that’s enough.

The Chair: Mr. Levac.

Mr. Levac: If I heard you correctly, you’re saying that this process you’re presently participating in is better than the one that we’ve been referencing, which is the amendment process within the building code and the fire code, because you believe—and I don’t want to put words in your mouth—there’s not enough public input, there’s not enough stakeholder input. Is that what I’m hearing?

Mr. Tracey: I’m going to get myself in trouble here, but, yes, absolutely. There’s no accountability in that process. You can submit a comment, but when are the comments published and responded to? Under our process under NFPA, every single comment received is acknowledged, published, voted on. How the members vote is all published. It is enclosed in the public domain. I have submitted numerous comments in building code amendment processes, and where have the comments been published and what’s been the rationale for rejection of those comments? This at least allows individuals to have some transparency to the process, in my opinion.

Mr. Levac: Just quickly, if possible, this question I’ve been asking most of the deputants: If the spirit of what Mr. Prue and the sprinkler system issue that got into this were accomplished with the other process, regardless of whether or not it’s transparent, but if that got accomplished, would you be satisfied that we’re moving forward in terms of our public safety?

Mr. Tracey: Unfortunately, in my opinion, no. And the reason for that is that if we wait for the amendment process, as some of the groups have proposed, that next amendment process that you’re going to see is not going to see the codes change until 2010 or 2011. How many more Ontarians are going to die in that time? By taking this process now and addressing those deficiencies—and we have to remember that the deletion of the residential sprinkler requirements for a high-rise was as the result of what people claim to have been that process. We have no faith in that process.

Mr. Levac: You believe that it’s a six-year cycle?

Mr. Tracey: It’s a five-year cycle, and we’ve passed the gate for the 2000—

Mr. Levac: Six.

Mr. Tracey: —2006 cycle, so you’re looking at a 2010, 2011 adoption.

Mr. Levac: I believe I’ve brought clarity to that, Madam Chair.

The Chair: Yes. That has been on the record already earlier today. Mr. Martiniuk?

Mr. Martiniuk: Mr. Tracey, your association has professional engineers. Who else belongs?

Mr. Tracey: Correct. Anyone can actually be a member. Canadian members would make up fire service members. We have professional engineers. Randal Brown, who just presented, is a member of NFPA and sits on a number of NFPA technical committees as a volunteer. Health care professionals, workers, fire service—

Mr. Martiniuk: Right. We don’t have a lot of time. I just want to follow up on Mr. Levac’s—there seems to be a lack of transparency in the process of amendment of the codes.

Mr. Tracey: In my opinion, yes.

Mr. Martiniuk: And there are no minutes ever publicized?

Mr. Tracey: I have not found any.

Mr. Martiniuk: And there are no replies to letters?

Mr. Tracey: I have not been responded to.

Mr. Martiniuk: Do you know which bureaucrats are involved in that process?

Mr. Tracey: I think it would be inappropriate for me to name names for those individuals—

Mr. Martiniuk: No, I don’t mean names; I’m talking about organizations.

Mr. Tracey: In particular I think the concern is with the municipal affairs and housing division. The Ministry of Municipal Affairs and Housing is responsible for the development of the building code. I do not have an issue on the fire code’s development; it has been with the building code issues.

Mr. Martiniuk: Thank you.

The Chair: Thank you very much, Mr. Tracey. It was a very enlightening presentation. We appreciate you taking the time to come and speak to the committee.

Committee members, that wraps up our deputations for the day. Before we adjourn, I just wanted to remind everyone that the committee reconvenes tomorrow at 10 a.m. for the consideration of Bill 89, and then clause-by-clause for this bill takes place on Thursday, you might recall. The deadline for amendments to the bill is tomorrow at noon.

Unless there are any other items that people wanted to raise, that would mean that our committee is now adjourned. Thank you very much for a very productive morning, a very productive day.

The committee adjourned at 1313.

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