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Jeudi 31 août 2006

**Standing committee on
regulations and private bills**

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

Fire Protection Statute Law
Amendment Act, 2006

Loi de 2006 modifiant des lois
en ce qui a trait à la protection
contre l'incendie

Chair: Andrea Horwath
Clerk: 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**

Thursday 31 August 2006

Jeudi 31 août 2006

The committee met at 1003 in committee room 1.

**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.

The Chair (Ms. Andrea Horwath): Good morning, members, and welcome to the standing committee on regulations and private bills. I want to welcome you this morning. We're going to be getting into the clause-by-clause discussion of Michael Prue's Bill 120.

First of all, we have legislative counsel here. I know, when we went through the public hearings phase the other day, that Mr. Martiniuk had some specific questions of clarification that he wanted from legislative counsel, so if that's all right with committee members—I'm not sure, Mr. Martiniuk, if you have those questions available now.

Mr. Gerry Martiniuk (Cambridge): Yes. Is there a report that we could deal with?

The Chair: There is a report that was provided in the package that members received, but I'm not sure whether your specific question has been covered off, so we brought staff here today to be available to answer your questions.

Mr. Martiniuk: Let's just deal with the retroactivity because we were dealing with a sprinkler system, which is not before us in this particular bill, and then we were dealing with an interconnected fire alarm system. The question that did arise is that either the fire code, which I take it is a separate code from the municipal building code—do either of them have the power to provide retroactivity of installation of either a fire alarm system or a sprinkler system?

Ms. Catherine Oh: The building code does not have any ability to require retrofits of existing buildings, but the fire code does. There is a particular section of the fire code, section 9, which specifies retrofits that must be undertaken by buildings that are in existence as of a specified date.

Mr. Martiniuk: Okay. Could you cover the relationship between the two codes? Many of the presentations we received seemed to indicate that they were interconnected, and yet some dealt with them as if they were totally separate and weren't interconnected, and I got confused.

Ms. Oh: They are interconnected. The building code covers issues relating to the construction of buildings, whereas the fire code covers issues about substances within the buildings that might be flammable. It addresses other topics related to fire prevention but not specifically construction, except for section 9 that I was referring to, which talks about retrofits. That section only imposes conditions and requirements on existing buildings relating to construction. But generally speaking, all requirements about construction on new buildings are contained in the building code.

Mr. Martiniuk: Are both of these codes created and amended by a regulation?

Ms. Oh: Yes, they're both regulations.

Mr. Martiniuk: Is there any provision in any act as to who shall be consulted when making these regulations?

Ms. Oh: I'm not aware of the process that happens before the drafting phase in terms of who's consulted, but I do believe that there's an extensive consultation.

Mr. Martiniuk: But there's nothing in the legislation that requires it, that you're aware of.

Ms. Oh: No, not that I'm aware of.

Mr. Martiniuk: Thank you very much, Chair.

The Chair: Members will know that there was a package provided by research. We're going to start this morning's proceedings off by initial remarks from the member presenting the bill, Michael Prue, the MPP for Beaches–East York.

Mr. Michael Prue (Beaches–East York): Thank you very much, Madam Chair. I see I have five minutes, so I'm going to try to keep it to five minutes. I'd like to first of all thank staff, everyone who has worked on this, because there was a great deal of research, and particu-

larly staff and Ms. Oh for her legal expertise in the last day or so, pulling the bill together in legal terms.

You wonder why the motions are here. I think it was expressed best by her in an e-mail to me: because private members' bills are generally put forward and are done in kind of a quick way because so many of them don't end up going anywhere. There are a number of changes that you will see in front of you, not to change the bill but to make it legal so that, should it become law, it will be ready to go. I thank her very much for the work that she did.

The genesis of the bill can and should be properly be put to Mr. Tom Steers. He was the deputation who appeared before us—I believe he was the second deputation—the other day. You will remember his very poignant remarks about losing his fiancée, about the fire on Queen Street and about the six or seven years he has now spent since that tragic date going to coroners' inquests every day for a month, writing to ministers, trying to get meetings with bureaucrats, pressuring politicians, writing letters to newspapers. This has been his quest, and I was very proud to have taken it up on his behalf and to try to get the changes recommended by the coroner's jury some six years ago in front of the Legislature.

I want to thank the members of the Legislature, who on two occasions—not one, but two—have voted unanimously on second reading to allow this bill to go forward to committee, and the committee members who have listened very patiently over the course of these two days.

I also want to thank Mrs. Jeffrey, my colleague from Brampton Centre, for her work on a related issue. You will see when we get to the motions that some read “NDP motion”; some read “private member's motion.” They are, in all cases, I think, identical, so the ones that I am putting forward she is putting forward as well, because we recognize that this is a private member's bill; it goes beyond party lines. It is trying to achieve the same goal that we both share in common. Her bill, Bill 2, which is not before us today, wants to put sprinkler systems in. Her bill is exclusively a bill that falls under the building code because it relates only to new houses. My bill relates, I would say, 99% under the fire code and 1% under the building code, if we're going to get down to it. That's the fundamental difference.

1010

The reason that there is provision in the building code in this bill you have before you today is that if the bill were to become law, if it were signed into law, from that point on, the building code would apply. I have to tell you that I don't think there would be much call in the building code—under the present building code it is nearly impossible for fire escapes to be built. I don't know where anyone has seen a fire escape on a new building in the last 10 years. They are literally impossible to be built. I would hope that any new building that is going to be built would either be sprinklered or would have interconnecting fire alarms in them. That's the only possibility that would happen.

What this bill is intended to do at the outset is to look after those buildings in Ontario—some of which are 100

years old, 80 years old, 50 years old—that do not meet fire codes. I listened intently the other day to all of the deputations, and each deputation was in favour of the bill. Those who were opposed were not opposed to the contents of the bill; they were opposed to the process.

Just this morning I got a letter—if I could just read the last paragraph into the record; it's from the Ontario Home Builders' Association—which said it all in two sentences. It says, “Please note: OHBA is not necessarily opposed to the concepts proposed in Bill 120. We are, however, concerned by the process.”

The process they want to follow is a process that, quite frankly, in this particular circumstance has not worked. Six years have gone by since the coroner's inquest made the recommendations that are proposed here today. They have never been discussed. They have never been proposed. They have never been the subject of a ministerial meeting. The OHBA has never brought them up, nor have any of the groups that came here and talked about process. They have had six years to use process, and I would say that the process normally works fine.

The reason we have private members' bills is to allow private members to bring up business which is not coming forward by way of government regulation. It allows all private members, no matter what party they are in, to bring forward issues which are not presently in government legislation and are not being proposed or considered in government legislation.

I would gladly cede this private members' bill if there was a process in place or well under way to do something about this. I would suggest that, had the government or had the minister been interested in the particular aspects of this bill—my bill was first introduced on the April 21, 2005. Seventeen months have gone by since this was introduced and debated in the House—it was introduced before that, but actually debated in the House 17 months ago—and had it been the wish of the minister, I probably would not have made it the second time. Had he determined that this was an appropriate cause or one of the things the government wanted to push forward as its own bill, I would not be here today, nor would any of you. This would not be the subject of discussion because I would have made it a different private members' bill.

But it's not been done. Quite frankly, I think the opposition talking about process is a red herring. That's all it is and that's all it should be as. It is simply a red herring. If they agree with the concept but want to use a process—if the process is not working, that's why we have private members' bills.

Last but not least, I want to talk about the last speaker we had before us, because he brought it all together. His name was Mr. Sean Tracey, the Canadian regional manager of the National Fire Protection Association. He suggested that, notwithstanding the process, we should proceed. We should proceed because it is important that fire escapes be made of non-combustible materials. He pointed out correctly that the reason we have fire escapes at all in Ontario is that the buildings that have them are not and cannot otherwise be in compliance with the fire

code of today, and that having combustible fire escapes in this day and age makes no sense.

I would also remind you that the other provision here is a provision that can be accomplished very, very easily and very cheaply by putting in interconnected fire alarms. We know that the costs are marginal at best. We know that it's very cheap; it is no more expensive putting these in than it would be putting in cabling for television or a computer system inside of an apartment building or a home. It's the same price. You run a wire, you connect it together; that's all it is.

The reason that there is one of the motions before you, which has been put in both by myself and by Mrs. Jeffrey, is, if there is a sprinklered system in effect, it would be deemed to be in compliance, because we have heard and we know that the sprinklered systems are also wired. I want to say that if people are willing and the apartment owners are willing to take the extra step of having it sprinklered, it is by its very nature wired as well. So that's why we've done it.

I want to thank Mrs. Jeffrey. We've worked together very hard on this issue and I'm hoping that in passing this bill, it will open up the opportunity to have her bill, which also received unanimous approval in the House, passed as well.

The Chair: Thank you, Mr. Prue. We're now going to move into the clause-by-clause 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, Michael Prue, MPP.

Are there any comments, questions or amendments to any section of the bill, and if so, which section?

Mr. Prue: I have a package; I believe the members have them. As the members will see, if you look at the package, there is an NDP motion and a private member's motion. I am very amenable, because I think that Mrs. Jeffrey should have some kind of stake in this as well, if any member wishes to read the accompanying private member's motion as opposed to mine I'm willing to have that; just let me know. I'll start off, and if anybody wants to include hers, which is identically worded to my own, I am more than happy to let that happen.

All right. So I'll start off by making the first motion?

The Chair: Yes.

Mr. Prue: Okay. The first motion is page 1. I move that subsections 34(2.1) and (2.2) of the Building Code Act, 1992, as set out in section 1 of the bill, be struck out and the following substituted:

“Same—fire alarms

“(2.1) Regulations made under subsections (1) and (2) are deemed to require that every residential building in which there are two or more dwelling units be equipped with,

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

“(b) 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.

“Same—fire escapes

“(2.2) Regulations made under subsections (1) and (2) are deemed to require that fire escapes, where permitted, be constructed of non-combustible material.”

If I could, this speaks exactly for what the bill is requesting. You will note that they have the number 2 here. Is there a version 2 to this one?

The Chair: Yes—oh, is there not?

Mr. Prue: Anyway, if I can explain: The deeming provisions were said to be better than “shall” because that would mandate the Lieutenant Governor in Council, something that we did not think was appropriate for private members' bills to do. Therefore, I am requesting that this be passed.

The Chair: Thank you. Is there any debate on the amendment?

Mrs. Liz Sandals (Guelph–Wellington): We accept it.

The Chair: Okay. All those in favour? Any opposed? That amendment carries.

Next amendment, Mr. Prue.

Mr. Prue: I think, then, that that would make number 2 redundant because it's identical.

The Chair: Okay, number 3, then.

Mr. Prue: Page 3: I move that section 34 of the Building Code Act, 1992 be amended by adding the following subsection:

“Same—fire sprinkler system

“(2.3) Regulations made under subsections (1) and (2) are deemed to provide an exemption from the requirement described in clause (2.1)(b) if the relevant building is equipped with a fire sprinkler system that conforms with the standards outlined in NFPA 13 ‘Standard for the Installation of Sprinkler Systems’ or NFPA 13R ‘Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Storeys in Height.’”

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If I can give a rationale for this, you might remember that there were three NFPA requests. On investigation it was found that one was related to trailer homes, and it's not intended in the bill that trailer homes, being private, single-family residences, would be included. Therefore, we have only included the two NFPA standards, 13 and 13R, which relate to multiple-occupancy dwellings—two or more—and in occupancies of up to four storeys in height.

Again, you will note that the deeming provision is used, as opposed to the subsequent motion number 4, which says “shall provide” and encumbers the Lieutenant Governor in Council, which was not my intent or the intent of this bill.

We're asking for your support.

The Chair: Is there any debate on the amendment? Mr. Martiniuk.

Mr. Martiniuk: Yes. I have 3 and 4. I understand 3; number 4 seems to be identical other than the “shall.”

Mr. Prue: Yes, because “shall” would force the cabinet.

Mr. Martiniuk: Are you moving 4?

Mr. Prue: No, I'm only moving 3. I'm just showing that there are two possibilities. I would prefer that 3 be done so that it does not encumber the Lieutenant Governor in Council, the cabinet—it's simply "deemed" to have happened; therefore it does—so they don't have to take any action.

The Chair: Further debate?

Mrs. Sandals: We are now moving into an area that has to do with sprinkler systems, and we have some concerns about this. I think Mr. Prue actually captured our concerns quite well in his introductory remarks, because he spoke about the fact that Bill 120 primarily amends the fire code. In fact, when you look at the title of Bill 120, it specifically talks about "An Act to require the Building Code and the Fire Code," which is the primary weight of it, "to provide fire detectors, interconnected fire alarms and non-combustible fire escapes." That has been the subject advertised to the public. If you put on the parliamentary channel, if you looked in the newspaper ads, these were the subjects that were advertised as being open to public hearings.

We're now moving into an area which is those things that were relevant to Bill 2, which, as Mr. Prue himself pointed out, was not what was really originally before the committee hearings, and which primarily amend the building code. In fact, we have an agreement with the Association of Municipalities of Ontario that when we are doing things that affect municipal governments, we will consult with the municipalities. Clearly, when we start to substantially amend the building code and move into the whole area of residential construction, this is something that significantly impacts municipalities.

As we run into this whole area where we're dealing with sprinkler systems, which really wasn't what the original bill was about, and we haven't talked to the municipalities and got their input on the implications of residential construction, for which they are the people who have the hands-on responsibility, we are very concerned about attaching that bill at the last minute, when in fact it was not the subject of the consultations and is quite a significant subject.

Mr. Prue: If I could, and perhaps legal counsel may want to jump in here as well, this is not attaching it to—I want people to understand. This is a deeming provision, should an apartment owner already have a sprinkler system. Sprinkler systems are by themselves interconnected, so that if a sprinkler system goes off in one place, the alarm is sounded elsewhere in the building to let people know the sprinkler system has gone off. What we do not want to do—all this does is say that if an apartment owner, a property owner, has already gone to the next phase, has already gone to the more expensive proposal of putting in a sprinkler system which is alarmed and which will alarm and have the same effect as what I'm trying to do, I don't want them to have to pay the extra—I'm trying to save them money. I'm trying to say that if you've already gone that extra step, the law deems that you've already done sufficient. You don't

have to put in a separate alarm system that's interconnected, because the sprinkler system is alarmed itself. That's all this is. This isn't telling them to do a sprinkler system; this simply says that if you already have one, you already meet my standard; you already surpass my standard. You don't have to institute my standard as well.

The legal counsel is nodding in the affirmative. That's what this is for. It's not to force a sprinkler system.

The Chair: Can I just get counsel to—

Ms. Oh: Yes, that's correct. This provision says that there is an exemption from the requirement to have the interconnected fire alarms if you have a sprinkler system.

The Chair: Thank you.

Mr. Prue: It's to save somebody money.

The Chair: Thank you, Mr. Prue. Mr. Martiniuk.

Mr. Martiniuk: Thank you, legal counsel.

There is no positive initiative to require sprinkler systems. If there were, I think this amendment would be clearly out of order and I would object to it on that basis as to an introduction of an extraneous matter and a matter that is already covered by a bill that's before the Legislature. So all this does is delineate when you require the alarm system, which is the intent of this bill.

I certainly can support it. It's a very clever amendment. I thank my colleague, I thank counsel for this clever amendment, but it seems to cover it. I'd like to support it simply because, if a person has gone to the cost—the enormous cost, by the way, of \$5,000 a unit—to provide for a sprinkler system in conformity with the code, then surely we can give them a small break and not require that they go to the additional expense of fitting an interconnected alarm system, which, under the circumstances, in view of the sprinkler system, is totally unnecessary.

On that basis, I certainly can support the amendment.

The Chair: Is there any further debate?

Mrs. Sandals: Could we have a recess for about a minute or two?

The Chair: Sure, if it helps to resolve any concerns you have. We can come back right at 10:35.

The committee recessed from 1029 to 1032.

The Chair: It looks like the members have returned and we can get back to the consideration of the bill. We were on the amendment on page 3, I believe, and I was asking if there was any further debate.

Mr. Dave Levac (Brant): With the indulgence of the committee, we would request that we defer this particular amendment, if we can move a cycle and continue on with the rest of the amendments until we have further feedback.

Mrs. Sandals: And if we could, I think, also defer the related alternatives, because it doesn't make any sense to defer one and not the related alternatives.

Mr. Levac: Pages 3 and 4.

Mr. Prue: Number 4 is only an alternative which I will not propose if number 3 passes. The others are private members' motions which would be redundant if this passes. So that makes sense.

The Chair: So with unanimous consent of the committee, if we could defer section 1, move on to section 2, and then go back to section 1 when section 2 is completed. Is that to everyone's agreement? All right, then.

So we will then move on to section 2, the amendments of which begin on page 7.

Mr. Prue: Again, I have two identical motions, 7 and 8. Is there anyone who would like to move this private member's motion on the government side? If not, I'll do it.

Mr. Kim Craiton (Niagara Falls): I'd be pleased to do that.

Mr. Prue: You would be pleased to do that? Then it would be number 8.

The Chair: Page 8.

Mr. Craiton: The motion, which I'm pleased to move:

I move that subsections 12(1.1) and (1.2) of the Fire Protection and Prevention Act, 1997, as set out in section 2 of the bill, be struck out and the following submitted—

The Chair: "Substituted."

Mr. Craiton: Thank you—substituted:

"Same—fire alarms

"(1.1) Regulations made under subsection (1) are deemed to require that every residential building that is in existence on a day to be specified by regulation and in which there are two or more dwelling units be equipped with,

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

"(b) 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.

"Same—fire escapes

"(1.2) Regulations made under subsection (1) are deemed to require that fire escapes that are in existence on a day to be specified by regulation, be replaced, if necessary, by fire escapes constructed of non-combustible material.

"Retrofit

"(1.3) For greater certainty, the requirements described in subsections (1.1) and (1.2) are requirements for retrofits."

The Chair: Is there any debate on the amendment?

Mr. Prue: I thank the mover. I hope that this is self-evident. There's nothing in here about sprinkler systems. It's to do with the bill. And for greater certainty, the retrofit aspect is put in here. This will, in all likelihood, be 99%-plus of everything that is done. It is highly unlikely that any new buildings will have these requirements because they should be able to stand on their own merit, at least as far as fire escapes, none of which have been built in the province of Ontario that I know of for a number of years. The other provision, for the fire detectors and the fire alarms, is again largely intended for retrofit buildings and, if the law is passed, hopefully would become commonplace in new buildings as well as they're being constructed.

The Chair: Is there any further debate on the amendment? All right, I'll ask if the amendment is to be carried. All those in favour? Any opposed? That amendment carries.

Moving on now to the next—

Mr. Prue: I would then ask that number 7 be withdrawn.

The Chair: Oh, right. That's unanimous consent to withdraw number 7, as it's the exact same motion? That was never moved. Okay.

All right, then, page 9: the next amendment.

Mr. Prue: Members will note that in page 9 and page 10 we again have "deemed" versus "shall," so I'm going to move number 9, which is the deeming provision.

I move that section 12 of the Fire Protection and Prevention Act, 1997, be amended by adding the following subsection:

"Same—fire sprinkler system

"(1.4) Regulations made under subsection (1) are deemed to provide an exemption from the requirement described in clause (1.1)(b) if the relevant building is equipped with a fire sprinkler system that conforms with the standards outlined in NFPA 13 'Standard for the Installation of Sprinkler Systems' or NFPA 13R 'Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Storeys in Height.'"

Again, I don't know whether it has been resolved yet, the one before, but this is the same. It's intended that, in those buildings where the owner has gone to the considerable expense of equipping his building with more modern technology than is being contemplated by this private member's bill, they be exempted from the additional expense of having to put in an interconnected fire sprinkler system when they already have one that is of a higher technological and modern standard which is already installed.

The Chair: Is there any further debate?

Mrs. Sandals: I wonder if we can get some clarification from legislative counsel as to the effect of this clause in terms of whether or not this creates a greater requirement for sprinkler systems or a lesser requirement.

1040

Ms. Oh: It creates a requirement to conform with certain standards that are set out in these documents—well, it does not create the requirement; it says that if you have a sprinkler system that meets the requirements, then you don't have to have an interconnected fire alarm. These requirements are already set out in the building code elsewhere, that apply to new buildings. But if your building already conforms with these requirements, then you don't have to retrofit it to have an interconnected fire alarm. The requirements already do exist.

Mrs. Sandals: So this would fall into the same category as the other amendments. I'm going to suggest that, while we're trying to get some clarification we defer 9 and 10 because, again, we've got the "deemed" versus

the “shall” issue. Correct? The same information: “deemed” versus “shall”?

Mr. Prue: I believe you should also include 11 and 12.

The Chair: I believe pages 9 through 12 are all similar motions.

Mr. Prue: The private member’s bill does not specify NFPA standards, but it speaks to the same issue.

Mrs. Sandals: The one that is on the floor is a much more specific one. I’m presuming that the one that is on the floor is the one that you actually want passed as part of Bill 120.

Mr. Prue: The one that I read in, yes.

Mrs. Sandals: So what we’re looking at at the moment is the one that you actually want passed.

Mr. Prue: Yes, but I’m suggesting that if you want it held down, you should hold down the other ones as well.

Mrs. Sandals: I agree with you that we should probably be holding down 9 to 12.

The Chair: Perhaps the best thing to do, with unanimous consent of the committee, is to hold down this group of amendments and move on to the amendment on page 13. What we need to do, then, is have unanimous consent to defer section 2 and move on to the next section, which is of course section 3. Do we have unanimous consent to set aside and move on to section 3? All right. That’s great then.

Mr. Prue, I think we’re on page 13.

Mr. Prue: Page 13, section 3 of the bill: I move that the French version of section 3 of the bill be struck out and the following substituted:

<<Entrée en vigueur

<<3. La présente loi entre en vigueur six mois après le jour où elle reçoit la sanction royale.>>

If I could, for greater certainty, this simply says that the present law comes into force six months after the day on which it receives royal assent. That’s the best translation I can do for you in the absence of a translator here. I do not believe that it was properly translated in the original.

The Chair: Is there any debate on the amendment?

Mrs. Sandals: Absent any improvement in my French over Michael’s, we’re trusting you.

The Chair: Thank you. On the amendment: All those in favour? Any opposed? That amendment carries.

Shall section 3, as amended, carry? That’s great. Thank you.

Shall section 4, as amended—oh, sorry, this is my first time going through a bill this way. Is there any debate on section 4? Okay. Shall section 4 carry? Thank you.

We can’t go any further now until we hear back on the other two issues that have been set aside.

Mrs. Sandals: If I could request, then, a recess until 11 o’clock.

The Chair: With the unanimous consent of the committee—

Mr. Martiniuk: Perhaps just a little longer, just to make sure. Until 11:15 would suit me. I want to make sure that I don’t return and—

Mrs. Sandals: You don’t want to come back and leave again?

Mr. Martiniuk: If I can avoid it.

The Chair: All right?

Mrs. Sandals: Okay, 11:15.

The Chair: Then if we could reconvene at 11:15, members, thank you very much.

The committee recessed from 1045 to 1115.

The Chair: Welcome back. Thank you, members. We’re resuming consideration of the amendment on page 3. That would be section 1 of the bill. The motion was moved by Mr. Prue. I don’t believe it needs to be read again, so we can continue then with debate on this amendment. Is there any debate?

Mr. Levac: Just for clarification, we’ve gone back to section 1 or we’re finishing section 2?

The Chair: Since so many things were deferred, we’re going to go back to cover everything off and then end at the end, I hope.

Mr. Levac: Thank you, Chair.

The Chair: Is there any debate on the motion before us on page 3, moved by Michael Prue?

Mrs. Sandals: Yes. As you can tell, we’ve been trying to sort out the technical implications of this. Unfortunately, because we just got this very late in the process, we haven’t been able to sort out with our legal and technical advisers what the implications of this motion might be. We’re very reluctant to support something when we’re not quite sure what the legal and technical implications would be. As I say, this is not a comment of yea or nay so much on the motion. It’s simply that, because we just saw it very recently, we don’t feel comfortable supporting an amendment when we aren’t able to work through the legal and technical implications of it. We will not be supporting the amendment.

The Chair: Is there any further debate?

Mr. Prue: I can only say I’m disappointed. You can read what it says. I’ve told you what it says. The legal counsel has confirmed what it says. This is simply an attempt to make sure that people who have gone to the extraordinary length of putting in sprinkler systems do not have to go again and expend more money to put in a system which would be totally redundant. I guess if they have to—if that’s the government members’ wish that this bill passes, that may be a likelihood. I’m just disappointed for them because it’s money I don’t really want them to spend.

The Chair: Any further debate? Seeing none, then, on the amendment, all those in favour?

Mr. Martiniuk: Could I have a recorded vote, please?

Ayes

Martiniuk, Prue.

Nays

Craitor, Levac, Milloy, Sandals, Wong.

The Chair: The motion fails.

Mr. Prue, I'm not sure if you wanted to bring any of the other amendments. The amendment following is similar, as you had indicated.

Mr. Prue: The next one is number 4. I am reluctant to bring this forward because, although it does the same thing, it is not a deeming provision; it's a mandatory order on the Lieutenant Governor in Council, which I do not believe is appropriate. I cannot imagine that my colleagues opposite, if they would not pass the first one, which causes no problems at all, would support one that encumbers the Lieutenant Governor in Council. Unless they tell me they will, I would just have it withdrawn.

The Chair: Okay, so number 4 is withdrawn.

Similarly, then, we have a private member's motion on page 5. Is anyone prepared to bring that one forward?

Mr. Levac: I would suggest withdrawal as well.

The Chair: Okay. No one is going to bring that one forward.

Mr. Prue: No one's bringing it forward.

The Chair: Yes. It's just not brought forward.

And then page 6: No one is bringing that one forward either? We're then on section 1 as a whole. Shall section 1, as amended, carry? Section 1 carries.

We'll move to section 2. We were on page 9 of section 2. Again, I don't know whether members want to have that motion read again, but the amendment was put on the table earlier by Mr. Prue. Is there any debate on that amendment?

Mr. Prue: I don't know what the instructions have been to the government members here, but I can only reiterate that this is an attempt to help the building industry and apartment owners not to have to spend money unnecessarily when they have already gone to a higher and greater standard.

The Chair: Thank you. Further debate?

Mrs. Sandals: Again, because we have just received this essentially this morning, we are having trouble getting a read on what all the implications of the motion might be, so we're reluctant to support it.

The Chair: Okay. Further debate?

Mr. Prue: A recorded vote again.

Ayes

Martiniuk, Prue.

Nays

Levac, Milloy, Sandals, Wong.

The Chair: The amendment fails.

Again, members, a situation similar to the previous section, where the next pages, 10 through 12, are similar: Mr. Prue, will you be putting the motion on page 10?

Mr. Prue: No. For the same rationale as given earlier, I will withdraw motion number 10 because I do not want to encumber the Lieutenant Governor in Council. The others: Unless there's a mover, I think they're not there anyway.

The Chair: Is anyone prepared to move the next two, page 11 or page 12? Then those are just withdrawn.

We are on section 2 as a whole. Shall section 2, as amended, carry? Section 2 carries.

We've already carried sections 3 and 4.

We are now on page 15. I believe there's an amendment to the title.

Mr. Prue: I move that the long title of the bill be struck out and the following substituted:

"An Act to deem that the Building Code and the Fire Code require fire detectors, interconnected fire alarms and non-combustible fire escapes."

If I could, the rationale is that it just better encapsulates what's actually contained within the bill than what was there earlier.

The Chair: Is there any debate on the amendment? No debate.

All those in favour? None opposed. So that amendment carries.

Shall the title of the bill, as amended, carry? All those in favour? Great, thank you.

Shall Bill 120, as amended, carry? Okay.

Shall I report Bill 120, as amended, to the House?

Thank you, members. That concludes the clause-by-clause consideration of Bill 120, An Act to deem that the Building Code and the Fire Code require fire detectors, interconnected fire alarms and non-combustible fire escapes.

Thank you very much. We'll report the bill to the House.

The committee adjourned at 1124.

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