

Operating Guidelines

Section: Fire Prevention

Subject: Violations

Policy #: 504

Date Issued: March 31, 2016

Date Revised: October 3, 2017

Purpose

Before an inspection is conducted, it will be necessary to follow certain steps to prepare for the visit. The type or purpose of the inspection, will have a bearing on the amount of preparation that will be necessary, however, the following steps should be followed where applicable. This will assist in conducting an inspection that will be consistent with the goals and objectives of the inspection program.

Scope

All fire department personnel shall follow this guideline.

Procedure

504.1

Addressing Violations:

1. When violations are noted during an inspection, details of the deficiency should be recorded in the inspection notes. These should include the following points:
 - Description of the deficiency
 - Location of the deficiency
 - Corrective action taken during the inspection, if any
 - Comments made regarding the deficiency
 - Other pertinent information
2. Where an immediate threat to life exists, the provisions of Section 15.1 of the Fire Protection and Prevention Act, 1997 shall be used. An immediate threat to life exists where:
 - A source of ignition will very probably start a fire
 - Persons lives are at risk if a fire occurs, and

- The person responsible for the property is unable or unwilling to immediately alleviate the threat.
3. Any violations noted during an inspection will be recorded on an Inspection Report, whether they are corrected at the time of the inspection or not.
 4. A **description** of the violations that reference the relevant articles of the Ontario Fire Code, will be provided on the Inspection Report that adequately identifies the violation so that the owner/manager can take any necessary remedial action.
 5. The violations shall be reviewed with the owner/manager whenever possible. If, however, the owner/manager is not available, the Inspection Report shall be left on site, as appropriate.
 6. Any time allowed for compliance shall depend upon the severity of the hazard, with consideration given for the amount of time required for the responsible person to make corrections. **The owner must demonstrate due diligence in remedying any hazards/violations.**
 7. Violations that are of a particularly serious nature (such as locked exit doors, fire alarm system not operational, and sprinkler system not operational) should result in immediate action to remedy the violation, with no time allowed for compliance, or alternate measures put in place immediately.
 8. Repeat offences noted on subsequent inspections should result in immediate prosecution, with no time allowed for compliance, unless there are mitigating circumstances.
 9. Remember that the owner is responsible for complying with the Ontario Fire Code at all times. They are responsible to ensure that violations and hazards do not occur.
 10. When no time is allowed for compliance issue an Inspection Report describing the violations with no time allowed for compliance and inform the owner that they are being charged for these offenses.
 11. Where a hazard has been identified that is not addressed by the Ontario Fire Code, it may be appropriate to use a Fire Marshals Order. For information regarding the use of Fire Marshals Orders refer to the technical guideline **Orders, Orders to Close and Immediate Threat to Life. (TG-02-2003).**