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CITY OF TORONTO

BY-LAW No. 132-1998

To establish a fire department for the City of Toronto.

WHEREAS subsection 2(1) of the *Fire Protection and Prevention Act, 1997* requires every municipality to establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention and to provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances; and

WHEREAS subsection 2(2) of the *Fire Protection and Prevention Act, 1997* permits a municipality, in discharging these responsibilities, to establish a fire department; and

WHEREAS subsection 5(1) of the *Fire Protection and Prevention Act, 1997* requires a fire department to provide fire suppression services and permits the fire department to provide other fire protection services in the municipality; and

WHEREAS paragraph 31 of section 210 of the *Municipal Act* permits the council of a local municipality to pass a by-law for providing for fire-fighting and fire protection services and for establishing, operating, promoting and regulating life and property savings companies; and

WHEREAS subsection 2(1) of the *City of Toronto Act, 1997* incorporated the City of Toronto as a body corporate on January 1, 1998; and

WHEREAS subsection 2(2) of the *City of Toronto Act, 1997* makes the City of Toronto a city and a local municipality for all purposes; and

WHEREAS subsection 2(4) of the *City of Toronto Act, 1997* provides that the City of Toronto stands in the place of the old municipalities of the former Metropolitan Toronto; and

WHEREAS subsection 2(7) of the *City of Toronto Act, 1997* provides that every by-law or resolution of an old council of an old municipality of the former Metropolitan Toronto that was in force before January 1, 1998, is considered to be a by-law or resolution of the Council of the City of Toronto and remains in force in respect of the geographic area of the old municipality to which it applied until the Council of the City of Toronto repeals it or amends it to provide otherwise; and

WHEREAS the fire departments of the six old area municipalities of the former Metropolitan Toronto were established by by-law of the old councils of the old area municipalities and these by-laws remain in force; and

WHEREAS the Council of the City of Toronto intends to establish a single fire department in place of the fire departments of the six old area municipalities of the former Metropolitan Toronto;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Definitions

In this By-law, unless the context requires otherwise,

- (a) “Budget Committee” means the Budget Committee established by the Council;
- (b) “charges”, in relation to section 14, include any interest payable pursuant to subsection 14(10) and any costs incurred by the City pursuant to subsection 14(13);
- (c) “City” means the City of Toronto;
- (d) “*City of Toronto Act, 1997*” means the *City of Toronto Act, 1997*, S.O. 1997, c. 26, c.2 (as may be amended or replaced from time to time);
- (e) “Chief Administrative Officer” means the person hired as the first Chief Administrative officer for the City by the transition team appointed by the Lieutenant Governor in Council under the *City of Toronto Act, 1997*, in respect of whom the City is deemed under that Act to have taken all steps required to appoint this person to that office and whose duties and responsibilities are prescribed in By-law No. 2-1998 adopted by the Council on January 6, 1998 (as may be amended or replaced from time to time), and any successor to the first Chief Administrative Officer appointed by the Council under the Municipal Act;
- (f) “Council” means the council of the City of Toronto;
- (g) “Deputy Fire Chief” means a person appointed as a Deputy Fire Chief by the Chief Administrative Officer under this By-law;
- (h) “Division” means a Division of the Fire Department as provided for in this By-law;
- (i) “Emergency and Protective Services Committee” means the Emergency and Protective Services Committee established by the Council;
- (j) “fee” or “fee for services”, in relation to section 14, means any fee imposed for services under and billed pursuant to subsection 14(5);
- (k) “Fire Chief” means the person hired as the first Fire Chief for the Fire Department by the transition team appointed by the Lieutenant Governor in Council under the *City of Toronto Act, 1997*, in respect of whom the City is deemed under that Act to have taken all steps required to appoint this person to that office, and any successor to the first Fire Chief appointed by the Council (on the recommendation of the Chief Administrative Officer) under the *Fire Protection and Prevention Act, 1997*;

- (l) “Fire Department” means the fire department of the City of Toronto and includes the firefighters and administrative support staff that comprise it, but, in sections 12 to 21, inclusive, and section 23, “Fire Department” does not include administrative support staff;
- (m) “*Fire Protection and Prevention Act, 1997*” means the *Fire Protection and Prevention Act, 1997, S.O. 1997, c. 4*, as may be amended from time to time, or any successor legislation, and any regulation made thereunder;
- (n) “Fire Protection Services” include fire suppression, fire prevention, fire safety education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services and the delivery of all those services;
- (o) “firefighter” means a person employed in, or appointed to, the Fire Department and assigned to undertake Fire Protection Services and includes an officer, but does not include a volunteer firefighter and administrative support staff;
- (p) “member” means a firefighter other than an officer;
- (q) “Municipal Act” means the Municipal Act, R.S.O. 1990, c. M.45, as may be amended from time to time, or any successor legislation, and any regulation made thereunder;
- (r) “officer” means the Fire Chief, a Deputy Fire Chief, division chief, senior divisional chief, platoon chief, district chief, captain and such other person as may be designated as an officer from time to time by the Council;
- (s) “owner”, in relation to section 14, means a person who is shown as the assessed owner or tenant of the building or yard in the assessment rolls for the City and includes the registered owner or mortgagee in possession of such property and includes a person in actual occupation of the land on which the building is situated or that constitutes the yard,
 - (i) under an agreement with the assessed owner for the purchase of it, or
 - (ii) sold by the Director in accordance with the *Veterans' Land Act (Canada)*, R.S.C. 1970, c. V-4 (as may be amended or replaced from time to time),but
 - (iii) in the case of a condominium building, means the condominium corporation having control of the common elements of the building; and
- (t) “rescue and emergency services” include any life or property saving activity that is unrelated to fire suppression and fire prevention.

2. Establishment

The Fire Department is established under the direction of the Fire Chief to provide Fire Protection Services for the City, and replaces the fire departments of the old area municipalities of the former Metropolitan Toronto, to wit, The Corporation of the Borough of East York, The Corporation of the City of Etobicoke, The Corporation of the City of North York, The Corporation of the City of Scarborough, The Corporation of the City of Toronto, and The Corporation of the City of York .

3. Composition

The Fire Department shall consist of the Fire Chief and such number of Deputy Fire Chiefs, senior divisional chiefs, platoon chiefs, division chiefs, district chiefs, captains and other officers, members, and clerical staff, including an executive assistant to the Fire Chief, as may be authorized or considered necessary from time to time by the Council or by the Chief Administrative Officer, for the Fire Department to perform Fire Protection Services for the City efficiently and effectively.

4. Employment

The Fire Chief may recommend to the Chief Administrative Officer the employment in, or the appointment to the Fire Department, as the case may be, of any person, as an officer or member or as administrative support staff, who meets the qualifications and, if applicable, completes successfully criteria (including without limitation training courses and physical, skills and other examinations) and otherwise satisfies any hiring policies, practices or procedures established or approved by the Council for such employment or appointment.

5. Terms and Conditions of Employment

Subject to the *Fire Protection and Prevention Act, 1997*, the remuneration and other terms and conditions of employment or appointment of the officers, members and administrative support staff that comprise the Fire Department shall be determined by the Council or by the Chief Administrative Officer acting in accordance with policies and programs established or approved by the Council.

6. Organization

(1) The Fire Department shall be organized into Divisions such as:

- (a) Fire Prevention & Public Safety,
- (b) Fire Suppression,
- (c) Training,
- (d) Mechanical and Maintenance,

- (e) Communications, and
- (f) Administrative Services.

(2) The Fire Chief, with the prior approval of the Chief Administrative Officer, may re-organize or eliminate Divisions or establish other Divisions or may do all or any of these things or any combination of them as may be required to ensure the proper administration and efficient operation of the Fire Department and the effective management of Fire Protection Services for the City.

(3) The Fire Chief may assign or re-assign such officers to a Division to assist him or her in the administration and operation of that Division.

7. Reporting

The Fire Chief shall report to the Emergency and Protective Services Committee on matters pertaining to the Fire Department unless otherwise directed by the Council or provided for in this By-law.

8. Responsibilities and Authority of Fire Chief

(1) The Fire Chief shall be the head of the Fire Department and shall be responsible for its proper administration and efficient operation.

(2) The Fire Chief shall be authorized to make such general orders, policies, procedures, rules, and regulations and to take such other measures as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department and the effective management of the Fire Protection Services for the City and for the prevention, control and extinguishment of fires, the protection of life and property, and the management of emergencies within the territorial jurisdiction of the City and, without restricting the generality of the foregoing,

- (a) for the care and protection of all property belonging to the Fire Department;
- (b) for arranging for the provision of necessary and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department;
- (c) for determining and establishing the qualifications and criteria for employment or appointment and the duties of all officers, members and administrative support staff of the Fire Department;
- (d) for the conduct and the discipline of officers, members and administrative support staff of the Fire Department;
- (e) for preparing and, upon approval by the Council, implementing and maintaining an emergency fire service plan and program for the City;

- (f) for coordinating any emergency fire service plan and program adopted or to be adopted by the Council with (and assisting in the preparation, implementation and maintenance of) any emergency plans, organizations, services or measures established or to be established by the City, alone or with others, and, if so requested or required, any emergency plan established or to be established by the Province of Ontario or the Government of Canada and for coordinating with and assisting any other public official in an emergency declared by the mayor of the City, the Premier of Ontario or the Governor in Council;
- (g) for reporting to the appropriate crown attorney or other prosecutor or law enforcement or other officer the facts upon the evidence in any case in which there is reason to believe that a fire has been the result of criminal intent or negligence or in which there is reason to believe an offence has been committed under the *Fire Protection and Prevention Act, 1997*;
- (h) for keeping an accurate record, in convenient form for reference, of all fires, rescues and emergencies responded to by the Fire Department;
- (i) for keeping such other records as may be required by the Council;
- (j) for preparing and presenting the annual report of the Fire Department to the Emergency and Protective Services Committee and the Council; and
- (k) for preparing and presenting the annual estimates of the Fire Department to the Emergency and Protective Services Committee, the Budget Committee and the Council and for exercising control over the budget approved by the Council for the Fire Department,

provided that such general orders, policies, procedures, rules, regulations, and other measures do not conflict with the provisions of this By-law or any other by-law of the City, including without limitation those requiring the prior approval of or prior notice to the Council or the satisfaction of certain conditions (general or otherwise) specified by the Council before such measures can be implemented, or with the provisions of the *Fire Protection and Prevention Act, 1997* or with the provisions of any collective agreement or other written agreement that may be applicable.

(3) The Fire Chief shall be responsible for the enforcement of this By-law and all general orders, policies, procedures, rules, and regulations made under this By-law and for the enforcement of any other by-laws of the City respecting Fire Protection Services, and shall review periodically such laws (and may for this purpose, establish an advisory committee consisting of such officers and other persons (including members of the general public) as the Fire Chief may determine from time to time to assist him or her in the discharge of this duty) and, in the case of such by-laws (including this By-law), recommend to the Council such amendments as the Fire Chief considers appropriate and, in the case of general orders, policies, procedures, rules, and regulations made under this By-law, revise or terminate any of them if the Fire Chief considers it appropriate.

(4) The Fire Chief shall have all powers, rights and duties assigned to a fire chief under the *Fire Protection and Prevention Act, 1997*, including without limitation the authority to enforce compliance with the fire code made under the Act.

(5) The Fire Chief shall have all of the duties and responsibilities of the Metropolitan Toronto Fire Coordinator for the purposes of Metropolitan Toronto By-law No. 31-96.

(6) The Fire Chief shall provide liaison with any union representing officers, members or administrative support staff of the Fire Department or any of them.

(7) The Fire Chief shall provide liaison with the Office of the Fire Marshal of Ontario and any other office or organization as required by the Council or as considered necessary or advisable by the Fire Chief for the proper administration and efficient operation of the Fire Department and the effective management of the Fire Protection Services for the City.

(8) The Fire Chief may utilize such officers, members and administrative support staff of the Fire Department as the Fire Chief may determine, from time to time, to assist in the performance of his or her duties.

9. Deputy Fire Chief

(1) The Deputy Fire Chief shall be the second ranking officer of the Fire Department and shall be subject to and shall obey all orders of the Fire Chief and shall perform such duties as are assigned to him or her by the Fire Chief and shall, when the Fire Chief is not on duty, have the powers and perform the duties of the Fire Chief.

(2) Where more than one Deputy Fire Chief has been appointed, when the Fire Chief is not on duty, the duties of the Fire Chief shall be performed by each of the Deputy Fire Chiefs from time to time on a rotating basis or such other basis as may be determined by the Fire Chief.

10. Supervision

The officers, members and administrative support staff of the Fire Department while on duty shall be under the direction and control of the Fire Chief or the next ranking officer present in any place.

11. General Duties and Responsibilities

Every officer, member and administrative support staff person shall conduct himself or herself in accordance with general orders, policies, procedures, rules, and regulations made by the Fire Chief under section 8(2), and shall give his or her other whole and undivided attention while on duty to the efficient operation of the Fire Department (and, in particular, shall use best efforts to see that all fires are extinguished with the least possible injury to persons and damage to property and to prevent unnecessary damage to property by water and other fire suppression methods) and shall diligently, cheerfully and faithfully perform the duties assigned to him or her to the best of his or her ability and in accordance with the *Fire Protection and Prevention Act, 1997* and any collective agreement or other written agreement that may be applicable.

12. Property

(1) No person shall apply any apparatus, equipment or other property of the Fire Department to any personal or private use.

(2) No person shall wilfully damage or render ineffective or inoperative any apparatus, equipment or other property belonging to the Fire Department.

13. Fire Suppression

(1) The Fire Department may suppress any fire or other hazardous condition by extinguishing it or by other reasonable action, and, for this purpose, may enter private property, if necessary, to do so.

(2) The Fire Department may pull down or demolish any building or structure when considered necessary to prevent the spread of fire.

(3) The Fire Department may require other persons present at a fire to assist in,

- (a) extinguishing fires;
- (b) pulling down or demolishing buildings or structures to prevent the spread of fire;
- (c) crowd and traffic control; or
- (d) other reasonable ways.

14. Unsafe Conditions

(1) No person shall permit any building or yard to be kept in an unsafe condition that may result in fire or other dangerous risk or accident.

(2) Where the Fire Department finds that a building or a yard is in an unsafe condition as described in subsection 14(1), it may give the owner of the building or yard an order in writing specifying the unsafe condition and directing remedial action within such time as is specified in the order.

(3) In the event of an emergency, the order under subsection 14(2) may specify immediate compliance, and, where the owner is not available to receive the order, it shall be sufficient notice if the order is posted on the premises, but, in all other cases, notice of the order shall be sufficiently given to the owner by personal service on the owner or the occupant of the building or yard or by regular letter mail, in which event service shall be deemed to have been made on the third day after the day of mailing, or by electronic transmission or telephone transmission of a facsimile, in which event service shall be deemed to have been made on the first day after the day of transmission, or by some other method that allows proof of receipt.

(4) Where the owner does not comply with the order made under subsection 14(2) with the time specified in the order, or immediately in the event of an emergency, in addition to the City prosecuting the contravention of this order as an offence, the Fire Department on behalf of the City may take such action as may be considered necessary to guard against fire or other dangerous risk or accident, which may include without limitation the boarding up or barricading of the building or yard.

(5) Any expense incurred by the Fire Department for any action taken under subsection 14(4) shall be considered a fee imposed for services provided or done by or on behalf of the City under the Municipal Act and shall be billed as a fee for services to the owner of the building or yard, as the case may be.

(6) The methods of service provided for in subsection 14(3) for "all other cases" have equal application to the service of invoices for services billed under subsection 14(5).

(7) Where there is more than one owner, their liability for payment under subsection 14(5) shall be joint and several.

(8) Any invoice for services billed pursuant to subsection 14(5) shall describe the service provided or done by the Fire Department, when and where the service was provided or done, the reason for the service, the fee for the service, the terms of payment of the fee prescribed in this section, and the consequences of failing to pay the fee for the service as provided for in this section.

(9) The fee for services shall be payable to the City, by cash, money order, cheque or credit card, no later than thirty days from the date of the invoice for the service.

(10) Where the fee for services remains unpaid, in whole or in part, for a period in excess of thirty days from the date of the invoice for the service, the owner shall pay, in addition to the outstanding balance of the fee, interest on the outstanding balance, such interest to be calculated at a rate equal to the prime lending rate charged to the City by its banker from time to time plus one percent (1%) per annum.

(11) The fee for services, plus any interest that may have accrued on the outstanding balance under subsection 14(10), shall constitute a debt of the owner to the City.

(12) The City may take such action as it considers necessary and as is permitted by law to collect the debt constituted under subsection 14(11).

(13) The owner shall be liable to pay to the City any costs incurred by the City in collecting the debt constituted under subsection 14(11); and such costs shall also constitute a debt of the owner to the City; and subsection 14(12) shall apply to the recovery of such costs, with necessary modifications.

(14) Without restricting the generality of subsections 14(12) and (13), where the fee for services or charges or all or any of them remains unpaid, in whole or in part, for a period in excess of ninety days, such fee or charges or all or any of them shall be added to the tax roll for any real property within the territorial limits of the City owned, in whole or in part, by the owner and shall be collected in a like manner as municipal taxes.

(15) All of the owners of the real property to which tax roll the fee for services or charges or any or all of them were added pursuant to subsection 14(14) shall be liable jointly and severally for paying such fee and charges, and such fee and charges shall be collected in a like manner as municipal taxes.

(16) Subsections 14(14) and (15) do not apply to a fee or charge for services provided or done to a condominium building, which fee or charge may be recovered by action.

(17) Nothing in this section prevents the City from prosecuting a contravention of subsection (1) or a contravention of an order made under subsection 14(2) as an offence.

(18) Nothing in this section derogates from any powers, rights or duties of the Fire Chief or his or her delegate under the *Fire Protection and Prevention Act, 1997*.

15. Refusal to Assist

No person present at a fire shall refuse to assist in,

- (a) extinguishing fires;
- (b) pulling down or demolishing buildings or structures to prevent the spread of fires;
- (c) crowd and traffic control; or
- (d) other reasonable ways,

if required to do so by the Fire Department.

16. Refusal to Leave

Despite section 17, no person present at a fire shall refuse to leave the immediate vicinity when required to do so by the Fire Department.

17. Conduct at Fires

(1) During a fire and for the time after it has been extinguished that is required to remove the apparatus and equipment of the Fire Department and render the location and vicinity safe from fire, no person, either on foot or with a vehicle of any kind, shall enter or remain upon or within,

- (a) The portion of any street or lane upon which the site of the fire abuts or upon any street or lane for a distance of fifteen (15) metres on each side of the property damaged by fire; or
- (b) Any additional street or lane or part of a street or lane or any additional limits in the vicinity of the fire as may be prescribed by the Fire Chief or the next ranking officer present at the fire.

(2) The provisions of subsection (1) shall not apply to a resident of any street or lane or within any prescribed additional limit or to any person so authorized to enter or remain by an officer of the Fire Department or by a police officer.

18. Inspection of Premises and By-law Enforcement

Such officers and firefighters of the Fire Department who have been appointed for this purpose shall be authorized to enter at all reasonable times upon any property to ascertain whether this By-law or any other by-law of the City respecting Fire Protection Services is being obeyed, and to enforce or carry into effect such by-laws.

19. Interference

No person shall impede or interfere with or hinder the Fire Department in the performance of its duties.

20. Responding to Rescues and Emergencies

(1) The Fire Department may respond to rescues and emergencies other than fires with the approval of the Fire Chief or, when the Fire Chief is not on duty, the next ranking officer.

(2) Where the Fire Department responds to rescues or emergencies as provided for under subsection (1), sections 12 to 19, inclusive, apply with necessary modifications.

21. Fire Alarm

No person shall prevent, obstruct or interfere in any manner whatsoever with the communication of a fire alarm to the Fire Department or with the Fire Department responding to a fire alarm that has been activated.

22. Offences

Every person who contravenes any of sections 12 and 13, subsection 14(1), sections 15 and 16, subsection 17(1) and sections 19 to 21, inclusive, or who contravenes an order made under subsection 14(2) is guilty of an offence and on conviction is liable to the penalty established by the Provincial Offences Act, R.S.O. 1990, c. P.33 (as may be amended or replaced from time to time), being on the date of enactment of this By-law, a fine not exceeding \$5,000 exclusive of costs.

23. Outside Fires and Emergencies

Subject to any agreement entered into by the City of Toronto under the *Fire Protection and Prevention Act, 1997* or by any of the six old area municipalities of the former Metropolitan Toronto under this Act or any predecessor legislation and still in force, and subject to any mutual aid plan established under the *Fire Protection and Prevention Act, 1997* or any predecessor legislation and still in force, and subject to any procedures established by the Fire Chief to deal with such situations, the Fire Department may respond to fires and rescues and emergencies outside of the

territorial limits of the City of Toronto or receive Fire Protection Services from a fire department situated outside of the territorial limits of the City of Toronto.

24. Distinguished Service

A person who distinguishes himself or herself at a fire, rescue or emergency by performing a gallant or heroic act shall be eligible to receive a medal or other reward as the Council may direct on the recommendation of the Fire Chief.

25. Conflict

Where this By-law may conflict with any other by-law setting out the powers and duties of a municipal officer or a municipal department, this By-law shall supersede and prevail over that other by-law to the extent of the conflict.

26. Number and Gender

Unless the contrary intention appears, words importing the masculine gender include the feminine or neuter gender and words in the singular include the plural, and vice versa.

27. Severability

If any section or part of this By-law is found to be illegal or beyond the power of the City's council to enact, such section or part or item shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

28. Repeal

(1) By-law No. 4-88 of The Corporation of the Borough of East York, By-laws Nos. 222, 1981-125 and 1981-126 of The Corporation of the City of Etobicoke, By-law No. 31662 of The Corporation of the City of North York, By-law No. 22098 of The Corporation of the City of Scarborough, By-law No. 1994-0715 of The Corporation of the City of Toronto, By-law No. 1222-87 of The Corporation of the City of York, and any amendments thereto, all of which were passed by the councils of the old area municipalities of the former Metropolitan Toronto and all of which were in force immediately before the coming into force of the *City of Toronto Act, 1997* and, by virtue of section 2(7) of the Act, are deemed to be by-laws of the Council and remain in force in respect of the part of the urban area to which they applied immediately before the coming into force of the Act, are repealed.

(2) Any other by-law (or part of it) and any resolution of any of the six old area municipalities of the former Metropolitan Toronto relating to the establishment of a fire department (and any amendments thereto) and not expressly mentioned in subsection (1) are also repealed.

(3) This By-law does not repeal Metropolitan Toronto By-law No. 31-96, which remains in force until expressly repealed or replaced by the Council.

(4) This By-law supersedes By-law No. 6-1998 of the City of Toronto adopted by the Council on January 6, 1998.

ENACTED AND PASSED this 16th day of April, A.D. 1998.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)