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CITY OF TORONTO

BY-LAW No. 133-1998

To impose fees and charges for services and activities provided or done by the Fire Department of the City of Toronto.

WHEREAS section 220.1 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, permits a municipality to pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it, among other things, subject to the terms, conditions and limitations set out in the section; and

WHEREAS subsection 2(1) of the City of Toronto Act, 1997, S.O. 1997, c. 2 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 1st, 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 old councils of the six old area municipalities of the former Metropolitan Toronto imposed by by-law or resolution fees or charges for services or activities provided or done by their respective fire departments; and

WHEREAS these by-laws are now by-laws of the Council of the City of Toronto and remain in force;

WHEREAS the Council of the City of Toronto intends to impose fees or charges for services or activities provided or done by its Fire Department and replace those imposed for services or activities provided or done by 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) "City" means City of Toronto;

- (b) “charges” include any interest payable pursuant to section 7 and any costs incurred by the City pursuant to section 10;
- (c) “Council” means the council of the City of Toronto;
- (d) “fee” or “fee for services” means any fee for services imposed under section 2 and billed pursuant to section 3;
- (e) “false fire alarm” means malicious false alarm and nuisance false alarm;
- (f) “Fire Department” means the fire department of the City of Toronto established under By-law No. 132-1998, as may be amended or replaced from time to time, and includes its officers and members;
- (g) “malicious false alarm”, as referred to in Schedule “A”, means the negligent or intentional misuse of a fire alarm system resulting in the activation of the system, but does not include the activation of a fire alarm system under circumstances that would have caused a careful or prudent person to believe that a fire related emergency was in progress at the owner’s building or in circumstances where the owner has notified the Fire Department in advance of work being done on the fire alarm system that could cause a false fire alarm;
- (h) “nuisance false alarm”, as referred to in Schedule “A”, means the activation of a fire alarm system through a mechanical failure, equipment malfunction or improper maintenance or installation of the system, but does not include the activation of a fire alarm system where the activation occurred as a result of accidental damage to the system; and
- (i) “owner” means a person who is shown as the assessed owner or tenant of real property in the assessment rolls for the City in respect of which property services and activities were provided or done by the Fire Department and includes the registered owner or mortgagee in possession of such property and includes a person in actual occupation of such property,
 - (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);but
 - (iii) in the case of a false fire alarm originating from a condominium building, means the condominium corporation having control of the common elements of the building; and

- (iv) in the case of a vehicle, means person who is the registered owner of the vehicle and includes person who is licensed to operate the vehicle.

2. Fee for Services

The City shall impose the fee for services set out in Schedule "A" for services or activities (including without limitation inspections) provided or done by the Fire Department.

3. Payment of Fee

(1) The owner of any property or vehicle to which services set out in Schedule "A" were provided or done by the Fire Department, regardless of whether requested by the owner or an agent of the owner or not, shall pay the fee imposed for such services under section 2 and billed to the owner by the City.

(2) Where there is more than one owner, their liability for payment shall be joint and several.

4. Service of Invoice

An invoice for services billed pursuant to subsection 3(1) may be served by personal service on the owner 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.

5. Invoice for Services

Any invoice for services billed pursuant to subsection 3(1) 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 By-law, and the consequences of failing to pay the fee for the service as provided for in this By-law.

6. When and How Fee to be Paid

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 services.

7. Interest

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 services, 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.

8. Debt of Owner

The fee for services, plus any interest that may have accrued on the outstanding balance under section 7, shall constitute a debt of the owner to the City.

9. Collection of Debt

The City may take such action as it considers necessary and as is permitted by law to collect the debt constituted under section 7.

10. Collection Costs

The owner shall be liable to pay to the City any costs incurred by the City in collecting the debt constituted under section 7; and such costs shall also constitute a debt of the owner to the City; and section 9 shall apply to the recovery of such costs, with necessary modifications.

11. Addition to Tax Roll

(1) Without restricting the generality of sections 9 and 10, 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.

(2) Subsection (1) does not apply to a fee or charge for false fire alarms originating from a condominium building, which fee or charge may be recovered by action.

12. Joint and Several Liability

All of the owners of the real property to whose tax roll the fee for service or charges or any or all of them were added pursuant to section 11 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.

13. False Fire Alarm Reimbursement

(1) Subject to subsection 13(3), where an owner of a building has paid a fee for services set out in Schedule "A" for services or activities provided or done by the Fire Department in respect of a false fire alarm at the owner's building and the owner has since the false fire alarm installed in the building a proper security system or taken other measures to reduce the likelihood of the occurrence of a false fire alarm at the building in the future, the owner may apply to the City to be reimbursed for the fee so paid.

(2) An application for reimbursement under subsection 13(1) shall include proof of the installation of a proper security system or of the other measures taken to reduce the likelihood of the occurrence of a false fire alarm at the building in the future, or both.

(3) Where the Fire Chief, in his sole judgment, is satisfied that the owner has installed a proper security system or taken such other measures that the Fire Chief considers sufficient to reduce the likelihood of the occurrence of a false fire alarm at the owner's building in the future, the City, on the recommendation of the Fire Chief, may reimburse the owner up to a maximum of ninety percent (90%) of the fee paid by the owner for the false fire alarm at the building in respect of which the services of the Fire Department were provided.

(4) The reimbursement under subsection 13(3) shall not include reimbursement of any charges levied against the owner under this By-law in respect of an overdue fee or the collection of such fee by the City.

14. 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.

15. Severability

If any section or part of this By-law or any item in a schedule to 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 or items of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

16. Repeal

(1) Schedule H of Chapter 91 of the Etobicoke Municipal Code with respect to Administrative Fees, being By-law Nos. 1991-7-78 and 1994-55 of The Corporation of the City of Etobicoke, By-laws Nos. 32771 and 32773 of The Corporation of the City of North York, By-laws Nos. 24794 and 24971 of The Corporation of the City of Scarborough, Paragraph 178-14 of the Toronto Municipal Code, being By-law No. 1996-0091 of The Corporation of the City of Toronto, By-laws Nos. 3250-96 and 3439-97 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, but only to the extent to which any such by-law deals with the imposition of fees or charges for services or activities provided by the fire department of the old area municipality.

(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 imposition of fees or charges for services or activities provided by the fire department of the old area municipality (and any amendments thereto) and not expressly mentioned in subsection (1) are also repealed, but only to the extent to which the by-law or resolution deals with the imposition of such fees or charges.

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

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

SCHEDULE "A" TO BY-LAW No. 133-1998

Fee Schedule - All Fees include G.S.T. where required.

<u>SERVICES/INSPECTIONS</u>	<u>FEE</u>
1. Day Care/Group Homes	\$100.00
2. Provincial Licencing - L.L.B.O.	160.00
3. Provincial Licencing - Teletheatre	160.00
4. Industrial/Mercantile/Service <1000m2	120.00
5. As above - each additional 1000m2	35.00
6. Multiple Unit Occupancy - Bldg. In Gen.	120.00
7. Multiple Unit Occupancy - Per Unit	75.00
8. Office Building - 1 st storey	120.00
9. Office Building - each storey above or below 1 st storey	30.00
10. Office Building - Per Office Unit	75.00
11. Residential Building - 1 st storey	120.00
12. Residential Building - each storey above or below 1 st storey	30.00
13. Residential Building - Per Subsidiary Unit	75.00
14. Two unit residential occupancy	150.00
15. Residential Retrofit - 1 st storey	500.00
16. Residential Retrofit - each storey above or below 1st storey	50.00
17. Residential Retrofit - Per Subsidiary Unit	75.00
18. Fire Route processing and approval - if not on Building Permit	200.00
19. Letter related to Fire Prevention issues	70.00
20. Copies of Fire Report or Information from files	60.00
21. Copies of Fire Inspection Reports from file	60.00
22. Additional units in same building - Per Unit	10.00
23. Fill in the blank Fire Safety Plans	25.00
24. Fireworks display permit	200.00

<u>SERVICES/INSPECTIONS</u>	<u>FEE</u>
25. Special request services/person hour - min. of 4 hours	45.00
26. Third and subsequent malicious false alarms, for same address, per year, per fire vehicle dispatched	300.00
27. Third and subsequent nuisance false alarms, for same address, per 2 month period, per fire vehicle dispatched	300.00
28. Emergency Response to vehicle incident - non City resident First hour or part thereof, per fire vehicle	300.00
29. Emergency Response to vehicle incident - non City Resident Each additional half hour or part thereof, per fire vehicle	120.00