



## STAFF REPORT ACTION REQUIRED

### Fees Charged for Toronto Fire's Attendance at Nuisance False Alarms

<b>Date:</b>	January 11, 2011
<b>To:</b>	Licensing and Standards Committee
<b>From:</b>	Fire Chief and General Manager, Toronto Fire Services
<b>Wards:</b>	All
<b>Reference Number:</b>	p:\2011\ClusterB\FIR\ls1101.doc

#### SUMMARY

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Toronto Fire Services ("TFS") is dedicated to protecting life, property and the environment from the effects of fire, illness, accidents, natural disasters and other hazards. TFS is committed to enhancing fire safety and raising awareness through education and involvement.

The objective of the fee is to recover TFS' costs in attending nuisance or malicious false alarms, ensuring that TFS resources are used effectively and efficiently. The City also provides a reimbursement program which is intended to ensure that property owners maintain their fire alarm systems in good working order and take corrective actions as necessary. Nuisance false alarms are largely a result of improper maintenance and inspection of fire alarm systems.

This report responds to City Council direction of December 16, 2010 for staff to report to the Licensing and Standards Committee with respect to amending Appendix B – Schedule 1, Fire Services of Chapter 441, Fees, of the Toronto Municipal Code to charge fees for the City's response to nuisance false alarms, for the second and subsequent nuisance false alarm per municipal address per 12-month period.

Municipal Code Chapter 442, Fees and Charges, Administration of, provides cost recovery of fire vehicles and staff to respond to false alarms. In addition to the cost, with numerous false alarms the possibility exists that responding to these calls may delay TFS' response to real emergencies. TFS recommends that the current policy of charging fees for attending all nuisance and malicious false alarms remain unchanged.

It is very important for all citizens to be aware that it is imperative that they continue to call 9-1-1 when they perceive that they require emergency assistance. Citizens who call for TFS will not be charged a fee for fire trucks dispatched to their homes or businesses when they perceive that they are in danger from fire or other hazards.

## **RECOMMENDATIONS**

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The Fire Chief and General Manager, Toronto Fire Services recommends that City Council receive this report for information.

### **Financial Impact**

There is no financial impact as a result of the recommendation in this report.

The 2011 Recommended Operating Budget for Toronto Fire Services includes false alarm fee revenues of \$11,539,925.00 that includes annualized revenue of \$1,630,125.00 from amending the False Alarm by-law in April 2010. In 2010, the False Alarm by-law was amended to charge owners a fee for *every* response by Toronto Fire Services to a malicious false alarm or a nuisance false alarm.

If Council chooses to provide one free nuisance false alarm at a single address annually, the resulting loss in false alarm fee revenues would result in a budget pressure estimated to be \$2,284,110 less \$151,000 for additional staff no longer required for a total 2011 pressure of \$2,133,110. The estimate is based on a \$410 vehicle response charge rate recommended for 2011 and the 2009 experience where there were 1,857 first or one time calls that would be exempted from a charge if the by-law allowed for one free charge.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

## **DECISION HISTORY**

Emergency and Protective Services Committee Report No. 3(6)

<http://www.toronto.ca/legdocs/1998/agendas/council/cc/cc980416/bill133.htm>

Community Services Committee Report No. 3, Clause No. 6, Amendments to the City of Toronto Municipal Code to Increase Fees and Charges for Services and Activities Provided by Toronto Fire Services

<http://www.toronto.ca/legdocs/2001/minutes/council/cc010424.pdf>

Policy and Finance Committee Report 2, Clause 12006 Tax Levy By-laws and Related Matters

<http://www.toronto.ca/legdocs/2006/agendas/council/cc060329/cl002.pdf>

“Change False Alarm By-law to allow Fire Services to Charge for Attendance at all Nuisance and Malicious False Alarms”

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.BU66.1>

Item EX 42.1 2010 Operating Budget

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.EX42.1>

Item MM 2.1 Policy Regarding False Fire Alarms - by Councillor Gloria Lindsay Luby, seconded by Councillor John Parker

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.MM2.1>

## **ISSUE BACKGROUND**

At its meeting on December 16, 2010, City Council adopted Item MM2.1, Policy Regarding False Fire Alarms. City Council requested the City Clerk to give notice that Toronto City Council intends to amend Appendix B – Schedule 1, Fire Services of Chapter 441, Fees, of the Toronto Municipal Code to charge fees for the City's response to the second and subsequent Nuisance False Alarm per municipal address per 12 month period.

## **COMMENTS**

The City charges fees for responding to false alarms where the alarm is triggered by negligent or intentional misuse of a fire alarm system (malicious false alarm) or by mechanical failure, equipment malfunction or improper maintenance or installation of the system (nuisance false alarm).

It is important to note that malicious false alarms and nuisance false alarms are defined to exclude the possibility of charging fees for what could be considered a "good faith" false alarm.

Therefore, no fee is charged by the City in responding to a false alarm brought about through: activations due to "accidental damage" to the fire alarm system; or a fire alarm system activation resulting from lightning strikes or power outages; or alarms triggered by activation of a Carbon Monoxide Detector, or alarms triggered where the owner has notified Toronto Fire Services in advance of work being done on the fire alarm system that could cause a false fire alarm; or activations of an alarm system due to steam or smoke; or any other response to a false alarm where the fire alarm is activated 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.

In 2009, TFS responded to a total of 142,014 incidents requiring 278,281 vehicle responses. Of those incidents, 28,151 were false alarm calls with 13,385 of these calls categorized as malicious or nuisance. This represents a significant decrease of 15% in false alarm calls from the 2008 number of 33,029.

Municipal Code Chapter 442, Fees and Charges, Administration of, provides that the owner of any property or vehicle to which services were provided or done by TFS,

regardless of whether requested by the owner, shall pay the fee imposed for such services as set out in Appendix B, Schedule 1 of Chapter 441.

Neither a monitored or any other form of an automatic fire alarm system is required by the Ontario Fire Code for single or semi-detached residential dwellings. It is a personal choice for owners of these types of residences whether or not to have a monitored fire alarm system.

Nuisance false alarms are defined to include only false alarms arising from the activation of a fire alarm system through a mechanical failure, equipment malfunction or improper maintenance or installation of the system. Upon investigation by Toronto Fire of the causes of false alarms, it was determined that thousands of calls are caused simply by the poor maintenance of the alarm system.

Owners of monitored systems could greatly reduce the incidents of nuisance false alarms at their properties, and as a result the cost to the City of responding to these alarms, by undertaking regular periodic cleaning of the fire alarm system and maintenance of the system on a yearly basis.

The City also provides many incentive programs, such as a reimbursement program, to encourage the owners of alarm systems to make arrangements to ensure their alarm systems are in good repair and eliminate further false alarm incidents.

### **Life Safety Issues Related to False Alarms:**

Malicious false alarms and nuisance false alarms create risk to citizens and first responders alike. Dispatching fire apparatus for false alarms results in additional wear and tear on vehicles and unneeded fuel usage. As noted above, malicious and nuisance false alarms, resulted in approximately 9.5% of all incidents to which TFS responded in 2009. Due to the high number of these incidents, TFS must bear the expense in additional resources to ensure that sufficient resources are available at all times to respond to an actual fire or other emergency. However, due to the high number and unpredictability of these incidents, the possibility is always present that responding to malicious and nuisance false alarms may delay TFS' response to an actual fire or other emergency. Since amalgamation there have been 253 fire-related deaths in the City.

The intent of a false alarm fee is to ensure that the City recovers the cost of responding to false alarms. Malicious and nuisance false alarms remain a serious concern, and expense for TFS and the public.

The early warning to homeowners provided by well-maintained smoke alarm systems is important, which is why TFS developed the "Alarmed for Life" program, a door-to-door public education program that aims to ensure working smoke alarms are in all residential homes on every floor and near sleeping quarters. This program has expanded greatly since its inception in 2002 with over 65,000 homes visited in 2010. TFS will continue to use the "Alarmed for Life" program and media releases to inform the public of the

Municipal Code Chapters dealing with false alarms and the importance of working smoke alarms.

### **Recent Amendments Related to False Alarms:**

City Council, during the 2010 Operating Budget process, approved changes to the fee structure to charge owners a fee for every response by TFS to a malicious false alarm or a nuisance false alarm. The majority of fees for responding to malicious and nuisance false alarms are incurred, by larger residential complexes, some of which are the subject of multiple false alarm incidents. Subsequent to the 2010 amendment, that eliminated the first call exemption, there was an increase in the total number of invoices sent to larger residential complexes as well as the total number of invoices sent to single family residences. For the period of April 15 to October 30, 2010, TFS issued a total of 471 valid invoices for responding to malicious and nuisance false alarms at single family residences. This is a substantial increase from the situation prior to the recent amendment, for example, a total of 71 valid invoices were issued for responding to malicious and nuisance false alarms at single family residences for the period of April 15 to October 30, 2009.

### **Reimbursements for Repairs to Fire Alarm Systems:**

Toronto Fire Services processes reimbursements for owners who can establish that they were charged a fee for a malicious or nuisance false alarm, where the false alarm arose through circumstances which would not result in a fee being charged. TFS also manages a reimbursement program for owners charged fees for TFS' response to malicious or nuisance false alarms. TFS will, if the owner takes steps directed at reducing false alarms at the property, reimburse fees charged for responding to malicious or nuisance false alarms for a maximum reimbursement of 90% of the total fees charged by TFS during the previous 12-month period.

## **CONTACT**

Jim Stoops, Executive Officer  
Toronto Fire Services  
Tel: (416) 338-9102, Fax: (416) 338-9060  
Email: [jstoops@toronto.ca](mailto:jstoops@toronto.ca)

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William A. Stewart  
Fire Chief and General Manager  
Toronto Fire Services