

Update on fire and life safety compliance at the City of Toronto

Date: November 16, 2020

To: General Government and Licensing Committee

From: Executive Director, Corporate Real Estate Management

Wards: All

SUMMARY

This report provides an annual update on fire and life safety compliance at the City of Toronto ("the City"), as directed by City Council in AU13.11. The report reviews the 2019 compliance, as assessed by a third-party vendor, against the 2017 and 2018 baseline data. While both fire and life safety records completion and compliance rates demonstrate improvement, further work is needed to improve compliance with the Ontario Fire Code. As a result of this compliance review, the City made the decision to change some fire and life safety service providers. These findings indicate a potential need for regulation in the fire and life safety industry, which will be explored further in 2021 by Corporate Real Estate Management in consultation with Toronto Fire Services and other stakeholders.

In 2020, the Fire and Life Safety Program Office continued to implement work to centralize and standardize fire and life safety services across the City, as outlined in GL8.8. Despite challenges resulting from the COVID-19 pandemic, the Fire and Life Safety Program Office has made significant progress towards the development and implementation of a Master Fire Program, a comprehensive new Request for Proposal for inspections, testing and maintenance services, and the recruitment of new staff to enable the new service model.

RECOMMENDATIONS

The Executive Director, Corporate Real Estate Management, recommends that:

1. City Council receive this report for information.

FINANCIAL IMPACT

There are no financial implications to the City of Toronto as a result of this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact Section.

DECISION HISTORY

At its meeting of March 9, 2020, the General Government and Licensing Committee adopted GL12.15 "Status of the Auditor General's Recommendations Pertaining to Fire and Life Safety at the City of Toronto", which provided an update on the City's work to address the Council-adopted recommendations put forth by the Auditor General in 2018.AU13.11 "Raising the Alarm: Fraud Investigation of a Vendor Providing Life Safety Inspection Services to the City of Toronto". Corporate Real Estate Management presented a one-page progress matrix that responded to the Auditor General's findings, and provided an update on the operationalization of the Fire and Life Safety Program Office and centralization of fire and life safety functions City-wide.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.GL12.15>

At its meeting of October 29, 2019, City Council adopted 2019.GL8.8 "Update on Fire and Life Safety at the City of Toronto and Non-Competitive Agreement with Building Reports Canada for the Provision of Fire and Life Safety Tracking and Compliance Software" and issued multiple directions to the Executive Director, Corporate Real Estate Management and other City staff to report annually to the General Government and Licensing Committee with a one-page progress matrix that responds to the Auditor General's findings.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GL8.8>

At its meeting of May 21, 2019, the General Government and Licensing Committee adopted GL5.14 "Interim Status Report on Fire and Life Safety," which provided an update on the City's work to address the Council-adopted recommendations put forth by the Auditor General in 2018.AU13.11 "Raising the Alarm: Fraud Investigation of a Vendor Providing Life Safety Inspection Services to the City of Toronto," including the establishment of a City-wide Fire and Life Safety Program Office, an independent audit of 10 percent of the City's building portfolio, the development of standard operating procedures, contract improvements, and the promotion of a culture of life safety at the City. The item can be accessed online at

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.GL5.14>

At its meeting of July 23, 2018, City Council adopted 2018.AU13.11 "Raising the Alarm: Fraud Investigation of a Vendor Providing Life Safety Inspection Services to the City of Toronto" and issued multiple directions to the General Manager, Facilities Management and other City staff to improve the management and delivery of fire and life safety service at City buildings. In adopting the item, City Council directed the General Manager, Facilities Management to report back to City Council annually on the level of fire and life safety compliance. The item can be accessed online at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.AU13.11>

COMMENTS

Fire and Life Safety Compliance in City facilities

In 2020, the Fire and Life Safety Program Office continued to oversee comprehensive assessments of 2019 fire and life safety inspection records of City of Toronto buildings, working with a third party vendor that specializes in fire and life safety compliance. The Fire and Life Safety Program Office used the Auditor General's 2018 findings, and also considered building type and program use, to select a sample of thirty-five buildings to assess in 2019.

Building on the partial assessment of 2019 results that were provided to General Government and Licensing Committee in October 2019 (item GL8.8), Table 1 demonstrates compliance for the years 2017 through 2019. A report was considered complete if scheduled work was completed, a report was submitted, and that report could be readily produced. Report compliance is measured directly against the requirements set forth in the Ontario Fire Code, National Fire Protection Association codes and Underwriters Laboratories of Canada standards. Higher compliance directly relates to increased safety of building occupants in addition to meeting the legal requirements of these codes.

Table 1: Fire and Life Safety Compliance 2017-2019¹

Measure	2017	2018	2019
Report completion	48%	67%	81%
Report compliance	27%	36%	56%

As demonstrated by the data, the Fire and Life Safety Program Office continues to see an improvement in fire and life safety report completion and compliance. The improvements in report completion are attributed to improvements in education on fire and life safety compliance within the City's divisions and agencies. In 2020, the Fire and Life Safety Program Office continues to expect a positive trend in fire and life safety assessment compliance.

Although compliance is improving, there is still room for improvement. For example, non-compliance could result from a vendor submitting documentation stating that a fire and life safety system was checked, without conducting a full examination or test of the system as required under the Ontario Fire Code. Consequently, in 2019 the Fire and Life Safety Program Office began conducting comprehensive assessments, in partnership with a third party consultant, to identify non-compliance in fire and life safety reports. Comprehensive assessments can reveal if records used in reporting are suspected to have been falsified, which may lead to investigations of vendors. In 2019

¹ Data on report completion and compliance do not include the Toronto Community Housing Corporation, Toronto Transit Commission or Toronto Hydro.

and 2020, the Fire and Life Safety Program Office investigated four vendors (two in 2019 and two in 2020) and determined that they falsified records and/or submitted inaccurate reports to the City of Toronto. As a result, new vendors have been hired to perform a full re-inspection and correct deficient work to ensure compliance with the Ontario Fire Code.

The role of the Fire and Life Safety Program Office in Ontario Fire Code compliance

Throughout 2020, the Fire and Life Safety Program Office laid the foundation for a strong fire and life safety governance process. The first steps in the foundational work were the completion of the Master Fire Program, which presents the overall strategy for fire and life safety in City of Toronto buildings, followed by the development of a standard model that operationalizes that strategy.

The standard model is based on common processes and standardized reporting. It creates a City of Toronto standard on what constitutes a complete record to demonstrate compliance to the Ontario Fire Code, including the type of documentation to be provided. The model defines common processes and procedures for inspection, testing and maintenance services, which are incorporated into master specifications. These master specifications are being developed in partnership with a consulting firm that specializes in the fire and life safety industry. Standardized reporting is enabled by tagging fire and life safety assets using the industry leading Building Reports Canada (BRC) software. Vendors scan fire and life safety components with their mobile devices and complete reports as components are tested. BRC reporting fields are standardized, and provide the City with real-time reporting on inspections completed on fire and life safety systems in City buildings. Component tagging work is expected to be completed by the end of 2021.

The Fire and Life Safety Program Office is working with the Purchasing and Materials Management Division (PMMD) on a forthcoming Request for Proposal (RFP) to conduct fire inspections in City buildings. The RFP scope of work requires that vendors use the standard model when performing fire and life safety work in City of Toronto buildings, and provide fire and life safety reports to the City using BRC software.

Effect of the COVID-19 pandemic

The COVID-19 pandemic has delayed some aspects of the Fire and Life Safety Program Office's implementation, most notably the recruitment of staff. Full implementation of the Fire and Life Safety Program Office is now expected to be complete by the second quarter of 2021. Table 2 provides further information about key implementation milestones.

Table 2: Fire and Life Safety Program Implementation Status and Outlook

Year	Objective	Status
2020	<ul style="list-style-type: none"> Obtain approval for the Master Fire Program Recruit the Fire and Life Safety Management Team Centralize the management of all major Fire and Life Safety contracts 	Complete
	<ul style="list-style-type: none"> Initiate the monthly maintenance program using internal staff Initiate inspections on a risk-based schedule Initiate recruitment efforts to staff all remaining positions in the Program Office 	In progress; Delayed due to COVID
2021	<ul style="list-style-type: none"> Commencement of real-time compliance reporting on fire and life safety systems Review Capital Budget requirements and adjust the Capital Budget submission as required Planned review of the Master Fire Program and training program documents to incorporate lessons learned Integrate compliance data with Open Data Toronto 	On schedule
	<ul style="list-style-type: none"> Review the performance of the City's inspections, testing, and maintenance vendor after a full year of service Achieve at least 95 percent compliance with the Ontario Fire Code (to be reported in 2022) 	In progress; Delayed due to COVID
2022	<ul style="list-style-type: none"> Maintain at least 95 percent compliance with the Ontario Fire Code Transition to steady-state operations 	In progress; Delayed due to COVID

In 2020, the Fire and Life Safety Program Office was able to recruit key management positions necessary to operationalize its work. The Fire and Life Safety Program Office is currently recruiting thirty positions that are responsible for improving and maintaining the highest state of fire and life safety compliance.

Proposed research on regulating the fire and life safety industry in the City of Toronto

Currently, the fire and life safety industry as a whole is unregulated, although certain aspects—such as the education of technicians or the registration of qualifications or designations—are addressed by various bodies. For example, the Ontario Fire Code requires persons performing annual fire alarm inspections to be "qualified"; however, what constitutes "qualified" is not defined in the Ontario Fire Code. The Canadian Fire Alarm Association registers qualifications for fire alarm technicians but is not a licensing body. The Ontario College of Trades offers a Red Seal designation for Sprinkler and Fire Protection Installers but the designation's primary focus is on construction and major repair, with a secondary focus on inspections.

Ontario has no overarching regulatory or licensing body for fire and life safety services with the exception of special provisions approved by the Ontario Fire Marshal. The result is that anyone can conduct inspection, testing and maintenance services on fire and life safety systems. While the creation of a City of Toronto standard on fire and life safety record completion and compliance addresses how testing, maintenance and repair of fire and life safety systems is performed, it does not address the lack of regulation of vendors that provide fire and life safety services. Corporate Real Estate Management proposes that research be conducted, in consultation with Toronto Fire Services and other stakeholders, on options to regulate by way of bylaw, the fire and life safety service industry, with the intent that any such regulation will mandate compliance, hold vendors accountable for the work they perform on behalf of the City, and allow for consequences for non-compliant fire and life safety work.

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SIGNATURE

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