

1960

## c 148 Fire Marshals Act

Ontario

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### Bibliographic Citation

*Fire Marshals Act*, SO 1966, c 148

### Repository Citation

Ontario (1960) "c 148 Fire Marshals Act," *Ontario: Revised Statutes*: Vol. 1960: Iss. 2, Article 23.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1960/iss2/23>

## CHAPTER 148

## The Fire Marshals Act

## 1. In this Act,

Interpre-  
tation

- (a) "Minister" means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (b) "regulations" means the regulations made under this Act. R.S.O. 1950, c. 140, s. 1, *amended*.

2.—(1) There shall be an officer to be known as the Fire Marshal, who shall be appointed by the Lieutenant Governor in Council.

Appoint-  
ment of  
Fire  
Marshal

(2) There shall be an officer to be known as the Deputy Fire Marshal, who shall be appointed by the Lieutenant Governor in Council and who shall act in the stead of the Fire Marshal in the absence of, or during the illness or incapacity of the Fire Marshal, or in the case of a vacancy in the office, and who, when so acting, has all the power and authority of the Fire Marshal, and who shall exercise such powers and perform such duties for the prevention or investigation of fire or the protection of life and property from fire as the Lieutenant Governor in Council deems expedient or as are prescribed by the regulations.

Deputy  
Fire  
Marshal

(3) The Lieutenant Governor in Council may appoint such number of persons as he deems necessary to be district deputy fire marshals, who shall, subject to the regulations and the direction and control of the Fire Marshal, possess the powers to perform the duties of the Fire Marshal in the respective localities for which they are appointed.

District  
deputy fire  
marshals

(4) The Lieutenant Governor in Council may appoint inspectors who, under the direction of the Fire Marshal, shall investigate the cause, origin and circumstances of fires occurring in Ontario and perform such other duties as are provided by this Act and the regulations, and while so acting every inspector is subject to the regulations and possesses the same powers as the Fire Marshal. R.S.O. 1950, c. 140, s. 2 (1-4).

Inspectors,  
appoint-  
ment

(5) The Lieutenant Governor in Council may appoint fire services instructors who, under the direction of the Fire

Fire  
services  
instructors

Marshal, shall assist in the organization and training of municipal fire departments and in the development of other fire prevention programmes and shall perform such other duties as are imposed by this Act or the regulations. 1960, c. 38, s. 1.

Officers and  
assistants

(6) The Lieutenant Governor in Council may also appoint such officers, clerks and servants as are deemed necessary for carrying out and enforcing this or any other Act of Ontario relating to the prevention and investigation of fire, and the regulations.

Salaries

(7) The Fire Marshal, Deputy Fire Marshal, district deputy fire marshals, inspectors and other officers, clerks and servants shall receive such salaries or other remuneration as is fixed by the Lieutenant Governor in Council.

Salaries and  
expenses,  
how payable

(8) The salaries and other remuneration and the expenses incurred in investigations and in the exercise of the powers and duties conferred and imposed upon the officers and assistants to the Fire Marshal or other persons in the prevention or investigation of fires, and generally all expenses incurred in carrying out this Act and the regulations are payable out of the moneys that are appropriated by the Legislature for salaries and expenses under this Act. R.S.O. 1950, c. 140, s. 2 (5-7).

Grant to  
fire pre-  
vention  
association

(9) The Lieutenant Governor in Council may direct the payment out of the appropriation made by the Legislature for salaries and expenses in connection with this Act of a grant to any association or league or society organized for the purpose of fire prevention, and such a grant may be subject to such terms and conditions as the Lieutenant Governor in Council deems proper. R.S.O. 1950, c. 140, s. 2 (8); 1956, c. 24, s. 1.

Powers  
and duties  
of Fire  
Marshal

**3.** Subject to the regulations and for the prevention and investigation of fire, it is the duty of the Fire Marshal and he has power,

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o. 249

- (a) whenever he has reason to believe that the council of a municipality has not passed a by-law under the authority of any of the sections of *The Municipal Act* or any other Act relating to the prevention of fire or protection of life and property therefrom, or that the by-law that has been passed by a municipal council is not complete or is not being enforced, to confer with members or officers of the council and to assist them as far as is expedient and practicable in preparing, improving and enforcing the by-law;
- (b) to assist members of municipal councils and municipal officers in the formation and organization of fire departments, to make recommendations with

regard to equipment, operations, duties and administration of fire departments, and in the preparation of by-laws relevant thereto;

- (c) to require the chief of the fire department of a municipality or any other person who is designated as an assistant of the Fire Marshal to assist in the enforcement of the by-law;
- (d) to disseminate information and advice as to the prevention of fire by means of public meetings, newspaper articles, pamphlets, exhibitions and moving picture films and otherwise as he considers advisable;
- (e) to assist in the formation of local associations or leagues and to co-operate with any body or persons interested in developing and promoting the principles and practices of fire prevention and fire protection;
- (f) to advise and assist departments and agencies of government in fire prevention and fire protection problems;
- (g) to keep a record of every fire reported to him with such facts, statistics and circumstances as are required by the regulations;
- (h) to investigate the cause, origin and circumstances of any fire so reported to him and so far as it is possible determine whether it was the result of carelessness or design;
- (i) on the instructions of the Minister, to investigate the cause, origin and circumstances of any explosion or of any conditions that in the opinion of the Minister might have caused fire, explosion, loss of life or damage to property and so far as possible determine whether the explosion was or conditions were the result of carelessness or design;
- (j) to report to the Crown attorney of the proper county or district the facts found upon the evidence in any case in which he has reason to suppose that loss by fire has been occasioned by criminal negligence or design or in which he deems an offence has been committed against this Act;
- (k) whenever he deems it advisable in the public interest, to order the withholding of insurance money that may become payable by reason of any fire for a period not exceeding sixty days from the occurrence of the fire pending an investigation of its cause and circumstances;



- (l) to enter upon, examine and inspect from time to time hotels, apartment houses, factories, work shops and other places where persons reside or are employed in numbers, and direct such alterations to be made and such precautions to be taken as he deems necessary for the purpose of complying with any statute or regulation made for the better protection of life and property in such buildings. R.S.O. 1950, c. 140, s. 3; 1960, c. 38, s. 2.

Powers  
to hold  
inquiries

4. For the purpose of any inquiry or investigation that it is his duty or which he has the power to hold under this Act, the Fire Marshal has and may exercise all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*. R.S.O. 1950, c. 140, s. 4.

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c. 323

Fire  
Marshal's  
deputy  
*pro tempore*

5. Subject to the approval in writing of the Minister, the Fire Marshal may by writing under his hand appoint any person his deputy *pro tempore* for the purpose of holding an investigation into the cause, origin and circumstances of any fire, and for that purpose, the deputy *pro tempore* has all the powers of the Fire Marshal under this Act and the regulations. R.S.O. 1950, c. 140, s. 6.

Employ-  
ment of  
expert and  
profes-  
sional  
assistance

6. With the approval of the Minister, the Fire Marshal may employ such legal, technical, scientific, clerical or other assistance as he deems advisable or necessary in the conduct of any investigation held under this Act or in carrying out the provisions of this Act relating to the prevention of fire or in the exercise and performance of his powers and duties. R.S.O. 1950, c. 140, s. 7.

Assistants  
*ex officio*,  
duties

7.—(1) The chief of the fire department of every municipality that has a fire department and the clerk of every other municipality is by virtue of the office held by him an assistant to the Fire Marshal, and it is the duty of every assistant to the Fire Marshal to act under his direction in carrying out this Act. R.S.O. 1950, c. 140, s. 8 (1).

Duty  
to report

(2) The assistants to the Fire Marshal shall report to him in writing, on forms to be supplied by him, all the fires occurring in their respective municipalities within three days after receiving information of the fire and including therein particulars of all fatalities and injuries sustained by persons in such fires. R.S.O. 1950, c. 140, s. 8 (2); 1960, c. 38, s. 4 (1).

Fees of  
assistants

(3) Except in the case of a municipality where the chief of the fire department is paid an annual salary of more than \$500 by the corporation of the municipality, every such assistant of the Fire Marshal shall be paid, upon the certificate

of the Fire Marshal and out of the moneys that are appropriated by the Legislature for salaries and expenses in connection with this Act, the sum of \$1 for each report. R.S.O. 1950, c. 140, s. 8 (3); 1960, c. 38, s. 4 (2), *revised*.

(4) Where in a municipality a fire prevention bureau has been established or the chief of the fire department of a municipality has designated one or more members of the fire department as a fire prevention officer or officers or the Fire Marshal has so designated any other person, every person who is a member of the bureau or who is so designated is an assistant to the Fire Marshal and has all the powers of an assistant to the Fire Marshal under this Act. R.S.O. 1950, c. 140, s. 8 (4); 1960, c. 38, s. 4 (3), *revised*.

Assistants  
to the Fire  
Marshal

(5) The chief of the fire department of a municipality has the same powers and duties with respect to buildings or premises outside the territorial limits of the municipality as if the buildings or premises were situate within the municipality,

Powers of  
chief outside  
municipality

- (a) if the buildings or premises are owned or used by the municipality; or
- (b) if the municipality has undertaken to provide fire protection for the buildings or premises. R.S.O. 1950, c. 140, s. 8 (5).

8.—(1) Every fire insurance company authorized to transact business in Ontario shall report to the Fire Marshal, through the secretary or some other officer of the company designated by the board of directors for that purpose, all fire losses on property insured in the company, giving the date of the fire and such other particulars as are required by the regulations.

Fire insurance  
companies, duty  
to report

(2) The report shall be mailed to the Fire Marshal within three days after notice of loss is received by the company.

Transmit-  
ting reports

(3) Every such company shall also report to the Fire Marshal the amount of the loss as adjusted on each fire after the adjustment is made.

Reporting  
losses  
adjusted

(4) Every person sustaining or claiming to have sustained a loss by fire on property in Ontario insured wholly or partially in an insurance company not licensed or registered under *The Insurance Act* shall report to the Fire Marshal within three days after the occurrence of the fire the particulars of the insurance, the date of the fire, and such other information as is called for by the regulations, and he shall also, within ten days after completing proofs of loss against the company in which he is so insured, file with the Fire Marshal a full statement of the amount of loss claimed from every such company.

Particulars  
of fire to be  
furnished  
by insured

R.S.O. 1960,  
c. 190

Claimant on loss to furnish information to Fire Marshal's assistant

(5) Every person sustaining a loss by fire on property in Ontario shall upon the written or oral request of an assistant to the Fire Marshal, furnish to the assistant within seven days after receipt of the request, whatever information is required to complete the form of report called for in subsection 2 of section 7.

Adjusters to furnish report on loss to Fire Marshal

(6) Every person adjusting a claim against a fire insurance company, whether the company is licensed to transact business in Ontario or not and whether the adjuster represents the company or the claimant, shall within three days after the completion of the adjustment forward a report in writing to the Fire Marshal, giving the date of the fire, the value of the property affected by the different items of the policy as established during the process of the adjustment of the claim, the insurance in each company, the amount of loss allocated to be paid by each company and such other particulars as are required by the regulations.

Fire Chief to be notified of claim

(7) Every person adjusting a claim against a fire insurance company in a municipality having an organized fire department shall, where the fire department has not been summoned to or attended at the fire giving rise to the claim, by notice in writing, advise the chief of the fire department of the occurrence of the fire. R.S.O. 1950, c. 140, s. 9.

Saving as to duties provided for by municipal by-law

9. Nothing in this Act renders it obligatory for the Fire Marshal to perform in a local municipality such of the duties prescribed by this Act as are provided for by by-laws of the local municipality. R.S.O. 1950, c. 140, s. 10.

Fund for expenses of Fire Marshal  
R.S.O. 1960, c. 190

10.—(1) Every person, syndicate, reciprocal exchange or corporation transacting the business of fire insurance within the meaning of *The Insurance Act* shall, in addition to the taxes and fees now required by law to be paid, pay to the Treasurer of Ontario on or before the 15th day of March in each year such sum as is determined by the Lieutenant Governor in Council, not exceeding 1 per cent, calculated upon the gross premiums, fixed payments and assessments received during the preceding year in respect of fire insurance business transacted in Ontario, excluding,

- (a) premiums returned;
- (b) premiums paid in respect of reinsurance ceded to insurance companies licensed to transact business in Ontario; and
- (c) the cash value of dividends paid or credited to policyholders by mutual insurance companies and reciprocal exchanges,



as shown by the annual statement furnished to the Department of Insurance under *The Insurance Act*. 1957, c. 37, s. 1 (1).

(2) Every person sustaining or claiming to have sustained a loss by fire on property in Ontario insured in a company not licensed or registered under *The Insurance Act* shall pay to the Treasurer of Ontario an amount equal to 1 per cent upon the gross amount of loss claimed upon the unlicensed or unregistered company and the amount is due and payable not later than sixty days from the date of filing the claim upon the company or its representative whether the claim has or has not been paid at the expiration of such sixty days, and where the claim is sent by mail, the date of the mailing shall be taken for the purposes of this subsection to be that upon which the claim was filed.

Contribution by persons insured in unregistered companies  
R.S.O. 1960, c. 190

(3) The total of such amounts constitutes a special fund for the maintenance of the office of the Fire Marshal and the expense incident thereto, but any part of the fund remaining unexpended at the end of any year and not required for maintenance shall be carried forward to the next fiscal year and the next assessment upon the fire insurance companies correspondingly reduced. R.S.O. 1950, c. 140, s. 11 (2, 3).

Application of fund

(4) The Treasurer of Ontario may make a preliminary assessment of the sum as provided in subsection 1 and such assessment shall be made upon the basis of the premiums, fixed payments and assessments received in respect of business transacted in Ontario during the last complete year for which annual statements have been filed in accordance with *The Corporations Tax Act* and *The Insurance Act*, and the amount of the assessment is subject to subsection 3. 1957, c. 37, s. 1 (2).

Preliminary assessment for expenses

R.S.O. 1960, cc. 73, 190

(5) Every person who contravenes any of the provisions of this section is guilty of an offence against this Act and on summary conviction is liable to the fine prescribed by section 15. R.S.O. 1950, c. 140, s. 11 (5), *amended*.

Offence

**11.** The Fire Marshal shall keep such registers and books of account as are prescribed by the Lieutenant Governor in Council. R.S.O. 1950, c. 140, s. 12.

Books

**12.** The Fire Marshal, Deputy Fire Marshal or a district deputy fire marshal, inspector or municipal fire chief has power,

Examination and closing of premises

- (a) to enter and examine any premises on which a fire has occurred or on which he has reason to believe there may be a substance or device likely to cause a fire;



- (b) to close such a premises and to prevent entry thereon by any other person for such period as is required to complete the examination of the premises; and
- (c) to remove from such a premises and to retain and examine any article or material that in his opinion may be of assistance in connection with any matter under investigation. R.S.O. 1950, c. 140, s. 13.

Power to  
obtain  
evidence

**13.** The Fire Marshal, the Deputy Fire Marshal, district deputy fire marshals and inspectors have the same power to enforce the attendance of witnesses and to compel them to give evidence and produce documents and things as is vested in any court in civil cases. R.S.O. 1950, c. 140, s. 14.

Duty of  
witnesses  
to give  
evidence

**14.** Every person upon being served with a summons under the hand of the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal or inspector to attend for the purposes of giving evidence shall attend in pursuance of the summons, and is entitled to be paid such fees and expenses as are prescribed by the regulations. R.S.O. 1950, c. 140, s. 15.

Offences:

obstructing

**15.** Every person who,

(a) hinders or disturbs the Fire Marshal or any officer appointed under this Act in the execution of his duties;

contraven-  
ing Act

(b) contravenes any of the provisions of this Act or the regulations;

failure  
to give  
evidence

(c) refuses or neglects to attend and be sworn and give evidence before the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal or inspector;

disobedi-  
ence to  
orders  
of Fire  
Marshal

(d) refuses or neglects to obey or carry out the instructions or directions of the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal or inspector given under the authority of this Act,

is guilty of an offence and, where a penalty for such offence is not elsewhere in this Act provided for, on summary conviction, is liable to a fine of not more than \$20, but the imposition of any such fine or the payment thereof does not relieve a person convicted from fulfilling any obligation for the neglect of which the penalty was imposed. R.S.O. 1950, c. 140, s. 16.

Duty of  
Crown  
attorney to  
prosecute

**16.—(1)** It is the duty of the Crown attorney of every county or district, upon receiving the report of the Fire Marshal or upon receiving notice of an offence having been committed against any of the provisions of this Act or the regulations, to institute and conduct a prosecution of any person who appears to have been guilty of an offence against

the *Criminal Code* (Canada) or against this Act or the regulations. 1953-54, c. 51 (Can.)

(2) Upon the request of the Fire Marshal, it is the duty of the Crown attorney of the county or district to attend any investigation held under this Act and to examine the witnesses at the investigation and assist the Fire Marshal in the conduct of the investigation. R.S.O. 1950, c. 140, s. 17 (1, 2). Crown attorney to attend at investigation

(3) If the investigation is held in a place other than the county or district town, the Crown attorney is entitled to his actual disbursements for travelling and other expenses. R.S.O. 1950, c. 140, s. 17 (4). Travelling expenses, etc., when allowed

**17.**—(1) The corporation of every municipality shall provide a suitable place for the holding of investigations and public inquiries by the Fire Marshal or his deputy, and until such place is provided, the investigations and inquiries may be held in the magistrate's court room of the municipality, but at such times as do not interfere with the use of the court room for the holding of the magistrate's court. R.S.O. 1950, c. 140, s. 18 (1); 1960, c. 38, s. 6 (1). Municipality to provide place for holding investigation

(2) If a suitable place is not provided by the municipality, the Fire Marshal may procure a suitable place for holding the investigation or inquiry, and the expense incurred shall be borne by the municipality. R.S.O. 1950, c. 140, s. 18 (2); 1960, c. 38, s. 6 (2). Where Municipality does not act

**18.** The fees and expenses as certified by the Fire Marshal to be payable to the Crown attorney or to witnesses or for assistance given or services rendered to the Fire Marshal under this Act are payable out of the moneys that are appropriated by the Legislature for salaries and expenses in connection with this Act. R.S.O. 1950, c. 140, s. 19. Payment of fees and expenses out of appropriation

**19.**—(1) Subject to the regulations, the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may, upon the complaint of a person interested, or when he deems it necessary so to do, without such complaint, inspect all buildings and premises within his jurisdiction, and for such purpose may at all reasonable hours enter into and upon the buildings and premises for the purpose of examination, taking with him if necessary, a constable or other police officer or such other assistants as he deems proper. R.S.O. 1950, c. 140, s. 20 (1). Inspection of buildings and premises

(2) If, upon such inspection, it is found that a building or other structure is for want of proper repair or by reason of age and dilapidated condition or any other cause especially liable to fire, or is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons Orders on inspection

or property therein or that exits from the building or buildings are inadequate or improperly used, or that there are in or upon the buildings or premises combustible or explosive materials or conditions dangerous to the safety of the buildings or premises or to adjoining property, the officer making the inspection may order,

- (a) the removal of the buildings or the making of structural repairs or alterations therein;
- (b) the removal of combustible or explosive material, or the removal of anything that may constitute a fire menace;
- (c) the installation of safeguards by way of fire extinguishers, fire alarms and other devices and equipment and also such avenues of egress, fire escapes and exit doors as are deemed necessary to afford ample exit facilities in the event of fire or an alarm of fire. R.S.O. 1950, c. 140, s. 20 (2); 1960, c. 38, s. 7 (1).

Electrical  
installations

(3) If, upon such inspection, it is found that a building or other structure is by reason of the inadequacy or want of repair of the electrical installations and wiring therein especially liable to fire, the officer making the inspection may order a re-inspection by The Hydro-Electric Power Commission of Ontario of such electrical installations and wiring and that the cost of such re-inspection be paid by the owner or occupant of the building or other structure. 1956, c. 24, s. 2 (1).

Removal of  
process from  
buildings

(4) The Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may order the removal from any building not being of fire resistive construction or being within fifty feet of a hospital, school, church, theatre or any other place of public assembly or an hotel, apartment house or multiple occupancy dwelling, of a process of manufacture or other occupancy that because of the danger of fire or explosion is especially hazardous to life or property or may order that any such premises shall not be used for any such process or occupancy.

Appeal to  
Fire Mar-  
shal

(5) If the occupant or owner of any such building or premises deems himself aggrieved by an order made by an officer other than the Fire Marshal under this section, then in case the order is made under clause *a* of subsection 2 or subsection 4, the person aggrieved may appeal within ten days from the making of the order to the Fire Marshal, who shall examine the order and affirm, modify or revoke it and cause a copy of his decision to be served upon the party appealing.



(6) If the party appealing is dissatisfied with the decision of the Fire Marshal, he may within five days after the service of the decision, apply by way of originating notice according to the practice of the court, to the judge of the county or district court of the county or district in which the property is situate, for an order modifying or revoking the order or extending the time for compliance therewith, and the judge, upon such application, may affirm, modify or revoke the order and his decision is final. Appeal from Fire Marshal to county judge

(7) If the appeal to the county or district judge is not prosecuted by the appellant within sixty days from the filing of the originating notice, the county or district judge may dismiss the appeal at the request of the Fire Marshal. R.S.O. 1950, c. 140, s. 20 (3-6). Fallure to prosecute appeal

(8) In the case of an order made under clause *b* or *c* of subsection 2 or under subsection 3 by an officer other than the Fire Marshal, the occupant or owner has the like right of appeal to the Fire Marshal as in the case of an order made under clause *a* of subsection 2, and the decision of the Fire Marshal upon the appeal is final and is not subject to appeal. R.S.O. 1950, c. 140, s. 20 (7); 1956, c. 24, s. 2 (2). When appeal to Fire Marshal is final

(9) Every person who fails to obey an order made under clause *a* of subsection 2 or under subsection 4 after the time allowed for appeal therefrom has elapsed is guilty of an offence and is liable to a fine of not less than \$10 in all and not more than \$100 for every day during which such default continues, and every person who fails to obey an order made under clause *b* or *c* of subsection 2 or under subsection 3 is guilty of an offence and is liable to a fine of not less than \$10 in all and not more than \$20 for each day upon which such default continues. R.S.O. 1950, c. 140, s. 20 (8); 1956, c. 24, s. 2 (3). Offences

(10) Every fine under subsection 9 is recoverable before a magistrate or two or more justices of the peace under *The Summary Convictions Act*, but the imposition of any such fine or the payment thereof does not relieve a person convicted from fulfilling any obligation for the neglect of which the penalty was imposed. R.S.O. 1950, c. 140, s. 20 (9). Manner of collecting R.S.O. 1960, c. 387

(11) If the obligation for the neglect of which the fine was imposed on a person is not fulfilled within thirty days after the conviction, the magistrate or justices, on the application of the Fire Marshal, may order the closing of any premises where the danger of fire or explosion is especially hazardous to life or property until such time as the obligation for which the fine was imposed is fulfilled. Closing of premises

(12) Where the person does not remedy the conditions for which a conviction was made within thirty days after conviction, the magistrate or justices may issue an order author- Removal of hazard by Fire Marshal

izing the Fire Marshal to remove the building or combustible or explosive material or anything that may constitute a fire menace and the expenses so incurred shall be paid as in subsections 14 and 15. 1960, c. 38, s. 7 (2).

Action in  
absence of  
owner of  
premises

(13) If the owner is absent from or is a non-resident of Ontario or his whereabouts in Ontario is unknown and there is no occupant of the building or premises, or his whereabouts in Ontario is unknown, the Fire Marshal may direct and procure,

- (a) the removal of the buildings;
- (b) the removal of combustible or explosive material, or the removal of anything that may constitute a fire menace,

in such manner as he deems proper, but no expense shall be incurred for such purpose beyond the amount of \$100 without the approval of the Minister.

Expenses,  
payment

(14) The expense so incurred shall be paid in the first instance out of any appropriation of the Fire Marshal's office.

Collection

(15) The Fire Marshal shall certify to the treasurer of the municipality in which the building, premises or structure is situate the expenses actually and necessarily incurred, and the treasurer shall forthwith pay the amount so certified to the Treasurer of Ontario, and the amount may be entered upon the collector's roll against the land or premises in relation to which action was so taken and constitutes a lien thereon and be levied and collected as taxes against the land or premises. R.S.O. 1950, c. 140, s. 20 (10-12).

Minor  
alterations  
and repairs

(16) If the owner of a building or premises is absent from or does not reside in the municipality in which the building or premises is situate, or his whereabouts in the municipality is unknown, the Fire Marshal, Deputy Fire Marshal, a district deputy fire marshal, an inspector or an assistant to the Fire Marshal may order the tenant or occupant to make minor alterations or repairs that are urgently required for purposes of fire prevention and the tenant or occupant may deduct the cost of the alterations or repairs from any rent thereafter payable on furnishing the owner with a copy of the order and an accounting of the amount deducted but a tenant or occupant shall not be required to expend or expend in any year an amount in excess of 25 per cent of the annual rental payable in respect of such tenancy or occupancy. R.S.O. 1950, c. 140, s. 20 (13); 1960, c. 38, s. 7 (3).

Power to  
suspend  
deputy or  
other  
official

**20.**—(1) The Fire Marshal may suspend from duty a district deputy fire marshal or other official for such cause as he deems sufficient and shall report the suspension immediately to the Minister.



(2) The pay of such district deputy fire marshal or other official shall not be allowed during the period of suspension, except by order in writing of the Minister. R.S.O. 1950, c. 140, s. 21. Pay to cease during suspension

**21.**—(1) Subject to the regulations, the Fire Marshal shall from time to time as is found necessary for the prevention of fire and for safeguarding human life from the danger of fire, adopt rules for the use, storage and handling of explosives and volatile compounds, including crude and refined illuminating and fuel oil, and all the devices and apparatus employed in utilizing the same, but such rules are not effective until approved by the Lieutenant Governor in Council. R.S.O. 1950, c. 140, s. 22 (1), *amended*. Fire Marshal may adopt rules for prevention of fire

(2) Where a municipality has passed a by-law under paragraphs 9 to 17 of subsection 1 of section 379 of *The Municipal Act* regulating the keeping and manufacturing of explosives, the requirements of the by-law, if more exacting than those approved by the Lieutenant Governor in Council under this section, govern and apply to properties in the municipality. R.S.O. 1950, c. 140, s. 22 (2). Municipal by-law to take precedence R.S.O. 1960, c. 249

**22.** No municipality shall have, and no person shall have in connection with any fire apparatus or fire-fighting equipment that is installed on any premises, couplings for 1½-inch fire hose or other fittings used in connection with such couplings that are not of the iron pipe standard thread of 11½ threads an inch and that do not conform to the standards and specifications for such couplings and fittings contained in the Canadian Standards Association specification for 1½-inch fire hose coupling screw thread and tail piece internal diameters B89—1954 (2nd edition). 1954, c. 31, s. 1, *part*. Coupling standards for 1½-inch fire hose

**23.** No municipality shall have, and no person shall have in connection with any fire apparatus or fire-fighting equipment that is installed on any premises, couplings for 2½-inch fire hose or other fittings used in connection with such couplings that do not have 5 threads an inch and 3⅛-inch outside diameter of the male coupling and that do not conform to the standards and specifications for such couplings and fittings contained in the Canadian Standards Association specification for 2½-inch fire hose couplings and fittings B89.2—1954 (2nd edition). 1954, c. 31, s. 1, *part*. Coupling standards for 2½-inch fire hose

**24.** No municipality or body in which is vested the management and control of hydrants shall have, and no person shall have in connection with any fire apparatus or fire-fighting equipment that is installed on any premises, hydrants with 2½-inch nozzles that do not conform to the thread standards Hydrant standards



and specifications referred to in section 23 or operating nuts that are not square in shape with an over-all dimension on each side of  $1\frac{1}{4}$  inches and a depth of not less than  $1\frac{1}{4}$  inches. 1954, c. 31, s. 1, *part*.

## Offence

**25.** Every person, municipality or body in which is vested the management and control of hydrants that contravenes any of the provisions of section 22, 23 or 24 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for each day upon which the couplings, fittings or hydrants do not conform to the standards and specifications referred to in such sections, and in addition the Fire Marshal may take proceedings by way of mandamus to compel such person, municipality or body to comply with such standards and specifications. 1954, c. 31, s. 1, *part*.

## Regulations

**26.** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the respective duties of the Fire Marshal, Deputy Fire Marshal, district deputy fire marshals and inspectors, and of the officers, clerks and servants of the Fire Marshal's office;
- (b) fixing the forms of and particulars to be stated in the records and returns to be made by the Fire Marshal, Deputy Fire Marshal, and district deputy fire marshals, and by every person who is required under this Act to furnish information to the Fire Marshal;
- (c) requiring such statistical and other information to be furnished to the Fire Marshal as he deems necessary;
- (d) providing for the appointment of an advisory committee and defining the duties and powers of the committee;
- (e) providing for licensing and regulating the manufacture, sale, servicing and recharging of fire extinguishers;
- (f) prescribing the methods of fire prevention to be used in any class of premises or premises used for any specified purpose;
- (g) prescribing the types, location and testing of fire-fighting apparatus, equipment and devices and fire alarm systems to be used in any class of premises or premises used for any specified purpose;

- (h) regulating, subject to *The Gasoline Handling Act*, the manner and method of handling and storing flammable liquids or gases in any class of premises or premises used for any specified purpose; R.S.O. 1960,  
c. 161
- (i) providing long service awards for members of the public fire services;
- (j) prescribing the forms, records and returns to be used, kept and made by fire chiefs in respect of their inspections of any class of premises or premises used for any specified purpose;
- (k) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1950, c. 140, s. 23 (1); 1960, c. 38, s. 8 (1, 2), *revised*.

**27.** A certificate under the hand and seal of the Fire Marshal of the appointment of a person under this Act is *prima facie* proof of the appointment in any court or elsewhere. R.S.O. 1950, c. 140, s. 24, *amended*. Certificate  
of appoint-  
ment

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