

1950

c 140 Fire Marshals Act

Ontario

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CHAPTER 140

The Fire Marshals Act

1. In this Act,

Interpre-
tation.

- (a) "Minister" means that member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (b) "regulations" means regulations made by the Lieutenant-Governor in Council under this Act. R.S.O. 1937, c. 329, s. 1.

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 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, shall have 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 may deem expedient and as may be prescribed by the regulations.

Deputy
Fire
Marshal.

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

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 may be provided by this Act and the regulations, and while so acting every inspector shall be subject to the regulations and possess the same powers as the Fire Marshal.

Inspectors,
appoint-
ment of.

Officers and
assistants.

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

Salaries.

(6) 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 shall be fixed by the Lieutenant-Governor in Council.

Salaries and
expenses,
how pay-
able.

(7) 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 the provisions of this Act or the regulations shall be payable out of such moneys as may be appropriated by the Legislature for salaries and expenses under this Act.

Grant to
fire pre-
vention as-
sociation.

(8) 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 incorporated for the purpose of fire prevention, and such grant may be subject to such terms and conditions as the Lieutenant-Governor in Council may deem proper. R.S.O. 1937, c. 329, s. 2.

Powers
and duties
of Fire
Marshal.

3. Subject to the regulations and for the prevention and investigation of fire, it shall be the duty of the Fire Marshal, and he shall have power,

Municipal
by-laws.

(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* relating to the prevention of fire or protection of life and property therefrom, or that the by-law which 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 may be expedient and practicable in preparing, improving and enforcing the by-law;

Rev. Stat.,
c. 243.

Requiring
assistance.

(b) to require the chief of the fire department of a municipality or any other person who may be designated as an assistant of the Fire Marshal to assist in the enforcement of the by-law;

Propaganda
as to fire
prevention.

(c) to disseminate information and advice as to the prevention of fire by means of public meetings, news-

paper articles, exhibitions and moving picture films and otherwise as he may consider advisable;

- (d) 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; Assisting local organizations for fire prevention.
- (e) to keep a record of every fire reported to him with such facts, statistics and circumstances as may be required by the regulations; Records of fires.
- (f) 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; R.S.O. 1937, c. 329, s. 4, cls. (a-f). Investigation of fires.
- (g) on the instructions of the Minister to investigate the cause, origin and circumstances of any explosion or of any conditions which 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; 1941, c. 55, s. 12.
- (h) 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; Report to Crown attorney where offences suspected.
- (i) whenever he may deem it advisable in the public interest to order the withholding of insurance money which may become payable by reason of any fire for a period not exceeding sixty days from the occurrence of fire pending an investigation of the cause and circumstances of the fire; Withholding payment of insurance money.
- (j) Subject to the regulations, 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 may deem 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. 1937, c. 329, s. 4, cls. (g-i). Powers of Fire Marshal as to entry and inspection.

Powers
to hold
inquiries.

Rev. Stat.,
c. 308.

Commis-
sioner of
Police, in-
vestiga-
tions by.

Remunera-
tion of Com-
missioner of
Police and
expenses of
officers.

Fire
Marshal's
deputy
pro tempore.

Employ-
ment of
expert and
profes-
sional as-
sistance.

Assistants
ex officio,
duties.

Their duty
to report.

4. For the purpose of any inquiry or investigation which it is his duty or which he has the power to hold under this Act, the Fire Marshal shall have and may exercise all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*. R.S.O. 1937, c. 329, s. 5.

5.—(1) The Commissioner of Police for Ontario shall have and may exercise the powers conferred upon the Fire Marshal by this Act or the regulations with respect to the investigation of the cause, origin and circumstances of fires.

(2) The Lieutenant-Governor in Council may fix the remuneration to be paid to the Commissioner of Police for Ontario for services under this section, and the amount so fixed and the expenses of any work performed for the Fire Marshal by any member of the Ontario Provincial Police Force shall be paid out of such moneys as may be appropriated by the Legislature for salaries and expenses in connection with this Act. R.S.O. 1937, c. 329, s. 6.

6. The Fire Marshal, subject to the approval in writing of the Minister, may by writing under his hand, appoint any other 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* shall have all the powers conferred upon the Fire Marshal by this Act or the regulations. R.S.O. 1937, c. 329, s. 7.

7. The Fire Marshal may, with the approval of the Minister, employ such legal, technical, scientific, clerical or other assistance as he may deem advisable or necessary in the conduct of any investigation held under this Act, and in carrying out the provisions of this Act relating to the prevention of fire and in the exercise and performance of the powers and duties of the Fire Marshal. R.S.O. 1937, c. 329, s. 8.

8.—(1) The chief of the fire department of every municipality in which a fire department is established, and the clerk of every other municipality shall be by virtue of the office held by him an assistant to the Fire Marshal, and it shall be the duty of every assistant to the Fire Marshal to act under his direction in carrying out the provisions of this Act.

(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.

(3) Except in the case of a city or town where the chief of the fire department is paid in whole or in part by the corporation of the municipality, every such assistant of the Fire Marshal shall be paid the sum of \$1 for each report, upon the certificate of the Fire Marshal, out of such moneys as may be appropriated by the Legislature for salaries and expenses in connection with this Act. R.S.O. 1937, c. 329, s. 9 (1-3). Fees of assistants.

(4) Whenever in any urban municipality a fire prevention bureau has been established by the corporation, or where the chief of the fire department of any urban municipality has designated one or more members of the fire department of such municipality as a fire prevention officer or officers, or where the Fire Marshal has so designated any other person, every person who is a member of the bureau or who is so designated, shall be an assistant to the Fire Marshal and shall be possessed of all the powers of an assistant to the Fire Marshal under this Act. R.S.O. 1937, c. 329, s. 9 (4); 1938, c. 12, s. 2. Assistants to the Fire Marshal.

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

(a) the buildings or premises are owned or used by the municipality; or

(b) the municipality has undertaken to provide fire protection for the buildings or premises. 1947, c. 102, s. 2 (1).

9.—(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 any such 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. Transmitting 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.

Particulars
of fire to be
furnished
by insured.

Rev. Stat.,
c. 183.

(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 may be 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.

Claimant on
loss to fur-
nish infor-
mation 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 any assistant to the Fire Marshal, furnish to the assistant within seven days after receipt of the request, whatever information may be required to complete the form of report called for in subsection 2 of section 8.

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 may be 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. 1937, c. 329, s. 10.

Saving as
to duties
provided for
by municipal
by-law.

10. Nothing in this Act shall render it obligatory for the Fire Marshal to perform in any local municipality such of the duties prescribed by this Act as are provided for by by-laws of the corporation. R.S.O. 1937, c. 329, s. 11.

Fund for
expenses of
Fire
Marshal.

Rev. Stat.,
c. 183.

11.—(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 now required by law to be paid, pay to the Treasurer of Ontario on or before the 30th day of April in each year, an amount not exceeding one-third of one 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 policy holders by mutual insurance companies and reciprocal exchanges,

as shown by the annual statement furnished to the Department of Insurance under *The Insurance Act*. 1942, c. 34, s. 14.

(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 one per cent upon the gross amount of loss claimed upon the unlicensed or unregistered company and the amount shall be 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, provided that 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.

Rev. Stat., c. 183.

(3) The total of such amounts shall constitute a special fund for the maintenance of the office of Fire Marshal, and the expense incident thereto, but any portion 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.

Application of fund.

(4) The Treasurer of Ontario may make a preliminary assessment of one-third of one per cent 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 shall be subject to subsection 3.

Preliminary assessment for expense.

Rev. Stat., c. 72, 183.

Penalty.

(5) Every person who contravenes the provisions of this section shall be guilty of an offence against this Act and shall be liable to the penalty prescribed by section 16. R.S.O. 1937, c. 329, s. 12 (2-5).

Books.

12. The Fire Marshal shall keep such registers and books of account as may be prescribed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 329, s. 13.

Examination
and closing
of premises.

13. The Fire Marshal, Deputy Fire Marshal or any district deputy fire marshal, inspector or municipal fire chief shall have power,

- (a) to enter and examine any premises on which a fire has occurred or on which he has reason to believe there may be any substance or device likely to cause a fire;
- (b) to close any such premises and to prevent entry thereon by any other person for such period as may be required to complete the examination of the premises; and
- (c) to remove from any such premises and to retain and examine any article or material which in his opinion may be of assistance in connection with any matter under investigation. 1944, c. 21, s. 1.

Power to
obtain
evidence.

14. The Fire Marshal, the Deputy Fire Marshal, district deputy fire marshals and inspectors shall 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. 1937, c. 329, s. 14.

Duty of
witnesses
to give
evidence.

15. 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 such summons, and shall be entitled to be paid such fees and expenses as are prescribed by the regulations. R.S.O. 1937, c. 329, s. 15.

Penalty.

16. Every person who,

Obstruct-
ing.

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

- (b) violates any of the provisions of this Act or any regulations made thereunder; Contravening Act.
- (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; Failure to give evidence.
- (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, Disobedience to orders of Fire Marshal.

shall be guilty of an offence and, where a penalty for such offence is not elsewhere in this Act provided for, on summary conviction, shall be liable to a penalty of not more than \$20, but the imposition of any such penalty or the payment thereof shall not relieve any person convicted from fulfilling any obligation for the neglect of which the penalty was imposed. R.S.O. 1937, c. 329, s. 16.

17.—(1) It shall be the duty of the Crown attorney of every county or district, upon receiving the report of the Fire Marshal or upon receiving notice of any 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. Duty of Crown attorney to prosecute. R.S.C. 1927, c. 36.

(2) Upon the request of the Fire Marshal, it shall be 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. Crown attorney to attend at investigation when requested.

(3) For such services, if the investigation is concluded in one day, the Crown attorney shall be entitled to the sum of \$15 and should the investigation extend beyond one day, \$10 *per diem* for each additional day. Remuneration.

(4) If the investigation is held in any place other than the county or district town, the Crown attorney shall also be entitled to his actual disbursements for travelling and other expenses. R.S.O. 1937, c. 329, s. 17. Travelling expenses, etc., when allowed.

18.—(1) The corporation of every city and town 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 City or town to provide place for holding investigation.

be held in the magistrate's court room of the municipality, but at such times as shall not interfere with the use of the court room for the holding of the magistrate's court.

Where city
or town
does not
act.

(2) If a suitable place is not provided by the corporation, the Fire Marshal may procure a suitable place for holding the investigation or inquiry and the expense incurred shall be borne by the corporation. R.S.O. 1937, c. 329, s. 18.

Payment of
fees and
expenses
out of ap-
propriation.

19. 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, shall be payable out of such moneys as may be appropriated by the Legislature for salaries and expenses in connection with this Act. R.S.O. 1937, c. 329, s. 19.

Inspection
of buildings
and
premises.

20.—(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 any 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 may deem proper. R.S.O. 1937, c. 329, s. 20 (1); 1944, c. 21, s. 2 (1).

Orders on
inspection.

(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 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 equip-

ment and also such fire escapes and exit doors as may be deemed necessary to afford ample exit facilities in the event of fire or an alarm of fire. R.S.O. 1937, c. 329, s. 20 (2).

(3) 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 any hospital, school, church, theatre or any other place of public assembly or any hotel, apartment house or multiple occupancy dwelling, of any process of manufacture or other occupancy which 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. 1944, c. 21, s. 2 (2).

Removal of process from buildings.

(4) If the occupant or owner of any such buildings or premises deems himself aggrieved by any order made by an officer other than the Fire Marshal made under this section, then in case the order is made under clause *a* of subsection 2, or subsection 3 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 the same and cause a copy of his decision to be served upon the party appealing. R.S.O. 1937, c. 329, s. 20 (3); 1944, c. 21, s. 2 (3).

Appeal to Fire Marshal from order of subordinate.

(5) 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 shall be final.

Appeal from Fire Marshal to county judge.

(6) 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. 1937, c. 329, s. 20 (4, 5).

Failure to prosecute appeal.

(7) In the case of an order made under clause *b* or *c* of subsection 2 by an officer other than the Fire Marshal, the occupant or owner shall have 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 shall be final and binding and shall not be subject to appeal. R.S.O. 1937, c. 329, s. 20 (6); 1938, c. 12, s. 3.

When appeal to Fire Marshal to be final.

Penalties.

(8) Every person who fails to obey an order made under clause *a* of subsection 2 or subsection 3 after the time allowed for appeal therefrom has elapsed, shall be guilty of an offence and shall be liable to a penalty 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 shall be guilty of an offence and shall be liable to a penalty of not less than \$10 in all and not more than \$20 for each day upon which such default continues. R.S.O. 1937, c. 329, s. 20 (7); 1944, c. 21, s. 2 (4).

Manner of collecting.

Rev. Stat.,
c. 379.

(9) Every penalty under subsection 8 shall be recoverable before a magistrate or two or more justices of the peace under *The Summary Convictions Act*, but the imposition of any such penalty or the payment thereof shall not relieve any person convicted from fulfilling any obligation for the neglect of which the penalty was imposed.

Action in absence of owner of premises.

(10) If the owner is absent from or is a non-resident of the Province, or his whereabouts within the Province is unknown, and there is no occupant of the building or premises, or his whereabouts within the Province 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 may deem proper, provided that no expense shall be incurred for such purpose beyond the amount of \$100 without the approval of the Minister.

Expenses, payment;

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

collection.

(12) The Fire Marshal shall certify to the treasurer of the municipality within 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 same may be entered upon the collector's roll against the land or premises in relation to which action was so taken and shall constitute a lien thereon and be levied and collected as taxes against such land or premises. R.S.O. 1937, c. 329, s. 20 (8, 9).

Minor alterations and repairs.

(13) If the owner of a building or premises is absent from or does not reside within 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 which 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 ten per cent of the annual rental payable in respect of such tenancy or occupancy. 1944, c. 21, s. 2 (5).

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

(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. 1937, c. 329, s. 22. Pay to cease during suspension.

22.—(1) Subject to the regulations, the Fire Marshal shall from time to time as may be found necessary for the prevention of fire and for safeguarding human life from the danger of fire, adopt rules and regulations 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, provided, however, that such rules and regulations shall not be effective until approved by the Lieutenant-Governor in Council. Fire Marshal may adopt rules for prevention of fire.

(2) Where a municipality has passed a by-law under paragraphs 17 to 25 of subsection 1 of section 388 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, shall govern and apply to properties within the boundaries of the municipality. R.S.O. 1937, c. 329, s. 23. Municipal by-law to take precedence. Rev. Stat., c. 243.

23.—(1) The Lieutenant-Governor in Council may make regulations, 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 may be required under this Act to furnish information to the Fire Marshal;
- (c) requiring any person to furnish such statistical and other information to the Fire Marshal as may be deemed necessary;
- (d) providing for the appointment of an advisory committee the members of which shall serve without remuneration, and defining the duties and powers of such committee; R.S.O. 1937, c. 329, s. 3, cls. (a-d).
- (e) providing for licensing and regulating the manufacture, sale, servicing and recharging of fire extinguishers; 1944, c. 21, s. 3.
- (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;
- (i) 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;
- (j) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1947, c. 102, s. 2 (2).

Rev. Stat.,
c. 156.

Power
to make
regulations
to prevent
fire.

(2) Without regard to any of the provisions of this Act, and in addition to any of the powers herein granted, the Lieutenant-Governor in Council may make such regulations as may be deemed necessary for preventing and limiting the occurrence of fire and explosion in establishments in which any

liquid or other material of an organic, flammable, or volatile nature (whether produced naturally or synthetically) is used for dry cleaning or dry dyeing purposes, and may provide for the registration and licensing of all such establishments and impose penalties for the breach of any such regulations. R.S.O. 1937, c. 329, s. 21.

24. A certificate under the hand and seal of the Fire Certificate Marshal of the appointment of any person, made under this ^{of appoint-} Act, shall be received as *prima facie* evidence of the appointment. R.S.O. 1937, c. 329, s. 24.
