

**Subject: New Ottawa Fire Services Establishing By-law.**

**File Number: ACS2024-EPS-OFS-0003**

**Report to Emergency Preparedness and Protective Services Committee on 16  
May 2024**

**and Council 29 May 2024**

**Submitted on April 26, 2024 by: Paul Hutt, Fire Chief**

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**Ward: Citywide**

**Objet : Nouveau *Règlement établissant le Service des incendies d'Ottawa***

**Numéro de dossier : ACS2024-EPS-OFS-0003**

**Rapport présenté au Comité des services de protection et de préparation aux  
situations d'urgence**

**Rapport soumis le 16 mai 2024**

**et au conseil le 29 mai 2024**

**Soumis le 2024-04-26 par Paul Hutt, Chef du Service des Incendies d'Ottawa**

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## **REPORT RECOMMENDATION(S)**

**That the Emergency and Preparedness and Protective Services Committee recommend that Council approve the proposed Ottawa Fire Services Establishing By-law as described in this report and in the general form set out in Document 1, and repeal By-law 2009-319 (as amended).**

## **RECOMMANDATION(S) DU RAPPORT**

**Que le Comité des services de protection et de préparation aux situations d'urgence recommande au conseil d'approuver le nouveau *Règlement établissant le Service des incendies d'Ottawa*, tel qu'il est décrit dans le présent rapport et sous la forme générale présentée dans le Document 1, et d'abroger le Règlement 2009-319 (dans sa version modifiée).**

## **EXECUTIVE SUMMARY**

The Ottawa Fire Servicers Establishing By-Law regulates the fire services for the City of Ottawa. The by-law sets the conditions and levels of services provided by Ottawa Fire Services and sets certain responsibilities of the Fire Chief, officers, and firefighters and is largely administrative in nature. The proposed new Establishing By-law, attached as Document 1, updates and replaces the original By-law 2009-319 but does not create any new service levels or budget pressures, and aligns with applicable legislation, regulations, and best practices, as further described in this report.

An establishing by-law, although not mandated by legislation, provides a clear framework within which a fire service will operate. The Office of the Fire Marshal has indicated that in some recent cases the courts have also expressed the need for such a by-law in order to clearly establish the Fire Chief's authority in areas such as cross-boundary jurisdictions and the authority to allow additional structures to be damaged or destroyed at a site if necessary to contain a fire.

Ottawa Fire Services accreditation, through the Commission on Fire Accreditation International, also supports the enactment and updating of the Establishing By-law as it anticipates that every fire service demonstrate how it is established, prescribe the legal authority under the Fire Protection and Prevention Act, and provide the delegated authority to the Fire Chief. The accreditation process and best practices require Ottawa

Fire Services Establishing By-law to authorize the Fire Chief to take appropriate actions to protect and preserve life and property and authorizes Ottawa Fire Services to leave the limits of the municipality under specific circumstances, including mutual aid plans and automatic aid agreements.

The Ontario Fire Marshal has developed guidelines for fire services to use in the design of an effective establishing by-law. In Ottawa, many of the recommended components have already been approved as listed below, however the Establishing By-law would serve to bring all of the components together.

### **Assumption and Analysis**

As provided for by the *Fire Protection and Prevention Act, 1997*, City Council established the Ottawa Fire Services by By-law 2009-319. The Office of the Fire Marshal in Ontario has recommended that fire services update existing establishing and regulating by-laws to explicitly state the type and level of fire protection and prevention services provided to ensure transparency and clarity, and to ensure that the level of services provided are in accordance with the current needs and circumstance of their community.

The proposed replacement by-law will not change the existing policies or service levels that affect residents or businesses, nor it will affect terms of employment in the Collective Agreement for Ottawa Fire Services staff.

### **Financial Implications**

There are no financial implications as a result of this report and the updated Establishing By-law attached in Document 1.

### **Public Consultation/Input**

The review and update of the Ottawa Fire Services Establishing By-law follows direction provided by the Office of the Fire Marshal to fire services to update existing establishing and regulating by-laws to state the type and level of fire protection and prevention services provided under the Fire Protection and Prevention Act. As a result, no specific consultation was undertaken regarding the contents of the by-law.

Staff note that Ottawa Fire Services conducted a public engagement survey in 2023 as part of its commitment to serving the community. At that time, staff sought resident

feedback on the services provided by the Ottawa Fire Services. The survey was voluntary, and the feedback provided valuable information to inform and improve programs and services. The Ottawa Fire Services Engagement Survey received 121 visitors to the Engage Ottawa website. Input received will be used to guide the Ottawa Fire Service in providing more information about the fire protection and prevention services to the public and specific communities.

## RÉSUMÉ

Le *Règlement établissant le Service des incendies d'Ottawa* régit les services d'incendie de la Ville d'Ottawa. Il précise les conditions et les niveaux des services offerts par le Service des incendies d'Ottawa et définit certaines responsabilités du chef des pompiers, des officiers et des pompiers. Il est en grande partie de nature administrative. Le nouveau règlement d'instauration proposé, annexé en tant que Document 1, vise à remplacer le Règlement 2009-319 original. Il constitue une mise à jour, mais n'a pas pour effet de créer de nouveaux niveaux de service ni d'exercer des pressions budgétaires. De plus, il respecte les lois, les règlements et les pratiques exemplaires applicables, comme indiqué plus en détail dans le présent rapport.

Bien qu'il ne soit pas imposé par la loi, un règlement d'instauration fournit un cadre clair pour le bon fonctionnement d'un service d'incendie. Le Bureau du commissaire des incendies a indiqué que, dans certaines affaires récentes, les tribunaux ont également exprimé la nécessité de disposer d'un tel règlement afin d'établir clairement l'autorité du chef des pompiers dans des domaines tels que les champs de compétences sectoriels et le pouvoir d'autoriser que d'autres structures soient endommagées ou détruites sur un site afin de contenir un incendie.

La certification du Service des incendies d'Ottawa, par l'entremise de la Commission on Fire Accreditation International, appuie également l'adoption et la mise à jour du règlement d'instauration, car elle prévoit que chaque service d'incendie doit démontrer comment il est constitué, établir l'autorité légale en vertu de la *Loi sur la prévention et la protection contre l'incendie*, et accorder les pouvoirs délégués au chef des pompiers. Le processus de certification et les pratiques exemplaires exigent que le *Règlement établissant le Service des incendies d'Ottawa* autorise le chef des pompiers à prendre les mesures appropriées pour protéger et préserver la vie et les biens, et autorise le Service des incendies d'Ottawa à sortir des limites de la municipalité dans des

circonstances précises, y compris les plans d'entraide et les ententes d'intervention automatique.

Le commissaire des incendies de l'Ontario a élaboré des lignes directrices pour aider les services d'incendie à concevoir un règlement d'instauration efficace. À Ottawa, bon nombre des éléments recommandés ont déjà été approuvés, comme indiqué ci-dessous. Toutefois, le règlement d'instauration permettrait de rassembler tous ces éléments.

### **Hypothèses et analyse**

Comme le prévoit la *Loi de 1997 sur la prévention et la protection contre l'incendie*, le conseil municipal a créé le Service des incendies d'Ottawa en vertu du Règlement 2009-319. Le Bureau du commissaire des incendies de l'Ontario a recommandé que les services d'incendie mettent à jour les règlements d'instauration et les règlements régulateurs existants afin de préciser explicitement le type et le niveau des services de protection contre les incendies et des services de prévention des incendies offerts dans un souci de transparence et de clarté, ainsi que pour veiller à ce que le niveau des services offerts corresponde à la situation et aux besoins actuels de leur collectivité.

Le nouveau règlement proposé n'aura pas pour effet de modifier les politiques existantes ou les niveaux de service offerts aux résidents ou aux entreprises, ni les conditions de travail prévues dans la convention collective du personnel du Service des incendies d'Ottawa.

### **Répercussions financières**

Le présent rapport et le règlement d'instauration mis à jour, annexé en tant que Document 1, n'entraînent aucune répercussion financière.

### **Consultation et avis du public**

L'examen et la mise à jour du *Règlement établissant le Service des incendies d'Ottawa* font suite aux directives données par le Bureau du commissaire des incendies à l'intention des services d'incendie de mettre à jour les règlements d'instauration et les règlements régulateurs existants afin de préciser explicitement le type et le niveau des services de protection contre les incendies et des services de prévention des incendies

offerts en vertu de la *Loi sur la prévention et la protection contre l'incendie*. Par conséquent, aucune consultation n'a été entreprise au sujet du contenu du règlement.

Le personnel souligne que le Service des incendies d'Ottawa a mené une enquête de participation publique en 2023 dans le cadre de son engagement à servir la collectivité. À cette occasion, le personnel a recueilli les commentaires des résidents sur les services offerts par le Service des incendies d'Ottawa. La participation à l'enquête était volontaire, et les commentaires recueillis ont permis d'obtenir des renseignements précieux pour documenter et améliorer les programmes et les services. Au total, 121 personnes ont visité la page de l'enquête de participation du Service des incendies d'Ottawa sur le site Web Participons Ottawa. Grâce aux commentaires reçus, le Service des incendies d'Ottawa pourra offrir plus de renseignements sur les services de prévention des incendies et les services de protection contre les incendies offerts au public et à certaines communautés.

## **BACKGROUND**

The passage of a revised Ottawa Fire Services Establishing By-law is recommended to provide a policy framework for Ottawa Fire Services, and to clearly establish the Fire Chief's authority.

Subsection 2(1) of the Fire Protection and Prevention Act requires every municipality to establish a program which must include public education with respect to fire safety and certain components of fire prevention and to provide such other fire protection services necessary based on needs and circumstances. Section 5. (0.1) of the Act permits Council to establish, maintain and operate a Fire Department. In this regard, section 7.1 further provides that a municipality may pass by-laws regulating fire prevention, including the prevention of the spreading of fires and also to appoint an officer to enter upon land and into structures to inspect and determine compliance with such by-laws.

The Office of the Fire Marshal recommends that City Councils review their establishing and regulating by-laws regularly to ensure the services and programs they are providing are in accordance with the current needs and circumstances of their municipalities.

Ottawa's current by-law was approved by Council in 2009 and establishes the fire services provided by the City, including public education, fire prevention, and fire protection. It also provides authorities for the Fire Chief to take appropriate actions to protect and preserve life and property. Since its enactment, additional core services have been implemented based on community need and industry best practice. Ottawa Fire Services has also since achieved status as an accredited agency with Commission on Fire Accreditation International, for which staff completed an in-depth analysis of all its divisions and programs. As part of that process staff also developed new performance standards, known as standards of cover, which were approved by City Council in 2015 ([ACS2015-COS-EPS-0021](#)).

The updates reflected in the proposed new by-law reflect any Council resolutions, current practices and standards related to issues such as composition of the service, core services, service standards, and authorities and responsibilities of the Fire Chief. The proposed updated by-law does not create any significant new policy, instead it is an update based on the direction provided by the Office of the Fire Marshal and provisions of the Fire Protection and Prevention Act.

## **DISCUSSION**

The proposed Ottawa Fire Services Establishing By-law (Document 1) formally continues the establishment of the fire department and has been updated to incorporate Council resolutions, current practices, and standards pertinent to service composition, core functions, service benchmarks, and the authorities and duties of the Fire Chief. It reflects current guidance by the Fire Marshal and conforms to the Fire Protection and Prevention Act as well as other applicable legislation.

### **Key components of proposed Establishing By-law:**

The proposed by-law continues the establishment of Ottawa Fire Services as a fire department for the City of Ottawa and confirms its existing organizational structure, together with the appointment by Council of a Fire Chief as the head and director of Ottawa Fire Services.

The proposed by-law sets out that the Fire Chief is responsible to Council for the proper administration and operation of the Ottawa Fire Services, the hiring and appointment of officers and members, and the oversight of divisions in the organizational structure as

may be required for the proper administration and efficient operations of the department and the effective management of fire protection services in the City.

The Fire Chief's authority to exercise all powers mandated by the Fire Protection and Prevention Act are also confirmed, as well as the Fire Chief's authority to apply and enforce the Fire Code and to comply with any Fire Marshal directives as mandated by the legislation.

The fire prevention programs and services to be delivered by Ottawa Fire Services are also prescribed in the by-law. These fire prevention services and programs along with the corresponding level of service are set out in Schedule "A" to the proposed by-law and include public education, prevention, and protection, with delegated powers to the Fire Chief for safeguarding life and property. Since its inception, additional core services have been introduced within Ottawa Fire Services based on community demand and industry benchmarks, with Ottawa Fire Services achieving accreditation status from the Commission on Fire Accreditation International. These services and programs are in accordance with the Fire Protection and Prevention Act and other applicable legislation and standards as well as Council policies, all of which are captured within the updated by-law.

The by-law sets out the circumstances in which responses outside the limits of the municipality may occur and confirms the Fire Chief's authority with respect to those extra-jurisdictional responses. These include: incidents that threaten property in the municipality; property situated outside the municipality that is owned or occupied by the municipality, that are subject to an approved agreement or plan; and property beyond the municipal boundary where the Fire Chief determines that immediate action is necessary to preserve and protect life or property and the appropriate fire department is notified to respond and assume command or establish alternative measures, acceptable to the Fire Chief, among other circumstances set out in Document 1. Under the by-law, the Fire Chief is authorized to deviate from the accepted standards in the delivery of fire protection services if such deviation is deemed necessary due to adverse climate conditions, delays or unavailability of specialized equipment, or other extraordinary circumstances which impede the delivery of fire protection services. These deviations are provided for under applicable legislation.

The by-law provides further authorization for the Fire Chief to take appropriate actions under specific Parts of the Fire Protection and Prevention Act including pulling down or

demolishing any building or structure when deemed necessary to prevent the spread of fire, for the purposes of conducting a fire investigation, or due to safety concerns, among others. The Fire Chief's authority also includes the boarding up or barricading of buildings or property to guard against fire or other danger, risk or accident, when unable to contact the property owner, and it provides for the recovery of expenses incurred by such necessary actions for the City the manner provided by the *Municipal Act, 2001*, and the Fire Protection and Prevention Act.

The obligation of the Fire Chief to regularly review of the proposed Fire Services Establishing By-law is also included in the updated by-law to ensure services remain adaptable to evolving municipal requirements. The by-law also contains a requirement for an annual report to Committee and Council, approved services and programs, and the powers and duties of Ottawa Fire Services to take all reasonable measures for prevention, control, and extinguishing fires.

The proposed Ottawa Fire Services Establishing By-law focuses on aligning with directives from the Office of the Fire Marshal and the stipulations of the Fire Protection and Prevention Act. Input from Legal Services and the Financial Services Department was obtained in the preparation of this report and the development of the proposed by-law.

## **FINANCIAL IMPLICATIONS**

There are no financial implications associated with this report and the proposed by-law.

## **LEGAL IMPLICATIONS**

There are no legal impediments to approving the recommendations in this report. The proposed by-law is consistent with the requirements of the *Fire Protection and Prevention Act, 1997*.

## **CONSULTATION**

No specific consultation or engagement on the contents of the by-law was undertaken since it is largely an administrative update that reflects guidance of the Ontario Office of the Fire Marshal and applicable legislation. It is noted that a public engagement survey was conducted by Ottawa Fire Services from December 4, 2023 to January 4, 2024 as

part of the service's commitment to serving the community. Feedback received has been used to help inform the programs and improve services.

The survey provided information about Ottawa Fire Services and sought feedback about the services to the community related to the prevention, control, and extinguishment of fires; the protection of life, property and the environment; and the management of emergencies within the jurisdiction of the municipality, including:

- Public fire safety education.
- Application of fire safety standards and enforcement, including thorough fire cause, origin and circumstance evaluations, Fire Code compliance, investigations, fire inspections and risk assessments.
- Effective emergency response, including fire suppression and medical emergency calls, and rescue operations (e.g. water/ice rescue, automobile extrication, confined space, trench, collapse and high angle) and special operations such as responding to hazardous materials calls.
- Recruitment outreach and community engagement campaigns such as Camp FFIT (Female Firefighters in Training).

## **ACCESSIBILITY IMPACTS**

Ottawa Fire Services serves the needs of the diverse and growing community and follows the City's accessibility legislative framework. This includes adherence to the requirements of the *Accessibility for Ontarians with Disabilities Act, 2005*, and the *Integrated Accessibility Standards Regulation, 191/11*, meeting the City of Ottawa's Accessibility Policy, and following the City's Accessibility Design Standards to the greatest extent possible

## **CLIMATE IMPLICATIONS**

There are no direct climate implications associated with the proposed by-law. Forecasting studies led by the City's Climate Resiliency group indicate that Ottawa is expected to become warmer and wetter over the next several decades. This warming due to climate change favors conditions conducive to extreme weather such as storms, tornadoes, and wildfires. This is a key consideration for Ottawa Fire Services for risk planning to ensure the ability to provide seamless service to residents.

## **DELEGATION OF AUTHORITY IMPLICATIONS**

Ottawa Fire Services reports annually to the Emergency Preparedness and Protective Services Committee on the use of delegated authority, as described in Section 17 of Schedule F of the Delegation of Authority By-law (2023-67).

In addition, under the Fire Protecting and Prevention Act, 1997, delegation of authority includes:

- A fire chief may delegate his or her powers or duties under sections 14, 19 and 20 and such other powers and duties as may be prescribed to any firefighter or class of firefighters, subject to such limitations, restrictions or conditions as may be prescribed or set out in the delegation – Section 6(6)
- The Fire Marshal may delegate any power or duty that is granted to or vested in the Fire Marshal under this Act to any person or class of persons, subject to such limitations, restrictions, conditions and requirements as may be set out in the delegation – Section 10(1)

## **ENVIRONMENTAL IMPLICATIONS**

Ottawa Fire Services is committed to the implementation and development of sustainability initiatives with the goal of reducing the overall environmental footprint of their services. In 2021 and 2022, Ottawa Fire Services continued its work with the Planning, Real Estate and Economic Development staff on the Climate Change Master Plan initiatives. Ottawa Fire Services is reducing greenhouse gas emissions through greater use of electric battery powered equipment. Ottawa Fire Services also continues to explore options for electric fire trucks to replace vehicles in the current fleet. New technology offers zero emissions, zero greenhouse gas, and reduced noise.

## **INDIGENOUS, GENDER AND EQUITY IMPLICATIONS**

Ottawa Fire Services is committed to the Corporate Diversity and Inclusion Plan. Recognizing that vulnerable populations are disproportionately impacted by emergencies, Ottawa Fire Services incorporates an equity, diversity and inclusion lens into its emergency response and outreach and education work.

## **RISK MANAGEMENT IMPLICATIONS**

Risk implications and associated mitigation strategies are identified and explained in this report.

## **RURAL IMPLICATIONS**

There are no specific rural implications associated with receiving this report for information. However, Ottawa Fire Services considers the varying needs of those living in different parts of the city when developing and applying performance standards.

## **TERM OF COUNCIL PRIORITIES**

The recommendations outlined in this report are in line with the Term of Council priority for “a city that has affordable housing and is more liveable for all” and further aligns with emergency response with community needs.

## **SUPPORTING DOCUMENTATION**

Document 1 – A by-law of the City of Ottawa to establish and regulate Ottawa Fire Services.

## **DISPOSITION**

Ottawa Fire Services will implement Council directions emanating from this report, as appropriate.

Upon approval, Ottawa Fire Services, in conjunction with Legal Services, will prepare the required by-law amendments for enactment by Council

### **Document 1**

Proposed new Ottawa Fire Services Establishing By-law.