

## INSPECTION ORDER

Made under section 21(1)(g) of the *Fire Protection and Prevention Act, 1997*

Hamilton Fire Department

Inspection Order Number: 1230

Hamilton Fire Department  
Fire Prevention Division  
55 King William Street  
Hamilton, ON L8R 1A2  
Phone: 905-546-2424 ext. 7782  
Email: jordan.baylis@hamilton.ca



**This Order is issued to:** City of Hamilton

On August 6, 2024, I, J. Baylis, an Inspector under section 19(1) of the *Fire Protection and Prevention Act, 1997* inspected the following property Owned by you:

**Property Location:** 121 Haida Avenue (47 Discovery Drive)  
City Of Hamilton

Based on this inspection:

**Measures necessary to ensure fire safety at this property are ordered under section 21(1)(g) of the *Fire Protection and Prevention Act, 1997*.**

The reasons for this Order and the action required by this Order are set out on the following pages.

You must complete the action required by this Order by: **September 10, 2024**

The municipal building department should be contacted to determine if a building permit is required before starting any work. Under section 22(2) of the *Fire Protection and Prevention Act, 1997*, repairs, alterations or installations carried out in compliance with this Order, will be deemed not to contravene the Building Code established under the *Building Code Act, 1992*.

Other information, including information about the right to request a review of this Order by any person who considers themselves aggrieved by this Order, is also provided.

Signed,

A handwritten signature in black ink, appearing to be "J. Baylis", with a period at the end.

J. Baylis, Fire Inspector

Inspector under section 19(1) of the *Fire Protection and Prevention Act, 1997*

A copy of this Order is provided to the Chief Building Official as required by section 22(3) of the *Fire Protection and Prevention Act, 1997*, for Orders requiring repairs, alterations or installations to a building, structure or premises.

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## PROPERTY DESCRIPTION:

-The property is a two storey, combustible building, occupied with a Group A2 Restaurant on the first floor level and Group D Office space on the second floor level. The building is equipped with a fire alarm system, emergency lighting and portable fire extinguishers throughout all floor levels.  
 -The Group A2 restaurant has a maximum occupant load of 226 persons, while the second floor Group D Office has an occupant load of 16 persons.

## Reasons for Order and Action Required:

Item #	Reason and Action
#1	<p><b>Fire Code Reference:</b>                      Fire Code Reference:                      Division B 2.8.1.1.</p> <p>(1) This Section applies to buildings containing</p> <ul style="list-style-type: none"> <li>(a) an assembly occupancy,</li> <li>(b) a care occupancy,</li> <li>(c) a care and treatment occupancy,</li> <li>(d) a detention occupancy,</li> <li>(e) a residential occupancy where the occupant load exceeds 10,</li> <li>(f) a retirement home,</li> <li>(g) a business and personal services occupancy where the occupant load exceeds 300,</li> <li>(h) a mercantile occupancy where the occupant load exceeds 300,</li> <li>(i) a high hazard industrial occupancy where the occupant load exceeds 25,</li> <li>(j) a medium hazard industrial occupancy where the occupant load exceeds 100,</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(k) a low hazard industrial occupancy where the occupant load exceeds 300.</li> </ul> <p>(2) This Section also applies to buildings or premises</p> <ul style="list-style-type: none"> <li>(a) containing 4 storeys or more, counting storeys below grade,</li> <li>(b) to which Subsection 3.2.1. applies,</li> <li>(c) to which Article 4.1.5.6. applies,</li> <li>(d) to which Article 4.12.4.1. applies,</li> <li>(e) to which Subsection 5.14.11. applies,</li> <li>(f) to which Section 9.3 applies,</li> <li>(g) to which Sentence 9.5.3.1.(3) applies,</li> <li>(h) used as a convalescent home or children's custodial home providing sleeping accommodation for more than three persons, or</li> <li>(i) that have a contained use area or an impeded egress zone.</li> </ul> <p>(3) This Section also applies to recreational camps regulated under the Health Protection and Promotion Act.</p> <p>(4) This Section also applies to supported group living residences and intensive support residences regulated under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008.</p> <p>Division B 2.8.1.2.</p> <p>(1) Supervisory staff shall be instructed in the fire emergency procedures as described in the fire safety plan before they are given any responsibility for fire safety.</p>

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	<p>(2) Supervisory staff shall be available on notification of a fire emergency to fulfil their obligation as described in the fire safety plan.</p> <p>(3) Subject to Article 2.8.2.2., supervisory staff are not required to be in the building on a continual basis.</p> <p>Division B 2.8.1.3.</p> <p>(1) Employees in a hotel establishment shall be instructed on</p> <p>(a) the procedures outlined in Article 2.8.2.1., and</p> <p>(b) the use of fire fighting equipment, including portable extinguishers and, where applicable, standpipe and hose systems.</p> <p>Division B 2.8.2.1.(1)</p> <p>A fire safety plan shall be prepared approved, and implemented in building and premises to which this section applies.</p>
	<p><b>Reasons:</b></p> <p>At the time of inspection, an approved fire safety plan was not prepared and implemented for this A2 Occupancy with a maximum occupant load of 226 persons.</p>
	<p><b>Action Required:</b></p> <p>Prepare and submit a Fire Safety acceptable to the Chief Fire Official in conformance with Subsection 2.8.2. of the Ontario Fire Code. To facilitate preparation of such a Plan, our Department encloses a copy of Section 2.8. of the Ontario Fire Code (Appendix Y2).</p> <p>In addition, enclosed is a sample copy of an approved Fire Safety Plan. If upon review of the Plan, you approve of the content and responsibilities noted in the Plan, fill in the appropriate blanks and return for review to the Inspector who issued the Order.</p>
<p>#2</p>	<p><b>Fire Code Reference:</b></p> <p><b>Division B 2.7.3.3.</b></p> <p>(2) Emergency lighting unit equipment shall be inspected monthly to ensure that</p> <p>(a) the terminal connections are clean, free of corrosion and lubricated when necessary,</p> <p>(b) the terminal clamps are clean and tight as per manufacturer's specifications,</p> <p>(c) the electrolyte level and specific gravity are maintained as per manufacturer's specifications, and</p> <p>(d) the battery surface is kept clean and dry.</p> <p>(3) Emergency lighting unit equipment shall be tested</p> <p>(a) monthly to ensure that the emergency lights will function upon failure of the primary power supply, and</p> <p>(b) annually to ensure that the unit will provide emergency lighting for a duration equal to the design criteria under simulated power failure conditions.</p> <p>(4) After completion of the test required in Clause (3)(b), the charging conditions for voltage and current and the recovery period shall be tested to ensure that the charging system is in accordance with the manufacturer's specifications.</p> <p>(5) Except as provided in Sentences (1) to (4), emergency lights shall be inspected at intervals not greater than 12 months to ensure that they are functional.</p>

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	<p>(6) Where emergency power for the lights referred to in Sentence (5) is provided from a system of batteries, the batteries shall be inspected and tested in accordance with the procedures set out in Sentences (2) to (4).</p> <p><b>Division B 1.1.1.2.(3)</b> Any appliance, device or component of a device that does not operate or appear to operate as intended when checked, inspected or tested as required by this Code shall be repaired or replaced if the failure or malfunctioning of the appliance, device or component would adversely affect fire or life safety.</p>
	<p><b>Reasons:</b> At the time of inspection, there were no monthly test and inspection records for the building's emergency lighting equipment.</p>
	<p><b>Action Required:</b> Test and inspect the building's emergency lighting unit equipment in accordance with the manufacturer's specifications and instructions and in accordance with 2.7.3.3.(1)-(6) of the Ontario Fire Code. This will require the emergency lighting unit equipment to be: a) tested and inspected monthly as described in the above regulations.</p> <p>Any deficiencies noted as a result of the check, inspection or test as required above, shall be corrected to ensure the appliance, system or device operates as intended. When a test, corrective measure or operational procedure is conducted, a written record shall be prepared noting what was done and the date and time it was done.</p> <p>Refer to Item #5 for details on retaining written test records.</p>
#3	<p><b>Fire Code Reference:</b> <b>Division B 6.2.7.2.</b> Portable extinguishers shall be inspected monthly.</p>
	<p><b>Reasons:</b> At the time of inspection, there were no inspection records for the buildings portable fire extinguishers.</p>
	<p><b>Action Required:</b> Portable fire extinguishers shall be inspected monthly.</p>
#4	<p><b>Fire Code Reference:</b> <b>Division B 6.3.2.2.</b> (1) Except as provided in Sentence (2), a fire alarm system, with or without voice communication capability, shall be inspected and tested in conformance with CAN/ULC-S536, "Inspection and Testing of Fire Alarm Systems".</p>

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(2) Despite Clause 5.7.4.1.6. of CAN/ULC-S536, "Inspection and Testing of Fire Alarm Systems", a UL listed smoke detector sensitivity instrument may be used to conduct annual sensitivity testing of smoke detectors.

(4) A record of each device, component and circuit of the fire alarm system that is inspected and tested in accordance with Sentence (1) shall

- (a) indicate whether the device, component or circuit is in proper working order, and
- (b) be kept in accordance with Subsection 1.1.2.

(5) Where a fire alarm system is monitored to transmit a signal to the fire department, the owner shall record whether all signals from the tests conducted in Sentence (1), or other events, are received by the monitoring station, and records shall be kept in accordance with Subsection 1.1.2.

### **Division B 1.1.1.2.(3)**

Any appliance, device or component of a device that does not operate or appear to operate as intended when checked, inspected or tested as required by this Code shall be repaired or replaced if the failure or malfunctioning of the appliance, device or component would adversely affect fire or life safety.

### **Reasons:**

At the time of inspection, there were no monthly test records for the building's fire alarm system.

### **Action Required:**

Test and inspect the building's fire alarm system in accordance with Article 6.3.2.2. of the Ontario Fire Code which references CAN/ULC Standard S536-04, "Inspection and Testing of Fire Alarm Systems". This will require:

- a) A monthly test now and monthly hereafter and the daily check as described in the above regulations.

Any deficiencies noted as a result of the check, inspection or test as required above, shall be corrected to ensure the appliance, system or device operates as intended. When a test, corrective measure or operational procedure is conducted, a written record shall be prepared noting what was done and the date and time it was done.

Be advised that in accordance with Subsection 1.2.1. of Division C, it is your responsibility as owner to confirm that persons performing work on your fire alarm system shall have either successfully completed a fire alarm training program acceptable to the Fire Marshal or are supervised by a technician that has met these requirements. (see enclosed Appendix Y5 for your information / assistance) Written records of all annual tests must contain the certification # of the person supervising or conducting the test.

Refer to Item #5 for details on retaining written test records.

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#5	<b>Fire Code Reference:</b>
	<b>Division B 1.1.2.1.(1)</b>
	If this Code requires tests and corrective measures or operational procedures to be carried out, records shall be made noting what was done and the date and time it was done.
	<b>Division B 1.1.2.1.(2)</b>
	If this Code requires an inspection to be conducted in a supported group living residence or an intensive support residence regulated under the <i>Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008</i> , a written record shall be made noting what was inspected and the date and time of the inspection.
	<b>Division B 1.1.2.1.(3)</b>
	The written records described in Sentences (1) and (2) shall be retained at the building premises for examination by the Chief Fire Official.
	<b>Division B 1.1.2.2.(1)</b>
	Subject to Sentence (2), the original or a copy of any record required by this Code shall be retained at the building to which the record relates
	(a) for a period of at least two years after being prepared, and (b) so that at least the most recent and the immediately preceding record of a given test or inspection are retained.
	<b>Reasons:</b>
	At the time of inspection, there were no written records available for the buildings emergency lighting equipment and fire alarm system.
	<b>Action Required:</b>
	a) Keep a written record available of tests required as referenced in Items #2 and #4. These records are to include corrective measures taken and are to be kept for a period of two (2) years after they are made: i) Written records shall be retained so that the most recent and the immediately preceding records are available. b) The original or a copy of these test records is to be retained at the building for examination by the Chief Fire Official.
	<b>NOTE:</b> A failure to conduct and keep records on site of the weekly, monthly and yearly testing of your building's life safety equipment/systems, presently and in the future, will result in an immediate charge for failing to comply with O.Reg. 213/07, as amended. Contact the Inspector who issued the Order to make arrangements for inspection of the test records.

***If work is not completed on the date(s) specified requiring a further re-inspection(s), each additional re-inspection(s) would be subject to a fee in accordance with City of Hamilton By-law 02-284, "By-law to Establish Fees for Fire Prevention and Suppression Services". The cost of this re-inspection is subject to change. For details on current fees please contact Hamilton Fire Prevention at 905-546-2424 ext. 1380.***

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## COMPLIANCE WITH ORDER:

The owner and/or occupant named on page 1 of this Order is responsible for compliance with this Order.

Under section 30 of the *Fire Protection and Prevention Act, 1997*, a person who fails to comply with an Order is guilty of an offence and, on conviction, is subject to a fine of up to \$20,000 for each day during which the non-compliance continues. A conviction or payment of the fine does not relieve the person from complying with the Order.

Compliance with this Order does not relieve the owner and/or occupant from compliance with other Fire Code requirements not referenced in this Order or with other applicable law such as the *Building Code Act, 1992* or the *Planning Act*.

### Service Information:

Served by: J. Baylis

Signature: \_\_\_\_\_



This Order is served to each owner and/or occupant named on page 1 of this Order.

### Service to Owner and/or Occupant Named in Order:

City of Hamilton

Date: August 8, 2024

Owner  Occupant

Manner of service: 71 Main Street West, 1st Floor Hamilton, ON L8P 4Y5

Personal

Regular letter mail

Email

Fax

Other

[ ]

A copy of this Order is also served to other owners and/or occupants that are not named on page 1 of this Order. Only those named on page 1 are responsible for compliance with this Order.

### Service to Other Occupant:

Name: Occupants of 121 Haida Avenue

Date: August 8, 2024

Manner of service:

Posted at multi-unit building

Personal

Regular letter mail

Email

Fax

Other

[ ]

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## ADDITIONAL PERSONS SERVED:

A copy of this Order may be served to additional persons.

### Service to:

City Clerk

Date: August 8, 2024

Director/Officer of Corporation     Other [REDACTED]

Manner of service: 71 Main Street West, 1st Floor Hamilton, ON L8P 4Y5

Personal     Regular letter mail     Email     Fax     Other [REDACTED]

### Service to:

Facilities Division

Date: August 8, 2024

Director/Officer of Corporation     Other [REDACTED]

Manner of service: HFacilities@hamilton.ca

Personal     Regular letter mail     Email     Fax     Other [REDACTED]



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## RIGHT TO REQUEST A REVIEW OF THIS ORDER:

Any person who is aggrieved by this Order may make a request to the Fire Marshal for a review of the Order. For more information, see Part VI of the *Fire Protection and Prevention Act, 1997*.

### Important Information:

- A request to the Fire Marshal for a review of this Order must be made in writing and received by the Fire Marshal within **15 calendar days** after the Order is served.
- If you miss this deadline or if you need more time to make this request, you may apply to the Fire Marshal for an extension. Your application for an extension must be received by the Fire Marshal within **30 calendar days** after the Order is served. You must provide reasons why you need more time to request a review of this Order.
- You are not required to comply with this Order while it is under review by the Fire Marshal until a decision is issued, however, there may be exceptions where necessary for public safety.
- Following a review of this Order, the Fire Marshal may confirm, amend or rescind the Order, or may make a new Order. The Fire Marshal may also refuse to consider your request and refer the matter directly to the Fire Safety Commission. The Fire Marshal is not required to hold a hearing when conducting a review.

### Instructions:

- A request to the Fire Marshal for a review of an Order, or an application to extend the time for requesting a review, may be made online at:  
[www.ontario.ca/firemarshal](http://www.ontario.ca/firemarshal)
  - Select 'Orders / Fire Marshal Reviews'.
  - Complete the online application form and upload a copy of the Order as an attachment.
- Alternatively, these requests may be made by either email, fax, or mail at:
  - Email: [OFMEMReviews@ontario.ca](mailto:OFMEMReviews@ontario.ca)
  - Fax: 416-628-3739
  - Mail: Fire Marshal – REVIEWS  
Office of the Fire Marshal and Emergency Management  
25 Morton Shulman Avenue, 2nd Floor, Toronto, ON M3M 0B1
  - Contact the Office of the Fire Marshal and Emergency Management at 647-329-1100 to obtain a copy of the "Application for a Fire Marshal Review of an Order" form.
  - Complete and submit the form together with a full copy of the Order.