

Return To:
LES HISCOE
O.H.S.A. & B.O.S.T.A. INSPECTOR
PROVINCIAL OFFENCES OFFICER
119 King St W, 13th Flr., Hamilton, ON, L8P 4Y7
MOLCHSHamilton@ontario.ca
Tel: (905) 973-4039
Fax: (905) 577-1324

OHS Case ID: **3175CVGXKMB**
Field Visit no: **3175CVGXKMB-3175-FV001** Visit Date: **2024-NOV-19**

Workplace Identification: **CITY OF HAMILTON**
259 CAROLINE ST, HAMILTON, ON CA L8R 2S3

Notice ID:

Take Notice

Compliance Order(s) were served under the authority of the Occupational Health and Safety Act or Regulations made there under. A notice of compliance shall be submitted to the ministry of Labour, Immigration, Training and Skills Development within three days after the person believes that compliance with the Compliance Order(s) has been achieved. This form can be used as a cover page to respond to demand(s).

Order(s) /Requirement(s) Issued:

To: **CITY OF HAMILTON** Org/Ind Role: **Constructor**

Mailing Address:
71 MAIN STREET WEST, HAMILTON, ON, CA L8P 4Y5

Order(s) /Requirement(s) Description:
You are required to comply with the order(s) / Requirement(s) by the Comply By Dates listed below.

No	Type Code	ActReg	Year	Sec.	Sub Sec.	Clause	Compliance Details / Date	JHSC Worker Member / Worker Representative	Comply by Date
1	Time	OHS A	1990					<input type="checkbox"/> Agree <input type="checkbox"/> Disagree	2024-NOV-22 Date
	3175CVGXKMB-3175-OR005	213	1991	6	3				(Signature)
2	Time	OHS A	1990					<input type="checkbox"/> Agree <input type="checkbox"/> Disagree	2024-NOV-20 Date
	3175CVGXKMB-3175-OR006	213	1991	14	1				(Signature)

Form completed by _____

Joint Health and Safety Committee Member representing workers or worker Representative agrees or disagrees that compliance has been achieved with all of the Order(s) as indicated above

Title _____

For / on behalf of _____

Name _____

Signature _____

Signature _____

You are required under the Occupational Health and Safety Act to post a copy of this report in a conspicuous place at the workplace and provide a copy to the health and safety representative or the joint health and safety committee if any. Failure to comply with an order, decision or requirement of an inspector is an offence under Section 64 of the Occupational Health and Safety Act. You have the right to appeal any order or decision within 30 days of the date of the order issued and to request suspension of the order or decision by filing your appeal and request in writing on the appropriate forms with the Ontario Labour Relations Board, 505 University Ave., 2nd Floor, Toronto, Ontario M5G 2P1. You may also contact the Board by phone at (416) 326-7500 or 1-877-339-3335 (toll free), mail or by website at <http://www.olrb.gov.on.ca/> for more information.

Return To:
LES HISCOE
O.H.S.A. & B.O.S.T.A. INSPECTOR
PROVINCIAL OFFENCES OFFICER
119 King St W, 13th Flr., Hamilton, ON, L8P 4Y7
MOLCHSHamilton@ontario.ca
Tel: (905) 973-4039
Fax: (905) 577-1324

OHS Case ID: **3175CVGXKMB**
Field Visit no: **3175CVGXKMB-3175-FV001** Visit Date: **2024-NOV-19**

Workplace Identification: **CITY OF HAMILTON**
259 CAROLINE ST, HAMILTON, ON CA L8R 2S3

Notice ID: _____

Take Notice

Compliance Order(s) were served under the authority of the Occupational Health and Safety Act or Regulations made there under. A notice of compliance shall be submitted to the ministry of Labour, Immigration, Training and Skills Development within three days after the person believes that compliance with the Compliance Order(s) has been achieved. This form can be used as a cover page to respond to demand(s).

Order(s) / Requirement(s) Issued:

To: **CITY OF HAMILTON** Org/Ind Role: **Owner**

Mailing Address:
71 MAIN STREET WEST, HAMILTON, ON, CA L8P 4Y5

Order(s) / Requirement(s) Description:

You are required to comply with the order(s) / Requirement(s) by the Comply By Dates listed below.

No	Type Code	ActReg	Year	Sec.	Sub Sec.	Clause	Compliance Details / Date	JHSC Worker Member / Worker Representative	Comply by Date
3	TimeU	OHSA	1990	30	1		_____	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree	Date
								(Signature)	
4	Stop	OHSA	1990	57	6	a	_____	<input type="checkbox"/> Agree <input type="checkbox"/> Disagree	
								(Signature)	

Form completed by _____

Title _____

For / on behalf of _____

Signature _____

Joint Health and Safety Committee Member representing workers or worker Representative agrees or disagrees that compliance has been achieved with all of the Order(s) as indicated above

Name _____

Signature _____

You are required under the Occupational Health and Safety Act to post a copy of this report in a conspicuous place at the workplace and provide a copy to the health and safety representative or the joint health and safety committee if any. Failure to comply with an order, decision or requirement of an inspector is an offence under Section 64 of the Occupational Health and Safety Act. You have the right to appeal any order or decision within 30 days of the date of the order issued and to request suspension of the order or decision by filing your appeal and request in writing on the appropriate forms with the Ontario Labour Relations Board, 505 University Ave., 2nd Floor, Toronto, Ontario M5G 2P1. You may also contact the Board by phone at (416) 326-7500 or 1-877-339-3335 (toll free), mail or by website at <http://www.olrb.gov.on.ca/> for more information.

Occupational
Health and Safety

Field Visit Report

OHS Case ID: **3175CVGXKMB**

Field Visit no: **3175CVGXKMB-3175-FV001**

Visit Date: **2024-NOV-19**

Field Visit Type: **INITIAL**

Workplace Identification: **CITY OF HAMILTON
259 CAROLINE ST, HAMILTON, ON CA L8R 2S3**

Notice ID:

Telephone:
-

JHSC Status:
Not required

Work Force #:
8

Completed %:
1

Persons Contacted: **Michelle Baird, Director of Housing (City of Hamilton) & others noted below**

Visit Purpose: **Investigation; MLITSD event 240670429 (complaint: no Designated Substance Report provided to constructor)**

Visit Location: **Outside at project near Caroline St**

Visit Summary: **Investigation ongoing, orders issued; see detailed narrative.**

Detailed Narrative:

An investigation was conducted in person at the project on Tuesday November 19, 2024. The following persons were spoken to:

- Michelle Baird, Director of Housing (City of Hamilton)
- Matthew Huber, project manager corporate security (City of Hamilton)
- Martin Dambeau, Manager corporate safety & security (City of Hamilton)
- Bradley Woodrow, foreman (Davis Fences)
- Justin Smith, foreman (Davis Fences)

PURPOSE:

Investigate a complaint to the Ministry of Labour on Monday November 18, 2024 alleging that a designated substance survey (DSR) has not been provided to the constructor prior to construction activities at the project. The location was reported to be at Barton St W & Tiffany St, Hamilton. The name of the employer/constructor was not reported.

PROJECT DESCRIPTION:

City of Hamilton undertook a project at 259 Caroline St in Hamilton as Project Owner, Constructor & Primary employer at the site. The work involved site preparation and installation of 40 small cabins for temporary emergency shelter. The project began on or about November 11, 2024. The project was approximately 1% and there were eight (8) workers on site including five workers employed by Davis Fences.

INSPECTOR FINDINGS / ACTIONS

MLITSD Construction Inspector Les Hiscoe responded to the complaint and attended the project on Tuesday November 19, 2024. During the visit, Michelle Baird confirmed that City of Hamilton was the PROJECT OWNER and the CONSTRUCTOR at the project. Further that City of Hamilton as PROEJCT OWNER had conducted an environmental examination of the site but had not prepared a list of DESIGNATED SUBSTANCES for the project to distribute to the employers/subcontractors before tendering the project.

She also confirmed that City of Hamilton as CONSTRUCTOR had not filed a NOTICE OF PROJECT with the Ministry of Labour prior to the start of work. She could NOT COFIRM that City of Hamilton as CONSTRUCTOR had appointed a supervisor for the project.

One stop work order and three compliance orders were issued to City of Hamilton as Project Owner and as Constructor.

The investigation is ongoing.

Recipient	Inspector Data	Worker Representative
Name _____	LES HISCOE O.H.S.A. & B.O.S.T.A. INSPECTOR PROVINCIAL OFFENCES OFFICER	Name _____
Title _____	119 King St W, 13th Flr., Hamilton, ON, L8P 4Y7 MOLCHSHamilton@ontario.ca Tel: (905) 973-4039 Fax: (905) 577-1324	Title _____
Signature _____	Signature <i>Les Hiscoe</i>	Signature _____

You are required under the Occupational Health and Safety Act to post a copy of this report in a conspicuous place at the workplace and provide a copy to the health and safety representative or the joint health and safety committee if any. Failure to comply with an order, decision or requirement of an inspector is an offence under Section 66 of the Occupational Health and Safety Act. You have the right to appeal any order or decision within 30 days of the date of the order issued and to request suspension of the order or decision by filing your appeal and request in writing on the appropriate forms with the Ontario Labour Relations Board, 505 University Ave., 2nd Floor, Toronto, Ontario M5G 2P1. You may also contact the Board by phone at (416) 326-7500 or 1-877-339-3335 (toll free), mail or by website at <http://www.olrb.gov.on.ca/> for more information.

The Government of Ontario wants to hear from you. You can provide feedback on this visit at 1-888-745-8888

Occupational
Health and Safety

Field Visit Report

OHS Case ID: **3175CVGXKMB**
Field Visit no: **3175CVGXKMB-3175-FV001**

Visit Date: **2024-NOV-19**

Field Visit Type: **INITIAL**

Order(s) /Requirement(s) Issued:

To:
CITY OF HAMILTON

Org/Ind Role:
Constructor

Mailing Address:
71 MAIN STREET WEST, HAMILTON, ON, CA L8P 4Y5

Order(s) /Requirement(s) Description:

You are required to comply with the order(s) /requirement(s) by the Comply by dates listed below.

No	Type Code	ActReg	Year	Sec.	Sub Sec.	Clause	Text of Order/Requirement	Comply by Date
1	Time	OHSA	1990				City of Hamilton, as constructor, shall complete an "Approved Notification Form" (Notice of Project) and file it at the Ministry office located nearest to the project or submit it electronically on a website of the government of Ontario.	2024-NOV-22
3175CVGXKMB-3175-OR005	213	1991	6	3				

At the time of the visit on November 19, 2024, City of Hamilton had undertaken a project valued at over \$50,000 but had not completed a Notice of Project prior to the start of the work.

This order shall be complied with by November 22, 2024.

2	Time	OHSA	1990				City of Hamilton, as constructor, shall appoint a supervisor for every project at which five or more workers will work at the same time.	2024-NOV-20
3175CVGXKMB-3175-OR006	213	1991	14	1				

At the time of the visit on November 19, 2024, there were five (5) construction workers at the project and a supervisor had not been appointed.

The order shall be complied with by November 20, 2024.

Recipient	Inspector Data	Worker Representative
Name _____	LES HISCOE O.H.S.A. & B.O.S.T.A. INSPECTOR PROVINCIAL OFFENCES OFFICER	Name _____
Title _____	119 King St W, 13th Flr., Hamilton, ON, L8P 4Y7 MOLCHSHamilton@ontario.ca Tel: (905) 973-4039 Fax: (905) 577-1324	Title _____
Signature _____	Signature <i>Les Hiscoe</i>	Signature _____

You are required under the Occupational Health and Safety Act to post a copy of this report in a conspicuous place at the workplace and provide a copy to the health and safety representative or the joint health and safety committee if any. Failure to comply with an order, decision or requirement of an Inspector is an offence under Section 66 of the Occupational Health and Safety Act. You have the right to appeal any order or decision within 30 days of the date of the order issued and to request suspension of the order or decision by filing your appeal and request in writing on the appropriate forms with the Ontario Labour Relations Board, 505 University Ave., 2nd Floor, Toronto, Ontario M5G 2P1. You may also contact the Board by phone at (416) 326-7500 or 1-877-339-3335 (toll free), mail or by website at <http://www.olrb.gov.on.ca/> for more information.

The Government of Ontario wants to hear from you. You can provide feedback on this visit at 1-888-745-8888

Occupational
Health and Safety

OHS Case ID: **3175CVGXKMB**
Field Visit no: **3175CVGXKMB-3175-FV001**

Visit Date: **2024-NOV-19** Field Visit Type: **INITIAL**

Order(s) /Requirement(s) Issued:

To:
CITY OF HAMILTON

Org/Ind Role:
Owner

Mailing Address:
71 MAIN STREET WEST, HAMILTON, ON, CA L8P 4Y5

Order(s) /Requirement(s) Description:

You are required to comply with the order(s) /requirement(s) by the Comply by dates listed below.

No	Type Code	ActReg	Year	Sec.	Sub Sec.	Clause	Text of Order/Requirement	Comply by Date
3	TimeU	OHSA	1990	30	1		<p>City of Hamilton, as PROJECT OWNER shall determine whether any designated substances are present at the project site and shall prepare a list of all designated substances that are present at the site.</p> <p>At the time of the visit on November 19, 2024, the project site had not been examined for designated substances and a list was not prepared prior to the start of work on November 11, 2024.</p>	
4	Stop	OHSA	1990	57	6	a	<p>All productive work at the project shall stop and NO PRODUCTIVE WORK shall be done at the project until the above order, order #1 has been complied with.</p>	

Recipient	Inspector Data	Worker Representative
Name _____	LES HISCOE	Name _____
Title _____	O.H.S.A. & B.O.S.T.A. INSPECTOR PROVINCIAL OFFENCES OFFICER 119 King St W, 13th Fl., Hamilton, ON, L8P 4Y7 MOLCHSHamilton@ontario.ca Tel: (905) 973-4039 Fax: (905) 577-1324	Title _____
Signature _____	Signature <i>Les Hiscoe</i>	Signature _____

You are required under the Occupational Health and Safety Act to post a copy of this report in a conspicuous place at the workplace and provide a copy to the health and safety representative or the joint health and safety committee if any. Failure to comply with an order, decision or requirement of an inspector is an offence under Section 66 of the Occupational Health and Safety Act. You have the right to appeal any order or decision within 30 days of the date of the order issued and to request suspension of the order or decision by filing your appeal and request in writing on the appropriate forms with the Ontario Labour Relations Board, 505 University Ave., 2nd Floor, Toronto, Ontario M5G 2P1. You may also contact the Board by phone at (416) 326-7500 or 1-877-339-3335 (toll free), mail or by website at <http://www.olrb.gov.on.ca/> for more information.

The Government of Ontario wants to hear from you. You can provide feedback on this visit at 1-888-745-8888