Made under section 21 of the Fire Protection and Prevention Act, 1997

Hamilton Fire Department

Inspection Order Number: 4910

Hamilton Fire Department
Fire Prevention Division
55 King William Street
Hamilton, ON L8R 1A2

Phone: 905-546-2424 ext. 7768 Email: emily.rusnov@hamilton.ca



This Order is issued to: 2582724 Ontario Inc

On July 20, 2021, I, E. Rusnov, an Inspector under section 19(1) of the Fire Protection and Prevention Act, 1997 inspected the following property Owned by you:

Property Location:

94 East Avenue South 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: *See compliance dates noted with each term.

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,

E. Rusnov, 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 3 storey + basement residential building with 18 residential units that share common ext facilities. The building has a single stage fire alarm system.

	Reasons for Order and Action Required:						
tem #	Reason and Action						
1.	Division B 6.3.2.2. (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". (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: No records of monthly or annual fire alarm testing found on site or could be produced.						
	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 complete test and inspection of the building's fire alarm system now and annually hereafter						

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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 4., for details on retaining written test records.

Compliance Date: August 30, 2021

Division B 2.7.3.3.

- (2) Emergency lighting unit equipment shall be inspected monthly to ensure that
 - (a) the terminal connections are clean, free of corrosion and lubricated when necessary,
 - (b) the terminal clamps are clean and tight as per manufacturer's specifications,
 - (c) the electrolyte level and specific gravity are maintained as per manufacturer's specifications, and
 - (d) the battery surface is kept clean and dry.
 - (3) Emergency lighting unit equipment shall be tested
 - (a) monthly to ensure that the emergency lights will function upon failure of the primary power supply, and
 - (b) annually to ensure that the unit will provide emergency lighting for a duration equal to the design criteria under simulated power failure conditions.
 - (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.
 - (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.
 - (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).

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.

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Reasons:

No monthly or annual records of emergency lighting testing found on site or could be produced.

Action Required:

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 annually as described in the above regulations
- b) tested and inspected monthly 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.

Refer to Item 4., for details on retaining written test records.

Compliance Date: August 30, 2021

Fire Code Reference:

Division B 6.2.7.1. 3.

Maintenance and testing of portable extinguishers shall be in conformance with NFPA 10, "Portable Fire Extinguishers".

Portable extinguishers that are inspected in conformance with NFPA 10, "Portable Fire Extinguishers, are deemed to satisfy the inspection requirements of this Subsection.

Reasons:

All portable fire extinguishers located in cabinets on each level in the public corridors are tagged dated 2018 and require servicing.

Action Required:

Maintain and test now all fire extinguishers in conformance with N.F.P.A. 10.

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This will require the yearly maintenance, 6-year maintenance procedure, and 5-year or 12-year hydrostatic tests to be conducted as per the above regulations. Tag each extinguisher showing maintenance or recharge dates and keep permanent records of all maintenance and hydrostatic testing

Compliance Date: August 30, 2021

Fire Code Reference:

4. Division B 1.1.2.1.(1)

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.

Division B 1.1.2.1.(2)

If this Code requires an inspection to be conducted in a supported group living residence or an intensive support residence regulated under the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008, a written record shall be made noting what was inspected and the date and time of the inspection.

Division B 1.1.2.1.(3)

The written records described in Sentences (1) and (2) shall be retained at the building premises for examination by the Chief Fire Official.

Division B 1.1.2.2.(1)

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.

Reasons:

No test records for the building's fire alarm system or emergency lighting were on site or could be produced.

Action Required:

- a) Keep a written record available of tests required as referenced in Items 1, 2 and 3. 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.

NOTE: 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

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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.

Compliance Date: August 30, 2021

Fire Code Reference: 5.

Division B 6.2.7.2.

Portable extinguishers shall be inspected monthly.

Reasons:

No records on site of portable fire extinguishers being inspected monthly. Tags are last dated from 2018 and there is no indication that monthly inspections are taking place.

Action Required:

Portable fire extinguishers shall be inspected monthly.

Compliance Date: August 30, 2021

Fire Code Reference: 6.

Division B 2.8.2.5.(3)

Where a fire alarm system has been installed with no provisions to transmit a signal to the fire department, a legible notice, that is not easily removed, shall be affixed to the wall near each manual pull station with wording that the fire department is to be notified in the event of a fire emergency and including the emergency telephone number for the municipality or the telephone number of the fire department.

There are no notices posted near any of the manual pull stations throughout the building indicating to notify the fire department (911) in the event of a fire emergency. The fire alarm system is not monitored and does not transmit a signal to the fire department upon activation.

Action Required:

Provide a sign securely affixed to the wall near each manual pull station which states, "IN CASE OF FIRE CALL 911". The lettering in these signs shall be minimum 9 mm (3/8") high and shall be of a colour that contrasts with the immediate background colour. The attached Appendix S provides samples of these signs that may be reproduced for mounting purposes.

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Fire Code Reference: 7. Division B 2.8.2.1. (1)

A fire safety plan shall be prepared, approved and implemented in buildings and premises to which this section applies.

Reasons:

There are no Fire Safety Plans posted on site and the current building owner has not prepared or submitted a fire safety plan for approval by the Chief Fire Official. This building contains four storeys (counting storeys below grade) and is of residential occupancy with an occupant load that exceeds ten persons.

Action Required:

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).

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.

Compliance Date: August 30, 2021

Fire Code Reference: 8.

Division B 2.2.3.2.(1)(c)

Closures in fire separations shall be maintained to ensure that they are operable at all times by making necessary adjustments and repairs to door hardware and accessories to ensure proper closing and latching.

Reasons

Residential Unit #14 entry door does not have a self-closing device on it and therefore does not self-close and latch. This door acts as a closure in a required fire separation between the residential unit and the second floor hallway which forms part of the interior exit stairwell.

Action Required:

Repair/replace door hardware to ensure proper closing and latching in the following areas:

a) 2nd Floor - Unit 14 entry door from exit corridor - self closer missing

Note: Ensure all residential unit doors have self-closing and latching hardware as required and provide a written letter to this department advising of the same, once complete.

Compliance Date: August 30, 2021

9. Fire Code Reference: Division B 9.5.3.7.(2)(3)

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- (2) If a fire escape serves any storey above the second floor, doorway openings and window openings shall be protected in accordance with Sentences (3) and (4) if located
 - (a) within 3 m horizontally of any balcony, platform or stairway of the fire escape,
 - (b) within 3 storeys below or 10 m below any balcony, platform or stairway of the fire escape, or
 - (c) within 1.8 m above any balcony, platform or stairway of the fire escape.
 - (3) Doorway openings referred to in Sentence (2) shall be protected with closures having a fireprotection rating not less than 20 min and equipped with self-closing devices.

The fire escape serves as a required secondary exit for all residential units in the building and serves the third storey residential apartment units. The existing doors that open onto the fire escape are made of hollow wood with glass panel inserts at the top and are not fire rated

The following doors are to be replaced with a door having not less than a 20 minute fire protection rating equipped with an approved self-closing device.

- a) All exit doors leading from the public corridors on each floor level onto the fire escape
- b) All exit doors from residential units onto the fire escape

NOTE: This requirement applies to door openings that are located within 3 m (10") horizontally of, 3 storeys or 10 m (30") below, or 1.8 m (6") above any balcony, platform or stairway that forms part of a fire escape, where the fire escape serves any storey above the second floor.

Please refer to the attached Appendix V for assistance in the application of this requirement to your building.

NOTE: Our Department will accept a 45mm (1 %") solid core wood door as an equivalent to a door requiring a 20 minute fire protection rating.

The self-closing device(s) referred to above is/are to be substantial enough to accommodate the weight, size and anticipated usage of the door(s) it/they will be closing. As an alternative, self-closing devices having an Underwriters' Laboratories of Canada fire protection listing can also be used. Prior to installing any self-closing device, which is not Underwriters' Laboratories of Canada listed, you are required to contact the Inspector noted on this report for approval of the device that you intend to install.

Compliance Date: October 25, 2021

Fire Code Reference: 10.

Division B 9.5.3.7.(2)(4)(5)(6)

(2) If a fire escape serves any storey above the second floor, doorway openings and window openings shall be protected in accordance with Sentences (3) and (4) if located

- (a) within 3 m horizontally of any balcony, platform or stairway of the fire escape,
- (b) within 3 storeys below or 10 m below any balcony, platform or stairway of the fire escape, or

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- (c) within 1.8 m above any balcony, platform or stairway of the fire escape.
- (4) Window openings referred to in Sentence (2) shall be protected with
 - (a) closures having a fire-protection rating not less than 20 min and that are fixed shut or arranged to close automatically upon the operation of a fusible link,
 - (b) wired glass screens set in fixed steel frames,
 - (c) glass block, or
 - (d) listed steel shutters arranged to close automatically upon the operation of a fusible
- (5) The fusible link referred to in Clauses (4)(a) and (d) shall comply with ULC-S505, "Standard for Fusible Links for Fire Protection Service".
- (6) The wired glass screens and glass block referred to in Clauses (4)(b) and (c) shall be installed in accordance with Article 3.1.8.14. of the 1990 Building Code.

Reasons:

All existing windows located on the west side of the building are single pane glass in wood frames and are not fire rated. These windows open onto the fire escape which serves the third floor of the building. The fire escape serves as a required secondary exit for the third floor residential apartment units.

Action Required:

The window opening(s) located on the west side of the building are to be replaced and/or protected in accordance with one of the following:

- a) a closure having a fire protection rating not less than 20 minutes and fixed shut or arranged to close automatically upon the operation of a fusible link.
- b) wired glass screens set in fixed steel frames,
- c) glass block, or
- d) listed steel shutters arranged to close automatically upon the operation of a fusible link.

NOTE: This requirement applies to window openings that are located within 3 m (10') horizontally of, 3 storeys or 10 m (30') below, or 1.8 m (6') above any balcony, platform or stairway that forms part of a fire escape, where the fire escape serves any storey above the second floor.

Please refer to the attached Appendix V for assistance in the application of this requirement to your building.

NOTE: If you choose to comply with b) or c) noted above, the installation is to be in conformance with Article 3.1.8.14. of the 1990 Building Code. If you choose to comply with a) or d) noted above, the fusible link shall be in conformance with ULC-S505, "Standard for Fusible Link for Fire Protection Service" In addition, any obstructions (existing or future) such as air conditioning units, planters, cables, etc. are to be accommodated into the fire shutter design or be removed from the window location.

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Fire Code Reference: Division B 2.4.1.1.(2)

Combustible materials shall not be accumulated in any part of an elevator shaft, ventilation shaft, means of egress, service room or service space, unless the location, room or space is designed for those materials.

Reasons:

There are currently combustibles on the fire escape presenting a fire hazard. This is a required means of egress. There are tables and chairs, garbage bins, recycling bins, exercise equipment, tires, decorative paper lanterns and plants located on the landings of each floor level outside of the doors leading to the residential units.

Action Required:

Remove the tables, chairs, garbage and recycling bins, exercise equipment, tires, decorative paper lanterns, plants and combustible storage presently located in the means of egress located on the fire escape balconies and walkways and maintain this area free of combustible storage.

Compliance Date: August 30, 2021

As an alternative to complying with Item 9, and 10, above, you may comply using an alternative solution that:

- 1) achieves the level of performance attributable to OFMEM Fire Code Supplement FCS-1 'Objectives and Functional Statements Attributed to Acceptable Solutions'
- 2) that does not contravene any other provision in Division B of the Ontario Fire Code and,
- 3) have been approved and implemented in conformance with Subsection 1.3.2. of Division C of the Ontario Fire Code. (refer to attached Appendix Y for your information/assistance)

Any proposal submitted for review for Alternative Solutions shall bear the signature and seal of a Professional Engineer or Architect.

Alternative Solutions reviews are subject to a fee payable upon submission.

Obtain permits from the City of Hamilton Building Division for all work contained in Items 9, and 10. of this Order.

Please note that this Department must review drawings before they can be submitted to the City of Hamilton Building Division for permit process. A minimum of three copies of the drawings must be submitted.

Drawings for construction or alteration of a residential building requiring a building permit must be prepared by a qualified BCIN registered designer or sealed by a professional engineer or architect. Please contact the City of Hamilton Building Division at 905.546.2424 x2720 for further information on obtaining a Building Permit and the need for professional design.

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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 \$81.05 fee in accordance with City of Hamilton By-law 02-284, "By-law to Establish Fees for Fire Prevention and Suppression Services".

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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 inito	illiation.		11		
Served by: E. Rus	snov	Signature:					
	ed to each owner and/			ge 1 of this (Order.		
[Name] 2582724	er and/or Occupant N Ontario Inc. Occupant	amed in Ord	ned in Order: Date: August 3, 2021				
Manner of service	: ☑ Regular letter mail	☑ Email	Fax	Other	I	1	
this Order. Only	der is also served to ot those named on page	her owners ar 1 are respons	nd/or occupa lible for com	ants that are opliance with	not named this Order	d on page 1 of	
Service to Othe Name: Occupar	er Occupant: nts of 94-96 East Aven	ue South		Date: Aug	just 3, 202	21	
Manner of service ☑ Posted at mult	e: ti-unit building	rsonal 🗖 Reg	gular letter m	iail 🔲 Ema	il 🔲 Fax	Other []	

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ADDITIONAL PERSONS SERVED:

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

☑ Director/Off	nristie, an Officer of 2582 icer of Corporation	Date: August 3, 2021			
Manner of serv	ice: ☑ Regular letter mail	☑ Email	☐ Fax	Other [1
Service to: [Name] Zach I ☑ Director/Of	Killam, an Officer of 2582	Date: August 3, 2021			
Manner of ser	vice: ☑ Regular letter mail	☐ Email	Fax	Other [)

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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
 - 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
 - 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.

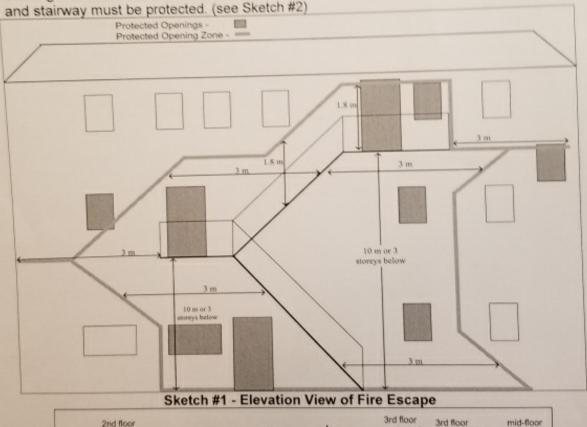
APPENDIX V

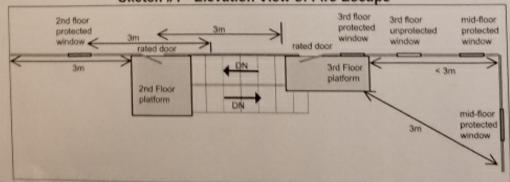
OFC 9.5.3.7.(2) Protection of Openings onto Fire Escapes

Distances between doorway/window openings and fire escapes should be measured as follows.

- "1.8 m above" Measure 1.8 m above the walking surface of the fire escape balcony/platform
 and stairway. Any doorway/window opening that falls fully or partially within the area defined by
 the entire length of the balcony/platform and stairway and the 1.8 m height above the walking
 surface of each element must be protected. (see Sketch #1)
- "3 storeys or 10 m below" Measure 10 m or 3 storeys below the walking surface of the fire escape balcony/platform and stairway. Any doorway/window opening that falls fully or partially within the area defined by the entire length of the balcony/platform and stairway and the 10 m or 3 storey distance below the walking surface of each element. (see Sketch #1)

"3 m horizontally" – Measure 3 m horizontally outwards from all sides of the fire escape balcony/platform and stairway walking surface. Any doorway/window opening in the same building that intersects the 3 m horizontal plane extending from all sides of the balcony/platform





Sketch #2 - Plan View of Fire Escape and Exposure Protection (including a building jog)