

The Corporation of the Municipality of Strathroy-Caradoc Council
Resolution

WHEREAS:

- A. The upper-tier municipality, Corporation of the County of Middlesex, has managed/administered the fire inspections part of fire protection and prevention on a County-wide basis continuously since 1998 and Middlesex County Fire Prevention Officers/Assistants to the Fire Marshal have provided for fire inspections on a County-wide basis continuously since 2004;
- B. The upper-tier municipality, Corporation of the County of Middlesex, has managed/administered the provision of fire investigations on a County-wide basis continuously since 1998 and Middlesex County Fire Prevention Officers/Assistants to the Fire Marshal have provided for fire investigations on a County-wide basis continuously since 2004 on behalf of the Fire Marshal;
- C. The upper-tier municipality, Corporation of the County of Middlesex, has prepared, approved, and implemented the fire safety plans part of fire protection and prevention on a County-wide basis continuously since 1998;
- D. The upper-tier municipality, Corporation of the County of Middlesex, has managed/administered the emergency fire dispatch part of fire protection and prevention on a County-wide basis continuously since December 17, 2013; and
- E. The upper-tier municipality, Corporation of the County of Middlesex, has assisted each of the local municipalities in Middlesex County, upon the request of the local municipalities in Middlesex County, with providing the public education part of fire protection and prevention since 1998.

Council for the Corporation of the Municipality of Strathroy-Caradoc hereby resolves as follows:

Acknowledgement

- 1. Council acknowledges that:
 - a. As a lower-tier and local municipality under the *Municipal Act, 2001*, SO 2001, Chapter 25, as amended or replaced (hereinafter, the “*Municipal Act*”) and the *Fire Protection and Prevention Act, 1997*, S.O. 1997, Chapter 4, as amended or replaced (hereinafter, the “*FPPA*”), the Corporation of the Municipality of Strathroy-Caradoc has default responsibility for fire protection and prevention services within its jurisdiction, pursuant to the *FPPA*; and
 - b. Subsections 188-192 of the *Municipal Act* provide for a procedure by which all or a part of the fire protection and prevention powers/responsibilities of lower-tier/local municipalities may be transferred to an upper-tier municipality and pursuant to ss. 188(2) of the *Municipal Act*, a by-law under ss. 189(1)(a) of the *Municipal Act* prevails over any other act or regulation.

Confirmation

2. Council confirms:

Fire Inspections

- a. that it wishes to transfer the fire inspections part of its fire protection and prevention powers, including the enforcement and recovery of costs powers related to those responsibilities, to the upper-tier municipality, Corporation of the County of Middlesex. Such transfer includes the transfer of the fire inspection powers set out in ss. 18-27 of Part VI of the *FPPA*, the enforcement and recovery of costs powers associated with inspections set out in ss. 28-34 of Part VII and ss. 35-40 of Part VIII of the *FPPA*, and any fire inspection responsibilities or powers contained in any other applicable legislation, including but not limited to the responsibility to assess complaints and requests for inspections under ss. 2(1) and 3(1) of *Ontario Regulation 365/13: Mandatory Assessment of Complaints and Requests for Approval*, as amended or replaced (hereinafter, “*Regulation 365/13*”);

Fire Safety Plans

- b. that it wishes to transfer the preparation, approval and implementation of fire safety plans part of its fire protection and prevention powers, to the upper-tier municipality, Corporation of the County of Middlesex and that it wishes for an individual County Fire Prevention Officer/Assistant to the Fire Marshal, as designated by the Corporation of the County of Middlesex, to continuously be appointed by the Ontario Fire Marshal as the Chief Fire Official for the purposes of approving fire safety plans for each of the lower-tier municipalities located in in Middlesex County. Such transfer includes the power set out in Division B, Part 2, section 2.8, subsection 2.8.2, articles 2.8.2.1(1-8) of the *Fire Code O. Reg 213/07*, as amended or replaced (hereinafter, the “*Fire Code*”). The appointment as Chief Fire Official for the purpose of approving fire safety plans is in accordance with the definition of Chief Fire Official in the *Fire Code* and made pursuant to Division C, Section 1.1, Subsection 1.1.1, articles 1.1.1.1(1-2) of the *Fire Code*.

Emergency Fire Dispatch

- c. that the emergency fire dispatch part the fire protection and prevention powers of the lower-tier municipalities located in the County of Middlesex were transferred to the upper-tier municipality, Corporation of the County of Middlesex pursuant to Middlesex County By-law No. 6508 under the authority of subsection 189(1)(a) the *Municipal Act*, the preconditions of subsection 189(2)(a-c) of the *Municipal Act* having first been met.

Transfer of Fire Inspections and Fire Safety Plans

3. Council consents to the passing of a by-law by the upper-tier municipality, the Corporation of County of Middlesex pursuant to subsection 189(1)(a) of the *Municipal Act*, which:

Fire Inspections

- a. transfers the fire inspections part of the fire protection and prevention power of the lower-tier municipalities located in the County of Middlesex, including the enforcement and recovery of costs powers related to those responsibilities, to the upper-tier municipality,

the Corporation of the County of Middlesex. Such transfer includes the transfer of the fire inspection powers set out in ss. 18-27 of Part VI of the *FPPA*, the enforcement and recovery of costs powers associated with inspections set out in ss. 28-34 of Part VII and ss. 35-40 of Part VIII of the *FPPA*, and any fire inspection responsibilities or powers contained in any other applicable legislation, including but not limited to the responsibility to assess complaints and requests for inspections under ss. 2(1) and 3(1) of *Regulation 365/13*; and

Fire Safety Plans

- b. transfers the preparation, approval and implementation of fire safety plans part of the fire protection and prevention powers of the lower-tier municipalities located in the County of Middlesex to the upper-tier municipality, the Corporation of the County of Middlesex. Such transfer includes the power set out in Division B, Part 2, section 2.8, subsection 2.8.2, articles 2.8.2.1(1-8) of the *Fire Code*.

Fire Investigations

4. Council directs that fire investigations, as set out in s. 14, 16 and 17 of Part V of the *FPPA*, be exclusively carried out and administered by the Corporation of the County of Middlesex on behalf of the Fire Marshal;

Emergency Powers/Responsibilities

5. Council confirms that the emergency powers/responsibilities in ss. 15, 16 and 17 of Part V of the *FPPA* may be utilized by the Corporation of the Municipality of Strathroy-Caradoc and the Fire Prevention Officers/Assistants to the Fire Marshal of the Corporation of the County of Middlesex where a risk of fire reasonably poses an immediate threat to life;

Public Education

6. Council confirms that the Corporation of the Municipality of Strathroy-Caradoc may request the assistance of the Corporation of the County of Middlesex's Fire Prevention Officers with providing the public education part of fire protection and prevention found in s. 2(1) of Part II of the *FPPA* within the geography of the Municipality of Strathroy-Caradoc but that the public education part of fire protection and prevention remains the jurisdictional responsibility of the Corporation of the Municipality of Strathroy-Caradoc.