

## Greg McClinchey

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**From:** Greg McClinchey  
**Sent:** Friday, May 10, 2019 6:28 AM  
**To:** Warden Kurtis Smith  
**Cc:** 'Jon.Pegg@ontario.ca'; 'Booth, Art (MCSCS)'; Fred Tranquilli; 'Tiffany Farrell'; sfindlater@thamescentre.on.ca; 'Jonathon Graham'; Cathy Case; Jill Bellchamber-glazier; 'Ron Reymer'; Betty Gordon (office@newbury.ca); Brian George  
**Subject:** Letter from Mayor Vanderheyden  
**Attachments:** Letter - County Fire Inspectors.pdf

Warden Smith,

Please find attached, on behalf of Strathroy-Caradoc Council, a letter from Mayor Vanderheyden.

Please let me know if you have any questions or require anything further from me.

Greg

Gregory W. McClinchey, BA, MPM  
Chief Administrative Officer

Municipality of Strathroy-Caradoc  
52 Frank Street | Strathroy, ON | N7G 2R4  
Tel: (519) 245-1105 Ext. 225  
Fax: (519) 245-6353  
Email: [GMcClinchey@strathroy-caradoc.ca](mailto:GMcClinchey@strathroy-caradoc.ca)

Visit us online at [www.strathroy-caradoc.ca](http://www.strathroy-caradoc.ca)



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The Corporation of the Municipality of Strathroy-Caradoc  
52 Frank Street, Strathroy, ON N7G 2R4  
Attention: Office of the Mayor  
Phone: 519-245-1105 / Fax: 519-245-6353  
www.strathroy-caradoc.ca  
jvanderheyden@strathroy-caradoc.ca

May 9, 2019

Corporation of the County of Middlesex  
399 Ridout Street North  
London, Ontario N6A 2P1  
Attention Warden Smith and Council

Dear Warden Smith and Members of County Council,

I am writing as a follow-up to the May 6, 2019, Strathroy-Caradoc Council meeting at which the Council considered the Warden's April 1, 2019, request concerning the permanent transfer of jurisdictional authorities relating to fire inspections from the lower-tier to the County. Strathroy-Caradoc Council was aware of the Fire Marshal's recent request that Middlesex County pause all actions on this matter pending his review of the legal appropriateness of the regime and the Council is supportive of that recommendation. This notwithstanding, in response to the Warden's request, the following resolution was unanimously adopted by Strathroy-Caradoc Council.

*Moved By Councillors Hipple and Kennes*

*THAT: Council declines to transfer jurisdiction with respect to the areas referenced in the attached draft resolution proposed by the County of Middlesex.*

*Carried.*

This resolution was unanimously passed after a thorough discussion during which it was concluded that, based on the information available, such a transfer is not in the best interests of Strathroy-Caradoc. This decision was taken for several reasons including, but not limited to, the unique fire profile found within Strathroy-Caradoc. That is to say, due to factors such as our complex industrial and manufacturing locations, Strathroy-Caradoc is somewhat unlike other jurisdiction within Middlesex County. This reality requires our Chief Fire Official to contend with several operational demands that are only permissible if he retains the jurisdictional abilities found within the Fire Protection and Prevention Act, 1997, S.O. 1997, Chapter 4 (FPPA).. Accordingly, the loss of these authorities would, in the opinion of Council, diminish Strathroy-Caradoc's ability to comply with Section 2(b) of the FPPA which states;

2 (1) Every municipality shall,

- a) establish a program in the municipality which must include public education with respect to fire safety and certain components of fire prevention; and
- b) provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances.

This means that “fire protection services” as defined by the FPPA extends beyond fire inspections and is inextricably linked to a far broader suite of vital services offered by our fire service and managed in accordance with the Fire Marshal's Directives by our Fire Chief/Chief Fire Official.

Strathroy-Caradoc's Council is concerned given that the County proposal is a full and complete **transfer** of the identified jurisdictions from the lower-tier Fire Chief/Chief Fire Official to the County of Middlesex while our Chief and Council favour a **delegation** or sharing of the same. There is confusion as to why this would need to be done via Section 189 of the Municipal Act, 2001, S.O. 2001, c. 25 when the FPPA contains specific provisions that would facilitate the delegation noted above.

For example, under the heading Delegation, Section 6 of the FPPA states,

(6) 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. 1997, c. 4, s. 6.”

In this context, it seems peculiar to transfer the Fire Chief's authority when the legislative mechanism to delegate that authority to the County has already been contemplated within the Act.

As Mayor, I am seeking to communicate the outcome of the Council decision with you and further, I am seeking to suggest an alternative course of action.

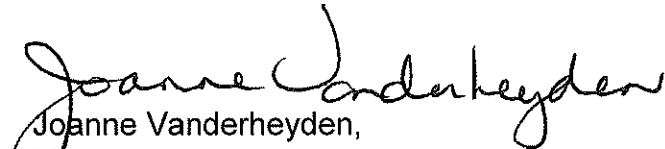
1. I urge that we respect the Fire Marshal and press pause on all action on this matter. I continue to be concerned that the County may be contemplating an action when the regulator responsible is requesting otherwise;
2. I urge County Council to consider the delegation authorities contained within the FPPA as that was the purpose for which they were provided; and
3. Just as Strathroy-Caradoc's Council expressed respect for the right of other lower-tier councils to determine a regime that is best for their ratepayers, I would hope a similar respect would be extended to Strathroy-Caradoc. Section 189 of the Municipal Act does not require that any jurisdictional extraction be imposed

fully and/or equally on each of the lower tiers. In fact, the section specifically allows for the "transfer of all or part of a lower-tier power to the upper-tier municipality from one or more of its lower-tier municipalities" as specified in a by-law. In practice, this means that the County would have the ability to extract a given jurisdiction from certain lower-tiers while leaving the same jurisdiction intact within other lower-tier municipalities. This provision could be deployed in a manner that would allow lower-tiers with a desire to receive the service in the manner outlined by the County to do so while simultaneously allowing an opt out option when a lower-tier determines that is the best option.

Strathroy-Caradoc maintains a position that favours appropriate collaboration and partnership however, if the County is determined to move forward as previously suggested, Strathroy-Caradoc respectfully requests to be excluded in accordance with Section 189 of the Municipal Act.

I look forward to your reply and I would be happy to meet to discuss this or any matter.

Sincerely,

  
Joanne Vanderheyden,  
Mayor