

## INSPECTION ORDER

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

Hamilton Fire Department

Inspection Order Number: 6217

Hamilton Fire Department  
Fire Prevention Division  
55 King William Street  
Hamilton, ON, L8R 1A2  
Phone: 905-546-2424 ext. 7783  
Email: eric.schafranek@hamilton.ca



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

On May 15, 2024, I, E. Schafranek, an Inspector under section 19(1) of the *Fire Protection and Prevention Act, 1997* inspected the following property Owned & Occupied by you:

**Property Location:** 701 Upper Sherman Avenue  
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: **May 17, 2024 by 5:00 PM**  
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 "E. Schafranek", written over a light blue horizontal line.

E. Schafranek, 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:

Building is a three storey non-combustible construction retirement home that is home to 265 residents. The footprint of the building is approx. 729 m2 with various additions over the years. The building is full sprinklered with a wet system and a two-stage fire alarm system.

The building is divided into multiple zones with fire separation doors. There are portable fire extinguishers throughout the building as well as emergency lighting.

## Reasons for Order and Action Required:

Item #	Reason and Action
1	<p><b>Fire Code Reference:</b> Division B 2.8.2.1.(2)(h) A fire safety plan shall provide for alternative measures to be provided for the safety of occupants during a shutdown of any or all fire protection equipment or systems.</p> <hr/> <p><b>Reasons:</b> At the time of the inspection, the manual pull station on the 3rd floor level within the C-Wing and across the hall from Room #C328 was activated during a witnessed fire drill and failed to operate as designed to.</p> <hr/> <p><b>Action Required:</b> Conduct hourly rounds of all affected areas of the building until the fire alarm is fully restored. A logbook of these rounds shall be maintained and made available for review by the Inspector who issued the Order upon request.</p>
2	<p><b>Fire Code Reference:</b> Division B 6.3.1.4 Fire alarm and voice communication systems shall be maintained in operating condition.</p> <hr/> <p><b>Reasons:</b> At the time of the inspection, there was a witnessed fire drill being conducted on the 3rd floor level within the C-Wing and residents of this floor level were being evacuated. The fire warden went to activate the manual pull station across the hall from Room #C328 and the manual pull station failed to activate the 2nd stage alarm function on the Two Stage fire alarm system.</p>

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**Action Required:**

Restore the building's fire alarm system to proper working order. At the time of inspection, the following deficiency existed:

- a) Manual Pull Station – 3rd Floor level within the C-Wing - Across the hall from Room C328 – Manual Pull Station did not activate the Fire Alarm System 2nd Stage function

***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.***

**Compliance with Order:**

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

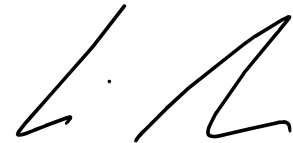
Under section 30 of the *Fire Protection and Prevention Act, 1997*, a person who fails to comply with an Order is guilty of an offence and, on conviction, is subject to a fine of up to \$20,000 for each day during which the non-compliance continues. A conviction or payment of the fine does not relieve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

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: May 15, 2024

Owner       Occupant

Manner of service:

clerk@hamilton.ca

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: Building Occupants of 701 Upper Sherman Ave, Hamilton Date: May 16, 2024

Manner of service:

701 Upper Sherman Avenue, Hamilton

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.

<b>Service to:</b> City Clerk <input checked="" type="checkbox"/> Director/Officer of Corporation Manner of service: clerk@hamilton.ca <input type="checkbox"/> Personal <input type="checkbox"/> Regular letter mail	<input type="checkbox"/> Other [ ] <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Other [ ]	Date: May 15, 2024
<b>Service to:</b> Vince Guetter <input type="checkbox"/> Director/Officer of Corporation Manner of service: Vince.guetter@hamilton.ca <input type="checkbox"/> Personal <input type="checkbox"/> Regular letter mail	<input checked="" type="checkbox"/> Other Superintendent <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Other [ ]	Date: May 15, 2024

## 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)

## **INSPECTION ORDER**

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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.