

Table of Contents

1. Photos of house before and after fire.
2. Invoice dated May 9, 2022 and email.
3. Pertinent Sections of Fire Protection and Prevention Act, 1997.
4. Pertinent Sections of By-law 12-2022.

Tab 1

015513 Grey Bruce Line
Chesley, ON











TAB 2

INVOICE

Municipality - Arran-Elderslie
PO Box 70
1925 Bruce Rd 10
Chesley ON N0G 1L0

Customer Number

00001004758

Chesley Fire

Invoice Number: 0098293

Billing Date: MAY 09,2022

Due Date: JUN 08,2022

KING RAYMOND

Description	Unit Charge	Qty	Amount
Invoice: 0098293 Invoice Claim #910460397157			
PUMPER 91 CFS 90	509.8900	9.50000	4,843.96
TANKER 94 CFS 90	509.8900	9.50000	4,843.96
RESCUE 96 CFS 90	509.8900	9.50000	4,843.96
PUMPER 92 CRS 90	509.8900	0.50000	254.95
C FIREFIGHTERS/HR	33.3600	165.00000	5,504.40
PUMPER 81 PFS 80	509.8900	5.00000	2,549.45
TANKER 85 PFS 80	509.8900	5.00000	2,549.45
RESCUE 86 PFS 80	509.8900	5.00000	2,549.45
P FIREFIGHTERS/HR	33.3600	78.00000	2,602.08
SCBA AIR FILL TRUCK	1,335.0000	1.00000	1,335.00

Prev. Balance	0.00
Invoice Charges	<u>31,876.66</u>
Balance Due	31,876.66

Tax Reg: 87242 7158

Municipality - Arran-Elderslie
Telephone - (519) 363-3039

E. & O.E.

.....
Please detach and return this portion with your payment.

00001004758
KING RAYMOND

Chesley Fire
Invoice Number: 0098293
Billing Date: MAY 9,2022
Due Date: JUN 8,2022
Amount Due: 31,876.66
Amount Enclosed \$ _____

Invoice Claim #910460397157

From: treasurer@arran-elderslie.ca (treasurer@arran-elderslie.ca)

To: king_elaine@yahoo.com

Cc: treasurer@arran-elderslie.ca; greg.waller@sedgwick.com; ksamuels@cmrinsurance.com; firechief@arran-elderslie.ca

Date: Friday, August 12, 2022 at 11:17 a.m. EDT

Good morning,

Pursuant to the email received on August 11th, please find attached an updated invoice regarding the house fire. The invoice has been updated to reflect the addressee as Raymond King.

Please contact me if you have any questions.

Yours truly

Tracey Neifer
Treasurer
Municipality of Arran-Elderslie



Raymond King Invoice 98293.PDF
31.9kB

Tab 3

Pertinent Sections of Fire Protection and Prevention Act, 1997

Part I – Definition

Fire Protection Services – include fire suppression, fire prevention, fire safety education, mitigation and prevention of risks created by unsafe levels of carbon monoxide, rescue and emergency services, communication with respect to items above, training of persons involved in fire protection and the delivery of any service described above.

Part II – Responsibility for Fire Protection Services

Section 2 - 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.

Section 5 - Municipalities may establish fire departments

5 (0.1) The council of a municipality may establish, maintain and operate a fire department for all or any part of the municipality. 2001, c. 25, s. 475 (2).

Fire departments

(1) A fire department shall provide fire suppression services and may provide other fire protection services in a municipality, group of municipalities or in territory without municipal organization. 1997, c. 4, s. 5 (1).

Section 7.1 – Municipal By-laws

7.1 (1) A council of a municipality may pass by-laws,

- (a) regulating fire prevention, including the prevention of the spreading of fires;
- (b) regulating the setting of open air fires, including establishing the times during which open air fires may be set;
- (c) designating private roads as fire routes along which no parking of vehicles shall be permitted and providing for the removal and impounding of any vehicle parked

or left along any of the fire routes at the expense of the owner of the vehicle. 2001, c. 25, s. 475 (3).

Part VIII – Recovery of Costs

Section 35 (1) The Fire Marshal, a fire chief or an assistant to the Fire Marshal may issue,

- (a) an order, to any person required by an order made under subsection 21 (1) or (2) or section 25 or 26 to do any thing, to pay the costs incurred by the Province of Ontario or a municipality in doing the thing in accordance with an authorization given under section 33;
- (b) an order, to the owner or the person having control of land or premises, to pay the costs incurred by the Province of Ontario or a municipality in entering the land or premises and doing any thing under section 15; or
- (c) an order, to the owner or occupant of land or premises, to pay the costs incurred by the Province of Ontario or a municipality in doing any thing to cause the land or premises to be closed immediately under clause 21 (2) (b). 2019, c. 7, Sched. 29, s. 5.

Idem

(2) An order under subsection (1) to pay costs shall include,

- (a) a description of the things done for which the costs were incurred and a statement of the authority for doing the things;
- (b) a detailed account of the costs incurred by the Province of Ontario or the municipality, as the case may be; and
- (c) a direction that the person to whom the order is issued pay the costs to the Minister of Finance or the municipality, as the case may be. 1997, c. 4, s. 35 (2); 2002, c. 18, Sched. N, s. 10.

Appeal to Fire Safety Commission

36 (1) A person to whom an order to pay costs is issued may, by written notice served on the person who issued the order and on the Fire Safety Commission within 15 days after service on the person of a copy of the order, require a hearing by the Commission.

Costs specified in order to pay may be increased by Commission

(2) At a hearing by the Fire Safety Commission on an order to pay costs, the Fire Marshal or an assistant to the Fire Marshal or a fire chief may, on reasonable notice to

all parties, ask the Commission to amend the order by adding new items of cost or by increasing the amounts set out in the order.

What Commission may consider at hearing

(3) At a hearing by the Fire Safety Commission on an order to pay costs, the Commission shall consider only whether any of the costs specified in the order,

- (a) are unreasonable having regard to what was done; or
- (b) do not relate to a thing,
 - (i) that the person to whom the order to pay costs was issued was required to do by an order made under subsection 21 (1) or (2) or section 25 or 26 or on any appeal from any such order, or
 - (ii) that the Fire Marshal, an assistant to the Fire Marshal or a fire chief was authorized to do under section 15.

Appeal to Divisional Court

(4) Any party to a hearing by the Fire Safety Commission on an order to pay costs may appeal from the decision of the Commission to the Divisional Court on any question that is not a question of fact alone.

Idem

(5) Subsections 27 (2) and (3) apply with necessary modification to an appeal under subsection (4). 1997, c. 4, s. 36.

Enforcement of order to pay costs

37 (1) An order to pay costs may be filed with the Superior Court of Justice and enforced as if it were an order of the court. 1997, c. 4, s. 37 (1); 2002, c. 18, Sched. N, s. 11.

Interest

(2) Section 129 of the *Courts of Justice Act* applies in respect of an order filed under subsection (1) and, for the purpose, the date of filing shall be deemed to be the date of the order. 1997, c. 4, s. 37 (2).

Section Amendments with date in force (d/m/y)

Instructions for municipality to recover costs

38 (1) The Fire Marshal, a fire chief or an assistant to the Fire Marshal may inform a municipality as to the amount of any of the following expenses incurred by the

municipality or the Province of Ontario that relate to things done in connection with land or premises in the municipality and instruct the municipality to recover the amounts:

1. Expenses incurred in carrying out an order made under subsection 31 (3) that relates to the land or premises.
 2. Where an order to pay costs has been issued under section 35 to a person who owns the lands or premises in the municipality,
- i. expenses incurred in doing anything done in accordance with an authorization given under section 33 to do things to the land or premises, or
 - ii. expenses incurred in doing a thing under section 15 in order to remove or reduce an immediate threat to life on the land or premises. 1997, c. 4, s. 38 (1).

Municipal lien

(2) Upon receiving instructions under subsection (1), a municipality shall have a lien against the land or premises in respect of which expenses referred to in subsection (1) were incurred for the amount of the expenses. 1997, c. 4, s. 38 (2).

Lien

(3) The amount of any expenses referred to in subsection (1) shall have priority lien status, as described in section 1 of the *Municipal Act, 2001*, or section 3 of the *City of Toronto Act, 2006*, as the case may be, and shall be added by the treasurer of the municipality to the tax roll. 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 20 (2).

Remitting costs to Province

(4) Subject to subsection (7), money collected in accordance with subsection (3) in order to recover expenses referred to in subsection (1) that were incurred by the Province of Ontario shall be paid by the municipality to the Minister of Finance; but the municipality may retain such amounts as may be reasonably attributable to the collection. 1997, c. 4, s. 38 (4).

Same

(5) A lien created under subsection (2) in favour of a municipality for amounts incurred by the Province of Ontario is not an estate or interest of the Crown within the meaning of clause 379 (7) (b) of the *Municipal Act, 2001* or clause 350 (7) (b) of the *City of Toronto Act, 2006*, as the case may be. 1997, c. 4, s. 38 (5); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 20 (3).

Interpretation

(6) In subsections (7) and (8),

“cancellation price” has the same meaning as in Part XI of the *Municipal Act, 2001* or Part XIV of the *City of Toronto Act, 2006*, as the case may be. 2006, c. 32, Sched. C, s. 20 (4).

Proceeds of tax sale

(7) If there is a sale of land under Part XI of the *Municipal Act, 2001* or Part XIV of the *City of Toronto Act, 2006*, as the case may be, and amounts are payable out of the proceeds to the Minister of Finance under this Act, the *Environmental Protection Act* or the *Ontario Water Resources Act*, those amounts shall not be paid until after payment of all other amounts payable out of the proceeds in respect of the cancellation price of the land. 1997, c. 4, s. 38 (7); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 20 (5).

Cancellation price

(8) Despite Part XI of the *Municipal Act, 2001* or Part XIV of the *City of Toronto Act, 2006*, the treasurer of a municipality may sell land under those Acts for less than the cancellation price, so long as the land is not sold for less than what the cancellation price would have been but for this Act, the *Environmental Protection Act* and the *Ontario Water Resources Act*, and the purchaser may be declared to be the successful purchaser under Part XI of the *Municipal Act, 2001* or Part XIV of the *City of Toronto Act, 2006*, as the case may be. 2006, c. 32, Sched. C, s. 20 (6).

Section Amendments with date in force (d/m/y)

Collection of costs

39 (1) The Fire Marshal, an assistant to the Fire Marshal or a fire chief may give written notice to the Minister of Finance of the amount of any of the following expenses incurred by the Province of Ontario that relate to things done in connection with the land and premises in territory without municipal organization, requesting the collection of the amount under the *Provincial Land Tax Act, 2006*:

1. Expenses incurred in carrying out an order made under subsection 31 (3) that relates to the land or premises.
 2. Where an order to pay costs has been issued under section 35 to a person who owns the lands or premises in territory without municipal organization,
- i. expenses incurred in doing anything done in accordance with an authorization given under section 33 to do things to the land or premises, or

- ii. expenses incurred in doing a thing under section 15 in order to remove or reduce an immediate threat to life on the land or premises. 1997, c. 4, s. 39 (1); 2006, c. 33, Sched. Z.3, s. 12 (1).

Same

(2) When the Minister of Finance receives notice of an amount under subsection (1), the amount may be collected under the *Provincial Land Tax Act, 2006* as if the amount was a tax imposed under that Act. 2006, c. 33, Sched. Z.3, s. 12 (2).

(3) REPEALED: 2006, c. 33, Sched. Z.3, s. 12 (2).

Section Amendments with date in force (d/m/y)

Expenses related to work on other lands

40 The amount to be recovered by way of municipal taxes against land or premises under section 38 or 39 shall include all expenses incurred in doing any thing in connection with the land or premises that the Fire Marshal, an assistant to the Fire Marshal or a fire chief was authorized to do under an order or authorization referred to in subsection 38 (1), whether or not the thing was done on the land or premises. 1997, c. 4, s. 40.

NO ACTION FOR DAMAGES FROM ACCIDENTAL FIRE

Section 76 No action shall be brought against any person in whose house or building or on whose land any fire accidentally begins, nor shall any recompense be made by that person for any damage suffered thereby; but no agreement between a landlord and tenant is defeated or made void by this Act. 1997, c. 4, s. 76.

Tab 4

By-law 12-2022 – The Corporation of the Municipality of Arran-Elderslie

“And whereas the Municipal Act, 2001, Chapter 25, Section 391(1) authorizes a municipality to impose fees or charges on any class of persons,

- a) for services or activities provided or done by or on behalf of it;**
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and**
- c) for the use of its property including property under its control.**

“expedient to pass a by-law establishing certain fees and charges”

“add fees and charges imposed by the municipality or local board, to the tax roll for the real property for which the owner or owners are responsible for paying the fees and charges”

New Fee Structure and General Fees – to be in full force as of January 31, 2022

Schedule K – Fire Department Fees (attached)

Fire Department Fees

DESCRIPTION	FEE	HST	TOTAL
OFC Deficiencies or No Deficiencies Letter	\$100.49	\$13.06	\$113.55
File Search Request Letters	\$100.49	\$13.06	\$113.55
Fire Report - SIR (3rd Party)	\$100.49	\$13.06	\$113.55
Burn Permit	No Charge		
Fire Safety Inspections - Initial Visit / Consultation	No Charge		
Residential Home Inspection (Single Family)	No Charge		
Residential Inspection (operating a business out of home, such as a daycare)	\$65.00 Per Hour, Minimum 1	Exempt	\$65.00
Commercial/Industrial/Institutional Inspection	\$65.00 Per Hour, Minimum 1	Exempt	\$65.00
Inspections Requiring Outside Agencies	Actual Cost		
Fire Safety Inspection (Including Written Report)	\$65.00 Per Hour, Minimum 1	Exempt	\$65.00
Fire Safety Plan Review / Approval	\$65.00 Per Hour, Minimum 1	Exempt	\$65.00
Fire Drill Approval and Observation	\$65.00 Per Hour, Minimum 1	Exempt	\$65.00
Incident Response - Open Air Fire with or without permit (at discretion of Fire Chief or Designate) Current MTO Rate per apparatus, per hour Current MTO Rate per apparatus, per half hour	\$509.89 \$254.95	Exempt Exempt	\$509.89 \$509.89
Incident Response - Open Air Fire with Permit & Compliant	No Charge		\$0.00
Motor Vehicle, Watercraft & Aircraft Accidents & Fires - Other than Highway 21 Current MTO Rate per apparatus, per hour Current MTO Rate per apparatus, per half hour	\$509.89 \$254.95	Exempt Exempt	\$509.89 \$254.95

Fire Department Fees

DESCRIPTION	FEE	HST	TOTAL
Motor Vehicle Accident on Highway 21 Current MTO rate per apparatus, per hour	\$509.89	Exempt	\$509.89
Motor Vehicle Fires on Highway 21 Current MTO rate per apparatus, per hour	\$509.89	Exempt	\$509.89
If necessary to provide security to maintain continuity of scene during an incident investigation Flat Rate per Day	\$750.00	Exempt	\$750.00
Structural Fires - Commercial and Residential Current MTO rate per apparatus, per hour	\$509.89	Exempt	\$509.89
Current MTO rate per apparatus, per half hour	\$254.95	Exempt	\$254.95
Firefighter Current Rate, per hour	\$33.36	Exempt	\$33.36
Wildland Fires through Carelessness Current MTO rate per apparatus, per hour	\$509.89		
Current MTO rate per apparatus, per half hour	\$254.95		
Rent special equipment to determine origin and cause, suppress or extinguish fires, preserve property, prevent fire spread, make property safe Current MTO rate per apparatus, per hour	Actual cost for agencies and equipment used \$509.89	Exempt Exempt	\$509.89
Smoke Alarm or Carbon Monoxide Detector Added to taxes + interest, if unpaid after 30 days	\$55.62	\$7.23	\$62.85
Hazardous Materials Response Current MTO rate per truck, per hour	\$509.89	Exempt	\$509.89
Current MTO rate per truck, per half hour	\$254.95	Exempt	\$254.95
Decontamination and cleaning of all PPE after Structure Fire or Hazardous Material Call	Actual Costs of all Cleaning and Repair	Exempt	
False Alarms - 2 free per calendar year, thereafter:	\$500.00	Exempt	\$500.00
Extinguish controlled Burn (per hour, per vehicle) (MTO rates for vehicles, rates for personnel extra)	\$225.00	Exempt	\$225.00
Response Due to Gross Negligence or an Illegal Act Current MTO rate per truck, per hour	\$509.89	Exempt	\$509.89
Current MTO rate per truck, per half hour	\$254.95	Exempt	\$509.89
Commercial - Lock Box (Hardware only, No Installation)	Actual Cost	HST	

Fire Department Fees

DESCRIPTION	FEE	HST	TOTAL
Fire Safety Plan Box	Actual Cost	HST	
Dry Sprinkler Powder Aerosol Unit - DSPA	Actual Cost Plus 10%	Exempt	
Class A Foam Wetting Agent	Actual Cost Plus 10%	Exempt	
Other Material Charges	Actual Cost Plus 10%	Exempt	
Fire Extinguisher Training for Employees (Commercial, Industrial & Institutional)	\$10.00 per Person - Minimum \$100 Charge	Exempt	
Assistance Beyond Normal Requirements or	Actual Cost Plus 10%	Exempt	
Fire Watch or Stand By for other outside agencies with apparatus			
Current MTO rate per apparatus, per hour	\$509.89	Exempt	\$509.89
Current MTO rate per apparatus, per half hour	\$254.95	Exempt	\$509.89
Fire Watch (Without Apparatus)	Actual Cost Plus 10%	Exempt	
For extraordinary expenses - When additional resources are required at a fire or emergency incident and no owner or agent is available to authorize, recovery of costs can be invoiced to the property owner (ie: Excavator, drone, other agencies for assistance)	Invoice will be according to invoice provided by third party	Exempt	