



OANHSS

ONTARIO ASSOCIATION OF NON-PROFIT HOMES AND SERVICES FOR SENIORS

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March 28, 2011

Ministry of Community Safety and Correctional Services
Policy and Strategic Planning Division
25 Grosvenor Street, 9th Floor
Toronto ON M7A 1Y6

Dear Sirs:

Re: Comments Regarding
A Consultation on Fire Safety for Vulnerable Residents in Ontario

On behalf of the Ontario Association of Non-Profit Homes and Services for Seniors (OANHSS), we are pleased to provide comments as part of the consultation on fire safety for vulnerable residents in Ontario.

OANHSS is the provincial association representing not-for-profit providers of long term care, services and housing for seniors. Members include municipal and charitable long term care homes, non-profit nursing homes, seniors' housing projects and community service agencies. Member organizations operate over 27,000 long term care beds and over 5,000 seniors' housing units across the province.

Member organizations take many forms: large and small; urban, suburban and rural; stand alone and part of a continuum; serve various cultural, linguistic, religious and geographic communities; and are located throughout the province. The common denominator is that all members operate on a not-for-profit basis, serve seniors and share a commitment to facilitating aging in place.

OANHSS members strive to ensure that seniors, regardless of the type of home in which they reside, are afforded the necessary protection and safety from preventable fires. This is an absolute priority for our members. For this reason we are very pleased to take part in this consultation so that we might build upon what is already working and identify ways to improve fire safety and protection.

In drafting our comments, OANHSS sought input and feedback from member organizations from across Ontario on the consultation in general and on the consultation survey, specifically. We found that responses to specific questions varied across the province, between regions and between municipalities. As such, we have provided general comments that we hope will contribute to improving fire safety in seniors' residences.

Fire Prevention Initiatives

OANHSS supports the implementation and maintenance of a range of fire prevention initiatives and measures in occupancies that house vulnerable Ontarians, including seniors.

Greater use of building designs and materials that maximize fire prevention and safety, rather than allowing the use of combustible materials, should be encouraged. To accomplish this, the provincial government may want to consider mandating such materials and designs when approving new construction projects such as home expansion, new builds or renovations.

Recognizing that enhanced fire prevention and safety strategies require a greater expense, the government should provide incentives to operators that encourage the use of construction materials (such as concrete versus wood) and design plans (such as including a sprinkler system) that maximize fire protection.

Currently, the Ministry of Health and Long-Term Care (MOHLTC) through the *Long-Term Care Homes Act*¹ requires annual inspections of long term care homes (LTCH). This includes ensuring compliance with requirements of the Act as they pertain to providing a safe and secure home, as outlined in Part II of the regulations, as well as ensuring that each home has in place a written emergency fire plan for the home².

The Ontario Fire Code also requires inspections and tests of fire systems on a regular basis.

These annual inspections and regular fire system tests should be continued. We also encourage extending the requirement for annual inspections by the MOHLTC, specifically pertaining to emergency plans, to include other homes housing vulnerable people, such as retirement homes and supportive and seniors' housing. Regular or annual fire safety inspections are particularly important for retirement homes and similar housing, where staff do not enter residents' rooms on a regular basis, if at all.

Public Education and Fire Prevention Programs

We recognize that municipalities are required to establish public education and fire protection services within their communities under the *Fire Protection and Prevention Act, 1997*.

While the relationship between municipal fire departments and member organizations is generally positive, there is an apparent inconsistency between municipalities with how they meet the obligation to establish public education programs. For example, some

¹ *Long-Term Care Homes Act, 2007*, Section 143.

² Ontario Regulation 79/10 (*Long-Term Care Homes Act, 2007*) Section 230 (4).

municipalities provide adequate education and training programs while others tend to focus more on enforcement and less on education and training. Still some municipalities have had little to no interaction with their respective senior residences concerning fire safety education programs.

In our view, residents themselves also have a significant role to play in terms of fire safety and prevention, particularly since residences are communal settings, where the actions of one resident affect others in the same setting. The struggle that many long term care home operators, in particular, face is reconciling a resident's responsibilities with their rights. In some circumstances, residents' exerting their "right" to do certain things in the privacy of their own unit, whether or not it poses a fire hazard, ties the hands of the operator in enforcing the same residents' "responsibilities".

In this respect, OANHSS would support the development of a standard, province-wide public education program in fire prevention for residents of all residences housing vulnerable people highlighting their role in fire prevention and conveying their individual responsibilities.

Fire Inspections

We recognize that fire safety inspections are not prescribed in the *Fire Safety and Prevention Act* but rather are left up to the local municipalities to establish. As a result, OANHSS members have reported that there are significant inconsistencies across Ontario in the current practice of fire inspections. Some municipalities require fire departments to conduct regularly scheduled inspections, while others do not. Of those municipalities that require regular inspections, some charge a fee for inspections, while others do not. Some fire departments have outreach programs with respect to fire safety and prevention, while others do not. To ensure consistency across the province and ensure that all residents in care homes have the same protections, a provincial standard could be established, that is uniform with respect to fire inspections and must be adhered to by local municipalities and their respective fire departments.

In the case of long term care homes, which as noted above are required to undergo annual inspections by the MOHLTC, experience indicates that if breaches are found during routine annual inspections, there generally is no follow up until the next annual inspection at which time it is noted whether compliance has been achieved and the breach has been rectified. It would be more beneficial to all parties if follow-up inspections were conducted prior to a regular annual inspection specifically to confirm if fire safety breaches have been corrected. Again we reiterate, such inspections should be extended to all housing for vulnerable people.

Enforcement and Penalties

The enforcement practices for existing Fire Code requirements, including for retrofit homes, is not adequate. Code requirements are clear, however, they are being interpreted differently by multiple authorities. There needs to be greater consistency between the relevant ministries in the provincial government, as well as between the various municipalities and their fire departments. Similarly we encourage standardized or uniform requirements that all municipalities and fire departments should comply with. It should not be left to the discretion of the local authorities.

In many instances, regardless of whether a Fire Code infraction is the result of action by a resident or a visitor or is the responsibility of the home owner and/or operator, penalties are levied upon the home operators and/or owner. Therefore, we suggest that if an infraction is found, consideration should be given as to the origin of the infraction when determining the severity of the penalty and who should bear the responsibility.

Fire Safety Features/Retrofits

Home owners and/or operators can do more to improve the safety of a home and ultimately contribute to the well being of its residents. Safety and fire protection features, such as zone fire separations, remote connection for fire alarm systems, emergency lighting, voice communication and so on, all aid in the protection of residents from fire emergencies. We therefore would encourage the requirement for homes housing vulnerable people, particularly those built prior to 1998, to install safety features that significantly improve fire protection and safety of the home. However, again we stress, installing and maintaining new features comes at significant cost for the owner and/or operator. The government must address these costs.

With respect to the requirement to install sprinkler systems in older residences (those built prior to 1998) OANHSS supports the initiative, however funding must be provided by the provincial government to help seniors' housing offset the costs of sprinkler installation. If funding is not provided and if all seniors housing built prior to 1998 are required to install a sprinkler system, it may take a significantly longer period of time in which to install the sprinklers. In some cases, homes may face significant financial pressures and may be simply unable to comply. This is especially the case for homes operating on a not-for-profit basis, that in many cases do not have the financial surplus available in order to comply.

OANHSS is fully supportive of the requirement by the government for new residences or residences that are being substantially renovated that house vulnerable Ontarians, to include a sprinkler system in their future design plans. It is far easier and less costly to install sprinklers during the construction phase than to impose the standard after the home is already constructed.

OANHSS is committed to supporting all efforts aimed at ensuring that Ontario's most vulnerable people, particularly seniors residing in long term care homes and seniors' housing, are safe and every effort is made to maintain and improve fire safety and prevention standards.

We thank you for the opportunity to submit our comments in response to this fire safety consultation. We would be pleased to provide any additional input or insight with respect to fire safety and prevention in residences housing seniors, as it relates to this consultation or for any other future opportunities.

Sincerely,

A handwritten signature in black ink, appearing to read "Debbie Humphreys". The signature is fluid and cursive, with the first name being more prominent.

Debbie Humphreys
Acting Chief Executive Officer