

Being a by-law to establish a consistent process for administrative penalty orders imposed for contraventions under the Fire Protection and Prevention Act, 1997, S.O. 1997, as amended (“F.P.P.A.”) and its regulations.

Whereas section 11 of Municipal Act, 2001, S.O. 2001, c. 25, as amended (“Municipal Act”), provides that municipalities may pass by-laws for the economic, social and environmental well being of the municipality; and,

Whereas section 11 of the Municipal Act also provides that municipalities may pass by-laws for the health, safety and well-being of persons; and,

Whereas section 30.2 of the F.P.P.A. and Ontario Regulation 260/25: Administrative Penalties, as amended (“O. Reg. 260/25”) authorize a municipality to establish an administrative penalty system to promote compliance with the F.P.P.A. and its regulations, including those established by municipal by-law; and,

Whereas the Council of The Corporation of the City of Oshawa considers it desirable to provide for a system of administrative penalties and fees for contraventions of the F.P.P.A. and its regulations pursuant to the F.P.P.A. and O. Reg. 260/25.

Therefore, it is enacted as a by-law of The Corporation of the City of Oshawa as follows:

1. **Definitions**

1.1 In this By-law:

“Administrative Fee” means any fee specified in this By-law, as set out in section 2.3 and Schedule “B”, or set out in O. Reg. 260/25;

“Administrative Penalty” means a monetary penalty established by section 4 of O. Reg. 260/25 pursuant to section 30.2 of the F.P.P.A.;

“Authorized Person” means the Fire Marshal or an assistant to the Fire Marshal, which includes the Fire Chief and any member of the City’s Fire Prevention Division, Fire Services and any person designated by the Fire Marshal as an assistant to the Fire Marshal in accordance with section 11(1) of the F.P.P.A. and section 2(2) of O. Reg 260/25;

“By-law” means this by-law and any schedule to this by-law, as amended from time to time;

“C.A.O.” mean the City’s Chief Administrative Officer, including their designate;

“City” means The Corporation of the City of Oshawa;

“Council” means the Council of The Corporation of the City of Oshawa

“Fees and Charges By-law” means the City’s Fees and Charges By-law 109-2024, as amended or any successor by-law;

“Fire Chief” means the City’s Fire Chief, including their designates;

“Fire Code” means Ontario Regulation 213/07: Fire Code, as amended, made under the F.P.P.A.;

“Fire Marshal” means the Fire Marshal appointed under section 8(1) of the F.P.P.A.;

“Hearing Decision” means a notice which contains the decision of a Hearing Officer, as set out in sections 5.8 to 5.11 of this By-law;

“Hearing Officer” means each hearing officer from time to time appointed pursuant to the City’s Screening and Hearing Officer By-law 17-2024 as from time to time amended;

“Holiday” means a Saturday, Sunday or statutory holiday in the Province of Ontario, or any day on which the offices of the City are officially closed for business;

“Person” means an individual, association, firm, partnership, corporation, trust, organization, trustee or agent, and their heirs, executors or legal representatives. “Persons” has a corresponding meaning;

“Penalty Order” means an order imposing an Administrative Penalty made under section 30.2(2) of the F.P.P.A.;

“Penalty Order Number” means the number specified on the Penalty Order;

“Prescribed Provision” means the Fire Code provisions listed in Schedule 1 to O. Reg. 260/25;

“Screening Decision” means a decision made by a Screening Officer pursuant to sections 4.9 to 4.12 of this By-law;

“Screening Decision Date” means the date on which a Screening Decision is issued pursuant to sections 4.9 to 4.12 of this By-law; and,

“Screening Officer” means each screening officer from time to time appointed pursuant to the City’s Screening and Hearing Officer By-law 17-2024 as from time to time amended;

2. Application

2.1 The provisions listed in Schedule 1 of O. Reg. 260/25 shall be Prescribed Provisions for the purposes of section 30.2(2) of F.P.P.A.

2.2 Schedule “A” of this By-law sets out the Administrative Penalty amounts for contraventions of the Prescribed Provisions in accordance with section 4 of O. Reg. 260/25 and section 30.2(4) of the F.P.P.A. Where a discrepancy in the Administrative Penalty amount set out in Schedule “A” of this By-law and section 4 of O. Reg 260/25 and/or section 30.2(4) of the F.P.P.A. occurs, the penalties outlined in section 4 of O. Reg. 260/25 and/or section 30.2(4) of the F.P.P.A. shall prevail.

2.3 Schedule “B” of this By-law sets out the Administrative Fees that may be imposed by this By-law in accordance with section 16(2) of O. Reg. 260/25 and the Fees and Charges By-law.

3. Penalty Order

3.1 An Authorized Person who is satisfied that a Person is contravening or not complying with a Prescribed Provision may issue a Penalty Order in accordance with this By-law, the F.P.P.A. and O. Reg. 260/25.

3.2 The Penalty Order shall be in writing and include the following information:

- a) the particulars of the contravention of the Prescribed Provision;
- b) the date by which payment of the Administrative Penalty shall be made;
- c) the amount payable and how payment of the Administrative Penalty may be made; and,
- d) the right to request a review of the Penalty Order.

3.3 The Penalty Order shall be in the form specified by the Fire Chief.

3.4 An Authorized Person is solely empowered and authorized to issue a Penalty Order under this By-law.

4. **Review By Screening Officer**

4.1 A Person who is served a Penalty Order may commence the first stage of review by requesting that the Penalty Order be reviewed by a Screening Officer. The request to commence the first stage of review shall be made in the manner set out in the Penalty Order within thirty (30) days after the date on which the Penalty Order was deemed served.

4.2 If a Screening Officer considers it fair and appropriate in the circumstances, the Screening Officer may extend the thirty (30) day period to request a review of the Penalty Order, and the extension request may be made even after the thirty (30) day period has expired. Where the application for an extension is made after the thirty (30) day review period, the application must be made within forty-five (45) days after the date on which the Penalty Order was deemed served. The granting of a review extension is discretionary and must be exercised reasonably and fairly.

4.3 The Screening Officer shall consider any request for extension before reviewing the Penalty Order.

4.4 Where neither a request for review nor an extension of time for review are requested in accordance with sections 4.1 and 4.2 of this By-law, where the Person fails to request a review within any extended period of time granted by the Screening Offer, or where an extension of time to request a review is not granted by the Screening Offer:

- a) the Person shall be deemed to have waived the right to request a review of the Penalty Order;
- b) the Penalty Order shall be deemed to be affirmed; and,
- c) the Penalty Order shall not be subject to further review, including review by any Court.

4.5 A Person's right to request a review of a Penalty Order and to request an extension of time to request a review of a Penalty Order are exercised by giving to the City written notice of the request to review the Penalty Order by a Screening Officer that includes:

- a) the Penalty Order Number;
- b) the Person's mailing address and, if applicable, facsimile transmission number and/or e-mail address;
- c) in the case of a request to extend the time to request a review, the reasons, if any, for having failed to request a review within the time limited prescribed by section 4.1; and,
- d) particulars of all grounds upon which the request to review is based.

4.6 A review of Penalty Order by a Screening Officer shall be in writing unless the Person requests accommodation from the City due to accessibility needs or disability-related barriers.

4.7 Where a meeting with a Screening Officer is scheduled, the Person shall be given notice of the date, time and place of the review.

4.8 Where a meeting with a Screening Officer is scheduled and the Person fails to appear at the time and place scheduled for the review or fails to remain at such place until the Screening Officer has made a Screening Decision with respect to the review of the Penalty Order:

- a) the Person shall be deemed to have abandoned the review;
- b) the Penalty Order shall be deemed to be affirmed;
- c) the Penalty Order shall not be subject to further review, including review by any Court; and,

d) the Administrative Fee prescribed in section 2.3 and Schedule "B" of this By-law shall be applied to the Administrative Penalty amount.

4.9 Upon review of the Penalty Order, the Screening Officer may affirm or rescind the Penalty Order, or amend it to reduce the amount of the Administrative Penalty, and shall do so as soon as practical after the review is complete.

4.10 In deciding whether to affirm or rescind the Penalty Order, or amend it to reduce the amount of the Administrative Penalty, a Screening Officer shall determine whether it was reasonable for the Authorized Person to impose the Penalty Order and may consider the information included in section 6 of this By-law.

4.11 The Screening Officer shall not make any decision respecting a review of a Penalty Order unless the Screening Officer has given the Person an opportunity to make submissions with respect to the review.

4.12 The Screening Decision shall be sent to the Person by mail, courier or electronic means as soon as practical after the decision is made.

4.13 The Person may appeal the Screening Decision to a Hearing Officer pursuant to section 5 of this By-law.

5. **Review By Hearing Officer**

5.1 A Person may commence the second stage of review by requesting that the Screening Decision be reviewed by a Hearing Officer within thirty (30) days after the Screening Decision Date.

5.2 If a Hearing Officer considers it fair and appropriate in the circumstances, the Hearing Officer may extend the thirty (30) day period to request a review of the Screening Decision, and the extension request may be made even after the thirty (30) day period has expired. Where the application for an extension is made after the thirty (30) day review period, the application must be made within forty-five (45) days after the Screening Decision Date. The granting of a review extension is discretionary and must be exercised reasonably and fairly.

5.3 The Hearing Officer shall consider any request for extension before reviewing the Screening Decision.

5.4 Where neither a request for review nor an extension of time for review are requested in accordance with sections 5.1 and 5.2 of this By-law, where the Person fails to request a review within any extended period of time granted by the Hearing Officer, or where an extension of time to request a review is not granted by the Hearing Officer:

a) the Person shall be deemed to have waived the right to request a review of the Screening Decision;

b) the Screening Decision and the Administrative Penalty, as it may have been affected by the Screening Decision, shall be deemed to be affirmed; and,

c) the Screening Decision and the Administrative Penalty, as it may have been affected by the Screening Decision, shall not be subject to further review, including review by any Court.

5.5 A Person's right to request a review of a Screening Decision and to request an extension of time to request a review of a Screening Decision are exercised by giving to the City written notice of the request to review the Screening Decision by a Hearing Officer that includes:

a) the Penalty Order Number;

b) the Person's mailing address and, if applicable, facsimile transmission number and/or e-mail address;

c) in the case of a request to extend the time to request a review, the reasons, if any, for having failed to request a review within the time limited by section 5.1; and,

- d) particulars of all grounds upon which the request to review is based.
- 5.6 The Person shall be given no fewer than seven (7) days' notice of the date, time and place of the request to review the Screening Decision by a Hearing Officer.
- 5.7 Where the Person fails to appear at the time and place scheduled for the review or fails to remain at such place until the Hearing Officer has made a decision with respect to the review of the Screening Decision:
- a) the Person shall be deemed to have abandoned the review;
 - b) the Screening Decision and the Administrative Penalty, as it may have been affected by the Screening Decision, shall be deemed to be affirmed;
 - c) the Screening Decision and the Administrative Penalty, as it may have been affected by the Screening Decision, shall not be subject to further review, including review by any Court; and,
 - d) the Administrative Fee prescribed in section 2.3 and Schedule "B" of this By-law shall be applied to Administrative Penalty amount.
- 5.8 Upon review of the Screening Decision, the Hearing Officer may affirm or rescind the Penalty Order, or amend it to reduce the amount of the Administrative Penalty, and shall do so as soon as practical after the review is complete.
- 5.9 In deciding whether to affirm or rescind the Penalty Order, or amend it to reduce the amount of the Administrative Penalty, a Hearing Officer shall determine whether the decision of the Screening Officer was reasonable and may consider the information included in section 6 of this By-law.
- 5.10 The Hearing Officer shall not make any decision respecting a review of a Screening Decision unless the Hearing Officer has given the Person and a representative of the municipality an opportunity to be heard at the time and place scheduled for the review.
- 5.11 The decision of the Hearing Officer shall be sent to the Person by mail, courier or electronic means as soon as practical after the decision is made.
- 5.12 The decision of the Hearing Officer is final and not subject to further review, including review by any Court.

6. Considerations During a Review

- 6.1 In deciding whether to affirm or rescind the Penalty Order, or amend it to reduce the amount of the Administrative Penalty in accordance with sections 4.9 to 4.12 and 5.8 to 5.11 of this By-law, the Screening Officer or Hearing Officer may consider the following information:
- a) photographs, drawings or other images;
 - b) statements, including certified statements, made by the Authorized Person who imposed the Penalty Order;
 - c) documents, including certified documents;
 - d) statements by the Person who requested the review made either in writing or in the manner in which the review is conducted;
 - e) statements by or on behalf of the City made either in writing or in the manner in which the which the review is conducted; and,
 - f) any other information, materials or submissions that the Screening Officer or Hearing Officer consider to be credible or trustworthy in the circumstances.
- 6.2 No witnesses shall be called in either a review by a Screening Officer or a review by a Hearing Officer.
- 6.3 If a Screening Officer or Hearing Officer decides to rescind the Penalty Order or amend it to reduce the amount of the Administrative Penalty, the Screening Officer or Hearing Officer may do so where they are satisfied that doing so would maintain the

general intent and purpose of this By-law and in accordance with the following:

- a) there is reason to doubt that the Person contravened a Prescribed Provision;
- b) the Person took all reasonable steps to prevent the contravention of the Prescribed Provision;
- c) the Administrative Penalty is excessive in the circumstances or is, by its magnitude, punitive in nature having regard to all the circumstances; or,
- d) the rescission of the Penalty Order or the amending of the amount of the Administrative Penalty is necessary to relieve undue financial hardship.

6.4 If a Screening Officer or Hearing Officer, as the case may be, considers it fair and appropriate in the circumstances, the Person may be approved for a plan of periodic payments that extends beyond the thirty (30) day deadline set out in sections 8.2 and 8.6 of this By-law, and may approve a plan of periodic payments even after the thirty (30) day period has expired.

6.5 An approved plan of periodic payments as set out in section 6.4 of this By-law may be conditional on the payment of a specified amount of the Administrative Penalty being made on or before a specified date.

6.6 Where a Person is approved for a plan of periodic payments in accordance with sections 6.4 and 6.5 of this By-law, the date on which the Penalty Order is due and payable shall be the date established in accordance with the extension of time.

6.7 In respect to consideration for undue financial hardship, the Person shall provide supporting documentation showing financial hardship, including, but not limited to, the following:

- a) a copy of the Canada Revenue Agency Notice of Tax Assessment for the last full calendar year; or,
- b) proof of receipt of any income supplement and the amount of such supplement, including Old Age Security, pension information (Canada Pension, disability or other pensions), Ontario Student Assistance Program, and any child or spousal support orders.

6.8 The amount of the Penalty Order shall not be increased other than in accordance with O. Reg. 260/25, the F.P.P.A. or this By-law.

7. Service

7.1 A Penalty Order shall be served in one (1) of the following ways in accordance with section 77 of the F.P.P.A.:

- a) personally;
- b) by regular letter mail;
- c) by electronic transmission;
- d) by telephone transmission of a facsimile; or,
- e) by some other method that allows proof of receipt.

7.2 Service of a Penalty Order by regular letter mail under section 7.1(b) of this By-law shall be deemed to be received by the Person on the fifth (5th) day after mailing.

7.3 Service of a Penalty Order by electronic transmission or telephone transmission of a facsimile under section 7.1(c) or (d) of this By-law shall be deemed to be received by the Person the day after it was sent, or if that day is a Holiday, on the next day that is not a Holiday.

8. Financial Administration

8.1 The City will collect payment of the Administrative Penalty and any Administrative Fee for contraventions of Prescribed Provisions subject to a Penalty Order.

- 8.2 Unless a review is requested in accordance with sections 4.1 or 5.1 of this By-law, or a request to extend the time to request a review is made in accordance with sections 4.2 or 5.2, the Penalty Order is due and payable thirty (30) days after the Penalty Order was served.
- 8.3 A request to review a Penalty Order operates as a stay of the Penalty Order until the review process is complete in accordance with sections 4 and/or 5 of this By-law.
- 8.4 A Penalty Order that is paid prior to a review by a Screening Officer or a Hearing Officer shall be deemed as final and will not be subject to a review by a Screening Officer, a Hearing Officer or any further review, including review by any Court,
- 8.5 In the case of an error on the face of the Penalty Order, the Fire Chief may cancel the Penalty Order and direct a refund of all Administrative Penalty amounts and Administrative Fees paid.
- 8.6 If a request to review a Penalty Order does not result in the Penalty Order being set aside, the Person who is subject to the Penalty Order shall pay the Administrative Penalty within thirty (30) days following:
- a) the Screening Decision Date, if no request for a review of the Screening Decision was made; or,
 - b) the date of the decision by the Hearing Officer, if a request for review of the Screening Decision was made.
- 8.7 All amounts due and payable to the City pursuant to this By-law, including an Administrative Penalty and any Administrative Fees, constitute a debt to the City.
- 8.8 No fee shall be charged to:
- a) request a review of a Penalty Order or Screening Decision;
 - b) extend the period of time in which to request a review of a Penalty Order or Screening Decision; or,
 - c) approve a plan of periodic payment.
- 8.9 Payment of an Administrative Penalty or any Administrative Fee must be received by the date on which it is due and payable, or any extended due date in accordance with this By-law, and the payment will not be credited until received by the City.
9. **General Provisions**
- 9.1 A Person has no right to be heard with respect to a contravention of a Prescribed Provision before a Penalty Order is imposed.
- 9.2 An Authorized Person shall only impose a Penalty Order within one (1) year after the contravention of the Prescribed Provision first came to the knowledge of the Authorized Person.
- 9.3 No Authorized Person who imposes a Penalty Order may accept payment of the Administrative Penalty respecting that Penalty Order.
- 9.4 An Administrative Penalty imposed under this By-law may be imposed alone or in conjunction with any other regulatory measure provided by the F.P.P.A. or any other Act, and may be imposed in conjunction with a fine imposed for the same infraction.
- 9.5 An authorized representative is permitted to appear on behalf of a Person at the review of a Penalty Order to either a Screening Officer or a Hearing Officer, or to communicate with the City on behalf of a Person where a written authorization to act as an agent has been provided.
- 9.6 Neither a Screening Officer nor a Hearing Officer has jurisdiction to consider questions related to the validity of a statute or regulation or the constitutional applicability or operability of any statute or regulation.
- 9.7 Should this By-law conflict with enabling legislation, the F.P.P.A. and/or O. Reg. 260/25 shall prevail.

10. **Administration**

10.1 The Fire Chief shall administer this By-law.

10.2 The Fire Chief may designate the location within the City for conducting a review of a Penalty Order by a Screening Officer or a Hearing Officer, as well as setting the time for such review.

10.3 The Fire Chief may prescribe all forms, notices, including the Penalty Order, guidelines, process, policies and procedures necessary to administer this By-law and the established Administrative Penalty system, and to amend such forms, notices, guidelines, procedures and process as the Fire Chief deems necessary.

11. **Severability**

11.1 If one or more provisions of this By-law, as amended, are found to be invalid, illegal, inoperative, unenforceable or void by any court or tribunal of competent jurisdiction, in whole or in part, or in the particular circumstances, the remaining terms and provisions of this By-law shall be deemed to be severable from the part so found and shall remain in full force and effect.

12. **Short Title**

12.1 The short title of this By-law is the "Fire Administrative Penalty By-law".

13. **Effective Date**

13.1 This By-law shall come into force and effect on the first day of July 2026.

By-law passed this twenty-second day of June, 2026.

Schedule "A"

Excerpts from O. Reg. 260/25

4. (1) The amount of the penalty for a contravention of a provision listed in Schedule 1 to this Regulation is,

- (a) the first time an order is issued for a contravention of the provision, \$200;
- (b) the second time an order is issued for a contravention of the same provision, \$400;
or
- (c) the third or subsequent time an order is issued for a contravention of the same provision, \$600.

(2) For the purposes of subsection (1), a penalty order for the contravention of a provision is considered to be a second, third or subsequent order in respect of the same provision if the order is issued within three years after the first order was issued.

Schedule "B"

Administrative Fees

Item	Fee
Fee – Non-Appearance – Screening	As specified in Schedule C.1 of the Fees and Charges By-law
Fee – Non-Appearance – Hearing	As specified in Schedule C.1 of the Fees and Charges By-law
Note: The fees listed in this Schedule "B" will be subject to applicable taxes in accordance with the Fees and Charges By-law.	