



January 22, 2025

Emergency Management Policy and Governance Branch
Emergency Management Strategy, Monitoring and Intelligence
Division
315 Front Street West
Toronto, ON
M7A 0B8
Via Digital Submission Only

**The Regional
Municipality of
Durham**

Office of the Regional
Chair and Chief
Administrative Officer

605 Rossland Rd. E.
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Whitby, ON L1N 6A3
Canada

905-668-7711
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Elaine Baxter-Trahair
Chief Administrative
Officer

Dear Sir/Madam:

**RE: Proposed Amendments to Bill 238, Emergency
Management Modernization Act, 2024**

On behalf of the Regional Municipality of Durham, we are pleased to submit our feedback on Bill 238, the Emergency Management Modernization Act, 2024. Our proposed amendments aim to enhance the flexibility and clarity of emergency management provisions within the Act. These amendments include the temporary suspension of certain Fire Code provisions during emergencies declared during a period of time where conditions for extreme heat warnings or extreme cold weather alerts exist, the requirement for lower-tier municipalities to conform to the emergency plan of their upper-tier municipality, and the clarification of the organizational structure of Emergency Management Ontario. This feedback is being provided through the Ontario Regulatory Registry and the Environmental Registry of Ontario, within the comment period that is open until January 23, 2025. We look forward to reviewing future amendments from the Second Reading of Bill 238 and providing further feedback at that time.

**1. Temporary Suspension of Fire Code Provisions During
Declared Emergencies**

Preamble:

This amendment to Bill 238 aims to provide flexibility in emergency situations by allowing temporary suspension of certain Fire Code provisions. This is intended to facilitate the use of non-dwelling designated spaces for sleeping in warming centers during emergencies, while ensuring safety through mitigating measures. A reporting requirement identical to that for head of council to inform to inform council why the Fire Code suspension is required during the emergency.

If you require this information in an accessible format, please call 1-800-372-1102, ext. 2103



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A. Authority to Suspend Provisions:

- Upon the declaration of an emergency by the head of council, during a period of time where conditions for extreme heat warnings or extreme cold weather alerts exist, provisions regarding egress and fire sprinklers of the Ontario Fire Code may be temporarily suspended to allow the use of spaces not designated as bedrooms for sleeping purposes in declared warming centers. the amendment includes a reporting requirement for the head of council to provide regular updates to the municipal council, ensuring transparency, accountability, and ongoing assessment of the necessity for the suspension.

B. Conditions for Suspension:

- The suspension of Fire Code provisions shall only be permitted if the following conditions are met:
 - An emergency has been declared by the head of council for the relevant municipality.
 - The emergency is for a period of time during which the public health standard conditions for heat warnings or cold weather alerts or equivalent exist, as is issued by the local Board of Health, pursuant to section 7 of the *Health Protection and Promotion Act*.
 - The purpose and objectives of the suspension are congruent with Ontario Fire Code functional statements F10-OS3.7, F72-OH2.1, and F72-OH2.3.
 - Mitigating factors are present to achieve the functional statements, including but not limited to the presence of staff patrolling the premises 24/7.
 - The space is otherwise compliant with the Building Code and Fire Code for its intended, non-emergency, use.



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C. Duration of Suspension:

- The suspension of Fire Code provisions shall be temporary and only in effect for the duration of the declared emergency.
- The head of council must conclude that the suspension of the Fire Code is necessary for the protection of life.

D. Reporting and Accountability:

- The head of council shall, every 30 days until the declared emergency has terminated, report to the council of the municipality outlining the reasons why it remains necessary for the Fire Code provisions to be suspended.
- Regular reporting helps ensure that the municipality remains compliant with the Ontario Fire Code as soon as possible, as the ongoing need for the suspension is regularly evaluated.

**2. Conformity Requirements for Lower-Tier Municipal
Emergency Plans within Upper-Tier Municipalities**

Preamble:

This amendment to Bill 238 aims to address the requirement for lower-tier municipalities to conform to the emergency plan of their upper-tier municipality. Bill 238 seeks to remove this requirement from the Act. However, this requirement has proven beneficial in fostering communication and coordination among the Regional Municipality of Durham, an upper-tier municipality, and the eight (8) lower-tier municipalities within it. The benefits of this approach include enhanced consistency and coordination, efficient resource sharing, effective communication, and comprehensive emergency coverage.



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A. Authority to Conform to Upper-Tier Plan:

- The emergency plan of a lower-tier municipality in an upper-tier municipality shall conform to the emergency plan of the upper-tier municipality and has no effect to the extent of any inconsistency.

B. Conditions for Conformity:

- The conformity requirement shall remain in place unless a joint emergency management plan is developed by multiple municipalities.
- The conformity requirement is not exclusionary to the ability to create joint emergency management plans, proposed by Bill 238.

3. Clarification of Emergency Management Organization

Preamble:

It is not clear from the statutory definitions and drafting of Bill 238 whether the emergency management organization defined at Section 1 is the same as Emergency Management Ontario. We know it is defined as the provincial emergency management organization that forms part of the Ministry and whose operations are directed by the Commissioner of Emergency Management. The office of the Chief, Emergency Management Ontario is removed from the Act. However, because the Act and Bill 238 make use of multiple terms, including "emergency management organization" and "Emergency Management Ontario" it would be helpful if clarity were provided on whether Emergency Management Ontario is the same organization referenced in Bill 238 or whether a separate reorganization is being planned within the Ministry.

A. Authority to Clarify Organizational Structure:

- The Act and Bill 238 should clearly define whether Emergency Management Ontario or its successor is the same as the provincial emergency management organization referenced in the legislation or if a separate reorganization is being planned.



B. Conditions for Clarification:

- The clarification should be provided in the statutory definitions to avoid any ambiguity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elaine Baxter-Trahair'.

Elaine Baxter-Trahair
Chief Administrative Officer

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