



ONTARIO NON-PROFIT
HOUSING ASSOCIATION

Hon. David Orazietti
Minister of Community Safety and Correctional Services
18th Floor, George Drew Building
25 Grosvenor St.
Toronto, ON M7A 1Y6

June 13, 2016

Re: Non-profit housing and care occupancy designations under the Fire Code

Dear Minister Orazietti,

The Ontario Non-Profit Housing Association (ONPHA) is home to more than 700 non-profit housing providers. From Windsor to Cornwall, Toronto to Thunder Bay, our members house more than 400,000 people in 163,000 homes in 220 Ontario communities. They are a critical part of the fabric of every community and provide decent, affordable homes to low and moderate income households.

On January 1, 2014, Ontario Regulation 150/13, which amended the Fire Code (Ontario Regulation 213/07), came into force. The Regulation provided a new definition of a “care occupancy.”¹ Since then, a number of ONPHA members have been informed that their properties, which had previously been designated residential occupancies, are care occupancies.² Once a project is designated, housing providers must undertake costly capital and operating upgrades to comply with the Code.

¹ In previous versions of the Fire Code, a care occupancy had been defined as an **occupancy** in which persons receive special or supervisory care because of cognitive or physical limitations, but does not include a **dwelling unit**. In the revised definition, a care occupancy is defined as an **occupancy** in which special care is provided by a facility, directly through its staff or indirectly through another provider, to residents of the facility, a) require special care because of cognitive or physical limitations, and b) who, as a result of those limitations, would be incapable of evacuating the **occupancy**, if necessary, without the assistance of another person.

² The projects are social and supportive housing projects that were developed under housing programs to provide affordable accommodation to households that are able to live independently.



Based on our members' experiences, ONPHA believes that municipal fire departments have inconsistently and incorrectly applied the care occupancy designation. Similar housing providers have been designated differently depending on how their local fire department gathered information and the steps they took to understand the organization's mandate and operations.³ In some areas, fire departments told housing providers that they are operating care occupancies based on assumptions about tenants' abilities, confusion about the organization's purpose, and without speaking directly to any staff. With this in mind, we recommend the following actions:

1. ONPHA asks that the Office of the Fire Marshall (OFM) provide greater leadership and direction to municipal fire departments on this issue. The OFM should ensure that municipal fire departments have the necessary training to understand the care occupancy designation and apply it accurately and consistently.

Organizations that are designated care occupancies can request reviews of orders by the OFM and/or appeal to the Fire Safety Commission. At least one ONPHA member is appealing their designation. When fire departments designate projects without doing their due diligence, providers are likely to pursue reviews or appeals. This is not the best use of our members' limited resources, and creates unnecessary costs and delays for all parties.

We also urge the OFM to promote collaboration between fire departments and non-profit housing providers by establishing guidelines for fire departments to use when working with community organizations. Encouraging consultation and robust information gathering procedures before a designation is applied will build stronger relationships and reduce incorrect designations. It is crucial that municipal fire departments have a deep understanding of the important work that our members do in their communities.

2. Some ONPHA members operate projects may be accurately designated as care occupancies. ONPHA encourages the provincial government to make funding available for any mandated capital upgrades and additional staffing and monitoring requirements.

³ In York Region, for example, similar housing providers located in two different municipalities received different designations from their local fire departments.



These organizations do not have the resources to implement the changes required by a care occupancy designation.⁴ Non-profit housing providers operate on very slim margins, and many are not legally permitted to carry a budget surplus. Unlike private landlords, our members cannot raise rents to pay for capital repairs and staffing increases, and the rapid timeline for compliance with the Fire Code is a barrier to securing funding from other sources.

Establishing funding for these providers should be a joint initiative by the ministries responsible for the administration and oversight of social and supportive housing, namely the Ministry of Housing, Ministry of Health and Long-Term Care, and the Ministry of Community and Social Services. The Ontario Government has recognized the high costs associated with operating a care occupancy for other sectors. In 2013, the Ministry of Health and Long-Term Care and the Ontario Seniors' Secretariat announced \$20 million in funding for sprinkler systems and staff training for long-term care homes, which are considered care occupancies under the Fire Code. However, this type of funding was not made available to non-profit housing providers that also operate care occupancies.

If the status quo continues, non-profit housing providers that operate care occupancies will be placed in a difficult position. Current budgets and capital reserves cannot bear the additional costs required to bring their properties into compliance. These organizations serve some of the most vulnerable members of our society, including adults with cognitive disabilities and frail seniors. The costs of complying with the care occupancy designation will threaten their financial viability and place these organizations at risk. Some may even change their mandate or refuse high-needs clients in order to avoid the designation, resulting in a loss of vital housing for vulnerable individuals.

⁴ A care occupancy designation results in increased capital costs (the instillation of new sprinkler, alarm and emergency lighting systems) and operating costs (increased staffing to assist with evacuation, inspection and maintenance fees, and remote monitoring of fire alarms and sprinkler systems). According to a recent report commissioned by the South West Local Health Integration Network, the projected costs for a 4-storey building with 35 units that has been designated a care occupancy are as follows: \$201,205 (one-time capital costs for retrofits) + \$141,900 (ongoing operating costs).



Going forward, ONPHA asks that the Government of Ontario balance the importance of fire safety and preventative measures with the long-term viability of the non-profit housing sector. Our recommendations for action will help to ensure that vulnerable Ontarians continue to have access to safe and secure homes within non-profit communities.

Sincerely,

Meg McCallum
President

Sharad Kerur
Executive Director

Cc.

Ross Nichols, Ontario Fire Marshal and Chief of Emergency Management

Hon. Chris Ballard, Minister of Housing and Minister Responsible for the Poverty Reduction Strategy

Hon. Dipika Damerla, Minister Responsible for Seniors Affairs

Hon. Dr. Eric Hoskins, Minister of Health and Long-Term Care

Hon. Helena Jaczek, Minister of Community and Social Services