

FACT SHEET: Fees for Service – Fire Department Response to Open Air Burning By-Law Violations

As a policy of the Town of Gravenhurst Town Council, persons who choose to ignore the provisions of the Town's Open Air Burning Control By-Law are subject to a cost recovery process that are directed to the **property owner**, regardless of whether they are present or not. Property owners are, at all times, responsible for the activities that are carried out upon their properties, even if they aren't physically present (i.e. rental and "Airbnb" type properties). This policy is enabled through the Towns "Fees and Services" By-Law.

This policy is based on the premise that law-abiding citizens should not subsidize or pay for the fire suppression activities created by those who break the law.

Where the fire department is required to respond to **any** incident as a result of a violation of the open air burning by-law, cost recovery efforts are initiated based on the actual fire service apparatus that respond and are needed to control and extinguish a fire.

Normally, **at least two fire trucks** are dispatched to this type of incident, and so these will be invoiced at the rate of **\$488.40 (2021 rate) per hour per truck, plus the costs of attending fire personnel (plus HST)**.

Note that where a very large fire occurs, the Ministry of Natural Resources may be called in to assist. Some of their air assets (i.e. - helicopters, water bombers) are billed out at +\$7000.00 per hour *each* and so the invoice for such a response will be very large indeed.

The well founded presumption/principle in law of "ignorance is no excuse" also places an onus on all conscientious residents of Gravenhurst to be familiar with the laws that apply to them, or as a minimum, seek out information on what may be allowed and what may be restricted by researching such matters *before* they undertake activities which might be controlled locally such as open air burning.

FAQ's

Q. What if a fire occurs and I am following all of the applicable provisions of the by-law?

A. If the fire is deemed accidental and there is no violation of the burning by-law provisions, no invoice will be issued.

Q. Who determines whether a violation of the law has occurred?

A. The officer (Captain, Lieutenant, Chief Officer etc.) present at the incident who is in charge of the departmental response will make the determination based on evidence available to him or her.

Q. Does an invoice from the fire department have any effect on charges that may be preferred by by-law enforcement officer?

A. No, the two processes are different and independent from one another.

Q. How is the Fee for Service calculated?

A. In Ontario, the widely accepted standard rate for a fire truck response is set by agreement with the Province of Ontario. In 2021, this rate is set at \$488.40 per hour. This rate is subject to annual increases as dictated by the Province and to the application of HST. Local response protocols prescribe how many trucks respond to different types of incidents. In Gravenhurst, **at least two trucks** are normally

dispatched to an incident of this nature and so the invoice amount will reflect \$488.40 per hour per truck (plus HST), PLUS the cost of attending firefighter wages (because Gravenhurst employs volunteer firefighters, these numbers can vary from incident to incident depending on firefighter availability).

Fees charged by the Ministry of Natural Resources (MNRF) are calculated based on a standard contract for service and vary widely. The decision to request the assistance of the MNRF rests solely with the fire department Incident Commander. (Please call the fire department at 705-687-3414 if you would like further information about the fees charged by the MNRF.)

Q. What if I dispute the costs associated with the invoice?

A. Fee disputes may be discussed with the Deputy Fire Chief who is responsible for emergency operations. Please call 705-687-3414.

Q. What happens if I refuse to pay an invoice directed at me?

A. All invoices for service are issued by the Corporate Services department of the Town, and where an invoice is unpaid, it is subject to interest charges that accumulate monthly. After a prescribed period of time, these costs are assigned to the property taxes and registered as a lean against the title of the property.

We invite you to call us if you have other questions about the Fire Department open air burning cost recovery program – please connect with us by calling 705-687-3414.

