



May 14, 2009

Honourable Jim Watson  
Minister – Minister's Office  
Minister of Municipal Affairs and Housing  
17th Floor, 777 Bay Street  
Toronto, ON M5G 2E5

Dear Minister Watson:

**Subject: Bill 143, Hawkins Gignac Act (Carbon Monoxide Detectors), 2008**

At its April 22, 2009 regular meeting, the Board of Health for the North Bay Parry Sound District Health Unit passed the following resolution # BOH/2009/04/06:

**Resolution #BOH/2009/04/06:**

*Whereas, The Board of Health for the North Bay Parry Sound District Health Unit considered Report No. 017-09, prepared by the Medical Officer of Health for the Middlesex – London Health Unit, regarding Bill 143, Hawkins Gignac Act (Carbon Monoxide Detectors), 2008,*

*Now Therefore Be It Resolved, That the Board of Health for the North Bay Parry Sound District Health Unit endorse a resolution passed on January 15, 2009 by the Middlesex-London Board of Health regarding the intent of the Private Member's Bill 143 on the understanding that clarification to specific requirements will be addressed as the proposed legislation goes forward; and*

***Furthermore Be It Resolved, That a copy of this resolution be forwarded to the:***

- 1) Minister of Municipal Affairs and Housing
- 2) Minister of Health and Long-Term Care
- 3) Local Members of Provincial Parliament
- 4) Ontario Boards of Health
- 5) Association of Local Public Health Agencies
- 6) Member Municipalities.

We thank you in advance for your consideration of this issue and look forward to your response.

Yours sincerely,

Mac Bain, Chairperson  
Board of Health

Enclosures: 1) Letter dated January 23, 2009 from Dr. G. Pollett, Medical Officer of Health, Middlesex-London Health Unit  
2) Middlesex-London Health Unit Report to Board of Health – Report No. 017 – 09  
3) Resolution No. 2008 - 811 passed by Council of the City of North Bay

Copied to: 1) Minister of Health and Long-Term Care  
2) Local Members of Provincial Parliament  
3) Ontario Boards of Health  
4) Association of Local Public Health Agencies  
5) Member Municipalities

Main Office

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May 14, 2009

Honourable David Caplan  
Minister – Minister's Office  
Ministry of Health and Long-Term Care  
Hepburn Block  
10<sup>th</sup> Floor, Grosvenor Street  
Toronto, ON M7A 2C4

Dear Minister Caplan:

**Subject: Bill 143, Hawkins Gignac Act (Carbon Monoxide Detectors), 2008**

At its April 22, 2009 regular meeting, the Board of Health for the North Bay Parry Sound District Health Unit passed the following resolution

**Resolution #BOH/2009/04/06:**

*Whereas, The Board of Health for the North Bay Parry Sound District Health Unit considered Report No. 017-09, prepared by the Medical Officer of Health for the Middlesex – London Health Unit, regarding Bill 143, Hawkins Gignac Act (Carbon Monoxide Detectors), 2008,*

*Now Therefore Be It Resolved, That the Board of Health for the North Bay Parry Sound District Health Unit endorse a resolution passed on January 15, 2009 by the Middlesex-London Board of Health regarding the intent of the Private Member's Bill 143 on the understanding that clarification to specific requirements will be addressed as the proposed legislation goes forward; and*

*Furthermore Be It Resolved, That a copy of this resolution be forwarded to the:*

- 1) Minister of Municipal Affairs and Housing
- 2) Minister of Health and Long-Term Care
- 3) Local Members of Provincial Parliament
- 4) Ontario Boards of Health
- 5) Association of Local Public Health Agencies
- 6) Member Municipalities.

We thank you in advance for your consideration of this issue and look forward to your response.

Yours sincerely,

Mac Bain, Chairperson  
Board of Health

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Copied to: 1) Minister of Municipal Affairs and Housing  
2) Local Members of Provincial Parliament  
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January 23, 2009

Ontario Boards of Health

At its January 15, 2009 meeting, the Middlesex-London Board of Health considered Report No. 017-09 re Hawkins Gignac Act (Carbon Monoxide Detectors), 2008 and moved that the Board of Health;

1. *endorse the intent of the Private Member's Bill 143 known as The Hawkins Gignac Act (Carbon Monoxide Detectors), 2008 on the understanding that clarification to specific requirements will be addressed as the proposed legislation goes forward; and further*
2. *send a letter of endorsement to the Minister of Health and Long-Term Care; and further*
3. *seek support for this endorsement from other Boards of Health and from the Association of Local Public Health Agencies.*

Requiring that carbon monoxide detectors be made mandatory in Ontario homes and residences will increase the safety of the public and may prevent tragedies like those which recently took the lives of a Woodstock family. A copy of Report No. 017-09 re Hawkins Gignac Act (Carbon Monoxide Detectors), 2008 is attached for your information.

If you require additional information, please contact Mr. James Reffle, Director of Environmental Health and Chronic Disease Prevention Services at (519) 663-5317 ext. 2424.

Yours sincerely,



Graham L. Pollett, MD, MHS, FRCPC  
Medical Officer of Health and  
Secretary-Treasurer, Middlesex-London Board of Health

GP/Ig

Encl.

c.c. Mr. James Reffle, Director of Environmental Health and Chronic Disease Prevention Services  
Medical Officers of Health - Ontario Public Health Units

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An Accredited Teaching Health Unit

TO: Chair and Members of the Board of Health

FROM: Graham L. Pollett, MD, FRCPC  
Medical Officer of Health

DATE: 2009 January 15

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## BILL 143 – HAWKINS GIGNAC ACT (CARBON MONOXIDE DETECTORS), 2008

### **Recommendation**

*It is recommended that the Board of Health endorse the Private Member's Bill 143 known as The Hawkins Gignac Act (Carbon Monoxide Detectors), 2008, attached as Appendix A to Report #.*

### **Background**

At the December 11, 2008 Board of Health meeting the Board discussed the announcement of a provincial private member's bill being proposed by Mr. Ernie Hardeman, MPP (Oxford) requiring carbon monoxide detectors in all new and existing residences in response to the tragic deaths of a family in Woodstock that may have been prevented if carbon monoxide detectors had been present in the home.

Since there were no details available at that time, the Board passed a resolution asking staff:

*to prepare a report on the proposed legislation requiring that carbon monoxide detectors become mandatory in all residential dwellings in the province with combustion source heating for the January 2009 meeting of the Board of Health, or the next meeting after the proposed legislation is tabled.*

### **Bill 143**

Attached as Appendix A is Bill 143, *An Act to amend the Building Code Act, 1992 to require carbon monoxide detectors in all residential buildings*. Bill 143 is also known as The Hawkins Gignac Act (Carbon Monoxide Detectors). 2008 in memory of the family that lost their lives.

The proposed principle requirements in Bill 143 are:

- Carbon monoxide detectors shall be installed in every building that is used for residential occupancy.
- A carbon monoxide detector shall be installed adjacent to each sleeping area in a building that is used for residential occupancy.
- At least one carbon monoxide detector shall be installed on each storey that does not contain a sleeping area in a building that is used for residential occupancy.

### Local Initiatives

Health Unit staff involved in injury prevention programs have been creating awareness about the risks of carbon monoxide in homes and the need to take precautions. Attached as Appendix B is a copy of *Safety Never Hurts* Bulletin – Winter 2006 issue, that includes information about carbon monoxide. This is promoted through Child Safety Middlesex-London, a local coalition. Staff also participate on other injury prevention groups such as the City of London Community Safety and Crime Prevention Advisory Committee.

### Conclusion

Bill 143 appears to meet the intent of the Board of Health's other resolution from the December 11<sup>th</sup> meeting namely:

*that the Board of Health send a letter to the provincial government in support of legislation requiring carbon monoxide detectors be made mandatory in Ontario homes.*

This report was prepared by Mr. James Reffle, Director of Environmental Health and Chronic Disease Prevention Services and Ms. Berthe Streef, Public Health Nurse, Chronic Disease and Injury Prevention Team.

Graham L. Pollett, MD, FRCPC  
Medical Officer of Health and CEO

**This report addresses requirements in the Ontario Public Health Standards 2008 that relate to the Prevention of Injury.**

INTER OFFICE

*Council Secretariat*

MEMO

To: Michael Burke  
From: Catherine Conrad  
Subject: Carbon Monoxide Detectors  
Date: 16 December 2008

This is Resolution No. 2008-811 which was passed by Council at its Regular Meeting held Monday, December 15, 2008.

Resolution No. 2008-811:

"WHEREAS Section 10.2, of the *Municipal Act* (the "Act") provides that a municipality may pass by-laws for the health, safety, and well-being of persons;

AND WHEREAS Section 425.(1) of the *Act* provides that a person who contravenes a by-law of the municipality passed under this *Act* is guilty of an offence;

AND WHEREAS Council has been saddened by a recent tragedy;

THEREFORE BE IT RESOLVED THAT the Council of the City of North Bay requires carbon monoxide detectors to be installed in residential buildings, which will reduce the health risks to our citizens;

AND FURTHER BE IT RESOLVED THAT City Staff be directed to draft a by-law for Councils approval, for implementation by January 1, 2010."

Catherine Conrad,  
City Clerk.

CMC/cjc

Copy to: Chief Love  
S. Killins  
J.D. Knox

THE CORPORATION OF THE CITY OF NORTH BAY

BY-LAW NO. 2009-16

**BEING A BY-LAW TO REQUIRE THE INSTALLATION  
AND MAINTENANCE OF CARBON MONOXIDE ALARMS IN ALL  
RESIDENTIAL OCCUPANCIES CONTAINING FUEL FIRED  
APPLIANCES AND/OR HAVE ATTACHED GARAGE(S)**

**WHEREAS** Council has authority under Section 10.2 of the *Municipal Act*, R.S.O. 2001, c.M.45, as amended (the "Act") to pass by-laws for the health, safety and well-being of persons;

**AND WHEREAS** Section 425.(1) of the *Act* provides that a person who contravenes a by-law of the municipality passed under this *Act* is guilty of an offence;

**AND WHEREAS** carbon monoxide poisoning is a serious health risk to residents of dwellings containing fuel fired appliances;

**AND WHEREAS** Council passed Resolution No. 2008-811 at its Regular Meeting held on Monday, December 15, 2008 requiring carbon monoxide alarms be installed in residential buildings;

**NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION  
OF THE CITY OF NORTH BAY ENACT AS FOLLOWS:**

1. In this By-law,

"Carbon Monoxide Alarm" means a battery or electrically powered combined carbon monoxide detector and audible alarm device that:

- (i) is designed to sound an audible alarm upon detection of excessive concentrations of carbon monoxide; and
- (ii) is equipped with an indicator which provides a readily visible or audible indication that the device is in operating condition; and
- (iii) where electrically powered, has no switch between the detector and the power distribution panel; and
- (iv) conforms to CAN/CGA 6.19 or UL 2034 Standards;

"Check" means visual observation to ensure the device or system is in place and is not obviously damaged or obstructed;

"Dwelling Unit" means a building or part of a building, comprised of a room or series of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and which may contain cooking, eating, living, sleeping and sanitary facilities, and including its respective appurtenant hallways;

"Fuel Burning Appliance" means appliances such as, but not limited to furnaces, refrigerators, clothes dryers, water heaters, boilers, fireplaces, woodstoves, charcoal grills, gas ranges and space heaters, which are fired by flammable fuels such as, but not limited to natural gas, propane, heating oil, kerosene, coal, gasoline, wood and charcoal;

"Inspector" means a member of the Fire Prevention Division of the Fire & Emergency Services of the City and includes the Fire Chief and any other member of the Fire & Emergency Services designated by the Fire Chief; Chief Building Official, Building Inspector and Property Standard Inspectors;

"Multi Unit Residential Structure" means any building that contains more than one Dwelling Unit and includes but is not limited to apartment buildings, boarding, loading and rooming houses, nursing homes, hotels, motels and hospitals;

“Ontario Building Code” means Ontario Regulation 403/97, issued pursuant to the *Building Code Act*, S.O. 1992, c/23, as amended from time to time and includes any successor legislation or regulation;

“Owner” includes any person, firm or corporation having control over any portion of a Dwelling Unit or a Multi Unit Residential Structure and includes the persons in occupation of a Dwelling Unit or a Multi Unit Residential Structure;

“Service Room” means any room containing a Fuel Burning Appliance, located in a Multi Unit Residential Structure, which is not a Dwelling Unit or within a Dwelling Unit;

“Test” means the operation of a device or system to ensure that it will perform in accordance with its intended operation or function;

2. Every Owner of a Dwelling Unit and a Multi Unit Residential Structure shall operate and maintain heating, ventilating and air conditioning systems, including appliances, chimneys and flue pipes, so as not to create a hazardous condition.
3. Every Owner shall install or cause to be installed a minimum of one (1) Carbon Monoxide Alarm;
  - (i) in each Dwelling Unit which contains a Fuel Burning Appliance; and
  - (ii) in the case of a Multi Unit Residential Structure, in each Dwelling Unit located on the same floor level as a Fuel Burning Appliance and in each Service Room, provided the alarm installed in each Service Room shall be equipped with a remote signal, visible and audible in a supervised or conspicuous location;
  - (iii) in each Dwelling Unit or Multi Unit Residential Structure which contains an attached garage;
  - (iv) Every owner shall supply a copy of the Carbon Monoxide Alarm manufacturer’s maintenance instructions to the occupant(s) of a dwelling unit;
  - (v) The occupant(s) of a dwelling unit shall maintain the Carbon Monoxide Alarm in operating condition at all times in accordance with the manufacturer’s maintenance instructions;
  - (vi) The owner shall ensure that the Carbon Monoxide Alarms required in this by-law are checked and tested and are in good working order, at least annually.
4. Each occupant of a dwelling unit shall maintain the Carbon Monoxide Alarm in good operating condition at all times and, in accordance with the manufacturer’s maintenance instructions;
5. If a Carbon Monoxide Alarm is required and has been installed in a Dwelling Unit in accordance with the requirements of the *Ontario Building Code*, then the Dwelling Unit shall be deemed to comply with this by-law.
6. Every Owner of a Dwelling Unit or a Multi Unit Residential Structure shall ensure that each Carbon Monoxide Alarm installed in a Dwelling Unit or a Service Room is installed in accordance with the manufacturers’ instructions and shall be equipped with an alarm that is audible within all bedrooms when the intervening doors are closed.
7. Every Owner of a dwelling Unit or a Multi Unit Residential Structure shall ensure that each Carbon Monoxide Alarm installed in a Dwelling Unit or a Service Room is maintained in good operating condition and in accordance with the manufacturers’ instructions.
8. Every Owner shall ensure that where an electrically powered Carbon Monoxide Alarm is installed, each such Carbon Monoxide alarm shall:
  - (i) be equipped with visual indications that it is in operating condition; and

- (ii) have no power switch between the Carbon Monoxide Alarm and the power distribution panel.
9. The Inspectors, acting under the Fire Chief's or Chief Building Official's instructions are hereby appointed for the purposes of administering and enforcing the provisions of this by-law.
10. Any person who contravenes any of the provisions of this by-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33 as amended.
11. This by-law shall come into force and effect on October 1, 2009.
12. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law be applied and enforced in accordance with its terms to the extent possible according to law.
13. The short title of this By-law is the "Carbon Monoxide Alarm By-law".

READ A FIRST TIME IN OPEN COUNCIL THIS 2<sup>ND</sup> DAY OF FEBRUARY, 2009.

READ A SECOND TIME IN OPEN COUNCIL THIS 16<sup>TH</sup> DAY OF MARCH, 2009.

READ A THIRD TIME IN OPEN COUNCIL AND ENACTED AND PASSED THIS 16<sup>TH</sup> DAY OF MARCH, 2009.

"original signature on file"  
MAYOR VIC FEDELI

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CITY CLERK CATHERINE CONRAD

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