

REPORT NO. 91 of the
ENVIRONMENT, TRANSPORTATION & PUBLIC SAFETY
STANDING COMMITTEE
of its meeting held November 28, 2012

Present: **Councillor J. Gignac**
 Councillor A. Halberstadt
 Councillor R. Jones
 Councillor H. Payne
 Councillor F. Valentinis, Chair

That the following recommendations of the Environment and Transportation Standing Committee **BE APPROVED:**

Moved by Councillor Gignac, seconded by Councillor Jones,
THAT Council **RECEIVE** the Report entitled CQ32-2010 – Collection of Costs for Vehicle Attendances by Windsor Fire and Rescue for information, and

THAT the City Solicitor **BE DIRECTED** to draft an amending by-law to amend the Fees and Charges By-law, being By-law 392-2002, as previously amended, by deleting the description for reference #14 of the User Fee Schedule for the Office of the City Solicitor – Fire and Rescue (p.11), under the title “Fee/Service”, which states:

MVA Responses to Non-Resident Commercial Trucks 5 ton & over

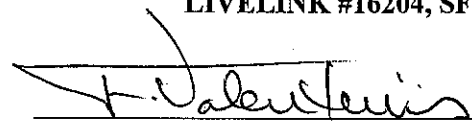
and replacing it with:

MVA Responses to Non-Resident vehicles


Carried.

Clerk's Note: The administrative report authored by the Supervisor of Risk Management dated October 22, 2012 entitled “CQ32-2010 – Collection of Costs for Vehicle Attendances by Windsor Fire and Rescue” is **attached** as background information.

LIVELINK #16204, SF2012



CHAIRPERSON



DEPUTY CLERK

NOTIFICATION:				
Name	Address	Email Address	Telephone	FAX
Mr. Bob Whitney	5560 Rose St. Windsor, ON N8T 1H9	bandbwhitney@hotmail.com	948-2935	



THE CORPORATION OF THE CITY OF WINDSOR
Environment, Transportation & Public Safety Standing Committee
Admin Report – Public Safety

**MISSION STATEMENT:**

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

LiveLink REPORT #: 16204 SF2012	Report Date: October 22, 2012
Author's Name: Dana Paladino	Date to Standing Committee: Nov. 28, 2012
Author's Phone: 519 255-6100 ext. 1845	Classification #:
Author's E-mail: dpaladino@city.windsor.on.ca	

To: Environment, Transportation & Public Safety Standing Committee

Subject: CQ 32-2010 – Collection of Costs for Vehicle Attendances by Windsor Fire and Rescue

1. RECOMMENDATION: City Wide: X Ward(s): ___

That Council **RECEIVE** the Report entitled CQ 32-2010 – Collection of Costs for Vehicle Attendances by Windsor Fire and Rescue for information.

That the City Solicitor **BE DIRECTED** to draft an amending by-law to amend the Fees and Charges By-law, being By-law 392-2002, as previously amended, by deleting the description for reference #14 of the User Fee Schedule for the Office of the City Solicitor – Fire and Rescue (p.11), under the title "Fee/Service", which states:

MVA Responses to Non-Resident Commercial Trucks 5 ton & over

and replacing it with:

MVA Responses to Non-Resident vehicles

2. BACKGROUND:

On April 19, 2010 Councillor Gignac posed Council Question 32-2010 in which she requested "a report outlining the policy for collection of costs for Fire Department response for vehicle accidents from insurance companies."

On February 27, 2012, the following partial response was provided to Council:

“The City has been exploring this issue and has concluded that there is the potential to recover the cost associated with responding to both motor vehicle accidents and potentially to house fires, through the vehicle owner or homeowner’s insurance. In doing so, however, the City must be careful not to violate any provisions of the *Fire Protection and Prevention Act*, and any other relevant legislation. A review of this legislation and the development of a specific procedure are underway. In general terms, however, the process would require Windsor Fire and Rescue Services to provide specific information to Risk Management, who would then approach the insurance company with the demand. Processes for obtaining and tracking this information would require development.”

Upon conducting further research, and for the reasons set out below, Risk Management and Windsor Fire and Rescue Services [“Fire”] recommend that attempts be made to recover costs when responding to motor vehicle accidents involving non-resident vehicle owners, but no attempts be made when attending to house fires.

3. DISCUSSION:

Homeowners’ policies vary from one policy to another, but many provide for the recovery of Fire Department charges when incurred as a result of responding to a fire, lightning, explosion, or any other insured peril. Automobile insurance policies are standardized throughout Ontario. The optional loss or damage coverages available under the Ontario Auto Policy are as follows:

7.4.1 Payment of Charges

We will pay general average, salvage and fire department charges and any Canadian or U.S. customs duties for which you are legally responsible as a result of an insured peril.

Example

Your car is damaged in a fire. The fire department properly bills you for the cost of putting out the fire. A new transmission must be imported before the car can be repaired. We will pay the fire department’s bill, import duties on the replacement part and for the parts and repairs themselves.

In this instance, salvage means any expense involved in recovering property to prevent loss from an insured peril.

This coverage is included in the insurance policies of all Ontario drivers, provided the owner has purchased the optional loss or damage coverages (as opposed to the minimum liability coverage required by law). Provided the coverage is in place, the payment of fire department charges is payable by the vehicle owner’s insurance policy, without requiring the vehicle owner to pay a deductible.

Whether responding to a house-fire or car accident, insurance funds may be available to cover the cost of Fire Department charges, should the Fire Department charge for its response. In order to access the insurance policy, insurance information must be collected from the insured party.

If that party provides their insurance information, Risk Management can then attempt to deal directly with the party's insurer in recovering the funds.

The procedure to do so when responding to a motor vehicle accident is as follows:

- When the Police & Fire attend at the scene:
 - A police report, naming the owner of the vehicle and his/her insurance information is generated by the police;
 - The police report is forwarded to Risk Management;
 - The Fire Department provides Risk Management with billing information;
 - Risk Management generates an invoice and sends it directly to the owner's insurer, as set out in the police report;
 - The funds are collected by Risk Management and redistributed to Fire in accordance with Administration's recovery and subrogation procedures;
- When the Police do not attend at the scene:
 - The Fire crew will need to obtain the name of the owner of the vehicle and his/her insurance information;
 - Alternatively, the Fire crew can obtain the vehicle's licence plate number or the vehicle's VIN on the dash board. With that information, Risk Management can request that the Ministry of Transportation run a search to provide the owner's insurance information, but a \$10 fee will be payable.
 - The Fire Department provides Risk Management with billing information;
 - Risk Management generates an invoice and sends it directly to the owner's insurer, as obtained by the Fire crew or from the Ministry search;
 - The funds are collected by Risk Management and redistributed to Fire in accordance with Administration's recovery and subrogation procedures;

Section 391(1) gives a Municipality authority to charge for services. The section reads as follows:

- 391(1) Without limiting sections 9, 10 and 11, those sections authorize a municipality to impose fees or charges on persons,
- (a) for services or activities provided or done by or on behalf of it;
 - (b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or any local board; and
 - (c) for the use of its property including property under its control.

Fire Department charges are currently set out in the Fees and Charges By-law, 392-2002, the relevant portion of which is attached hereto as **Schedule "A"**. The current items/services for which the Fire Department levies a charge can, for the most part, be classified as peripheral fire services. Items 13, 14, and 15 are the only charges relating to fire rescue and are the only charges that may be supported by a policy of insurance.

In deciding whether to extend charges when responding to house fires or attending at the scene of a motor vehicle accident, there are various factors to consider. Reference to the Confidential Memo accompanying this report should be made for an analysis on the impact of s.76 of the *Fire Protection and Prevention Act* ["FPPA"].

Regardless of any effects imposed by s.76, there are other relevant considerations. Home owners and vehicle owners alike may argue that as a taxpayer, they are already paying for fire services. This argument could be made for any charge levied by a municipality, but there may be more of an expectation that taxes cover the cost of fighting fires because it is an emergency service. While the intent is to have the party's insurance policy pay for the charges, home and vehicle owners may be resistant to have their insurer involved. Specifically with house fires, owners are often in distress during the aftermath. Burdening them with the collection of their insurance information is an additional stressor. The Fire Department does not want to deter home owners or residents from calling 911 in the event of a fire. If there is a risk of being charged, there is more incentive on a home owner to try and put out a fire on their own. To date, Innisfil and Meaford Ontario are the only two municipalities in Ontario that are known to be charging for attending to house fires. Other municipalities have taken the position that fire services of this nature are more appropriately paid for through taxes, and levying an additional charge is an aggravation to citizens.

The same limitations are not as prevalent when attending to motor vehicle accidents. Insurance information of the vehicle owner is more readily available and can be obtained from a police report, or, upon payment of a \$10 fee, from the Ministry of Transportation. The concept of having an insurer pay for third party costs is more common with motor vehicle accidents, and should not come as a surprise to a vehicle owner.

When responding to a motor vehicle accident, there remains the expectation that taxes should cover the cost of the services provided by the Fire Department. Likewise, the City does not want to deter individuals from calling 911. To mitigate these potential roadblocks, Administration recommends that charges be levied only in circumstances where the Fire Department's services are *specifically required*, such as cleaning a gasoline leak, using the Jaws of Life, or responding to a vehicle fire (ie. not when the Fire Department is simply a first responder). Administration further recommends that said charges only be levied when the vehicle owner is a non-resident of the City of Windsor. This is consistent with the approach taken in London, Brampton, and Caledon. The Fire Department currently has the authority to charge for responses to motor vehicle accidents involving non-resident commercial trucks 5 tonnes or over. This user fee would need to be broadened to include all non-resident vehicles, regardless of weight.

4. FINANCIAL MATTERS:

Attempting to recover costs for Fire Department services in circumstances where services are required to attend to non-resident vehicles can result in increased revenues to the Corporation. Data pertaining to non-resident vehicles is not currently collected, so the amount of revenue cannot be predicted with any accuracy. Significant revenues are not expected, however, given the ease by which collection can be done, any revenues are seen as a benefit. The rate charged will be the same rate charged to non-resident commercial trucks 5 tonnes or over.

5. RISK ANALYSIS:

Limiting recoveries to the circumstances outlined herein will reduce the likelihood of resident complaints, and will avoid the deterring effect that service charges may have on residents who need to access emergency services. The latter is a situation that the Fire Department has previously encountered. There have been circumstances where the residents of a home were new

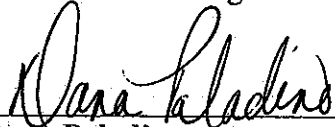
to Windsor, and came from jurisdictions where they were required to pay for fire services. To avoid the risk of having to pay a charge, the homeowners unsuccessfully attempted to put out the fire themselves before calling 911, resulting in further damage and risk to the homeowners.

6. CONSULTATIONS:


Stephen Laforet, Deputy Fire Chief
Bruce Montone, Fire Chief

7. CONCLUSION:

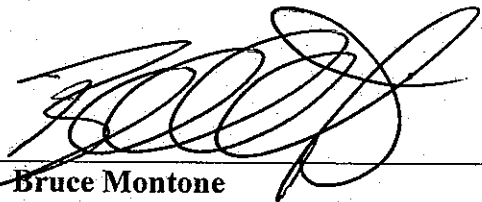
Administration recommends that recovery efforts for Fire Department charges be expanded to include recovery of charges when attending to non-resident motor vehicle accidents. To do so involves an amendment to the Fees and Charges By-law, 392-2002. Recovery will require collection of the vehicle owner's insurance information at the scene, followed by Risk Management contacting the owner's insurer for payment. Administration does not recommend that recovery efforts be made for attending to home fires or motor vehicle accidents where the vehicle owner being assisted is a Windsor resident.



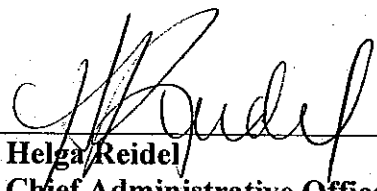
Dana Paladino
Supervisor of Risk Management



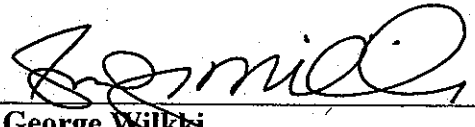
Shelby Askin Hager
Deputy City Solicitor and Manager,
Purchasing and Risk Management



Bruce Montone
Fire Chief



Helga Reidel
Chief Administrative Officer



George Wilki
City Solicitor and Corporate Leader
Economic Development and Public Safety

**APPENDICES: Schedule A – User Fee Schedule for Fire
Confidential Memo Dated: October 22, 2012**

DEPARTMENTS/OTHERS CONSULTED:
Name:
Phone #:

NOTIFICATION :

Name	Address	Email Address	Telephone	FAX

Schedule A

Office of the City Solicitor - Fire and Rescue

City of Windsor
User Fee Schedule

Ref #	Column 1			Fee / Service	Column 2	
	Department	Category / Division	Sub-Category / Sub-Division		2012 Fee Excluding HST (Accepted)	
	Notes				Cost	Unit of Measure
1	Fire & Rescue	Fire Prevention	Inspection	Retrofits	\$106.00	per hour
2	Fire & Rescue	Fire Prevention	Inspection	Dispatch & Captain's Report	\$106.00	per hour
3	Fire & Rescue	Fire Prevention	Inspection	Reports - Attendance	\$106.00	per hour
4	Fire & Rescue	Fire Prevention	Inspection	Lawyers' Letters	\$79.50	per letter
5	Fire & Rescue	Fire Prevention	Inspection	Lockbox Program	\$50.00	each
6	Fire & Rescue	Fire Prevention	Inspection	General Inspections & Applications	\$106.00	per hour
7	Fire & Rescue	Fire Prevention	Inspection	Re-inspections with Fire Code deficiencies	\$106.00	per hour
8	Fire & Rescue	Fire Prevention	Inspection	Business Licence (collected by Licensing)	\$65.00	per licence
9	Fire & Rescue	Fire Prevention	Inspection	Business Licence Reinspections	\$106.00	per hour
10	Fire & Rescue	Fire Communications	Dispatch	Central Dispatch	\$1.80	per capita
11	Fire & Rescue	Fire Communications	Dispatch	Central Dispatch Records	\$35.00	per hour
12	Fire & Rescue	Fire Training	Training	Burn Tower Rental	\$200.00	per day
13	Fire & Rescue	Fire Rescue	Fire Rescue	Emergency Assistance for Private Emergencies beyond normal fire protection at business/industrial premises	\$410.00	/hour per piece of apparatus + hourly rate of crew + 10% admin charge
14	Fire & Rescue	Fire Rescue	Fire Rescue	MVA Responses to Non-Resident Commercial Trucks 5 ton & over	\$410.00	/hour per piece of apparatus + hourly rate of crew + 10% admin charge
15	Fire & Rescue	Fire Rescue	Fire Rescue	MTO Rate for Fire Services on Provincially owned portions of Huron Church Rd. E.C. Row Expressway and Ojibway Parkway.	\$410.00	/hour per piece of apparatus + hourly rate of crew + 10% admin charge
16	Fire & Rescue	Fire Apparatus	Fire Apparatus	MTO Inspection as per WFR sheet		
17				Light Truck	\$249.75	per inspection
18				2-axle Pumper or Heavy Rescue	\$297.25	per inspection
19	Fire & Rescue	Fire Apparatus	Fire Apparatus	3-axle Pumper, Aerial or Heavy Rescue	\$352.75	per inspection
20				Ladder Testing:		
21				Attic	\$32.25	per test
22				Roof or Ground	\$62.00	per test
23	Fire & Rescue	Fire Apparatus	Fire Apparatus	Extension (10 ft. extension -\$10 Pull; \$10 Load)	\$81.00	per test
24	Fire & Rescue	Fire Apparatus	Fire Apparatus	Bangor	\$98.85	per test
25	Fire & Rescue	Fire Apparatus	Fire Apparatus	Basic Pump Service as per WFR Sheet	\$284.00	each
26	Fire & Rescue	Fire Apparatus	Fire Apparatus	Simple - adjust pump packing	\$44.00	each
27	Fire & Rescue	Fire Apparatus	Fire Apparatus	Basic Pump Test with tank to pump flow with 2 side hard suction add:	\$352.75	per test
28	Fire & Rescue	Fire Apparatus	Fire Apparatus	Standard Foam System Calibration	\$48.25	each
29	Fire & Rescue	Fire Apparatus	Fire Apparatus	Flow meter adjust during pump test	\$81.00	per test
30	Fire & Rescue	Fire Apparatus	Fire Apparatus	Flow meter adjust during pump test	\$29.50	per test
31	Fire & Rescue	Fire Apparatus	Fire Apparatus	Complete set-up and adjust flowmeter at hydrant	\$81.00	per test
32				Fit Test:		
33				First person (each additional add \$30/person)	\$55.50	per test
34				1 day use	\$88.75	per day
35				1 week use	\$188.75	per use
36				2 weeks	\$310.75	per use
37				1 month	\$577.00	per use
38	Fire & Rescue	Fire Apparatus	Fire Apparatus	SCBA Testing	\$68.50	per test
39	Fire & Rescue	Fire Apparatus	Fire Apparatus	SCBA Repair	\$81.00	per hour
40	Fire & Rescue	Fire Apparatus	Fire Apparatus	General repair and services	\$81.00	per hour

FEB 19 2013

ADDITIONAL INFORMATION

ITEM NO. ENVIRONMENT, TRANSPORTATION
& PUBLIC SAFETY STANDING
COMMITTEE REPORT NO. 91

From: B Whitney
Sent: February 13, 2013 5:45 PM
To: clerks
Subject: RE: Report #91

City Clerk's Office Re report no. 91 copies to Mayor and Council

Re : Charging all non-residents for Windsor Fire attendance at motor vehicle accidents. I am of two minds on this topic.

My first impression was that we would be seen as hard-hearted and money grubbing to pile aggravation on top of the trauma of an accident. This is especially counter productive if we want tourists to stop, see, sample, spend and stay. It's not welcoming! Nobody plans to have an accident ,but they happen, especially in places where one isn't familiar with the roads. Let's not make a tough spot even worse. We are surrounded by bedroom communities that daily send drivers into Windsor to work, play, attend hospital etc. If Windsor starts charging for fire attendance at MVAs ,how long before those communities play tit-for-tat.

When an insurance company has to pay out, they will recoup that loss by collecting from the individual or raising rates for the whole region. They're in business to make money.

On the other hand, the suburbs are mostly serviced by volunteer fire departments. Indeed their biggest accident locations are along highways and not suburban subdivisions. These municipalities don't currently charge for sending out units and maybe they won't follow suit.

Several insurance agents informed me that Ontario policies already have a clause which allows for the payment of fire/utility /police vehicle attendance costs. So, by implementing this change Windsor can recoup some costs currently borne by taxpayers . This is s especially true if those non-residents come from places like Michigan, where minimum coverage is so low that an accident may cause that person to declare bankruptcy . Then it's conceivable that Windsor could collect from the uninsured driver fund.

Will Risk Management recover some of the costs now paid for through fire, police. public works budgets? Yes

Will respectic departments appreciate more paperwork? They'll do their jobs.

Will the insurrance companies pay? Yes. They must.

Will we all eventually pay higher premium?

Will there be enough recovered to lower municipal taxes?

Is this change of policy indicative of the Windsor you wish to portray ? or is

SHOW ME THE MONEY more important?

You decide.

Thank you,
Bob Whitney

