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## The Corporation of the Town of Niagara-on-the-Lake

# Information Report to Council

**SUBJECT:** 27 Prideaux Street Notice of Intention to Demolish

**Date:** August 08, 2019

**Prepared By:** Denise Horne

**Department:** Community & Development

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### 1. BACKGROUND INFORMATION

In the July 11, 2019 Information Package Council received a Notice of Intention to Demolish several structures on a listed, non-designated property at 27 Prideaux Street. Demolition is to include the rear portion of early dwelling at 27 Prideaux Street, a detached garage and a small shed. Along with the Notice of Intention to Demolish, the agent for the property owner also submitted proposed building elevations for a new addition to the existing circa 1840 structure.

Concerns were raised with the proposed drawings for a new addition at the Municipal Heritage Committee (MHC) Meeting. Council, at their July 15, 2019 meeting, moved a motion requesting that a meeting occur with the MHC members, an adjacent neighbor and the representatives for the property owners to discuss alternate design solutions for the proposed addition.

The property owners agreed to the meeting which took place on July 30, 2019. At the meeting the representatives for the property owner provided 3D concept renderings of the initial design in order to provide a more thorough understanding of the proposal.

The following concerns were raised at the meeting:

- the excessive length of the proposed addition along the western property line
- the impediment to views from 31 Prideaux Street

- the close proximity of the proposed new addition to the existing house and its bay window at 31 Prideaux Street
- the large massing and height of the proposed addition in relation to the existing dwelling at 27 Prideaux Street
- the fact that the proposed front garage addition screens portions of the historic dwelling
- the loss of the deep setback of the three houses at 21, 27 & 31 Prideaux Street which creates contributes to a unique streetscape
- the loss of vegetation between the properties
- the fact that the "program" is too large, the addition is too significant for the existing dwelling

Considerations to mitigate impacts to cultural heritage resources included:

- the use of a tenuous connection between the proposed garage addition and the existing dwelling to give the impression that they are separate buildings
- reducing the width of the proposed garage
- the proposal for no asphalt driveway
- setting the garage addition into the ground
- erecting a living wall/fence between the properties at 27 & 31 Prideaux Street to reduce visual impacts

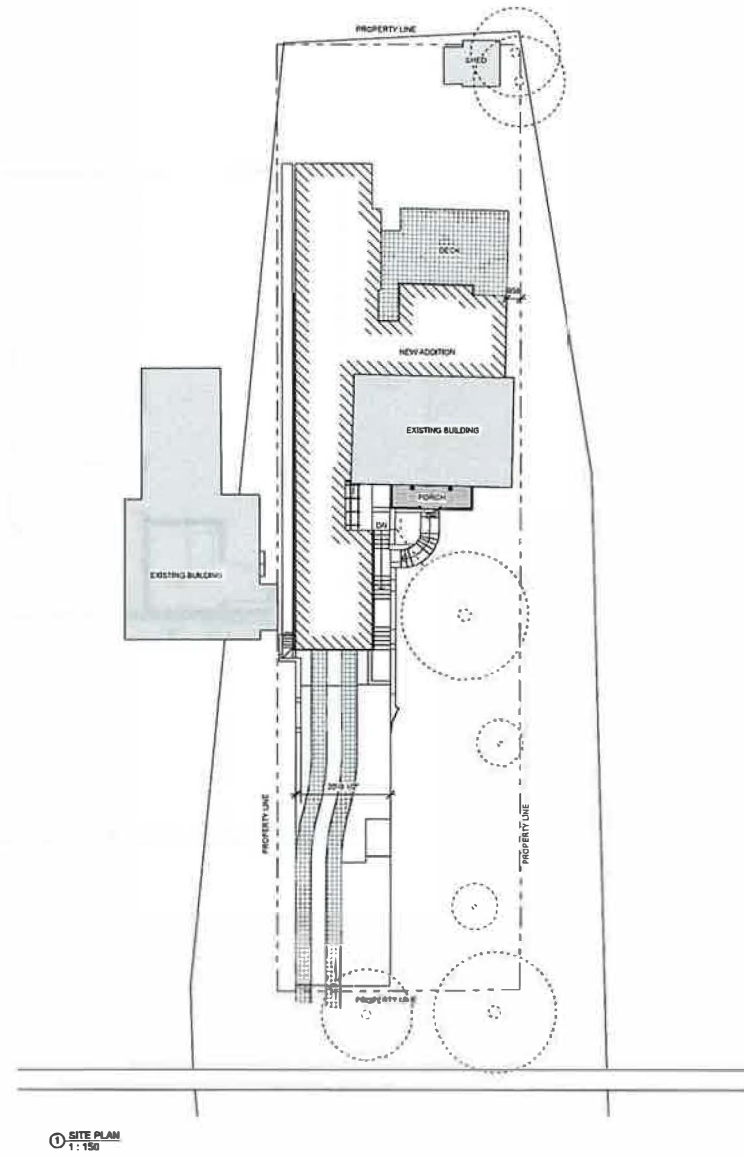
In general, MHC members still expressed concerns with respect to the proposed design and its impact to the early dwelling and the Prideaux streetscape.

## **2. NEXT STEP / CONCLUSION**

The applicant has requested to attend the August 13, 2019 MHC meeting to present the 3D renderings of the initial proposal as well as some alternate drawings (see **Appendix A** for drawings).

Given the concerns raised with the current proposed additions, and potential impacts to cultural heritage resources, Staff have obtained a second opinion on the provision in the *Ontario Heritage Act, R.S.O. 1990, c. O.18* for Council to require certain plans and information with an application for demolition of a listed property. The consultant has provided an opinion on the matter (attached as **Appendix B**) that Council may require additional information, which could include a Cultural Heritage Evaluation Report, Heritage Impact Assessment and Building Permit ready drawings in order to assess impacts to cultural heritage resources. Additionally, these materials could be required by Council as part of the Notice of Intention to Demolish, which would not be considered complete until such information was received. This would mean that the 60-days notice would not be considered to have started until all required materials had been received by Council.

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Council will meet again, February 27, 1992, in Council Chamber, before adjourning.  
 Meetings will be held by the Architect and Engineer on the following dates for building permit applications and environmental review of funds: 1992 to signal the introduction of European funds at Council Chamber, 1992 to 1993.  
 All correspondence in preparation with the Council Chamber Building Office and all building permits - regular and special.  
 All requests and other documents, remain the property of Council Chamber. All drawings are to be made under contract and under no cost.

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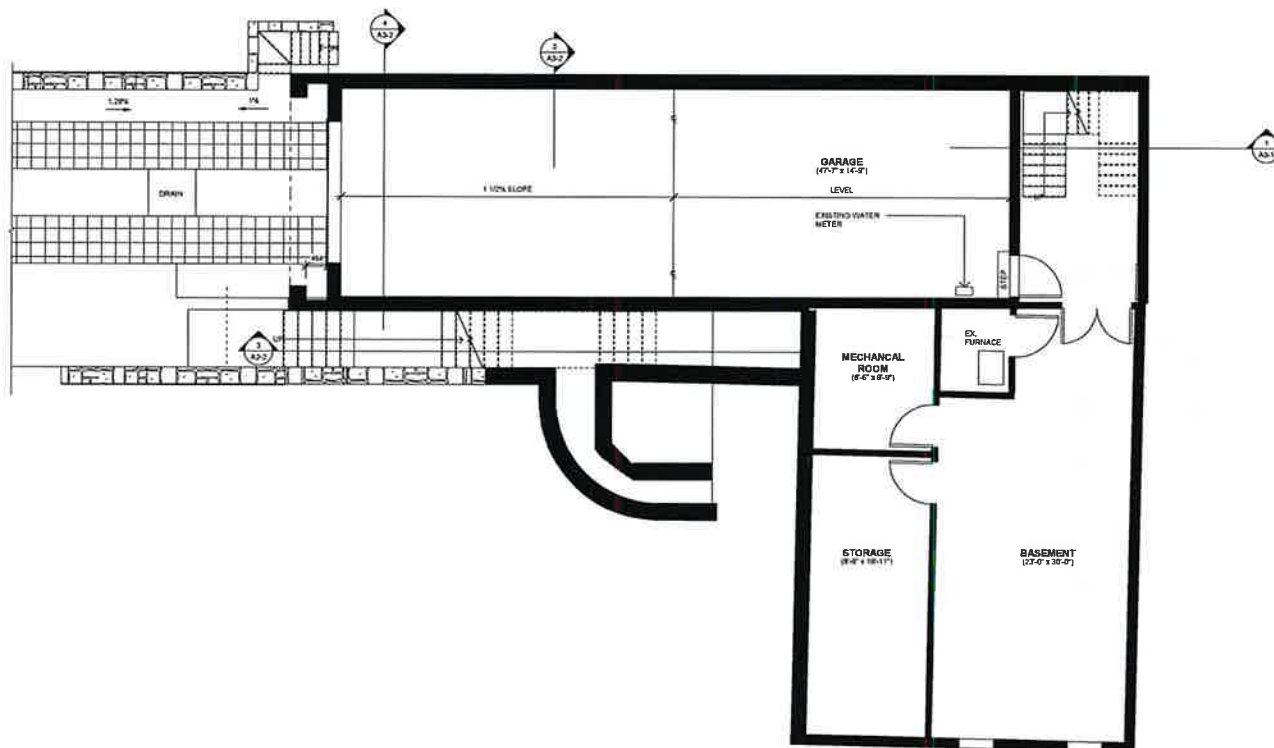
27 PRIDEAUX ST.  
RESIDENCE

27 PRIDEAUX ST.  
NIAGARA-ON-THE-LAKE, ON

## SITE PLAN

## SITE PLAN

|                |             |
|----------------|-------------|
| Drawn by       | Drawn at    |
| JW             | BY          |
| Scale          | Represented |
| 1:100          | 14 MAY 2019 |
| U.N. Number    | Notes       |
| 11705-100      |             |
| Drawing Number |             |



① NEW BASEMENT PLAN  
1/8" = 1'-0"

REVIEW  
SUBMITTER  
Set

Owner: 27 Prideaux St. Residence  
Project: 1785-180  
Drawing: A1-2  
Date: 14 MAY 2018  
Scale: 1/8" = 1'-0"

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Architect: Quartek  
Engineer: Quartek  
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1785-180  
1785-180  
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Project Info

27 PRIDEAUX ST.  
RESIDENCE

27 PRIDEAUX ST.  
NAGARA-ONTARIO, ON

Drawing Info

BASEMENT FLOOR  
PLAN

Owner Info

JW

RM

Scale

1/8" = 1'-0"

Date

14 MAY 2018

Project Number

1785-180

Sheet

A

Drawing Number

A1-2





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| Drawn by     | Designated  |
| JW           | RM          |
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| 1/8" = 1' 0" | 14 MAY 2011 |
| Job Number   | Notes       |
| 11785-183    | B           |
| Drawn Name   |             |

7/8" PLATE  
18'-1"

SECOND FLR  
9'-6"

GROUND FLR  
0'-0"

NEW FLOOR  
-1'-3"

GRADE  
-3'-2"

T/O FOOTING  
-6'-6"

1 EAST ELEVATION  
1/4" = 1'-0"

SECOND FLR  
9'-6"

GROUND FLR  
0'-0"

NEW FLOOR  
-1'-3"

GRADE  
-3'-2"

T/O FOOTING  
-6'-6"

4 WEST ELEVATION  
1/4" = 1'-0"

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Plotted on 3/10/2018 at 4:24 AM

2 REVIEW 2016/05/18 JW  
18 MAY 2018

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27 PRIDEAUX ST.  
NIAGARA-ON-THE-LAKE, ON

Project No.

ELEVATIONS

Drawn by JW Designed by RM

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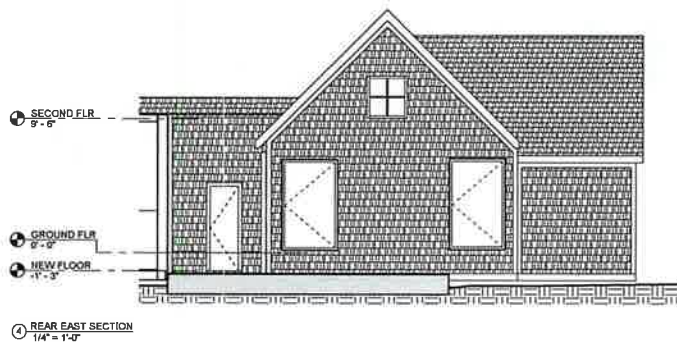
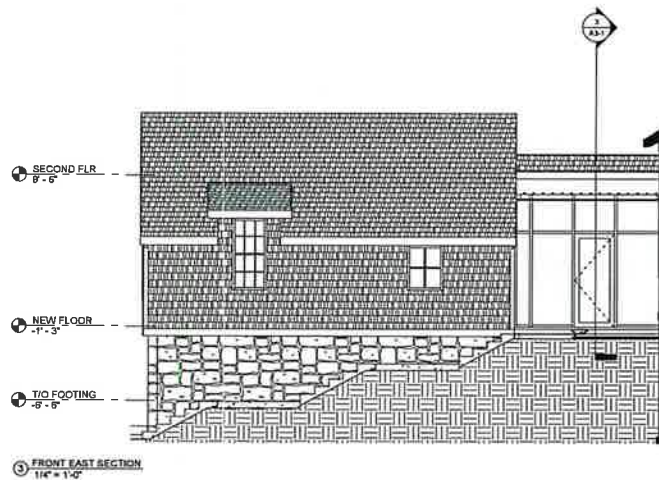
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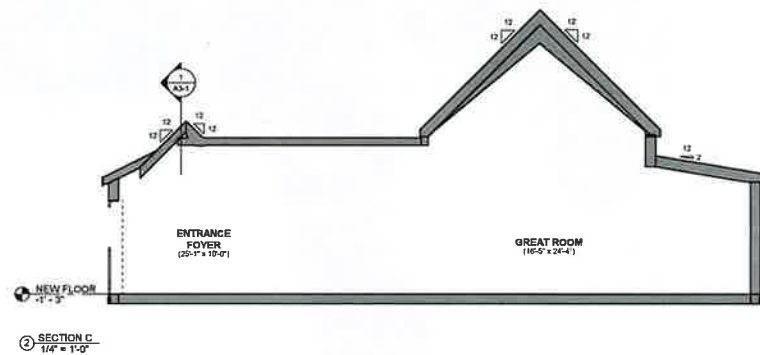
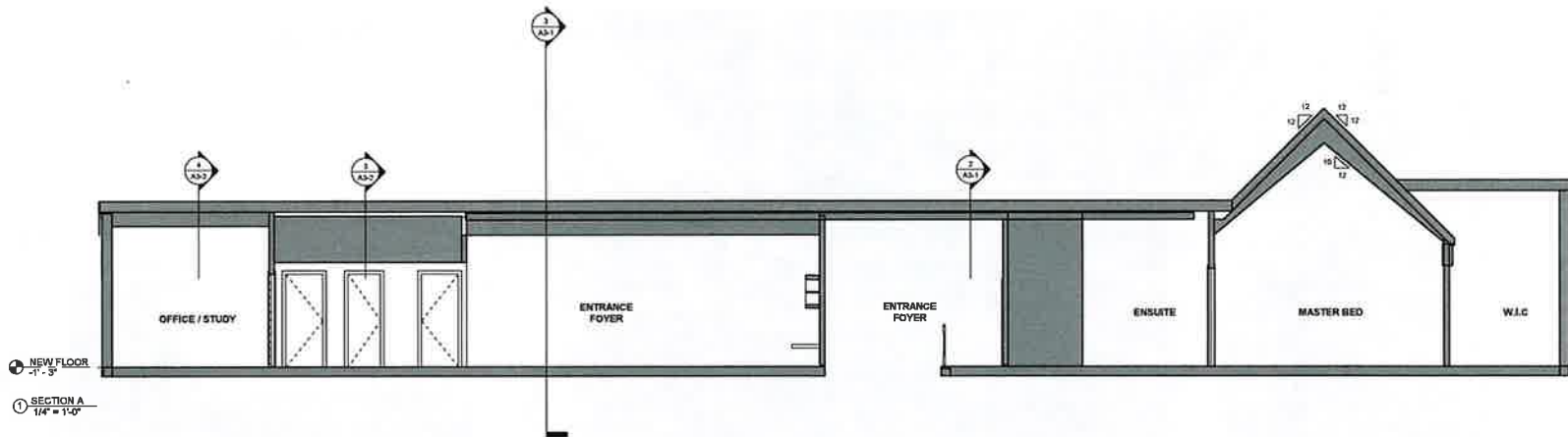


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11785-180  
14 MAY 2018

27 PRIDEAUX ST.  
RESIDENCE  
27 PRIDEAUX ST.  
NIAGARA-ON-THE-LAKE, ON

ELEVATIONS

Drawn by: JW  
Checked by: RM  
Scale: 1/4" = 1'-0"  
Date: 14 MAY 2018  
Project: 11785-180  
Drawing Name: A2-2



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Drawing No.

BUILDING SECTION

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Designed by:

Scale:

Date/Version:

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14 MAY 2018

17785-182

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Drawing Number

A3-1







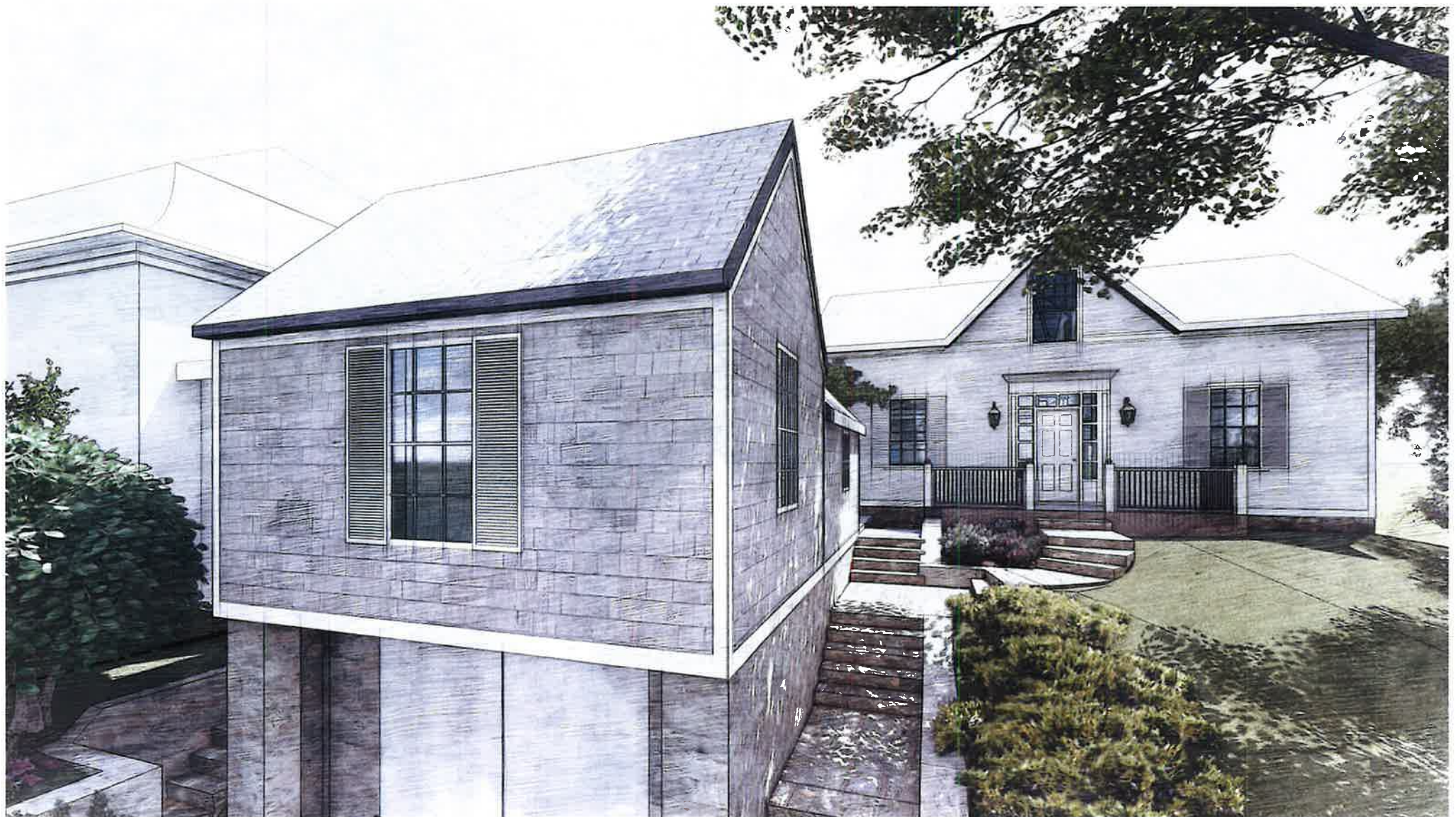




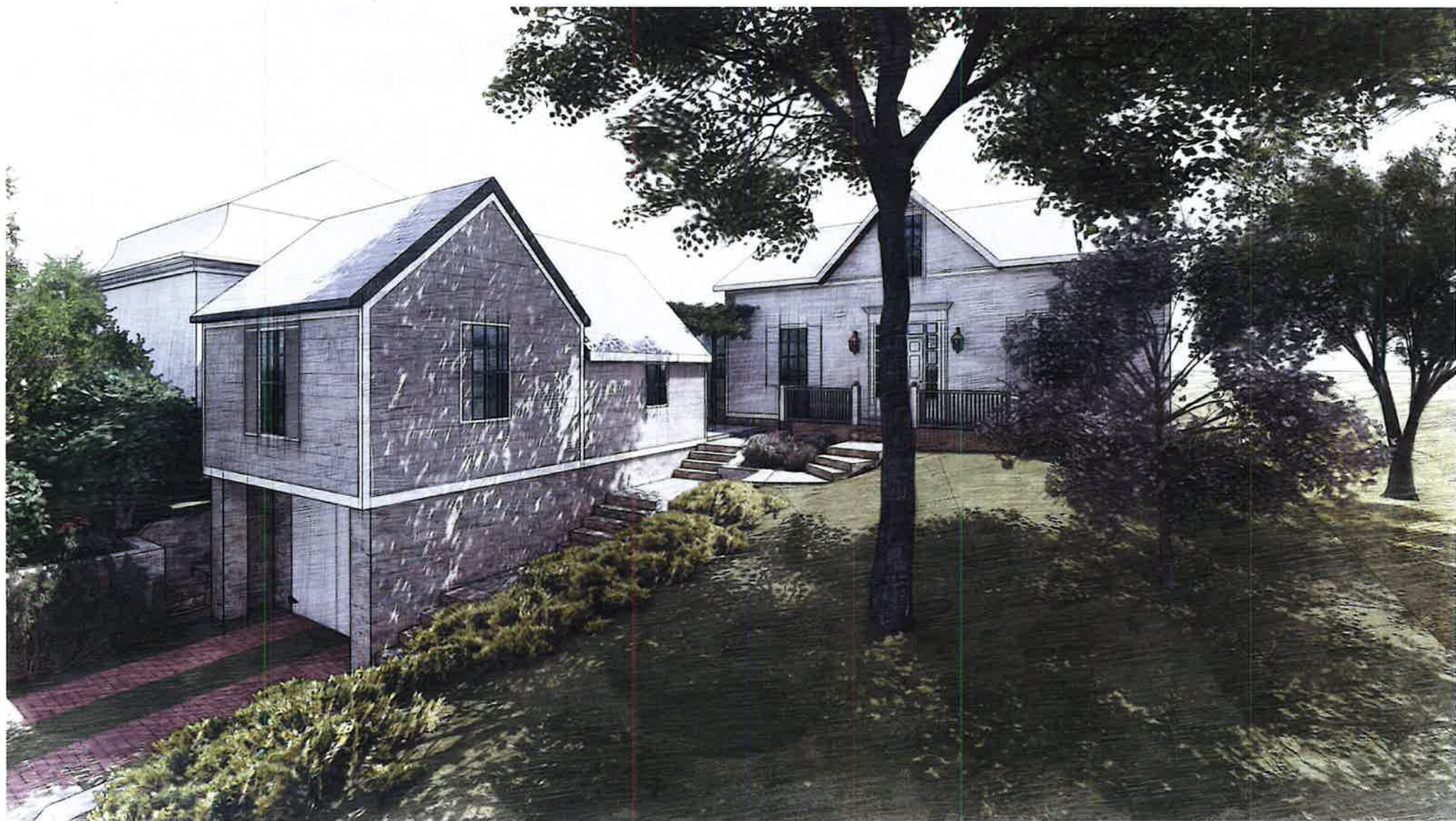




















## TECHNICAL MEMORANDUM

**To:** Craig Larmour, BA, MCIP, RPP - Director of Community & Development Services, Town of Niagara-on-the-Lake

**c.c.** Denise Horne, MA, Dip. Heritage Conservation, CAHP - Planner II / Heritage Advisor, Town of Niagara-on-the-Lake

**From:** Marcus R. Létourneau  
Managing Principal, Senior Heritage Planner  
Letourneau Heritage Consulting Inc.  
Suite 400 – 837 Princess Street  
Kingston, ON K7L 1G8

**Date:** August 7, 2019

**Re:** Proposed Demolition of 27 Prideaux Street, Niagara-on-the-Lake  
Our Project No. LHC0177

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This technical memorandum has been prepared for the Town of Niagara-on-the-Lake to assist with advising Town Council on possible actions that can be taken with regard to 27 Prideaux Street. It is understood that drawings (which I have reviewed) have been submitted to the Town as part of a demolition application; no planning application is being submitted at this time. It is also understood that the subject property is "listed" under Section 27, Part IV of the *Ontario Heritage Act* and is part of the National Historic District (which can be understood as a cultural heritage landscape under the Provincial Policy Statement (2014)). Further, Council has asked for advice on options for proceeding.

With this in mind, and based upon my professional opinion, I can see three possible options:

- 1) That Council serve Notice of Intention to Designate (NOI) under the *Ontario Heritage Act*. However, this option would require that an O.Reg. 9/06 evaluation be prepared, and a SCHVI be presented to Council as part of their deliberations. Although in my professional opinion it could be argued that the subject property is a cultural heritage resource (as it is Section 27 Part IV property and part of a CHL), a counter argument could be made that Council is reacting to a proposed change rather than acting to conserve cultural heritage. In this instance Council would be required to consult with its Municipal Heritage Committee (MHC) before issuing an NOI.
- 2) Remove the property from the heritage register. In this instance, this action would also require Council to consult with its MHC. Based upon our conversations, it is understood that this is not an option Council is considering at this time.
- 3) Ask for additional information in order to make a more informed decision. As Section 27 (3) states:

(3) If property included in the register under subsection (1.2) has not been designated under section 29, the owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality at least 60 days' notice in writing of the owner's intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure. 2006, c. 11, Sched. B, s. 11 (2).

Thus, Council must act within 60 days of receiving an application for demolition for a Section 27, Part IV OHA property. However, I would also note that Section 27(5) states that such an application must include any information as required by Council.

(5) The notice required by subsection (3) shall be accompanied by such plans and shall set out such information as the council may require. 2006, c. 11, Sched. B, s. 11 (2).

In this instance, based upon discussions with staff, it is understood that a process is currently being developed to address the demolition of listed properties that do not have related planning applications. In the interim, before such a process is in place, if Council wishes to pursue this option, I would recommend that the material submitted be reviewed by Council, and Council issue a decision as to what additional information (if any) would be required in order for it to make its decision. If Council does not believe it has sufficient information, I would recommend a motion integrating the following:

- It is resolved that Council, following its review of the materials submitted for 27 Prideaux Street, including (LIST THE INFORMATION PROVIDED), does not consider the application to be complete in accordance with the requirements of Section 27 (5) of the *Ontario Heritage Act* as it does not have the necessary information to make a decision.

*It is important for Council to be clear if they consider the application incomplete as if they are not, the 60-day period begins when the submitted materials were provided to the Town as there would be no other submission date or instructions to the contrary.*

- Further, it is resolved that in order for Council to make an informed decision, and to consider the application complete in accordance with Section 27 (5) of the *Ontario Heritage Act*, the following information will be required:
  - A Cultural Heritage Evaluation Report and Heritage Impact Assessment of the subject property completed to the requirements of the Town with the understanding that this document may be peer reviewed;
  - A Stage 1/2 Archaeological Assessment of the subject property as it is within an area of archaeological potential; and,
  - Comments from the Municipal Heritage Committee on the proposed design

The above studies have been identified as possible requirements. It is important for Council to be clear what materials they will need to deem the application complete. It also should be noted that Section 27(5) only refers to information and plans, not process. In my professional opinion, this should be interpreted that Council cannot impose specific process requirements, such as attendance at a MHC meeting, outside what is required in the OHA. However, it can require any information that it needs to make a decision, thus the recommendation that comments from the MHC be included as part of the information needed.

Ultimately Council must ensure that it acts in good faith and its primary objective is the conservation of cultural heritage resources rather than opposing a particular project. There have been several cases in this regard recently, and Council must be clear on why it is acting on whatever option it chooses.

## CLOSURE

We trust this technical memorandum satisfies your current needs. Please contact the undersigned should you require any clarification or if additional information is identified that might have an influence on the findings of this report.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Létourneau', is positioned above the printed name.

Marcus Létourneau, PhD, MCIP, RPP, CAHP  
Managing Principal, Senior Heritage Planner | Létourneau Heritage Consulting Inc.

## APPENDIX A: BIOGRAPHY

### Marcus R. Létourneau PhD Dipl(PACS) MCIP RPP CAHP, Managing Principal, Senior Heritage Planner

Marcus Létourneau is the Managing Principal and Senior Heritage Planner for Letourneau Heritage Consulting Inc. He is also a Senior Associate with Bray Heritage; an Adjunct Assistant Professor in the Department of Geography and Planning at Queen's University; and, both an Adjunct Assistant Professor and Contributing Associate for the Heritage Resources Centre at the University of Waterloo (where he teaches heritage planning). He co-teaches heritage planning at the Willowbank School of Restoration Arts and co-teaches the facilities management course for historic house museums for the Ontario Museum Association.

Marcus currently serves on the Board of Directors of the Friends of the Rideau, on the Board of Directors for the Heritage Resources Centre at the University of Waterloo, and as Vice-Chair for the Township of Leeds and the Thousand Islands Municipal Heritage Committee. He is a professional member of the Canadian Institute of Planners (MCIP), a Registered Professional Planner (RPP) and a full Canadian Association of Heritage Professionals (CAHP) member.

Marcus was previously the Manager for the Sustainability and Heritage Management Discipline Team (Ottawa/Kingston) and a Senior Cultural Heritage Specialist for Golder Associates Limited (2011-2015). His other positions included: serving as a contract professor at Carleton University in both the Department of Geography and Environmental Studies and School of Canadian Studies (Heritage Conservation); as the senior heritage planner for the City of Kingston (2004-2011) where he worked in both the Planning & Development and Cultural Services Departments; and, in various capacities at Queen's University at Kingston (2001-2007). In 2019, he also taught a course at Algonquin College in Perth on heritage planning for community members. He previously served on the Executive and Board of Directors for the Ontario Association of Heritage Professionals; on the Board of Directors for Community Heritage Ontario; and, on the Executive and Board of Directors for the Kingston Historical Society.

Marcus has a PhD in Cultural/Historical Geography; a MA in Cultural Geopolitics; BA (Hons) in Geography with a History Minor; a Diploma in Peace and Conflict Studies; a Professional Certificate in Heritage Conservation Planning; a Certificate in Museum Studies; and training in Marine/Foreshore Archaeology. In 2018, he completed UNESCO/ICCROM/WHITRAP training in China on impact assessments for heritage.

Marcus brings over 20 years of experience to his practice, which is particularly focused on heritage legislation, process, and heritage planning. He has been involved in over 200 projects either as the project manager or as the senior heritage planner. He has been qualified as an expert heritage witness at the former OMB, CRB, and for a judicial inquiry for the Public Lands Act. He is currently co-authoring the second edition of Heritage Planning (Routledge) with Dr. Hal Kalman.

## The Corporation of the Town of Niagara-on-the-Lake Information Report to Council

**SUBJECT:** Fire Department 2nd Quarter Statistical Information

**Date:** August 08, 2019

**Prepared By:** Nicholas Ruller

**Department:** Fire Department

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### **BACKGROUND INFORMATION**

In an effort to ensure Council is informed of Fire & Emergency Services activities on a regular basis the Fire Chief will prepare quarterly reports.

These reports will include call volume statistics, fire prevention activities & initiatives, training activities & initiatives and any other relevant information.

### **Emergency Responses**

In the 2<sup>nd</sup> quarter of 2019 Niagara-on-the-Lake Fire & Emergency Services responded to a total of 153 incidents, broken down as follows:

- 45 Fire Alarm Activations
- 27 Motor Vehicle Accidents
- 24 Emergency Medical Assistance Calls
- 22 Natural Gas Emergencies
- 8 Reported Structure Fires
- 6 Grass/Brush Fires
- 6 Burning Complaints
- 5 Carbon Monoxide Alarm Activations
- 4 Vehicle Fires
- 2 Rope Rescues
- 2 Arcing Hydro Wires
- 1 Garbage Container Fire

- 1 Public Assistance Call

In the 2nd quarter of 2018 Niagara-on-the-Lake Fire & Emergency Services responded to 182 incidents, representing a 16% decrease for the same period in 2019. This notable decrease is almost completely attributed to a reduction in Emergency Medical Assistance Calls.

Incident occurrences by District (geographical response area) in the 2<sup>nd</sup> quarter of 2019 are as follows:

- District 1 (Old Town) – 46
- District 2 (St. Davids) – 23
- District 3 (Virgil) – 38
- District 4 (Queenston) – 13
- District 5 (Glendale) & QEW/405 – 33

Incident responses by District (times firefighters are paged out) in the 2<sup>nd</sup> quarter of 2019 are as follows:

- District 1 (Old Town) – 65
- District 2 (St. Davids) – 51
- District 3 (Virgil) – 56
- District 4 (Queenston) – 14
- District 5 (Glendale) & QEW/405 – 40

### **Notable Incidents**

- On April 7<sup>th</sup>, multiple fire apparatus were dispatched to the area known as Locust Grove on the Niagara River Parkway for reports of a male patient that had fallen from a cliff and, although uninjured, was unable to ascend back to level ground. Members of Niagara-on-the-Lake Fire & Emergency Services' High Angle Rescue Team engaged in a rope rescue and were successful in retrieving the patient.
- On April 13, firefighters from Old Town, Virgil, St. Davids, and Glendale responded to a report of a kitchen fire at 225 Ricardo Street. A 3<sup>rd</sup> floor unit had a small kitchen fire that had been extinguished prior to our arrival at this lowrise multi-unit residential building. Firefighters checked for fire extension and then removed smoke from the building.
- On April 16<sup>th</sup> at approximately 1:00 pm Niagara-on-the-Lake Fire & Emergency Services was dispatched to Colaneri Estate Winery at 348 Concession 6 Road for a report of skids on the exterior of the building on fire with extension to the main winery. Enroute, heavy black smoke was visible from several kilometers away and the incident was upgraded to a 2<sup>nd</sup> Alarm level. Nine fire apparatus responded with 40 firefighters and brought this fire under control in about 30 minutes. Through the deployment of portable master streams and handlines, the fire was kept to the outside storage area with no extension to the main winery

building.

- Firefighters from Station 1 responded to a vehicle accident at the Niagara River Parkway and Line 1 Road on April 22<sup>nd</sup>. A vehicle travelling at a high rate of speed left the roadway and traveled down an embankment approximately 200 feet. The occupants self extricated the vehicle and firefighters provided patient care and scene lighting for the Niagara Parks Police as they searched for additional victims and utilized a heavy wrecker to recover the vehicle.
- On May 6<sup>th</sup>, while returning from a grass fire, firefighters were dispatched to a report of a residential house fire on Mary Street. Upon arrival, smoke was visible from the rear of the single story, unoccupied home. Firefighters forced entry to the structure and located a fire in the basement. The fire was contained to an appliance with no extension to the structure. Crews removed the affected appliance, ventilated the residence, and turned the scene over to Niagara Regional Police.
- While crews from Old Town, Virgil, and St. Davids were on Mary Street, firefighters from Glendale were dispatched to a report of a fully involved vehicle fire in a field on Queenston Road. On arrival, crews found a vehicle fire approximately 400' off of the roadway and a patient suffering from smoke inhalation. Firefighters provided patient care while another crew deployed a hoseline for fire control. One patient was transported by Niagara EMS.
- A kitchen fire was reported on Niagara Stone Road near Concession 7 on May 14<sup>th</sup> resulting in firefighters responding from Old Town, Virgil, and Glendale. On arrival, crews found moderate smoke conditions and were met by occupants indicating the fire was out. Firefighters checked for extension and ventilated the structure of smoke after performing extensive overhaul.
- On May 31<sup>st</sup>, firefighters responded to a report of a male that was trapped underneath a tractor. Upon arrival, crews were met by Niagara Regional Police and Niagara EMS and directed to rear of a residential property on Queenston Road where a tractor had rolled backward, pinning the operator beneath the machine. Crews were able to quickly extricate the victim who was then treated by Niagara EMS.
- On June 14<sup>th</sup>, firefighters from Virgil responded to a motor vehicle collision near the Concession 6/Niagara Stone Road roundabout. On arrival, crews encountered a single vehicle into a utility pole that had left a large debris field as it had traveled directly through the center of the elevated roundabout. Crews provided patient care and secured the vehicle and mitigated multiple hazards that were left as a result of the collision.
- On June 18<sup>th</sup>, firefighters responded to reports of smoke in a building at Line 1

Road and Niagara Stone Road. Crews arrived to find a commercial occupancy with a slight haze of smoke throughout the building. After further investigation, and with the assistance of their Thermal Imaging Camera, a small electrical fire was located in a concealed area and extinguished.

### **Fire Prevention & Public Education**

During the 2<sup>nd</sup> Quarter of 2019, Fire Prevention activities included the following:

- 62 Inspections – includes Short Term Rentals, Migrant Accommodations, Proactive Inspections and Building/Occupancy Inspections
- 3 Building Plan Reviews
- 11 Public Education Events
- 1 Extinguisher Training
- 1 TAPP-C Case
- 40 Special Events Reviews
- 21 Plans Reviews

### **Training**

During the 2nd quarter of 2019, 1815 hours of skills maintenance training was completed. Skills maintenance topics that were covered during this period include:

- Medical Emergencies
- Water & Ice Rescue Awareness
- Ropes & Knots
- Forcible Entry Training
- Auto Extrication
- Rapid Intervention Team Operations
- Pre-planning
- Company Drills
- Standard Operating Guideline Review
- Pump Operations
- New Tanker Training

Additionally, firefighters completed the following training courses:

- On April 13<sup>th</sup> & 14<sup>th</sup>, 16 firefighters spent 12 hours each successfully completing the 2<sup>nd</sup> weekend of NFPA 472/1072 Hazardous Materials training and required testing.
- On April 27<sup>th</sup> & 28<sup>th</sup>, 14 firefighters spent 17 hours each successfully completing NFPA 1002 Apparatus operator.
- On April 27<sup>th</sup> & 28<sup>th</sup>, 14 firefighters spent 3.5 hours each, training and familiarizing themselves with the new 3000 Gallon tanker truck scheduled to go into service.
- On May 4<sup>th</sup>, 14 firefighters spent 4 hours each completing certification testing on NFPA 1002 Apparatus Operator.
- On May 25<sup>th</sup> & 26<sup>th</sup>, 20 firefighters spent 17 hours each completing Emergency Vehicle Operations Training.
- On June 22<sup>nd</sup>, 18 firefighters spent 10 hours each completing specialized training

on Large Vehicle Extrication.

The High Angle Rescue Team performed a collective total of 100 hours of training during the 2nd quarter of 2019.

### **NEXT STEP / CONCLUSION**

Quarterly fire department statistical reports will continue to be produced for Council in an effort to improve information sharing.

#### ATTACHMENTS



2019 Responses by District.pdf

### **2019 Station Responses-2nd Quarter**

| <u>Stations</u> | <u>Total Responses</u> | <u>Responses in district</u> | <u>Responses in other districts</u> | <u>Highway Responses</u> |
|-----------------|------------------------|------------------------------|-------------------------------------|--------------------------|
|                 |                        |                              |                                     |                          |
| Station 1       | 65                     | 46                           | 19                                  | 0                        |
| Station 2       | 51                     | 23                           | 16                                  | 12                       |
| Station 3       | 56                     | 38                           | 18                                  | 0                        |
| Station 4       | 14                     | 13                           | 1                                   | 0                        |
| Station 5       | 40                     | 21                           | 7                                   | 12                       |