Finding Fault after Fire

While Fort McMurray has put the fear of fire front and centre in the minds of Canadians, the fact is that fire, both natural and man-made, wreaks havoc all the time across the country. A couple of months ago, a house fire in Calgary killed five people. A White Rock, B.C. blaze flattened an apartment building under construction — thankfully, no one was hurt, though 70 units were destroyed. In February, a fire in a Toronto Community Housing complex killed four people.

The Toronto fire, however, has been different in that it has prompted Toronto Fire Services to lay charges against Toronto Community Housing (TCH). The fire department learned there was combustible material — two synthetic, highly flammable chairs — in the fifth-floor hallway where the blaze started. The chairs were not supposed to be there. Many residents also smoked in common areas.

Further, the building is home to a large number of seniors, but wasn't legally designated a seniors' residence. The fire department has charged that staff there were not properly trained in fire safety.

TCH is contesting the charges, which carry a potential fine of $100,000.

While it's not unheard of, it is unusual for fire services to point a legislative finger in this way. It raises questions — once again — about who's at fault when a building catches fire.

And we're not talking about an act of God, as in Fort McMurray. (We won't get into climate change and El Niño — that's a conversation for another day.)

We're talking about where the onus lies when a seemingly controllable fire burns out of control.

For example… Last year, in Edgewater, New Jersey, a luxury condo residence caught fire. A couple of workers had been doing some plumbing and their blowtorch got out of hand. Unfortunately, they called their supervisor when they probably should have called 9-1-1.

That delay in calling fire services is cited as a key cause of the fire. But how did it end up a five-alarm inferno? One that destroyed the building, forced the evacuation of thousands of people in the area, and left 1,000 residents homeless? It's a miracle no one was killed.

Media footage of the blaze showed blackened walls caving in under fire hoses like charred paper. The images bring to mind one word: *combustible.*

It's common knowledge that the combustibility of modern, lightweight building materials contributes to the intensity and speed of fires today. And as experiences like Edgewater show, sprinklers alone often are not enough to stop fires from ripping through these new buildings. These structures meet all the latest building codes, yet can be razed to the ground.

In the same vein, the TCH facility also was built to code — the Ontario Building Code; however, it pre-dated 2007 legislative changes mandating sprinklers. While more sprinklers in the building might possibly have saved lives and reduced the damage, the fire's tragic outcome makes one wonder about the flammability of the structure.

We live in an age when there is a growing emphasis on transparency and accountability. When a tragedy like fire strikes, those affected are much less willing to quietly grin and bear it. Often, they take action. They post on social media.They circulate petitions. They lobby for legislative change. They launch lawsuits.

This cultural shift is one reason why those of us in the construction industry — including those who draft building codes — need to take safety-related factors like fire into greater account.

Another reason is the impact of fire on hard costs like insurance.

Comparing concrete with wood, for instance, a recent study from the Concrete Council of Canada shows that in addition to fire insurance being 7 to 11 times higher for wood structures, builders' risk insurance is also higher.

And that's aside from factors such as moisture damage and the effects of climate change; the study points out that payouts from extreme weather have more than doubled every 5 to 10 years since the 1980s, and "are now a leading cause of property insurance claims."

Combustible materials. Higher insurance costs. And a population that is empowered and less willing to take perceived negligence sitting down.

These are the dynamics impacting today's construction market.

As a result, those of us in this market need to be ready to meet higher standards of quality, safety, and accountability. If, for example, we knowingly build structures that cost more in insurance, isn't it logical to think that we might be aware those buildings pose a greater safety risk — and that we could be held responsible for consequent damage or injury?

More and more, whether it's fire services taking a property manager to task over a regulatory breach, as in the case of TCH, or residents banding together to launch a class-action lawsuit against a developer, as in the case of Edgewater, New Jersey, those ultimately responsible for building safety — the owners and builders — will indeed be held responsible.