

Français

Forest Fires Prevention Act

R.S.O. 1990, CHAPTER F.24

Consolidation Period: From May 17, 2017 to the [e-Laws currency date](#).

Last amendment: 2017, c. 8, Sched. 12.

Legislative History: 1996, c. 1, Sched. N, s. 1; 1998, c. 18, Sched. I, s. 19; 1999, c. 12, Sched. N, s. 3; 2002, c. 17, Sched. F, Table; 2002, c. 18, Sched. L, s. 4; 2006, c. 21, Sched. F, s. 136 (1); 2009, c. 33, Sched. 22, s. 3; 2017, c. 8, Sched. 12.

DEFINITIONS

Definitions

1 In this Act,

“fire” means any type of outdoor fire, including a campfire or a fire on a charcoal barbecue, an outside wood burning furnace or a stove; (“feu”, “incendie”)

“forest area” means any forest, woodland, prairie, savanna, shrubland, peatland, agricultural land or grassland, but does not include a cultivated garden or lawn; (“zone forestière”)

“Minister” means the Minister of Natural Resources; (“ministre”)

“Ministry” means the Ministry of Natural Resources; (“ministère”)

“municipality” means a local municipality; (“municipalité”)

“officer” includes a fire warden appointed under section 8 exercising the powers of his or her appointment; (“agent”)

“owner” includes a locatee, purchaser from the Crown, assignee, lessee, occupant, purchaser, timber licensee, holder of a mining claim or location, and any person having the right to cut timber or wood upon any land; (“propriétaire”)

“regulations” means the regulations made under this Act; (“règlements”)

“start” with respect to a fire, means to kindle, light, place or set a fire, or cause a fire to be started. (“allumer”) R.S.O. 1990, c. F.24, s. 1; 2002, c. 17, Sched. F, Table; 2009, c. 33, Sched. 22, s. 3 (1-3).

Section Amendments with date in force (d/m/y)

2002, c. 17, Sched. F, Table - 01/01/2003

2009, c. 33, Sched. 22, s. 3 (1-3) - 15/12/2009

ADMINISTRATION

Administration

2 The administration of this Act is under the control and direction of the Minister. R.S.O. 1990, c. F.24, s. 2.

Application of Act

3 (1) This Act applies only to fire regions. R.S.O. 1990, c. F.24, s. 3 (1).

Right of action for damages not affected

(2) Nothing in this Act affects or shall be held to limit or interfere with the right of any person to bring and maintain a civil action for damages occasioned by fire. R.S.O. 1990, c. F.24, s. 3 (2).

Appointment of officers

4 (1) The Minister may appoint officers for carrying out this Act and the regulations. R.S.O. 1990, c. F.24, s. 4.

Same

(2) The following persons are deemed to be officers for the purposes of this Act by virtue of their office:

1. All conservation officers duly appointed and employed by the Ministry.

2. All deputy conservation officers duly appointed and employed under agreement with the Ministry.
3. All police officers appointed under the *Police Services Act*.
4. All members of the Royal Canadian Mounted Police. 2009, c. 33, Sched. 22, s. 3 (4).

Park wardens

(3) Park wardens duly appointed and employed by the Ministry are deemed to be officers for the purposes of this Act, but only in the provincial park for which the person is designated as a park warden. 2009, c. 33, Sched. 22, s. 3 (4).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 22, s. 3 (4) - 15/12/2009

Officer's right of entry

5 (1) Subject to subsection (2), an officer may enter into and upon any lands and premises for the purposes of this Act or for the purpose of inspecting the site of a fire to determine its cause and circumstances. 2009, c. 33, Sched. 22, s. 3 (5).

Entry to dwellings

(2) An officer shall not enter any place actually used as a dwelling without the consent of the occupant except under the authority of a search warrant issued under section 158 of the *Provincial Offences Act*. R.S.O. 1990, c. F.24, s. 5 (2).

Seizure

(3) An officer who lawfully enters into and upon any lands and premises under this section may seize anything that he or she believes on reasonable grounds will afford evidence in respect of an offence under this Act. 2002, c. 18, Sched. L, s. 4 (1).

Section Amendments with date in force (d/m/y)

2002, c. 18, Sched. L, s. 4 (1) - 26/11/2002

2009, c. 33, Sched. 22, s. 3 (5) - 15/12/2009

Information to be given to officer by tourists, etc.

6 Every person in a forest area shall, upon request, give an officer information as to the person's name, address, routes to be followed, location of camps and any other information pertaining to the protection of the forest area from fire. R.S.O. 1990, c. F.24, s. 6; 2009, c. 33, Sched. 22, s. 3 (6).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 22, s. 3 (6) - 15/12/2009

Right to summon assistance

7 For the purpose of controlling and extinguishing a fire, an officer may use any privately-owned equipment and may employ or summon the assistance of every able person over the age of eighteen, except persons providing essential services and persons physically unfit, and on private lands may take such action as he or she considers advisable to control and extinguish a fire. R.S.O. 1990, c. F.24, s. 7.

Appointment of fire wardens

8 The Minister may appoint fire wardens who shall have authority to enforce such of the provisions of this Act and the regulations as are provided in the appointment in the areas specified in the appointment. R.S.O. 1990, c. F.24, s. 8.

9 REPEALED: 2009, c. 33, Sched. 22, s. 3 (7).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 22, s. 3 (7) - 15/12/2009

FIRE SEASON

Fire season

10 The period from the 1st day of April to the 31st day of October in each year shall be a fire season. R.S.O. 1990, c. F.24, s. 10.

11 REPEALED: 1996, c. 1, Sched. N, s. 1 (1).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. N, s. 1 (1) - 17/05/1996

RESTRICTED ZONES

Fires in restricted fire zones

12 No person shall start a fire outdoors in a restricted fire zone,

- (a) except in accordance with a permit issued under the regulations; or
- (b) unless the fire is for the purpose of cooking or obtaining warmth and the fire is in a stove or installation of a kind prescribed by the regulations. 1999, c. 12, Sched. N, s. 3 (1).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. N, s. 3 (1) - 22/12/1999

13 REPEALED: 1996, c. 1, Sched. N, s. 1 (1).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. N, s. 1 (1) - 17/05/1996

14 REPEALED: 1999, c. 12, Sched. N, s. 3 (2).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. N, s. 3 (2) - 22/12/1999

15 REPEALED: 1996, c. 1, Sched. N, s. 1 (3).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. N, s. 1 (3) - 17/05/1996

PREVENTION MEASURES

Disposal of refuse on land being cleared

16 (1) Every person clearing land shall, subject to the regulations made under clause 36 (a.1), pile and burn all brush, debris, non-merchantable timber and other flammable material cut or accumulated thereon. R.S.O. 1990, c. F.24, s. 16 (1); 1996, c. 1, Sched. N, s. 1 (4).

Exception

(2) Subsection (1) does not apply to material that is dealt with in accordance with the regulations made under clause 36 (a.3). 1996, c. 1, Sched. N, s. 1 (5).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. N, s. 1 (4, 5) - 17/05/1996

Clearing in neighbourhood of mills, etc.

17 Every person having charge of a camp, a mine, a mill for the purpose of manufacturing timber or wood products or a garbage dump that is located in or within 300 metres of a forest area shall have the area surrounding the camp, mine, mill or dump cleared of flammable debris for a distance of at least 30 metres and such further distance as may be ordered by an officer. R.S.O. 1990, c. F.24, s. 17; 2002, c. 18, Sched. L, s. 4 (2); 2009, c. 33, Sched. 22, s. 3 (8).

Section Amendments with date in force (d/m/y)

2002, c. 18, Sched. L, s. 4 (2) - 26/11/2002

2009, c. 33, Sched. 22, s. 3 (8) - 15/12/2009

Power of officer as to fire dangers

18 (1) If an officer finds on any land, building, structure or equipment a condition or activity that, in his or her opinion, may cause danger to life or property from fire, the officer may make an order requiring the owner or person in control of the land, building, structure or equipment, the person who caused the condition, or any person engaged in or responsible for the activity to take such action, within the time specified by the order, as the officer considers necessary to eliminate or reduce the danger. 1999, c. 12, Sched. N, s. 3 (3).

Action by officer

(2) If the person against whom an order is made under subsection (1) does not comply with the order, the officer, with such assistants as he or she requires, may take such action as the officer considers necessary to eliminate or reduce the danger. 1999, c. 12, Sched. N, s. 3 (3).

Cost

(3) The cost and expenses of any action taken by an officer and his or her assistants under subsection (2) are payable by the person against whom the order was made to the Minister of Finance, on the date specified in the request for payment, and are recoverable as a debt due to the Crown in right of Ontario by any remedy or procedure available to the Crown by law. 2002, c. 18, Sched. L, s. 4 (3).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. N, s. 3 (3) - 22/12/1999

2002, c. 18, Sched. L, s. 4 (3) - 26/11/2002

Agreements

19 The Minister may enter into agreements with respect to the prevention, control or extinguishment of grass, brush or forest fires. 2002, c. 18, Sched. L, s. 4 (4).

Section Amendments with date in force (d/m/y)

2002, c. 18, Sched. L, s. 4 (4) - 26/11/2002

EXTINGUISHMENT OF FIRES

Extinguishment of fires

20 An officer may at any time in the interest of forest protection extinguish a fire or order any person in charge or apparently in charge of a fire to extinguish the fire. R.S.O. 1990, c. F.24, s. 20.

Duty of municipality

21 (1) Subject to an agreement made under section 19 and to subsection (2), every municipality in a fire region shall at its expense extinguish grass, brush or forest fires within its limits, but where the action taken by it in extinguishing any such fire is in the opinion of an officer not adequate, the officer may take such action as he or she considers necessary to control and extinguish the fire, and the cost and expenses incurred by the Ministry in controlling and extinguishing the fire are payable by the municipality to the Minister of Finance, on the date specified in the request for payment, and are recoverable as a debt due to the Crown in right of Ontario by any remedy or procedure available to the Crown by law. R.S.O. 1990, c. F.24, s. 21 (1); 2002, c. 18, Sched. L, s. 4 (5).

Contribution by Ministry

(2) Upon satisfactory proof being furnished by the municipality that a fire has started on Crown land, the cost and expenses of controlling and extinguishing the fire shall be borne by the Ministry. R.S.O. 1990, c. F.24, s. 21 (2).

Section Amendments with date in force (d/m/y)

2002, c. 18, Sched. L, s. 4 (5) - 26/11/2002

Recovery of costs of fire

Application

21.1 (1) This section applies with respect to a fire that is caused by the conduct of a person, including any failure of the person to comply with a provision of this Act or the regulations, an order made under this Act or the conditions of a permit issued under this Act. 2017, c. 8, Sched. 12, s. 1.

Liability for costs

(2) A person referred to in subsection (1) is liable to the Crown or to any other person who carries out activities to control or extinguish the fire for the costs or expenses of any action taken by the Crown or the person to control or extinguish the fire and shall reimburse the Crown or the person for those costs or expenses. 2017, c. 8, Sched. 12, s. 1.

Liability to Crown for damages

(3) A person referred to in subsection (1) is liable to the Crown for any loss or damage incurred by the Crown as a direct or indirect result of the fire, including,

- (a) the loss of any forest resources, within the meaning of the *Crown Forest Sustainability Act, 1994*; or
- (b) the cost or expense of renewing the forest resources lost as a direct or indirect result of the fire. 2017, c. 8, Sched. 12, s. 1.

Prescribed costs, etc.

(4) The costs, expenses, losses or damages incurred by the Crown and referred to in subsection (2) or (3) shall include such costs, expenses, losses or damages as may be prescribed by regulation. 2017, c. 8, Sched. 12, s. 1.

Cost paid by municipality

(5) If a municipality pays the Crown in right of Ontario under subsection 21 (1) for costs and expenses incurred by the Crown in controlling and extinguishing a fire, the person referred to in subsection (1) of this section is liable to the municipality under subsection (2) of this section for those costs and expenses, as though they had been incurred by the municipality in controlling and extinguishing the fire. 2017, c. 8, Sched. 12, s. 1.

Debt to Crown

(6) The amount of any costs, expenses, losses or damages referred to in subsection (2) or (3) for which a person is liable to the Crown,

- (a) is a debt due by the person to the Crown;
- (b) shall be payable to the Crown upon demand at a date specified by the Crown; and
- (c) may be recovered by any remedy or procedure available to the Crown by law. 2017, c. 8, Sched. 12, s. 1.

Debt to person other than Crown

(7) The amount of any costs or expenses referred to in subsection (2) for which a person is liable to a person other than the Crown is a debt due by the person to the other person and may be recovered by any remedy or procedure available to the other person by law. 2017, c. 8, Sched. 12, s. 1.

Presumed liability of railway operators

(8) If a fire originates within 15 metres of the centre line of a railway track,

- (a) the fire is presumed to have been caused by the conduct of railway operations for the purposes of subsection (1); and
- (b) the railway corporation responsible for the railway operations conducted on the railway track at the time the fire originated is liable for any costs, expenses, loss or damages related to the fire and described in subsections (2) and (3) as though the railway corporation was a person whose conduct caused the fire. 2017, c. 8, Sched. 12, s. 1.

Rebuttal of presumed liability

(9) If the railway corporation referred to in clause (8) (b) proves on the balance of probabilities that the fire was caused by another person or by something other than the conduct of railway operations,

- (a) the presumption under clause (8) (a) is rebutted; and
- (b) the operator of the railway company is not liable for any costs, expenses, loss or damages under this section. 2017, c. 8, Sched. 12, s. 1.

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. N, s. 3 (4) - 22/12/1999

2002, c. 18, Sched. L, s. 4 (6) - 26/11/2002

2017, c. 8, Sched. 12, s. 1 - 17/05/2017

Reporting of fires

22 Every person who has started a fire outdoors, or is in charge of a fire outdoors, that is not kept under control shall report the fire without undue delay to an officer and in any prosecution or action the onus is upon the person to prove that he or she so reported the fire. R.S.O. 1990, c. F.24, s. 22.

Evacuation, etc.

23 (1) Where in the opinion of the Minister a forest fire emergency exists, the Minister may by order declare an area to be a forest fire emergency area and may make such orders and take such action as he or she considers necessary for effectual fire suppression or the safety of or evacuation of persons in the area. R.S.O. 1990, c. F.24, s. 23 (1).

Order not a regulation

(2) An order made under subsection (1) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. R.S.O. 1990, c. F.24, s. 23 (2); 2006, c. 21, Sched. F, s. 136 (1).

Section Amendments with date in force (d/m/y)

2006, c. 21, Sched. F, s. 136 (1) - 25/07/2007

24 REPEALED: 1996, c. 1, Sched. N, s. 1 (6).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. N, s. 1 (6) - 17/05/1996

OFFENCES

Obstruction of officers

25 No person shall hinder, obstruct or impede an officer in the performance of his or her duties. R.S.O. 1990, c. F.24, s. 25.

Rendering assistance

26 No person shall refuse or neglect to provide any privately-owned equipment or to render assistance when required under section 7. R.S.O. 1990, c. F.24, s. 26.

Accumulation of flammable refuse

27 No person shall within 800 metres of a municipality accumulate flammable debris or permit any such accumulation to remain on any property owned by the person or under the person's control. R.S.O. 1990, c. F.24, s. 27; 2002, c. 17, Sched. F, Table.

Section Amendments with date in force (d/m/y)

2002, c. 17, Sched. F, Table - 01/01/2003

Smoking prohibited

28 No person shall smoke while walking or working in a forest area during the fire season. R.S.O. 1990, c. F.24, s. 28; 2009, c. 33, Sched. 22, s. 3 (9).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 22, s. 3 (9) - 15/12/2009

Smoking material, etc.

29 No person shall throw or drop, in or within 300 metres of a forest area,

- (a) a lighted match, cigarette, cigar or other smoking material;
- (b) live coals; or
- (c) hot ashes. R.S.O. 1990, c. F.24, s. 29; 2009, c. 33, Sched. 22, s. 3 (10).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 22, s. 3 (10) - 15/12/2009

Discharge of firearms

30 No person who discharges a firearm, a flare, fireworks or explosives in or within 300 metres of a forest area shall leave any residue from the discharge unextinguished. R.S.O. 1990, c. F.24, s. 30; 1999, c. 12, Sched. N, s. 3 (5); 2002, c. 18, Sched. L, s. 4 (7); 2009, c. 33, Sched. 22, s. 3 (10).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. N, s. 3 (5) - 22/12/1999

2002, c. 18, Sched. L, s. 4 (7) - 26/11/2002

2009, c. 33, Sched. 22, s. 3 (10) - 15/12/2009

Destruction of notices or signs

31 No person shall, without lawful authority, tear down, remove, damage, deface or interfere with any notice or sign put up, posted or placed by the Ministry for the purposes of fire prevention. R.S.O. 1990, c. F.24, s. 31.

Destruction of equipment, etc.

32 No person shall, without lawful authority, tear down, remove, damage, deface or interfere with any equipment, building or structure placed in a forest area for the purpose of protecting the forest. R.S.O. 1990, c. F.24, s. 32; 2009, c. 33, Sched. 22, s. 3 (11).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 22, s. 3 (11) - 15/12/2009

Spark arresters

33 No person shall use or operate in or within 300 metres of a forest area any burner, chimney, engine, incinerator or other spark-emitting outlet that is not provided with an adequate device for arresting sparks. R.S.O. 1990, c. F.24, s. 33; 2009, c. 33, Sched. 22, s. 3 (12).

Section Amendments with date in force (d/m/y)

2009, c. 33, Sched. 22, s. 3 (12) - 15/12/2009

Railways

34 The provisions of the *Railway Safety Act* (Canada) and the regulations made under that Act that relate to the prevention and control of fires apply with necessary modifications to any railway that is subject to the legislative jurisdiction of the Province of Ontario. 1999, c. 12, Sched. N, s. 3 (6).

Section Amendments with date in force (d/m/y)

1999, c. 12, Sched. N, s. 3 (6) - 22/12/1999

PENALTIES

Offences

35 (1) Every person who disobeys or refuses or neglects to carry out any of the provisions of this Act or the regulations or of any order made thereunder or any condition of any permit issued thereunder is guilty of an offence and on conviction is liable to,

- (a) if the person is an individual, a fine of not more than \$25,000 or to a term of imprisonment of not more than three months, or to both; and
- (b) if the person is a corporation, a fine of not more than \$500,000. 2017, c. 8, Sched. 12, s. 2 (1).

Recovery of expenses

(2) On the request of the prosecutor, the court that convicts a person of an offence under subsection (1) may determine the amount, if any, that the person is required to pay under subsection 18 (3) or 21.1 (2) or (3), and may order the person to pay that amount, up to the monetary limit of the Small Claims Court, to the person entitled. 1999, c. 12, Sched. N, s. 3 (8); 2017, c. 8, Sched. 12, s. 2 (2).

Enforcement

(2.1) An order under subsection (2) may be enforced in the same manner as an order of the Small Claims Court. 1999, c. 12, Sched. N, s. 3 (8).

Onus of proof

(3) In any prosecution under a provision of the regulations that requires a permit, the onus is on the person charged to prove that the person had a permit at the time the offence is alleged to have been committed. R.S.O. 1990, c. F.24, s. 35 (3); 1996, c. 1, Sched. N, s. 1 (7).

Regulated operations

(4) An officer who finds that an operation is being carried on in contravention of the regulations made under clause 36 (a.3) may order that the operation cease until any necessary permit has been obtained. 1996, c. 1, Sched. N, s. 1 (8).

Same

(5) A person who continues an operation or causes an operation to be continued in contravention of an order made under subsection (4) is guilty of an offence and, in addition to any penalty imposed under subsection (1), is liable on conviction to a fine of \$100 for each day the operation is continued in contravention of the order. 1996, c. 1, Sched. N, s. 1 (8).

Same

(6) A person carrying on an operation mentioned in the regulations made under clause 36 (a.3) through an employee or agent shall obtain any permit required under the regulations and, in any prosecution for an offence under the regulations, it is sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is prosecuted for the offence. 1996, c. 1, Sched. N, s. 1 (8).

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. N, s. 1 (7, 8) - 17/05/1996; 1999, c. 12, Sched. N, s. 3 (7, 8) - 22/12/1999

2017, c. 8, Sched. 12, s. 2 (1, 2) - 17/05/2017

REGULATIONS

Regulations by L.G. in C.

36 The Lieutenant Governor in Council may make regulations,

- (a) declaring parts of Ontario to be fire regions and declaring the name that each fire region shall bear;
- (a.1) regulating or prohibiting outdoor fires;
- (a.2) regulating or prohibiting entry to or travel in restricted travel zones;
- (a.3) regulating or prohibiting operations specified by the regulations;
- (b) governing the issue, form, refusal and cancellation of permits or any class of them and prescribing their terms and conditions;
- (b.1) providing for and governing appeals from a refusal to issue or renew a permit, from the cancellation of a permit or from the imposition of terms and conditions in a permit;
- (c) designating classes of operations and activities and governing the equipment, staff and precautions to be provided or observed in respect of fire prevention or suppression by persons engaged in any class of operation or activity;
- (d) designating kinds of stoves and installations for the purpose of section 12 and governing their use in restricted fire zones;
- (d.1) prescribing costs, expenses, losses and damages for the purposes of subsection 21.1 (4);
- (e) prescribing forms and providing for their use;
- (f) respecting any matter necessary or advisable to carry out effectively forest fire prevention and the intent and purpose of this Act. R.S.O. 1990, c. F.24, s. 36; 1996, c. 1, Sched. N, s. 1 (9); 1999, c. 12, Sched. N, s. 3 (9); 2017, c. 8, Sched. 12, s. 3.

Section Amendments with date in force (d/m/y)

1996, c. 1, Sched. N, s. 1 (9) - 17/05/1996; 1999, c. 12, Sched. N, s. 3 (9) - 22/12/1999

2017, c. 8, Sched. 12, s. 3 - 17/05/2017

Ministerial orders

37 (1) The Minister may by order signed by him or her,

- (a) declare any period between January 1 and March 31, both inclusive, or between November 1 and December 31, both inclusive, in any year to be a fire season in a fire region or any part of a fire region;
- (b) declare any fire region or part of a fire region to be a restricted fire zone or restricted travel zone for any period;
- (c) fix the rates of pay for persons employed or summoned under section 7. 1998, c. 18, Sched. I, s. 19.

Legislation Act, 2006, Part III

(2) Part III (Regulations) of the *Legislation Act, 2006* does not apply to an order of the Minister under subsection (1). 1998, c. 18, Sched. I, s. 19; 2006, c. 21, Sched. F, s. 136 (1).

Notice of order

(3) The Minister shall provide for such notice as he or she considers necessary of any order made under clause (1) (a) or (b) in such newspapers and other media as the Minister considers appropriate. 1999, c. 12, Sched. N, s. 3 (10).

Proof of order

(4) A document that purports to be an order made by the Minister under subsection (1) or that purports to be a copy of an order made by the Minister under subsection (1) is admissible in evidence as proof of the making of the order and of the order's contents, in the absence of evidence to the contrary. 1999, c. 12, Sched. N, s. 3 (10).

Section Amendments with date in force (d/m/y)

1998, c. 18, Sched. I, s. 19 - 18/12/1998; 1999, c. 12, Sched. N, s. 3. (10) - 22/12/1999

2006, c. 21, Sched. F, s. 136 (1) - 25/07/2007

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