

PROPOSED CHANGE TO THE 2007 FIRE CODE (OFC)

PROPOSED CHANGE – OFC Record	Division: B	Reference Number: 2.10.1.1.
Corresponding NFC Record	Division: N/A	Reference Number: N/A
DESCRIPTION OF PROPOSED CHANGE	Add new Sentence (3) to exempt day care centres in schools.	
EXISTING OFC PROVISIONS	2.10.1.1.(1) This Section applies to day care centres for children. (2) Notwithstanding Sentence (1), this Section does not apply to “private-home day care” as described in the Day Nurseries Act .	
PROPOSED OFC CHANGE	(3) Notwithstanding Sentence (1), this Section does not apply to a day care centre that is a day nursery as defined under the Day Nurseries Act where (a) care is provided only for children who are four years old or older or will attain the age of four in the year that they are being cared for, and (b) the day nursery is located in a school regulated under the Education Act .	
PROBLEM	<p>In Ontario, there is a growing emphasis on school-based child care to ensure families have access to seamless, coordinated programs and services. A key component of this trend is the school-based delivery of before/after school programs by school boards or licensed child care operators. These programs provide care for school aged children who are four years old or older. Usually, the children that participate in the before/after school program are students that attend the school in which the program is based.</p> <p>Currently, the Fire Code has fire safety requirements for day care centres that are outlined in Section 2.10 of Division B. These requirements are specific to day care centres and do not apply to schools. As the term “day care centre” is undefined in the Fire Code, it raises the question as to whether or not these requirements are intended to apply to licensed before/after school programs that are located in schools.</p>	

RATIONALE FOR CHANGE	The requirements in Section 2.10 are not intended to apply to licensed child care programs based in schools that provide child care to school aged children who are four years old or older or who will attain the age of four by December 31 st of that calendar year. The school spaces occupied by licensed child care programs are used by the same children during school hours. As the use of the space remains fundamentally the same both during and after school hours, the fire safety risk does not change and therefore the additional measures are not required.
IMPACT	This change will clarify application of Fire Code requirements, assisting both licensed child care operators and municipal fire services.
IMPACT ON OTHER CODE PROVISIONS	See related change to Article 2.8.3.2.
OBJECTIVE BASED ANALYSIS OF THE CHANGE OR NEW PROVISION	
FUNCTIONAL STATEMENT(S) AND LINK(S) TO OBJECTIVE(S)	(3) NOTE ¹