

Office of the Fire Commissioner



Inspection and Technical Services (ITS)

Gas and Oil Inspection Notice Review Process & Gas and Oil Order Appeal Process

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OFC ITSM 17 – 003

Gas and Oil Inspectors with the Office of the Fire Commissioner (OFC) conduct inspections to ensure compliance with The Gas and Oil Burner Act, the Gas and Oil Burner Regulation (the Regulation) and the following referenced codes:

- *CSA B149.1-10 Natural gas and propane installation code*
- *CSA B149.2-10 Propane storage and handling code*
- *CSA B149.3-10 Field Approval of gas burning equipment*
- *CSA B139-09 Installation code for oil-burning equipment*

Inspectors will issue either an **Inspection Notice** or **Order** at every inspection to ensure there is a record of the inspection.

Inspection Notices

The purpose of an Inspection Notice is to provide a formal record of the deficiencies and corrective actions identified by the inspector at the time of the inspection. The Inspection Notice is used to guide the client towards compliance.

Deficiencies and corrective actions identified within an Inspection Notice are typically of a non-critical nature. Where no deficiencies are observed at an inspection, an Inspection Notice will still be issued identifying there were no issues.

A re-inspection date will be included on the Inspection Notice if there are deficiencies requiring corrective action. This date may be agreed upon between the client and the inspector to ensure the date is reasonable and attainable. It is expected that deficiencies be corrected prior to the re-inspection date. At the inspector's discretion, extensions can also be considered.

Inspection Notice Review Process

An informal review process is available that provides an opportunity for clients to receive clarification on deficiencies or corrective actions identified in an Inspection Notice.

A client may request a review of the Inspection Notice at any time by the program manager responsible for gas and oil inspections.

All requests for review must be submitted in writing and can be submitted by mail to the following address or via e-mail to:

Program Manager, Gas and Oil Inspections
Inspection and Technical Services
Office of the Fire Commissioner
508-401 York Avenue
Winnipeg, Manitoba R3C 0P8
Email: firecomm@gov.mb.ca [Subject: **Review – Gas/Oil Inspection Notice**]

A request for a review should include the following information:

- Name and contact information;
- a copy of the Inspection Notice;
- the reason(s) for the request; and
- rationale and supporting technical justification/documentation.

If a client is not satisfied with the decision of the Program Manager, they may further appeal to the Chief Inspector (Director). Please refer to 'Order Appeal Process' below.

Orders

An Order is a formal document issued at the discretion of the inspector under the authority of section 43(1) of the Regulation:

Where an inspector finds that gas equipment has been installed or altered in a manner not in accordance with the regulations, the inspector may order the owner of the building or premises in which the equipment is installed to not commence operation of the equipment or to discontinue operation thereof until the installation or alteration conforms to the requirements of the regulations.

Orders are issued to identify deficiencies and corrective actions that are critical in nature, or due to non-compliance with a previously issued Inspection Notice.

An Order can be appealed to the chief inspector under section 43(2) of the Regulation:

Where an inspector issues an order under subsection (1), the owner may make an appeal against the order to the chief inspector.

Order Appeal Process

The recipient of an Order may appeal the deficiency and/or the corrective action required by the inspector to the Chief Inspector.

Note: For the purpose of administering the Act and Regulation, the director of ITS is the 'chief inspector'.

An appeal may be done either in writing via mail or email to the chief inspector:

The Chief Inspector
Inspections and Technical Services
Office of the Fire Commissioner
508-401 York Avenue
Winnipeg, Manitoba R3C 0P8

Email: firecomm@gov.mb.ca [Subject: **Appeal – Gas/Oil Orders**]

An appeal is to include the following information:

- The appellants name and mailing address;
- a copy of the Order(s) issued;
- the reason(s) for the appeal; and
- rationale and supporting technical justification/documentation.

Once the appeal and supporting documentation is received by ITS, confirmation of the appeal will be sent to the appellant and will include:

- An appeal number; and
- a date you can expect to receive a response to your appeal

Most appeals will receive a final ruling from the Chief Inspector within fourteen (14) calendar days of ITS receiving the appeal. However, if more time is required, the appellant will be notified prior to the expected response date. During the review of the appeal, the appellant may be contacted for further clarification or supporting documentation.

The Chief Inspector will review the information and make a ruling on the appeal. If the Order is upheld, the installer of the equipment and the owner will be provided with written documentation detailing the deficiencies identified and the date the defects are to be corrected by.

Every installer and owner is required to make any changes in equipment ordered by the Chief Inspector.

Further appeal to the Minister

If you disagree with the ruling of the Chief Inspector, the final step in the appeal process rests with the Minister. An Order by the Chief Inspector may be appealed to the Minister, and the Minister, in the Minister's absolute discretion, may confirm or vary the order.

The decision of the Minister is final.

A request for appeal of the Chief Inspectors decision must be submitted in writing via mail or email to:

Minister of Growth Enterprise and Trade
Room 358 Legislative Building,
450 Broadway
Winnipeg, MB
R3C 0V8

Email minget@leg.gov.mb.ca [Subject: **Appeal of Gas/Oil Orders**]

The appeal must include the following information:

- The appellants name and mailing address;
- a copy of the initial Order(s) issued by the inspector;
- any other documentation provided to the Chief Inspector;
- the reason for the ministerial appeal;
- a copy of the Orders and/or decision letter issued by the Chief Inspector;
- and

- rationale and supporting technical justification/documentation.

Review of Manitoba Hydro issued Inspection Notices

If you are seeking a review of Inspection Notices issued by Manitoba Hydro utility inspectors, please contact Manitoba Hydro. Manitoba Hydro has an internal process for reviewing these requests, and may be contacted in writing via mail or email:

Utilization Supervisor
Operations Support Services Manitoba Hydro
35 Sutherland Ave, Winnipeg, MB, R2W 3C5
Email: mbhydrogasops@hydro.mb.ca

Further Information

If you would like further information regarding the review or appeal processes please contact the Program Manager – Oil and Gas Inspections at 204-945-3373.

Reference Documents

- *The Gas and Oil Burner Act and Regulation*

508 - 401 York Avenue
Winnipeg Manitoba R3C 0P8
T: 204 945-3373
F: 204 948-2309
Toll Free: 1-866-888-8186 (in Manitoba only)
Website: www.firecomm.gov.mb.ca

