

THE CAMPFIRES OF BUREAUCRACY: IN 25 SHORT E-MAIL CHAPTERS

Chapter 1. Dark clouds

Jan.24 2007 Recreation Supervisor to Permits/Fire dept., asking for a cooking fire permit for Wallace every Sunday. Response: any campfire/ cooking fire has to be **30 meters from a building**.

Jan.25 Park friend Jutta Mason to Recreation Supervisor, to pass along to the Fire department: 30 meters is too far. 13 years of campfires at Dufferin, no injury. **Proximity to a building gives wind protection**. “We burn hardwood, no softwood and no paper, and there are seldom sparks that travel more than a few inches. The campfire site is on snow and frozen earth. We have the means right beside the fire to extinguish the fire within one minute or less.”

Chapter 2. Insults and exclusion

Jan.26 Meeting with Parks Supervisor and Fire Captain, who said: **“the people who make these fires are imbeciles.”**

Recreation Supervisor, e-mail to park friend Jutta Mason: “Jutta, as per this morning’s meeting, **all cooking fires in Ward 18 are to stop**...I will try to set up a meeting next week with all the necessary staff in order to reach a resolution.”

Jan.26 Park friend Jutta Mason to Recreation Supervisor: “I would like to emphasize that the experts in safe, successful park campfires are the people who have done them now for many years. That includes me, and also the senior park staff who have used these campfires so successfully for community-building. So, **no back-room, fait-accomplit planning, please**. We will need to be at the table when any new regulations are discussed. That also allows me to communicate these deliberations to all the many other community people who have successfully made campfires in Dufferin Grove Park, campgrounds, etc. for many years. And it allows your senior rink/ park staff to give accurate information to the community people whose gatherings have been cancelled.”

Jan.26 campfire friend Rebecca Houston to Councillor Giambrone, “I am so sad to hear that my birthday party at Dufferin Grove Park has been doused. I booked the fire pit for Feb.4th and had started inviting a long list of friends and family to come out for a skating/tobogganing/campfire party. It was set to be my best birthday in years.”

Chapter 3. The legislation

Jan.26 Councillor’s Assistant to Recreation Supervisor: “It would also be very helpful if someone could clarify, for Councillor Giambrone and I, what the existing policy is on camp fires / cooking fires in Parks, and any other relevant legislation or policy, so that we can get a better sense of the legislative and policy context of this issue.”

Jan.27 Jutta Mason to Rebecca Houston: “Some mildly good news for you: There is no legal requirement for a cooking fire permit from the Fire Department. But you won’t be able to have the fire in the park. Parks are owned by the corporation of the City of Toronto, and as the agents of the property-owner, the staff in charge of parks can give permission or not, as they choose. At this point, the Parks Supervisor chooses not to.”

ONTARIO FIRE CODE 2.6.3.4. “Open Air Burning shall not be permitted unless approved, OR unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbeque.”

“So you are allowed to have a cooking fire, Rebecca, where your family and friends can sit around and toast marshmallows or make hot chocolate, as long as the fire is as small as the cooking fires we have at Dufferin Grove.

Forest Fires Prevention Act - O. Reg. 207/96

8.5 No person shall start a fire outdoors outside of a restricted fire zone during the fire season for cooking or warmth unless all of the following conditions are met:

1. The site of the fire is bare rock or other non-combustible material.
2. The fire is at least one metre from any flammable material.
3. The space above the one metre area around the fire is at least three metres from vegetation.
4. The fire does not exceed one metre in height and one metre in diameter.

Toronto Fire Services web site

Open air burning shall not be permitted unless approved, **OR** unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbecue.

Kitchener Fire Services web site

Can I have a fire to cook food?

Cooking fires are allowed without permit provided they meet the following:

- * must be located a minimum of 10' away from the property line, house, outside buildings, wooden fence
- * maximum grill area and maximum interior fuel surface area of 24" x 24"
- * may only be used to cook or grill food
- * may not be used for open burning, refer to open burning permit if required
- * must extinguish flame and briquets or wood chips upon completion of cooking
- * may not continue with fire after cooking has been completed, may not use for entertainment purposes
- * must be suitably enclosed so that briquets or wood chips are maintained within structure of barbeque or barbeque pit.

Chapter 4. Fines, penalties, and exemptions

Jan.30 Parks Supervisor to Councillor's Assistant: "To be clear I am not opposed to Camp fires in Parks. I am however bound by City policies and bylaws. The City Bylaw requires the following: § 608-10. Campfires and barbecues.

While in a park, no person shall:

- A. Light, build or stoke an open fire or bonfire unless authorized by permit;
- B. Use any portable barbecues unless authorized by permit *or where posted to allow the use*
- C. Use fuel other than charcoal or briquettes in permanently fixed barbecues; or
- D. Leave a barbecue or campfire without extinguishing the fire and ensuring that the embers are cold.

The set fine for this is:

Light/Build/Stoke) (open fire/ bonfire) in park without permit §608-10A \$300.00

In order to obtain a permit one has to apply to the permitting section and the fire department needs to approve. The Recreation section has not done either of these in this case.

The Fire department requires the following to approve an open fire:

Open air burning is not permitted within the City of Toronto except with approval by the Toronto Fire Services Fire Prevention Division.

Open air burning shall not be permitted unless approved, OR unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbecue.

The authority to approve open air burning is provided by the Fire Chief to Chief Officers of the Fire Prevention Division.

Open air burning shall meet a number of conditions. These fires shall be all of the following:

- (a) Small. (b) Confined. (c) Supervised at all times. (d) Food cooking on a grill or other TFS "approved" fires. (e) Outdoor fireplaces are not approved."

Chapter 5. The "f" word: Failing to meet conditions, failure to comply, and other offences

Parks Supervisor: "Any open fire failing to meet all of the listed conditions shall be ordered extinguished by the Incident Commander. Failure to comply with open air burning regulations is an offense for which a person can be charged under the Fire Code. Written requests for open air burning authorization should be sent to the attention of the applicable Fire Prevention Division District Chief. In order to approve Rebecca's birthday event all that is required is for Recreation to make the proper applications. *This process was approved by Council. I cannot disregard this process.*"

Chapter 6. Fire Rings “in the system”

Jan.30 Recreation Supervisor to campfire friend Rebecca Houston: “You can apply for a permit for the Parks approved FIRE ring at Dufferin Grove Park as this is in the permitting system. This Fire ring is available for permits through the permit office. Chislett, Heather, her information is below. Office Information Support Assistant A Citizen Focused Services A Office Address Metro Hall main floor”

Jan.30 2007 Clarification, phone call from Park friend Jutta Mason to Recreation Supervisor. He said that the "fire ring" is the fire circle in the centre of the park, also used for programming. This location is actually an "administrative booking," which means that there are no central bookings without the Recreation Supervisor's clearance. The existing "fire rings" in the City system are: Derrydowns Park, Dovercourt Park, Downsview Dells Park, Dufferin Grove Park, ET Seton Park, Earl Bales Park, G Ross Lord Park, Humber Bay Park East, L'Amoreaux Sports Centre, Morningside Park, Northwood Park, Riverdale Farm, Tam O'Shanter, Todmorden Mills Heritage Museum, Toronto Islands - 25 firepits, Wilket Creek Park, Withrow Park.

Chapter 7. A cooking fire protocol, from the folks who started cooking fires

Jan.30 Jutta Mason to Councillor's Assistant: “As promised for today, the Dufferin Grove proposed cooking fire protocol. *It's based on the practice we've had here for many years* combined with the various policies and regulations we found in our research.”

Site: In winter, when there's snow or at least the ground is solidly frozen: The site should be at least 2 meters from any buildings, fences, bushes or trees. The area within one meter of the fire circle should be clear of combustible materials, including exposed tree roots, picnic tables, and overhanging branches.

In summer: the site should be at least 3 meters from from any buildings, fences, bushes or trees. The area within one meter of the fire circle should be clear of combustible materials, including exposed tree roots and picnic tables. There should be no overhanging branches within three meters above the fire site.

Wind protection: The site should have some wind protection otherwise the flames will get too high and/or the food will burn.

Fire: The fire circle should have a maximum diameter and height of 24 inches. Keep the fire as small as possible, since you have to bend over it sometimes to cook.

The fire must be built on a non-combustible surface. Define the fire circle with stones or bricks and make sure that no wood is outside that circle, so that the fire is contained by that circle.

The fire must be attended at all times by a designated person.

Safety Equipment: Have two buckets of water and one bucket of sand close enough to be able to put the fire out fast if necessary, except in winter. In winter, have two buckets of water close enough to the fire that the water doesn't freeze, and also have one bucket of snow. Sand is usually frozen solid in winter, and snow works well also.

A shovel helps you to turn logs or rearrange the fire if you want to damp it down or build it up. Then use it to stir the ashes when extinguishing the fire.

Cooking equipment: Use a solid trivet and grill or a similar system, or a metal spit for barbecuing. Make sure any grill or pot is very stable over the fire.

Extinguish the fire: Note: a bucket of sand is safer for extinguishing a fire which is still hot (no steam). Either suffocate the fire by putting sand on it, followed by water, or put water on the coals and stir them to dampen them and put them out. Add more sand to suffocate the embers. Make sure they are cold to the touch.

In a non-designated fire circle, scrape up the coals and ashes and remove them from the site. If you removed any soil to create a depression for the cooking fire, cover up the fire circle again with the soil that was removed.

Chapter 8. Who makes cooking fire policy?

Jan.30 Jutta Mason to Recreation Director Don Boyle: "I'm confused about the relation of recreation programming and Permits. The cooking fire program has been developed over many years at Dufferin Grove Park, and it has recently worked out very well at Trinity, Wallace, MacGregor, Campbell, and Susan Tibaldi Parkette. This is an inexpensive but powerful community development tool. Is it true that your recreation staff now need to get approval from Permits to do this program? This is a major change from practice up to now. If there is a new protocol being developed, ***shouldn't Recreation be taking the lead?*** And shouldn't there be direct input from park users who enjoy this program?"

Jan.30 Don is on holidays. Malcolm Bromley, acting director: "I just spoke to Parks Director Paul Ronan and he assures me that a prompt response and resolution is forthcoming."

Jan.30 From Councillor Adam Giambrone to Parks, Forestry and Recreation General Manager Brenda Librecz, Recreation Director Don Boyle, and recreation manager Malcolm Bromley: "I'd also appreciate some clarity on this ASAP. My own staff have been spending a lot of time trying to get this sorted out and there seems to be a lot of confusion among Parks & Rec staff as to what the proper procedure is.

I have attended some of these camp fires in the past and can personally attest to their enormous success and their value as a community building tool. I do not think it is fair to the community to have such a successful program be in limbo and I want this sorted out fast!!!"

Jan.30 From District Fire Chief Kim Dobson to Councillor's Assistant:

"The Toronto Fire Services has prohibited all open fires in the city unless approved, (except if the fire is contained in a barbecue, supervised and used for cooking). Without this prohibition there would be small campfires throughout the city in people's backyards which in turn leads to nuisance and real alarms for the Fire Services and complaints due to smoke throughout the neighbourhood. It is not our intention to ban open fires in parks, but we do want to ensure that they are done safely and that we have record of when and where they are."

Jan.31 from Jutta Mason to Councillor's Assistant, "The 30-meters-from-any-structure rule that fire services has requested, which is unprecedented anywhere else, will make our cooking fires impossible.

It is also huge overkill on fire safety grounds. I would suggest that we have a large public meeting at which the fire people to demonstrate how a concrete-block building 90 feet away (the rink house) can be ignited by our cooking fire (i.e they would actually do a fire test, we have the huge zamboni hoses to put it out, or they could have their truck standing by). Then they can show us how they can ignite the rink house with our cooking fire from 20 feet, then from ten, and finally from two feet away. If they can't make any of that happen, we'll need to take up their policy as being indefensible, especially since **explosive cooking devices (gas barbecues), which are permitted everywhere, follow no such 30-meters-from-a-structure rule.** Logs in campfires can't explode.

These are the issues:

1. The way the cooking fires have nourished community, here and through the ages. We can let the campfire advocates speak for themselves as this stuff gets out. The distance-from-structures rule subverts this success.
2. The Ontario Fire Code is being reinterpreted by limiting "confined fire" to "barbecue."
3. The risk of smoky backyard campfires is a red herring -- lots of people have backyard gas barbecues and they smoke a lot, and a semi-enclosed wood fire in a fixed outdoor fireplace--permitted -- makes the same amount of smoke.
4. ***Our 13-year practice is not being acknowledged despite our excellent safety record.***

Chapter 9. Staff only, community butt out

Jan.31, from Parks director Paul Ronan to Jutta Mason: “A [staff] meeting is scheduled for tomorrow at Coronation Park offices to discuss this matter fully. The intent of this meeting will be to establish protocols which will offer flexibility to Recreation/Community Programming, while at the same time establishing clear and consistent guidelines.

I am confident that the staff involved in this meeting will be able to come up with a set of criteria that will address the issue of fires beyond the designated firepit areas. A follow-up to this meeting will be provided to you and I commit that this issue will be resolved in a timely manner.”

Jan.31 Jutta Mason to Parks Director Paul Ronan: “May I suggest an alternative? That the meeting takes place at Dufferin Rink instead of Coronation Park, to get better grounding and involve all the players. You would also get better coffee (Fair Trade Organic) and muffins. Plus fresh bread from the outdoor ovens, since Thursday is farmers' market day and the outdoor bake ovens are still allowed to be fired up.”

Feb.1, Parks Director Paul Ronan to Jutta Mason: “The intent of the meeting is to get our own staff together to discuss this issue and get a better overall picture. A workable resolve that meets the needs of the community and is conducted in a safe managed manner is what I believe to be our common goal.”

Chapter 10. The Parks Supervisor takes over

Feb.1 Parks Supervisor to campfire friend Rebecca Houston: “I am happy to report to you that as a result of our discussions today we will be permitting you have a cooking fire for your birthday event this weekend. This permission is for your event and your event alone. I hope this will allow you to have a happy birthday.

You will have recreationist on site to supervise the cooking fire.

This cooking fire will have to similar to the cooking fires that have occurred preciously.

The fire have to be a minimum of 10 feet or 3 metres from any buildings, structures shrubs or trees and tree roots in the Park. The fire will have to be small and for cooking only. The fire will be to contained in a circle of approximately 24 inches of non combustibile materials surrounding it (ie stones) and should not be more than 24 inches high. You will have to have a pail of sand and two pails of water immediately available to douse the fire. You will have to ensure that the fire is completely extinguished at the completion of your event. You will responsible for ensuring the all of the materials are removed after you event is completed.

There will be no fee for this cooking fire.”

If you have any questions or concerns please feel free to contact me directly.”

Feb.1 Parks Supervisor to everybody: “At our meeting today a number of items were resolved.

1 The existing fire pit in the center of Dufferin Grove park will permitted through the permitting department only. The Fire department is satisfied with this location.

2 We will be holding another meeting next week to discuss the cooking Fire issue.

3 We will be forming a Policy for Cooking fires going forward.

4 We have approved on a one time basis and one time only the Cooking fire for Rebecca's birthday this weekend at no charge.”

Chapter 11. Resistance is futile

Feb.1 Jutta Mason to Parks Supervisor: "As you are already aware, the "resolved" items #1 to 3 are not acceptable to me. I will now undertake to contact as many other cooking fire users as possible and see how they feel. Although you have not asked any of us for guidance, I'm afraid you may need to collaborate with us anyway."

Feb.2 meeting between Parks Manager and Jutta Mason at the Nova Era coffee shop. Manager had just returned from New York City where she and some colleagues spent three days studying NYC models of community engagement and Park rangers. Manager said that she loves campfires and feels she can get this problem worked out in collaboration with the community. She also said that she feels more like rules need to be followed than she did when she was younger.

Feb.2 Parks Manager to Jutta Mason: "Further to our meeting this morning, I am still gathering and reviewing the activities from while I was away in New York, it would be helpful if you outline why these 3 are unacceptable to you and how you would like to see them changed....I will let you know as soon as I hear back from those that were involved at the first meeting. At the very least you and the Dufferin crew will have an opportunity to review and comment on the draft work being done."

Feb.2 Jutta Mason to Parks Manager:

"From Parks Supervisor: 1. The existing fire pit in the center of Dufferin Grove park will be permitted through the permitting department only.

From Jutta: ***this is a program area and it helps keep the park safe after dark*** -- moving it to central permitting will interfere very seriously with that goal and damage our park

From Parks Supervisor: 2. We will be holding another meeting next week to discuss the cooking fire issue.

From Jutta: meeting without proper community and on-site staff representation wastes staff time because ***it omits the main players***

From Parks Supervisor : 3 We will be forming a Policy for Cooking fires going forward. From Jutta: ***forming a campfire policy that omits the people who developed and run this program is unacceptable***

From Parks Supervisor: 4. We have approved on a one time basis and one time only the Cooking fire for Rebecca's birthday this weekend at no charge."

From Jutta: I only found out today that the Parks Supervisor gave Rebecca the rink fire location. Dufferin Grove Recreation staff told me that Rebecca had originally been given middle-of-the-park fire circle because another long-time cooking-fire group had already asked to use the rink site. ***The group that got it first was cancelled (on the Parks Supervisor's order) and now he gave it to Rebecca instead. That's the kind of mess he's created.***

Feb.4, *Update* from Jutta Mason: “the one-time-only fire permit for Rebecca: high of minus 16, blowing snow, no fire danger anywhere. The birthday party cooking fire went ahead without any more trouble than the other 1000+ cooking fires in the park since 1993. Except that it was really, really cold and the staff invited the party inside the rink house to have their birthday cake. The Recreation staff person dumped extra water on the coals of the fire instead of letting it burn itself out with people sitting companionably around the fire, as he would have done before all this drama. The ashes mixed with water turned into a black puddle on the ground and began to freeze instantly.

None of the officials were there, not the Parks Supervisor, not the Fire Safety Chief. One police officer did come, on an enormous police horse, but that was only Rebecca's brother, having ridden up all the way from the stables near Ft. York to say hi to his sister on her birthday.”

Chapter 12. Hunting for the rules

Jan.31 Park friend Jutta Mason to Support Assistant A, Citizen Focused Services A (Formerly Permits) “I just found out yesterday that the Dufferin Grove Park fire circle is listed as a City Fire Ring which can be permitted when not in use for programming. I see that there are 16 other locations as well. Could you let me know: 1. what you charge for such permits 2. what kind of staff support there is for such permits 3. what the fire safety rules are that you attach to such permits 4. Are all of these locations active?”

Feb.2, Jutta Mason to Permits Support Assistant: I have not heard back from you yet and I need this information for a report I'm writing -- I'm sure you are very busy, but would you be able to take a few minutes to answer my questions? Thanks -- much appreciated.

Feb.6 from Councillor's Assistant to Permits Support Assistant: I'd be most appreciative if you could answer Jutta's question as soon as possible, copying me, if you have not done so already.

Feb.6 from Permits Support Assistant to Councillor's Assistant:

As per Manager of Customer Services, the reply should come from one of the Supervisors. I have sent them both Jutta's email.

Feb.6 From Councillor's Assistant to Manager of Customer Services: Can you please expedite a response to Jutta re: her questions below, copying me so I can brief Councillor Giambrone.

Feb.6 from Manager of Customer Services to Councillor's Assistant: The supervisor from my staff will provide you with the information to the attached questions.

Feb.7 from Supervisor Customer Service, Toronto & East York District, to Jutta Mason: “I provide the response to your questions below. If I can be of further assistance, do not hesitate to contact me directly. Thank you.

> 1. what you charge for such permits **\$53.50** > 2. what kind of staff support there is for such permits **Parks Supervisors are advised, Parks Patrol Staff and Bi-Law Enforcement Officers**
> 3. what the fire safety rules are that you attach to such permits **Fire Safety is outlined by Toronto Fire. Please contact them directly.** > 4. Are all of these locations active **Not all locations are active. The following Parks have removed the Fire pits: Serena Gundy; ET Seton. > Humber Bay, Northwood and High Park are no longer active.**”

Feb.8 from Jutta Mason to Supervisor, Customer Service: “Thank you . As you may know, the Parks Supervisor is working on developing a City campfire policy at the moment. Hence my interest in what is done elsewhere. So I'm hoping you can confirm or clarify several things in your responses:

1. Does a Parks supervisor or someone on his staff speak to each permit prior to the campfire?
2. What is the nature of fire supervision given by the by-law officer or Park Patrol staff?
3. What I meant about fire safety information is -- who is responsible for explaining the fire rules to the campfire permits? Do you mean that Fire Services contacts each fire permit and explains the rules?
4. Regarding the list of parks for which a campfire permit is centrally available -- it seems to be shrinking. Is this an intentional part of city policy? Is the city planning to eliminate campfires from parks eventually?”

Feb.8 from Supervisor, Customer Service, to Jutta Mason: “These are all issues of policy and work direction within the Parks Branch. Perhaps the Parks Supervisor can respond to your questions.”

Chapter 13. Calling all campfire friends

Feb.11 Jutta Mason to list of campfire friends, asking for letters of campfire support and: “If your day has any flexibility in it, the other thing needed is some hours of your presence at a deputation at City Hall on Tuesday February 20. That's when the Parks Committee meets. If our issue gets held over until after lunch, there will also be a zamboni-cafe-picnic and a skating time at City Hall rink. This will be a great civics lesson for kids (with a storyteller too). And a sociable time for grownups. (People who wish to be kept informed by cellphone can limit their attendance to the right moment, if they can get down there quickly.)

The deputation is meant to persuade the Parks Committee to instruct Parks management to stop working against Dufferin Grove friends and work with us instead.”

Chapter 14. Shining a light on the risks in the closet

Feb.14 Jutta Mason to Parks Supervisor: “I asked Dufferin Grove lead Recreation staff about Susan Tibaldi Park campfire permission. She said that you are concerned about possible effects of a cooking fire on the TTC line underneath. I offered to check for her, and so I asked the chair of the TTC.

Councillor Giambrone says he feels confident that a cooking fire in Susan Tibaldi Park will not interfere with the TTC. I hope this suffices. Please let the community know when the neighbours of Susan Tibaldi Park will be able to resume their excellent "take back the park" campfire program, working together with Dufferin Grove staff.”

Feb.14 Jutta Mason to Parks Supervisor re Campbell Park, cc to Technical Services Supervisor:
“I asked the Dufferin Grove lead Recreation staff what's happening with the Campbell Rink cooking fires with youth on Fridays. She said they are still on hold. Please open your planning for that rink to community people as well, since a few of us have been part of this program all along. The lead Recreation staff said you see the ideal program location that we've used in the past two years, i.e. two meters west of the header trench, as a problem, because of *a potential ammonia explosion*. I have checked with the TSSA and they sent the following information:

Ammonia gas has an explosive range of 16 to 25 per cent by volume in air. It is classified as NON-flammable under WHMIS (Workplace Hazardous Materials Information System) and the Transportation of Dangerous Goods Regulations.

Beyond that, the lead Recreation staff says it's your impression that Campbell Rink is still direct ammonia and therefore there would be ammonia in the header trench. ***Campbell Rink was rebuilt for \$700,000 in 1997 or 1998 and it's brine or glycol, not direct ammonia.*** That would mean there is NO ammonia in the header trench pipes. Could you check that please, and let us all know? The next campfire date is for the Campbell youth tournament on Feb.25, and I'm worried this issue will not be clarified in time.”

Feb 14 from a Dufferin Grove Recreation staff person who has a degree in Chemistry, to Jutta Mason, forwarded to Parks Supervisor and Fire Services:

“Ammonia is generally not considered a serious fire or explosion hazard because ammonia-air mixtures are difficult to ignite and a relatively high concentration of the gas is required. However, a large and intense energy source may cause ignition and/or an explosion in a confined space.

The human detection of ammonia occurs at concentrations far below those that would create irreversible health damage or create a significant fire/explosion hazard (see windex example). Hence, no matter how mesmerizing a cooking fire may be, people would be alerted to the ammonia and could douse the fire and seek the refuge of distance from the ammonia source.”

Sources:

www.ccohs.ca/oshanswers/chemicals/chem_profiles/ammonia/working_ammonia.html

www.osha.gov/SLTC/ammoniarefrigeration/index.html

Feb.15 from Tech Services Supervisor to Jutta Mason: ***“The Campbell Rink is a glycol system.”***

Feb.15 from Jutta Mason to Parks Supervisor: “I assume that the Technical Services Supervisor copied you on this. I could have told you at the time. It's good to make use of the resources you have, to avoid wasting time.”

Chapter 15. Distant echoes of a “pilot project”

Feb.15 from Jutta Mason to Councillor’s Assistant: “I'm hoping you can help me. Because of the Feb.20 agenda postponement, I have to do an update mailing re cooking fires to my list today, and I am still out of the loop. These are the questions I need answered:

1. When will I be invited back into this discussion? (Now would be good.)
2. Can I have a copy of the current protocol re permits?
3. Can I have a copy of the current protocol re fire safety?
4. ***is it true that our 13-year-old campfire program is being called a "pilot project"? If so, whose pilot? I don't see Parks monitoring it (i.e being present for fires) -- so who is monitoring it, where are the reports going?***
5. What is the status of the ammonia concern re Campbell?
6. What is the status of the TTC concern re Susan Tibaldi?
7. When can the Wallace Family Sundays cooking fire program resume?”

Feb.15, from Councillor’s Assistant to Jutta: “Assuming the meeting tomorrow morning goes according to plan, we will then have a framework ready that will allow the Rec staff to resume Dufferin Grove cooking fire programming immediately via the new protocol; and also we will be able to share them with you and other interested members of the public for comment and feedback, including hard copies of the new rules.

Parks staff have indeed started using the term "pilot-project." It would be more accurate to say that it is a pilot-project to test these new rules. I agree that more clarification is needed on what criteria will be used to evaluate the pilot, who will be doing the evaluating, and what other feedback mechanisms will be in place, such as public consultation. I will ask these questions at the meeting tomorrow morning.

We will try to get the locations at the other parks approved at the meeting tomorrow morning as well. If there are outstanding safety concerns that can't be resolved at the meeting, then it will take a few more days to sort out. ***My own personal goal is to have all of this sorted out and the resumption of Rec programmed cooking and warming fires, at all requested Ward 18 park locations, by next Friday Feb.23*** at the absolute latest. The sooner the better, and we'll have more news after the meeting tomorrow.”

Chapter 16. The letter “P”: Permits, Pilots, Policies, Protocol, Procedure, Process – in Parks

Feb.15, from Parks Supervisor to campfire friend Mary-Margaret Jones: “I am not trying to stop Cooking Fires or Warming Fires at Dufferin Grove. The bylaws as they apply to Parks require that any open fire requires a permit. In 2006 no permit was requested for fires at Dufferin Grove therefore no permit was issued. ***This also meant that there was no liability insurance in place.*** Safety and safe use of the Park are concerns of mine as they are for all Park users. In the event of an incident or injury I would be required to demonstrate that I have followed all of the required procedures to hold an event in a Park. ***I am obliged by law follow the bylaws and policies and procedures that the City uses.***

I am currently working with Park staff to put in place a protocol that meets the needs and desires of the local community and fits within the process of the City. I have had a number of meetings with Recreation staff, Fire Department staff, Permitting staff and Parks staff to resolve this issue. I have also approved ***a Pilot at Dufferin Grove Park*** to allow Cooking Fires and to test the protocol that has been formed to date.”

Chapter 17. No time at City Hall for campfire friends

Feb.16, Jutta Mason to campfire friends: “The Feb.20 Parks committee deputation-rink party can't happen. It turns out that ***no Parks matters are on the agenda for this month's meeting***, because the councillors are taking a day to listen to the experts talking about global warming. So we have to wait at least another month.

However, all those letters have definitely helped to focus attention on the campfire ban. Councillor Giambrone has put pressure on City management staff to get the permits going again. In fact, it sounds as though the Dufferin Grove fires may be reconstituted almost exactly as before. There is a meeting as I write, still without park user participation, but with some Dufferin Rink staff at the table.

The Dufferin Grove Park campfire safety protocol is pretty well back to the safety rules we've worked out over the past 13 years. But what a lot of everybody's time such a bureaucratic explosion takes!

The other sites are still contentious (Wallace Family Sundays cooking fires, Campbell Rink Friday night youth cooking fires, MacGregor Park art-events campfires, and Susan Tibaldi take-back-the-park cooking fire events). The Parks Supervisor had safety concerns about Susan Tibaldi Park being on top of the subway line and about Campbell Rink having potentially explosive ammonia in the rink pipes near the youth program campfire site. However, the chair of the TTC said he does not feel that a campfire at Susan Tibaldi Park will interfere with subway operations. And we were able to let the Parks Supervisor know that Campbell Rink was rebuilt in 1997 and does not have ammonia in the pipes (plus ammonia in the open air is not explosive). Hopefully those campfire programs will also return soon.”

Chapter 18. Recreation did it

Feb.16 Recreation director Don Boyle to the Recreation Manager, cc to Jutta Mason: “Can you get me the background on this issue.. bullet point with a suggestion on how this can be resolved. Please highlight specifically who is responsible for the overall program or each of the measures required to operate the program.”

Feb.19 Parks Supervisor to campfire friends and City management: “Parks did not ban fires in Parks. ***In fact it was Recreation that banned fires.*** Parks requested that these fires follow the proscribed process including permitting, Fire department approval and Parks approval. There was no permit for 2006. ***There was no approval of sites with the Fire Department. This resulted in no indemnification for the City in the event of any incident or injury.***

In an effort to assist Recreation in providing a valued service for residents Parks set up a number of meetings ...Parks has utilized the existing process to assist in forming the Protocol and as such the residents using fires in Parks should see little or no difference.

Parks always welcomes input from the public. Parks, will upon an agreement being reached, with Forestry, Recreation, Permitting and Fire provide the protocol to the Public for input.”

Chapter 19. Four weeks after the ban from Parks.....

Feb.23 Jutta Mason to City Hall management and councillors: “Today is exactly four weeks since all the park cooking fire/ campfire permits were cancelled. Recently, you have allowed interim/temporary/’pilot’ permits in several locations. However, the new campfire rules you propose have not been made public. According to the Councillor’s Assistant, the Parks Manager set last Friday as the date when the City’s new protocol would finally be available to those of us who started the campfire program (and who help to continue it), to comment on.

But there has been nothing except reports of another internal (Parks only) meeting this past Wednesday.

Chapter 20. Are Dufferin Grove Recreation Staff stupid, bad, or both?

Feb.23 from lead campfire Recreation staff to Parks Supervisor, “1. Please be advised that there will be a barrel fire at Campbell Park today from 6-11 pm in the same site as the fire held last Friday, Feb 16. 2. Please be advised that today there will be a cooking fire program (birthday party) at the approved fire pit near the ice rink at Dufferin Grove Park from 3 to 5 pm.”

Feb.26, from Parks Supervisor to lead campfire Recreation staff and Recreation Supervisor re the Campbell Park youth tourney campfire: “The location that you indicated for Campbell Park is not the agreed location...We had also agreed that you and or your staff would notify Parks and Parks Bylaw of fire events in advance. As this event, the Shiny Tournament, was scheduled weeks in advance there was no reason that this event could not have been booked in the appropriate manner.... ***At this point given that you and your staff are not clear as to the location I am not inclined to give approval for any additional fires at Campbell.***”

Feb.26 from Parks Supervisor to lead campfire Recreation staff, re the Dufferin Rink birthday party: "This is not how this is supposed to work. The notification is to come in advance of the event and the event is to be booked in CLASS. This email was sent after the event had already begun."

Feb.27 from Jutta Mason to Councillor's Assistant: "***I find the tone of the Parks Supervisor's e-mail quite shocking. It's as though the Rec staff were trying to get away with something stupid.*** In actual fact, the staff were doing all that extra work to make the Campbell 2nd Annual Youth Shinny Tournament the wonderful success that it was. I heard that the Parks Supervisor came there with a camera during the tourney (but not speaking to any staff). Astonishing. Their campfire was totally safe and competent. The idea here is to MAKE THINGS WORK for youth. How can we encourage Parks to get back on that project?"

Feb.27 from Parks Supervisor to lead Dufferin Grove Recreation staff: "There are a number of issues. One is that **in spite of knowledge of an event well in advance Recreation has failed to request the appropriate permit.** The second is that events such as birthdays are hardly spontaneous. Sending emails after the event starts or after normal working hours is not appropriate notice for Parks or Parks Bylaw."

Feb.27 from Jutta Mason to Councillor Adam Giambrone: "Another amazing e-mail from the Parks Supervisor. This was a party for a kid whose mother was one of the group of three who got the sand pit into the park, back in 1993. She has been having a rink birthday party for her son each year for six years now. There was always a campfire, which they always shared with all rink users. This year the mother heard the campfires were cancelled, so they didn't make any arrangements ahead. When they got there, the group were thrilled to hear that temporary permission has been restored. So the staff sent an e-mail and lit the campfire. Everyone was happy, including the other rink users who joined in.

Except for the Parks Supervisor, he's not happy. The rink staff do their best to make the park a great place for families, people come from all over the city, and the Park Supervisor shakes his finger and uses phrases like "failed to request the appropriate permit." ***I thought this is NOT a permit but a recreation program?***

This is a dreadful situation. Please, let's have a campfire site meeting, with Councillor Giambrone, the Parks Director, the Recreation Director, the General Manager if necessary, to change the orientation from fault-finding to MAKING THINGS WORK!"

Feb.27 Councillor's Assistant to Parks Supervisor: "...***It would be helpful if all staff could adopt a more collaborative attitude, rather than an adversarial one,*** since it is essential that both Parks and Rec staff are able to work together to program successful events. ...Please let me know as soon as possible what actions are being taken to sort this out and to make sure the event on Sunday can go ahead with all the proper approvals in place, in terms of both CLASS and the location.

I also understand that another meeting is being set up to discuss the big picture policy issues and the overall procedures. My schedule is quite flexible and I would be happy to attend. Please let me know when and where."

Chapter 21. Time to bail

Feb.28 Lead Dufferin Grove Recreation Staff to Parks Supervisor: “A visit to Campbell Rink proved that the location proposed by Parks is too far. So ***Recreation would like to decline having a campfire at the location the Parks Supervisor refers to.*** The site by the basket ball area was identified as a health and safety hazard for staff in a recreation driven program. (The gates by the campfire would have to be left open during shinny games). The other possible location is by the wading pool and is simply too far from our point of view, and with respect to community input.

Feb.28 Jutta Mason to Councillor’s Assistant: The lead Dufferin Grove Recreation staff tells me that the Parks Supervisor's current fire protocol version is not acceptable to Recreation. I would like to read it and comment, but ***apparently the Parks Supervisor says the protocol must not be revealed to me or other campfire users until Recreation has agreed.***

It appears to me that Parks is determined to put the protocol in place without community consultation. They have killed the Campbell Rink youth campfire program already. It think it is very disrespectful to keep this discussion behind closed doors any longer (five weeks have passed since all this trouble began).”

Chapter 22. A visit with the risk analyst

Feb.28, meeting with a City of Toronto senior risk management analyst and the Councillor’s Assistant. Reason for the visit: Parks Supervisor had written to campfire friend Mary-Margaret Jones: ***“There was no permit for 2006. There was no approval of sites with the Fire Department. This resulted in no indemnification for the City in the event of any incident or injury.”***

Risk management information:

1. Indemnification (insurance coverage). The Risk Management Analyst verified that ***the City has no outside insurance coverage for any claims under \$5 million***, independent of whether Fire Service approves park campfire locations. Insurers are leery about municipal insurance, so they require a \$5 million deductible for third-party liability claims. The City has its own insurance kitty, for claims under that amount. Each division is internally charged a premium by the city, partly based on how many claims are made against that division. Parks and Recreation don’t produce many claims, so the proportion they have to pay into the City’s insurance kitty is not high.

90% of all third-party liability claims against the city are resolved for less than \$15,000.

However, the city’s documentation of those claims is not very detailed. The Risk Management Analyst said that they intend to change this, so that it will in future be easier for staff to get details of claims or lawsuits, to learn from them.

The Province's information and privacy commissioner made a judgment against the City in 2005, saying that they can't keep their insurance and claims details secret. City risk management staff had argued that if more people knew that they could get money from the city, more people would sue. But in fact that didn't happen after the newspaper coverage. So more information continues to be released. *The Councillor's office can ask for a detailed report of third-party claims relating to parks*, and Risk management staff can try to get that for them.

So the Parks Supervisor's idea – that there would be no insurance coverage for the city in case someone sued for “incident or injury” caused by a park campfire – misses the mark. Under \$5 million, there's no external insurance coverage whether the fire department approved the fire sites or not.

2. Use of volunteers: In his meetings with Recreation staff, the Parks Supervisor made the argument that only City staff could look after a campfire program, no volunteers. Or if there was a volunteer, s/he would only be “covered” by the City's Commercial General Liability insurance policy if s/he was “a person that performs activities under the *direct supervision and control of City staff* and does not receive pay for those services.” [from a different Risk Management Analyst for the city.] So the Parks Supervisor decided that staff must stay right beside the campfire at all times.

As the Senior Risk Management Analyst had already explained, in the event of a mishap, claims under \$5 million would not be paid out by the insurance company anyway, since the City's third-party liability insurance policy has a \$5 million deductible. But the Analyst also said that the definition of what “direct supervision” means is a common-sense one.

Direct supervision of volunteers *does not necessarily* mean staff being physically on site with their eyes trained on the volunteer. (Rather, it refers to the same kind of common sense implied when law talks of the “reasonable person”). The Senior Risk Management Analyst pointed to the “**Occupiers Liability Act**” as a good source of information for a definition of reasonable care and reasonable behaviour. In the case of volunteer adults looking after a small campfire, staff would not likely have to remain on site.

To set city policy, the City ought to consult cases – and detailed information about cases of damage is shortly going to become more easily available from the Risk Management office. In the meantime, in thirteen years campfires at Dufferin Grove Park, there have been no injuries. *In the real world beyond imagined scenarios, there is compelling evidence of reasonable people taking reasonable care.*

Chapter 23. The real world of bureaucracy

March 8 from Jutta to Parks Supervisor: "I have just dashed home from the farmers' market at the request of rec staff. They are lighting the regular market campfire/cooking fire to make hot chocolate. It's unclear whether this program is in CLASS as a weekly event or you wish to be notified every time. But our park e-mail is down and the staff can't go up to Wallace or McCormick to write to you from there. The fire will be lit at 6.25 and I am writing to you at 6.21."

March 9 from the lead Dufferin Grove Recreation staff to the Parks Supervisor and Parks, Forestry and Recreation By-Law enforcement: "There will be a campfire with Councillor Joe Mihevc this afternoon from 4:30 till 6pm. Then we may have a campfire from 6pm till 8pm for Friday night supper patrons."

March 9 from By-law Enforcement to the lead Dufferin Grove Recreation staff :

"Thank you for your e-mail, staff will investigate and look into your complaint."

March 9 from Mayssan Shuja to By-Law enforcement: "There is no complaint being made.... We as on-site recreation staff were directed to email this address to further notify of campfires when they happen. Hope this clarifies"

Chapter 24. Providing a process, ensuring compliance, testing the pilot, creating a permitting classification, reviewing a protocol, recalling the work team, ensuring that messaging is understood

March 9 from Councillor's Assistant to Jutta, a "briefing note" from the Parks Manager and the Parks Supervisor (dated March 1)

Issue:

Establish a protocol to enable fire programs (cooking, warming, special event fires) to take place in City parks for the enjoyment of the community, while ensuring that such fires comply with Toronto Fire Services and Parks Forestry & Recreation regulations, to protect the City of Toronto, staff, volunteers and members of the public in the areas of fire safety, legal liability and bylaw compliance.

The expected result was a protocol that would: - ensure the community was able to continue enjoying the fire programs - provide direction for Recreation staff that they were now leading the fire programs in compliance with Fire Services - ***provide a process whereby Recreation staff were consulting with Fire Services and Parks staff, complying with the protocol and receiving approval for their fire programs in a timely and effective manner - ensure city staff, volunteers and members of the public were safe within the City's legal liability umbrella.....***

Key Points:

- all members of the work team and senior PFR staff support the added value the fire programs bring to the community especially as it relates to youth
- to ensure minimal disruption to the existing fire programs, particularly at Dufferin Grove, ***Parks and Fire Services approved a "pilot" to test the new sites and conditions*** while ensuring the community enjoyed their fire programs
- existing information that recreation staff working with the fire programs compiled was used as the basis for the protocol. These staff also took a lead role in writing and commenting on the protocol
- discrepancies still exist in relation to the areas that were deemed to be acceptable to all parties (including Fire Services) at the site meetings, and the areas and conditions that were used, most recently at Campbell Park.
- ***It is recommended, Permit section create a permitting classification that will address the various fire programs*** and then remove the blanket permit program from CLASS.
- While community consultation on PFR programs and protocols is encouraged and supported it must be recognized that legislative and other similar requirements of city employees are information for the public and not topics that may be revised at individual community meetings to reflect the varied interests or perspectives found within neighbourhoods.....
-Parks staff are not able to approve sites that have not been approved by Fire Services
- Parks and Recreation staff will recall the work team, including Fire Services, to further review sites that will meet Fire Services approval and be acceptable to Parks and Recreation staff involved with programming and permit approvals
- Jutta Mason as representative of Friends of Dufferin Grove, will be invited to review the existing protocol and participate in the upcoming site meetings to ensure the messaging from Fire Services is understood as a required piece of the protocol.

Chapter 25. Which legislation?

March 10 from Jutta to the Parks Manager Your Parks briefing note cautions: ***"legislative and other similar requirements of city employees are information for the public and not topics that may be revised....to reflect the varied interests or perspectives found within neighbourhoods."*** So it becomes very important to know what the legislation on cooking fires is.

From your briefing note:

"It was identified that fire programs operated through the Recreation Branch in conjunction with Friends of Dufferin Grove had been taking place on a regular basis in City parks within ward 18 without approval from Toronto Fire Services....***Parks staff are not able to approve sites that have not been approved by Fire Services.***"

But the legislation we've seen is different:

from the **Toronto Fire Services Fire Prevention Division** web site:
Open air burning shall not be permitted unless approved, **OR** unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbecue.

From the **Ontario Fire Code** w
ONTARIO FIRE CODE 2.6.3.4.
"Open Air Burning shall not be permitted unless approved, **OR** unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbecue".

City of Toronto Parks By-law § 608-10:
Open air burning is not permitted within the City of Toronto except with approval by the Toronto Fire Services Fire Prevention Division.
Open air burning shall not be permitted unless approved, **OR** unless such burning consists of a small, confined fire, supervised at all times, and used to cook food on a grill or a barbecue.

District Fire Chief Kim Dobson, South Command Fire Prevention, gives it a different spin, writing to Councillor Adam Giambrone, Jan.30 2007
"The Toronto Fire Services has prohibited all open fires in the city unless approved, (**except** if the fire is contained in a barbecue, supervised and used for cooking)."

PLEASE CLARIFY: The Ontario Fire Code and the City Municipal Code exemptions specify a barbecue or a grill. For many years, park cooking fires have used a grill. Fire Chief Dobson seems to have taken out "grill" from his description of what kind of fire does not need fire services approval. But you see that all the other citations include a "small, contained fire, and used to cook food on a grill or a barbecue" in their exemption (from fires requiring Fire Services approval).

So our understanding is that it's up to Parks, Forestry and Recreation to give permission for any small, contained park cooking fire program using a grill, simply as the owner of the property. Fire Services are not involved.

Could you ask Fire Services and *let us know whether this analysis is wrong*, and if so, why? We need this information prior to any participation in cooking fire site meetings, so that we can come prepared knowing the legislation.

EPILOGUE:

From the January 2008 newsletter: *It's been exactly a year since Parks supervisor **Peter Leiss** suspended all campfires and then re-instated them with a much more complicated protocol that has added layers of bureaucracy. There are 171 e-mail exchanges about the campfire struggle, posted on the "problems and follow-up section" of the dufferinpark.ca web site, and there may be many more internal ones that park users never saw. All this for a procedure which is almost identical to what has worked well for 13 years!*

*When **CELOS** asked to see the draft protocols and the internal e-mails that resulted in so much extra bureaucracy, they were told it would cost them **\$1700** for staff to get that information out. Another appeal to the Provincial Commissioner, sigh....*

From park friend Georgie Donais: *"I would like to stress that a park's existence is for the pleasure and enrichment of the citizens who use and cherish it. It is not just another place of employment that the city must manage, and citizens are not liabilities who get in the way of administrative efficiencies. Successful collaboration will pay the city back many times in healthier, happier citizens who love and support their communities. That is truly an opportunity worth taking."*

All new policy development affecting Torontonians should include

- a) detailed, public documentation of reasons for a new policy being considered**
- b) thorough consultation with user group(s) affected**
- c) detailed, public documentation of the results of the new policy**