Jean-Paul Murray

17 Kingsmere Road

Old Chelsea, Quebec

J9B 1R7

(819) 827-1803

February 27, 2007

The Honourable Jean Charest, PC

Premier of Quebec

Honoré-Mercier Building

835 René-Lévesque Boulevard East

3rd Floor

Quebec City, Quebec

GEA 1B4

Dear Premier,

 I am hereby urging you to appoint an investigative commissioner to shed light on a so-called live burn[[1]](#footnote-1) which destroyed the Alexander House in the municipality of Chelsea.

While inquiring as to whether the NCC had obtained demolition permits from the municipality of Chelsea with respect to all outbuildings at Sparks House (420 Meech Lake Road, whose main building was destroyed by fire on July 15, 2001), and Alexander House[[2]](#footnote-2) – obtaining such permits is a requirement stipulated by NCC contracts – I found out that Alexander House had been “used by the municipality for a fire fighting exercise.” Moreover, a letter sent to me by Chelsea’s director general and treasurer, Paul St-Louis, on April 27, 2005, confirmed that the “fire-fighting exercise” at Alexander House took place on September 23, 2000.

Please note that the NCC’s policy on analyzing demolitions – Section 2.2 of guideline 522.1 in the *Commission’s Manual of Administration* – specifies that:

“Before approving the demolition of a building, other solutions must as much as possible be explored, such as selling it, removing it or allowing the fire department to **burn it for training purposes.**”

 I also underline what Section 3.1 of the same guidelines says about demolitions:

“If a contractor is asked to demolish the building, it is his responsibility to **obtain all necessary permits. He must, moreover, respect provincial and local regulations regarding safety on demolition and construction sites**.”

 Attached to Mr. St-Louis’s letter were minutes from the November 22, 2000 meeting of the municipal Fire and Public Security Committee that say: “The live burn training session held at Meech Lake on September 23 was a success **and the NCC expects to offer us other locations for our training sessions**.” (Might those other locations include 420 Meech Lake Road, the Sparks House? See my letter to the Quebec Premier, asking for the appointment of an investigation commissioner, given all the “administrative” bungling related to the file.)

 This letter of April 27, also confirmed that no report had been written on this exercise. Such failure to file a fire report appears to be a violation of section 34 of the Quebec Fire Safety Act, and of section 10 of its predecessor, the Quebec Fire Investigations Act … (As was the failure to report the Sparks House Fire within the delay prescribed by law). Moreover, it is a clear derogation to National Fire Prevention Association Standard (NFPA) 1403, the *Standard on Live Fire Training Evolutions*. This standard is the guideline for live burns advocated by the Quebec government in its *Fire Safety Policies of the Minister of Public Securit*y,[[3]](#footnote-3) and it stipulates that **reports must be maintained (section 9.1.1).**

Although the Quebec government published its *Fire Safety Policies* in May 2001, NFPA 1403 has been the industry standard since the early eighties – and the Chelsea fire department should have known about it, and applied it rigorously to the Alexander House exercise.

 Moreover, on February 4, 2004, during a phone conversation, Michel Beaulne, Chelsea’s director of zoning and permits, told me that the municipality had no record of a demolition permit for Alexander House (Although my latest ATIP response confirms that NCC contracts required a demolition permit for the nine other buildings on the property – another requirement the NCC failed to meet.) All Mr. Beaulne claimed to know was that the taxes on the property had stopped being paid in 1999-2000. This was the only response the municipality gave me to a written request I sent on October 23, 2003, asking for “a description of the process through which the building formerly located at 700 Meech Lake Road[[4]](#footnote-4) was destroyed (demolition, fire, etc.), and, accordingly, for a copy of the demolition permit or fire report.” (Note: NFPA 1403, section 4.2.2, stipulates that permits must be obtained before a live burn is conducted.)

 Mr. Saint-Louis’s letter of April 27 also mentions that the live burn at Alexander House is the only one to have taken place on the municipality’s territory, and that “neither Chelsea nor the fire department have a policy concerning live burns.” (What about NFPA 1403? And what about Sparks House?) Moreover, since the fire fighting industry considers live burns to be very serious matters, having cost firemen their lives, and requiring strict guiding principles and operating procedures, how can Chelsea have conducted one without a policy, without having received a written request to do so, and without reporting it to the appropriate authorities?

 Finally, the letter adds, spuriously, that: “our files contain no records concerning the fire-fighting exercise at Alexander House.” However, my latest NCC access request turned up a letter from the former Chelsea fire chief, Mike Dunlop, dated January 17, 2001, to NCC manager of maintenance and rehabilitation services David Maitland, thanking the NCC for making Alexander House available for a live burn ... And, Dunlop received an email from Maitland concerning this live burn on September 19, 2000, at 3:57 p.m., saying the “Chelsea Fire Department … would torch the building, douse the fire and secure the site, [and that] the fire chief [would] alert the municipality, the various other fire departments, as well as MRC police.”

 So now we know that at least two such records exist. And we can surmise that – from telling me in February 2004 that they knew nothing about the process used to demolish Alexander House, to informing me in April 2005 that their files have no records relating to the fire fighting exercise there – the municipality is either totally inept in terms of record keeping, administered by rank amateurs, or by individuals trying to cover up some nasty business …

 Furthermore, to determine whether a live burn is supposed to be reported to the Quebec Public Security Department, by virtue of section 34 of the Quebec Fire Safety Act, I made further inquiries. On Thursday, June 2, 2005, I spoke with Jean-François Ducrès from that department about live burns.  He told me that live burns needn’t be reported, since according to ministry practice and precedents, a fire is considered to be an "uncontrolled combustion phenomenon," and that since live burns were controlled and supervised, they were not, per se, fires. As well, he informed me that no regulations, directives, policies, etc., existed with respect to live burns, and that it was a matter of internal practice and conventional wisdom that they needn’t be reported (not so, according to the *Fire Safety Policies of the Minister of Public Securit*y, which says that: “Training sessions dealing with cases that involve buildings that are left to burn should be largely based on the clauses of NFPA standard 1403.”)

 As well, the Quebec Fire Safety Act (section 34), and the Public Security Department’s *Ten Commandments for Reporting Fires* say all fires must be reported. And the department’s guide for filling out a fire report stipulates on page 1 that: “all operations carried out by a fire department on the site of a blaze must be reported to the Ministry.” So, if live burns aren’t “fires,” then surely they are “operations carried out by fire departments.” This fire report writing guide also lists what must be declared, including “building fires,” and what need not be declared; but nowhere does it mention that live burns needn’t be declared.

Accordingly, since the residents of Chelsea are entitled to have all the facts in this regard, and since public officials must be above all suspicion and their professional conduct be above reproach, I urge you very strongly to appoint an investigative commissioner. Failure to do so will convince me, once again, that anarchy trumps the rule of law in Chelsea and that public officials can act as they see fit with complete impunity

Sincerely,

(Translation of original signed by)

 Jean-Paul Murray

JPM/

cc: M. Jacques P. Dupuis

 M. Benoît Pelletier

1. “Live burn” is the term used in the fire-fighting industry to describe a training exercise where a building is set ablaze and then put out by firemen [↑](#footnote-ref-1)
2. Through question no. 7, placed on the *Senate Order Paper* by the Hon. Aurélien Gill on Nov. 30, 2004. Answer given as *Senate Sessional Paper no. 1/38-366S*, February 10, 2005. [↑](#footnote-ref-2)
3. On p. 30, the Quebec Public Security Department’s *Fire Safety Policies of the Minister of Public Securit*y says: “Training sessions dealing with cases that involve buildings that are left to burn should be largely based on the clauses of NFPA standard 1403.” [↑](#footnote-ref-3)
4. According to the municipality, Alexander House had no civic address. However, the no. 700 was painted on the gatepost, and seems to fall into step with the civic numbers of the adjoining residences. Anyhow, I know we were talking about the same property, since the lot number he gave me for the property corresponds to the one listed on documents I got through my ATIP request. [↑](#footnote-ref-4)