

2015-CB-32

For Immediate Release  
May 19, 2015

## **Company and Employers Fined After Kingston Fire That Endangered Workers, Injured Crane Operator**

KINGSTON, ON – Following a fire at a construction project in Kingston that led to a crane operator being rescued by military helicopter, three individuals and the company that employed the workers have pleaded guilty in court and fined a total of \$74,000.

On December 17, 2013, a five-storey residential construction project located at 663 Princess Street in Kingston caught fire. Workers were evacuated and unharmed, but the worker who was operating a crane was forced to flee the cab and crawl out on the boom of the crane, and was rescued by a military helicopter; that worker suffered burns.

The Office of the Fire Marshal of Ontario investigated but was not able to obtain any specific details about the cause or origin of the fire. Almost the entire structure succumbed to the flames. Due to the amount of water used to fight the fire and the extreme cold temperatures, the structure and much of the surrounding area was covered in ice, presenting a significant challenge to the investigation. The Ministry of Labour also investigated the project site over a period of four months.

The ministry determined that Jay Patry Enterprises Inc., the company building the project, was the constructor and its owners, Jay and Nathan Patry, were its senior managers. Another individual, Troy Joseph Stelmach of Stelmach Property Management Inc., worked on the project in a supervisory capacity.

Based on the available evidence, the ministry was able to determine that insufficient standpipe – an assembly of pipes and fittings that conveys water to outlets – had been installed at the project site. A standpipe is required to mitigate against potential harm from fire.

Jay Patry Enterprises Inc. pleaded guilty of failing as a constructor to ensure that measures in the Construction Projects Regulation were carried out. Section 57 in the regulation requires that as construction proceeds in a building with two or more storeys, a permanent or temporary standpipe shall be installed to within two storeys of the uppermost work level and that every hose outlet with a permanent standpipe shall have a valve. While standpipe risers had been installed to the fifth level of the project, contractors were still working to install hose valves past the ground level as of the date of the fire. The fine for the violation was \$60,000.

Jason and Nathan Patry, owners of the company, pleaded guilty for failing to furnish all necessary means in their power to facilitate an investigation by an inspector. Jason Patry was fined \$7,500 and Nathan Patry was fined \$4,000. Troy Joseph Stelmach pleaded guilty to the same charge and was fined \$2,500. Sentencing took place on May 15 in Kingston court by the Honourable Justice Allan G. Letourneau.

In a separate trial proceeding last month, the crane company, A & A Crane Inc. of Waterdown was found guilty of failing to comply with a requirement of an inspector in relation to a project located at 663 Princess Street, Kingston, and fined \$8,000.

The crane company's owner, Aram Malek of Hamilton, was convicted of two counts under the Occupational Health and Safety Act. He was found guilty of knowingly furnishing an inspector with false information or neglecting or refusing to furnish information required by an inspector, and to failing to furnish all necessary means in the person's power to facilitate any entry, search, inspection, investigation, examination, testing or inquiry by an inspector. He was fined \$10,000 and \$9,000 respectively. Those fines were imposed on April 30, 2015.

In addition to the fine, the court imposed a 25-per-cent victim fine surcharge as required by the Provincial Offences Act. The surcharge is credited to a special provincial government fund to assist victims of crime.

**For further information:**

**Media contact:**

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Court Information at a Glance

<b>Location:</b>	Provincial Offences Court/Ontario Court of Justice 279 Wellington Street Courtroom 3 Kingston, Ontario
<b>Judge:</b>	The Honourable Justice Allan G. Letourneau
<b>Date of Sentencing:</b>	May 15, 2015
<b>Defendants:</b>	Jay Patry Enterprises Inc. 265 Ontario Street, Site #12 Kingston, Ontario  Jason and Nathan Patry Kingston, Ontario  Troy Joseph Stelmach Golden, British Columbia, of Stelmach Property Management Inc. 88 Dufferin Avenue London, Ontario
<b>Matter:</b>	Occupational health and safety

**Convictions:**

Jay Patry Enterprises Inc.:  
Occupational Health and Safety Act  
Section 23(1)(a)

Ontario Regulation 213/91 (Construction Projects Regulation)  
Section 57(1)

Jason Patry and Nathan Patry:  
Occupational Health and Safety Act  
Section 62(2)(a)

Troy Joseph Stelmach:  
Occupational Health and Safety Act  
Section 62(2)(a)

**Crown Counsel:**

Joe Ferraro and Amanda Landre



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