

2015-CB-31

For Immediate Release  
May 15, 2015

**Toronto Builder, Masonry Company Both Fined in Death of Worker**

TORONTO, ON – Roswell Construction Inc., a builder, and Blue River Masonry Ltd., a masonry contractor, have both pleaded guilty and have been fined a combined total of \$170,000 in the death of a worker who fell from scaffolding.

On October 19, 2013, a worker employed by Blue River Masonry was working with others on a residential construction project on Birch Avenue in Toronto, bricking exterior walls for homes being built by Roswell Construction. Scaffolding from which the bricklayers would work were erected facing north and facing west, with three levels of deck.

Workers were in the process of bricking the west exterior wall from the third level of the west scaffold. It had begun to rain and a decision was made to stop work for the day. Ladders had not been provided and one worker accessed the north scaffold to reach the west scaffold in order to retrieve tools that had been left at the third level. While doing so the worker fell between the scaffold and the building. Rain had made the scaffolding slippery, and the third deck was 6.3 meters to the ground. The worker suffered fatal head injuries in the fall.

A Ministry of Labour investigation found that the north scaffolding from which the worker fell had numerous components missing:

- entire guardrails in multiple locations on the second and third levels;
- planks without guardrails were used to cross the gaps between the north and west scaffold platforms;
- various rails and cross-brace connections were not secured;
- scaffold planks were of inadequate width and were not cleated or secured against slipping.

No ladders were provided by the employer to access the scaffolding; access was by climbing the metal supports of the north scaffold. These were all violations of Section 125(1) of the Construction Projects Regulation.

Blue River failed to ensure compliance as an employer, and Roswell failed as constructor to ensure compliance with the requirements by its contractor. Both pleaded guilty in Toronto court. Blue River received a fine of \$80,000 and Roswell Construction received a fine of \$90,000 from Justice of the Peace Esme Lall on May 14, 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 70 Centre Avenue Toronto, Ontario
<b>Judge:</b>	Justice of the Peace Esme Lall
<b>Date of Sentencing:</b>	May 14, 2015
<b>Defendants:</b>	Roswell Construction Inc. 186 Dupont Street Toronto, Ontario  Blue River Masonry Ltd. 13 Ennerdale Road Toronto (Etobicoke), Ontario
<b>Matter:</b>	Occupational health and safety
<b>Convictions:</b>	Occupational Health and Safety Act Section 25(1)(c) Section 23(1)(a)  Ontario Regulation 213/91 (Construction Projects Regulation) Section 125(1)
<b>Crown Counsel:</b>	Dan Kleiman



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