

06-106

For Immediate Release
October 23, 2006

PRIESTLY DEMOLITION INC. FINED \$200,000 FOR HEALTH AND SAFETY VIOLATION IN UPTOWN THEATRE COLLAPSE

TORONTO – Priestly Demolition Inc., an Aurora, Ont.-based company that provides demolition, abatement and remediation services to commercial and industrial customers across Ontario, was fined \$200,000 today for a violation of the Occupational Health and Safety Act that resulted in the death of one person and injuries to 17 others in downtown Toronto.

On December 8, 2003, workers were in the process of demolishing the main auditorium of the Uptown Theatre at 35 Balmuto Street in Toronto when the auditorium's entire roof structure collapsed, thrusting masonry walls outwards onto surrounding buildings. Just prior to the collapse, a worker using "high-reach mechanical shears" (a machine with a high-reaching extendable arm equipped with hydraulic shears) cut the top structural member of the main western truss of the building's roof structure.

Debris resulting from the collapse fell through the roof of an adjacent building at the Yorkville English Academy at 13 Balmuto Street, trapping students and staff. One student died onsite and 12 others from the school were taken to hospital with injuries of varying severity. In addition, five workers from the Bank of Nova Scotia at 19 Bloor Street West were taken to hospital. One demolition worker was walking in a laneway next to the theatre at the time of the collapse, but was not injured. Priestly Demolition Inc. had been contracted to do the demolition work by the Uptown Theatre's owner, Piagga Limited.

A Ministry of Labour investigation found Priestly Demolition Inc.:

- Failed to ensure a competent person inspected the internal roof structure prior to removing the main western roof truss;
- Failed to reference hazards or include options for safely dismantling the theatre's internal roof structure in a job safety analysis done prior to commencing work on the project;
- Failed to review or examine the internal roof structure prior to starting the structural demolition; and
- Failed to have the engineer of record attend the project either before or after the project's start.

The ministry also found:

- The operator of the high-reach mechanical shears was unaware of the nature of the internal roof structure;
- The structural importance of the main western roof truss would have been apparent after Dec. 4, 2003 when that truss and the roof structure became fully exposed as demolition work proceeded; and

- The collapse occurred about 10:30 a.m. on a Monday morning in a high-density commercial area.

Priestly Demolition Inc. pleaded guilty, as an employer, to failing to take the reasonable precaution of ensuring a competent person inspected the theatre's internal roof structure prior to removing the main western roof truss. This was contrary to Section 25(2)(h) of the act.

The fine was imposed by Justice Geraldine Sparrow of the Ontario Court of Justice at Old City Hall in Toronto. In addition, 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.

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<u>Court Information at a Glance</u>	
Location:	Ontario Court of Justice Old City Hall 60 Queen Street West, Courtroom G Toronto, Ontario
Judge:	Justice Geraldine Sparrow
Date / Time:	October 23, 2006, 10 a.m.
Defendants	Priestly Demolition Inc.
Matter:	Occupational Health & Safety

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