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For Immediate Release
September 14, 2006

APPEAL COURT CONVICTS AND FINES MODERN NIAGARA TORONTO INC. FOR HEALTH AND SAFETY VIOLATION

TORONTO – Modern Niagara Toronto Inc., a Weston, Ont.-based mechanical contracting company that installs plumbing, heating, ventilation and air condition systems in commercial buildings, was fined \$135,000 on September 8, 2006 for a violation of the Occupational Health and Safety Act following a Crown appeal of a case involving serious face and head injuries to a worker.

On October 28, 2000, a welder was helping to install new water lines to enhance existing heating/cooling systems in a highrise office complex when a cap from a metal coupling blew off the end of a pipe and struck the welder in the face and head. At the time of the incident the welder was helping to remove the cap in order to connect the new water lines. The incident occurred in a mechanical room on the 25th floor of First Canadian Place at 100 King Street West in downtown Toronto.

A Ministry of Labour investigation determined the cap blew off as a result of a sudden release of pressurized nitrogen gas in the pipe that had been trapped after a project supervisor closed off a “balancing valve” (a valve that stops or redirects the flow of liquid through the system) on the pipe.

Modern Niagara Toronto Inc. was found guilty of failing, as an employer, to ensure pressure in the pipe of the supplementary cooling system was released, as required by Section 48(1)(a) of the Regulations for Construction Projects. This was contrary to Section 25(1)(c) of the act.

The company was initially acquitted under the act on September 3, 2003 by Justice of the Peace Richard Quon of the Ontario Court of Justice in Toronto.

The Crown appealed and Justice of the Peace Quon’s decision was overturned on April 24, 2006 by Justice Marion Lane of the Ontario Court of Justice at Old City Hall in Toronto. On September 8, 2006 Justice Lane released her decision for sentencing. 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.

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Court Information at a Glance

Location:	Ontario Court of Justice Old City Hall 60 Queen Street West Toronto, Ontario
Judge:	Justice Marion Lane
Date / Time:	September 8, 2006
Defendants	Modern Niagara Toronto Inc.
Matter:	Occupational Health & Safety

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