

*“[F]ire is not just a technical problem, it’s a social one. When communities lack the basics of safe housing, local fire departments, and equitable emergency response systems, deaths will follow. This is especially true for Indigenous communities, which have long been underserved by federal, provincial, and municipal governments due to complex jurisdictional disputes and underfunding.”<sup>1</sup>*

## **I. Overview**

1. This complaint is filed in accordance with s. 40 of the *Canadian Human Rights Act* (the “CHRA” or the “Act”) by the Independent First Nations Alliance (“IFNA”) and Kitchenuhmaykoosib Inninuwug (“KI”) (the “Complainants”). IFNA is a tribal council of five independent First Nations. KI is a fly-in community and member of IFNA, with a population of 1,500 Anisininew peoples. Fire services are presently delivered to IFNA communities pursuant to the Respondent’s *First Nations Fire Protection Strategy*. As this Complaint will show, these services are badly under-resourced, the result being a pattern of deadly fires across IFNA, most notably the deaths of a 9-member family in 2016 in Pikangikum and the deaths of a 5-member family in KI in 2019.
2. In compliance with the Commission’s *Rule 7.5*, this narrative is limited to a three-page summary. The Complainants additionally enclose a “Schedule A”, on the understanding that the Commission has authority to read and consider the “Schedule” during its assessment of the complaint, and that relevant portions of the Schedule may be brought forward into the report that will be written by the Commission, even if the Schedule itself is not before the Commission at the time of rendering its decision.
3. The Complainants allege discrimination, contrary to s. 5 of the *CHRA*, in the provision of a service, namely on-reserve fire safety services. The Complainants allege discrimination on the basis of race, national or ethnic origin, colour, and family status due to their status as First Nations persons. This discrimination is exacerbated by the Complainants’ remoteness.
4. The Respondent, Indigenous Services Canada (“ISC”), is the federal Ministry primarily responsible for providing services to Indigenous peoples.<sup>2</sup> ISC has undertaken to provide the benefits that come from fire safety services, committing to ensure “First Nations have access to emergency assistance services comparable” to elsewhere in Canada, adapted to their particular needs, and in line with acceptable quantitative and qualitative standards.<sup>3</sup>
5. If this matter is referred to the Canadian Human Rights Tribunal, the Complainants will call evidence demonstrating the severe, on-the-ground, discriminatory impacts stemming from the lack of fire safety services and resultant harm to the Complainants. This includes but is not limited to: the lack of fire preventative services, the lack of funding for training/recruitment/retention of fire safety personnel, inadequate fire response services, and the Respondent’s persistent failure to address urgent, chronic resourcing needs in the Complainant’s communities.

## **II. The Respondent’s Ongoing Failure to Address a Fire Safety Crisis**

6. The risk of fires faced by Indigenous peoples in Canada is not an accident of geography or personal behaviour; it is the predictable result of systemic neglect.<sup>4</sup> Evidence – much of it

<sup>1</sup> *A Deadly Disparity: The Urgent Need to Address Fire Risk in Indigenous Communities*, by Len Garis and Mandy Desautels, [National Indigenous Fire Safety Council](#), at page 2 [“*Deadly Disparity*”].

<sup>2</sup> *Department of Indigenous Services Act*, SC 2019, c. 29, s. 336, s 6.

<sup>3</sup> ISC, [National On-reserve All Hazards Emergency Management Plan](#), (last modified 2 May 2024).

<sup>4</sup> *Deadly Disparity*, supra note 1, at page 3.

the Respondent’s own –demonstrates and confirms that Indigenous peoples are dying and being harmed by fires disproportionately than other Canadians.<sup>5</sup>

7. First Nations peoples who live on a reserve are, on average, **ten times more likely** to die in a fire than non-First Nations peoples.<sup>6</sup> In Ontario, First Nations children under 10 years old are **86 times more likely** to die in a fire than non-First Nations children.<sup>7</sup> On-reserve fire-related injuries are **4.3 times greater** for on-reserve First Nations people; fire-related hospitalizations occur **five times more often**, and burns associated with fires occur at a rate **4.5 times higher**.<sup>8</sup> Importantly, these statistics include residential fires only, and do not reflect the devastating effects of wildfires or other fires, for which the Respondent has failed to adequately track data despite its commitment to improve on-reserve fire safety outcomes. Further, to the extent children are affected by fire, Jordan’s Principle has been inadequate to deal with such devastating effects.
8. This fatal reality is the “predictable result of systemic neglect.”<sup>9</sup> This systemic neglect is widespread and long-standing, increasing risk factors such as inadequate housing, overcrowding, lack of smoke detectors, underfunding for fire safety services on-reserve, a lack of fire halls, and inadequate firefighting equipment. These factors are, of course, exacerbated by the systemic poverty, remoteness, and infrastructure challenges faced by these communities, which are often remote and, in a sense, forgotten by the Respondents.<sup>10</sup>

A. Once Canada Decides to Become Involved in the Provision of a Service, it cannot do so in a Discriminatory Manner

9. ISC’s *First Nations Fire Protection Strategy, 2023 to 2028* (the “Fire Protection Strategy”), sets out the Respondent’s policy commitment to improve “fire and life safety for all First Nations.”<sup>11</sup> Canada, through ISC, has chosen to provide the benefits that come from fire safety services, which not only includes funding, but other benefits associated with the implementation of this service.
10. Canada, having committed to “occupy this space”, is legally responsible for providing sufficient, equitable funding levels and resources to ensure on-reserve fire safety services are comparable to those available to other (non-Indigenous) communities. As this Tribunal has previously observed in the context of child and community safety, once Canada chooses to become involved in the provision of an on-reserve service to First Nations, it is legally bound to deliver that service in a non-discriminatory manner.<sup>12</sup>
11. For reference, the Complainant KI is a fly-in community with a population of 1,500, located 600 km northwest of Thunder Bay. In comparison, the road connected town of Ignace is 250 km northwest of Thunder Bay with a population of 1,200. In 2024, Ignace budgeted a total

<sup>5</sup> *Deadly Disparity*, *supra* note 3 at page 3; Jeannette Eduful, *Circumstances surrounding fire-related deaths among Indigenous people in Canada, 2011 to 2020*, [Statistics Canada](#), July 4, 2025 at p. 5 [“Circumstances of fire deaths”].

<sup>6</sup> National Indigenous Fire Safety Data Collection Evaluation: Review of Existing Practice and Recommendations for the Future, by Associate Professor Joe Clare, [University of Western Australia](#), March 2023, at page 3.

<sup>7</sup> *Ontario Chief Coroner’s Table on Understanding Fire Deaths in First Nations*, [Office of the Chief Coroner of Ontario](#), July 2021, Appendix 3: Residential Fire Mortality Rate Calculations, at page 65.

<sup>8</sup> Mortality and morbidity related to fire, burns and carbon monoxide poisoning among First Nations people, Métis and Inuit, by Mohan B. Kumar, CISP, [Statistics Canada](#), updated Mar. 25 2021, at page 9-11 [Fire Mortality].

<sup>9</sup> *Deadly Disparity*, *supra* note 1, at p. 3.

<sup>10</sup> Fire Mortality, *supra* note 10, at p. 2; *Deadly Disparity*, *supra* note 1, at p. 1.

<sup>11</sup> ISC, [Level of Service Standards for Fire Protection Services](#), (last modified 2 July 2024) [Service Standards].

<sup>12</sup> *Dominique v. Public Safety Canada*, [2022 CHRT 4](#), at para 50 [2022 CHRT 4]; and *First Nations Child and Family Caring Society of Canada et al v Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, [2016 CHRT 2](#), at para 403 [2016 CHRT 2].

of \$360,400 for its fire department. In contrast, in 2024/25, KI received \$132,000 from ISC strictly for fire protection and training, a limitation Ignace does not experience. KI has one fire truck that was donated by a private party, but lacks personnel to operate and maintain it.

**B. Canada Perpetuates Inequitable Fire Safety Services in First Nations**

12. Where other Canadians benefit from legislatively-backed safety standards for fire services, First Nations are excluded from such protections.<sup>13</sup> In Ontario, fire safety services for non-First Nations peoples are governed by the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 (the “Act”) and its Regulations, which includes O. Reg. 213/07 (the “Fire Code”). Despite Canada’s express obligation to ensure on-reserve First Nation safety, as reflected in s. 91(24) of the *Constitution Act, 1867*, in the *Department of Indigenous Services Act*, and in the relevant ISC policy documents described above, no such legislative standards exist for First Nation fire safety services funded/implemented by the Respondent.
13. ISC’s existing Fire Protection Strategy imposes arbitrary, discriminatory restrictions which limit the ability of First Nations to implement fire safety services. In particular, funding for on-reserve fire services is restricted to a “sub-asset” of larger funding mechanisms related to core capital funding, as described in the ISC *Level of Service Standards for Fire Protection Services* (the “Service Standards”), updated August 2025.<sup>14</sup> This means that, in order to try to implement fire safety services that the Respondent is required to deliver, First Nations are forced to compete for a finite pool of funding, of which fire safety is but a very small piece.
14. Even then, these funding pools are primarily centered on capital funding, disregarding the associated requirements of recruitment, training, employment, and other aspects of fire services. Inevitably, First Nations wind up carrying the additional burden of trying to establish, fund, manage, and maintain on-reserve fire safety services without the resources they deserve – and which Canada has expressly committed to provide.

**III. Relief Requested**

15. Once Canada chooses to become involved in the provision of an on-reserve service to First Nations, it is legally bound to deliver that service in a non-discriminatory manner,<sup>15</sup> even if implementation is via a tripartite agreement or third-party service providers<sup>16</sup> – including provincial agencies<sup>17</sup> – and even in the absence of federal legislation expressly outlining Canada’s commitments.<sup>18</sup> In the circumstances, the Respondent has already adopted both legislation and policies affirming its duty to deliver equitable on-reserve fire safety services to the Complainants, and has profoundly failed to deliver on that promise.
16. In light of the Respondent’s failings to fulfil its own equitable commitment, the Complainants seek compensation pursuant to s. 53(2)(e) of the *CHRA* in the amount of \$20,000 per person, based on the total resident populations of IFNA-member Nations. The Complainants seek additional compensation pursuant to s. 53(3) of the *CHRA* in the additional amount of \$20,000 per person, reflecting Canada’s wilful and reckless conduct.<sup>19</sup>
17. Further details of this Complaint are described in the enclosed Schedule “A.”

<sup>13</sup> *Ibid*, at page 2; *Deadly Disparity*, *supra* note 3 at page 1.

<sup>14</sup> *Service Standards*, *supra*, note 11.

<sup>15</sup> 2016 CHRT 2, *supra* note 13, at para 403; 2022 CHRT 4, *supra* note 14, at paras 50-51.

<sup>16</sup> 2022 CHRT 4, *supra* note 14, at paras 53-55.

<sup>17</sup> 2016 CHRT 2, *supra* note 13, at para 84 [emphasis added].

<sup>18</sup> *Ibid*, at para 83 [emphasis added].

<sup>19</sup> *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada* (representing the Minister of Indigenous and Northern Affairs Canada), [2019 CHRT 39](#), at para. 13.