

**Schedule A to the Complaint of the Independent First Nations Alliance  
and Kitchenuhmaykoosib Inninuwug First Nation**

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1. The Independent First Nations Alliance (“IFNA”) and Kitchenuhmaykoosib Inninuwug First Nation (“KI”) (together “the Complainants”) file this Complaint against the Respondent His Majesty the King in Right of Canada as Represented by the Minister of Indigenous Services (“Canada” or “ISC” or the “Respondent”) due to the Respondent’s actions and inactions in exacerbating an urgent, life-threatening community safety crisis in remote First Nation communities, where individuals are ten times more likely to die in a fire than non-First Nations people living off-reserve.
2. This complaint alleges discrimination in the provision of a service – namely, the provision of on-reserve fire safety services – pursuant to section 5 of the *Canadian Human Rights Act*, RSC, 1985, c. H-6 (the “CHRA”), and is filed in accordance with section 40 of the CHRA.
3. The Complainants respectfully offer this “Schedule A” narrative to provide necessary details for the Commission’s consideration as part of its screening function under the CHRA. The Complainants understand that, pursuant to the Commission’s *Discrimination Complaint Rule 7.5*, the Complaint Form itself is limited to three pages in length, although this detailed narrative can be filed for reading and consideration during the assessment of the Complaint. Although this document will not be before the Commission when it makes its decision, the Complainants understand that relevant portions may be brought forward into the report that will be written by the Commission.

## **I. Overview**

4. This Complaint alleges grave, continuous, and compounding failings by the Respondent, which has systemically failed to ensure that First Nations individuals living on-reserve benefit from equitable fire safety services. The result is a profound loss of life and serious harm to First Nations peoples. The Complaint focuses on (a) Canada’s failure to apply well-established fire safety standards in First Nations communities; and (b) Canada’s failure to adequately fund these First Nations in order to comply with these fire safety standards.
5. As a matter of jurisdiction, the provision of on-reserve fire services to First Nations is governed by three policies: (1) The National On-reserve All Hazards Emergency Management Plan, (2) The First Nations Fire Protection Strategy, and (3) the Level of Service Standards for Fire Protection Services, through which the Respondent has expressly committed to “ensure access to emergency service programs comparable to municipalities

of similar size and circumstance.” In practice, however, the Respondent persistently fails to provide adequate funding or resources to fulfil this commitment, leaving affected Communities at extreme risk for fire-related injury and death.

6. IFNA’s Integrated Emergency Services team, headquartered in Sioux Lookout, Ontario, coordinates the delivery of what limited resources are provided by Canada, but the reality is that communities lack adequate, sustainable, equitably funded fire services. Notably, of the five Communities served by IFNA, Lac Seul is the only First Nation with any fire services, maintaining three fire stations across its three member communities, but staffed by a small team of volunteers without proper training or resources. In the other four IFNA communities, there are no fire departments whatsoever, and the First Nations are forced to rely on a small team of community member volunteers who have not received proper training or resources. This has led to deadly results, with a long and well-documented history of tragic fire deaths in these communities, KI and Pikangikum being the worst affected, including notorious incidents in Pikangikum in 2016, in which a 9-member family with a baby and several children passed away,<sup>1</sup> and in KI in 2019, in which a 5-member family of a mother and four children passed away.<sup>2</sup>

#### A. The Parties

7. IFNA is a tribal council comprised of five independent First Nations in Ontario: KI, Lac Seul First Nation, Muskrat Dam First Nation, Pikangikum First Nation, and Whitesand First Nation. KI is a community of Anisininew peoples with a population of approximately 1,500 located on Big Trout Lake, 600 km north of Thunder Bay.
8. The Respondent, Indigenous Services Canada (“ISC”) is the government of Canada’s main arm of interaction with Indigenous peoples for the provision of services. The Minister of ISC has a duty to provide services to Indigenous persons and governing bodies.<sup>3</sup> With respect to fire safety, the Respondent has specifically undertaken to provide fire safety services on reserve via the explicit policy guarantee that First Nations should have access to emergency

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<sup>1</sup> CHCH News, [House fire kills nine family members in Pikangikum](#) by Laura Brody, March 31, 2016 (updated March 22, 2024).

<sup>2</sup> CBC News, [We are in utter disbelief: Fire kills family of 5 in northwest Ontario](#), May 2, 2019.

<sup>3</sup> *Department of Indigenous Services Act*, SC 2019, c. 29, s. 336, s 6(2).

assistance services comparable to those available to similarly situated residents in the province (“Comparable Services”).<sup>4</sup>

9. ISC facilitates negotiated tripartite service agreements between the federal government, provinces and territories, and First Nations. In some circumstances, ISC negotiates direct funding to support a First Nation’s operation of its own fire service. Often, First Nations are left with no service agreements whatsoever, and are forced to reallocate desperately needed funding from other areas in order to establish and maintain fire safety services.
10. Any agreements which do exist are, as the Complainants will show, grossly inadequate to tackle the urgent fire safety needs of the First Nations. Moreover, these agreements largely focus on the provision of capital and infrastructure funding, disregarding the need for the extensive resources needed to deliver fire safety services, including recruitment, training, staffing, equipment, public outreach, and more, while First Nations peoples are dying from and being gravely harmed by preventable fire emergencies.

#### B. The Complainants Allege Discrimination in the Provision of a Service

11. The Complainants allege discrimination, contrary to s. 5 of the *CHRA*, in the provision of a service, namely the provision of on-reserve fire safety to First Nations communities. 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 and families living on a reserve. This discrimination is exacerbated by the remote locations of these communities.
12. The fire risk faced by Indigenous peoples in Canada is not an accident of geography or personal behaviour; it is the predictable result of systemic neglect.<sup>5</sup> Canada’s persistent failure to deliver widely accepted fire safety standards, combined with the well-documented elevated risk of fire-related mortality, morbidity (i.e., injuries), and fire safety hazards in First Nations, demonstrates a deliberate and wilful dimension to Canada’s discriminatory denial of fire safety services to the Complainants.
13. This chronic failure unequivocally demonstrates two key aspects of this complaint:

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<sup>4</sup> [National On-reserve All Hazards Emergency Management Plan](#), Section 3: Scope (last modified May 2, 2024).

<sup>5</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 3 [“*Deadly Disparity*”].

- a. Canada is alive to the appropriate standard for the achievement of Comparable Services in the First Nations context, as well as the key challenges which have resulted in a fire-related mortality rate ten times higher than the rest of Canada; and
  - b. Notwithstanding its awareness of these chronic and urgent safety challenges, Canada has failed to take any meaningful steps to improve on-reserve fire safety for the Complainants, in stark defiance of its obligations under the Honour of the Crown, and in clear violation of the *CHRA*.
14. As a result of Canada's discriminatory conduct, the implementation of Comparable Services for First Nations communities remains out of reach for the Complainants.
15. As the Complainants will show, there are multiple, interrelated aspects of Canada's discriminatory conduct. These include, but are not limited to:
  - a. Canada's chronic under-funding and under-resourcing of those limited programs which do exist to support First Nations fire safety;
  - b. Canada's refusal to implement standalone funding formulas for fire safety; and
  - c. Canada's failure to address urgent on-reserve fire safety needs, despite concrete, well-documented evidence of elevated rates of fire-related mortality and injuries, and Canada's own admission that urgent reform is needed to save lives.
16. Taken together, the evidence will show that Canada has wilfully breached its obligation to deliver fire safety services to the Complainants in violation of s. 5 of the *CHRA*. Remedying this discrimination will require immediate steps – including the release of urgently-needed funding, and the immediate application of existing fire safety standards to First Nations – as well as long-term reform, including an equitable, First Nations-driven remedies process for implementing existing safety standards in the First Nations context.
17. This long-term reform process, which will likely require a separate “Remedies Phase” before the Tribunal, should be grounded in the Honour of the Crown and in Canada's commitment to the project of Reconciliation. The goal of long-term reform should be to co-develop an approach to First Nations fire safety which ensures equitable safety standards backed by the rule of law, reflects the unique socio-economic realities of communities, respects the self-determination of communities, and remains at all times culturally responsive and fully funded based on equitable funding formulas.

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

18. This Complaint arises in the context of a long running, widely documented public safety crisis which has resulted in countless preventable deaths, as well as widespread injuries to individuals, and harm to First Nations infrastructure. These terrible impacts are a direct consequence of Canada's inadequate and inequitable approach to providing fire safety services to First Nations communities.
19. This evidence – much of it documented in Canada's own reports on this safety crisis – clearly establishes that Canada has long known how much First Nations peoples are suffering due to inadequate fire safety services and yet has refused to address it substantively.

### A. A Perpetual On-Reserve Safety Crisis

20. One unfortunate consequence of the Respondent's lack of attention to the fire safety crisis in First Nations communities is that there is a lack of data tracking the severity and extent of the fire safety crisis in Canada.<sup>6</sup> However, the data and information that is available – much of it sourced directly from the federal government itself – is harrowing. Studies consistently show that Indigenous peoples are dying from fires in disproportionate numbers, at younger ages, and in incidents that often kill multiple people.<sup>7</sup> Indigenous peoples who live on a reserve are **ten times more likely** to die in a fire than non-Indigenous peoples.<sup>8</sup> Indigenous peoples accounted for 5% of the general population but 20% of fire-related deaths between 2011 and 2020.<sup>9</sup>
21. First Nations children living on reserve are especially at risk, with children under 10 years old being **86 times** more likely to die in a fire than non-First Nations children in Ontario.<sup>10</sup> This introduces an unfortunate dimension – and an echo of the *Caring Society* case – to this

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<sup>6</sup> As noted in *Initial exploration of fire information for Indigenous communities in the NFID (2005-2021) based on geolocation data: summary of residential structure fire information*, by AP Robbins, [National Research Council](#), July 2, 2025 at page 3, the scarcity of fire incident information for Indigenous communities has been raised in previously published work, including CMHC, 2004; OCC-BC, 2012; Mihychuk, 2018; GoC, 2019; OCC-ON, 2021; Kumar, 2021; Garis and Desautels, 2022 and 2023; Weckman et al., 2023; NIFSC, 2024.

<sup>7</sup> *Deadly Disparity*, *supra* note 3 at page 3; Circumstances surrounding fire-related deaths among Indigenous people in Canada, 2011 to 2020, by Jeannette Eduful, [Statistics Canada](#), July 4, 2025 at page 5.

<sup>8</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>9</sup> *Deadly Disparity*, *supra* note 3 at page 1.

<sup>10</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.

Complaint, since it is apparent that the ones suffering the most from Canada’s discriminatory conduct are, once again, children.

22. While deaths due to fire on reserves are shocking and disquieting due to the young age and high number of victims per incident, fire morbidity must also be considered. First Nations peoples living on-reserve have been found to experience all fire related injuries at a rate **4.3 times greater** than non-Indigenous peoples, hospitalizations due to fire at a rate **five times greater**, and burns associated with fires at a rate **4.5 times higher**.<sup>11</sup> Importantly, these statistics include residential fires only, and not the devastating effects of wildfires or other fires, for which the Respondent has, again, failed to adequately track data.
23. Over 56% of Indigenous fire victims lived in homes requiring major repairs—defined as needing significant structural, plumbing, or electrical work—compared to just 13% of non-Indigenous fire victims.<sup>12</sup> In many cases, homes are completely destroyed by fire, making an investigation into the cause of the fire impossible. Even if lives could not have been saved, the lack of fire suppression available and the resulting level of destruction often means that remains are unrecognizable and unrecoverable, robbing the deceased of a dignified and culturally appropriate burial.
24. As countless studies have concluded, this fatal reality is the “predictable result of systemic neglect.”<sup>13</sup> This systemic neglect is widespread and long-standing, leading to risk factors such as inadequate housing, overcrowding, lack of smoke detectors, underfunding for fire safety services on-reserve, resulting in 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>14</sup>
25. In order to understand the extent of this fire safety crisis, it is helpful to understand how the communities reflected in this Complaint compare with other, similarly-situated non-Indigenous communities.

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<sup>11</sup> *Mortality and morbidity related to fire, burns and carbon monoxide poisoning among First Nations people, Métis and Inuit: Findings from the 2011 Canadian Census Health and Environment Cohort*, by Mohan B. Kumar, Centre for Indigenous Statistics and Partnerships, [Statistics Canada](#), updated March 25 2021, at page 9-11 [*Mortality and Morbidity Report*].

<sup>12</sup> *Deadly Disparity*, *supra* note 3 at page 1.

<sup>13</sup> *Deadly Disparity*, *supra* note 3.

<sup>14</sup> *Mortality and Morbidity Report*, *supra* note 9, at page 2; *Deadly Disparity*, *supra* note 3 at page 1.

26. As mentioned above, the Complainant KI is located 600 km north of Thunder Bay. It is a remote fly-in community with road access to Pickle Lake only in winter months. KI has one fire truck that was donated by a private party, but does not have a fire hall, fire department, or volunteer fire fighters. Only one person (an employee of IFNA) is resident on reserve and trained to use the fire truck. For the 2024/25 fiscal year, KI received \$132,000 from ISC strictly for fire protection and training, a limitation Ignace does not experience..
27. By contrast, the township of Ignace, Ontario has a population of 1,200 and is approximately 500 km south of KI. Although it is located along the TransCanada Highway, it is semi-remote, being 250 km northwest of Thunder Bay and 106 km southeast of Dryden (pop. 7,388). Ignace has a fire department staffed by volunteer firefighters and was provided a \$253,000 budget by town council in 2024.<sup>15</sup> The fire department of Ignace is described by the town as being a public safety initiative that is “crucial to maintain the well-being of the township’s residents.”<sup>16</sup> This budget included \$10,000 to the fire department’s reserve for future investment in equipment and infrastructure. The reserve fund allows the fire department to prepare “for future upgrades to fire protection systems, reducing the likelihood of sudden, unbudgeted expenses.”<sup>17</sup> In addition, a capital project of hydrant refurbishment was budgeted at an estimated cost of \$107,400.
28. The Ignace fire services budget include voluntary firefighters (\$55,000), per diem pay (\$10,000), safety supplies (\$10,000), equipment rental and maintenance (\$10,000), and training (\$30,000). Smaller expenditures include maintenance, insurance, and employee benefits.<sup>18</sup> In total, the town of Ignace budgeted \$360,400 for its fire department in 2024.
29. In contrast, ISC spends an average of \$50.2 million annually for all on-reserve fire safety across Canada.<sup>19</sup> If all 634 federally recognized Indigenous Nations received an equal share of that funding, it would amount to approximately \$78,864 per community. This comparison, while helpful, does not take into account the realities of more remote communities, such as winter roads, fly-in access, weather dependent emergency response, and response times.

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<sup>15</sup> The Corporation of the Township of Ignace 2024 Municipal Budget, [September 2024](#), page 7.

<sup>16</sup> *Ibid*, at page 6.

<sup>17</sup> *Ibid*, page 9.

<sup>18</sup> *Ibid*, page 22. It should also be noted that the fire department generates approximately \$60,000 per year in revenue, something which First Nations are prevented from doing in accordance with ISC policies.

<sup>19</sup> Fire protection in First Nations communities, [ISC](#), last modified (3 July 2025).

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

30. Canada has legislative jurisdiction regarding “Indians and land reserved for Indians” pursuant to section 91(24) of the *Constitution Act, 1867*. Practically speaking, there are many services that involve both federal and provincial governments, such as child welfare, health, and policing services. As a result, in the 1950s the *Indian Act* was amended to include section 88:

Subject to the terms of any treaty and any other Act of Parliament, all laws of general application from time to time in force in any province are applicable to and in respect of Indians in the province, except to the extent that those laws are inconsistent with this *Act*...<sup>20</sup>

31. Additionally, in 2019 the *Department of Indigenous Services Act*, SC 2019, c 29, s 336 (the “*ISC Act*”) was assented to. The preamble of the *ISC Act* specifically references Canada’s commitment to reconciliation through a renewed nation-to-nation relationship with First Nations and ISC’s responsibility to ensure that Indigenous peoples have access to services in accordance with the needs of each community and taking into account socio-economic gaps that persist between Indigenous individuals and other Canadians.
32. Much like the way the Child Welfare system continued the assimilationist policies of removing Indigenous children from their communities once residential schools wound down, Canada has continued to ignore fire safety on reserve. Canada began implementing fire safety policies in First Nations in 2010 with the first iteration of the First Nations Fire Protection Strategy (the “2010 Strategy”). Via the 2010 Strategy, Canada (via Indian and Northern Affairs Canada, then Aboriginal Affairs and Northern Development Canada in 2011, and in 2017, ISC), committed to “assisting First Nations in providing community services on-reserve comparable to the levels of service that would generally be available to other communities of similar size, location and circumstances.”<sup>21</sup> While the 2010 Strategy

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<sup>20</sup> *Indian Act*, RSC, 1985, c. I-5 s. 88.

<sup>21</sup> 2010 Strategy, pg 3.

outlines the roles and responsibilities of “a host of different actors,” only one such actor is responsible for funding fire protection services: the federal government.<sup>22</sup>

33. Canada, through ISC, has chosen to provide the benefits that come from fire safety services, such as training firefighters, capital investments, and other benefits associated with the implementation of the program, and it must do so in a non-discriminatory manner.<sup>23</sup>
34. Through this service, Canada has committed to offering the benefit of funding to ensure, arrange, support and/or make available fire safety services on reserve. Canada has chosen to facilitate this via a policy that forces First Nations into two impossible choices, neither of which respect the self-determination or needs of these communities, nor do they provide a stable framework for equitable fire safety service:
  - a. On the one hand, *for only those First Nations which are close to municipalities*, ISC can facilitate negotiated service-sharing agreements where the First Nation must rely upon a municipal fire department. In these cases, the First Nation has little if any say in the strategic priorities or implementation of the fire safety services, and their communities are considered ancillary to the safety priorities of the “home municipality.” Further, the agreements often only cover fire suppression and no other services, such as rescue and emergency medical response.
  - b. For all other First Nations, ISC forces those communities to allocate already inadequate funding from other ISC programs – largely those focused on capital and infrastructure projects – to fire safety services.<sup>24</sup> These communities find themselves having to make a choice, which, in the circumstances, is necessarily a lose-lose situation: use ISC funding provided for other sectors (education, water and sewer, capital) for their purpose, or allocate portions of it to fire safety services. Since they are First Nations people living on reserves, they are the only ones who have to make this choice, which is not available to any other public.

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<sup>22</sup> 2010 Strategy, pg 6.

<sup>23</sup> 2016 CHRT 2, at para 403.

<sup>24</sup> “ISC provides annual funding to First Nations that can be used for fire protection services as well as fire insurance. The level of funding is determined by regionally based formulas that take into consideration factors such as: number of buildings on a reserve, remoteness, and population. Fire protection in First Nations communities, <https://www.sac-isc.gc.ca/eng/1317842518699/1535120096924>.

35. Canada, having decided to become involved in the provision of this service, is legally responsible for providing funding which would result in Comparable Services. As this Tribunal has observed in a comparable context:

The federal Parliament decided to become involved in Indigenous police services as permitted under the Constitution, and in accordance with the division of powers set out in the Constitution Act 1867. **It did not decide to offer police services on the Mashteuiatsh reserve, strictly speaking, but it did make a deliberate decision to become involved**, specifically by creating a funding program for First Nations police services. In creating and implementing the FNPP, it decided to develop a program, implement it and finance it.<sup>25</sup>

...

It is acknowledged that **once the federal Parliament decides to become involved in this regard, it cannot do so in a discriminatory manner**; this is reflected in the Supreme Court's reasoning in *Eldridge v. British Columbia (Attorney General)*, 1997 CanLII 327 (SCC), [1997] 3 SCR 624, at paragraph 42 [Eldridge].<sup>26</sup>

36. Similarly, even if a federal Ministry is not directly responsible for implementation of on-reserve services, this does not exempt it from its legal duties. Again, the Tribunal provides guidance, this time from the on-reserve child safety context:

The fact that [the Ministry] does not directly deliver First Nations child and family services on reserve, but funds the delivery of those services through FNCFS Agencies or the provincial/territorial governments, **does not exempt it from its public mandate and responsibilities to First Nations people**. AANDC argues that child welfare services fall within provincial jurisdiction and that it only became involved as a matter of social policy to address concerns that the provinces were not providing the full range of services to First Nations children and families living on reserves. However, that position does not take into consideration **Parliament's exclusive legislative authority over "Indians, and lands reserved for Indians"** by virtue of section 91(24) of the Constitution Act, 1867.<sup>27</sup>

...

Similarly, AANDC **should not be allowed to evade its responsibilities to First Nations children and families residing on reserve by delegating the implementation of child and family services** to FNCFS Agencies or the provinces/territory. AANDC should not be allowed to escape the scrutiny of the CHRA because it does not directly deliver child and family services on reserve.<sup>28</sup>

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<sup>25</sup> *Dominique (on behalf of the members of the Pekuakamiulnuatsh First Nation) v. Public Safety Canada*, 2022 CHRT 4, at para 50 [emphasis added].

<sup>26</sup> *Dominique (on behalf of the members of the Pekuakamiulnuatsh First Nation) v. Public Safety Canada*, 2022 CHRT 4, at para 51 [emphasis added].

<sup>27</sup> 2016 CHRT 2, at para 78 [emphasis added].

<sup>28</sup> 2016 CHRT 2, at para 84 [emphasis added].

37. The absence of federal legislation is also no defense against Canada’s obligations once it decides to establish itself in this space:

... Instead of legislating in the area of child welfare on First Nations reserves, pursuant to Parliament’s exclusive legislative authority over “Indians, and lands reserved for Indians” by virtue of section 91(24) of the Constitution Act, 1867, **the federal government took a programing and funding approach to the issue.** It provided for the application of provincial child welfare legislation and standards for First Nations on reserves **through the enactment of section 88 of the Indian Act.** However, this delegation and programing/funding approach does not diminish AANDC’s constitutional responsibilities.<sup>29</sup>

...

Parliament’s constitutional responsibility towards Aboriginal peoples, in a situation where a federal department dedicated to Aboriginal affairs oversees a social program and negotiates and administers agreements for the benefit of First Nations children and families, reinforces the public relationship between AANDC and First Nations in the provision of the FNCFS Program and the related provincial/territorial agreements.<sup>30</sup>

38. The fact that on-reserve services may be delivered through a third-party service provider, including a provincial agency, is also no defence against discriminatory conduct. Once Canada chooses to become involved, even to the extent it facilitates tripartite agreements with the province or other partners, it must do so without breaching the rights of the First Nation beneficiaries of these programs. This principle was forcefully described in the on-reserve community safety human rights complaint, *Dominique v. Public Safety Canada*, 2022 CHRT 4:

Although the federal government is not necessarily becoming involved by providing police services itself in the Mashteuiatsh community, **it did decide to implement a funding program that is managed by Public Safety Canada.**

The fact that police services are offered by a third party, for example the province or territory or even the First Nation itself, as in the case of Mashteuiatsh, **does not mean that the Government of Canada can escape human rights reviews under the Canadian Charter** (Eldridge, at para. 42) or **the CHRA** (Family Caring Society 2016, at paras. 83 to 86).<sup>31</sup>

### C. First Nations Reserves Remain Excluded from Minimum Fire Safety Standards

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<sup>29</sup> 2016 CHRT 2, at para 83 [emphasis added].

<sup>30</sup> 2016 CHRT 2, at para 86.

<sup>31</sup> 2022 CHRT 4, at paras 53-55.

39. In light of the above, it is also important to understand that First Nations people living on reserves are the *only* population which are excluded from legislatively-backed safety guarantees, the discrimination exacerbated by the lack of legislation mandating adherence to building and fire codes for First Nations communities.<sup>32</sup>
40. Where other Canadians benefit from legislatively-backed safety standards for fire services, the Complainants benefit from no such protections, despite the Respondent’s statutory and policy obligations, as described above. The National Fire Code of Canada (“National Fire Code”), issued by the Canadian Commission on Building and Fire Codes (the “Commission”) and the National Research Council of Canada, was first published in 1963.<sup>33</sup> It is currently on its eleventh edition, released in 2020 and updated with corrections in March 2025.
41. The National Fire Code is an objective-based national model code that can be adopted by provincial and territorial governments. The Commission engaged the provinces and territories in every phase of development of the Code, and took advice from the provinces and territories on scope, policy, and technical issues.<sup>34</sup> The National Fire Code makes no mention of consultation or collaboration with Indigenous Nations. Although it is meant to be considered as the **minimum acceptable measures** required to adequately achieve the objectives of safety, health, and fire protection of buildings and facilities, and despite funding fire safety services on reserve, Canada has decided against applying these standards to reserves. Further, even if a First Nation adopted the National Fire Code to apply on its reserve, the funding provided by ISC is nowhere near enough to meet these standards.<sup>35</sup>
42. Fire safety services for non-First Nations peoples in Ontario are governed by the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4 (the “FPPA”) and its Regulations, which include O. Reg. 343/22 (Firefighter Certification) and O. Reg. 213/07 (the “Ontario Fire Code”). The *Act* “downloads” the responsibility of the provision of fire service to municipalities, and explicitly requires municipalities to establish a fire prevention/safety public education program, appoint a community fire safety officer/team, and establish a fire

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<sup>32</sup> *Mortality and Morbidity Report*, supra note 9, at page 2; *Deadly Disparity*, supra note 3 at page 1.

<sup>33</sup> Canadian Commission on Building and Fire Codes and the National Research Council of Canada, [National Fire Code of Canada](#), 11<sup>th</sup> ed, 2<sup>nd</sup> printing (Canada: 2020).

<sup>34</sup> *Ibid*, at page v.

<sup>35</sup> *Ibid*, at page vi.

department.<sup>36</sup> The remainder of the *Act* provides for the establishment of certain positions of appointment (such as a Fire Chief and Fire Marshal), the powers and responsibilities of those positions (including inspections), and firefighter labour relation matters.

43. The Ontario Fire Code is an extensive collection of minimum fire and carbon monoxide safety standards for buildings and facilities. The objectives of the Fire Code include limiting the probability that a person in or adjacent to a building or facility will be exposed to an unacceptable risk of injury due to fire, explosions, collapse, and illness (including illness due to indoor conditions).<sup>37</sup>
44. Part two of the Ontario Fire Code addresses fire safety and regulates everything from interior furnishing and decorative material (s. 2.3) to covered malls (s. 2.12) and outdoor public amusement parks (2.14). Part six regulates installation, checking, inspection, testing, maintenance, and operation of fire protection equipment and life safety systems.<sup>38</sup>
45. Municipalities ensure compliance with the Ontario Fire Code and the *FPPA* via by-laws and fund their fire departments via revenue obtained from typical municipal activities, such as property taxes, contracts, and government loans/grants. First Nations are not municipalities and do not engage in these activities, and are in fact prevented from engaging in some (for example, if a First Nation establishes a fire department, it is prevented from providing fire safety services to third parties or anyone off reserve).<sup>39</sup> As mentioned above, even if a First Nation passed a Band Council Resolution to apply the Ontario Fire Code on reserve, funding to achieve compliance is only provided from ISC, and that funding is abysmally insufficient to meet the standards of the Ontario Fire Code.
46. The net result of this approach is that:
  - a. Non-First Nations people living off-reserve benefit from legislatively-backed safety standards for fire safety and sufficient funding to meet these standards; and, at the same time,
  - b. First Nations people living on-reserve are excluded from those standards for two reasons: 1. The First Nation is required to adopt a fire code or create its own, and

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<sup>36</sup> S. 2.

<sup>37</sup> Fire Code, O. Reg. 213/07, Article 2.2.1.1, Table 2.2.1.1.

<sup>38</sup> Fire Code, O. Reg. 213/07, Article 6.1.1.1.

<sup>39</sup> Level of Service Standards for Fire Protection Services.

2. ISC does not provide enough funding to accomplish this in any substantive or equitable way.

D. Canada's Policy Approach to Fire Safety Fails to Achieve Comparable Services

47. The *First Nations Fire Protection Strategy, 2023 to 2028* (the “Strategy”), is the guiding ISC directive for provision of fire safety services on reserve. The Strategy reflects the Respondent’s stated policy commitment of improving fire and life safety for all First Nations through a series of strategic objectives.<sup>40</sup>
48. According to the Strategy, funding for fire protection on reserve is distributed yearly as part of First Nation infrastructure, core, and capital funding streams. The amount of funding in these streams is based on Canada’s social policy and regionally based formulas and considers factors such as the number of buildings on reserve, remoteness, population and environment. Practically speaking, the Strategy results in fire safety funding being provided to First Nations in a way that does not consider the fire safety needs of on-reserve residents at all. Instead, the Strategy requires First Nations to take a finite pool of funding from ISC meant for **all** infrastructure, capital and core services, and attempt to stretch it across areas this funding was not designed for.
49. Other directives are made under the Strategy, such as the *Level of Service Standards for Fire Protection Services* (the “Service Standards”), which further describes the approach that ISC uses to financially assist First Nations in providing basic fire protection services.
50. According to the Service Standards, ISC allocates fire protection funding annually as a “sub-asset” of larger funding mechanisms such as core capital funding.<sup>41</sup> For example, the Capital Facilities and Maintenance Program consists of four sub-programs: water and wastewater, education facilities, housing, and other community infrastructure (such as fire protection, roads and bridges, and connectivity).<sup>42</sup> In this way, the burden of establishing, funding, managing, and maintaining fire safety services on reserve is placed on the First Nation community.

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<sup>40</sup> Forward, [Level of Service Standards for Fire Protection Services](#), last updated April 2024.

<sup>41</sup> Introduction, [Level of Service Standards for Fire Protection Services](#), last updated April 2024.

<sup>42</sup> Indigenous and Northern Affairs Canada, [2015–16 Departmental Performance Report](#), Section III Analysis of Programs and Internal Services, page 54.

51. Further, in order to access this capital funding, a First Nation must engage with ISC’s 3-tiered continuum of services model (the “Tiered Model”). Tier one prioritizes investments in fire prevention and fire education programming at the individual level. A First Nation is expected to fund this Tier on its own. Tier two provides capacity development and training in accordance with provincial standards at a community level. Tier three provides capital investments toward fire protection infrastructure or equipment dependent on clearly identified risks and requirements. First Nation communities are expected to meet the required standards in Tiers one and two before accessing capital funding options in Tier three. Any funding for fire infrastructure and equipment provided under this Tier is proposal based and is subject to funding availability and the ISC’s National Priority Ranking Framework and overall infrastructure planning process.
52. In other words, even after reaching Tier three, a First Nation is still required to make proposals to ISC and compete nationally with other First Nations for a finite pool of funding every year. ISC’s Service Standards also has a list of ineligible activities for funding, including emergency management response and training for natural disasters, fire service to third parties, forest and grass fire response, medical emergency response, revenue generation, and motor vehicle accident response. Conversely, most municipal fire departments can/do provide these services. This end result via the Tiered Model, Service Standards, and Strategy employed by ISC cannot be said to provide Comparable Services.

E. Canada Ignores Its Own Recommendations

53. The Respondent has been collecting data on fire safety for Indigenous Peoples since at least 2011. Created in 2022, the National Indigenous Fire Safety Council is funded by ISC, produces reports every year describing and assessing fire safety in Indigenous communities, and makes recommendations in no uncertain terms.
54. “Adequate” or “sustainable” funding is a common recommendation (and, contrastingly, “underfunding” is often listed as a contributing factor of high mortality). Key reports describing the extent of this crisis include:
  - a. *Mortality and morbidity related to fire, burns and carbon monoxide poisoning among First Nations people, Métis and Inuit: Findings from the 2011 Canadian*

*Census Health and Environment Cohort*, by Mohan B. Kumar (Statistics Canada), updated **March 25, 2021**, which concluded:

- i. The study indicates that disparities continue to exist among First Nations people, Métis and Inuit and non-Indigenous people. Contributing factors, which are not examined in the study, such as inadequate housing, lack of smoke detectors, **underfunding for fire services on Indigenous communities**, poverty, lack of legislation mandating adherence to building and fire codes on reserve need to be considered in interpreting the disparities in mortality and morbidity. (page 1)
- b. *A Deadly Disparity: The Urgent Need to Address Fire Risk in Indigenous Communities*, by Len Garis and Mandy Desautels, National Indigenous Fire Safety Council (undated), which concluded:
  - i. Fire departments in Indigenous communities are too often volunteer-run, under-equipped, and unsupported. Sustainable funding models are needed to ensure staffing, apparatus, training, and emergency communications systems are in place and functional. (page 2)
- c. *Circumstances surrounding fire-related deaths among Indigenous people in Canada, 2011 to 2020* by Jeannette Eduful, **July 4, 2025**, which concluded:
  - i. There are many factors that are thought to contribute to higher re-related mortality among Indigenous people. Specifically, inadequate housing, lack of smoke detectors, **underfunding of fire services in Indigenous communities**, poverty, and lack of legislation mandating adherence to building and re codes on reserve are all factors that have been suggested to increase risk of re-related death (page 6).
- d. *Initial exploration of fire information for Indigenous communities in the NFID (2005-2021) based on geolocation data: summary of residential structure fire information*, by AP Robbins, National Research Council, **July 2, 2025**, which concluded:
  - i. Past recommendations to address the reported higher rates of fire-related mortality and morbidity have included the development of programs to enhance the availability and use of smoke alarms, home safety checks,

school programs, training of local firefighters, **adequate funding for fire services**, adoption of building and fire code requirements on Indigenous communities, enforcement of fire code, and creation of a national Indigenous fire marshal's office. [AFN, 2006; Siekieska and Winter, 2017; Al-Hajj et al. 2022; GoC, 2023] (page 20)

- e. *Ontario Chief Coroner's Table on Understanding Fire Deaths in First Nations*, Office of the Chief Coroner of Ontario, **July 2021**, which concluded:
    - i. In many First Nations communities, the federal government allocates annual funding for infrastructure and building repairs. This can often result in difficult choices for Chiefs and Councils that may involve determining whether multiple homes should be partially repaired, or a fewer number of homes fully repaired. (page 4)
    - ii. First Nations communities... have raised concerns about the **lack of safe housing and adequate funding** in their communities for years. These concerns are directly linked with the safety, wellbeing and lives of children, Elders, and loved ones in First Nations communities. (page 50)
  - f. *Emergency Management in First Nations Communities*, Report 8 of the Auditor General of Canada, **2022** (the "AG's Report"), which concluded:
    - i. We found that funding for structural mitigation projects identified by First Nations did not meet First Nations' needs. The department determined that there were 112 projects eligible for funding, but **they were still unfunded**. The department told us that it had **insufficient funding** to cover all eligible structural mitigation projects. First Nations communities are likely to continue to experience emergencies that could be prevented or mitigated by building the infrastructure. (pg 4)
55. In reality, many of these "causes", including poverty, inadequate housing, lack of smoke detectors, and the lack of statutory guarantees such as fire codes for on-reserve fire safety, all arise from the same issue: underfunding due to Canada's policy decisions. As succinctly stated by the National Indigenous Fire Safety Council:

[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>43</sup>

56. Each of these reports was funded by various ministries of Canada. The AG’s Report is particularly important because it was presented to ISC, who agreed with all the recommendations in the report, including recommendation 8.62:

[ISC], in collaboration with First Nations, provincial governments, and other service providers, [is to] ensure that First Nations communities receive the emergency management services they need by (1- establishing emergency management service agreements and wildfire agreements in all jurisdictions that include all First Nations...”

### **III. Impacts on the Complainants**

57. Aggregate data only paints a partial picture of the severity of this crisis. If this complaint is referred to the Canadian Human Rights Tribunal (“CHRT” or the “Tribunal”), the Complainants will be able to call evidence demonstrating the severe, on-the-ground, impacts of the lack of fire safety within KI and other IFNA communities.
58. This evidence will include, but is not limited to:
- a. Details of fire related deaths, injuries, and building losses in the past 15 years;
  - b. Details of fire related funding provided by ISC in the past 15 years;
  - c. Evidence of the Co-Complainant’s attempts to increase funding and the barriers raised by ISC;
  - d. Expert reports, including but not limited to the reports cited in this Complaint; and
  - e. Testimonial evidence of residents and others who have witnessed the devastating effects of the lack of funding for fires safety services has caused.

### **IV. Relief Requested**

59. The Complainants have alleged discrimination in the provision of a service, based on a protected characteristic, namely race, national or ethnic origin, colour, and family status in contravention of section 5 of the *CHRA*.

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<sup>43</sup> *Deadly Disparity*, *supra* note 3 at page 2.

60. The adverse impact experienced by the Complainants is a clear and outright denial of service, since the Respondent has made it impossible for the Complainants to benefit from basic fire safety services, which are effectively ruled out under the funding formulas and programs administered by the Respondent. This arbitrary and woefully inadequate under-resourcing also reinforces First Nations' dependency on the Crown, even as Canada knowingly ignores its own, extensive, findings and recommendations about tackling this urgent safety crisis.
61. As this Tribunal previously found in *Dominique* and *Caring Society*, the Respondent cannot justify its conduct within the framework of exemptions available under the *CHRA*.
62. 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 population of IFNA-member Nations.
63. The Complainants seek additional compensation, pursuant to s. 53(3) of the *CHRA*, in the additional amount of \$20,000 per person, reflecting the Respondent's wilful and reckless discriminatory conduct in this matter, especially considering, but not limited to, the devastating effect this conduct has had on children and families.
64. As this Tribunal observed in the context of on-reserve First Nations child safety, the maximum of \$40,000 (combined) damages is "reserved for the worst cases". In *Caring Society*, the Tribunal considered such damages merited given the severity of the harm to the children, which the Tribunal attributed directly to Canada's wilful, reckless conduct that habitually failed the children and families whom Canada was supposed to protect:

[The program] is negatively impacting First Nations children and families it undertook to serve and protect. The gaps and adverse effects are a result of a colonial system that elected to base its model on a financial funding model and authorities dividing services into separate programs without proper coordination or funding and was not based on First Nations children and families' real needs and substantive equality.<sup>44</sup>

65. This Complaint represents precisely such a "worst case".

All of which is respectfully submitted this 29th day of August, 2025.

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<sup>44</sup> 2019 CHRT 39, at para 13.