



## Demar Construction Fined \$35,000 for Obstruction and Safety Violations

*Niagara Region contractor prosecuted for damaging pipelines*

**FOR IMMEDIATE RELEASE (Toronto, ON, March 7, 2017)** – The Technical Standards and Safety Authority (TSSA) successfully charged Demar Construction, a Niagara-region contractor, who pled guilty to damaging three gas pipelines, contrary to the Oil and Gas Pipeline Systems Regulation ([Ontario 210/01](#)), and obstructing a TSSA inspector in the lawful execution of his duties.

In October 2015, a TSSA inspector sought to inspect excavation activity being performed by Demar Construction in the vicinity of 4434 Fifth Avenue, Niagara Falls, Ontario and was repeatedly thwarted by the contractor. Employees of Demar Construction ignored the TSSA inspector's orders to cease and desist excavation, refused to produce required paperwork, lied to the inspector and forced him to leave the construction site. For this behaviour, Demar Construction was subsequently charged, and pled guilty to one count of obstruction.

The Court also heard facts that established between September 2014 and December 2015 in Niagara Falls, Demar Construction had damaged a pipeline on three separate occasions.

Demar was subsequently fined \$10,000 for each pipeline hit and \$5,000 for the obstruction charge, for a total fine of \$35,000 plus the mandatory 25% victim fine surcharge, amounting to a total amount of \$43,750.

"During the course of the obstruction of the inspector, for which they later paid a significant penalty, Demar's behaviour was persistent and unapologetic," said John Marshall, Director of TSSA's Fuels Safety Program. "This type of refusal to facilitate an inspection will be treated seriously by TSSA and will lead to prosecution. Further, hitting a pipeline with pressurized gas is a significant risk to public safety. It can cause explosions, damage and death. That's why Ontario has stringent laws around pipeline safety, including the rule to obtain a locate before breaking ground and hand-digging within one metre of utility markings," added Mr. Marshall.

TSSA reminds the public that any excavation work must comply with Ontario's safety laws, including obtaining a valid pipeline locate from the license holder or gas utility before breaking ground and not using mechanical equipment while digging within one metre of a pipeline. Free locates can be obtained from Ontario One Call at 1-800-400-2255 or visit <http://on1call.com>.

Ontario Regulation 210/01 prohibits interfering with or damaging a pipeline and any damage and/or subsequent release of gas should be immediately reported to the Ministry of Environment's Spills Action Centre at 1-800-268-6060 or by contacting TSSA toll-free at 1-877-682-8772.

### *About TSSA*

The Technical Standards and Safety Authority (TSSA) is one of Ontario's key public safety regulators mandated by the Government of Ontario to enforce provincial safety regulations and enhance the safety of Ontarians. Throughout Ontario, TSSA regulates the safety of amusement devices, boilers and pressure vessels, elevating devices, fuels, operating engineers, ski lifts, and upholstered and stuffed articles. Its range of safety services include public education and consumer information, certification, licensing and registration, engineering design review, inspections, investigations, safety management consultation, and enforcement and prosecution activities. The organization's vision is to be a valued advocate and recognized authority in public safety.

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For more information on the Technical Standards and Safety Authority, please visit [www.tssa.org](http://www.tssa.org).

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