

# Mixed Verdict on Fire Code Violations Tied to Diesel Fuel Spill



A contractor installed an emergency generator powered by diesel fuel on the roof of an office building. While workers were testing the installation, fuel began spilling from the vent pipe onto the roof. As a result, the building had to be evacuated and a lengthy cleanup process begun. Three companies that owned/managed the building were charged with violating the fire code. The court convicted them of failing to immediately report the spill to the fire department and rejected their due diligence defence. Although a worker reported it to the building manager, he wasn't familiar with the fire code requirements as to spill reporting. But the court did find one defendant exercised due diligence as to the permit requirement. The company had hired a contractor to install the generator, stayed in communication with it and monitored the progress of the work [[R. v. 1023808 Alberta Inc.](#), [2013] ABPC 329 (CanLII), Dec. 5, 2013].