



Safety Codes Council

COUNCIL ORDER NO. 2025-07

BEFORE THE ADMINISTRATIVE TRIBUNAL OF THE FIRE SUB-COUNCIL

(the “Tribunal”)

ON January 26, 2026

IN THE MATTER OF the *Safety Codes Act*, Revised Statutes of Alberta 2000, Chapter S-1 (the “Act”);

AND IN THE MATTER OF the order issued by the City of Calgary (the “Respondent”) to 1843183 Alberta Ltd, operating as Ring Road Recycling (“Ring Road Recycling”), and Gary [REDACTED] (the “Appellant”) on July 17, 2025 (the “Order”), regarding the size of shingle piles present at [REDACTED] in Calgary (the “Property”);

UPON REVIEWING AND CONSIDERING the evidence named in **The Record**, including written submissions of the Appellant and Respondent; and **UPON HEARING** the testimony of the parties at the hearing;

IT IS HEREBY ORDERED THAT the subject of appeal is **VARIED**.

Appearances, Preliminary, Evidentiary, or Procedural Matters:

1. The hearing for this matter was conducted by virtual means.
2. At the commencement of the hearing, the Coordinator of Appeals confirmed the subject of the appeal and confirmed the names of those in attendance:
 - a. Appearing for the Appellant, the Tribunal heard from:
 - (a) Paul Frank, Legal Counsel;
 - (b) Gary [REDACTED] owner and operator of Ring Road Recycling;
 - (c) Frank [REDACTED] former City of Calgary Fire Safety Codes Officer;
 - b. Appearing for the Respondent, the Tribunal heard from:
 - (a) Adam Ferris, Legal Counsel;
 - (b) Glenn [REDACTED] Fire Marshal;
 - (c) Ricardo [REDACTED] Fire Safety Codes Officer.
 - c. Facilitating the hearing on behalf of the Safety Codes Council:

(a) Jordyn Dryden, Legal Counsel;

d. Attending as observers for the hearing:

(a) Kim [REDACTED] Safety Codes Council;

(b) Jeremy [REDACTED] Respondent

3. The Coordinator of Appeals then introduced the Chair of the Tribunal (the “Chair”), Chris Taylor and turned the hearing over to them.
4. The Chair called the hearing to order and introduced the other Tribunal members: Greg Wolf, Mike Bradford, and Kevan Jess.
5. The Appellant and Respondent confirmed there were no objections to any members of the Tribunal, and that the Safety Codes Council in general and the Tribunal in particular had jurisdiction to hear and decide the appeal. The Tribunal also confirmed they had jurisdiction to hear and decide this appeal.
6. The Chair then explained the process of the hearing and advised of the list of the written material before the Tribunal, consisting of the documents listed below in **The Record** (see paragraph 7). The Appellant and Respondent confirmed that there were no objections to any of the material submitted to the Tribunal.

The Record:

7. The Tribunal considered, or had available for reference, the following documentation:

| <u>Item</u> | <u>Description</u> | <u>Date</u> |
|-------------|-------------------------------|-------------------|
| 1 | Notice of Appeal | August 18, 2025 |
| 2 | City of Calgary Order | July 17, 2025 |
| 3 | Appellant’s Brief Submission | November 10, 2025 |
| 4 | Respondent’s Brief Submission | November 10, 2025 |

Issue:

8. This appeal concerns the Order arising from a dispute over the proper classification of post-consumer shingles under the National Fire Protection Association Guideline 13 (“NFPA 13”) and the resulting limits on permissible pile-size and height.

Positions of the Parties:

Appellant

From the Appellant’s submissions and testimony, the Appellant’s position is summarized as follows:

9. It is the Appellant’s position that the Order is invalid because post-consumer roofing shingles do not fall into a classification or grouping under the Fire Code, outdoor storage of these specific post-consumer shingle piles is not regulated by the Fire Code, and because the Order is administratively

improper due to its issuance against Gary [REDACTED] personally, providing incorrect information about the appeal process, and the imposition of an unreasonable compliance period.

Respondent

From the Respondent's submissions and testimony, the Respondent's position is summarized as follows:

10. It is the Respondent's position that the order is valid and necessary to mitigate safety risks as the waste asphalt roofing shingles are classified as Class III and Class IV commodities under NFPA 13, outdoor storage of which are regulated under the Fire Code because of the safety risk they pose.

Summary of the Evidence Provided on Behalf of the Appellant:

Submissions on behalf of the Appellant:

11. The Appellant was represented by Paul Frank from Harper Lee Law to provide submissions to the Tribunal. The Appellant's submissions were separated into two categories: procedural or administrative submissions and substantive submissions.

Procedural or Administrative Submissions

12. The Appellant advanced several procedural challenges to the validity and fairness of the Order. The first concerns the identification of the party to whom the Order was issued. The Appellant argues that the City improperly named Gary [REDACTED] personally, even though a simple trade name or corporate registry search would have shown that the business operations and site ownership were tied to the numbered company, not Mr. [REDACTED] as an individual. Corporate protection exists for officers, directors, shareholders and owners of corporate entities in Alberta and piercing the corporate veil is a measure that is reserved for specific circumstances by the Courts and there is no justifiable basis for it to have occurred in these circumstances.
13. The Appellant clarified that there are two numbered companies that are operating as Ring Road Recycling. Gary [REDACTED] personally, is a shareholder of one of the two companies, and should not have been named personally.
14. The Appellant submits that the City's failure to conduct this elementary verification step amounts to a procedural defect significant enough to render the order invalid. Their position is that an Order cannot lawfully compel actions from an individual who is neither the business operator nor the person legally responsible for the site. The Appellant submits that the seriousness of identifying the incorrect party is significant, as the penalty under the Act can be up to \$100,000, and as such the risk to Mr. [REDACTED] is significant.
15. The Appellant also submits the Order is invalid because it contained the wrong address for submitting an appeal of the Order. The Appellant submits that this error had the potential to prejudice their ability to exercise their statutory right of appeal because reliance of that address could have missed the appeal deadline.
16. The Appellant further submits that the Order included an unreasonable timeline for compliance. They assert that the compliance period was arbitrarily given, detached from operational realities and

procedurally unfair. They assert that the Respondent appeared to have treated the timeline for appealing an order, which is also 35 days under the *Act*, as interchangeable with a compliance timeline – even though the volume of materials onsite made compliance within such a period impossible in practice. They submit that the Respondent failed to consider the scale of the business, machinery availability, labour requirements, or disposal and logistical constraints.

Substantive Submissions

- 17.** The Appellant’s business operates an industrial construction waste and post-consumer roof shingle recycling business. Starting in 2022, the Appellant’s business ceased the recycling of industrial construction waste and solely recycles post-consumer roof shingles.
- 18.** The Appellant asserts that post-consumer asphalt roofing shingles are not properly classified as Class III or Class IV commodities under the Fire Code. They argue that the City relied on an overly expansive and incorrect reading of NFPA 13, particularly by pulling obligations from explanatory material and Annex A that do not constitute enforceable code requirements.
- 19.** The Appellant also argues that the City failed to demonstrate that the stored shingles create the type of significant fire hazard regulated by the provisions invoked in the order. The Appellant submits that the Fire Code’s objectives are to “limit the probability” and prevent “unacceptable risk” and that the Respondent has failed to identify what risks are present that the Order is trying to address. The Appellant has stated that the Respondent is concerned about the potential presence of Class III materials in the piles and submits that this is not an acceptable standard and that the Respondent must be sure of the hazard before issuing an order. The Respondent did not take samples of the pile and therefore does not have any basis for determining whether there may be Class III materials present.
- 20.** The Appellant also submits that the Respondent has not gone to other sites to address their concerns as an industry problem as they have with other issues in the past, such as overcrowding in bars, which was enforced as a policy. The Appellant states that the Respondent has not done inspections of other companies operating similar businesses, indicating that this is not an industry problem and therefore the status quo should remain.

Evidence on behalf of Gary [REDACTED]

- 21.** Gary [REDACTED] (“Gary”) is the owner and operator of Ring Road Recycling (“Ring Road”), the Appellant business.
- 22.** Gary informed the Tribunal that Ring Road has only been taking in post-consumer shingles, no manufacturing waste, since 2022. Ring Road also does not take flat roofing for recycling. The shingles come from roofers and junk haulers. They grind the shingles into a powder and mix it with recycled pavement to create a paving stone, keeping the shingles out of the landfill.
- 23.** Ring Road’s facility has a yard that is approximately 3.8 acres in the Calgary. In May 2025, the SCO did an inspection of the facility and was concerned about the pile size in yard. Gary informed the SCO at that time that he had done shingle recycling in the past, between 2008-2014 with another company, during which time a large fire occurred at a Calgary recycling facility which resulted in all recycling facilities being inspected. The SCO at that time had been on site and had accepted the largest pile as

acceptable. Based on this information, Gary operated Ring Road understanding that the pile size was acceptable.

24. Gary told the Tribunal that shingles are used as a method of fire resistance in buildings, and that fire resistance ratings of shingles have improved over time. The older shingles were Class C, which were last installed approximately 15-20 years ago; the current fiberglass shingles are all class A fire rating. Gary told the Tribunal that he provided a video to the Respondent wherein he used a blow torch on the shingles, demonstrating the shingles would light and then be out again within 5-10 seconds.
25. In response to the Respondent's materials, Gary informed the Tribunal that some of the materials submitted by the Respondent are not used. Specifically, the John Manville shingles, which is an asphalt roll, a flat roofing material that is not accepted at Ring Road. The HAL shingles are a tar paper material that was used for years but it has been replaced with felt. Gary stated that they do see these materials very occasionally, but it is a tiny percentage of the material that comes in.
26. In response to the Respondent's concern that there were two fires at Calgary Recycling, the previous business owned by Gary, he explained that the 2017 fire was caused because there was a mattress pile which went up very quickly, however once the fire reached the shingles the fire went out. The 2020 fire was in a construction waste pile which was almost all wood. It was at this time that Frank [REDACTED] was the SCO investigating the fire and working with them on getting them into compliance. He was not concerned about the shingle pile at that time.
27. Gary also informed the Tribunal that complying with the Order would have been incredibly expensive and impossible to meet in the 35-day timeline. The Shingles would need to be landfilled, which costs \$113.00 per tonne, plus shipping. The hauler required to move the shingles is specialized to be able to carry 38 tonnes per trailer. A regular trailer would be able to carry approximately 20 tonnes per trailer. Gary believes it would take approximately 6-9 months to reduce or eliminate the piles on the property.
28. In response to questions from the Respondent, Gary agreed that the materials brought in by roofers are old shingles. He also agreed that it would be impossible to determine the makeup of all shingles used. He also stated that Calgary is a unique city in terms of the hail it receives and roofs in Calgary do not last as long as other places; he informed the Tribunal that getting 17 years out of a roof in Calgary is considered to be doing "really well."

Evidence on behalf of Frank [REDACTED]

29. Frank [REDACTED] ("Frank") worked with the City of Calgary for 20 years, between 2002-2022, as a Level 2 fire inspector doing field inspections for the City and acting as a court liaison regarding fire code matters. He is a qualified SCO. Frank was also the SCO that inspected the fires at the Appellant's property in 2020.
30. Frank informed the Tribunal that he was called to the Appellant's site after the fire in 2020 as a fire commander to discuss pile mitigation steps. The pile at that time was construction material, including timber, plastic, and drywall. At that time, he and Gary reviewed the site together and created a plan to mitigate the pile sizes and change the sizing on the base layout to meet the intent of the Fire Code. Drone surveys were done monthly to make sure the material was being moved. The focus of this work was the construction waste piles, not shingle piles.

31. Frank also informed the Tribunal that he does remember a shingle pile at the back of the property. He stated he does not recall it being the size it is now but cannot speak to how big it was at that time.
32. Frank informed the Tribunal that he disagreed with the assessment and classifications identified in the Order. Specifically, the commodity classification and a proper NFPA 13 review reveals that the classification for Class III or Class IV materials is not supported. NFPA 13 requires a clear, structured process for commodity classification, including examination of packaging, palletizing and plastic content. The corresponding NFPA 13 commodity class description explicitly consider packaging configuration, such as cardboard carton, plastic film, or wooden pallets. The shingles, however, are not packaged or palletized; they are stored loose in open outdoor piles. The absence of packaging eliminates the conditions necessary for classification as Class III or Class IV under NFPA 13.
33. Frank acknowledged that the Appendix Table A.20.4 lists fiberglass and felt shingles as Class III or Class IV commodities, but notes that the listing explicitly applies to packaged shingles. Frank informed the Tribunal that it is his opinion that the appendix material cannot be applied to loose, unbundled shingles stored outdoors. He also stated that the appendix is informational only, it is not enforceable, and that NFPA 13 Annex A is expressly identified as explanatory and not part of the enforceable standard. Frank told the Tribunal that the Respondent is relying on these non-enforceable appendix materials.
34. Frank also drew the Tribunal's attention to language in NFPA 13 referencing Group A, B, or C plastics, and notes that such classifications require verifying whether the material contains specific listed polymers. He told the Tribunal that he contacted IKO, a material manufacturer of what was reported to be the majority of shingle types used in the region, to confirm whether their shingles contained any of the polymers listed and the responded that none of the required plastics are present in the asphalt shingles or in the polymers binding them. As a result, their material does not meet the requirements to be categorized as Group A plastics under NFPA 13. Because the material is neither packaged nor plastic-classified, Frank concludes that none of the commodity classifications referenced in the Fire Code apply to the Appellant's piles.
35. Frank also underscored that NFPA 13 is a sprinkler installation standard intended for indoor sprinklered storage arrangements, and that its commodity classification framework does not apply to unprotected outdoor storage such as the piles at issue. NFPA 13's scope is tied to determining sprinkler demand, not regulating outdoor pile dimensions.
36. Finally, Frank informed the Tribunal that because the shingles do not qualify as Class III or Class IV commodities, or as Group A/B/C plastics under NFPA 13, the Fire Code's pile height and footprint limitations cannot be applied.
37. In response to a question from the Respondent, Frank agreed that not all shingles at Ring Road are from the IKO manufacturer. Frank's report does include reference to two other shingle manufacturers in the area, GAF and BP Canada.¹

Summary of the Evidence Provided on Behalf of the Respondent:

¹ The Record, page 27

Submissions made on behalf of the Respondent:

38. The Appellant is represented by legal counsel, Adam Ferris, and Glenn [REDACTED] (“Glenn”), the quality management system manager for the Respondent. Glenn is NFPA certified, a fire and explosion investigator, fire marshal, and an electrician.
39. In response to the administrative submissions of the Appellant, the Respondent submits that varying the Order is an appropriate measure, for two reasons: the first is that revocation is appropriate if all parties involved are incorrect but in this case there is no prejudice caused by just removing one party; and second, the Respondent disagrees that the Order was incorrectly issued to Gary, as Gary falls under the definition of an “owner” under the *Safety Codes Act*, and therefore is an individual allowed to be issued an order under the *Safety Codes Act*. Under the *Safety Codes Act*, an owner is an open definition that “includes... a person in charge, a person who has care and control and a person who holds out that the person has the powers and authority of ownership...”²
40. The Respondent expressed support for the Appellant’s business model and fully supports the redirection of surplus material into new products. The Respondent’s only concern is the pile size.
41. The Respondent submits that, despite the Appellant’s submission that removing the piles would take between 6 and 9 months, this is not the only way to achieve compliance. Reducing the size of the piles and creating multiple piles is an option that would also meet the compliance requirements. Evidence on behalf of Ricardo [REDACTED]
42. Ricardo [REDACTED] (“Ricardo”) is a Level 2 fire safety codes officer with the Respondent and has served in this role for approximately 14 years.
43. Ricardo explained to the Tribunal that the size and growth of the outdoor shingle piles was the central issue leading to the Order. Early in the inspection process, he discussed options with Gary for reducing or dividing the piles, but Gary declined to reduce any pile because he disagreed with his assessment of the commodity classifications under the Fire Code.
44. Ricardo stated that there were two inspections within a short interval, May 20 and May 22, 2025, followed by a later inspection approximately one month after. During these interactions, Ricardo states that he explained the NFPA 13 basis for his classification of the shingles as Class 3 and Class 4 commodities. Specifically, Division B, Part 3, Article 3.1.1 of the Fire Code which states that (subject to limited exceptions) the provisions apply to storage of combustible goods both inside and outside buildings. Sentence (1) of the same article specifies that the outdoor storage requirements apply to Class III and Class IV commodities and to Group A, B, and C plastics, as referenced in section 3.2, which in turn points to NFPA 13 for detailed commodity descriptions.
45. Specifically, Ricardo states the Fire Code note to 3.2.1(1)A directs users to NFPA 13 for explanatory guidance regarding commodity types. He states that the NFPA provides the necessary classification structure and because the Fire Code expressly ties outdoor storage requirements to these NFPA classifications, he relied on NFPA 13 to assess the material on site.
46. Ricardo directed the Tribunal to section 20.3 of NFPA 13, which contains an asterisk indicating that further explanation is located in the Annex, including Table A describing solid combustible products,

² *Safety Codes Act*, 1(v)

natural fibres, plastics, or mixtures thereof – materials falling into Class III under NFPA 13. Ricardo also referenced the Appellant’s submissions in which he indicated that some shingles in the pile may be 30 years old, which would have included paper-based backings. On pages 87 and 996 of the Record, photos show cardboard, and a fabric material, present in and beside the piles. The photos are labelled as “site photos” but are not dated. Because of the unknown mix of ages, materials, and conditions of the shingles, Ricardo determined that it was reasonable to conclude that Class III materials were present in the pile.

47. Ricardo stated that the piles were not only a fire-risk but also presented safety concerns related to slippage, posing hazards to employees, customers, or emergency responders. These concerns were raised and discussed during early site interactions. Ricardo stated that during the initial inspection, there had been room on the property to create smaller piles; however, subsequent drone surveys show that the piles continued to increase in size over time.
48. The drone survey dated July 15, 2025, shows that roughly six weeks after the initial inspection, the piles had grown noticeably. On this date, pile 1 had a base area of 4985 square meters and a height of 12.4 meters, pile 2 measured 1309 square meters in base area and 5.1 meters in height, and pile 3 had a base area of 1594 square meters and a height of 5.6 meters.³ A few weeks later, on August 8, 2025, pile 1 had a footprint of 5369 square meters and a height of 13.1 meters, pile 2 had expanded to 1423 square meters in base area and a height of 5.2 meters, and pile 3 had reached a base area of approximately 1614 square meters and a height of 9.2 meters.⁴
49. Ricardo stated that despite providing his interpretation of the Fire Code and the NFPA 13 classifications, the Appellant refused to reduce the pile sizes. The continued growth of the piles, combined with the fire load concerns and Code-based commodity determination, formed the basis for maintaining the Order requiring compliance with pile size and height restrictions.
50. In reference to the administrative issues brought forward by the Appellant, Ricardo stated that throughout the various site visits, Gary repeatedly represented himself as the owner, operator, and partner responsible for the facility. Ricardo did attempt to identify the appropriate corporate party but found the situation unclear because Gary referenced several different company names. Because the *Safety Codes Act* permits issuing an order to the person apparently in charge or operating the site, and because Gary was the individual consistently interacting with the officer, the Order was issued in his name.
51. In response to a question from the Appellant, Ricardo confirmed that the compliance date was included because it is required. The discussions with Gary were regarding how he could achieve compliance over time. However, Gary was insistent that he wanted the conclusion to be a written order so it could be appealed, so the Order was issued with the compliance date being the timeline for obtaining an appeal, as this is what Gary wanted.

Tribunal’s Decision:

52. On an appeal such as this, the powers of the Tribunal are set out in subsection 52(2) of the *Act*, the

³ The Record, page 76

⁴ The Record, p 75

relevant excerpt is reproduced below:

52(2) The Council may by order

- a) Confirm, revoke or vary an order, suspension or cancellation appealed to it and as a term of its order may issue a written variance with respect to any thing, process or activity related to the subject-matter of the order if in its opinion the variance provides approximately equivalent or greater safety performance with respect to persons and property as that provided for by this Act;

Administrative Reasons

- 53.** The Appellant raised several procedural concerns regarding the validity of the Order. The first of which relates to the incorrect identification of the parties named in the Order, specifically the inclusion of Gary being personally named. Based on the evidence provided, the Tribunal finds that Gary consistently represented himself on-site as the owner, partner, and operator, and the Respondent took reasonable steps to identify the controlling party. Under the *Safety Codes Act*, the definition of owner expressly includes "... a person in charge, a person who has care and control, and a person who holds themselves out as having powers and authority of ownership." On that basis, the Tribunal finds that the Respondent was authorized to issue the Order to Gary.
- 54.** However, the Tribunal also accepts the Appellant's point that corporate protections under Alberta's *Business Corporations Act* must still be respected, and individuals should not be personally exposed to statutory penalties when the corporate entities are the legal owners and operators of the business. As such, although the issuance of the Order to Mr. [REDACTED] was not improper, the parties named on the Order will be varied so that the Order properly identifies the two numbered corporations, 2409421 Alberta Ltd and 1843183 Alberta Ltd, operating as Ring Road Recycling as the subjects of the Order. 2409421 Alberta Ltd is added to the Order as the registered owner of the Property on Title and 1843183 Alberta Ltd is the business operating out of the Property.
- 55.** The Appellant also submit that the Order is procedurally invalid because it listed an incorrect address for submitting an appeal, which could have caused them to miss the statutory appeal deadline. The Tribunal agrees that including incorrect appeal information on an Order is unacceptable, and there is no valid reason provided for the incorrect information appearing in the Order. The Tribunal accepts that such an error could have created real prejudice to the Appellant. However, the evidence shows that no prejudice actually materialized: the Appellant was able to exercise its right of appeal within the statutory deadline. Therefore, the Tribunal finds that the revocation of the Order is not warranted.
- 56.** The Appellant also argues that the 35-day compliance timeline set out in the Order was unreasonable and procedurally unfair. The Tribunal accepts that the compliance timeline is unrealistic. However, after hearing the Respondent's explanation, the Tribunal is satisfied that the intent of this deadline was not to require full compliance within 35 days, but rather to allow the Appellant to appeal, as they requested, so they could exercise their statutory right to an appeal, which requires a written order. The Tribunal accepts the compliance date functioned as an administrative mechanism, rather than an expectation of complete operational compliance by that date. Accordingly, the Tribunal finds no basis to revoke the order on this ground.
- 57.** The Appellant provided testimony that removing the piles would take between six and nine months. However, compliance does not require full removal of the piles. The Tribunal accepts that this would still take time and therefore has determined that five months is an appropriate timeline to achieve

the requirements set out in NFPA 13, as required by the Fire Code.

Substantial Reasons

- 58.** Division B, Part 3 of the Fire Code applies to the storage of combustible goods both indoors and outdoors. Article 3.1.1 expressly references commodity types, including Class III and Class IV commodities and Group A/B/C plastics, and directs users to the section 3.2. Section 3.2, in turn, incorporates the commodity classification framework set out in NFPA 13. The Fire Code therefore makes the NFPA 13's commodity classification system the operative framework for determining the combustibility class of stored products, regardless of whether storage occurs indoors or outdoors.
- 59.** The Respondent's inspection reports identify the post-consumer roofing shingles stored on site as Class III commodities with the possible presence of some Group A and Group C plastics. The Appellant submits that it contacted a representative from a manufacturer to inquire whether the chemicals listed for Group A, Group B, and Group C plastics are present in their shingle products. However, no evidence was provided that the manufacturer was asked whether the shingles fall within Class I-IV under NFPA 13's broader commodity classification system. This is a critical omission. NFPA 13 classification does not begin and end with plastic chemistry, instead it also accounts for paper, natural fibres, wood content, packaging and mixtures. The reliance on Safety Data Sheets and polymer content alone is therefore incomplete for purposes of NFPA 13's commodity classification methodology. Additionally, IKO is one manufacturer in the region; there is no evidence presented that all products present are from this manufacturer. The data sheets are useful to understand the makeup for some of the material present, but are not representative of the entire makeup of the piles.
- 60.** The Respondent correctly relies on NFPA 13, Chapter 20 and its Annex A examples. Table A.20.4(a), "Examples of commodities not addressed by Section 20.4" does not list roof shingles as excluded commodities. Table A.20.4(b), "Alphabetical listing of commodity classes" expressly includes both "Roofing shingles, asphalt-coated fibreglass" and "Roofing Shingles, asphalt-impregnated felt" as Class III and Class IV commodities, respectively.
- 61.** The Appellant submits two reasons why the post-consumer shingles at their facility are exempt from these tables. First, the Appellant argues that Annex A is informational and therefore "not usable" for compliance determinations. This reflects a fundamental misunderstanding of how the Fire Code and NFPA 13 operate together. The Fire Code expressly directs users to NFPA 13, and within NFPA 13, asterisked provisions rely on Annex A to explain scope, provide examples, and clarify the application of mandatory classifications. While Annex A is designed as explanatory, it performs a mandatory interpretive function where the normative provisions are asterisked. Section 20.4 does not operate independently; it expressly requires reference to Annex A to determine the scope and examples of the commodity classes it establishes. In such circumstances, Annex A is not being enforced as a standalone requirement but is used, as intended, to apply the mandatory provisions of the standard incorporated by the Fire Code.
- 62.** The Fire Code's scope confirms that the Appellant's outdoor storage is regulated. Division A, Section 1.1.1.1(1) states that the Fire Code applies to all new and existing buildings and facilities. It then directs the reader to Note A-1.1.1.1(1), which states the term "facilities" is "used in its broadest sense to include all premises that are not included in the definition of "building" in this Code, such as outdoor and underground areas... such "facilities" are often associated with storage, distribution and manufacturing activities." This brings the Appellant's outdoor storage of shingles squarely in the Fire

Code.

- 63.** Division B sets out the acceptable solutions. Section 1.1.1.1 applies Division B to all buildings and facilities covered in the Code. So, again, the Appellant’s facility falls under this section. Part 3 of Division B deals with indoor and outdoor storage. Section 3.1.1.1(1) applies to the storage of combustible products, both inside and outside of buildings and directs the reader to Note A-3.1.1.1(1), confirms that it applies to raw and waste materials. Article 3.3.1.1(1) then applies to outdoor storage of Class III and IV commodities, which are “as described in section 3.2”. Section 3.2 states that Class I-IV commodities and Group A, B and C plastics are those “defined in NFPA 13 “Standard for the Installation of Sprinkler Systems” and then directs the reader to Note A-3.2.1.1(1)(a), which provides the NFPA 13 definitions for Class III and IV commodities.
- 64.** Chapter 20 of the NFPA establishes commodity classifications. Section 20.4, which is asterisked, directs users to Annex A for guidance necessary to apply the classification scheme. Annex A then lists shingles as Class III and Class IV materials.
- 65.** The Appellant’s second argument is that the Annex tables only apply to shingles that are packaged and placed on pallets. This interpretation is incorrect and artificially narrows the plain meaning of “roofing shingles” in a way that cannot be supported. NFPA 13 differentiates between product composition and storage configuration. Where packaging, pallet material, or unit load configuration alters hazard characteristics, the standard expressly accounts for those variables, as demonstrated in Table A.20.3. Table A.20.3 expressly identifies how pallet material can modify the classification of unit loads. The absence of any limiting language in Table A.20.4(b) confirms that the listed commodity classifications apply to the material itself, not only to a particular packaging condition. Reading the Annex tables as applying only to packaged or palleted shingles disregards the structure of the standard. Nothing in NFPA 13 limits shingle classification to packaged or palleted conditions.
- 66.** NFPA 13’s commodity classification system is used consistently across Canada’s model codes to ensure uniform treatment of combustible materials. The combustibility/flammability of the product does not change based upon location and the consistency of classification provides a recognized system for the purposes of code application and owner understanding in Alberta and Canada.
- 67.** The Appellant also asserts that the shingles should be considered non-flammable because they meet fire-rating requirements under CAN/ULC-S107 *Standard Methods of Fire Tests of Roof Coverings*. They suggest that these ratings demonstrate that the shingles do not meet the combustible characteristics associated with NFPA 13 commodity classifications. The Tribunal disagrees. CAN/ULC-S107 serves a different regulatory purpose than NFPA 13 and cannot be used to substitute for commodity classification. CAN/ULC-S107 evaluates newly manufactured shingles installed as part of a roof assembly under standardized test conditions. The performance ratings address resistance to ignition from external fire exposure and the burning characteristics of an installed roof system. These tests assess roof assemblies, not post-consumer waste materials stored outdoors in a pile, nor does it classify materials under NFPA 13. Accordingly, the fact that new shingles can qualify as “Class A” roof coverings does not establish that the Appellant’s post-consumer shingles are non-flammable or exempt from NFPA 13’s commodity classification scheme. Nothing in NFPA 13 suggests that post-consumer degradation removes a material from classification. To the contrary, mixed, aged, or degraded materials introduce greater variability and uncertainty, reinforcing the need to rely on established commodity classifications rather than excluding materials from the framework altogether.

68. Finally, non-flammable and non-combustible are not synonymous. The Safety Data Sheets provided by both parties identify bitumen as a major component of asphalt shingles – present in ranges from 10%-60%. Bitumen is a petroleum-based combustible material. Although it has a high flash point and ignition temperature, it will burn and sustain combustion once ignited. Even if a product is difficult to ignite, that does not make it non-combustible. The Fire Code and NFPA 13 classify materials based on combustibility, not merely ease of ignition.

Conclusion

69. The Tribunal has found that the Appellant’s conclusion that the shingles do not fall within the classifications as per NFPA 13 rests on an incomplete methodology, and an inaccurate reading and understanding of the Fire Code. The Fire Code expressly adopts and directs the use of NFPA 13’s commodity classification framework for outdoor storage and directs users to Annex A for further information. The Annex tables expressly list roofing shingles as Class III and Class IV materials. The Tribunal does not agree with the Appellant that the shingles identified in these tables refer only to new shingles that are packaged on pallets; this is an artificial narrowing of the definition that is not supported by the context of the NFPA 13 standard nor by basic principles of statutory interpretation.

70. The Tribunal does agree with the Appellant that there are administrative deficiencies in the Order. However, the Tribunal disagrees with the Appellant that these deficiencies justify revoking the Order.

71. The Order is hereby varied to reflect the following:

- a) Gary [REDACTED] shall be removed as a party to whom the Order is issued; the Order shall be issued to 2409421 Alberta Ltd and 1843183 Alberta Ltd;

72. The date for compliance with the Order shall be amended to June 1, 2026.

Signed at the City of Edmonton)
in the Province of Alberta)
this 26th day of January, 2026)

[REDACTED]

Chris Taylor
Chair, Fire Sub-Council
Administrative Tribunal