

09-100

For Immediate Release  
October 2, 2009

**Three Ottawa Construction Companies Fined \$160,000 Total  
After Health and Safety Violations**

Ottawa, Ont. – 200 Besserer Inc., the constructor of a condominium in Ottawa, was fined \$50,000 on September 28, 2009, for a violation of the Occupational Health and Safety Act (OHSA). Taggart Construction Limited and Right Forming (1996) Limited were fined \$35,000 and \$75,000, respectively, for other violations of the OHSA at the same project.

On April 18, 2007, Taggart Construction was doing excavation work for a condominium at 200 Besserer St. An excavator was perched on top of a tall and narrow pile of earth, while a worker was receiving a load of concrete at the base of the pile. There were two steel plates on top of the pile to distribute the weight of the excavator, but the earth below was crumbling away. A Ministry of Labour inspector who was driving by noticed this unsafe work. The workers complied with the inspector's orders to move the excavator back from the edge of the pile and work well away from its base. No one was injured.

Taggart Construction Limited pleaded guilty under the OHSA to failing to ensure that the excavator was located in a way that would not affect the stability of the wall of the excavation.

On July 8, 2007, a section of an engineered support system at the excavation collapsed. No workers were there at the time. The support system had been placed along the perimeter of the excavation to support its walls. It had been designed by an engineer. However, the construction of the failed section of the support system had deviated from the engineer's design drawings.

200 Besserer Inc. pleaded guilty under the OHSA to failing to ensure that the variation from the engineer's design drawings was approved in writing by an engineer before the variation occurred.

On October 25, 2007, Right Forming (1996) Limited was doing formwork at the 200 Besserer St. project. Workers were using a crane to move a pallet of materials to the edge of a platform. One worker signaled to the crane operator to lift the hoisting chains up and away from the pallet. The hooks of the hoisting chains caught the corner of the pallet and caused it to flip off the platform and fall to the next level. The falling pallet struck and critically injured another worker.

Right Forming (1996) Limited pleaded guilty under the OHSA to failing to ensure that the pallet was not placed, left or stored in a manner that could endanger a worker.

The fines were imposed by Justice of the Peace Brian Mackey. In addition to the fines, the court imposed a 25-per-cent victim fine surcharge, as required by the Provincial Offences Act. The surcharge is credited to a special provincial government fund to assist victims of crime.

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**For further information:**

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Court Information at a Glance

<b>Location:</b>	Ontario Court of Justice 100 Constellation Cres. Ottawa, ON
<b>Judge:</b>	Justice of the Peace Brian Mackey
<b>Date of Conviction:</b>	September 28, 2009
<b>Defendants:</b>	Taggart Construction Limited 200 Besserer Inc. Right Forming (1996) Limited
<b>Matter:</b>	Occupational Health and Safety
<b>Conviction:</b>	Ontario Regulation 213/91, Section 233(3) Ontario Regulation 213/91, Section 236(5) Ontario Regulation 213/91, Section 113
<b>Crown Counsel:</b>	Grainne McGrath and Steven Succi



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