
Subway Construction Death and Injuries Result in Trial, \$50,000 In Fines to Subcontractor

September 27, 2016 2:45 P.M.

TORONTO, ON - The 2011 death of a worker and injury to another at a Toronto Transit Commission subway construction site in North York has resulted in a \$50,000 fine to a subcontractor of the project. Following a trial, Advanced Construction Techniques Ltd. was found guilty on August 16 and sentenced in court on September 26 by Judge Brent Knazan.

On October 11, 2011, workers were on the job site at 4700 Keele Street near York University, where twin bored tunnels are under construction to add an 8.6-km subway line from the existing Downsview Station to the Vaughan Corporate Centre in York Region for the Toronto Transit Commission. The project is being constructed by a limited partnership, 1842887 Ontario Ltd./OHL-FCC GP Canada Inc., with 1793380 Ontario Ltd./Advanced Construction Techniques Ltd. (ACT), a company that provides geotechnical construction services, as a subcontractor.

On that afternoon, the worker operating the drill rig raised the auger from the hole and swung the mast. The worker saw the boom of the machine going to the right and felt the machine move; witnesses saw the rig moving back and forth with the auger in the air and saw one of the tracks go into a rut. The drill rig suddenly toppled and the mast and casing crushed the excavator as well as the backhoe. A worker operating an excavator was seriously injured and a worker operating a backhoe was killed. Two other workers were also injured by the falling equipment.

The court found that defendant ACT failed to design an adequate work platform for the drill rig by identifying the soil-bearing capacity as required by the manufacturer's specifications for stability. For details about the incident and the previous convictions, please see:

<https://news.ontario.ca/mol/en/2014/11/subway-construction-death-and-injury-safety-violation-result-in-guilty-pleas-420000-in-fines.html>

The sentence was imposed by Judge Brent Knazan in Old City Hall Court in Toronto.

In addition to the fine to ACT, 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.

After two weeks at trial in 2014, OHL-FCC GP Canada Inc. pleaded guilty to failing as a constructor to ensure that safety measures required by the Occupational Health and Safety Act were followed, and was fined \$400,000. A subsequent, separate safety violation by the same company resulted in a guilty plea and a \$20,000 fine. These sentences were handed down on November 28, 2014.

Court Information at a Glance

Location:

Ontario Court of Justice

60 Queen Street West

Toronto, Ontario

Judge:

Judge Brent Knazan

Date of Sentencing:

September 26, 2016

Defendant:

1793380 Ontario Ltd./

Advanced Construction Techniques Ltd. (ACT)

3935 Lloydtown - Aurora Road

Kettleby, Ontario

Matter:

Occupational health and safety

Convictions:

Occupational Health and Safety Act

Section 25(2)(h)

Crown Counsel:

David McCaskill

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