



02/16/2021

SUBJECT: Canadian Fire Hearth/Luxor MB-36 Safety Order

To whom this may concern,

Due to a high volume of inquiries from the public and regulatory authorities, OMNI-Test Laboratories, Inc (OMNI) has chosen to update the public on the recent activities regarding the Canadian Safety Order. This document will cover:

1. The history of the safety order
2. How OMNI is involved
3. Compliant Serial Numbers
4. If you have inquiries on your products and if they are included in this safety order
 - a. If there is anything that can be done to find your product compliant
5. Other information

History of the Safety Order.

OMNI was first notified of this potential issue by Technical Safety BC in March of 2018. At the time, Technical Safety BC was inquiring about inspections occurring in Vancouver BC on the Canadian Fire Hearth/Luxor MB-36. They were discovering many serial numbers outside the compliant serial number range of not just 'OTL' labeled products, but also QAI and LabTest labeled products. Since then, more regional regulatory authorities across Canada have established their own safety orders.

How OMNI is involved.

Canadian Fire Hearth (CFH) and OMNI-Test Laboratories, Inc. were in an active business relationship from 2008 to approximately the end of 2010. CFH used OMNI's services to be able to produce and sell their product in the Canadian and US markets. To sell in market, the manufacturer must first test and certify their product to safety testing standards. Once they are found compliant, they are provided a certification listing (an online directory record of compliance). It also grants the manufacturer to produce the MB-36 with the 'OTL' mark applied on their safety labels. In order to maintain the certification listing and the use of the 'OTL' mark, the manufacturer is required to have at least annual



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sample inspections performed to confirm the product they continue to produce is the same product that was originally certified. At the beginning of 2011, OMNI was notified by CFH that they wished to voluntarily delist and stop doing business with OMNI as they had transferred their certification listings to LabTest. This request was approved, and CFH provided the last serial numbers produced before ceasing business with OMNI.

In between delisting with OMNI and relisting with LabTest, the manufacturer (CFH) produced MB-36's with the 'OTL' mark safety label applied without the consent of OMNI. Since OMNI could not surveil or inspect a sample of this production, it cannot be marked as compliant. It is possible the product is compliant, but OMNI cannot guarantee this unless the product is inspected and found to be compliant.

Compliant Serial Numbers with an 'OTL' mark on safety label.

As of today, OMNI can confirm the following serial numbers are compliant, as they were included in the scope of surveillance OMNI employed from 2008 to 2010:

Manufacturer	Brand name	Model	Compliant Serial Numbers
Canadian Fire Hearth	Luxor	MB-36	5000 to 8201
Canadian Fire Hearth	Luxor	MB-36	8251 to 9999
Canadian Fire Hearth	Luxor	MB-36	15100 to 15275

**This list of compliant numbers does not include Fireplace Door Manufacturer products. For more information about this, please read below under the 'Other information' section.*

You discover your product serial number is not listed above and what you can be done moving forward.

There are two options currently to rectify this issue:

1. Install a compliant product.
2. Inspect product for compliance. Involves hiring a qualified inspector to perform an inspection on each unit affected.

OMNI has been in communication with LabTest regarding inspections of 'OTL' marked products. We have come to an agreement that LabTest will inspect these products, and if found compliant, will replace the 'OTL' marked label with a 'LabTest' marked label.

If you would like to have LabTest inspect your product for compliance, please contact them at info@labtestcert.com or KDhillon@labtestcert.com with the following information:

1. Name of the applicant
2. Address of the inspection site
3. Manufacturer & Model Number
4. Serial Number (& manufacturing date if available)
 - a. If more then one unit in home, please provide model number and serial number of each.
5. Certification agency on label (OTL vs. LabTest vs. QAI)
6. Email and telephone # of contact person



Other information

If your product is manufactured by Fireplace Door Manufacturer (FDM), your product is compliant. The Canadian safety order(s) can be misinterpreted because the difference between 'Brand name' and 'Manufacturer'.

Originally, FDM certified and listed the MB-36 with OMNI in 2005 and produced the MB-36 from roughly 2005-2008. Approximately in 2008, the certification product listing was acquired by Canadian Fire Hearth (CFH). CFH decided to continue using the same brand name 'Luxor', which is where the misinterpretation occurs. Many FDM products are flagged as non-compliant by local AHJ's (Authorities Having Jurisdiction) without further investigation because they share the same model and brand name. The safety order does not mention FDM products as they all have compliant certifications. If your product is marked with 'OTL', the manufacturer is 'Fireplace Door Manufacturer', and has been flagged by a local AHJ please submit this letter to them as proof your product is compliant. If you have any further questions or assistance with your local AHJ, please let OMNI know.

If you have any other questions, contact us at contact@omni-test.com.

Sincerely,

A handwritten signature in black ink that reads "Joseph Tiegs". The signature is fluid and cursive, with a long, sweeping tail that extends to the right.

Joseph Tiegs
QA Specialist

JT

Attachments:

Original Technical Safety BC Safety Order on the Luxor MB-36
Alberta Safety Order 2020

**PROHIBITED INSTALLATION OR USE OF UNCERTIFIED GAS FIRE PLACES
MANUFACTURED BY CANADIAN FIRE HEARTH MFG. INC. AND LUXOR MFG. INC.**

Date of Issue: May 02, 2018

No: SO-GA 2013-01

REVISION: 03

This safety order is issued pursuant to section 31 of the Safety Standards Act. A person affected by this safety order may appeal this order in writing to the Safety Standards Appeal Board within 30 days. The appeal process is set out on the Safety Standards Appeal Board's website at www.gov.bc.ca/safetystandardsappealboard.

Failure to comply with a safety order is an offence under section 72 of the Safety Standards Act.

Part 1: Details of Regulated Work or Regulated Product

This safety order is being issued in relation to:

<input type="checkbox"/>	Regulated Work – General	<input type="checkbox"/>	Regulated Product – General
<input type="checkbox"/>	Regulated Work – Specific Class	<input type="checkbox"/>	Regulated Product – Specific Class
<input type="checkbox"/>	Specific Regulated Work	X	Specific Regulated Product

Part 2: Requirement(s) of this Safety Order

1. Any gas fireplace manufactured by Canadian Fire Hearth Manufacturing Inc. which does not bear the label or mark from certification agency accredited by the Standards Council of Canada (SCC), including without limitation the “Riviera 66” model fireplace:
 - a. Must be immediately removed from operation; and
 - b. May not be sold, leased, rented, installed or otherwise used for any purpose within British Columbia.

2. Any gas fireplace manufactured by Luxor Manufacturing Inc. which does not bear the certification seal of a recognized testing agency, including without limitation the “Riviera 66” model fireplace:
 - a. Must be immediately removed from operation; and
 - b. May not be sold, leased, rented, installed or otherwise used for any purpose within British Columbia.

3. Any gas fireplace manufactured by Canadian Fire Hearth Mfg. Inc. or Luxor Mfg. Inc. displaying a LabTest Certification Inc. certification label associated with the models and serial numbers outside of the numbered range identified in the attached Appendix “A”:
 - a. Must be immediately removed from operation;
 - b. May not be sold, leased, rented, installed or otherwise used for any purpose within British Columbia; and,
 - c. **Owners** must contact LabTest at: 1-604-247-0444 or through their website: www.labtestcert.com to receive instructions for further action.
 - d. **Owners** must report affected units to Technical Safety BC at: <https://portal.technicalsaftybc.ca/forms/FRM1589>

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www.technicalsaftybc.ca | toll-free 1 866 566 7233

Note: LabTest Certification Inc. (LabTest) suspended the listing of Canadian Fire Hearth Mfg. Inc. April 23, 2015. Any gas fireplace manufactured after this date with an attached LabTest label or mark as described in Appendix “A” has a label that has been used without the permission of LabTest. For an image of these certification agency marks and how they may appear on the appliance or manufacturer instructions please see:

[Directive D-G5 051201 2: Approved Certification Marks for Gas Appliances](#)

4. Any gas fireplace manufactured by Luxor Mfg. Inc. displaying a QAI Laboratories Ltd. certification label or mark associated with the models and serial numbers outside of the numbered range identified in the attached Appendix “B”:
 - a. Must be immediately removed from operation;
 - b. May not be sold, leased, rented, installed or otherwise used for any purpose within British Columbia; and,
 - c. **Owners** must contact QAI at: 1-604-527-8378 or through their website: www.qai.org to receive instructions for further action.
 - d. **Owners** must report affected units to Technical Safety BC at: <https://portal.technicalsaftybc.ca/forms/FRM1589>

Note: QAI Laboratories Ltd. (QAI) suspended the listing of Luxor Mfg. Inc. November 25, 2016. Any gas fire place manufactured after this date with a QAI label as described in Appendix ‘B’ has a label that has been used without the permission of QAI. For an image of these certification agency marks and how they may appear on the appliance or manufacturer instructions please see:

[Directive D-G5 051201 2: Approved Certification Marks for Gas Appliances](#)

5. Any gas fireplace manufactured by Canadian Fire Hearth Mfg. Inc. or Luxor Mfg. Inc. displaying a OMNI-Test Laboratories Inc. (OTL) certification label or mark associated with the models and serial numbers outside of the numbered range identified in the attached Appendix ‘C’:
 - a. Must be immediately removed from operation;
 - b. May not be sold, leased, rented, installed or otherwise used for any purpose within British Columbia; and,
 - c. **Owners** must contact OMNI Test Laboratories at: 1-503-643-3799 or through their website: www.omni-test.com to receive instructions for further action.
 - d. **Owners** must report affected units to Technical Safety BC at: <https://portal.technicalsaftybc.ca/forms/FRM1589>

Note: OMNI-Test Laboratories Inc. (OTL) suspended the listing of Canadian Fire Hearth Mfg. Inc. December 31, 2010. Any gas fire place manufactured after this date with an OTL label as described in Appendix ‘C’ has a label that has been used without the permission of OTL. For an image of these certification agency marks and how they may appear on the appliance or manufacturer instructions please see:

[Directive D-G5 051201 2: Approved Certification Marks for Gas Appliances](#)

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Part 3: Details of Issue (if applicable)

This safety order is being issued due to the following:

- Gas-fired appliances are required to undergo safety and performance testing in order to be certified to a nationally recognized standard by a certification agency accredited by the Standards Council of Canada. This is a requirement under the *Safety Standards Act* and Gas Safety Regulations.
- For information regarding valid certification marks that have been approved for gas appliances in British Columbia, see: [Directive D-G5 051201 2: Approved Certification Marks for Gas Appliances](#)
- Gas-fired appliances which are not certified may pose a hazard to the public when put into service or operation.

Any gas fireplace manufactured by [Canadian Fire Hearth Manufacturing Inc.](#) and [Luxor Mfg. Inc.](#) that does not bear a valid certification mark of a SCC accredited certification agency currently in use must be immediately removed from operation. All affected fireplaces shall have the gas supply to the appliance terminated immediately in accordance with the CSA B149.1 - Natural gas and propane installation code.

A person who finds any appliance or gas equipment beyond repair or in an unsafe condition must place the appliance or gas equipment out of out of service and promptly notify a *safety officer of its condition and location as required by section 54(1) of the [Gas Safety Regulation](#).

To contact a safety officer call Technical Safety BC contact center at: 1-866-566-7233 or email: contact@technicalsaftybc.ca

*Notification to Technical Safety BC under above sections: 3(d) or 4(d) meets this requirement.

Part 4: Details of Ordering Safety Manager or Safety Officer – Please read following page

I certify that I am authorized to issue this safety order in accordance with section 15 (d) of the Safety Standards Act or that I have been delegated this power under section 15 (g) of the Safety Standards Act.



Brad Wyatt
Provincial Safety Manager – Gas

Date: May 02, 2018

References:

Safety Standards Act
Gas Safety Regulation
CSA B149.1 - Natural gas and propane installation code

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Appendix “A”

LabTest Certification Inc. (LabTest) labeled gas fireplace models with serial numbers outside of the range than those noted in the below table has a label that has been used without the permission of **LabTest**.

Make	Model	Serial numbers certified by LabTest.
Canadian Fire Hearth	RIV 42 (Riviera)	20980 to 21484
Canadian Fire Hearth	RIV 66 (Riviera)	60047 to 60128
Canadian Fire Hearth	MB 36	32407 to 34782
Canadian Fire Hearth	MB 42	11105 to 11251
Canadian Fire Hearth	OD36	40219 to 40295
Canadian Fire Hearth	LV (Inserts)	50111 to 50144

Appendix – B

QAI Laboratories Ltd. (QAI) certification labeled gas fireplace models with serial numbers outside of the range than those noted in the below table has a label that has been used without the permission of **QAI**.

Make	Model	Serial numbers certified by QAI.
Luxor	RIV 42 (Riviera)	21727 to 22066
Luxor	RIV 66 (Riviera)	60232 to 60264
Luxor	MB 36	35049 to 35257
Luxor	MB 42	11300 to 11337

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Appendix – C

OMNI-Test Laboratories Inc. (OTL) labeled gas fireplace models with serial numbers outside of the range than those noted in the below table has a label that has been used without the permission of **OTL**.

Make	Model	Serial numbers certified by OTL.
Canadian Fire Hearth / Luxor	MB-36	5000 to 8201
Canadian Fire Hearth / Luxor	MB-36	8251 to 9999
Canadian Fire Hearth / Luxor	MB-36	15100 to 15275

Safety Standards Act:

Safety Orders

- 31
- (1) To prevent, avoid or reduce risk of personal injury or damage to property, a provincial safety manager may, in writing, issue a safety order.
 - (2) A safety order may be issued to any person in relation to any of the following:
 - (a) regulated work or regulated products generally;
 - (b) a specific class of regulated product or regulated work;
 - (c) a specific regulated product or regulated work.
 - (3) For certainty, a safety order issued under this section may apply to
 - (a) regulated work that meets the requirements under this Act,
 - (b) regulated work that previously met the requirements under this Act or a former Act but does not meet the current requirements under this Act,
 - (c) regulated products that meet the requirements under this Act, or
 - (d) regulated products that previously met the requirements under this Act or a former Act but do not meet the current requirements under this Act, including a regulated product that bears a certification mark.
 - (4) A safety order may specify any requirement that is intended to prevent, avoid or reduce the risk of personal injury or damage to property and may include any of the following orders:
 - (a) that an existing regulated work or regulated product must be made safe in compliance with the safety order;
 - (b) that a regulated product must be
 - (i) disconnected from a power source,
 - (ii) uninstalled, or
 - (iii) modified before continued use;
 - (c) that a regulated product must be operated, installed, manufactured or disposed of only as specified or that a regulated product must not be moved;
 - (d) that current or future regulated work or a regulated product must conform to the terms or conditions of the order;
 - (e) that a person take or refrain from taking any action that a safety manager considers necessary to prevent, avoid or reduce a risk of personal injury to persons or damage to property;
 - (f) that the manufacturer make reasonable efforts to recall the regulated product.
 - (5) The provincial safety manager must give written notice of the safety order to the following persons:
 - (a) the manufacturer of the regulated product;
 - (b) an owner of the regulated product if the identity of the owner is known to the provincial safety manager;
 - (c) the person in charge of the regulated work.
 - (6) The notice must state the reasons for the decision and that the person has the right to appeal the decision to the appeal board.
 - (7) Despite section 54, a safety order may not be stayed during an appeal.

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Notice

Prohibited installation or use of non-certified gas fireplaces manufactured by Canadian Fire Hearth Mfg. Inc. and Luxor mfg. Inc.

This Notice informs Albertans of the following:

- Gas-fired appliances are required to undergo safety and performance testing in order to be certified to a nationally recognized standard by a certification body or inspection body accredited by the Standards Council of Canada. This is a requirement under the Gas Code Regulation 111/2010 in Alberta.
 - Gas-fired appliances that are not certified may pose a hazard to the public when put into service or operation.
1. Any gas fireplace manufactured by Canadian Fire Hearth Manufacturing Inc. or Luxor Manufacturing Inc. that does not bear a valid certification mark of the Standards Council of Canada (SCC) certification body currently in use must be immediately removed from operation. All affected fireplaces shall have the gas supply to the appliance terminated immediately in accordance with the CSA B149 – Natural gas and propane installation code.
 2. Any gas fireplace manufactured by Canadian Fire Hearth Mfg. Inc. or Luxor Mfg. Inc. displaying a LabTest Certification Inc. certification label associated with the models and serial numbers outside of the numbered range identified in Table 1:
 - a. Must be immediately removed from operation.
 - b. Shall not be installed, sold or offered for sale within Alberta.
 - c. Owners must contact LabTest at: 1-604-247-0444 or through their website: www.labtestcert.com to receive instructions for further action.
 - d. Owners must complete a product malfunction report identifying the affected unit(s) and submit the form to Alberta Municipal Affairs <https://www.alberta.ca/assets/documents/tr-product-malfunction-report-form.pdf>

Note: LabTest Certification Inc. (LabTest) suspended the listing of Canadian Fire Hearth Mfg. Inc. April 23, 2015. Any gas fireplace(s) manufactured after this date with an attached LabTest label or mark has been used without the permission of LabTest. The following is an image of LabTest Certification mark and how they may appear on the appliance or manufacturer's instructions.

LabTest Certification Inc.



Table 1 LabTest

LabTest Certification Inc. (LabTest) labeled gas fireplace models with serial numbers outside the range than those noted in the table below has a label that has been used without permission of LabTest.

Make	Model	Serial number certified by LabTest
Canadian Fire Hearth	RIV 42 (Riviera)	20980 to 21484
Canadian Fire Hearth	RIV 66 (Riviera)	60047 to 60128
Canadian Fire Hearth	MB 36	32407 to 34782
Canadian Fire Hearth	MB 42	11105 to 11251
Canadian Fire Hearth	OD 36	40219 to 40295
Canadian Fire Hearth	LV (inserts)	50111 to 50144

3. Any gas fireplace manufactured by Luxor Mfg. Inc. displaying a QAI Laboratories Ltd. certification label or mark associated with the models and serial numbers outside of the numbered range identified in Table 2.
 - a. Must be immediately removed from operation.
 - b. Shall not be installed, sold or offered for sale within Alberta.
 - c. Owners must contact QAI Laboratories at: 1-604-527-8378 or through their website: www.qai.org to receive instructions for further action.
 - d. Owners must complete a product malfunction report identifying the affected unit(s) and submit the form to Alberta Municipal Affairs <https://www.alberta.ca/assets/documents/tr-product-malfunction-report-form.pdf>

Note: QAI Laboratories Ltd. (QAI) suspended the listing of Luxor Mfg. Inc. November 25, 2016. Any gas fireplace(s) manufactured after this date with an attached QAI label or mark has been used without the permission of QAI. The following is an image of QAI Certification mark and how they may appear on the appliance or manufacturer's instructions.

QAI Laboratories



Table 2 QAI

QAI Laboratories Ltd. (QAI) labeled gas fireplace models with serial numbers outside the range than those noted in the table below has a label that has been used without permission of QAI.

Make	Model	Serial number certified by QAI
Luxor	RIV 42 (Riviera)	21727 to 22066
Luxor	RIV 66 (Riviera)	60232 to 60264
Luxor	MB 36	35049 to 35257
Luxor	MB 42	11300 to 11337

4. Any gas fireplace manufactured by Canadian Fire Hearth Mfg. Inc. or Luxor Mfg. Inc. displaying an OMNI-Test Laboratories Inc. (OTL) certification label or mark associated with the models and serial numbers outside of the numbered range identified in Table 3.
 - a. Must be immediately removed from operation.
 - b. Shall not be installed, sold or offered for sale within Alberta.
 - c. Owners must contact OMNI Test Laboratories at: 1-503-643-3799 or through their website: www.omni-test.com to receive instructions for further action.
 - d. Owners must complete a product malfunction report identifying the affected unit(s) and submit the form to Alberta Municipal Affairs <https://www.alberta.ca/assets/documents/tr-product-malfunction-report-form.pdf>

Note: OMNI-Test Laboratories Inc. (OTL) suspended the listing of Canadian Fire Hearth Mfg. Inc. December 31, 2010. Any gas fireplace manufactured after this date with an OTL label has been used without the permission of OTL. The following is an image of OMNI-Test Certification mark and how they may appear on the appliance or manufacturer’s instructions.

OMNI – Test Laboratories, Inc.



Table 3 OMNI-Test

OMNI-Test Certification Inc. (OTL) labeled gas fireplace models with serial numbers outside the range than those noted in the table below has a label that has been used without permission of OMNI-Test.

Make	Model	Serial number certified by OTL.
Canadian Fire Hearth	MB 36	5000 to 8201
Canadian Fire Hearth	MB 36	8251 to 9999
Canadian Fire Hearth	MB 36	15100 to 15275

5. Non-certified appliances and equipment require special inspection and approval within Alberta.
 - Special inspection and approval services within Alberta are provided by certification bodies and inspection bodies listed in the Gas Safety Information Bulletin “Standata” G-02-01a[Rev7] <https://open.alberta.ca/publications/standata-gas-safety-information-bulletin>
 - Non-certified gas-fired appliances that are inspected and accepted by a certification body or an inspection body and that bear evidence of having been accepted in the manner authorized by the certification body or inspection body meet the requirements of the Gas Code Regulation and remain in operation.

For further information, contact Alberta Municipal Affairs, Technical and Corporate Services toll-free at 1-866-421-6929.