

2014

Ontario Security Guard Training

PSISA and Other Regulations



Marshal Security

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PART IV - Licensing

MANDATORY REQUIREMENTS

Mandatory requirements

10. (1) No person is eligible to hold a licence under this Act unless,
- (a) the person possesses a clean criminal record; and
 - (b) in the case of an individual,
 - (i) the person is 18 years old or older,
 - (ii) the person is entitled to work in Canada, and
 - (iii) the person has successfully completed all prescribed training and testing. 2005, c. 34, s. 10 (1).

Loss of requirement

(2) If, at any time subsequent to being issued a licence, a person ceases to meet a requirement set out in subsection (1), the person shall not continue to act or offer services under the licence and shall return the licence to the Registrar as required under section 37 within five days, excluding Saturdays, Sundays and public holidays, within the meaning of the *Employment Standards Act, 2000*. 2005, c. 34, s. 10 (2).

Notice by Registrar

(3) Where the Registrar becomes aware that a person no longer meets a requirement set out in subsection (1), the Registrar shall promptly give the person notice that the Registrar's records have been changed to show that the person no longer has a valid licence. 2005, c. 34, s. 10 (3).

Request to reconsider

(4) Where the Registrar has given notice under subsection (3), the person to whom notice has been given may request that the Registrar reconsider the change to the Registrar's records, and the Registrar may consider any relevant information in doing so. 2005, c. 34, s. 10 (4).

"Clean criminal record"

(5) For the purposes of subsection (1), a person possesses a "clean criminal record" if,

- (a) the person has not been convicted of a prescribed offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other Act of Canada; or
- (b) the person has been convicted of such an offence and a pardon under the *Criminal Records Act* (Canada) has been issued or granted. 2005, c. 34, s. 10 (5).

PART VI - General Duties and Standards of Practice

Insurance required

30. No person shall hold a licence to engage in the business of selling the services of private investigators or security guards unless that person is insured by an insurer licensed under the *Insurance Act* for the kinds of liability and in the amounts prescribed. 2005, c. 34, s. 30.

Appropriate licence

31. No business entity shall employ a private investigator or a security guard unless the private investigator or the security guard has an appropriate licence. 2005, c. 34, s. 31.

Information to be filed with Registrar

32. Every licensee under this Act shall ensure that the following information is on file with the Registrar and shall inform the Registrar in writing of any change within five business days of the change occurring:

1. The licensee's mailing address for service.
2. The mailing address of every branch office of the licensee.
3. The street address of the licensee's office and branch offices, if different from the mailing address. 2005, c. 34, s. 32.

Name of business

33. No person who holds a licence to engage in the business of selling the services of private investigators or security guards shall carry on business in a name other than the name in which the person is licensed. 2005, c. 34, s. 33.

Identification as private investigator

34. (1) Every person who is holding himself or herself out as a private investigator shall,
(a) carry his or her licence;
(b) on request, identify himself or herself as a private investigator; and
(c) on request, produce his or her licence. 2005, c. 34, s. 34 (1).

No other evidence of authority

(2) No person who is acting as a private investigator or holding himself or herself out as one shall possess any identification or symbol of authority other than the licence issued to him or her under this Act. 2005, c. 34, s. 34 (2).

Security guard licence must be carried

35. (1) Every person who is acting as a security guard or holding himself or herself out as one shall,
(a) carry his or her licence;

- (o) prescribing types of equipment and animals that may or may not be used by a licensee and prescribing conditions for the use of any equipment or animal;
- (p) governing the method of terminating or disposing of the business of selling the services of private investigators or security guards;
- (q) defining, for the purposes of this Act and the regulations, any word or expression used in this Act that has not already been expressly defined in this Act;
- (r) prescribing offences for the purposes of clause 10 (5) (a);
- (s) prescribing grounds for which an application for the issuance or renewal of a licence may be refused for the purposes of paragraph 6 of subsection 13 (2);
- (t) prescribing any matter or thing that may be or is required to be prescribed in this Act and respecting any matter that is required by this Act to be done in accordance with the regulations. 2005, c. 34, s. 54 (1).

General or particular

(2) A regulation under this section may be general or particular in its application. 2005, c. 34, s. 54 (2).

55. Omitted (amends or repeals other Acts). 2005, c. 34, s. 55.

56. Omitted (amends or repeals other Acts). 2005, c. 34, s. 56.

57. Omitted (provides for coming into force of provisions of this Act). 2005, c. 34, s. 57.

58. Omitted (enacts short title of this Act). 2005, c. 34, s. 58.

Ontario Regulation 366/07

made under the

PRIVATE SECURITY AND INVESTIGATIVE SERVICES ACT, 2005

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Equipment

Firearms

1. An individual licensee may use a firearm in the provision of private investigator or security guard services only if the following conditions are met:

1. The individual licensee is authorized to carry the firearm under section 20 of the *Firearms Act* (Canada).
2. The licensed or registered business entity that employs the individual licensee holds a licence under the *Firearms Act* (Canada) authorizing the business entity to possess firearms or to engage in particular activities with firearms.
3. The firearm is issued to the individual licensee by the licensed or registered business entity in such circumstances as are permitted under the *Firearms Act* (Canada).

Batons

2. (1) An individual licensee may use a baton in the provision of private investigator or security guard services only if the following conditions are met:

1. The baton is issued to the individual licensee by the licensed or registered business entity that employs the individual licensee.
2. The individual licensee may use the baton for defensive purposes only.

(2) A licensed business entity shall carry insurance to cover the risks associated with its employees carrying batons.

Handcuffs

3. An individual licensee may use handcuffs in the provision of private investigator or security guard services only if the handcuffs are issued to the individual licensee by the licensed or registered business entity that employs the individual licensee.

Restraints

4. An individual licensee may not use cable ties or strip ties as restraints in the provision of private investigator or security guard services.

Ontario Regulation 26/10

Consolidation Period: From June 9, 2010 to the e-Laws currency date.

Last amendment: O. Reg. 230/10.

This is the English version of a bilingual regulation.

Training and Testing

Definition

1. In this Regulation, “Ministry” means the ministry of the Minister. O. Reg. 26/10, s. 1.

Training and testing for applicants

2. (1) A licence to act as a security guard shall not be issued to an applicant unless the applicant,

- (a) has successfully completed a training program that,
 - i. conforms to the Training Curriculum for Security Guards published by the Ministry in 2009, and
 - ii. is provided by an entity described in subsection (3); and
- (b) has successfully completed the licensing test for security guards set by the Ministry. O. Reg. 26/10, s. 2 (1).

(2) A licence to act as a private investigator shall not be issued to an applicant unless the applicant,

- (a) has successfully completed a training program that,
 - i. conforms to the Training Curriculum for Private Investigators published by the Ministry in 2009, and
 - ii. is provided by an entity described in subsection (3); and
- (b) has successfully completed the licensing test for private investigators set by the Ministry. O. Reg. 26/10, s. 2 (2).

(3) The training programs required by subsections (1) and (2) must be provided by,

- (a) a public university;
- (b) a college established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*;
- (c) a private career college registered under the *Private Career Colleges Act, 2005* as part of a program approved under that Act;
- (d) a licensed business entity; or
- (e) a registered business entity that employs the applicant or that has made a conditional offer of employment to the applicant. O. Reg. 26/10, s. 2 (3).

(4) The Training Curriculum for Security Guards and the Training Curriculum for Private Investigators referred to in subsections (1) and (2) are available from the Ministry and on the Ministry’s website. O. Reg. 26/10, s. 2 (4).

Ontario Regulation 362/07

made under the

PRIVATE SECURITY AND INVESTIGATIVE SERVICES ACT, 2005

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Uniforms

Security guard uniform must comply with regulation

1. A person who is licensed as a security guard and who is required by the Act to wear a uniform when acting as a security guard or holding himself or herself out as one shall wear a uniform that complies with this Regulation when acting as a security guard or holding himself or herself out as one.

Words and logos, etc.

2. (1) The name, logo or crest of the licensee that employs the security guard must be affixed to the chest of the outermost piece of the uniform.

(2) The term "SECURITY", "SÉCURITÉ", "SECURITY GUARD" or "AGENT DE SÉCURITÉ", in upper case letters not less than 1.5 centimetres high and in a colour that contrasts with the dominant colour of the uniform, must be,

- (a) permanently affixed to the chest of the outermost piece of the uniform; and
- (b) affixed between two and three centimetres below the name, logo or crest of the licensee that employs the security guard, if the name, logo or crest appears anywhere else on the uniform in addition to the chest of the outermost piece.

(3) The word "SECURITY" or "SÉCURITÉ", in upper case letters not less than 10 centimetres high and in a colour that contrasts with the dominant colour of the uniform, must be permanently affixed to the back of the outermost piece of the uniform unless the outermost piece of the uniform is a shirt with a collar, a sweater, a blazer, a sports jacket or a suit jacket.

(4) Clause (2) (a) applies independently of subsection (1) and must be complied with in addition to subsection (1) even if the name, logo or crest required by subsection (1) includes a term required by clause (2) (a).

Identification of guard

3. An identification tag with the security guard's name or licence number must be affixed to the chest of the outermost piece of the uniform.

Rank chevrons

4. (1) The uniform must not have rank chevrons.

Ontario Regulation 363/07

Consolidation Period: From August 23, 2007 to the e-Laws currency date.

No amendments.

This is the English version of a bilingual regulation.

Code of Conduct

Breach of code of conduct

1. A licensee is in breach of the code of conduct if the licensee contravenes or fails to comply with this Regulation. O. Reg. 363/07, s. 1.

Individual licensees

2. (1) Every individual licensee, while working as a private investigator or security guard, shall,
- (a) act with honesty and integrity;
 - (b) respect and use all property and equipment in accordance with the conditions of his or her licence;
 - (c) comply with all federal, provincial and municipal laws;
 - (d) treat all persons equally, without discrimination based on a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability;
 - (e) refrain from using profane, abusive or insulting language or actions or actions that are otherwise uncivil to any member of the public;
 - (f) refrain from exercising unnecessary force;
 - (g) refrain from behaviour that is either prohibited or not authorized by law;
 - (h) respect the privacy of others by treating all information received while working as a private investigator or security guard as confidential, except where disclosure is required as part of such work or by law; and
 - (i) co-operate with police where it is required by law. O. Reg. 363/07, s. 2 (1).
- (2) No individual licensee shall,
- (a) be unfit for duty, while working, through consumption of alcohol or drugs;
 - (b) conspire with another person or aid or abet another licensee in a breach of this code of conduct;
 - (c) wilfully or negligently make a false statement or complaint against another licensee; or
 - (d) misrepresent to any person the type, class or conditions of his or her licence. O. Reg. 363/07, s. 2 (2).

(3) Clause (2) (d) does not apply to an individual licensee who is concealing his or her identity as a private investigator or security guard in order to carry out his or her duties. O. Reg. 363/07, s. 2 (3).

Licensed business entities

3. (1) Every licensed business entity and every officer, director, partner and sole proprietor of a licensed business entity shall, in the course of conducting the licensed business,

- (a) comply with all federal, provincial and municipal laws;
- (b) treat all persons equally, without discrimination based on a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or disability;
- (c) respect the privacy of others by treating all information received in the course of conducting the licensed business as confidential, except where disclosure is required for conducting the licensed business or by law; and
- (d) co-operate with police where it is required by law. O. Reg. 363/07, s. 3 (1).

(2) No licensed business entity and no officer, director, partner and sole proprietor of a licensed business entity shall,

- (a) conspire with another person or aid or abet another licensee in a breach of this code of conduct;
- (b) wilfully or negligently make a false statement or complaint against another licensee; or
- (c) misrepresent to any person the type, class or conditions of the licensee's licence. O. Reg. 363/07, s. 3 (2).

4. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 363/07, s. 4.

Trespass to Property Act

R.S.O. 1990, CHAPTER T.21

Consolidation Period: From May 31, 2001 to the e-Laws currency date.

Last amendment: 2000, c.30, s.11.

Definitions

1. (1) In this Act, “occupier” includes,
 - (a) a person who is in physical possession of premises, or
 - (b) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, even if there is more than one occupier of the same premises; (“occupant”) “premises” means lands and structures, or either of them, and includes,
 - (a) water,
 - (b) ships and vessels,
 - (c) trailers and portable structures designed or used for residence, business or shelter,
 - (d) trains, railway cars, vehicles and aircraft, except while in operation. (“lieux”) R.S.O. 1990, c. T.21, s. 1 (1).

School boards

- (2) A school board has all the rights and duties of an occupier in respect of its school sites as defined in the *Education Act*. R.S.O. 1990, c. T.21, s. 1 (2).

Section 2 - Trespass an offence

2. (1) Every person who is not acting under a right or authority conferred by law and who,
 - (a) without the express permission of the occupier, the proof of which rests on the defendant,
 - i. enters on premises when entry is prohibited under this Act, or
 - ii. engages in an activity on premises when the activity is prohibited under this Act; or
 - (b) does not leave the premises immediately after he or she is directed to do so by the occupier of the premises or a person authorized by the occupier, is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. R.S.O. 1990, c. T.21, s. 2 (1).

Colour of right as a defence

(2) It is a defence to a charge under subsection (1) in respect of premises that is land that the person charged reasonably believed that he or she had title to or an interest in the land that entitled him or her to do the act complained of. R.S.O. 1990, c. T.21, s. 2 (2).

Section 3 - Prohibition of entry

3. (1) Entry on premises may be prohibited by notice to that effect and entry is prohibited without any notice on premises,

- (a) that is a garden, field or other land that is under cultivation, including a lawn, orchard, vineyard and premises on which trees have been planted and have not attained an average height of more than two metres and woodlots on land used primarily for agricultural purposes; or
- (b) that is enclosed in a manner that indicates the occupier's intention to keep persons off the premises or to keep animals on the premises. R.S.O. 1990, c. T.21, s. 3 (1).

Implied permission to use approach to door

(2) There is a presumption that access for lawful purposes to the door of a building on premises by a means apparently provided and used for the purpose of access is not prohibited. R.S.O. 1990, c. T.21, s. 3 (2).

Limited permission

4. (1) Where notice is given that one or more particular activities are permitted, all other activities and entry for the purpose are prohibited and any additional notice that entry is prohibited or a particular activity is prohibited on the same premises shall be construed to be for greater certainty only. R.S.O. 1990, c. T.21, s. 4 (1).

Limited prohibition

(2) Where entry on premises is not prohibited under section 3 or by notice that one or more particular activities are permitted under subsection (1), and notice is given that a particular activity is prohibited, that activity and entry for the purpose is prohibited and all other activities and entry for the purpose are not prohibited. R.S.O. 1990, c. T.21, s. 4 (2).

Section 5 - Method of giving notice

5. (1) A notice under this Act may be given,

- (a) orally or in writing;
- (b) by means of signs posted so that a sign is clearly visible in daylight under normal conditions from the approach to each ordinary point of access to the premises to which it applies; or
- (c) by means of the marking system set out in section 7. R.S.O. 1990, c. T.21, s. 5 (1).

Canadian Charter of Rights and Freedoms

Section 7 - Life, liberty and security of person

(7) Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Section 8 - Search or seizure

(8) Everyone has the right to be secure against unreasonable search or seizure.

Detention or imprisonment

(9) Everyone has the right not to be arbitrarily detained or imprisoned.

Section 10 - Arrest or detention

(10) Everyone has the right on arrest or detention

- (a) to be informed promptly of the reasons therefor;
- (b) to retain and instruct counsel without delay and to be informed of that right; and
- (c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

Proceedings in criminal and penal matters

(11) Any person charged with an offence has the right

- (a) to be informed without unreasonable delay of the specific offence;
- (b) to be tried within a reasonable time;
- (c) not to be compelled to be a witness in proceedings against that person in respect of the offence;
- (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;
- (e) not to be denied reasonable bail without just cause;
- (f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;
- (g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;
- (h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and

- (i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

Treatment or punishment

(12) Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

Self-crimination

(13) A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

Interpreter

(14) A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Criminal Code of Canada

Section 494 (1) - Arrest without warrant by any person

494. (1) Any one may arrest without warrant

- (a) a person whom he finds committing an indictable offence; or
- (b) a person who, on reasonable grounds, he believes
 - i. has committed a criminal offence, and
 - ii. is escaping from and freshly pursued by persons who have lawful authority to arrest that person

Section 494 (2) - Arrest by owner, etc., of property

(2) Any one who is

- (a) the owner or a person in lawful possession of property, or
- (b) a person authorized by the owner or by a person in lawful possession of property, may arrest without warrant a person whom he finds committing a criminal offence on or in relation to that property.

(3) Any one other than a peace officer who arrests a person without warrant shall forthwith deliver the person to a peace officer.

R.S., c. C-34, s. 449; R.S., c. 2(2nd Supp.), s. 5.

Section 265 - Assault

265. (1) A person commits an assault when

- (a) a without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- (b) he attempts or threatens, by an act or a gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to effect his purpose; or
- (c) while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

Section 322 - Theft

322. (1) Every one commits theft who fraudulently and without colour of right takes, or fraudulently and without colour of right converts to his use or to the use of another person, anything, whether animate or inanimate, with intent

- (a) to deprive, temporarily or absolutely, the owner of it, or a person who has a special property or interest in it, of the thing or of his property or interest in it;
- (b) to pledge it or deposit it as security;

Residential Tenancies Act, 2006

Section 22 and 23 - Landlord not to harass, etc.

22. A landlord shall not at any time during a tenant's occupancy of a rental unit and before the day on which an order evicting the tenant is executed substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by a tenant or members of his or her household. 2006, c. 17, s. 22.

23. A landlord shall not harass, obstruct, coerce, threaten or interfere with a tenant. 2006, c. 17, s. 23.

Section 24 - Changing locks

24. A landlord shall not alter the locking system on a door giving entry to a rental unit or residential complex or cause the locking system to be altered during the tenant's occupancy of the rental unit without giving the tenant replacement keys. 2006, c. 17, s. 24.

Privacy

25. A landlord may enter a rental unit only in accordance with section 26 or 27. 2006, c. 17, s. 25.

Section 26 - Entry without notice

26. (1) A landlord may enter a rental unit at any time without written notice,
(a) in cases of emergency; or
(b) if the tenant consents to the entry at the time of entry. 2006, c. 17, s. 26 (1).

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