

April 21, 2021

VIA REGISTERED MAIL

Attention: Homeowner

Dear Sir/Madam:

Re: **Government of Alberta Notice Regarding Fireplaces Manufactured by Canadian Fire Hearth Manufacturing Inc. and Luxor Manufacturing Inc.**

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Further to our correspondence dated **February 12, 2021** wherein we enclosed a Safety Notice (the "**Safety Notice**") we received from the Government of Alberta regarding certification issues by certain fireplace manufacturers, we have had a chance to investigate the issue further.

While the Safety Notice recommends contacting **Alberta Municipal Affairs, Technical and Corporate Services** ("**Alberta Municipal Affairs**") for further information, we want to help our homeowners through this period of uncertainty. We have been able to secure the services of LabTest Certification Inc. (an accredited certification body) ("**LabTest**") to come and inspect any affected fireplaces at our cost. This means that if your fireplace is affected, we will pay to have LabTest come to your home and inspect your fireplace. If you would like for us to arrange to have LabTest come and inspect your fireplace, the following provides some general information and outlines what is required in order to get the process started.

### **CONTACT US**

You will need to visit [genesisbuilds.com/fireplace-notice](https://genesisbuilds.com/fireplace-notice) on or before **May 21, 2021** and fill out the requested information towards the bottom of the page, including your fireplace model number and fireplace serial number, together with a picture of your "rating plate". We enclose herewith a copy of our correspondence dated February 12, 2021 outlining how to locate your fireplace model number, serial number and "rating plate". If you do not contact us before May 21, 2021 and provide the required information, we will assume that you do not want us to arrange for an inspection of your fireplace.

When submitting your information as outlined above, we require that you confirm your consent to us scheduling an appointment on your behalf and further releasing Genesis Builders Group Inc. and certain affiliated parties (collectively, "**Genesis**") from any liability relating to the certification of the fireplace (the "**Consent**"). We enclose a copy of the Consent that must be returned to us prior to scheduling your appointment. For convenience, you can either scan the signed Consent or take a legible picture of the signed Consent and upload it directly to us when you submit your information by clicking on the "Choose File" button on our website.

### **SETTING UP AN INSPECTION**

Once we have received a request for an inspection together with all of the required information and the Consent, we will arrange a time with LabTest to visit your home. Please note that the scheduling of the appointments is out of our control, and it may take LabTest several weeks to complete the inspection. Once a time is confirmed by LabTest, we will notify you to ensure you can be available to allow the technician entry into your home. The inspection could take up to sixty (60) minutes. You must be present for the inspection as a Genesis representative will not be attending the appointment.

### **WHAT WILL THE INSPECTION COVER?**

LabTest's inspection will be limited to certification of the fireplace if the fireplace is in a certifiable state. In no way can Genesis guarantee that LabTest will be able to certify the fireplace, and Genesis will not be responsible for any repair work or maintenance required to certify the fireplace. In the event the fireplace cannot be certified by LabTest at the time of inspection, then all repairs and further costs related to certification of the fireplace shall be at the sole cost of the homeowner.

### **WHY IS GENESIS COVERING THE COST OF THIS INSPECTION?**

While the certification of fireplaces is not something within Genesis' control nor could the certification issue raised in the Safety Notice have been foreseen by us, in speaking with homeowners, we understand and appreciate the frustration that this has caused. Genesis' commitment to its homeowners does not end once keys have been turned over, rather we want our homeowners to know they can expect us to be in their corner should issues arise, even if the issue is no fault of ours. In no way should our offer to cover the cost of an inspection by LabTest be construed as an admission of liability in any way.

### **WHY HAS LABTEST BEEN SELECTED TO COMPLETE THE INSPECTIONS?**

LabTest has been identified by Alberta Municipal Affairs as a qualified certification body and is accredited by national and international accreditation bodies, including the Standards Council of Canada. LabTest was also involved in the certification of gas fireplaces manufactured by Canadian Fire Hearth Manufacturing Inc. and Luxor Manufacturing Inc., and therefore has experience and knowledge to carry out the inspection. We enclose a notice from Alberta Municipal Affairs confirming that LabTest is one of the suggested certification bodies.

### **WHAT HAPPENS IF MY FIREPLACE PASSES THE INSPECTION AND IS CERTIFIED?**

In the event the fireplace passes the inspection and is certified, shortly after the inspection (usually a few weeks) LabTest will provide Genesis with a report that confirms the fireplace has been certified to the CSA-B149 standard. Upon receipt of this report, we will provide you with a copy for your records. No certification label will be provided directly to you to apply to the fireplace, but the report that we provide to you will be conclusive proof the fireplace is certified.

### **DO I NEED TO GO THROUGH GENESIS TO CERTIFY MY FIREPLACE?**

No, you can contact any of the three third party certification bodies (LabTest, QAI and OMNI) as outlined by Alberta Municipal Affairs. To arrange your own testing directly with LabTest please call **604.247.0444**. We have been advised that the cost of an inspection is **\$600.00 + GST**, and you will be responsible for payment. Genesis will not be responsible for reimbursement of any costs if you decide to arrange for an inspection on your own.

### **WHAT HAPPENS IF MY FIREPLACE DOES NOT PASS THE INSPECTION?**

In the event the fireplace does not pass the inspection and is not certified, you will be notified of same and the reason for the failed inspection, and we can discuss with you your options on a case-by-case basis at that time.

If you have any questions, comments or concerns on this notice, please contact us directly by email at [warranty@genesisbuilds.com](mailto:warranty@genesisbuilds.com)

Sincerely,

**Genesis Builders Group Inc.**

February 12, 2021

VIA REGISTERED MAIL

Attention: Homeowner

Dear Sir/Madam:

Re: **Government of Alberta Notice Regarding Fireplaces Manufactured by Canadian Fire Hearth Manufacturing Inc. and Luxor Manufacturing Inc.**



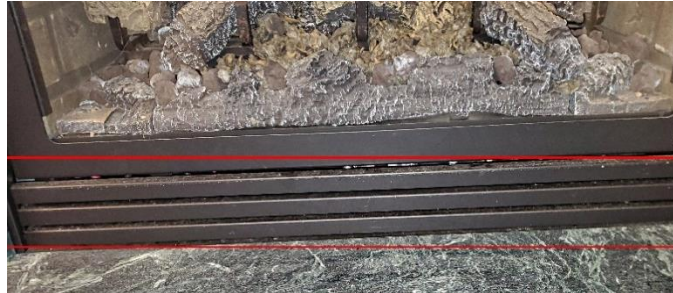
Our records show that your house was built by Genesis Builders Group Inc. and may have a gas fireplace installed in it.

We recently received the enclosed notice from the Government of Alberta (the “**Enclosed Notice**”) informing us that certain gas fireplaces must be **immediately** removed from service due to certification issues by certain fireplace manufacturers.

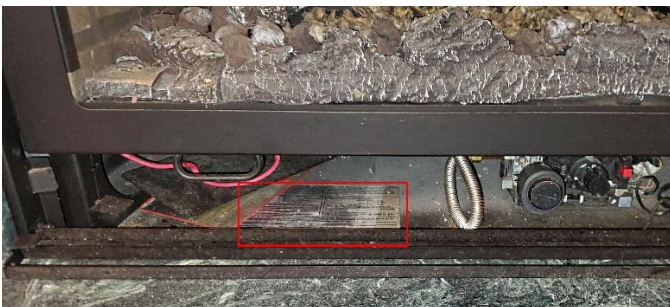
Please review this letter and the Enclosed Notice carefully and ensure you take the steps outlined in the Enclosed Notice.

**HOW TO DETERMINE IF YOUR FIREPLACE IS AFFECTED**

**STEP 1:** Pull open bottom cover.



**STEP 2:** The manufacturer, model and serial numbers are located on a “rating plate,” which is a metal plate that is usually permanently affixed to the fireplace. The rating plate will be located on the bottom left or right side of the fireplace.



*Images source: fireplacedoorsonline.com*



## **IS MY FIREPLACE AFFECTED?**

The following gas fireplaces must be **immediately** removed from 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 certification body currently in use;
2. any gas fireplace manufactured by Canadian Fire Hearth Manufacturing Inc. or Luxor Manufacturing Inc. displaying a "LabTest Certification Inc." certification label associated **outside** the range of those serial numbers noted below:

<b>Make</b>	<b>Model</b>	<b>Serial Number Certified by LabTest</b>
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 Manufacturing Inc.** displaying a "QAI Laboratories Ltd." certification label associated **outside** the range of those serial numbers noted below:

<b>Make</b>	<b>Model</b>	<b>Serial Number Certified by LabTest</b>
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 Manufacturing Inc.** or **Luxor Manufacturing Inc.** displaying a "OMNI-Test Laboratories Ltd." certification label associated **outside** the range of those serial numbers noted below:

<b>Make</b>	<b>Model</b>	<b>Serial Number Certified by LabTest</b>
Canadian Fire Hearth	MB 36	5000 to 8201
Canadian Fire Hearth	MB 36	8251 to 9999
Canadian Fire Hearth	MB 36	15100 to 15275

## **WHAT SHOULD I DO NEXT?**

In the event that your fireplace needs to be removed from operation, the Enclosed Notice provides contact information to determine next steps. If you have any questions, please contact **Alberta Municipal Affairs, Technical and Corporate Services** at **1-866-421-6929** for further information.

Sincerely,

**Genesis Builders Group Inc.**

**CORRESPONDENCE FROM ALBERTA MUNICIPAL AFFAIRS**



Community & Technical Support  
16<sup>th</sup> floor, Commerce Place  
10155 – 102 Street  
Edmonton, Alberta T5J 4L4  
Canada  
Telephone: 1-866-421-6929  
[www.alberta.ca](http://www.alberta.ca)

March 25, 2021

Attention: BILD Alberta

Dear Homeowner:

**Subject: Alberta Fireplace Notice**

On January 27, 2021, Alberta Municipal Affairs issued a "Notice" to Albertans of the prohibited installation or use of non-certified gas fireplaces manufactured by Canadian Fire Hearth Manufacturing Inc. and Luxor Manufacturing Inc.

The companies identified as Canadian Fire Hearth and Luxor sold a variety of fireplaces with serial numbers not authorized by the third party certification bodies Lab Test Certification Inc., QAI Laboratories Ltd., or OMNI-Test Laboratories Inc. This information can be found on the fireplace identification (rating) plate.

Homeowners that have identified a fireplace as non-certified were encouraged to begin the process to have the fireplace replaced or inspected and evaluated by a third party by contacting a certification body such as Lab Test, QAI, or OMNI-Test.

Third party special inspections approvals/field certification by certification bodies such as Lab Test, QAI, OMNI-Test or inspection bodies identified in Standata" 20-GCB-05[Rev 8] <https://open.alberta.ca/publications/standata-gas-safety-information-bulletin> meet the requirements within the Gas Code Regulation, and after "successful completion" it is acceptable to continue the use of the fireplace. These appliances with the approval report will also be acceptable to a local authority having jurisdiction.

Note: "successful completion" is acceptable when the owner is provided with documentation from one of the recognized third parties that indicate the specific fireplace bears evidence of having been accepted by the third party.

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

Yours truly,

A handwritten signature in blue ink, appearing to read "S. Manning".

Sidney Manning

**CONSENT AND RELEASE AGREEMENT**

**I/WE** are the registered owners of the property municipally described as: \_\_\_\_\_ (the "Property").

**IN CONSIDERATION** of **Genesis Builders Group Inc. ("Genesis")** arranging and paying the costs related to having the fireplace located at the Property inspected by a certified body, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the undersigned, and his/her/their heirs, insurers, executors, representatives, administrators and assigns, (collectively, the "**Releasor**"), hereby remise, release and forever discharge **Genesis Builders Group Inc. and Genesis Land Development Corp.**, their affiliates, parents, subsidiaries, related corporations and their respective employees, directors, officers, shareholders, representatives, servants, agents, successors and assigns (collectively, the "**Releasee**") from any and all manner of action and actions, causes of action, suits, debts, sums of money, dues, expenses, wages, commissions and other forms of compensation, general damages, special damages, costs, claims and demands of any and every kind whatsoever, direct or indirect, at law or in equity or under any statute, which he/she/they ever had, now has, or which he/she/they, or his/her/their heirs, insurers, executors, representatives, administrators or assigns, hereafter can, will or may have, against the Releasee, for or by reason which is in any way connected to or in relation to the certification or non-certification of any fireplaces located at the Property.

**THE RELEASOR** represents that he/she/they are the registered owner(s) of the Property and have full authority to enter into this Release.

**THE RELEASOR** hereby consents to Genesis arranging to have a qualified certification body attend at the Property for the purpose of inspecting any fireplaces located thereon.

**THE RELEASOR** hereby confirms that he/she/they has been afforded an opportunity to obtain independent legal advice with respect to the details of this Release and confirms that he/she/they is executing this Release freely, voluntarily and without duress.

**THIS CONSENT AND RELEASE CONTAINS** the entire agreement between the parties hereto and the terms of this document are contractual and not a mere recital. In the event that the Releasor should hereafter make any claim or demand or commence any action, claim or proceeding against the Releasee for or by reason of any cause, matter or thing related to certification or non-certification of any fireplaces located at the Property, this Consent and Release may be raised as a complete bar to any such claim, demand or action.

**THIS CONSENT AND RELEASE** shall be governed by, construed and enforced in accordance with laws of the province of Alberta.

**IT IS UNDERSTOOD AND AGREED** that this Consent and Release may be delivered via facsimile or electronic transmission and may be executed in any number of counterparts, each counterpart executed and transmitted by facsimile or electronically shall be deemed an original, and all of which together shall constitute one and the same instrument, and notwithstanding their date of execution shall be deemed to bear date as of the date of this Agreement.

**IN WITNESS WHEREOF** the Releasor has executed this Consent and Release this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Witness  
Name:

\_\_\_\_\_  
Releasor (Homeowner)  
Name:

\_\_\_\_\_  
Witness  
Name:

\_\_\_\_\_  
Releasor (Homeowner)  
Name: