

This Act is current to December 10, 2024

See the [Tables of Legislative Changes](#) for this Act's legislative history, including any changes not in force.

**FIRE SAFETY ACT**  
**[SBC 2016] CHAPTER 19**

*Assented to May 19, 2016*

**Contents**

**Part 1 — Definitions**

1 Definitions

**Part 2 — Fire Commissioner**

- 2 Appointment of fire commissioner
- 3 Employees and other persons
- 4 Powers and duties of fire commissioner
- 5 Fire commissioner's power to delegate
- 6 Immunity from legal proceedings

**Part 3 — Fire Hazards**

7 Fire hazards

**Part 4 — Fire Safety Inspections**

- 8 Designation of fire inspectors
- 9 Fire safety inspections
- 10 Inspection powers
- 11 Fire inspector orders
- 12 Filing orders in Supreme Court

**Part 5 — Evacuations**

**Division 1 — Evacuations**

- 13 Tactical evacuations
- 14 Preventive evacuations

**Division 2 — Securing Evacuated Premises**

- 15 Definition for this Division
- 16 Securing evacuated premises
- 17 Recovery of costs by council of municipality
- 18 Recovery of costs by board of regional district
- 19 Recovery of costs by fire commissioner

**Part 6 — Compliance Monitoring**

- 20 Risk-based compliance monitoring system
- 21 Fire safety assessments

**Part 7 — Fire Investigations and Inquiries****Division 1 — Fire Investigations**

- 22 Duty to report fire
- 23 Designation of fire investigators
- 24 Determining whether fire occurred
- 25 Investigation of fires
- 26 Investigation powers
- 27 Notification of suspicious fire

**Division 2 — Inquiries**

- 28 Definition for this Division
- 29 Inquiry into public safety issues
- 30 Powers and procedure at inquiry
- 31 Contempt proceeding for uncooperative person

**Part 8 — Enforcement****Division 1 — Warrants**

- 32 Warrant to enter

**Division 2 — Administrative Penalties**

- 33 Imposing administrative penalty
- 34 Due date of administrative penalty
- 35 Recovery of administrative penalty

**Division 3 — Offences and Penalties**

- 36 Offences
- 37 Continuing offences
- 38 Liability of directors and officers
- 39 Relationship between administrative penalties and offences
- 40 Other provisions relating to offences
- 41 Remedial orders

**Part 9 — Review Process**

- 42 Definition for this Part
- 43 Review by fire commissioner
- 44 Powers of fire commissioner on review

**Part 10 — General****Division 1 — Other Matters**

- 45 Notice and service under this Act
- 46 Decisions affecting strata lots
- 47 Peace officer

**Division 2 — Regulations**

- 48 Regulations of minister
- 48.1 *Regulations Act* does not apply to BC fire code
- 49 Regulations of Lieutenant Governor in Council

**Part 11 — Transitional Provisions, Repeals and Consequential Amendments****Division 1 — Transitional Provisions**

- 50 Definition for this Division
- 51 Transition — deemed continuation of former legislation

- 52 Transition — fire commissioner
- 53 Transition — standards for fire inspectors and fire investigators
- 54 Transition — orders made under former Act
- 55 Transition — local assistants

## Division 2 — Repeals

- 56 Repeals

## Division 3 — Consequential Amendments

- 57-70 Consequential Amendments
- 71 Commencement

# Part 1 — Definitions

## Definitions

1 In this Act:

**"BC fire code"** means a fire code established by adopting the National Fire Code of Canada in accordance with section 48 (3) (b) *[regulations of minister]*;

**"evacuated premises"** means premises evacuated under section 14 *[preventive evacuations]*;

**"fire chief"** means the person in charge of a fire department;

**"fire commissioner"** means the fire commissioner appointed under section 2 *[appointment of fire commissioner]*;

**"fire hazard"** means a condition that exists on or in premises that endangers life or property due to fire, including a condition arising from the following:

- (a) the state of repair of the premises;
- (b) the use or occupancy of the premises;
- (c) the keeping of combustible, flammable, explosive or other hazardous materials or substances on or in the premises;

**"fire inspector"** means an individual designated by a local authority under section 8 *[designation of fire inspectors]*;

**"fire investigation"** means an investigation within the meaning of section 25 *[investigation of fires]*;

**"fire investigator"** means an individual designated by a local authority under section 23 *[designation of fire investigators]*;

**"fire safety inspection"** means an inspection within the meaning of section 9 *[fire safety inspections]*;

**"fire services personnel"** means individuals employed or retained by or acting voluntarily for a fire department;

**"local authority"** means the following:

- (a) the council of a municipality;
- (b) the board of a regional district;
- (c) any authority prescribed by regulation;

**"monitoring entity"** means the council of a municipality;

**"occupier"** includes

- (a) a tenant, lessee, agent and any other person who has the right of access to and control of premises, and
- (b) in relation to common property and common facilities in a strata plan, the strata corporation within the meaning of the *Strata Property Act*;

**"police officer"** means a person who, under the *Police Act*, is a provincial constable or municipal constable or has the powers of a provincial constable or municipal constable;

**"premises"** means any of the following:

- (a) a private dwelling;
- (b) a public building;
- (c) the parcel of land on which a private dwelling or public building is located;
- (d) a motor vehicle within the meaning of the *Motor Vehicle Act*, railway vehicle, aircraft, vessel or other means of transportation;

**"private dwelling"** means the following:

- (a) a structure that is occupied as a private residence;
- (b) if only part of a structure is occupied as a private residence, that part of the structure;
- (c) any other structure located on the parcel of land on which a private residence is located, except for a structure
  - (i) to which the public is ordinarily invited or permitted access, or
  - (ii) that is used for commercial, industrial or institutional purposes;

**"public building"** means the following:

- (a) a building other than a building that is a private dwelling;
- (b) a structure
  - (i) to which the public is ordinarily invited or permitted access, or
  - (ii) that is used for commercial, industrial or institutional purposes;
- (c) a facility, including a storage yard or tank farm.

## Part 2 — Fire Commissioner

## Appointment of fire commissioner

- 2 The Lieutenant Governor in Council may appoint, under the *Public Service Act*, a person as the fire commissioner.

## Employees and other persons

- 3 (1) Employees required for the work of the fire commissioner may be appointed under the *Public Service Act*.
- (2) The fire commissioner may
  - (a) engage or retain specialists or consultants that the fire commissioner considers necessary to carry out the fire commissioner's powers and duties, and
  - (b) determine their remuneration.

## Powers and duties of fire commissioner

- 4 (1) The fire commissioner must do the following:
  - (a) administer this Act and the regulations;
  - (b) perform other duties that are assigned to the fire commissioner under any other Act or by the minister;
  - (c) keep a statistical record of the cause, origin and circumstances of all fires reported to the fire commissioner under section 25 (2) *[investigation of fires]* and make the record available to the public;
  - (d) establish standards
    - (i) that an individual must meet in order to be a fire inspector,
    - (ii) that an individual must meet in order to be a fire investigator, and
    - (iii) for the training of fire services personnel.
- (2) The fire commissioner may do the following:
  - (a) exercise the powers and perform the duties of a fire inspector or fire investigator;
  - (b) make an order under section 11 *[fire inspector orders]* that sets requirements that differ from the technical provisions or requirements established by the BC fire code or another fire code;
  - (c) evacuate a geographic area or premises under section 13 *[tactical evacuations]*;
  - (d) award
    - (i) medals to fire services personnel, and
    - (ii) other forms of recognition to fire services personnel, fire departments and members of the public;

- (e) establish standards for any matters relating to this Act in addition to the standards established under subsection (1) (d) of this section.
- (3) If the fire commissioner makes an order described in subsection (2) (b) of this section, the fire commissioner must provide a copy of the order to the minister responsible for the administration of section 48 (2) (b) [*regulations of minister*] as soon as practicable.
- (4) The fire commissioner must, if in the opinion of the fire commissioner it is necessary or desirable, give information, advice and recommendations
  - (a) to fire departments and local authorities with respect to fire suppression, including on the establishment and operation of fire departments,
  - (b) to the public, fire departments and local authorities with respect to fire prevention, and
  - (c) to local authorities with respect to the enactment of bylaws for fire prevention and fire suppression.

### **Fire commissioner's power to delegate**

- 5 (1) Subject to subsections (2) and (3), the fire commissioner may delegate one or more of the fire commissioner's powers or duties under this Act, except the power under this section to delegate, to a person or class of persons.
- (2) The fire commissioner may delegate the powers and duties of a fire inspector or a fire investigator only to an individual who meets the applicable standards established by the fire commissioner.
- (3) The delegation of the powers or duties of the fire commissioner must be in writing and may include any terms or conditions the fire commissioner considers advisable.

### **Immunity from legal proceedings**

- 6 (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against the fire commissioner or, if the fire commissioner has delegated under section 5 one or more of the fire commissioner's powers or duties to an employee or other person engaged or retained under section 3 [*employees and other persons*], against that employee or person because of anything done or omitted
  - (a) in the exercise or intended exercise of a power under this Act, or
  - (b) in the performance or intended performance of a duty under this Act.
- (2) Subsection (1) does not apply to a person referred to in that subsection in relation to anything done or omitted in bad faith.
- (3) Subsection (1) does not absolve the government from vicarious liability arising out of anything done or omitted by a person referred to in that subsection for

which the government would be vicariously liable if this section were not in force.

## Part 3 — Fire Hazards

### Fire hazards

- 7 An owner of premises must ensure that no fire hazard exists on or in the owner's premises.

## Part 4 — Fire Safety Inspections

### Designation of fire inspectors

- 8 (1) A local authority must designate in writing persons or a class of persons as fire inspectors to conduct fire safety inspections.
- (2) A local authority may designate an individual as a fire inspector under subsection (1) only if the individual meets the applicable standards established by the fire commissioner.

### Fire safety inspections

- 9 A fire inspector may conduct a fire safety inspection for the purpose of determining compliance with this Act and the regulations in the following circumstances:
- (a) on receiving a complaint;
  - (b) if believed advisable by the fire inspector, without receiving a complaint;
  - (c) on the request of an owner or occupier of premises;
  - (d) if required by a monitoring entity for the purposes of Part 6 *[Compliance Monitoring]*.

### Inspection powers

- 10 (1) For the purposes of conducting a fire safety inspection, a fire inspector may at any reasonable time enter onto or into premises.
- (2) The authority under subsection (1) must not be used to enter a private dwelling without the consent of the occupier, except under the authority of a warrant under section 32 *[warrant to enter]*.
- (3) A fire inspector who enters onto or into premises under this section may do any or all of the following:
- (a) inspect, analyze, measure, sample or test anything;
  - (b) use or operate anything or require the use or operation of anything, under conditions specified by the inspector;

- (c) take away samples;
  - (d) remove a record from the premises;
  - (e) make a record of the premises or of anything on or in the premises.
- (4) A fire inspector who removes a record under subsection (3) (d) must return the record as soon as practicable.
- (5) A fire inspector who enters onto or into premises in accordance with this section may
- (a) be accompanied and assisted by a person possessing special or expert knowledge relevant to the premises, and
  - (b) bring along and use any equipment or materials required for the inspection.
- (6) On request of a fire inspector, the following persons must, without charge or unreasonable delay, produce for examination by the inspector any record relating to the premises and provide the inspector with information relevant to the purposes of the fire safety inspection:
- (a) the owner of the premises;
  - (b) the occupier of the premises;
  - (c) a person employed at the premises.

### **Fire inspector orders**

- 11** (1) If satisfied that an owner of premises has contravened this Act or the regulations in respect of the premises, a fire inspector may serve the owner with an order requiring the owner to comply with this Act or the regulations, including requiring the owner to
- (a) remove, destroy or repair the premises,
  - (b) alter the use or occupancy of the premises,
  - (c) remove or keep secure combustible, flammable, explosive or other hazardous materials or substances on or in the premises, or
  - (d) take other precautions against a fire hazard.
- (2) An order must be in the form approved by the fire commissioner and must include the following:
- (a) the owner's name;
  - (b) the date the order was made;
  - (c) the street address and legal description of the land affected by the order;
  - (d) the provision of this Act or the regulations the owner contravened and the circumstances of that contravention;
  - (e) an explanation of how to comply with the order;



- (f) the date by which the order must be complied with;
  - (g) the person's right to request a review under section 43 *[review by fire commissioner]*;
  - (h) a statement that failure to comply with the order may result in the imposition of an administrative penalty or conviction for an offence;
  - (i) any additional information prescribed by regulation.
- (3) An owner must comply with an order within the time specified in the order.
  - (4) An order may not set requirements that differ from the technical provisions or requirements established by the BC fire code or another fire code.
  - (5) An owner is responsible for the cost of complying with an order.
  - (6) Each local authority that designated a fire inspector who made an order must give the fire commissioner, in the form and manner required by the fire commissioner, within the time specified by the fire commissioner, a summary of orders made under this section.

### **Filing orders in Supreme Court**

- 12** (1) The local authority may file an order made under section 11 with the Supreme Court.
- (2) An order filed under subsection (1) is deemed for all purposes to be an order of the Supreme Court and enforceable as an order of the court.

## **Part 5 — Evacuations**

### **Division 1 — Evacuations**

#### **Tactical evacuations**

- 13** (1) If a fire chief, or a person authorized by a fire chief, believes that there is an immediate threat to life due to a fire hazard or explosion, the fire chief or person authorized by the fire chief may evacuate a geographic area or premises.
- (2) For the purposes of an evacuation under this section, the fire chief or person authorized by the fire chief may call on the assistance of a police officer.
- (3) Persons evacuated under this section must not return to the geographic area or premises until notified by the fire chief or person authorized by the fire chief that it is safe to do so.

#### **Preventive evacuations**

- 14** (1) Subject to subsection (2), a local authority or the fire commissioner may evacuate premises if

- (a) the local authority or the fire commissioner, as the case may be, believes that conditions exist on or in the premises that a fire on or in the premises would endanger life, and
  - (b) the owner of the premises has failed to comply with an order issued under section 11 [*fire inspector orders*].
- (2) For the purposes of evacuating premises, a local authority or the fire commissioner may at any reasonable time enter onto or into premises.
- (3) The authority under subsection (2) must not be used to enter a private dwelling without the consent of the occupier, except under the authority of a warrant under section 32 [*warrant to enter*].
- (4) A local authority may evacuate premises only if,
  - (a) in the case of a local authority that is the council of a municipality, the premises are located within the boundaries of the municipality,
  - (b) in the case of a local authority that is the board of a regional district, the premises are located within the boundaries of the regional district but outside the boundaries of a municipality, and
  - (c) in the case of a local authority that is prescribed by regulation, the premises are located within the boundaries of the local authority.
- (5) Before a local authority or the fire commissioner may evacuate premises, the local authority or the fire commissioner, as the case may be, must
  - (a) serve the owner of the premises with an evacuation order, and
  - (b) post a copy of the evacuation order in a visible location on or in the premises.
- (6) An evacuation order
  - (a) must be in writing and must include the following:
    - (i) the reasons for the evacuation;
    - (ii) the date the evacuation will occur;
    - (iii) a statement that a person evacuated under the order must not return to the premises until the evacuation order has been cancelled by the local authority or the fire commissioner, as the case may be, and
  - (b) remains in effect until cancelled by the local authority or the fire commissioner, as the case may be.
- (7) For the purposes of an evacuation under this section, the local authority or the fire commissioner, as the case may be, may call on the assistance of a police officer.
- (8) The local authority or the fire commissioner, as the case may be, must notify the owner of the premises when the evacuation order is cancelled.

- (9) An owner of evacuated premises must secure the premises to prevent unauthorized entry.

## Division 2 — Securing Evacuated Premises

### Definition for this Division

- 15** In this Division, "**costs**" means the costs actually and necessarily incurred in securing evacuated premises, not exceeding an amount prescribed by the Lieutenant Governor in Council.

### Securing evacuated premises

- 16** (1) A local authority or the fire commissioner may secure evacuated premises if the owner fails to secure the premises to prevent unauthorized entry.
- (2) If a local authority secures evacuated premises under subsection (1), the local authority may recover from the owner the costs as follows:
- (a) in the case of a local authority that is the council of a municipality, in accordance with section 17 [recovery of costs by council of municipality];
  - (b) in the case of a local authority that is the board of a regional district, in accordance with section 18 [recovery of costs by board of regional district];
  - (c) in the case of a local authority that is prescribed by regulation, in accordance with the regulations of the Lieutenant Governor in Council.
- (3) If the fire commissioner secures evacuated premises under subsection (1), the fire commissioner may recover from the owner the costs in accordance with section 19 [recovery of costs by fire commissioner].

### Recovery of costs by council of municipality

- 17** (1) The costs form a special charge, within the meaning of section 250 [*taxes are a special charge on the land*] of the *Community Charter*, on the land and the improvements in favour of the municipality, and are for all purposes deemed to be delinquent taxes on the land under that Act from the date the costs were incurred.
- (2) The *Community Charter* applies to the collection and recovery of amounts deemed to be delinquent taxes under subsection (1).
- (3) In subsection (1), "**improvements**" and "**land**" have the same meaning as in the *Community Charter*.

### Recovery of costs by board of regional district

- 18** (1) The board of the regional district must certify the costs to the surveyor of taxes.

- (2) Costs certified under subsection (1) form a lien and charge on the land in favour of the government and are for all purposes delinquent taxes from the date of the certificate.
- (3) The *Taxation (Rural Area) Act* applies to the collection and recovery of delinquent taxes under subsection (2).
- (4) The Minister of Finance may pay out of the consolidated revenue fund to the board of the regional district money recovered under a certificate under subsection (1).
- (5) In subsection (2), "**land**" has the same meaning as in the *Taxation (Rural Area) Act*.

### Recovery of costs by fire commissioner

- 19** (1) If the fire commissioner secures evacuated premises that are located in a municipality,
- (a) the fire commissioner must certify the costs to the municipal financial officer, and
  - (b) the municipal financial officer must pay the amount to the fire commissioner from the ordinary revenue of the municipality.
- (2) The amount paid under subsection (1) (b) of this section forms a special charge, within the meaning of section 250 [*taxes are a special charge on the land*] of the *Community Charter*, on the land and the improvements in favour of the municipality, and is for all purposes deemed to be delinquent taxes on the land under that Act from the date of the payment.
- (3) The *Community Charter* applies to the collection and recovery of amounts deemed to be delinquent taxes under subsection (2).
- (4) If the fire commissioner secures evacuated premises that are located outside the boundaries of a municipality, the fire commissioner must certify the costs to the surveyor of taxes.
- (5) Costs certified under subsection (4) form a lien and charge on the land in favour of the government and are for all purposes delinquent taxes from the date of the certificate.
- (6) The *Taxation (Rural Area) Act* applies to the collection and recovery of delinquent taxes under subsection (5).
- (7) Money recovered under a certificate under subsection (4) must be accounted for as part of the consolidated revenue fund.
- (8) In
- (a) subsection (2), "**improvements**" and "**land**" have the same meaning as in the *Community Charter*, and

- (b) subsection (5), "**land**" has the same meaning as in the *Taxation (Rural Area) Act*.

## Part 6 — Compliance Monitoring

### Risk-based compliance monitoring system

- 20** (1) A monitoring entity must implement a risk-based compliance monitoring system for public buildings,
- (a) the purpose of which is to determine if an owner of a public building within the boundaries of the monitoring entity complies with this Act and the regulations in respect of the public building,
  - (b) that is based on a risk analysis conducted in accordance with the regulations, and
  - (c) that consists of fire safety inspections and fire safety assessments.
- (2) A monitoring entity may charge the owner of a public building a reasonable fee for conducting a fire safety inspection under this Part.
- (3) The fee referred to in subsection (2) must be imposed by bylaw.
- (4) A monitoring entity may
- (a) base the fee on any factors relating to the fire safety inspection, including different owners, public buildings or classes of owners or public buildings,
  - (b) establish different rates or levels of fees in relation to different factors,
  - (c) establish terms and conditions for payment of a fee, including discounts, interest and penalties, and
  - (d) provide for the reduction or refund of a fee.
- (5) A monitoring entity must make available to the public, on request, a report respecting how a fee imposed under this section was determined.

### Fire safety assessments

- 21** (1) If requested by a monitoring entity to conduct a fire safety assessment, an owner of a public building must ensure that the fire safety assessment is conducted in the form and manner required by the fire commissioner.
- (2) The owner must ensure that the completed fire safety assessment is submitted to the monitoring entity within the time and in the manner specified by the monitoring entity.
- (3) If the owner contravenes subsection (2), the monitoring entity may conduct a fire safety inspection.

## Part 7 — Fire Investigations and Inquiries

### Division 1 — Fire Investigations

#### Duty to report fire

- 22** (1) The occupier or, if none, the owner of land or premises where a fire has destroyed or damaged property or resulted in injury or death must, if a fire department did not attend, immediately report the fire
- (a) to a fire department, or
  - (b) to the fire commissioner.
- (2) A fire department or the fire commissioner, as the case may be, must immediately report a fire referred to in subsection (1) to the local authority within whose boundaries the land or premises where the fire occurred are located.

#### Designation of fire investigators

- 23** (1) A local authority must designate in writing persons or a class of persons as fire investigators to conduct fire investigations.
- (2) A local authority may designate an individual as a fire investigator under subsection (1) only if the individual meets the applicable standards established by the fire commissioner.

#### Determining whether fire occurred

- 24** If a fire investigator has a reasonable belief that a fire has occurred, the fire investigator may, without a warrant, at any time enter land or premises to determine whether a fire occurred that destroyed or damaged property or resulted in injury or death.

#### Investigation of fires

- 25** (1) A local authority must, within 5 days after the date on which the local authority learned of a fire that destroyed or damaged property or resulted in injury or death, ensure that a fire investigator begins to investigate the cause, origin and circumstances of the fire.
- (2) Within 30 days after a fire that is investigated under subsection (1), the fire investigator must submit to the fire commissioner a report containing
- (a) all facts ascertained about the cause, origin and circumstances of the fire, and
  - (b) any further information required by the fire commissioner.
- (3) The report required under subsection (2) must be submitted in the form and manner required by the fire commissioner.

#### Investigation powers

- 26** (1) For the purposes of conducting a fire investigation, a fire investigator may, without a warrant, at any time enter and inspect
- (a) land or premises where a fire has occurred, and
  - (b) if necessary, land or premises adjoining or near where the fire has occurred.
- (2) A fire investigator who enters land or premises under this section may do any or all of the following:
- (a) inspect, analyze, measure, sample or test anything;
  - (b) use or operate anything or require the use or operation of anything, under conditions specified by the investigator;
  - (c) take away samples;
  - (d) remove a record or thing from the land or premises;
  - (e) make a record of the land or premises and any person or thing on or in the land or premises.
- (3) A fire investigator who removes a record or thing under subsection (2) (d) must return the record or thing as soon as practicable.
- (4) A fire investigator who enters land or premises in accordance with this section may
- (a) be accompanied and assisted by a person possessing special or expert knowledge relevant to the land or premises,
  - (b) bring along and use any equipment or materials required for the investigation, and
  - (c) exclude a person from the land or premises where the fire has occurred.
- (5) On request of a fire investigator, the following persons must, without charge or unreasonable delay, produce for examination by the investigator any record relating to the land or premises and provide the investigator with information relevant to the purposes of the fire investigation:
- (a) the owner of the land or premises where a fire has occurred;
  - (b) the occupier of the land or premises where a fire has occurred;
  - (c) a person employed at the land or premises where a fire has occurred.

### **Notification of suspicious fire**

- 27** If the cause, origin or circumstances of a fire appears to be suspicious, the fire investigator must immediately notify a police officer.

## **Division 2 — Inquiries**

### **Definition for this Division**

**28** For the purposes of this Division, "**inquiry**" means an inquiry under section 29.

### **Inquiry into public safety issues**

- 29** (1) The fire commissioner may hold an inquiry if the fire commissioner considers an inquiry necessary for public safety reasons in relation to fire prevention or fire suppression.
- (2) On completion of the inquiry, the fire commissioner must report to the minister.
- (3) A report under subsection (2) may include recommendations about any matter arising out of the inquiry.

### **Powers and procedure at inquiry**

- 30** (1) For the purposes of an inquiry, the fire commissioner may do one or more of the following:
- (a) make an order requiring a person to attend before the fire commissioner, in person or by electronic means, or in any other manner, to answer questions on oath or affirmation;
  - (b) make an order requiring a person to produce a record or thing in the person's possession or control;
  - (c) make orders or provide directions that the fire commissioner considers necessary for the maintenance of order at the inquiry.
- (2) The fire commissioner may apply to the Supreme Court for an order
- (a) directing a person to comply with an order made under subsection (1) (a) or (b), or
  - (b) directing directors and officers of a person to cause the person to comply with an order made under subsection (1) (a) or (b).

### **Contempt proceeding for uncooperative person**

- 31** (1) The failure or refusal of a person subject to an order under section 30 (1) (a) or (b) to do any of the following makes the person, on application to the Supreme Court by the fire commissioner, liable to be committed for contempt as if in breach of an order or a judgment of the Supreme Court:
- (a) attend before the fire commissioner;
  - (b) take an oath or make an affirmation;
  - (c) answer questions;
  - (d) produce records or things in the person's possession or control.
- (2) The failure or refusal of a person subject to an order or a direction under section 30 (1) (c) to comply with the order or direction makes the person, on application to the Supreme Court by the fire commissioner, liable to be



committed for contempt as if in breach of an order or a judgment of the Supreme Court.

- (3) Subsections (1) and (2) do not limit the conduct for which a finding of contempt may be made by the Supreme Court.

## Part 8 — Enforcement

### Division 1 — Warrants

#### Warrant to enter

- 32** (1) In this section, "**justice**" means a judicial justice or a judge of the Provincial Court.
- (2) A justice may issue a warrant authorizing a person named in the warrant to enter onto or into premises and conduct a fire safety inspection, fire investigation or preventive evacuation, if satisfied by evidence on oath or affirmation that
- (a) a fire inspector, fire investigator, local authority or the fire commissioner is denied entry to the premises, or
  - (b) there are reasonable grounds to believe that the fire inspector, fire investigator, local authority or fire commissioner will be denied entry to the premises.
- (3) A person applying for a warrant is not required to give notice to any other person.
- (4) If the person applying for a warrant believes that it would be impracticable to appear personally before a justice to apply for a warrant under this section, the person may submit an information on oath or affirmation by telephone or other means of telecommunication in the manner set out in section 22 [telewarrants] of the *Offence Act*.
- (5) A warrant issued under subsection (2)
- (a) must specify the time period during which the warrant may be carried out, and
  - (b) may specify other terms and conditions that the justice considers appropriate.

### Division 2 — Administrative Penalties

#### Imposing administrative penalty

- 33** (1) The fire commissioner may impose an administrative penalty if satisfied on a balance of probabilities that a person has
- (a) failed to comply with an order made under section 11 [fire inspector orders] or 14 [preventive evacuations], or

- (b) contravened section 10 (6) [*inspection powers*] or 26 (5) [*investigation powers*].
- (2) In relation to an administrative penalty imposed under subsection (1) (a), the fire commissioner may impose an administrative penalty in an amount not greater than,
- (a) in the case of an individual, \$25 000, or
  - (b) in the case of a corporation, \$50 000.
- (3) In determining the amount of an administrative penalty imposed under subsection (1) (a), the fire commissioner must consider the following:
- (a) previous enforcement actions against the person under this Act;
  - (b) the gravity and magnitude of the contravention in relation to which the order was made or of the failure to comply with the order;
  - (c) whether the contravention in relation to which the order was made or the failure to comply with the order was repeated or continuous;
  - (d) whether the contravention in relation to which the order was made or the failure to comply with the order was deliberate;
  - (e) any economic benefit derived by the person from the contravention in relation to which the order was made or from the failure to comply with the order;
  - (f) the person's efforts to correct the contravention in relation to which the order was made or the failure to comply with the order;
  - (g) any other matters prescribed by the Lieutenant Governor in Council.
- (4) In relation to an administrative penalty imposed under subsection (1) (b), the fire commissioner may impose an administrative penalty in an amount not greater than the amount prescribed by regulation of the Lieutenant Governor in Council.
- (5) In determining the amount of an administrative penalty imposed under subsection (1) (b), the fire commissioner must consider the following:
- (a) previous enforcement actions against the person under this Act;
  - (b) the gravity and magnitude of the contravention;
  - (c) whether the contravention was repeated or continuous;
  - (d) whether the contravention was deliberate;
  - (e) any economic benefit derived by the person from the contravention;
  - (f) the person's efforts to correct the contravention;
  - (g) any other matters prescribed by the Lieutenant Governor in Council.
- (6) An administrative penalty may be imposed by serving the person with an administrative penalty notice that must be in the form approved by the fire commissioner and must include the following:

- (a) the name of the person who is subject to the administrative penalty;
  - (b) a copy of the order the person failed to comply with, if applicable;
  - (c) the amount of the administrative penalty;
  - (d) the date by which the administrative penalty must be paid;
  - (e) the person's right to request a review under section 43 *[review by fire commissioner]*;
  - (f) any additional information prescribed by the Lieutenant Governor in Council.
- (7) Despite the following provisions, a local authority may not impose administrative penalties:
- (a) section 63 (c) *[protection of persons and property]* of the [Community Charter](#);
  - (b) section 303 (1) (d) *[special fire protection powers]* of the [Local Government Act](#);
  - (c) section 311 (h) *[application of Fire Safety Act]* of the [Vancouver Charter](#).

### **Due date of administrative penalty**

- 34** A person served with an administrative penalty notice under section 33 (6) must pay the administrative penalty to the government within 30 days after the latest of the following dates, as applicable:
- (a) the date on which the notice is served on the person;
  - (b) if the person requests a review under section 43 *[review by fire commissioner]*, the date on which the reasons for the fire commissioner's decision are served on the person, unless the penalty is cancelled.

### **Recovery of administrative penalty**

- 35** (1) An administrative penalty may be recovered in accordance with subsection (2) as a debt due to the government from the person on whom the administrative penalty is imposed.
- (2) If a person fails to pay an administrative penalty as required under this Act, the fire commissioner may file a certificate with the Provincial Court or the Supreme Court and, on filing, the certificate has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the court with which it is filed.
- (3) A certificate under subsection (2) must be signed by the fire commissioner and must contain
- (a) the name of the person who is liable for the administrative penalty,

- (b) the failure or contravention in relation to which the administrative penalty is imposed, and
- (c) the amount of the administrative penalty.

### **Division 3 — Offences and Penalties**

#### **Offences**

- 36** (1) A person who does any of the following commits an offence:
- (a) obstructs, hinders or interferes with a fire safety inspection, fire investigation or evacuation under this Act;
  - (b) provides false or misleading information when required to provide information under this Act;
  - (c) fails to comply with an order made under section 11 [*fire inspector orders*] or 14 [*preventive evacuations*];
  - (d) fails to report a fire in accordance with section 22 [*duty to report fire*];
  - (e) fails to comply with a remedial order made under section 41 [*remedial orders*].
- (2) An individual convicted of an offence under subsection (1) is liable to a fine of not more than \$50 000 or imprisonment for a term of not more than 1 year, or both.
- (3) A corporation convicted of an offence under subsection (1) is liable to a fine of not more than \$250 000.
- (4) A person is not guilty of an offence under subsection (1) (b) if the person establishes that, at the time the information was provided, the person did not know that the information was false or misleading and exercised reasonable care and diligence in providing the information.

#### **Continuing offences**

- 37** If an offence under section 36 continues for more than one day, separate fines, each not exceeding the maximum fine for the offence, may be imposed for each day the offence continues.

#### **Liability of directors and officers**

- 38** If a corporation commits an offence under this Act, an employee, officer, director or agent of the corporation who authorized, permitted or acquiesced in the offence also commits the offence, whether or not the corporation is convicted of the offence.

#### **Relationship between administrative penalties and offences**

- 39** (1) A person may be prosecuted under this Act for a failure or contravention in relation to which an administrative penalty has been imposed.

- (2) In imposing a sentence for an offence under this Act, the court may consider an administrative penalty imposed in relation to the same matter.
- (3) If a person is convicted of an offence under this Act, an administrative penalty may not be imposed on the person in respect of the same circumstances that gave rise to the conviction.

### Other provisions relating to offences

- 40** (1) Section 5 of the *Offence Act* does not apply to this Act or the regulations.
- (2) The time limit for laying an information to commence a prosecution for an offence under this Act is
    - (a) 3 years after the date on which the act or omission that is alleged to constitute the offence occurred, or
    - (b) if the fire commissioner issues a certificate described in subsection (3), 18 months after the date on which the fire commissioner learned of the act or omission referred to in paragraph (a).
  - (3) A certificate purporting to have been issued by the fire commissioner certifying the date referred to in subsection (2) (b) is proof of that date.

### Remedial orders

- 41** In addition to any fine imposed on a person, the Provincial Court may order that the person take or cease taking any action as the court directs and may make any remedial or other order that the court considers appropriate.

## Part 9 — Review Process

### Definition for this Part

- 42** In this Part, "**decision**" means any of the following:
- (a) an order under section 11 [*fire inspector orders*];
  - (b) an evacuation order under section 14 [*preventive evacuations*];
  - (c) a notice imposing an administrative penalty under section 33 [*imposing administrative penalty*].

### Review by fire commissioner

- 43** (1) A person who is served with written notice of a decision may, within 10 days of receiving notice of the decision, request the fire commissioner to review the decision.
- (2) A request under subsection (1) must be in writing and must identify the error the person believes was made or the other grounds on which a review is requested.

- (3) On receipt by the fire commissioner of a request under subsection (1), the decision to be reviewed as a result of the request is not stayed.

### **Powers of fire commissioner on review**

- 44** (1) If the fire commissioner has delegated to a person powers and duties respecting a decision, the fire commissioner must not delegate the review of the decision to the same person.
- (2) If the fire commissioner has made a decision, the fire commissioner must delegate the review of the decision to one or more persons who did not participate in the decision.
- (3) The person who reviews a decision may confirm, vary or cancel the decision.
- (4) The person who reviews a decision must
- (a) complete the review as soon as practicable, and
  - (b) serve written reasons in respect of the review on the person who made the request and the person who made the decision.
- (5) The fire commissioner may make rules respecting practice and procedure in relation to the just and timely resolution of reviews under this Part.

## **Part 10 — General**

### **Division 1 — Other Matters**

#### **Notice and service under this Act**

- 45** (1) A notice or other document that, under this Act, must be given to or served on a person may be given or served as follows:
- (a) in any case,
    - (i) by leaving a copy with the person,
    - (ii) by mailing a copy by registered mail to the person's last known address,
    - (iii) by sending an email to the person's last known email address, or
    - (iv) by a prescribed means of delivery, subject to any prescribed conditions;
  - (b) if the person is a corporation,
    - (i) by leaving a copy with a director or officer of the corporation,
    - (ii) by leaving a copy at the address at which that corporation carries on business,
    - (iii) by leaving a copy in a mailbox or mail slot for the address at which that corporation carries on business, or

- (iv) if applicable, by mailing a copy by registered mail to the mailing address shown for the registered office of the corporation in the corporate register under the *Business Corporations Act* or by leaving a copy at that address.
- (2) A notice or other document is deemed to have been, as applicable, given to or served on a person,
- (a) if mailed by registered mail, on the earlier of
    - (i) the 14th day after the notice or document was mailed, and
    - (ii) the date on which the notice or document was received by the person,
  - (b) if sent by email, on the earlier of
    - (i) the 3rd day after the notice or document is emailed, and
    - (ii) the date on which the notice or document was received by the person,
  - (c) if left in a manner described in subsection (1) (b) (ii) or (iii), on the earlier of
    - (i) the 3rd day after the notice or document is left, and
    - (ii) the date on which the notice or document was received by the person, and
  - (d) if given or served by a prescribed means of delivery, at the prescribed time.

### Decisions affecting strata lots

- 46** (1) An order under section 11 [*fire inspector orders*] that applies to a strata lot may be served on the strata corporation by service in accordance with section 63 [*notice given to strata corporation*] of the *Strata Property Act* if any of the following circumstances apply:
- (a) the order cannot be served on the owner of the strata lot after reasonable efforts at delivery;
  - (b) the order has been served on the owner, but the owner does not request a review and does not comply with the order;
  - (c) the order has been confirmed on review under section 44 [*powers of fire commissioner on review*], but the owner does not comply with the order.
- (2) An order under section 11 that applies to 6 or more strata lots
- (a) is not required to be served on the owners of the strata lots, and
  - (b) may instead be served on the strata corporation by service in accordance with section 63 of the *Strata Property Act*.

- (3) If an order is served on a strata corporation under subsection (1) or (2), the strata corporation is deemed to be an owner of the strata lots to which the order applies and must comply with the order.

### Peace officer

- 47** Fire inspectors, fire investigators, fire chiefs and the fire commissioner have the legal status of a peace officer for the purposes of this Act.

## Division 2 — Regulations

### Regulations of minister

- 48** (1) The minister may make regulations referred to in section 41 [*powers to make regulations*] of the *Interpretation Act*.
- (2) Without limiting subsection (1), the minister may make regulations as follows:
- (a) respecting any matter for which regulations are contemplated by this Act, other than matters for which regulations are expressly contemplated to be made by the Lieutenant Governor in Council;
  - (b) establishing one or more fire codes;
  - (c) requiring owners of public buildings to provide information to monitoring entities for the purposes of implementing a risk-based compliance monitoring system;
  - (d) for the purpose of section 20 (1) (b) [*risk analysis conducted in accordance with regulations*], respecting conducting a risk analysis, including but not limited to,
    - (i) establishing categories of risk, and
    - (ii) specifying the criteria to be considered in determining the level of risk.
- (3) A regulation under this section may do any or all of the following:
- (a) delegate a matter to or confer a discretion on the fire commissioner;
  - (b) adopt by reference, in whole or in part and with any changes the minister considers necessary, the National Fire Code of Canada, as the National Fire Code of Canada stands at a specific date or as it stands at the time of adoption;
  - (c) adopt by reference, in whole or in part and with any changes the minister considers necessary, any regulation, code or standard on fire standards and fire safety, other than the National Fire Code of Canada,
    - (i) enacted as or under a law of another jurisdiction, including a foreign jurisdiction, or
    - (ii) set by a provincial, national or international body or any other code- or standard-making body,



as the regulation, code or standard stands at a specific date or as it stands at the time of adoption;

- (d) establish classes of local authorities, monitoring entities, persons, premises, things or other matters;
- (e) make different regulations for different local authorities, monitoring entities, persons, premises, things or other matters or for different classes of local authorities, persons, premises, monitoring entities, things or other matters.

### **Regulations Act does not apply to BC fire code**

**48.1** (1) The *Regulations Act* does not apply to a BC fire code.

- (2) Notice of the enactment, amendment, repeal or replacement of a BC fire code must be published in the Gazette.

### **Regulations of Lieutenant Governor in Council**

**49** (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

- (a) respecting any matter for which regulations are expressly contemplated by this Act to be made by the Lieutenant Governor in Council;
- (b) for the purposes of section 16 (2) (c) [*recovery by prescribed local authority*], establishing a system of cost recovery;
- (c) in relation to administrative penalties under section 33 [*imposing administrative penalty*], including, without limitation, the following regulations:
  - (i) prescribing a limitation period for imposing an administrative penalty and evidentiary matters in relation to that period;
  - (ii) authorizing administrative penalties to be imposed on a daily basis for continuing contraventions.

- (3) A regulation under this section may do any or all of the following:

- (a) establish classes of local authorities, monitoring entities, persons, premises, things or other matters;
- (b) make different regulations for different local authorities, monitoring entities, persons, premises, things or other matters or for different classes of local authorities, persons, premises, monitoring entities, things or other matters.

## Part 11 — Transitional Provisions, Repeals and Consequential Amendments

### Division 1 — Transitional Provisions

#### Definition for this Division

**50** In this Division, "**former Act**" means the *Fire Services Act*, R.S.B.C. 1996, c. 144.

#### Transition — deemed continuation of former legislation

**51** Despite the repeal of the former Act and the regulations under the former Act, if this Division, or a regulation under this Division, provides for the application or continued application of a provision of the former Act or the regulations under the former Act for a specific purpose, the former legislation is deemed to be continued for that purpose.

#### Transition — fire commissioner

- 52** (1) In this section, "**fire commissioner under the former Act**" means the fire commissioner appointed under section 2 [*fire commissioner and staff*] of the former Act who is the fire commissioner on the date this Act comes into force.
- (2) The fire commissioner under the former Act is the fire commissioner under this Act until a fire commissioner is appointed under section 2 [*appointment of fire commissioner*] of this Act.
- (3) Despite section 2 of this Act and the repeal of section 2 of the former Act, section 2 (1) (c), (2) and (3) of the former Act continues to apply to the fire commissioner under the former Act.

#### Transition — standards for fire inspectors and fire investigators

- 53** (1) In this section, "**transition period**" means the period that
- (a) starts on the date this Act comes into force, and
  - (b) ends on the later of the following:
    - (i) one year after the date described in paragraph (a);
    - (ii) a date prescribed by the Lieutenant Governor in Council.
- (2) The following sections of this Act do not apply during the transition period:
- (a) section 5 (2) [*fire commissioner's power to delegate*];
  - (b) section 8 (2) [*designation of fire inspectors*];
  - (c) section 23 (2) [*designation of fire investigators*].

#### Transition — orders made under former Act

- 54** (1) On the date this Act comes into force, an order made under the following sections of the former Act that has not been complied with is deemed to be an

order made under section 11 [*fire inspector orders*] of this Act, for all purposes under this Act:

- (a) section 22 [*order to remedy conditions*];
  - (b) section 27 (3) [*order modified on appeal*];
  - (c) section 30 [*escape from fire*];
  - (d) section 33 [*orders to comply with Part 2*].
- (2) On the date this Act comes into force, an order made under section 25 (3) [*emergencies*] of the former Act is deemed to be an order made under section 14 [*preventive evacuations*] of this Act, for all purposes under this Act.
- (3) Despite the repeal of section 28 [*other appeals*] of the former Act, that section, as it read immediately before its repeal by this Act, continues to apply in relation to petitions filed with the Supreme Court by an owner or occupier before the date this Act comes into force.

### Transition — local assistants

- 55** (1) In this section, "**local assistant**" means a local assistant as defined in the former Act.
- (2) A local assistant to whom a badge is issued under section 41 [*badges for local assistants*] of the former Act must return the badge within 3 months after the date this Act comes into force.
- (3) Subject to subsection (4), despite the repeal of the Local Assistant Fee Regulation, for each fire investigated and reported by a local assistant to the satisfaction of the fire commissioner before the date this Act comes into force, the local assistant must be paid out of the consolidated revenue fund the sum of \$3 in addition to the necessary expense of obtaining any requisite information.
- (4) A local assistant referred to in subsection (3) may request remuneration only within 3 months after the date this Act comes into force.

## Division 2 — Repeals

### Repeals

#### Editorial Note

Section(s)	Affected Act or Regulation
56	<a href="#">Fire Services Act</a> British Columbia Fire Code Regulation, B.C. Reg. 263/2012 Fire Services Fees Regulation, B.C. Reg. 123/94 Local Assistant Fee Regulation, B.C. Reg. 179/78

## Division 3 — Consequential Amendments

### Consequential Amendments

<b>Section(s)</b>	<b>Affected Act</b>
57	<i>Building Act</i>
58-59	<i>Community Charter</i>
60	<i>Environmental Management Act</i>
61-63	<i>Fireworks Act</i>
64-65	<i>Local Government Act</i>
66	<i>Motor Vehicle Act</i>
67	<i>Petroleum and Natural Gas Act</i>
68	<i>Public Sector Employers Act</i>
69	<i>Strata Property Act</i>
70	<i>Vancouver Charter</i>

## **Commencement**

**71** This Act comes into force by regulation of the Lieutenant Governor in Council.