

**Fire Safety Act  
Questions and Answers  
Revised: December 4, 2024**

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Office of the  
Fire Commissioner



## Change Summary

Note: Changes made since the last version was posted on September 17, 2024, are reflected in the table below. Note: only significant changes have been captured in the table.

<b>Date Version</b>	<b>Question Number</b>	<b>Change</b>
December 4, 2024	Background section	Added links to the Fire Safety Act Regulations
December 4, 2024	Question #8	Added question to address if Airbnb are inspectable
December 4, 2024	Question #9	Added question to address if daycares are inspectable
December 4, 2024	Question #11, #25, #28, #30, #42	Clarified what no cost means for Office of the Fire Commissioner Fire Services Advisors to support with fire inspections/fire investigations
December 4, 2024	Question #17	Added information about what has changed in the updated Prior Learning Assessment and Recognition (PLAR) documents
December 4, 2024	Question #18	Added information about what has changed in the updated Fire Safety Act Inspector and Investigator Training Standard documents
December 4, 2024	Question #33	Reflects list of resource documents now available
December 4, 2024	Question #34	Reflects list of resource documents to follow

## Background

This Question and Answer (Q&A) document is a living document and will be updated regularly. The Office of the Fire Commissioner (OFC) will endeavour to notify partners when the Q&A is updated. However, we suggest that you check back regularly for updates.

The OFC has attempted to place the subject matter in the appropriate category. However, given that there is crossover, please review the entire document.

If you have a question that is not included in this Q&A, please email it to: [OFC@gov.bc.ca](mailto:OFC@gov.bc.ca)

The Fire Safety Act legislation can be located [here](#).

The associated Fire Safety Act regulations include the [Fire Safety Act Fire Safety Regulation](#) and the [Fire Safety \(Risk Analysis for Compliance Monitoring\) Regulation](#)

## The Office of the Fire Commissioner

### **1. What is the role of the Office of the Fire Commissioner?**

- The Office of the Fire Commissioner's (OFC) mandate is to minimize the loss of life, injury, and damage to property from fire by administering and enforcing British Columbia's fire safety legislation and regulations.
- The OFC leads provincial fire prevention and fire reporting programs, promotes fire safety awareness and establishes minimum training standards for fire inspectors, fire investigators and fire services personnel. The OFC also provides structure fire expertise and coordinates fire services during emergencies.
- The Fire Safety Act establishes the powers and duties of the fire commissioner who is responsible for administering the Fire Safety Act and its regulations.
- The fire commissioner must also establish standards for fire inspectors and fire investigators, who are required to be designated by the local authority under the Fire Safety Act.

## **2. What is the role of the Office of the Fire Commissioner, fire service advisors?**

- The Office of the Fire Commissioner (OFC) has regionally located fire service advisors throughout the province.
- Fire service advisors are knowledgeable fire safety experts who can assist with any aspect of the Fire Safety Act.
- They are also delegated by the fire commissioner as fire inspectors and fire investigators under the Fire Safety Act and are appropriately trained to the published training standard for each function. This means they may conduct fire inspections and fire investigations in any area of the province when requested.
- All OFC fire service advisors have worked in the fire services field for several years and have established collaborative working relationships with fire services personnel throughout the province.
- The local authority can reach out to their regional fire service advisor for support with any matter under the Fire Safety Act.
- To locate the fire service advisor for your area, visit: [Request technical assistance or fire investigation support - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/safety/technical-assistance-or-fire-investigation-support)

## **3. What is the Office of the Fire Commissioner's contact information?**

- The contact information for the Office of the Fire Commissioner (OFC) is:
  - Main phone number: 1-888-988-9488
  - After hours emergency: 1-800-663-3456
  - Email: [OFC@gov.bc.ca](mailto:OFC@gov.bc.ca)

## Definitions under the Fire Safety Act

### **4. How are municipalities and regional districts identified under the Fire Safety Act?**

- The following definitions are used under the Fire Safety Act to define municipalities and regional districts:
- Local authority means:
  - (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.

### **5. How is a premises defined under the Fire Safety Act?**

- 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.

### **6. How is a private dwelling defined under the Fire Safety Act?**

- A 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.

## **7. How is a public building defined under the Fire Safety Act?**

- A 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.

## **8. Are Airbnb units considered private dwellings in the context of the Fire Safety Act?**

- Airbnb units should be treated as private dwellings for the purposes of the Fire Safety Act and would not be part of the inspectable inventory for the risk-based compliance monitoring system reflected in the Fire Safety Act.

## **9. Are daycares that are part of a private dwelling inspectable?**

- Yes, any portion of the private dwelling that is used as the daycare is inspectable as the public is invited or allowed into this portion the dwelling. The private portion of the dwelling is not to be considered for inspection.

## **10. What is risk-based compliance monitoring?**

- Risk-based compliance monitoring applies to all monitoring entities, which under the Fire Safety Act is defined as municipalities.
- Risk-based compliance monitoring means that proactive inspections will be conducted, and the inspection frequency for any public building will be based on the risk profile for that building. For example, the monitoring entity may choose to inspect a high risk building more frequently than a low-risk building.
- High-risk buildings include public buildings such as bars, apartments, hotels, college residences, large office buildings and sawmills, among other public buildings.

### **11. What does reactive inspections mean?**

- As regional districts (RD) are not monitoring entities, they will operate within a reactive (complaint based or owner requested) inspection framework.
- Upon request from a RD, the Office of the Fire Commissioner, fire service advisors, will conduct fire inspections and fire investigations, at no cost to the RD.
- To clarify what “no cost” means – it means that the OFC will not charge any fee for service for any fire inspections and fire investigations, including any paperwork or other administrative elements (e.g., FIRES system reporting).

### **12. In Part 6 of the Fire Safety Act, Compliance Monitoring, is the monitoring entity the same thing as a designated fire inspector from the local authority?**

- The monitoring entity is defined as the council of a municipality, not the designated fire inspector. The fire inspector will work for the monitoring entity.

## [Fire Safety Act Overview](#)

### **13. What is the Fire Safety Act?**

- On August 1, 2024, the Fire Safety Act came into force, replacing the Fire Services Act of 1979.
- The Fire Safety Act is intended to strengthen fire safety through an enhanced system of inspections and effective enforcement in the province and will:
  - enable local authorities to designate personnel to carry out fire inspections and fire investigations and enable local fire services to perform tactical evacuations.
  - establish an administrative penalty enforcement model to address non-compliance issues in a more direct, timely and effective manner.
  - implement a risk-based approach for fire safety compliance monitoring in municipalities.

- Under the Fire Safety Act and the associated regulations, there is a prescribed maximum amount of costs recoverable from an owner by a local authority, or the fire commissioner, for securing evacuated premises up to \$100,000.
- The Fire Safety Act will protect people and communities through regular fire safety inspections and effective enforcement that will help prevent fire-related tragedies, preserve human life, and protect property and economic loss due to fires.

#### **14. When did the Fire Safety Act come into effect?**

- The Fire Safety Act came into effect on August 1, 2024 and the legislation can be found [here](#).

### Fire Inspectors and Fire Investigators and Local Authorities

#### **15. What is a local authority required to do now that the Fire Safety Act has been brought into force?**

- Now that the Fire Safety Act has come into force, the local authority (municipalities and regional districts) must designate, in writing, a person or a class of persons as fire inspectors (section 8) and fire investigators (section 23).
- All local authorities should have designated their fire inspector(s) and fire investigator(s) as of August 1, 2024, when the FSA came into effect.
- The local authority is to use their own template for the designations. Note: there is no requirement to return the designation to the Office of the Fire Commissioner (OFC). Once the OFC has their technology solution in place, the OFC will contact departments to confirm designates.
- As of August 1, 2024, there is a one-year transition period before designated fire inspectors and fire investigators must meet established training standards.
- The transition period does not make the requirement of designating fire inspectors or fire investigators optional for local authorities.



- The transition period is intended to provide the time for local authorities to ensure that the designated fire inspector or fire investigator has obtained the required training.
- In early 2025 online training for fire inspectors and fire investigators will be available through the OFC at no cost.

**16. Can a local authority designate a contractor to be a fire inspector and/or a fire investigator?**

- A local authority must designate, in writing, a person or a class of persons as fire inspectors (section 8) and fire investigators (section 23).
- A local authority can designate a contractor to be a fire inspector or fire investigator if they meet the Fire Safety Act Inspector Training Standard or Fire Safety Act Investigator Training Standard.
- Designated fire inspectors and fire investigators that already meet the Fire Safety Act Inspector Training Standard and Fire Safety Act Investigator Training Standard, should complete a “Prior Learning Assessment and Recognition” (PLAR) form to confirm for the local authority that they meet the standard.
- The Office of the Fire Commissioner, Fire Safety Act Inspector Standard and the Fire Safety Act Investigator Standard and the Fire Safety Act Inspector Standard and Investigator Standard PLARs can be found here: [Fire Safety Act reference documents - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/safety/fire-safety-act-reference-documents)

**17. As of December 5, 2024, updated Prior Learning Assessment and Recognition (PLAR) Fire Inspector and Fire Investigator forms have been uploaded to the BC government’s website. What has changed and is there anything that local authority needs to revisit in these documents?**

- For both the investigator and inspector Prior Learning Assessment and Recognition (PLAR) forms, Section 1 was updated to allow those completing each PLAR to more easily identify the organizational affiliation of individuals who are not employees of the local authority.

- For both PLARs, the Job Performance Requirements (JPRs) have been updated to mirror the JPRs of the fire inspector and fire investigator training standard.
- There is no requirement to update Prior Learning Assessment and Recognition Fire Inspector and Fire Investigator Forms that have been complete, but please use the new forms moving forward.

**18. As of December 5, 2024, updated Fire Safety Act Inspector and Investigator Training Standard documents have been uploaded to the BC government's website. What has changed and is there anything that the local authority needs to revisit in these documents?**

- For both standards, Job Performance Requirements (JPRs) were updated to exactly mirror specific sections of applicable National Fire Protection Association (NFPA) criteria.
- For both standards, no new JPRs have been added. If an individual previously met the Office of the Fire Commissioner (OFC) Fire Safety Act Inspector Training Standard or the Fire Safety Act Investigator Training Standard that was posted on the BC government website in August 2024 they will continue to meet the OFC inspector or investigator training standard.
- We encourage all organizations to download the latest versions of the Fire Safety Act Inspector Training Standard or the Fire Safety Act Investigator Training Standard.

**19. Can improvement districts designate fire inspectors and/or fire investigators?**

- Under the Fire Safety Act, a local authority is defined as a council of a municipality or a board of a regional district. Improvement districts are not identified as a local authority in the Fire Safety Act and are not authorized under the Fire Safety Act to appoint fire investigators or fire inspectors.

- Only local authorities as defined by the Fire Safety Act are required and authorized to designate fire investigators or fire inspectors for their local government jurisdictions.
- We expect to provide an update to the improvement districts toward the end of the year.
- In the meantime, the OFC, fire service advisors are located throughout the province and will continue to work with improvement districts, including to support with fire investigations and fire inspections in their fire protection areas as requested.
- To locate the fire service advisor for your area, visit here: [Request technical assistance or fire investigation support - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/safety/technical-assistance-or-fire-investigation-support)

## **20. What section of the Fire Safety Act designates fire investigators and fire inspectors?**

- Designation of fire inspectors – section 8 of the Fire Safety Act outlines:
  - Section 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 standard established by the fire commissioner.
- Designation of fire investigators – section 23 of the Fire Safety Act outlines:
  - Section 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 standard established by the fire commissioner.

**21. Does the local authority need to adjust their bylaws to designate fire inspectors and/or fire investigators?**

- Fire inspector and fire investigator designation can be done by resolution or a change to a bylaw, depending on how the service is setup. However, it may be different for each local authority.
- Please reach out to your Chief Administrative Officer for advice.

**22. Who is responsible for conducting fire inspections and investigations?**

- Under the Fire Safety Act, it is a requirement for local authorities (municipalities and regional districts (RDs)) to designate local fire inspector(s) and fire investigator(s).
- Municipalities will operate within a risk-based compliance monitoring model, which means that their designated fire inspector(s) will be responsible for conducting all fire inspections.
- As in the Fire Services Act, the FSA also continues the requirement for all fires to be investigated and reported to the fire commissioner. Locally designated fire investigators will fulfil this requirement.
- As RDs are not monitoring entities, they will operate within a reactive (complaint based or owner requested) inspection framework.
- Upon request from a RD, the Office of the Fire Commissioner (OFC) fire service advisors will conduct fire inspections and/or fire investigations.
- The RD has the discretion to use their own designated fire inspector(s) and fire investigator(s), or to request the OFC to support the inspection or investigation requirements.
- Ultimately, both reactive inspections and risk-based compliance monitoring are intended to keep occupants safe from potential fire hazards, with the goal to prevent fire-related tragedies, preserve human life, and protect property and economic loss due to fires.

**23. Now that the Fire Safety Act has come into force, are designated inspectors and investigators required to meet the training standards right away?**

- No, there will be a 1-year transition period (as defined in section 53 of the Fire Safety Act) before designated inspectors and investigators must meet the required training standards.
- In early 2025, online training for fire inspectors and fire investigators will be available through the OFC at no cost.
- The transition period will end July 31, 2025. At that time, the local authority is required to ensure the persons designated as fire inspector(s) and fire investigator(s) meet the fire inspector and fire investigator standards.

**24. Does the Fire Safety Act apply to federal reserve lands?**

- The Fire Safety Act does not apply to federal reserve lands.
- Enforcing fire codes on First Nations lands is under federal jurisdiction, and the Fire Safety Act does not apply to on-reserve public buildings.
- Federal lands such as the Port Authority lands, a Canada Coast Guard base, or airports, would not be inspectable under the Fire Safety Act; however, a building within a municipality where a tenant is federal such as a post office, Fisheries and Oceans Canada (DFO) office, Canada Revenue Agency (CRA), is inspectable under the Fire Safety Act.
- If a local authority receives an enquiry about inspections or investigations on federal reserve lands, the local authority can refer the enquirer to the Office of the Fire Commissioner (OFC), and the OFC will contact the First Nation to offer support to conduct the inspection.

**25. Why are regional districts operating within a reactive model?**

- Regional districts (RDs) are not defined as monitoring entities in the Fire Safety Act.
- The RDs have identified resource and administrative challenges which may prevent them from undertaking fire inspections and fire investigations in their areas.

- The Office of the Fire Commissioner (OFC) has committed to performing fire inspections and fire investigations if requested on behalf of the RD, at no cost to the RD.
- To clarify what “no cost” means – it means that the OFC will not charge any fee for service for any fire inspections and fire investigations, including any paperwork or other administrative elements (e.g., FIRES system reporting).
- However, an RD with sufficient resources and local expertise may choose to undertake inspections and investigations within their jurisdiction.

## **26. What is the requirement for the regional districts to identify a public building?**

- Risk-based compliance monitoring applies to public buildings within municipalities (monitoring entity).
- Regional districts (RD) are not a monitoring entity and are not required to implement a risk-based compliance monitoring system. As such, there is no requirement for RDs to identify public buildings for fire inspections as RDs will be reactive (e.g., complaint-based).
- The Office of the Fire Commissioner (OFC) expects that most of inspections in the RDs to be focused on public buildings, defined as:
  - a building other than a building that is a private dwelling;
  - a structure
    - to which the public is ordinarily invited or permitted access, or
    - that is used for commercial, industrial or institutional purposes;
  - a facility, including a storage yard or tank farm.
- If a complaint is submitted that does not focus on a public building, the RDs and the OFC (who may be doing these inspections on behalf of the RD) will determine if an inspection is required or reasonable.

**27. Can the local authority determine which jurisdictional area(s) the designated fire inspector or fire investigator covers?**

- Yes, the local authority is fully empowered to designate the jurisdictional areas of fire inspectors and fire investigators, if the person meets the training standards issued by the fire commissioner.

**28. If the local authority chooses not to investigate fires outside of their established fire protection areas who would be required to investigate and make the fire report to the fire commissioner?**

- The legislative requirement in section 25 of the Fire Safety Act is for local authorities to investigate all incidents of fire in their respective jurisdictions that they are made aware of per the duty to report fires in section 22 of the Fire Safety Act.
- The defined fire department fire protection area is not a limiting factor on this requirement of the local authority.
- The Office of the Fire Commissioner (OFC) has committed to performing fire inspections and fire investigations on behalf of the regional district (RD), at no cost to the RD.
- To clarify what “no cost” means – it means that the OFC will not charge any fee for service for any fire inspections and fire investigations, including any paperwork or other administrative elements (e.g., FIRES system reporting).
- RDs may request fire investigation support from the OFC via the process outlined in the “Regional District Inspections and Investigations Procedures” document. The document can be located here: [Fire Safety Act reference documents - Province of British Columbia \(gov.bc.ca\)](#)

**29. For properties that are protected by an independent fire department, is there any requirement for these fire departments to conduct inspections and investigations?**

- Regarding independent fire departments conducting fire inspections and or fire investigations, we share the following:

- If the independent fire department has members designated by the local authority as fire inspectors and/or fire investigators, the independent fire department may conduct fire inspections and/or fire investigations.
- The independent fire department is welcome to contact the Office of the Fire Commissioner (OFC) to request the support of an OFC fire service advisor.
- Contact information for the OFC is:
  - Main phone number: 1-888-988-9488
  - After hours emergency: 1-800-663-3456
  - Email: OFC@gov.bc.ca

**30. Are regional districts expected to take on the full responsibility for inspections and investigations at some point in the future?**

- The Office of the Fire Commissioner (OFC) has committed to performing inspections and investigations on behalf of the regional districts at no cost, as outlined in the [Fire Safety Act: Regional District Inspection and Investigations Procedures](#) document.
- To clarify what “no cost” means – it means that the OFC will not charge any fee for service for any fire inspections and fire investigations, including any paperwork or other administrative elements (e.g., FIRES system reporting).
- The OFC will continue to work with UBCM during the continued implementation of the Fire Safety Act to ensure the appropriate processes and resources are in place.

**Fire Investigator and Fire Inspector Training**

**31. What can you share about fire inspector and fire investigator training?**

- There are different and specific training requirements for designated fire inspectors (“Fire Safety Act Inspector Standard”) and fire investigators (“Fire Safety Act Investigator Standard”).
- Designated fire inspectors and fire investigators that already meet the Fire Safety Act Inspector Training Standard and Fire Safety Act Investigator



Training Standard, should complete a “Prior Learning Assessment and Recognition” (PLAR) form to confirm for the local authority that they meet the standard.

- It is the responsibility of the local government to ensure the PLAR is signed off accurately and that the PLAR stays in the personnel file of the designated fire inspector and fire investigator.
- Designated fire inspectors and fire investigators who do not meet the Office of the Fire Commissioner (OFC) Fire Safety Act Inspector Standard and the Fire Safety Act Investigator Standard, must take the OFC inspector and investigator training.
- Designated fire inspectors and fire investigators that meet the OFC Fire Safety Act Inspector Standard and the Fire Safety Act Investigator Standard and who have signed off on the PLAR, are also welcome to take the OFC training.
- The OFC will provide two online training courses: one for fire inspectors and one for fire investigators. Training materials for the courses and the online training will be provided at no cost.
- Each course will deliver attainable minimum standards and can be completed online in approximately 8 hours (per course). Online training for fire inspectors and fire investigators will be available early 2025.
- A fire inspector and fire investigator can perform both roles if they have met the Job Performance Requirements for both roles.
- The Office of the Fire Commissioner Fire Safety Act Inspector Standard and the Fire Safety Act Investigator Standard and the Fire Safety Act Inspector Standard and Investigator Standard PLARs can be found here: [Fire Safety Act reference documents - Province of British Columbia \(gov.bc.ca\)](#)

**32. Is there a limit to the number of people who can be designated as fire inspectors/fire investigators and who can complete the fire inspector/fire investigator training that will be offered by the Office of the Fire Commissioner?**

- There is no limit on the number of people who can be designated to complete the training.
- The local authority can designate a person or a class of persons as fire inspectors or fire investigators. This includes designating all building inspectors as fire inspectors under the Fire Safety Act.

Tools, Processes and Procedures

**33. What types of resource documents will be put in place for the Fire Safety Act?**

- As of December 5, 2024, the Office of the Fire Commissioner (OFC) has posted the **following resource** documents on the BC government website, **here: [Fire Safety Act reference documents - Province of British Columbia](#)**
- **Fire inspection information and forms** – local authorities are required to submit all orders issued under the authority of the Fire Safety Act to the OFC monthly. To support this, the following resources have been created:
  - Orders & Evacuations Reporting Instructions
  - Monthly Summary of Fire Inspector Orders (Fillable Form)
  - Monthly Summary of Tactical Evac Orders (Fillable Form)
- **For designated fire inspectors** – there may be times when a fire inspector is tasked with inspecting an occupied premises. Although fire inspectors have authority to access the premises, it is good practice for the inspector to obtain consent from the occupiers of the premises either verbally or using this form:
  - Consent to Enter Occupied Premises (Fillable Form)
- Upon completing an inspection, a **fire inspector** may find deficiencies and/or circumstances of non-compliance with the Fire Safety Act and the regulations (the B.C. Fire Code). The fire inspector may have to issue a fire inspector order directing the premises owner to correct the deficiencies. To support this, the following resources have been created:

- Fire Inspector Order Instructions
  - Fire Inspector Order (Fillable Form)
  - Fire Inspector Order Confirmation of Delivery (Fillable Form)
  - Fire Inspector Order Additional Sheet (Fillable Form)
- There may be times that a **fire inspector** needs to request information or records with respect to a fire safety inspection they are completing. Failure to provide the information may result in the issuance of an administrative penalty to the person or corporation involved. To support this, the following resources have been created:
    - Information Request Relevant to a Fire Safety Inspection Instructions
    - Information Request Relevant to a Fire Safety Inspection (Fillable Form)
- **Preventative evacuations** – local authorities and the fire commissioner may need to exercise their authority to issue a preventative evacuation order. They may also need to recover costs incurred for securing evacuated locations where the owner fails to secure the premises. The following document provides guidance for those procedures:
    - Fire Safety Act Preventative Evacuation Procedures
- There may be situations where local authorities or the fire commissioner need to order the **evacuation** of an area or premises under section 14 of the Fire Safety Act. To support this, use the following evacuation forms:
    - Preventative Evacuation Order and Cancellation Instructions
    - Preventative Evacuation Order (Fillable Form)
    - Preventative Evacuation Cancellation (Fillable Form)
- **Compliance monitoring documents – risk analysis** – a monitoring entity (municipality) is required to implement a risk-based compliance monitoring system for public buildings within its jurisdictional boundaries.
- When implementing a **risk-based** compliance monitoring system, a monitoring entity must conduct a risk-analysis in accordance with the Fire Safety Act and its regulations.

- This **risk analysis** will support monitoring entities' decisions about the required frequency of physical fire safety inspections and the use of building owner fire safety assessments. The following document provides monitoring entities with guidance on the risk analysis process:
  - Fire Safety Act Guidelines for Risk Analysis for Monitoring Entities in British Columbia
  
- The following supplemental documents provide monitoring entities with examples of **risk analysis** methods for determining the total risk of a public building and guidelines for determining frequency of associated compliance monitoring activities, fire safety inspection and fire safety assessments:
  - Support Document for the Guidelines for Risk Analysis for Monitoring Entities in British Columbia
  - Risk Analysis for Monitoring Entities Questions & Answers
  
- **Fire investigation information and forms** – there may be times that a fire investigator needs to request information or records with respect to a fire investigation they are completing. Failure to provide the information may result in the issuance of an administrative penalty to the person or corporation involved. To support this, the following resources have been created:
  - Information Request Relevant to a Fire Investigation - Instructions
  - Information Request Relevant to a Fire Investigation - (Fillable Form)
  
- **Review process documents** – the following document sets the OFC policy and procedures for managing and conducting a review of decisions defined in section 42 of the Fire Safety Act. It explains the process the OFC will implement to maintain a fair and consistent method for administering reviews:
  - Fire Safety Act Reviews Policy and Procedures
  
- A person who is served with a decision must submit the Request for Review of a Decision form (below) to the OFC if they believe that an error was made in the issuance of an order (i.e., fire inspector or preventative evacuation) or a notice of an administrative penalty.

- Request for Review of a Decision Instructions
- Request for Review of a Decision (Fillable Form)
- As noted, all of the resources can be found on the BC government website here: [Fire Safety Act reference documents - Province of British Columbia](#)

#### **34. What resources still need to be produced and shared?**

- The Fire Safety Act Building Owner's Fire Safety Assessment Manual and the Fire Safety Act Administrative Penalty Policy and Procedures Manual still need to be shared.
- We expect these documents to be available late winter/early spring.

### Fire Safety Act and Owners

#### **35. What does the Fire Safety Act mean for building owners?**

- The BC Fire Code places a duty and responsibility on owners of public buildings to ensure that there is no fire hazard on, or in those buildings. The Fire Safety Act provides the local authority and the province with tools to ensure compliance.
- To meet the requirements of the BC Fire Code and the Fire Safety Act, building owners and operators may be required to conduct fire safety assessments and put the appropriate fire safety measures in place. The frequency and requirements for a fire safety assessment are set by the monitoring entity (municipalities).
- Failure to conduct a fire safety assessment may result in more enforcement actions by the monitoring entity, which may include completing a fire inspection for a fee from the municipality.
- Any established fire inspection fee will be imposed by the monitoring entity via bylaw.
- The [Fire Safety \(Risk Analysis for Compliance Monitoring\) Regulation](#) defines some of the requirements in establishing a risk-based compliance monitoring system and the overall risk for public buildings.

- The Office of the Fire Commissioner will work closely with all partners, including premise owners, to ensure a measured implementation of the Fire Safety Act requirements.

### **36. Can you share more about the Building Owner’s Fire Safety Assessment and the process?**

- The Office of the Fire Commissioner (OFC) is currently developing a “Fire Safety Act Building Owner’s Fire Safety Assessment Manual.”
- The OFC expects this document to be shared with fire services, local authorities, and building owners in late winter/early spring.
- This manual is primarily intended to be used by the building owner or building owner’s authorized agent (representative) to complete a fire safety assessment and declaration.
- The British Columbia Fire Code (BCFC) outlines building owner responsibilities. The BC Fire Code, Sentence 2.2.1.1.(1). of Division C, states, “unless otherwise specified, the owner or the owner’s authorized agent shall be responsible for carrying out the provisions of this Code.”
- For more information on the BCFC, visit: [BC Codes 2024 - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/safety/bc-codes-2024)
- The building owner or the owner’s authorized agent must be compliant with the Fire Safety Act, the BC Fire Code, and any other applicable regulations.
- A fire safety assessment form and declaration confirm the status of the building fire and life safety systems and confirms that these systems are inspected, tested, and maintained as required by the Fire Safety Act and the BC Fire Code.

### **37. What is the definition of “owner authorized agent”?**

- An “owner authorized agent” is a person, or corporation, that has the delegated authority by the owner of the premises, by written agreement (e.g., lease agreement, service agreement, or other contract) to act on behalf of the owner of the premises.

- A monitoring entity may request the premises owner or owner’s authorized agent to complete a fire safety assessment.
- If there are any instances of non-compliance identified by the owner or owner’s authorized agent during the fire safety assessment, then it is the responsibility of the premises owner to correct the deficiencies – whether that be through the agreement with the authorized agent to act on behalf of the owner or by the owner.

**38. How will the Fire Safety Act impact owners and any renovation permits, including life safety system requirements?**

- The Fire Safety Act does not impact renovation permits including life safety requirements. Building life safety system requirements are in the British Columbia Building Code (BCBC) and the British Columbia Fire Code (BCFC). These codes administer the required life safety systems through inspection, testing and maintenance requirements of the code.
- There are explanatory statements in the BCBC and the BCFC that respect and limit the application of the current code requirements to existing buildings that were constructed under previous versions of the codes.
- Essentially, neither set of codes are to be used to impose a requirement to install current code standards on an existing building, provided that the life safety system of the existing building is still sufficient to address the fire hazards presented by the major occupancy use of the building.
- The local government building official is responsible for determining the appropriate application of the BCBC using “BCBC2024 Div. Part 1 Sentence 1.1.1.1(1) Application of this code” to the renovation permit application.
- For more information on the BCBC and the BCFC, visit: [BC Codes 2024 - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov2/industry/codes)

Administrative Penalties

**39. What are the administrative penalties under the Fire Safety Act?**

- The Fire Safety Act establishes the authority for the fire commissioner to issue an administrative penalty (AP) in specific circumstances of non-

compliance, such as non-compliance of a fire inspector order or a preventive evacuation order.

- An AP is designed to deter non-compliance with requirements under the Fire Safety Act and the associated regulations.
- AP amounts are:
  - up to \$25,000 in the case of an individual and \$50,000 in the case of a corporation.
  - if an offence continues for more than one day, separate daily administrative penalties, each not exceeding the maximums previously noted, may be imposed by the fire commissioner.
- An AP will be considered by the Office of the Fire Commissioner after the local authority has exhausted all the tools (e.g., bylaws) that they have at their disposal.
- Administrative penalties are only considered for serious, repeated and deliberate cases of non-compliance with the Fire Safety Act.
- Administrative penalty matters are between the provincial government and the person who is thought to have contravened the Fire Safety Act or failed to comply with an order issued under the Fire Safety Act.

**40. Will designated fire inspectors and fire investigators be imposing administrative penalties under 33 (1) of the Fire Safety Act?**

- No. The authority in Section 33(1) is only for the fire commissioner, or delegate, who may impose an administrative penalty.
- The local authority designated fire inspectors and fire investigators will make a request for the issuance of an administrative penalty from the fire commissioner or delegate.
- As such, only the Province, through the Office of the Fire Commissioner, will issue an administrative penalty.
- However, because the primary principle of the administrative penalty is obtaining compliance and not punitive measures, the issuance of the



administrative penalty will only be done when all other attempts and actions by the local authority have not been successful in obtaining compliance from a premise owner.

## Administrative Requirements/Approach

### **41. Are local authorities required to implement new record-keeping policies to meet statutory requirements under the new Act?**

- Local authorities can continue to manage inspection and investigation enquiries from the public in the same manner that they currently do.
- The Office of the Fire Commissioner (OFC) will record all requests for support and service, including those made by regional districts. An interim solution will be put in place while the OFC works to put a new technological solution in place.
- The OFC is working to develop and implement a centralized database to retain these records. Once in place, the OFC will be able to share relevant inspection and investigation information with UBCM and local authorities.

### **42. Will the monitoring entities be compensated for inspections or is the “fee” referenced in section 20 imposed only by a local authority bylaw?**

- Failure of a building owner to conduct a fire safety assessment may result in more enforcement actions by the monitoring entity, which may include performing an actual fire inspection for a fee.
- Under Section 20 of the Fire Safety Act, monitoring entities (municipalities) can establish fees for fire inspections and impose the fees via municipal bylaw.

### **43. Will fire reporting be a requirement for the designated investigator, or can an alternate be assigned?**

- The Fire Safety Act does not restrict the reporting of the investigation information to the Office of the Fire Commissioner (OFC) from being assigned to another person or alternate within the local authority; however, the alternate must have access to the OFC’s FIRES reporting system.

- Section 25 of the Fire Safety Act outlines the requirement that a local authority must begin a fire investigation 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.
- In municipalities, this will be done by the local authority's designated fire investigator.
- The process for municipalities is different than the process for regional districts (RDs).
- The OFC and UBCM have worked to develop a "Regional District Inspections and Investigations Procedures" document that provides for the OFC to function as the designated investigator and inspector and to complete fire investigations and fire inspections, at no cost, on behalf of the RD, as requested.
- To clarify what "no cost" means – it means that the OFC will not charge any fee for service for any fire inspections and fire investigations, including any paperwork or other administrative elements (e.g., FIRES system reporting).
- The "Regional District Inspections and Investigations Procedures" document can be located here: [Fire Safety Act reference documents - Province of British Columbia \(gov.bc.ca\)](#)

#### **44. Who owns the fire investigation report?**

- The fire investigation report and all corresponding information will belong to the local authority to enable them to meet the legislated obligation of reporting the fire incident information to the fire commissioner.
- Once the fire incident report is submitted to the Province, then the information becomes the Province's to use and protect as outlined in the Information Management Act.

**45.If a local authority pays for an alternate fire investigator to complete the fire investigation report, does the local government own the report?**

- The ownership of the report to the local authority should be confirmed by the local authority and the alternate fire investigator through their specified contract.
- The requirement to submit a fire incident report from the fire investigation to the fire commissioner, remains and needs to be met by the local authority.

**46.If a local authority designates a member from their own staff as a fire inspector and/or fire investigator, is the employee protected from personal liability when carrying out the function of inspector/investigator?**

- Section 6 of the Fire Safety Act states that any person performing the work of the fire commissioner when delegated by the fire commissioner has immunity from legal proceedings short of gross negligence or actions made in bad faith.
- The local authority staff is provided immunity by the Local Government Act (section 738) for actions related to their obligations under the Fire Safety Act, short of gross negligence or actions made in bad faith.

[Local Assistants to the Fire Commissioner](#)

**47.What is the status of the local assistants to the fire commissioner program?**

- The local assistants to the fire commissioner (L AFC) functions that were part of the Fire Services Act were discontinued on October 28, 2024.
- The L AFC badges are to be returned at the fire department's cost. When returning a badge, please also include a letter that reflects the L AFC name and badge number and the sending department's name.
- Contact and address information for returns are as follows:

- Mailing details:
  - Office of the Fire Commissioner
  - Attn: Tammy-Lou Nieman
  - PO Box 9214 Stn. Prov. Govt.,
  - Victoria, B.C. V8W 9J1
  
- Courier details:
  - Office of the Fire Commissioner
  - Attn: Tammy-Lou Nieman / Contact number (236-478-2385)
  - 4th Floor - 910 Government Street
  - Victoria B.C., V8W 9J4

**48. Can existing Local Assistants to the Fire Commissioner still complete investigations/inspections?**

- People who served as local assistants to the fire commissioner should not be acting in that capacity any longer and the local assistants to the fire commissioner (LAFC) functions that were part of the Fire Services Act were discontinued on October 28, 2024.

**49. What will be used to identify inspectors and investigators under the Fire Safety Act?**

- Identification for fire inspectors and fire investigators under the Fire Safety Act will be determined by the local authority who designates the fire inspector and fire investigator.

**50. Under the Fire Services Act, a Local Assistant to the Fire Commissioner was protected from prosecution. Are these same protections available to the fire inspectors and fire investigators under the Fire Safety Act?**

- Section 6 of the Fire Safety Act reflects that any person performing the work of the fire commissioner, when delegated by the fire commissioner has immunity from legal proceedings short of gross negligence or actions made in bad faith.

- The local authority designated fire inspectors and fire investigators are provided immunity by the Local Government Act (sec. 738) for actions related to their activities under the Fire Safety Act, short of gross negligence or actions made in bad faith.

## Insurance Companies

### **51. Do insurance companies still need to report on fire losses under the new Fire Safety Act?**

- On August 1, 2024, the new Fire Safety Act came into effect replacing the Fire Services Act.
- With the new act in place, insurance companies are no longer legislated to report on fire losses as they were under the Fire Services Act section 19.
- However, insurance companies continue to be valued partners in ensuring accurate data from fire incident claims to help evaluate fire loss, economic impacts and fire trends in our province. Insurance reports also help ensure accuracy in fire incident reporting from local governments.
- Insurance companies are asked to please continue to report on fire losses through the insurance fire report that can be found, here: [Reporting a fire: guidelines, manuals and forms - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/safety/insurance-reporting)