

Office of the Fire Commissioner

Fire Safety Act—Update and Backgrounder

September 1, 2023

Purpose and context

The purpose of this document is to provide regional districts a summary of the work on the *Fire Safety Act*. This information is public.

This document includes:

- a summary of the rationale for the *Fire Safety Act* (FSA)
- the objectives of the FSA
- a recap of the discussions during the Single Standard of Fire Safety Working Group (SSFSWG) on November 28, 2022
- the status of the FSA
- next steps

This information was shared with the SSFSWG in advance of their August 16, 2023 meeting. It is a summary of information shared at previous SSFSWG meetings and confirms the Province's current direction on the legislation.

The SSFSWG first met on July 5, 2022 to discuss how to move the *Fire Safety Act* forward. The membership comprises representatives from eight regional districts (elected officials and CAOs), the Office of the Fire Commissioner, UBCM, and the Ministry of Municipal Affairs.

There will be a session on the Fire Safety Act at the 2023 Union of BC Municipalities Convention on September 18.

Summary—Rationale for the *Fire Safety Act*

- The Fire Safety Act (FSA) is the modernized replacement for the *Fire Services Act*.
- Modernized features include: the establishment of risk-based compliance monitoring programs to identify higher-risk buildings; an administrative penalty system to incentivize owner compliance; and more efficient enforcement of the fire legislation and codes.
- The *Fire Services Act* does not provide the enforcement tools needed to ensure compliance with fire codes and legislation which is critical with the increase in the number of reported fires in multi-unit complexes.

Key Objectives of the *Fire Safety Act*

- **Make enforcement of the FSA timely and effective by taking it out of the court system and into an administrative enforcement model by:**
- Clarifying who may issue corrective orders, when they may be issued, and for what they may be issued, and
- Taking the enforcement regime out of the courts by:
 - developing an administrative monetary penalty scheme, and
 - creating an internal administrative review (appeal) process for orders and for monetary penalties.
- This new enforcement model will allow local governments and the province to take immediate and effective action for owners who refuse to comply with the legislation.
- **Clarify the role and responsibilities of the office of the fire commissioner related to building inspections and fire investigations by eliminating the local assistant to the fire commissioner (LAFC) system.**
- **Clarify the role and responsibilities of local governments related to primary delivery of fire prevention services.**
- **The FSA also responds to the BC Coroner's report on the 2012 Lakeland mill explosion which recommends that the *Fire Services Act* create penalty provisions for non-compliance with the BC Fire Code and orders issued by inspectors and investigators.**

SSFSWG Meeting Summary—November 28, 2022

Meeting schedule:

- There have been three general SSFSWG meetings and two technical meetings.
- The Office of the Fire Commissioner (OFC) provided an update on the FSA during the EA Directors' Forum during the 2022 UBCM Convention.
- At the time of the meeting, the OFC had had two meetings with FCABC, as the subject matter experts for this work. (**Note:** FCABC received the same technical presentations as the SSFSWG. The OFC will be reviewing operational documents with select FSA FCABC Working Group members in late summer early fall. These documents will be shared with the SSFSWG.)

Meeting discussion—summary:

- The purpose of the November 28 meeting was to begin preliminary discussions about options for implementing the single standard of fire safety (i.e., fire inspection of public buildings in regional districts) and to review questions from the August 10, 2022, meeting, which were answered in the November 25, 2022, email.
- The message from the SSFSWG, and reiterated at the 2022 UBCM EA Directors' Forum, was that most regional districts have neither the capacity nor the resources to conduct fire inspection of

public buildings and that there were/are a number of outstanding questions, some of which have been raised by FCABC.

- Questions concerning the number of inspectable properties were answered during the technical session on the methodology—the OFC is very confident in the numbers. The definition of inspectable property was also addressed, e.g., are wineries, fruit/veg. stands, distilleries, wintery bistros included—yes. Other questions were raised about stratas, buildings without permits, and Airbnbs.
- In addition, concern was raised about the unique characteristics (geographic and capacity) of regional districts and smaller municipalities and how regional districts already performing inspections would be accommodated/addressed.
- The context for the SSFSWG’s current work was and still is the March 17, 2022 letter from the Honourable Minister Mike Farnworth, Minister of Public Safety and Solicitor General and Deputy to the Premier, to UBCM, which was included in the background package for the SSFSWG November 28, 2022, meeting.
- The letter references the Province’s commitment to a single standard of fire safety and the requirement for fire inspection of public buildings in unincorporated areas. It also states the Minister’s direction to “*explore options* for addressing the administrative and operational challenges of a risk-based compliance monitoring approach” to meet that requirement.
- Principles guiding the options, include “consistent, standardized, outcome-based” (e.g., framework need to accommodate differences across regional districts), flexible, etc.
- The options discussed included:
 - **Option 1:** Provincially driven service delivery—inspections and administration (systems development, tracking, reporting, penalties) provided by province.
 - **Option 2:** Provincially driven service delivery initially, with eventual hand-off to regional districts.
 - **Option 3:** Third party service delivery and administration.
- **Amended direction:**
 - The context for these options changed following the November 28, 2022 SSFSWG meeting. Current government direction is to bring the FSA into force without amendments.
 - As regional districts are not included in the definition of monitoring entity, they would not be required to implement a risk-based compliance monitoring system for public buildings or comply with other monitoring entity requirements. However, as regional districts are defined as local authorities, they are required to designate inspectors and investigators—see Part 4, section 8; Part 7, section 23.
 - The OFC is committed to working with local governments on options for bringing the FSA into force.

Status of the FSA—Communications

Since the November 28, 2022 meeting the OFC has publicly shared the following information on the status of the FSA:

- *Fire Safety Act* (FSA) received royal assent 2016 but has not been brought into force.
- OFC has been meeting with UBCM, the Local Government Management Association (LGMA), the Fire Chief's Association of BC (FCABC), and the Ministry of Municipal Affairs to complete the work required to bring the FSA into force.
- Staff at the OFC are continuing their work to support the government policy direction to establish a Single Standard of Fire Safety in the province, i.e., work on the *Fire Safety Act*.
- The Minister has expressed his interest in the OFC advancing the file and continuing its work with FCABC (operational) and UBCM (policy) working groups and communicating with other partners.
- The OFC cannot be specific on legislative timelines. The Ministry does not anticipate that any amendments would be made during this mandate due to the range of other priorities government is currently addressing. All legislation is subject to regular government decision-making processes.

Next steps

- The OFC will continue to work with the FSA FCABC Working Group on the operational documents required to bring the FSA into force. These documents will be shared with the SSFSWG. The intent is to bring the *Fire Safety Act* into force with no amendments. Amendments could be made at a later date.
- The OFC will continue to move the legislation forward. In late summer, early fall the OFC will engage the SSFSWG to discuss the proposed regulations.
- The SSFSWG will meet before the 2023 UBCM Convention to address questions raised by some of the members.
- The OFC will provide an update on the *Fire Safety Act* as part of a September 18 workshop at the 2023 UBCM Convention.