

## Office of the Fire Commissioner

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# *Fire Safety Act—Update and Backgrounder*

January 15, 2024

### **Purpose and context**

The purpose of this document is to: 1) update the Single Standard of Fire Safety Working Group (SSFSWG) and the Fire Safety Act Fire Chiefs' Association of BC Working Group (FSA FCABCWG) on the status of the work on the *Fire Safety Act* (FSA); and 2) provide a reference to support consistent communication across both organizations.

This document confirms the Province's current direction on the legislation. The information is public and is shared on the first of each month. The two sections that will be updated regularly are the "current work" and "communication and engagement".

This document includes:

- current work, including meetings, conferences, etc.
- communication and engagement
- Provincial direction—background
- history and timelines—background
- rationale for the FSA—background
- objectives of the FSA—background

### **Current Work on the *Fire Safety Act*—roles, and responsibilities actions,**

- The majority of the work on the FSA is being done through the SSFSWG and the FSA FCABCWG.
- At this time, the Office of the Fire Commissioner (OFC) is working with the SSFSWG to address the expertise, capacity, and funding issues associated with the requirement for regional districts to designate inspectors and investigators that have been raised by Union of BC Municipalities (UBCM) and regional districts. Specifically, the OFC is working with the SSFSWG on a procedures document for designated inspectors and investigators that outlines the process for regional districts to access support from the OFC for conducting fire inspections and investigations.
- The OFC is working with the FSA FCABCWG to finalize the operational documents required to implement the FSA. The final draft of these documents will be shared with the SSFSWG in early spring.

### **Upcoming meetings and conferences:**

- March 26, 2024: UBCM Regional District Chair/CAO Forum (presentation)
- January 31, 2024: UBCM EA Directors' Forum (OFC presentation)
- January 24, 2024: Regional District CAO Question and Answer Session (UBCM and OFC)
- January 19, 2024: FSA FCABCWG Meeting No. 13

## Communication and Engagement

Since 2021 engagement and consultation on the FSA has involved two main working groups: the SSFSWG and the FSA FCABCWG.

The SSFSWG comprises representatives from regional districts (board chairs, CAOs), UBCM, the Ministry of Municipal Affairs (MUNI), and the OFC. The FSA FCABC WG comprises representatives from the FCABC membership, MUNI, and the OFC.

Other organizations are being, and will continue to be updated, about the status of the work through email, presentations, conferences, and webinars as the work progresses.

Since 2021, the Fire Commissioner has provided updates on the FSA at several conferences, including the 2022 and 2023 UBCM Conventions, the 2022 and 2023 FCABC Annual Conference. The OFC has also provided updates to the Building Owners and Managers Association of BC, the Local Government Management Association (LGMA), the BC Fire Training Officers Association, and the Fire Prevention Officers' Association of BC.

## Provincial Direction on the *Fire Safety Act*

- 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 will be 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.

## History and Timelines

- FSA received royal assent 2016 but has not been brought into force.
- OFC has been meeting with UBCM, LGMA, the FCABC, and MUNI to complete the work required to bring the FSA into force without amendments.
- 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 FSA.
- The Minister has expressed his interest in the OFC advancing the file and continuing its work with UBCM (policy) and FCABC (operational) 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.

## Rationale for the *Fire Safety Act*

- The FSA is the modernized replacement for the *Fire Services Act*.

- Modernized features include: the implementation of a risk-based compliance monitoring system(s) 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 OFC related to building inspections and fire investigations by eliminating the local assistant to the fire commissioner 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.**