

**Fire Safety Act
Questions and Answers
Date Revised: September 17, 2024**

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Office of the
Fire Commissioner



Change Summary

Note: Changes as of September 17, 2024, are reflected in highlight. Only significant changes have been highlighted.

Date Version	Question Number	Change
August 19, 2024	#14	Update: Second bullet added to provide additional information about the designation template and clarified that the template does not need to be returned to the Office of the Fire Commissioner (OFC).
August 19, 2024	#15	New: Addresses if a local authority can designate a contractor to be a fire inspector or fire investigator. Also advises that the Fire Safety Act Inspector Standard and the Fire Safety Act Investigator Standard and associated PLARS are on the OFC's website.
August 19, 2024	#16	New: Outlines if an improvement district can designate fire inspectors or fire investigators.
August 19, 2024	#18	New: Provides a brief response to address if a local authority needs to adjust their bylaws to designated fire inspectors and/or fire investigators.
August 19, 2024	#24	New: Addresses if there is a requirement for a

		regional district to identify a public building.
August 19, 2024	#27	Update: Added/adjusted copy for clarity.
August 19, 2024	#28	Update: Clarified that this question was related to an independent fire department, not a volunteer fire department.
August 19, 2024	#30	Update: Advises that the Fire Safety Act Inspector Standard and the Fire Safety Act Investigator Standard and associated PLARS are on the OFC's website.
August 19, 2024	#32	Update: Advises that the Fire Safety Act Inspector Standard and the Fire Safety Act Investigator Standard and associated PLARS are on the OFC's website.
August 19, 2024	#43	Update: Added last bullet for clarity.
August 19, 2024	#45	Updated: Clarified that local assistant to the fire commissioner (LAFC) training and transfers and renewals will no longer be done as of August 1, 2024, and added clarity regarding the return of the LAFC badges.
August 19, 2024	#47	Update: Added last bullet for clarity.

August 19, 2024	#48	New: Outlines if Local Assistants to Fire Commissioner can still complete fire inspections and fire investigations. Also advises that the Fire Safety Act Inspector Standard and the Fire Safety Act Investigator Standard and associated PLARS are on the OFC's website.
August 19, 2024	#49	New: Addresses insurance company reporting.
September 17, 2024	#22	Added clarity on what Federal buildings could/could not be inspected.
September 17, 2024	#45	Added request to include a letter that reflects the LAFC name and badge number and the sending department's name when return a badge.

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

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

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 (FSA) establishes the powers and duties of the fire commissioner who is responsible for administering the FSA 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 FSA.

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 (FSA).
- They are also delegated by the fire commissioner as fire inspectors and fire investigators under the FSA and are appropriately trained to the published standard for each function – meaning they may conduct inspections and 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 OFC is committed to maintaining a collaborative approach to the development of a single standard of fire safety, as intended under the FSA.
- The local authority can reach out to their regional fire service advisor for support with any matter under the FSA.
- 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-support)

3. What is the Office of the Fire Commissioner’s contact information?

- The contact information for the Office of the Fire Commissioner is:
 - Main phone number: 1-888-988-9488
 - After hours emergency: 1-800-663-3456
 - Email: 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. 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 higher risk public buildings will be inspected more frequently in municipalities.
- High-risk buildings include public buildings such as bars, apartments, hotels, college residences, large office buildings and sawmills, among other public buildings.

9. 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.

10. 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.

11. The Fire Safety Act does not include a definition for a fire service advisor. Does this mean that fire service advisors cannot complete fire investigations or fire inspections?

- Section 3 of the Fire Safety Act (FSA) enables the fire commissioner to hire employees to perform the work of the fire commissioner, without assigning any specific role or function title.
- This means that fire service advisors will continue to be recognized as representatives of the fire commissioner and will be able to perform the work of the fire commissioner.
- In addition, the fire commissioner will use the power to delegate under section 5 of the FSA to enable the Office of the Fire Commissioner fire service advisors to perform fire inspections and fire investigations, as needed.

Fire Safety Act Overview

12. What is the Fire Safety Act (FSA)?

- On August 1, 2024, the Fire Safety Act (FSA) came into force, replacing the Fire Services Act of 1979.
- The FSA meets the B.C. government's commitment to achieve a single standard of fire safety 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 FSA and the associated regulation, 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 FSA 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.

13. When did the Fire Safety Act come into effect?

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

Fire Inspectors and Fire Investigators and Local Authorities

14. 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 (FSA) 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).
- 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) at this time. 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.
- All local authorities should designate their fire inspector(s) and fire investigator(s) as soon as the FSA comes into force on August 1, 2024, and before the Local Assistant to the Fire Commissioner program ends on October 28, 2024.
- The transition period will provide the time for local authorities to ensure that the designated fire inspector or fire investigator has obtained the required training.
- During fall 2024 and winter 2025, the OFC will work closely with all partners to ensure a measured implementation of the FSA requirements.

15. 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 and 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.
- As of August 19, 2024, the Office of the Fire Commissioner Fire Safety Act Inspector Standard and the Fire Safety Act Investigator Standard can be found here: [Fire Safety Act reference documents - Province of British Columbia \(gov.bc.ca\)](#)
- The Fire Safety Act Inspector Standard and Investigator Standard PLARs can also be found here: [Fire Safety Act reference documents - Province of British Columbia \(gov.bc.ca\)](#)

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

- Under the Fire Safety Act (FSA), 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 FSA and are not authorized under the FSA to appoint fire investigators or fire inspectors.
- Only local authorities are required and authorized to designate fire investigators or fire inspectors for their local government jurisdictions.
- The OFC, local authority partners and the Ministry of Municipal Affairs, will discuss improvement districts' requests to appoint fire investigators and fire inspectors. 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 placed throughout the province and work with improvement districts to support fire safety measures in their fire protection areas.
- The OFC remains committed to supporting improvement districts 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)

17. What section of the Fire Safety Act designates fire investigators and fire inspectors?

- Designation of fire inspectors – section 8 of the Fire Safety Act (FSA) 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 FSA 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.

18. 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.

19. What are the estimated timelines to designate a fire inspector and fire investigator?

- **August 2, 2024 – to October 28, 2024 (before the Local Assistant to the Fire Commissioner program ends)** – local authorities designate a person or class of persons as fire inspector or fire investigator, in writing, for any portion of their jurisdiction.
- **August 19, 2024** – the Office of the Fire Commissioner (OFC) posted the Fire Safety Act Inspector Training Standard and Fire Safety Act Investigator Training Standard. The Office of the Fire Commissioner also posted the two corresponding “Prior Learning Assessment and Recognition” (PLAR) forms. These documents can be located here: [Fire Safety Act reference documents - Province of British Columbia \(gov.bc.ca\)](#)
- **August 20, 2024 – July 31, 2025** – fire services review the PLAR form against the Fire Safety Act Inspector Training Standard and Fire Safety Act Investigator Training Standard and confirm via the PLAR that the designated fire inspector and fire investigator meet the fire inspector and fire investigator training standards. 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. The PLAR does not need to be returned to the OFC.

- **Late 2024** – online training for fire inspectors and fire investigators will be available through the OFC.
- **July 31, 2025** – transition period ends, and 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, whether that be through the PLAR or the OFC online training.

20. Who is responsible for conducting fire inspections and investigations?

- Under the Fire Safety Act (FSA), 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 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.

21. 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 FSA) before designated inspectors and investigators have to meet the required training standards.
- 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.

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

- The Fire Safety Act (FSA) does not apply to federal reserve lands.
- Enforcing fire codes on First Nations lands is under federal jurisdiction, and the (FSA) 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 FSA; 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 FSA.
- 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.

23. 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 on behalf of the RD, at no cost to the RD.
- Upon request from an RD, the OFC fire services advisors will conduct fire inspections and fire investigations.
- However, an RD with sufficient resources and local expertise may choose to undertake all inspections and investigations within their jurisdiction.

24. 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 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 regional district) will determine if an inspection is required or reasonable.

25. Does the local authority have ability to determine which jurisdictional area(s) the designated fire inspector or fire investigator covers?

- Yes, the local authority is fully empowered to designate the function of fire inspector and fire investigator, if the person meets the training standards issued by the fire commissioner.

26.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 (FSA) 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 FSA.
- 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.
- RDs may request 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 \(gov.bc.ca\)](#)

27.Are regional districts expected to conduct fire inspections and fire investigations where there is no service establishment bylaw in the area?

- As regional districts (RD) are not monitoring entities, they will operate within a reactive (complaint based or owner requested) inspection framework.
- When an RD receives an enquiry related to fire inspections or fire investigations, the RD can directly contact the Office of the Fire Commissioner (OFC) to request an OFC fire service advisor conduct fire inspections and fire investigations. This service is provided at no cost to the RD.

- The process for RDs is outlined in the “Regional District Inspections and Investigations Procedures” document that can be located here: [Fire Safety Act reference documents - Province of British Columbia \(gov.bc.ca\)](#)

28. For properties outside of a regional district fire protection service area, but where an independent fire department may exist, is there any requirement for these fire departments to conduct inspections and investigations?

- If an independent fire department receives a request for an inspection, or is involved in, or notified about a fire that has destroyed or damaged property, there are a few options to get support for a fire inspection or fire investigation.
 1. The independent fire department can reach out to the Office of the Fire Commissioner (OFC).
 2. The independent fire department can contact the regional district’s designated fire inspector(s) or investigator(s) to advise the OFC that a fire has destroyed or damaged property.
 3. 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.
- 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

29. 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.

- The OFC will be working with UBCM during implementation of the Fire Safety Act to ensure the appropriate processes and resources are in place.

Fire Investigator and Fire Inspector Training

30. 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 investigate 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 – 10 hours (per course). Online training for fire inspectors and fire investigators will be available late 2024.

- A fire inspector and fire investigator can perform both roles if they have taken both courses.
- As of August 19, 2024, the Office of the Fire Commissioner Fire Safety Act Inspector Standard and the Fire Safety Act Investigator Standard 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)
- The Fire Safety Act Inspector Standard and Investigator Standard PLARs can also 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)

31. Is there a limit to the number of people who can be designated and complete the training?

- 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

32. What types of procedures and process documents will be put in place for the Fire Safety Act?

- The Office of the Fire Commissioner (OFC) continues to work on procedures and process documents including:
 - Fire Safety Act Inspector Training Standard (completed August 19, 2024)
 - Fire Safety Act Investigator Training Standard (completed August 19, 2024)
 - Fire Safety Act Self-Assessment Manual

- Guidelines to Risk Analysis for Monitoring Entities in British Columbia
 - Fire Safety Act Evacuation Procedures
 - Fire Safety Act Reviews (Appeals) Policy and Procedure
 - Fire Safety Act Regional District Fire Inspections and Investigations Procedures
 - Fire Safety Act Administrative Penalty Manual
- The OFC expects most of these documents to be shared with fire services and municipalities and regional districts as appropriate, and building owners as necessary, in early fall 2024.
 - As of August 19, 2024, the Office of the Fire Commissioner Fire Safety Act Inspector Standard and the Fire Safety Act Investigator Standard can be found here: [Fire Safety Act reference documents - Province of British Columbia \(gov.bc.ca\)](#)
 - The Fire Safety Act Inspector Standard and Investigator Standard PLARs can also be found here: [Fire Safety Act reference documents - Province of British Columbia \(gov.bc.ca\)](#)
 - There will be a one-year transition period before designated fire inspectors and fire investigators must meet the published training standards.
 - 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.

Fire Safety Act and Owners

33. What does the Fire Safety Act mean for building owners?

- The Fire Safety Act (FSA) places a duty on owners of buildings to ensure that there is no fire hazard on, or in the owner's premises. The BC Fire Code reinforces this established responsibility, and the FSA provides the province with tools to ensure compliance.
- To meet the requirements of the FSA and the BC Fire Code, building owners and operators may be required to conduct fire safety self-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 self-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 local authority via bylaw.
- The Fire Safety Act (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. Note: the regulation will be shared in early fall.
- During fall 2024 and winter 2025, the Office of the Fire Commissioner will work closely with all partners, including premise owners, to ensure a measured implementation of the FSA requirements.

34. Can you share more about the Safety Self-Assessments and the process?

- The Office of the Fire Commissioner (OFC) is currently developing a: Fire Safety Act Self-Assessment Manual”.
- The OFC expects this document to be shared with fire services, local authorities, and building owners, in early fall 2024.
- This manual is primarily intended to be used by the building owner or building owner’s authorized agent (representative) to complete a Fire Safety Self-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/gov2/industry/codes)

- The building owner or the owner's authorize agent must be compliant with the Fire Safety Act, the BC Fire Code, and any other applicable regulations.
- A Fire Safety Self-Assessment Form and Declaration confirms 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.
- During the fall 2024 and winter 2025, the OFC will work closely with all partners, including premise owners, to ensure a measured implementation of the FSA requirements.

35. 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.
- Although the BCFC is a regulation of the Fire Safety Act (FSA), and the fire commissioner is responsible administering the FSA and its regulations, this will not interfere or impede the BCBC.
- 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 sets 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 present 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/gov/content/safety/bc-codes-2024)

Administrative Monetary Penalties

36. What are the administrative monetary penalties under the Fire Safety Act?

- The Fire Safety Act establishes the authority for the fire commissioner to issue an administrative monetary penalty (AMP) in specific circumstances of non-compliance, such as non-compliance of a fire inspector order or a preventive evacuation order.
- An AMP is designed to deter non-compliance with requirements under the FSA and the regulations.
- AMP 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 AMP 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 FSA.
- Administrative penalty matters are between the provincial government and the person who is thought to have contravened the FSA act or failed to comply with an order issued under the FSA.

37. 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

38. 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 (RD). 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, local authorities and premises owners.
- During the implementation phase of the Fire Safety Act, the OFC is committed to continue working collaboratively with UBCM to monitor implementation and develop/update applicable policy and procedures as needed.

39. Will the local authorities be compensated for inspections or is the “fee” referenced in section 20 imposed only by a local authority bylaw?

- Failure of an owner to conduct a fire safety self-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.

40. 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 FSA 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. The document can be located here: [Fire Safety Act reference documents - Province of British Columbia \(gov.bc.ca\)](#)

41. 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 reflected in the Information Management Act.

42.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.

43.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.

44. Can you provide an overview of the local assistant to the fire commissioner program?

- Under the former Fire Services Act and the Fire Code Administration Regulation, the fire commissioner was responsible for the administration and enforcement of the Fire Services Act and the current British Columbia Fire Code.
- Also under the former Fire Services Act, local assistants to the fire commissioner (LAFCs) were appointed to assist the fire commissioner with fire investigation and the enforcement of fire legislation and the regulations.
- In many cases, the LAFc was the fire chief or other fire service member of a community fire department.
- A LAFc could also be a fire service volunteer, particularly in regional districts, and local police could also fill this function if no LAFc had been appointed by the fire commissioner in any area outside of a municipality.
- The LAFc exercised the powers of the fire commissioner when they carried out those duties mandated under the Fire Services Act and regulations. The LAFc function and efforts were accountable to fire commissioner and not the local authority and LAFc training was provided for individuals who were appointed as a LAFc.

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

- The Fire Safety Act (FSA) came into effect on August 1, 2024. As a result, the local assistants to the fire commissioner (LAFc) functions that were part of the Fire Services Act will be discontinued within 90 days and the LAFc program will end October 28, 2024.
- LAFc training or any other LAFc modifications (e.g., transfers or renewals) will not continue after August 1, 2024.

- As outlined in section 41 (3) of the Fire Services Act, all fire departments must return their LAFC badges to the Office of the Fire Commissioner.
- The badges are to be returned at the fire department's cost. When returning a badge, please also include a letter that reflects the LAFC 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
- Under the FSA, local authorities will have to designate, in writing, a person or a class of persons as fire inspector(s) and fire investigator(s). This should be done once the FSA is brought into force on August 1, 2024, and ideally before the LAFC program ends on October 28, 2024.

46. 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.

47. 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.

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

- Local Assistants to the Fire Commissioner (LAFC) that were appointed under the Fire Services Act, can continue to fulfill the role of fire inspector and fire investigator until October 28, 2024, when the LAFC positions will end.
- After October 28, 2024, previous LAFC positions will no longer be active, and they will be unable to fulfill any of the duties that existed under the Fire Services Act.
- The Fire Safety Act (FSA) requires that 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).
- There will be different and specific training requirements for designated fire inspectors (“Fire Safety Act Inspector Standard”) and fire investigators (“Fire Safety Act Investigator Standard”). Refer to the “Fire Inspector and Fire Training” section of this Q&A for more information on the online training for fire inspectors and fire investigators that is to follow.

- 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 that they meet the standards.
- As of August 19, 2024, the Office of the Fire Commissioner Fire Safety Act Inspector Standard and the Fire Safety Act Investigator Standard can be found here: [Fire Safety Act reference documents - Province of British Columbia \(gov.bc.ca\)](#)
- The Fire Safety Act Inspector Standard and Investigator Standard PLARs can also be found here: [Fire Safety Act reference documents - Province of British Columbia \(gov.bc.ca\)](#)
- We encourage all local authorities to designate their fire inspectors and fire investigators as soon as possible.

Insurance Companies

49. 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.
- In late fall 2024, the Office of the Fire Commissioner will contact the insurance sector about the continuation of the insurance reporting process. Until then, 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 \(gov.bc.ca\)](#)