

Fire Safety Act Evacuation Procedures



Office of the
Fire Commissioner



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Please find all current and available fire safety legislation, regulations, codes, bulletins and reference documents online here:

<https://www2.gov.bc.ca/gov/content/safety/public-safety/fire-safety/legislation-regulations-codes>

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Introduction

The [Fire Safety Act](#) enables two different kinds of evacuation: section 13 enables tactical evacuations, and section 14 enables preventive evacuations.

The Office of the Fire Commissioner (OFC) developed this document, Fire Safety Act Evacuation Procedures, to provide guidance to local authorities when exercising their authority to issue a preventive evacuation order and steps to recover costs incurred for securing evacuated premises where the building owner fails to secure the evacuated premises.

Tactical evacuations

According to section 13 of the Fire Safety Act, a tactical evacuation may only be done when it is believed there is an immediate threat to life due to a fire hazard or explosion. Because tactical evacuations are intended to address only the most serious and immediate threats, the Fire Safety Act does not require that a written or formal evacuation order be issued to initiate action.

Who may conduct a tactical evacuation

Under section 13(1), the Fire Safety Act now enables a fire chief, or a person authorized by a fire chief to conduct a tactical evacuation.

Under section 4(2)(c) of the Fire Safety Act, the fire commissioner may also conduct a tactical evacuation. The fire commissioner may delegate the power to conduct a tactical evacuation to another person, using the authority of section 5(1).

When a tactical evacuation may be conducted

Before a tactical evacuation may be initiated, the authorized person (fire chief, fire commissioner or delegate) conducting the evacuation must believe that an immediate threat to life exists due to a fire hazard or explosion.

What may be evacuated

Section 13(1) of the Fire Safety Act defines that a tactical evacuation may cover premises or a geographic area.

Assistance of police

Section 13(2) provides that an authorized person who is conducting a tactical evacuation may call on the assistance of a police officer to assist with the evacuation.

Effect of a tactical evacuation

Under section 13(3), no person who has been evacuated shall return to the evacuated area until the authorized person who conducted the evacuation notifies them that it is safe to do so.

Preventive evacuations

Under section 14, the Fire Safety Act provides authority for a local authority or the fire commissioner to issue a preventive evacuation order to conduct an evacuation and, if necessary, secure the evacuated premises and recover the costs of securing the premises from the building owner.

A preventive evacuation may be done where a local authority or the fire commissioner believes that conditions exist on or in premises such that, if there were a fire, it would endanger life, resulting from non-compliance by the building owner to a fire inspector order issued under section 11. Although the risk that leads to a preventative evacuation is serious, it is less immediate than the threat addressed by a tactical evacuation action. Because the risk is less immediate, more steps are required for a preventive evacuation to be undertaken, including issuing a written preventative evacuation order.

The OFC has developed a Fire Safety Act Preventive Evacuation Order and Cancellation template. The template is on the BC government webpage [here](#).

Who may conduct a preventive evacuation

Under section 14(1), a local authority or the fire commissioner may conduct a preventive evacuation. A local authority may conduct a preventive evacuation only if the premises to be evacuated are within the boundaries of the local authority's jurisdiction. The fire commissioner does not have similar limitations noted in the legislation with respect to a jurisdiction because the fire commissioner's authority is for all areas of the province.

What must happen before a preventive evacuation can be conducted

The following steps or conditions must be present or occur before a local authority, or the fire commissioner may conduct a preventive evacuation:

- ▶ Under section 14(1)(a), the local authority or the fire commissioner must believe that the conditions, or the fire risk, on or in the premises would endanger life in the event of a fire on or in the premises.
- ▶ Under section 14(1)(b), the owner of the premises must have failed to comply with a fire inspector order made under section 11 of the Fire Safety Act. This means that a preventive evacuation cannot be conducted unless a related fire inspector order was issued previously, and the owner of the premises has failed to comply with the fire inspector order.
- ▶ Under section 14(5), the local authority or the fire commissioner must have served the owner of the premises with the evacuation order and posted a copy of the evacuation order in a visible location on or in the premises.

Serving a preventative evacuation order

The acceptable methods for serving a preventive evacuation order, or any Fire Safety Act documents, are described in section 45 of the Fire Safety Act.

Methods for serving a preventative evacuation order
When owners are individuals OR corporations
Leave a copy with the owner of the premises
Mail a copy by registered mail to the owner's last known address
Email a copy to the owner's last known email address
When the owner is a corporation, the options above OR one of the following methods of service may be used
Leave a copy with a director or officer of the corporation
Leave a copy at the address at which the corporation carries on business
Leave a copy in a mailbox or mail slot for the address at which the corporation carries on business
Mail a copy by registered mail to the mailing address shown for the registered office of the corporation in the corporate register

Details for a preventative evacuation order to be complete

Under section 14(6) of the Fire Safety Act, a preventative evacuation order must be in writing and must include the following information:

- ▶ The reasons for the evacuation,
- ▶ The date that the evacuation will occur, and
- ▶ A statement that any person evacuated under the order must not return to the premises until the evacuation order has been cancelled by the authority (local government or fire commissioner) issuing the evacuation order.

Section 14(6) does not limit what other information may also be included in the written order. This means that a preventative evacuation order may include other

information that is relevant to the evacuation, but to be valid, the order must include the required information listed above.

Reasons for the evacuation

The preventive evacuation order template includes modified wording from section 14(1) of the Fire Safety Act indicating that the person issuing the order believes that:

- ▶ conditions exist on or in the premises such that a fire on or in the premises would endanger life, and
- ▶ the owner of the premises has failed to comply with an order issued under section 11 of the Fire Safety Act.

In addition, the local authority or fire commissioner should include on the evacuation order a summary of the section 11 fire inspector order(s) not complied with and attach the order(s) to the preventive evacuation order.

No other reasons are to be considered or included on the preventive evacuation order.

Date the preventative evacuation will occur

The date of the preventative evacuation must be noted on the preventive evacuation order. However, the Fire Safety Act does not provide guidance on how much time needs to be given to a building owner to complete the evacuation of residents from the premises. The person issuing the preventive evacuation order needs to set the evacuation time frame based on the level of risk faced by the residents of that premises.

In general, if the risk levels allow, the issuing authority (the local authority or fire commissioner) can consider the 10 days time limit for a review request of the preventative evacuation order by the premises owner.

Preventive evacuation orders remain in effect until cancelled

Under section 14(6)(b), a preventive evacuation order remains in effect until it is cancelled by the original issuing authority of the order.

Section 14(8) requires that the local authority or fire commissioner notify the owner of the evacuated premises when the preventive evacuation order is cancelled.

Support for conducting a preventive evacuation

Section 14(7) provides that a person who is conducting a preventive evacuation may call on the assistance of a police officer to assist with the evacuation actions.

Review (Appeal) Process – Preventative Evacuations

A separate manual titled Fire Safety Act Reviews (Appeals) Policy and Procedures manual describes the procedures for accessing and conducting a review of specific decisions made under the Fire Safety Act. This document can be found here: [Fire Safety Act reference documents - Province of British Columbia](#)

In maintaining a fair and consistent process for administering reviews, the OFC will meet the requirements of the Fire Safety Act and the principles of administrative justice.

The legislative framework for a review of a decision is provided in Part 9, sections 42 to 44 of the Fire Safety Act.

Securing evacuated premises and cost recovery

Under section 14(9) of the Fire Safety Act, the owner of the evacuated premises must secure the premises to prevent unauthorized entry. The costs of securing the evacuated premises must be paid by the owner of the premises. If the owner fails to secure the evacuated premises, section 16 of the Fire Safety Act allows for the local authority or fire commissioner to secure the evacuated premises and recover the costs of doing so from the owner. The [Fire Safety Regulation 248/2024](#) sets the maximum limit that may be recovered from the owner at \$100,000.

Under sections 17 and 18, a local authority may recover only the direct costs of securing the evacuated premises by deeming those costs to be delinquent taxes on the land from the date that the costs are incurred.

Section 19 allows the fire commissioner to recover only the direct costs of securing the evacuated premises in a similar manner.

Securing evacuated premises

The Fire Safety Act does not define 'secure', nor does the legislation provide any detail on how evacuated premises are to be secured. The local authority or fire commissioner must determine its own process. Because what needs to be done to secure an evacuated premises against unauthorized entry or occupation varies from premises to premises, the Fire Safety Act allows the local authority or the fire commissioner to make the most appropriate decisions for each situation.

Securing evacuated premises may include any combination of the following security measures or activities:

- ▶ Affixing structural barriers to windows and other points of access using materials and installation effective to preclude entry,

- ▶ Locking windows and doors,
- ▶ Boarding up windows and doors,
- ▶ Boarding some, or all, entry points into property — e.g., boarding only the lower-storey doors and windows; boarding upper-storey windows (to prevent entry via makeshift ladders),
- ▶ Installing security fencing or other perimeter barriers,
- ▶ Installing a security lighting system, provided the lighting does not impact neighbouring properties,
- ▶ Employing security or guard patrols on a frequent and periodic basis, and
- ▶ Putting in place 24-hour security patrols.

A local authority or the fire commissioner may have the premises secured by a contractor or use its own resources to secure the premises.

Principles of cost recovery for securing premises

The provisions in the Fire Safety Act that authorize the issuer of a preventative evacuation to secure the evacuated premises and recover the costs from the owner of the premises are based on the following principles:

- ▶ A local authority or the Province should not be financially disadvantaged by having to step in and do the work that the owner is statutorily required to do.
- ▶ Costs incurred by a local authority or the Province must be recoverable from the owner so that the owner has no financial incentive to avoid their duty to secure the premises.
- ▶ A local authority or the Province can be reimbursed only the costs that are actually and necessarily incurred to secure evacuated premises.

- ▶ A local authority or the Province may not:
 - undertake repairs and bill them to the owner, or
 - levy any punitive costs on the owner.

Costs recovery

Meaning of 'costs'

Section 15 of the Fire Safety Act provides the following definition of 'costs' for the purpose of securing evacuated premises:

- ▶ means the costs actually and necessarily incurred in securing evacuated premises, not exceeding an amount prescribed by the Lieutenant Governor in Council.

This definition is intended to limit and clarify what can be recovered from an evacuated premises owner in relation to the securing of an evacuated premises.

The local authority or the Province must have actually paid the costs, and the costs must be for things that were necessary to secure the premises. No costs beyond what is strictly necessary to secure the premises can be recovered.

Costs may include costs for re-securing premises

In some circumstances, it may be necessary for a local authority or the Province to re-secure evacuated premises while it remains under the preventive evacuation order. Typically, this would be the result of unauthorized entry into the evacuated premises resulting in damage or removal of locks, fences or boarding. Recoverable costs include any costs for re-securing evacuated premises in these circumstances.

Maximum amount of costs recoverable

The [Fire Safety Regulation 248\2024](#) sets the limit for the costs that can be recovered to \$100,000. Depending on the geographic location, circumstances,

reason for the preventive evacuation, and necessary work to be done, the costs for securing a specific type of premise — e.g., commercial, multi-family, single family — will likely vary significantly.

The maximum amount applies to all costs incurred to initially secure and, if necessary, re-secure premises for which a preventive evacuation order is in effect. Once the \$100,000 limit is reached, additional costs to secure or re-secure the premises cannot be recovered under the Fire Safety Act.

Costs for re-securing premises.

Premises that were previously evacuated and secured and then subsequently brought into compliance and re-occupied may be subject to a new preventive evacuation order. In these circumstances, the costs incurred to secure the evacuated premises after the new preventative evacuation order was issued are recoverable up to the \$100,000 limit.

Where a preventive evacuation order remains in effect because of continuing non-compliance with a fire inspector order, a new preventative evacuation order may not be issued for the purpose of re-setting the maximum costs recoverable to secure or re-secure the evacuated premises.

Mechanisms to recover costs

Cost recovery by a municipality

Section 17 of the Fire Safety Act applies only to local authorities that are municipalities. It provides authority for a municipality to recover the costs of securing evacuated premises. It makes those costs equivalent to a 'special charge' on land under section 250 of the Community Charter. This allows the municipality to treat the costs as delinquent property taxes from the date that the costs were incurred. The municipality can then use the powers in the Community Charter for

collecting delinquent taxes to recover the costs of securing the evacuated premises.

Cost recovery by a regional district

Section 18 of the Fire Safety Act applies to local authorities that are regional districts. It provides authority for a regional district to recover the costs of securing evacuated premises. The regional district must certify the costs to the surveyor of taxes. Once certified, the costs become a lien on the land and can be collected by the government in the same way that delinquent taxes are under the Taxation (Rural Area) Act. The costs recovered by the Province are then paid to the regional district.

Cost recovery by the fire commissioner

Section 19 of the Fire Safety Act applies only to the fire commissioner. The ways in which the fire commissioner recovers the costs of securing evacuated premises differs depending on which local authority jurisdiction the evacuated premises are located.

Premises inside a municipality

When the evacuated premises are within a municipality, section 19(1) requires that the fire commissioner certify the costs to the municipal financial officer and that the officer pay the amount of the costs to the fire commissioner with municipal funds. Under sections 19(2) and (3), the municipality can then recover the costs paid to the fire commissioner from the owner of the premises using the process described in section 17.

Premises inside a regional district

When the evacuated premises are within a regional district but outside of a municipality, section 19(4) requires that the fire commissioner certify the costs to

the surveyor of taxes. As occurs under section 18, the certified costs then become a lien on the land under sections 19(5) and (6) and can be collected by the Province in the same way that delinquent taxes are under the [Taxation \(Rural Area\) Act](#).

Forms and Templates

There are two user forms related to Fire Safety Act Evacuation Procedures that are needed by persons issuing or cancelling preventative evacuations in accordance with the Fire Safety Act. These forms are titled:

- 'Preventative Evacuation Order'
- 'Preventative Evacuation Cancellation'

Both can be located on the BC government website [here](#).