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(NOTE: the on-line version of this report does not contain the proposed legislation. To obtain a paper copy of the report please contact the Legislative Committees Office on our toll-free line at 1-888-388-6489 or 902- 424-4432 or by e-mailing legcomm@gov.ns.ca)

Introduction

The Select Committee on Fire Safety was appointed in the 2001 spring session of the Legislature to reconsider Bill 58, the Fire Safety Act, which was introduced in the Legislature on June 6, 2000 but died on the order paper.

The committee, chaired by Jon Carey (PC, Kings West), has held public hearings across the province and has also welcomed submissions by post, e-mail and telephone.

The culmination is this report, which will be presented to the Legislature to determine whether Bill 58 should be resubmitted, either as is or in modified form.

Membership of the Select Committee on Fire Safety

Jon Carey, MLA, *chair*
Kings West

Ron Chisholm, MLA
Guysborough-Port Hawkesbury

Kerry Morash, MLA
Queens

Cecil O'Donnell, MLA
Shelburne

Muriel Baillie, MLA
Pictou West

Frank Corbett, MLA
Cape Breton Centre

Graham Steele, MLA
Halifax Fairview

Russell MacKinnon, MLA
Cape Breton West

Brian Boudreau, MLA
Cape Breton The Lakes

Procedures and Operations

The Select Committee on Fire Safety met on the following dates:

Committee Meetings

July 18, 2001
Aug. 22, 2001
Sept. 6, 2001
Sept. 25, 2001
Nov. 1, 2001
Nov. 15, 2001
Nov. 29, 2001
Jan. 10, 2002

Public Hearings

Sept. 25, 2001 -- Mira Road Fire Hall, Sydney
Sept. 26, 2001 -- Port Hawkesbury Fire Hall
Sept. 27, 2001 -- Heather Hotel and Convention Centre, Stellarton
Oct. 2, 2001 -- Salmon River Fire Hall (Truro area)
Oct. 3, 2001 -- Springhill Fire Hall
Oct. 4, 2001 -- Sackville Fire Hall
Oct. 9, 2001 -- Oakhill Fire Hall (Bridgewater area)
Oct. 10, 2001 -- Burr ridge Campus, Yarmouth
Oct. 11, 2001 -- New Minas Fire Hall
Oct. 16, 2001 -- Lions Centre, Sheet Harbour
Oct. 17, 2001 -- Legislative Committees Office
Oct. 23, 2001 -- Legislative Committees Office

Notices

Notices of committee meetings and public hearings were sent to all members of the committee, staff of the caucus offices, and the legislative staff.

Advertisements for the public hearings were placed in daily and weekly newspapers, selected radio stations and cable television outlets, and journals for firefighters, the construction industry and the insurance industry.

Verbatim Transcripts

Transcripts of the Select Committee meetings are available from the Legislative Committees Office or at the Legislature's home page at the following address:

<http://www.gov.ns.ca/legi/hansard/comm/fs/>

Research Material

All research for the Select Committee is compiled by the Legislative Committees Office and distributed to committee members and legislative staff.

Report

The Select Committee Report was compiled and written by Tom McDougall. Once the first draft of the report was completed it was sent to the individual Committee members for consideration. The draft review complete, the report is filed with the Clerk of the House.

Distribution of the report will be as follows: to the Speaker, all members of the Legislature, all witnesses who appeared before the Select Committee, the Legislative Library in Nova Scotia and in all other provinces and territories, and the media. This report is also available to the general public upon request through the Legislative Committees Office. The Select Committee report will also be available at the following web-site address:

http://www.gov.ns.ca/legislature/COMMITTEES/fire_safety.html

Acknowledgements

The Select Committee wishes to extend its gratitude to witnesses for their time and co-operation: Kim Sheppard, Committee Liaison; Paul Read and Scott McTavish, Legislative Television and Broadcast Services; Nicole Watkins Campbell, Editor, Communications Nova Scotia; Gordon Johnson, Legislative Counsel; Pat Clahane, Lawyer for the Department of Environment and Labour; the staff of the Legislative Committees Office for the organization and research of committee meetings. Others whose assistance has been invaluable to the Committee are: Robert Kinsman, Editor of Hansard, and Hansard staff; Don Ledger, Co-ordinator, Legislative Television and Broadcast Services, and staff; and Jim Vibert, Executive Director of Communications Nova Scotia, and staff.

What Is Fire Safety?

Fire safety is a multifaceted issue, but the scope of Bill 58, and this committee, covers only part of it. The committee sought and welcomed submissions covering all fire safety issues and will pass them on for future consideration. These submissions also gave the public and the committee an opportunity to gain a grasp on the entire picture.

Bill 58 is about making buildings and other property safe from fire and empowering fire officials to perform their duties. Among many changes, it would:

- Bring Nova Scotia's fire-safety regulations for property up to date by adopting the Canadian National Fire Code as the Nova Scotia Fire Code.
- Ensure every municipality has a fire inspector, who regularly performs inspections.
- Empower fire officials, when life is threatened, to enter buildings, order evacuations and take other actions, backed by the full force of the law.
- Protect fire officials from being sued for decisions they must make on the spur of the moment.
- Make negligent property owners responsible by making them pay for fire-safety services and by subjecting them to legal penalties for violations of the act.
- Enable the fire marshal to assist organizations involved in fire safety.
- Enable the fire marshal to charge fees for services.

Bill 58 is **not** about such issues as standards of training for firefighters or standards for firefighting equipment. Some of these issues are under consideration in the province, but they fall under other jurisdictions, mainly the Occupational Health and Safety Act.

Bill 58 also does not control firefighting procedures or regulate who has authority at the scene of a fire in progress. These questions fall under the Municipal Government Act. Although Bill 58 does, in Section 13 (1)(h), allow the fire marshal to make certain recommendations pertaining to fire departments and equipment, it is carefully worded to limit the fire marshal's involvement to that of a knowledgeable consultant with no legal power to impose a decision.

Even though these issues lie beyond the scope of the Fire Safety Act, they are important, and many are being discussed in other venues. For instance, a committee of fire chiefs is looking into adopting National Fire Protection Association 1500 standards for volunteer firefighters and firefighting equipment—but only as guidelines to be aimed for, rather than mandatory standards. The committee will refer submissions on these subjects to the appropriate channels. These submissions also served to enlighten the committee on fire issues, particularly the time-consuming, difficult—and sometimes dangerous—services volunteer firefighters perform for their communities, and the difficulties volunteer fire services have in raising money.

Proposed regulations have been drawn up for the Fire Safety Act, but the committee did not make recommendations on them because they are beyond its mandate.

History

The law currently covering fire safety in Nova Scotia is the Fire Prevention Act. It was first enacted in 1919. It hasn't been thoroughly overhauled for over 20 years, though many changes have been occurring in fire safety since then.

For example, Nova Scotia changed its building regulations in 1987, adopting the National Building Code and requiring all municipalities to have building inspectors. Today, all municipalities have building inspectors, as the Building Code Act requires. All municipalities are also required, under the Fire Prevention Act, to have fire inspectors. But the rule has never been enforced, and in reality only about 25 per cent of the 55 municipalities had fire inspectors in 1996. The rest rely on the Fire Marshal's Office to perform inspections, at no cost to the municipality.

In February 1996, the Nova Scotia Fire Prevention Advisory Council, a citizens' group that advises the minister on fire-prevention matters, set up a group of external stakeholders to begin working with the Fire Marshal's Office and counsel delegates to review the Fire Prevention Act.

The advisory council held a series of public hearings across the province to hear opinions, and in August 1997 presented its final report to the Minister of Labour. However, three issues remained unresolved and were left for further discussion. The report on these unresolved issues came out in March 1998.

Bill 58, based on the recommendations of the advisory council's report, was introduced in the House on June 6, 2000. The House adjourned before Bill 58 reached second reading, so it died on the order paper.

But the issue of fire safety remained alive and, on April 11, 2001, Environment and Labour Minister David Morse introduced the resolution establishing the Select Committee on Fire Safety. The House unanimously approved the resolution and the committee began meeting in September. It then held a series of public hearings in Sydney, Stellarton, the Truro area, Springhill, Sackville, the Bridgewater area, Yarmouth, New Minas and Halifax.

This is its final report.

The Need

The regulation of general building-construction safety has changed since the 1980s. In 1987, Nova Scotia enacted a Building Code Act that adopted the National Building Code as its provincewide standard. Today, all municipalities have building inspectors as required in the Building Code Act.

The National Research Council, which wrote the National Building Code, has also written a National Fire Code, designed to harmonize with the building code. One of the main functions of Bill 58 will be to adopt the National Fire Code as the standard for all of Nova Scotia.

Both codes involve the fire safety of buildings. As a general rule, the Building Code covers structural and fire safety during design, construction and renovations. The Fire Code, on the other hand, involves maintenance of fire safety after the building is completed.

The current Fire Prevention Act requires all municipalities to have fire inspectors, just as the Building Code Act requires them to have building inspectors. However, the fire-inspector rule has never been enforced, and only about a quarter of Nova Scotia's 55 municipalities have a fire inspector. The rest have been receiving the service for free from the Office of the Fire Marshal.

A need was seen for having the Office of the Fire Marshal bill for services. New definitions were needed for how often properties must be inspected, and which ones must be inspected by the fire marshal rather than by the local fire inspector.

Fire officials wanted more authority to enforce their orders. To accomplish this, they wanted heavier fines for violations already defined in the current act. They also wanted a new offence to be created for refusing to obey orders such as evacuating buildings.

These changes are the backbone of the Fire Safety Act.

Bill 58's Proposed Changes from the Current Law

The Fire Safety Act would replace the entire Nova Scotia Fire Prevention Act. It is structured differently and is more detailed than the old act. Here are the major changes, in order of their appearance, in Bill 58:

1. Administration

- **Section 12:** The change in name of the act requires a change in name of the committee advising the minister on fire safety. Therefore, the act would establish a Fire Safety Advisory Council to replace the current Fire Prevention Advisory Council.

A major change, to be made through regulations, would create a subcommittee, the Fire Services Advisory Committee, which would report to the Fire Safety Council on matters related to fire department activities. A problem with the old advisory council has been that its members were forced many times to table issues that were of little or no interest to the majority of council members.

- **Section 13 (8):** The fire marshal could charge a fee for services contracted out.
- **Section 14:** The fire chief would no longer automatically be the local assistant to the fire marshal. The fire marshal could appoint another qualified member--or members--of the fire department.

2. Fire Safety

- **Section 15:** The National Fire Code would be adopted as Nova Scotia's Fire Code.
- **Section 18 (1):** Where required by regulations, owners of some properties would submit building plans for *review*, rather than for *approval*, as in the current act. (For the types of buildings expected to be subject to these regulations, see "Plan Reviews" in Fire Marshal's Comments.)
- **Section 19:** Every municipality would be required to have a system of fire safety inspections and to appoint a fire inspector. This removes the current provision allowing municipalities to delegate the duty to the fire marshal. The bill would further require municipalities to ensure that the fire marshal is informed, in writing, of who the fire inspector is. The municipalities also would have to keep records of fire inspections for five years.
- **Section 20:** Public and private schools, community colleges, universities and power plants must do their own fire safety inspections. The current law makes municipalities responsible for school inspections. Power plants were previously exempt from inspections. Bill 58 removes the exemption, but makes the utilities responsible for the inspections because the complex and specialized generating equipment is beyond the expertise of regular fire inspectors.
- **Sections 25-27:** In cases where there is an immediate threat to life, the bill defines in detail the powers of the fire marshal, fire inspectors and other fire officials to enter buildings, issue fire-safety orders, summon witnesses, enforce compliance, order evacuations and file charges against those who don't comply. The current act makes only short reference to these procedures and states only that the fire marshal has power to order evacuations.

2. Investigation and Reporting

- **Sections 32-35:** The bill specifies, in finer detail than the current act, the duties of the fire marshal's local assistant to investigate and his powers to take actions such as entering property, seizing evidence, summoning witnesses and holding an inquiry.
- **Sections 40-41:** The first level for appeals against Fire Safety Act orders would be the fire marshal; if a solution is not reached it could be further appealed to the Nova Scotia Public Utilities and Review Board. Under the current act, the avenue of appeals is, first, the fire marshal and, second, county court.

3. General

- **Section 44:** The bill specifies a list of eight specific offences, compared to five in the current act. Penalties in the current act all carry a maximum \$1,000 fine and/or six months imprisonment. Bill 58 specifies eight offences, with maximum penalties of \$25,000 and/or six months, except where human life is lost or the effect on the community is catastrophic. Under these circumstances, penalties would go up to a maximum \$150,000 and/or two years.

The Public Hearings

No presenters at the public hearings said they oppose the general concept of the bill, but some opposed the section on municipal housing inspectors.

Universally, fire chiefs and firefighters supported Bill 58 as it stands. Many said six years of discussion are too much, and the bill should be introduced and passed as soon as possible.

Firefighters said they need the measures ensuring that buildings get inspected and those giving fire officials more power to issue and enforce orders.

Fire Chief Fred Fox of Windsor said front-line firefighters are the ones who see the effects of lack of fire inspections. He recounted a recent fire call by his department to a three-storey, four-unit apartment building.

“When we entered the apartment upstairs that occupied the second and third floor, we found a family had been living there for some number of months without electricity,” he said. “A Coleman (camping stove) was being used in the kitchen; kerosene lanterns and candles were supplying the light. Children were sleeping on the third floor without the aid of smoke alarms, fire separations or a fire escape. We have no idea how much of this is occurring without a regular system of fire inspections.

“Have you ever seen a mother drop her infant child from a second-floor window to the waiting arms of a firefighter, only to see her have to turn around and make her way back through the smoke because the windows in her apartment do not meet the egress requirements that would have allowed her enough room to also fit through the window?”

Opposition to parts of Bill 58 came chiefly from the Nova Scotia Building Advisory Committee and the building inspectors, and some municipalities were concerned about possible increased costs. Here are brief summaries of the concerns of these groups:

Building Advisory Committee

The Building Advisory Committee is appointed from people in building-related fields across Nova Scotia to advise the Minister on the Building Code and to hear appeals of Building Code orders.

The Building committee agreed strongly that the National Fire Code should be adopted but it questioned the way it will be administered under Bill 58
The committee made four recommendations:

1. The province should adopt the National Fire Code, which will provide a provincial standard to ensure consistent application across Nova Scotia.
2. The province should follow the successful model used for having the municipalities administer the Building Code.

“Much of the confusion and uncertainty surrounding the inspections of buildings is caused by the current model of municipal and provincial fire inspectors administering building regulations in new and existing buildings,” Building Advisory Committee member Robert McLaren said at a hearing in Halifax. He said Bill 58 appears to require the municipalities to administer the Fire Code, but a number of sections clearly show the authority is in the hands of the province.

The province’s power to amend the Fire Code also could put the code in conflict with the Building Code, he said. Amendments to the Building Code have to be vetted by the Building Advisory Committee and aired for public discussion, but there is no such provision in Bill 58.

3. Both codes should be made applicable to all buildings, regardless of ownership. Provincially owned buildings are exempt from both.
4. Where a fire inspector orders additional design and construction standards or amendments to existing standards that could surpass the Building Code standards, the Fire Safety Act should require that the order be forwarded to the municipal building official for administration and enforcement. Also, now is the time to incorporate into the Building Code all the additional building standards that provincial departments require facilities such as liquor establishments and daycares to meet.
5. The Minister should consider creation of a working committee, at the deputy minister’s level, to ensure the successful implementation of the Building Code and Fire Code.

Building Inspectors

The building inspectors, and some municipalities, were concerned that overlapping jurisdictions between housing inspectors and fire inspectors could result in the two issuing conflicting orders, creating confusion, delay and expense for builders.

At the Salmon River hearing, building inspector Mannie Withrow said Bill 58 has not been drafted to support a compatible working relationship between fire inspectors and building inspectors. He said it undermines his role by giving his authority and responsibility to deputy fire officials, and that it will create unnecessary duplication, overlaps in authority and confusion in administration of the Building Code Act.

Mr. Withrow specifically cited Section 13 (4) as the clause that undermines his authority. It gives the fire marshal the authority to enforce this act and all other acts relating to fire.

In Sackville, Jack Leedham, Executive Officer of the Nova Scotia Building Officials Association, said the legislation does not provide a workable administrative framework for the Building and Fire codes. He questioned why, when an order under the Fire Code deals with a Building Code matter, appeals should be heard by two different advisory boards.

The Building Officials Association recommended:

1. Enacting the Fire Code.
2. Removing all references to the Building Code from the Fire Safety Act.
3. Not allowing the Fire Safety Act to enable the fire marshal to amend or establish Building Code regulations.
4. When a fire inspector's order requires new construction or installation of fire equipment regulated under the Building Code, the administration and enforcement must be regulated under the Building Code Act, with input from the fire inspector.

Municipalities

Some municipalities and residents of small communities considered the requirement to hire fire inspectors a downloading of provincial responsibilities to cash-strapped municipalities.

“The added responsibility for municipalities to deliver fire inspection services in the midst of escalating fiscal pressures places the underlying spirit of improving fire safety at risk,” said Ian Glasgow, municipal clerk and chief administrative officer of the Municipality of East Hants. “The municipality simply does not have the resources available to effectively deliver these services.”

Fire Marshal's Comments

Fire Marshal Robert Cormier attended most of the hearings to answer questions about Bill 58. Here are quotes and paraphrases from some of his comments. :

- **Local assistants not necessarily being fire chiefs:** “What we were trying to do is provide the fire department with an out, so that if the fire chief did not feel they wanted to assume the responsibilities for the investigation of fires and inspection of properties under the emergency section, then they could assign another member of the department who had some qualifications. It was an out for the fire chief who did not feel they were competent to handle that.”
- **Fines:** The \$250,000 maximum fine came up because of a fire in a plastics factory in Hamilton, in which there was nothing the Ontario government could go back against the directors of the company for.
- **Cost of Bill 58 to Local Fire Services:** “This particular proposed legislation should not increase the cost to the fire service by one red cent. There is nobody anywhere in this province who has created legislation or intends to create legislation that impacts the volunteer fire service.”
- **Relationship between building inspectors and fire inspectors:** Before a building is built, a building is mainly the concern of the building inspector. After it is built, it is mainly the concern of the fire inspector. However, there are some fire-safety aspects before construction that are of no concern to the building inspector—such things as the ability of the local fire department and the type of occupants a building will house. The fire inspector is an advisor to the building inspector at that point.

- **Conflict between building and fire inspections:** The solution to animosity is for fire and building inspectors to carry out a joint inspection. “The building inspector then turns it over to the fire inspector, who is responsible for the rest of the life of the building. That way, there is no second-guessing.”
- **Cost of a housing inspector:** Wages plus training costs for fire inspectors would work out to about \$40,000 to \$42,000 per year.
- **The Advisory Council:** The fire marshal, through the Fire Prevention Advisory Council, has been trying over the years to handle fire-department problems in a committee that was never designed for that purpose. The committee consisted of building inspectors, engineers, people from forestry and a number of other areas, and there were only three representatives from the fire service.
- **Cost Recovery:** It was aimed at municipalities that choose not to carry out their responsibility for fire inspections. The fire marshal would do the inspections, then bill the municipality. Also, architects and engineers currently use the fire marshal’s staff for advice on how to build their buildings. “We are not going to do that free of charge any longer. Our job is not to act as consultants.”
- **Plan reviews:** The plans the fire marshal will review are for those buildings where the province has a liability or a moral and ethical responsibility—schools, health-care facilities, homes for the aged, government buildings, daycares of a certain size, large public assemblies and industries that are considered a high hazard. Outside of that, the plans will be totally the responsibility of the municipality. The fire marshal’s office will still provide assistance where necessary at no charge to the municipality.
- **Volunteer fire departments:** Nova Scotia has 314 fire departments, of which 100 are small volunteer brigades, with 20 members or fewer, “many of which have inadequate equipment, inadequate training and inadequate ability to address the problems that they are supposed to be responsible for.” The biggest problem with recruitment is the attraction of young people out of the community to the metro regions. One question is, do we maintain individualized departments in every community or do we begin to band some of our departments together, to try to reinforce their ability to respond to emergencies?
- **Municipalities failing to hire fire inspectors:** “There has been the belief that, because fire chiefs are still listed as part of the inspection process, the municipality is not solely responsible for it. It was not clear. This is what we did under the new act. We made it very clear that the municipality is solely responsible for a system of inspections and they may appoint the local fire department to carry out those inspections as they do in Halifax. But the municipality must take the action. Under the old act, there was some question of clarification on it.”
- **Municipal Downloading:** It isn’t downloading because the existing legislation already requires municipalities to have fire inspectors, and several municipalities do have them. The law just hasn’t been enforced.

In addition, the fire marshal provided the committee with advice and expertise on the current act and advised the committee on issues raised by groups and individuals.

The Committee's Recommendations

(Recommendations are in italics. Explanatory comments are in regular type.)

1. *Bill 58 should be reintroduced in the legislature, with certain amendments, and passed as soon as possible. The committee also encourages the government to table the draft regulations when it introduces the bill.*

This addresses concerns expressed repeatedly by fire chiefs and firefighters, who argued strongly that the bill is long overdue. (The proposed bill, as printed in the next section, shows the suggested amendments by striking out deleted words and underscoring new words.)

2. *The province should immediately begin enforcing the existing legislation requiring municipalities to have fire inspectors.*

This addresses the fact that municipalities have been required since 1976 to have fire inspectors, but the province has not enforced it.

3. *Section 20 (2) (e) should be amended to limit the mandatory self-inspections to operations that produce electricity for the purpose of selling it.*

This recommendation arose to address concerns that the original wording could be interpreted to mean that anyone who uses a generator for personal use would be required to conduct self-inspections the same as full-scale power utilities.

4. *Amendments should be added to Section 20 to:*

(a) Require the party responsible for self-inspection to

- (i) Immediately provide a copy of the inspection report to the workplace's joint occupational health and safety committee (JOHSC), or the employee health and safety representative under the Occupational Health and Safety Act.*
- (ii) In very small workplaces where there is neither a JOHSC nor an employee OHSC representative, post the report conspicuously in an area where it will come to the attention of employees.*
- (iii) Provide a copy of the inspection report upon request to (i) a student of the relevant school or university, and (ii) the parent or guardian of such a student.*
- (iv) Provide a copy to the property's insurance company.*

(b) Require the minister to approve, and the fire marshal to implement a system of external audits of the Section 20 self-inspections, under which fire officials would do on-site audits to compare self-inspection records to actual conditions at the sites.

These recommendations would increase the accountability of institutions and power utilities that are required to periodically self-inspect their properties for fire safety.

5. *Subsection 14(1) should be amended to make it clear that any appointment of a local assistant to the fire marshal should require the approval of the fire chief, who would have the right of first refusal.*

This amendment retains Bill 58's intention of allowing someone other than the fire chief to be appointed local assistant to the fire marshal, while also guaranteeing that a fire chief who wants the job cannot be bypassed.

6. *The committee decided to refer personal fire-hazard complaints it received that are not related to Bill 58 to the appropriate authorities.*

This action, which has already been carried out, addresses the several telephone calls, letters and e-mails that involve personal fire-safety complaints unrelated to the scope of Bill 58.

7. *The Nova Scotia government should consider providing financial help to municipalities whose costs might increase as a result of fire safety.*

Nothing in Bill 58 would increase costs to municipalities because municipalities have been legally required since 1976 to have fire inspectors. However, the law has not been enforced, and doing so would result in additional costs to some municipalities.

8. *In the last two lines of Subsection 27(4), the phrase "under the authority of this act" should be replaced with "for the purposes of this act."*

This addresses concerns of Building Code officials that the section appears to suggest the Fire Safety Act would supersede the Building Code Act in relation to work to be done to implement fire-safety remedial measures for which a building permit is required. The change will not change the legal result, but it might convey that the process is focused on achieving the purpose of protecting people, not administrative interests.

9. *Members of the new Fire Safety Advisory Council should be appointed from the same groups represented on the outgoing Fire Prevention Advisory Council, plus the Union of Nova Scotia Municipalities and the Fire Inspectors Association of Nova Scotia.*

The Fire Prevention Council includes the fire marshal and representatives of fire officers, firefighters, insurers, building inspectors, building designers, the Department of Natural Resources, and the Department of Housing and Municipal Affairs. The Union of Nova Scotia Municipalities sends an observer. Including both building inspectors and fire inspectors would help resolve the differences of opinion between these two groups.

10. *The committee recommends that, wherever possible, municipalities either appoint the same person as fire inspector and building inspector or have the two conduct their inspections jointly, in order to encourage dialogue.*

The Committee's Proposed Legislation

(NOTE: the on-line version of this report does not contain the proposed legislation. To obtain a paper copy of the report please contact the Legislative Committees Office on our toll-free line at 1-888-388-6489 or 902- 424-4432 or by e-mailing legcomm@gov.ns.ca)

APPENDIX 1

Current Legislation

Fire Prevention Act

CHAPTER 171

OF THE

REVISED STATUTES, 1989

Amended 1992, c. 8, s. 29

An Act to Amend and Consolidate the Acts Relating to Fires and Fire Escapes

Short title

1 This Act may be cited as the *Fire Prevention Act*. R.S., c. 171, s. 1.

Interpretation

2 In this Act,

(a) "approved" means approved by the Fire Marshal or of a standard approved by the Fire Marshal;

(b) "assembly building" means a building or portions of buildings used for the congregating of persons for civic, political, social, travel, educational, recreational or like purposes or for the consumption of food or drink;

(c) "building" means any structure used or intended for supporting or sheltering any use or occupancy;

(d) "Deputy Fire Marshal" means the chief fire authority under the Fire Marshal as appointed in accordance with the *Civil Service Act*;

(e) "factories and industrial buildings" means those buildings used for processing, assembling, mixing, storing, packaging, finishing or decorating, repairing or similar operations;

(f) "fire chief" means the chief fire officer of a fire department;

(g) "fire department" means a fire department organized under the *Municipal Act* and equipped with one or more motorized pump-equipped vehicles;

- (h) "fire hazard" means a condition that will cause a fire to start or a condition that will increase the extent or severity of the fire;
- (i) "Fire Marshal" means the chief fire authority in the Province as appointed in accordance with the *Civil Service Act*;
- (j) "institutional building" means a building used for purposes such as medical or care of persons suffering from physical or mental illness, disease or infirmity, for the care of infants, convalescents or aged persons, orphanages, and for penal or corrective purposes which provide sleeping facilities for the occupants;
- (k) "limited fire protection unit" means a fire protection unit without motorized pump-equipped vehicles;
- (l) "local assistant" means a local assistant to the Fire Marshal in a city, town or municipal district;
- (m) "mercantile building" means a building used for the display and sale of merchandise;
- (n) "Minister" means the Minister of Labour;
- (o) "office building" means a building used for the transaction of business, other than those included within the definition of mercantile building, for keeping accounts and records and similar purposes;
- (p) "regulation" means a regulation made under the authority of this Act;
- (q) "residential building" means a hotel, motel, lodging house, tourist home, apartment house (other than a dwelling), tenement or any building or part thereof which is rented by the day, week, month or year and consists of individually rented rooms or suites (with or without dining facilities) and selfcontained apartments. R.S., c. 171, s. 2.

Administration of Act

3 (1) The Minister is charged with the administration of this Act and shall exercise the powers and perform the duties imposed on him by this Act.

Regulations

- (2)** With the approval of the Governor in Council, the Minister may make regulations
 - (a) for carrying out the purposes of this Act including matters in respect of which no express or only partial provision has been made;
 - (b) regulating or prohibiting the dealing in, possession, disposing or giving, of any fireworks;
 - (c) respecting the approval, licensing, sale, installation, maintenance and testing of fire extinguishing equipment, apparatus and supplies and of fire alarm systems;
 - (d) requiring the installation of a sprinkler system in any building as defined by this Act;
 - (e) respecting fire prevention and life safety in buildings;

(f) regulating the manufacture, carriage, storage, handling and disposal of explosive or flammable liquids, gases, chemicals and other flammable materials, whether solid, liquid or gas;

(g) relating to the approval and regulating the sale, installation and maintenance of equipment or appliances using flammable liquids or gases as fuel;

(h) defining the business of transacting fire insurance and concerning the reporting, collection and calculation of tax imposed pursuant to Section 27.

Regulations Act

(3) The exercise of the authority set forth in subsection (2) by the Minister and the Governor in Council shall be regulations within the meaning of the *Regulations Act*. R.S., c. 171, s. 3.

Application of Act

4 This Act applies to all persons and matters relating to fire prevention, or precautions, fire suppression and the protection of persons from fire in all buildings, premises or properties in the Province. R.S., c. 171, s. 4.

By-law inconsistent with statute

5 Nothing in this Act prevents a city, town or municipality from making by-laws relating to any matter dealt with in this Act, but any by-law so made shall have effect only to the extent that it is not repugnant to a provision of this Act or the regulations. R.S., c. 171, s.5.

Existing law preserved

6 Nothing in this Act shall be construed as affecting any powers, obligations or duties of any other officials, bodies or persons under any other laws of the Province, in respect of any investigation or examination into the origin, cause or circumstances of any fire and nothing in this Act shall absolve any city, town or municipality from its duty to enforce any law or regulation relating to any matter within the provisions of this Act. R.S., c. 171, s. 6.

Personnel

7 (1) There shall be appointed in accordance with the *Civil Service Act* a Fire Marshal and such deputy fire marshals, inspectors, officers, clerks and other employees as are necessary to carry out the provisions of this Act.

Local assistant to Fire Marshal

(2) The chief of the fire department or limited protection unit of every city, town or municipal district shall be a local assistant to the Fire Marshal.

Municipal official as local assistant

(3) In any town or municipal district in which no fire department or limited fire protection unit is established, the mayor of the town or the councillors for the district and the warden of the municipality of which the district forms part shall be, by virtue of their office, local assistants to the Fire Marshal.

Duties of local assistant

(4) Local assistants to the Fire Marshal shall be subject to the directions of the Fire Marshal and shall assist in carrying out the provisions of the Act and regulations pursuant to this Act within their territorial jurisdiction.

Appointment of local assistant

(5) With the approval of the Minister, the Fire Marshal may appoint any person to be a local assistant to the Fire Marshal for any district in the Province.

Special assistant

(6) With the approval of the Minister, the Fire Marshal may appoint persons to be special assistants to the Fire Marshal, and every such special assistant shall have, throughout the Province, the same authority as a local assistant to the Fire Marshal, within his territorial jurisdiction, under subsection (4) of Section 9 and subsection (1) of Section 12. R.S., c. 171, s. 7.

Power and authority of Fire Marshal

8 (1) The Fire Marshal shall have full power and authority to enforce compliance with

- (a) this Act and the regulations;
- (b) all other Acts of the Province relating to the prevention and suppression of fires and all regulations and by-laws made thereunder;
- (c) the *Standard Hose Coupling Act*;
- (d) the *Lightning Rod Act*;
- (e) the *Fireworks Act*;
- (f) the *Electrical Installation and Inspection Act* and regulations;
- (g) the *L.P. Gas Installation and Equipment Regulations*.

Report for Fire Marshal

(2) The Fire Marshal may require such reports as he may deem necessary from local assistants or other persons authorized or required to make examinations or inspections.

Duties of Fire Marshal

- (3) The Fire Marshal shall
- (a) investigate and hold inquiries respecting the cause, origin and circumstances of such fires as he may deem advisable;
 - (b) maintain in his office a statistical record of all fires reported to him;
 - (c) from time to time inspect any premises to determine the adequacy of fire alarm systems, fire exits and escapes, precaution against fire and the spread of fire and with a view to directing such alterations or additions to be made or such precautions to be taken or both as he deems necessary for the safeguarding of persons and property;

- (d) review plans and specifications for the construction, alteration or repair of structures to ensure that proper precautions are taken against fire and the spread of fire as well as ensuring that the life safety requirements are incorporated in the structure;
- (e) submit annually to the Minister on or before the thirtieth day of April in each year a detailed report for the twelve months ending on the thirty-first day of March in such form as the Minister may prescribe;
- (f) collect and disseminate information with respect to fires in the Province;
- (g) investigate conditions under which fires or explosions occur;
- (h) study methods of fire prevention;
- (i) perform such other duties as the Minister may direct.

Further duties

- (4)** The Fire Marshal shall render advice and make recommendations respecting
- (a) the establishment of fire departments and fire brigades;
 - (b) the provision of adequate water supply;
 - (c) the installation, maintenance, types and adequacy of automatic or other fire alarm systems, fire detection and automatic fire suppression systems;
 - (d) the construction and maintenance of fire escapes;
 - (e) electrical installations;
 - (f) the means and adequacy of alarms in and exit from buildings in the event of a fire;
 - (g) the storage, use or sale of combustibles, explosives, flammable and explosive liquids or other flammable matter;
 - (h) lightning rods;
 - (i) the enactment and enforcement by cities, towns and municipalities of by-laws or ordinances for the prevention of fire and the protection of life and property from fire.

Other law preserved

(5) Nothing herein contained shall affect the obligation or duty of any person to comply with, carry out or enforce any law of the Province or any by-law, regulation or ordinance made thereunder. R.S., c. 171, s. 8.

Investigation by local assistant

9 (1) The local assistant to the Fire Marshal shall investigate or cause to be investigated the cause, origin and circumstances of every fire occurring within the city, town or municipal district for which he is a local assistant and by which property has been destroyed or damaged for the purpose of ascertaining whether the fire was the result of negligence, carelessness, accident or design.

Duty where suspicious circumstances

(2) The investigation shall be begun within three days not including holidays of the occurrence of the fire, and where a fire appears to be of suspicious origin, the local assistant shall notify the Fire Marshal and local police authorities forthwith.

Duty after investigation

(3) The local assistant shall, immediately after the investigation, furnish to the Fire Marshal, on a form to be supplied by the latter, a written statement of the facts relating to the cause, origin and circumstances of the fire and such further information as may be required by the Fire Marshal.

Right of entry

(4) The Fire Marshal and his local assistants and an inspector appointed for the purposes of this Act may at all reasonable times enter in and upon and examine any building or premises where a fire has occurred, and other buildings or premises adjacent thereto. R.S., c. 171, s. 9.

Report by fire insurance company

10 (1) Every licensed fire insurance company shall furnish to the Fire Marshal on forms provided for the purpose, a statement respecting every fire in which it is interested as insurer that occurs in the Province, stating in each case the names and addresses of the owner and occupier of the premises, their location, use and occupancy, the value of the building and contents, the amount of insurance carried, the amount of loss sustained, the probable cause of the fire and the name of the person adjusting the claim and such other information as the Minister may from time to time require.

Preliminary report required

(2) Where a fire appears to be of suspicious origin, a preliminary report shall be made by the company or by the person adjusting the claim against the company as soon as practicable and not later than three days after the occurrence of the fire showing the names of the owner and occupier of the premises burned, their location, use and occupancy, the date of the fire, and such facts and circumstances as shall come to the knowledge of the company or the person adjusting the claim, as the case may be, tending to establish the cause or origin of the fire.

Nature of report

(3) The report referred to in subsection (2) shall be in addition to, and not in lieu of, any other report that the company or the person adjusting the claim may be required to make by this Act or by any other law of the Province. R.S., c. 171, s. 10.

Report by adjuster

11 (1) Every person adjusting a claim against a fire insurance company, whether the company is authorized to carry on business in the Province or not, and whether such person represents the company or the claimant, shall within three days after the completion of the adjustment forward a report in writing to the Fire Marshal.

Contents of report

(2) The report shall state the date of the fire, the names of the owner and occupier of the premises burned, the location of the premises, the value of the property insured, the name of each insurer, the amount of insurance placed with each insurer, the amount of the loss which each insurer is to bear and such other particulars as the Fire Marshal may from time to time require. R.S., c. 171, s. 11.

Inquiry

12 (1) The Fire Marshal, or any person so directed by the Minister, may hold an inquiry into the cause, origin and circumstances of any fire.

Report after inquiry

(2) Every person so directed to hold an inquiry shall, as soon as practicable after the completion of the inquiry, send a report thereof to the Fire Marshal, stating in particular the opinion of such person as to the cause and origin of the fire and whether it appears to have been of incendiary origin and shall transmit therewith the evidence taken by him at the inquiry. R.S., c. 171, s. 12.

Attendance and production compelled

13 (1) The Fire Marshal or any person directed to hold an inquiry may summon witnesses to appear before him, and may require the witnesses to give evidence orally or in writing, upon oath or in the case of persons entitled to affirm in civil matters, upon solemn affirmation, and to produce such documents and things as he may deem requisite to the full investigation of the matter under inquiry, and he shall have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in a commissioner appointed under the *Public Inquiries Act*.

Persons excluded

(2) The Fire Marshal or such other person may hold such inquiry in private and may exclude therefrom persons not required or permitted by this Act to be present and may keep witnesses separate and apart from each other until they have been examined.

Assistance for inquiry

(3) For the purpose of such inquiry, the Fire Marshal or such other person may employ such legal, technical, scientific, clerical or other assistance as he may deem advisable. R.S., c. 171, s. 13.

Report to Attorney General

14 Where, after any inquiry or other investigation, the Fire Marshal is of the opinion that there is evidence of the crime of arson or the attempt to commit arson, he shall forthwith make a report to the Attorney General and furnish him with such evidence together with the names of witnesses and all other relevant information concerning the fire. R.S., c. 171, s. 14.

Public record

15 (1) The statistical records of fires maintained at the Office of the Fire Marshal shall be open to public inspection.

Inspection of document

(2) The Fire Marshal may allow any person to inspect any documents in his office relating to any fire reported to him and may supply any person with a copy of any such document on payment at the rate of fifteen cents for each folio.

Sums to be remitted

(3) The Fire Marshal shall transmit to the Minister of Finance all sums paid to him pursuant to subsection (2). R.S., c. 171, s. 15.

Right of entry and inspection

16 (1) The Fire Marshal, Deputy Fire Marshal or local assistant, upon receipt of a complaint, or when he deems it necessary without complaint, may at all reasonable hours enter into and upon any building or premises in the Province for the purpose of inspecting same and ascertaining whether or not

(a) in case the building or premises are in a state of disrepair, fire starting therein might spread so rapidly as to endanger other buildings or property;

(b) the building or premises are so used or occupied that fire would endanger life and property;

(c) combustible or explosive material is so kept or such other inflammable conditions exist in or about the building or premises as to endanger life or property;

(d) any special fire hazard exists in or about the building or premises.

Order of Fire Marshal

(2) After an inspection, the Fire Marshal may, in writing, order that, within a reasonable time to be fixed by the order,

(a) in cases under clause (a) of subsection (1), the owner shall remove or destroy the buildings or premises, or the owner or occupier shall repair the building or premises;

(b) in cases under clause (b) of subsection (1), the owner or occupier shall alter the use or occupancy of the building or premises;

(c) in cases under clause (c) of subsection (1), the occupier shall remove or keep secure the combustible or explosive material or remedy the inflammable conditions;

(d) in cases under clause (d) of subsection (1), the owner or occupier shall remove or take proper precautions against the special fire hazard;

(e) in the case of any public or private school, orphanage, nursing home, home for aged or infirm persons, hospital, mental institution, welfare institution, childrens home or other institution for the education or care of children, the person in charge thereof shall adopt and practise a system of fire drills or exercises, to be approved in each case by the Fire Marshal or his local assistant, and designed to aid in the preservation of the lives of the inmates of the institution in the event of fire occurring therein, and shall put the system into effect and compel the inmates and all persons employed in the institution to practise and observe the same, and the owner or occupier or person in charge, as the case may be, shall, after the receipt of the order, comply therewith.

Liability of owner

(3) The cost of complying with any order shall, in the absence of any agreement to the contrary, be borne by the owner, and where by reason of the default of the owner the occupier pays the cost he shall have a right of action or set-off against the owner for all costs actually and necessarily incurred or paid by him in complying with the order.

Smoking prohibited by Fire Marshal

(4) When, in the opinion of the Fire Marshal, the smoking of pipes, cigars or cigarettes in any place, building or premises constitutes a fire hazard that is dangerous to the life or safety of persons, he may order that smoking shall not be permitted in the place, building or premises, or shall be permitted only in such rooms or areas as are designated by the order.

Notice of order

(5) The order under subsections (2) and (4) shall be in writing and shall be served by delivering a copy thereof to the owner or occupier of the place, building or premises to which the order relates, or, if the owner or occupier cannot be found, by posting a copy of the order in a conspicuous position on the place, building or premises.

No smoking sign

(6) When an order has been made under subsection (4), the owner or occupier of the place, building or premises to which the order refers, shall, within one week after service of the order, post notices in conspicuous positions in the area, building or premises bearing the words "No Smoking by Order of the Fire Marshal".

Offence

(7) When notice has been posted pursuant to subsection (6), no person shall smoke in the place, building or premises in which the order is posted, except in such rooms or places as have been designated for the purpose of smoking in the order.

"smoking" defined

(8) In subsections (4) to (7), "smoking" includes carrying or having in possession any lighted smoking material, lighted matches or lighted flame-producing devices. R.S., c. 171, s. 16.

Application of Section 16

16A Notwithstanding anything in this Act, Section 16 does not apply to the facilities of Nova Scotia Power Incorporated used for the generation, transmission and distribution of electricity. 1992, c. 8, s. 29.

Fire Marshal may act

17 (1) Where there is no occupier of any building or premises in respect of which an order is made, and the owner is absent from the Province or his whereabouts within the Province is unknown, the Fire Marshal may himself carry out an order involving an expenditure of not more than one hundred dollars and, with the approval of the Minister, any other order.

Lien

(2) The Fire Marshal shall certify to the treasurer of the city, town or municipality within which the building or premises are situate, the expenses actually and necessarily incurred for the purpose, and such treasurer shall forthwith pay the amount so certified to the Fire Marshal from the ordinary revenue of the city, town or municipality, as the case may be, and such amount shall thereupon for all purposes be held to be rates and taxes for the ordinary lawful purposes of the city, town or municipality, as the case may be, lawfully rated, levied, imposed and assessed on the land on which such building is or was situate, or on such premises, as the case may be, and to be overdue such city, town or municipality, as the case may be, and to be and constitute a lien upon the same all under the provisions of the *Halifax City Charter, An Act to Incorporate the City of Sydney*, the *Dartmouth City Charter* or the *Assessment Act*, as the case may be. R.S., c. 171, s. 17.

Powers of local assistant

18 Every local assistant may, within the city, town, municipality or district for which he is local assistant, exercise like powers to those conferred by Sections 16 and 17 upon the Fire Marshal, provided that he will not exercise the powers conferred by Section 17 without the written approval of the Minister. R.S., c. 171, s. 18.

System of inspection

19 (1) It shall be the duty of the council of every city, town and municipality to provide for a regular system of inspection of buildings and premises situate within the city, town or municipality, and every such council may authorize other persons, in addition to the local assistant, to exercise some or all of the powers conferred by Sections 16 and 17 upon the Fire Marshal, such system of inspection shall provide for the inspection at least once in every four months of all hotels, theatres, cinematographs, skating rinks, dance halls, and every other building used as a place of public resort or amusement.

Inspection of schools

(2) It shall be the duty of the council of every city and town to provide for the inspection, at least once in every four months, in each school year, of all schools situated within the city or town and the council may authorize other persons in addition to the local assistant to exercise some or all of the powers conferred by Sections 16 and 17 upon the Fire Marshal.

Duty of inspector of schools

(3) It shall be the duty of every inspector of schools for every inspectorial division to visit and inspect at least twice in each school year every school within his inspectorial division outside the limits of any city or town and the council of every municipality may authorize other persons in addition to the local assistant to exercise some or all of the powers conferred by Sections 16 and 17 upon the Fire Marshal.

Power to correct fire hazard

(4) Every council, every local assistant, every inspector of schools and every person authorized by the council to exercise any of the powers referred to in this Section,

shall report to the Fire Marshal if any fire hazard exists in or about any building or premises. R.S., c. 171, s. 19.

Evacuation

20 (1) When, in the opinion of the Fire Marshal, any fire emergency or any hazard of fire or explosion exists in or about any building, premises, place or area, which may cause injury or damage to persons or property, the Fire Marshal may order orally or in writing that no person other than a person authorized by the Fire Marshal shall be permitted or be present in or upon the building, premises, place or area designated in the order until the Fire Marshal otherwise orders.

Action to be taken

(2) Where an order has been made under subsection (1), the Fire Marshal may take whatever action is reasonable in the circumstances to remove or eliminate the fire emergency or the hazard of fire or explosion.

Powers of local assistant

(3) Every local assistant may, within the city, town, municipality or district for which he is local assistant, exercise like powers to those conferred by this Section upon the Fire Marshal. R.S., c. 171, s. 20.

Appeal from local assistant

21 (1) Where an order is made by a local assistant under the provisions of this Act, the owner or occupier of a building or premises affected by the order may, within ten days after receiving the order, appeal therefrom to the Fire Marshal.

Notice of appeal

(2) Notice of the appeal may be served by leaving the same at the Office of the Fire Marshal or by sending the same by prepaid registered letter addressed to the Fire Marshal at Halifax.

Investigation by Fire Marshal

(3) The Fire Marshal shall promptly investigate or cause to be investigated every appeal under this Section, and affirm, modify or revoke the order appealed from, and, in writing, communicate his decision and the reasons therefor to the owner or occupier and the person who made the order. R.S., c. 171, s. 21.

Appeal from Fire Marshal

22 (1) Where an owner or occupier of a building or premises affected by an order of the Fire Marshal made under Section 16 or by a decision of the Fire Marshal made under Section 21 is dissatisfied with the order or decision, the owner or occupier may within five days of the service upon him of a copy of the order or decision, apply by petition to the judge of the county court, within whose jurisdiction the property lies, to review the same.

Commencement of appeal

(2) The party appealing shall file the petition with the clerk of the court, and shall, within five days of the filing or within such extended time as the judge may allow, file

with the clerk a bond in an amount to be fixed by the judge, in no case less than one hundred dollars, with at least two sufficient sureties to be approved by the judge, conditioned to pay all the costs on the appeal in case he fails to sustain the same, or such costs as may be awarded against him.

Power of judge

(3) The judge shall hear and determine the matter of the appeal and shall make such order as to him seems just and his decision shall be conclusive and shall not be subject to any appeal. R.S., c. 171, s. 22.

Offence and penalty

23 (1) Every person who

(a) hinders or obstructs the Fire Marshal or a local assistant in the execution of his duties;

(b) refuses or neglects to attend or be sworn or give evidence before the Fire Marshal or other proper officer, when summoned so to do; or

(c) violates any of the provisions of this Act or any regulation made hereunder, for which violation no other penalty is provided,

shall be liable to a penalty not exceeding one thousand dollars and in default of payment to imprisonment for a period not exceeding six months and each day that such failure continues shall constitute a separate offence. R.S., c. 171, s. 23.

Failure to comply with order

24 Any owner or occupier of the buildings or premises or any other person who fails to comply with an order of the Fire Marshal or a local assistant made under the authority of this Act, shall be liable to a penalty not exceeding one thousand dollars and in default of payment to imprisonment for a term not exceeding six months and each day that such failure continues shall constitute a separate offence. R.S., c. 171, s. 24.

Disposition of penalty

25 Except as otherwise provided in this Act, all penalties collected under this Act shall be paid to the Minister of Finance for the use of the Province. R.S., c. 171, s. 25.

By-law or ordinance

26 Nothing provided for by by-laws or ordinances of the city, town or municipality respecting fires shall render it obligatory for the Fire Marshal to perform in any city, town or municipality duties other than the investigation of fires. R.S., c. 171, s. 26.

Fire insurance business tax

27 (1) For the purpose of this Act and other purposes related to fire prevention, every company, whether upon the stock or mutual plan, transacting the business of fire insurance within the Province, and every person, group of persons, firm, company or corporation being a party to or entering or exchanging any reciprocal contract or contracts of indemnity or inter-insurance with others through the same attorney, shall pay to the Minister of Finance annually, in addition to taxes and fees now required by

law to be paid by such company, such fee as the Governor in Council from time to time determines.

Calculation of tax

(2) Such fee shall be paid on receipts and assessments, less return premiums and cancellations, reckoned on the business as reported to the Minister of Consumer Affairs during the preceding year. R.S., c. 171, s. 27.

Approval of building plan

28 (1) Every architect, designer or owner shall, prior to the commencement of construction of a building or renovations to an existing building, submit the building plans and specifications to the Office of the Fire Marshal for plan examination and approval.

Exception to subsection (1)

(2) The plans for one or two family dwelling units and private automobile garages do not require approval by the Office of the Fire Marshal.

Scale of plan

(3) All plans shall be on an acceptable scale of not less than one-eighth inch to the foot. R.S., c. 171, s. 28.

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Appendix 2

Reference Material

National Building Code. National Research Council of Canada.

National Fire Code. National Research Council of Canada.

Fire Prevention Act Review, Final Report. Fire Prevention Advisory Council, Nova Scotia Department of Labour; August, 1997.

Fire Prevention Act Review, Report on Remaining Issues. Fire Prevention Advisory Council, Nova Scotia Department of Labour, March 1998.

APPENDIX 3: Enabling Resolution

RESOLUTION NO. 420 (April 11, 2001)

HON. DAVID MORSE: Mr. Speaker, I hereby give notice that on a future day I shall move the adoption of the following resolution, be it resolved that:

- (a) this House declare that a Select Committee on Fire Safety be established;
- (b) this House declare that the select committee be chaired by and be composed of such members as the striking committee shall determine;
- (c) the mandate of the select committee is to
 - (i) review proposed changes to the Fire Prevention Act, as reflected by Bill No. 58, entitled an Act to Promote and Encourage Fire Safety, which was introduced in this House on June 6, 2000, and relevant reports of the Fire Prevention Advisory Council,
 - (ii) seek input from municipalities, local fire departments and others who are involved in addressing or who are affected by fire safety concerns, and
 - (iii) make recommendations respecting an Act to Promote and Encourage Fire Safety to ensure that Nova Scotians are protected by effective fire prevention laws;
- (d) if this House is not sitting when an interim or final report is completed by the select committee, the select committee shall table the report with the Clerk of the House;
- [(e) the House declares, pursuant to Section 36 of the House of Assembly Act, that the select committee is not dissolved by prorogation of the House and the select committee is authorized to continue its inquiry after the House is prorogued;
- (f) all the powers and privileges of the House of Assembly Act applicable to committees apply and are in full force and effect during the sittings of the select committee; and
- (g) the House requests the Legislature Internal Economy Board, on behalf of the select committee, to employ such members and staff as may be necessary to enable the select committee to carry out its duties and to provide the select committee, its members and staff, with such facilities and funds as are required to carry out its functions as provided for by Section 80 of the Public Service Act.]

Appendix 4

Thumbnail Summaries of Presentations to Committee

Sydney

Joseph Legge, Cape Breton Burn Society

- Municipalities should reinstate Learn Not to Burn program in schools, or the province should provide expert training in promoting fire prevention.

Wade Oliver, Reserve Mines Fire Department

- Demands for their time are already hard on volunteer firefighters, and making them comply with NFPA 1500 standards could reduce their numbers.

Brent Denny, Sydney River Fire Chief and Chair, Nova Scotia Fire Services Occupational Health and Safety Committee

- Mr. Denny clarified that the set of standards proposed in Bill 58 is the National Fire Code of Canada, not the NFPA 1500. The former deals with fire safety in buildings and other property, the latter deals with firefighters and firefighting equipment. Professional firefighters are already regulated by the NFPA 1500 under the Occupational Health and Safety Act, but it doesn't apply to volunteers. Mr. Denny heads a committee of fire chiefs that is recommending the NFPA 1500 standards apply to voluntary firefighters. However Fire Marshal Robert Cormier stated at subsequent hearings that the NFPA 1500 standards would be used only as guidelines, to be strived for but not necessarily followed if a community can't afford them. Any such change would involve the Occupational Health and Safety Act, not Bill 58.

Jack Neary, Operations Manager, Cape Breton Regional Municipality

- The schoolteachers are still running the Learn Not to Burn program.

Port Hawkesbury

Ian MacKinnon, Strait Area Mutual Aid Association

- NFPA 1500 standards require all firefighters to have Level 1 training; this would be too costly and time-consuming for volunteers.

Bob MacEachern, Inverness Fire Fighters Association

- Standards for equipment should not be set too high, or volunteer departments will start losing people.
- Fire inspectors are needed.

Stellarton

Ross Tugwell, Linacy Fire Chief and Vice-President, Pictou County Firefighters Association

- He made no specific recommendations, but elicited information from Fire Marshal Cormier on several aspects of Bill 58.

George Bedford, Pictou Fire Chief

- There should never be regulations preventing activities such as firefighters riding on the backs of trucks.
- Fire officials should be protected from being sued over decisions made in performing their duties. Chief Bedford said Clause 47 of Bill 58 appears to address this, but he isn't sure.

Salmon River

Mannie Withrow, Building Inspector, Colchester Municipality

- Bill 58, as drafted, undermines the role building inspectors perform by giving their authority to deputy fire marshals, fire chiefs and fire inspectors. This will create unnecessary duplication, overlaps in responsibility and confusion in administration of the building code. Mr. Withrow referred to Clause 13.4 as giving the fire marshal authority currently held by building inspectors.
- The 1995 Building Code is currently adopted as Nova Scotia's Fire Code, and it contains many sections pertaining to fire protection that the Fire Code does not.
- Building inspectors are able to do the same job description as the fire marshal in terms of design and construction of any new building, but they don't investigate fires.

Gary MacIsaac, Chief Administrative Officer, Colchester Municipality

- Bill 58 goes too far and unnecessarily involves the fire marshal in program delivery at the local level.
- If the municipality is responsible for delivering a service, then the Fire Marshal's office should be removed from the delivery function.
- The fire marshal, deputy fire marshal, fire inspector and local building inspector all would have a responsibility for inspection. This would inevitably lead to a difference in interpretation.
- The province should provide leadership, advice, training and certification of municipal fire inspectors, comparable to the relationship with municipal building inspectors.
- The regulations should be made public before the bill goes into second reading.
- Fire-safety inspections would be a property service rather than a people service, although it could be argued either way.

Springhill

Tom Bremner, Amherst Fire Chief and 1st Vice-President, Fire Officers Association of Nova Scotia

- Bill 58 should be passed quickly, preferably in the fall session.
- No confusion is likely over conflicts over building inspectors and fire inspectors. Common sense is a large factor.

Sackville

Gordon Smith, retired fire-fighter, deputy fire marshal and chief training officer for N.S.

- Clause 13 (1), which says the fire marshal “may” issue “recommendations’ on fire suppression, prevention and training should be reworded to “shall” issue “requirements.”
- The province should set a minimum standard of fire-department response. If a fire department can’t meet the standard, Building-Code requirements should be increased and possibly require greater use of non-combustible materials, firewalls and sprinkler systems.
- The Municipal Government Act, Part X, Clause 295, should be amended to require all municipalities to provide fire emergency services.
- Fire departments in growing areas cannot provide sufficient fire protection.
- A standard should be developed to make automatic sprinkler systems attractive to householders.

Elizabeth Publicover, woodlot owner

- Clause 3 (w) should define “land” as to type of land – agricultural, commercial, industrial, wood, etc.
- Clause 17 makes no provision for educating owners so they know how to avoid committing an offence.
- Could fire inspectors, not knowing the ecological value of fallen trees, order them removed as fire hazards? The Department of Natural Resources should educate fire inspectors on woodland.
- Where would the boundary be between the jurisdiction of the Department of Natural Resources end and that of the municipal fire inspector begin? (Fire Marshal Cormier replied that the division is not always clear, particularly in what is called the wildlands interface, where homes and other structures are built inside wooded areas, but it is not the intent to have fire inspectors checking Natural Resources territory.

Sandra Vidito, Deputy Chief, Halifax Regional Fire and Emergency Service

- The Halifax service supports the bill in principle, but some issues need clarification.
- Regulations should be available in advance.
- Volunteer firefighters could carry out the inspection function.

- Increased responsibilities under the new legislation will require the hiring of one new fire inspector. It is a download.

Jack Leedham, Executive Officer, Nova Scotia Building Officials Association

- The legislation does not provide a clear, workable administrative framework under the Building Code and the Fire Code.
- The Building Code already covers fire safety in the design and construction of buildings.
- When an order under the Fire Code deals with a Building Code matter, why should two advisory boards hear appeals?
- The association makes four recommendations:
 1. Enact the Fire Safety Act adopting the Fire Code as the Nova Scotia Fire Code.
 2. Remove all references to the Building Code and the Building Code Act from the Fire Safety Act.
 3. The Fire Safety Act should not enable the Office of the Fire Marshal to amend or establish Building Code Regulations. If it is the intent of clauses 18 (1) and (2), and 51 (1) to regulate only provincially owned properties, it should be clear and state it.
 4. The act should state that, when a fire inspector's order that a building be changed requires new construction or installation of fire equipment regulated under the Building Code, the administration and enforcement of that order must be regulated under the Building Code Act, with input from the fire inspector.
- People lack appreciation of the scope of the Building Code. All fire and life-safety provisions are contained in it.

Gerard Donahue, Building Inspector, Halifax Regional Municipality

- A building inspector's job covers the gamut of fire and life-safety provisions. The Fire Safety Act, particularly Clauses 13(4) and 51, take away the ability of building inspectors to do their jobs.

David Barrett, Secretary and Woodlands Manager, Barrett Lumber Co.

- Halifax Regional Municipality is growing and needs rules, but in rural Nova Scotia there should be some balance.
- This country would fall apart without volunteer firefighters. Part of this law should be the right to volunteer.

Laurie Walker, Atlantic Alarm & Sound

- The committee should look at the possibility of setting a standard for fire-alarm inspections and for service technicians who work on fire-alarm systems.

Bridgewater

Craig Rafuse, Chairman of Fire District #4, Chester Basin

- One of the most necessary changes is to put fire inspections in the hands of local municipalities.
- The extra costs to municipalities should be cost-shared 50-50 between the province and the municipalities.

John Craig, President, Fire Officers Association of Nova Scotia

- Bill 58 should be introduced and passed as quickly as possible.
- There could be additional costs to municipalities, but that is something the Union of Nova Scotia Municipalities and the government can work out themselves.

Gary Mailman, Hebbville Fire Chief

- Bill 58 should be passed in its current form without further undue delay.
- The current act is outdated. It doesn't give local fire personnel the power to properly secure, investigate and secure evidence at fire scenes, and it doesn't allow fire chiefs to delegate investigation powers to other members. Departments need a method of recouping costs incurred at fire scenes.
- There has been ample time for everyone to make their views known. The time for debate has passed.

Pierre Breau, Director of Engineering and Public Works, Lunenburg Municipality

- Two clauses are of concern regarding costs to municipal taxpayers:
 1. Clause 13 (7) doesn't specify how much the fire marshal will charge to contract services.
 2. In Clause 18 (1), the fire marshal no longer approves plans, just reviews them. It is unknown what level of free plan reviews, if any, municipal building inspectors can expect. Responsibility for approval will then rest with the municipal inspectors both for the Building Code, as it is today, and for the National Fire Code.
- Municipalities are concerned about where they are going to find the money for this. It comes after equalization discussions and after assessments are out. Are we going to have that one-year moratorium?
- If the province wants to make it work, it will have to put some money on the table.

Yarmouth

Ken Kelly, Yarmouth Fire Chief; President, Canadian Association of Fire Chiefs; Past Chairman, Nova Scotia Fire Prevention Advisory Council

- The work has already been done and the majority of stakeholders were satisfied. The bill is not perfect but is far better than anything in the past. The government should make this bill law as soon as possible.
- The bill is compatible with acts elsewhere in Canada. We will be on a par with Quebec, Ontario and British Columbia.
- If there is a problem with the act, it can be amended. To hold it up because of a disagreement between building inspectors and fire officers is kind of trivial.
- Some important parts of the bill -- The authority passed to fire chiefs and the delegation of their authority enhances the operation of the fire service. Stiffer penalties will make people follow codes more stringently. Training is more properly allocated. The recovery of some expenses by municipal units for investigations is positive.

Robert Amirault, Deputy Warden, Municipality of Argyle

- The problem with building inspectors is that they will be thrust into fire inspection without proper training.
- Bill 58 is a step in the right direction. It is high time it got passed in the House.
- No added cost to local municipal council expected.

Harold Richardson, Yarmouth fire-fighter

- Building inspectors should not be fire inspectors because your training blinds you.
- To not pass this act would be a disgrace to volunteer firefighters.

New Minas

Russ Mackintosh, speaking as Annapolis Royal Fire Chief

- The act is long overdue and it is needed.
- Hopefully, the federal, provincial and municipal governments will understand that they are going to have to provide the fire service the money it will require to train its people or buy equipment.

Russ Mackintosh, Speaking as President of the Western Nova Scotia Firefighters' Association

- Firefighters were very dismayed when the legislation died on the order paper. A delay in enacting this revised legislation is hampering fire safety in this province. "To respond to alarms, to evacuate the occupants and then search for those who

are missing in buildings that have not been properly and regularly inspected adds to the risks we face.”

- No new expenses should be inflicted on the fire service to pay for the additional burdens in any new legislation without allotting committed dollars to pay for them.

Fred Fox, Windsor Fire Chief, speaking for West Hants County Fire Chiefs

- The chiefs fully endorse Bill 58 in its present form. This process has taken too long and the citizens and firefighters are being unduly endangered.
- Some municipal units perceive Bill 58 as municipal downloading, but this is clearly not the case because there are, in fact, fewer municipal responsibilities under the new act.
- Front-line firefighters continue to see first-hand the problems created when there is no regular system of fire inspections.
- The government should immediately state very clearly that the requirements in our current Fire Prevention Act are to be fulfilled by the municipalities throughout the province.

Bill Butler, Director of Community Development Services, Municipality of Kings County

- The act should be adopted expeditiously.
- The Provincial Fire Marshal’s Office at no cost to these municipal units has carried out fire inspections within most municipalities.
- The Select Committee should ensure that the option of having the Fire Marshal’s Office contract with municipalities to provide fire inspection service is maintained. This could be spelled out in legislation or provided for in some other fashion, such as a memorandum of understanding.

Doug MacLean, Lawrencetown Fire Chief and President of Annapolis County Fire Services

- The fire service was dumbfounded when the legislation was allowed to die on the order paper. The message from Annapolis County Fire Services is: please pass the act promptly and without change.
- Firefighters are at risk every day the legislation is delayed. Buildings that need inspections are not receiving proper and timely inspection. Our firefighters are entering them in response to emergency situations.
- Our ability to have true authority to deal with situations when they are found is hindered by lack of effective, up-to-date legislation.

Russell Mackintosh Jr., Annapolis County and the Nova Scotia Building Officials Association

- A who’s-in-charge situation arises between the Building Code and the Fire Code. It is imperative to prevent needless bureaucratic duplication.

- Section 19 (b) requires the municipality to appoint a fire inspector to carry out inspections, duplicating the same responsibilities of a local assistant to the fire marshal under Section 14 (s).
- Should the legislation enable the fire marshal or his assistant to enforce compliance with the Building Code, which is already a municipal responsibility?
- Why does design and construction of Part 3 major occupancy buildings require approval of the province, a responsibility legislated to the municipality? The Fire Marshal's Office is understaffed, and the provincial review is often completed long after the building permit has been issued.
- Does an applicant build or alter to the Building Code or to the fire marshal's order, which may be in conflict with each other?
- Building inspectors are trained in the Building Code and all but two municipalities have a building inspector. Why, then, duplicate responsibilities, creating conflicts and confusion?
- It would be important to work out the differences of opinion prior to passing the legislation.

**Legislative Committee Rooms, Oct. 17
(Special Session with Building Advisory Committee)**

Robert McLaren, Member, Nova Scotia Building Advisory Committee

- The review by the select committee provides a unique opportunity to align the Building Code and the Fire Code so there is a clearly delineated line of responsibility under each.
- Two primary issues should be addressed prior to adopting the Fire Safety Act:
 1. The policy issue, of which level of government – provincial or municipal— should administer building regulations.
 2. The issue of apparent duplicate legislation and authorities.
- The Canadian Commission writes both codes on Building and Fire Codes, and both codes must be considered in building design, construction and maintenance. The two codes are developed as complementary and co-ordinated documents to reduce conflicts to a minimum.
- The intent of the Building Code is to establish minimum construction standards, including for fire safety. The Fire Code, on the other hand, deals with buildings in use.
- The Building Advisory Committee made five recommendations regarding Bill 58 in September 2000:
 1. The province should adopt the National Fire Code.
 2. Municipalities should administer and enforce the Fire Code, similar to the existing framework for the Building Code. Mr. McLaren also said the appeal process for fire inspections should be through the Building Advisory Committee rather than the Utilities and Review Board. This would eliminate duplication, as Fire Code issues invariably involve Building Code issues and a building permit, issued by a building inspector, would be required before repairs could be made.
 3. The Building Code and Fire Code should apply to all buildings, regardless of ownership, licensing status and other circumstances.

4. Changes to the Fire Code should be reflected in the Building Code.
 5. The minister should consider the creation of a working committee at the deputy minister's level, to ensure successful implementation of the Building and Fire codes. It should include representatives from the Fire Prevention Advisory Council.
- The Building Advisory Committee also recommends creation of a standing committee of deputy ministers to develop and oversee policy for codes in the province.
 - All issues of construction, repair and alteration of buildings should remain with the Building Code; issues of use of existing buildings and maintenance of fire-safety systems should rest with the Fire Safety Act. If not, conflicting authorities and differences of opinion arise.

Legislative Committee Rooms, Oct. 23

Tom Silver, Fire Prevention Officer, Halifax Regional Fire and Emergency Services

- Bill 58 makes a strong document (the Halifax by-law) even stronger and, from a provincial view, it is long overdue.

Written Submissions

(Several of the written, e-mail and telephone messages dealt with personal issues and are not repeated here)

Chris McNeill, regional clerk, Queens Municipality

- Mr. McNeill cited several sections that he felt give too much power to the fire marshal or commit volunteer firefighters to issuing orders beyond their training. He said the legislation is essentially downloading more responsibilities on the municipalities and volunteer fire departments, and key pieces to the puzzle missing.

Construction Association of Nova Scotia

- Noting that Section 53 deals with the Electrical Installation and Inspection Act, the association recommended that Nova Scotia adopt a two-tiered licensing system for contractors.

Ian R. Glasgow, Municipal Clerk and C/A/O, Municipality of East Hants

- The municipality simply does not have the resources available to effectively deliver fire inspection services.
- Of particular concern is the uncertainty surrounding how much work the inspections will involve.

George H. Sutherland, General Counsel, Michelin North America (Canada) Inc.

- Mr. Sutherland suggested several changes to clarify that only material alterations or repairs require a submission of plans, to balance the powers of fire officials with the legal rights of owners.

Ted Gates, Municipal Building Inspector, Lunenburg/Mahone Bay

- The legislation undermines the role of building inspectors.
- The bill doesn't specify a minimum level of qualification for fire inspectors.
- There seems to be duplication in the number of fire officials who can perform inspections.
- Fees for the cost of the municipality providing inspection service have to be established.

C. Robin Campbell, Town Clerk, Trenton

- Transferring responsibility for inspections is a download of service costs.
- The minister can change regulations at a whim.
- Small municipalities don't have the resources, either in trained personnel or finances, to adequately perform these inspection responsibilities.

Dan Watters, Councillor, District 11 (New Minas)

- Volunteer fire departments should be able to set a five-year fire rate, rather than only a one-year rate.

Philip Publicover, Fire Chief, District #1 Fire Department, Blandford

- If this government gets nothing else done in this session, let it be this act.

Richard Dauphinee, Warden, West Hants

- We do not object to the act. Our main concern is the time the review has taken.
- Continuous predictions of when the act would become effective make it impossible to plan and budget for the service.
- We want a concise outline of what the municipal units are responsible for and what the province is responsible for.

Anthony Weagle, Brookfield, Queens Co.

- Deep-fat fryers should be banned.

Graham P. Murphy, Treasurer, Windsor Fire Department

- Mr. Murphy made several suggestions regarding financing of fire departments, an area not covered by Bill 58.

D.W.J. Forgeron, Vice-President, Atlantic Region, Insurance Bureau of Canada

- The bureau supports the bill but has concerns with sections requiring insurance companies to file reports to the fire marshal and would oppose any increases in taxes or fees as a result of the act.

