

Table of Contents
Unit I

Table of Contents..... 1
Office of the Fire Commissioner..... 2
Mission..... 2
Services and Programs..... 3
 Fire Prevention 3
 Fire Investigation..... 3
 Advisory and Consulting..... 3
 Administration and Enforcement of the Fire Prevention Act, 1992..... 3
 Training and Certification 4
Saskatchewan Legislation and Regulations 4
 The Canadian Constitution 1982 4
 Duties of Local Assistants 4
 Powers of the Local Assistant..... 5
 Right to Entry..... 5
 Issue Orders..... 5
 Authorize Corrections 5
 Charge Persons..... 5
 Limitations 5
Fire Prevention Act, 1992..... 6
Saskatchewan Fire Code Regulations 16
Fire Insurance Fees and Fire Incident Reporting..... 19

Office of the Fire Commissioner

The staff of the Office of the Fire Commissioner consists of 13 full-time employees. This includes the Fire Commissioner, 2 - Fire Prevention Officer Supervisors, in charge of regional services, technical services, programs and standards, 8 - Fire Prevention Officers for delivery of programs to regions, and administrative support staff.

The head office of the Office of the Fire Commissioner is located in Regina.
Fire Prevention Officers may be contacted at:

Office of the Fire Commissioner

Suite 310-1855 Victoria Avenue
Regina, Saskatchewan
S4P 3V7

(306) 787-3774
(306) 787-9273 - FAX

Office of the Fire Commissioner

122-3rd Avenue North
Saskatoon, Saskatchewan
S7K 2H6

(306) 933-5063
(306) 933-7720 – FAX

Mission

Our mission is to provide communities, fire departments, and emergency service organizations throughout Saskatchewan with the information, education and leadership to enhance their capabilities to protect citizens from the devastation of fire, environmental, natural and man made emergencies.

The Office of the Fire Commissioner fulfils this mission through the Mandate established in the Fire Prevention Act, 1992 through;

- a) promotion and encouragement of fire prevention and the protection of life and property against fire;
- b) collecting and disseminating information respecting fires in Saskatchewan;
- c) keeping records of all fires occurring in Saskatchewan, including the cause, origin, and circumstances of each fire and other information respecting each fire that the fire commissioner considers appropriate;
- d) investigating fires or causing fires to be investigated and by holding inquiries into any fire whenever the fire commissioner considers it necessary to do so in order to ascertain the cause, origin and circumstances of the fire;
- e) administering and enforcing the Act and regulations within park land constituted pursuant to *The Parks Act* or a regional park established pursuant to *The Regional Parks Act, 1979*;
- f) providing for training courses in fire fighting and prevention; and
- g) performing any other duties that the Minister may direct.

Services and Programs

Fire Prevention

Putting out fires before they start is felt to be the best method of fire fighting. The introduction of the Learn Not to Burn⁷ program into schools and the implementation of Risk Watch⁷, have been the primary programs aimed at reducing fire losses and increasing fire awareness and safety. Establishing a Public Education contact in every community in Saskatchewan so that public education programs are available and ongoing in communities has also been a focus of the Office. Support to local public educators is provided by the Office of the Fire Commissioner to assist them in developing and providing fire safety education programs in their community.

Fire Prevention Officers also teach fire prevention practices and the use of fire fighting extinguishers to groups, such as personnel in industry, health care workers, prison guards, babysitters, and scouting/guiding groups. For the general public, the Office has videos on fire prevention available through the library system. Educational meetings for the public on items of interest/concern such as solid fuel burning appliances, fire prevention and other fire safety related topics are also conducted by the Office of the Fire Commissioner.

Fire Investigation

The Office of the Fire Commissioner maintains records of fire losses as a means to analyse why fires occur and to determine methods of reducing fire losses. This information is widely distributed to allow fire departments and fire safety agencies to gain accurate information on fire losses. The information assists in the development of many programs related to fire prevention. Flame resistant children's pyjamas, child proof lighters, flame resistant tent materials, flame resistant carpeting are just a few programs that have come about as a direct response to fire loss statistics. The information is also used to develop new safety codes, training programs for fire fighters and fire prevention programs. Every fire that occurs in the province must be reported to the Office of the Fire Commissioner. The reporting system is designed to allow fire departments to report fires easily and accurately, and to gain fire loss information from the Office of the Fire Commissioner as well. Fire chiefs or local assistants having a need to contact the Office of the Fire Commissioner on any matter regarding fire investigation or reporting may do so by calling 1-800-739-3473.

Advisory and Consulting

The Office of the Fire Commissioner conducts surveys of every municipality in Saskatchewan. The information gathered is used to make recommendations to fire departments and municipal authorities on improving fire protection and prevention in their community. The Office also conducts seminars and training for fire department staff and municipal authorities on risk management and understanding liabilities associated with the fire service. Where municipal authorities or fire departments require assistance in answering questions on fire protection and prevention, planning for fire protection or on any aspect of the fire service for their community, they may gain assistance by calling the Office of the Fire Commissioner.

Administration and Enforcement of the Fire Prevention Act, 1992.

The Fire Prevention Act, 1992, requires that every municipality have a Local Assistant to the Fire Commissioner (section 2). Section 11 of the Act requires that every local assistant administrate and enforce the Act and pursuant regulations within their jurisdiction. Enforcement and administration of the Act and regulations can be difficult. The Office of the Fire Commissioner provides support to local assistants through advisory and consulting services, interpretation of the Act and regulations, on-site assistance in conducting inspections and enforcement, and through training programs designed to enable the local assistant conduct inspections within their jurisdiction.

Training and Certification

Training for fire fighters is provided for by the Office of the Fire Commissioner through a provincial system of fire service instructors. The Office also provides certification of training through a provincial system of recognition of training, and an international system of certification through the International Fire Service Accreditation Congress (IFSAC) and the National Professional Qualifications System (NPQS). A Training Systems Guide, published by the Office of the Fire Commissioner, is available to all fire departments and describes in detail the training system in Saskatchewan.

Saskatchewan Legislation and Regulations

The Canadian Constitution 1982

This enactment is the ultimate legislative authority over all Canadian statutes whether at the federal, provincial, or municipal level. One part of the constitution that is best known is the British North America Act of 1867, which divides the responsibilities between the federal and the provincial governments. Section 92 of the BNA Act gives the provinces the authority over matters involving the fire services within their respective jurisdictions.

In Saskatchewan, *the Fire Prevention Act, 1992*, establishes the duties, powers and authorities for persons involved in fire prevention. Municipalities are responsible for fire suppression under one of three Acts - Section 136 of the Urban Municipality Act, Section 100.1 of the Northern Municipality Act, or Section 215 of the Rural Municipality Act, where the Province delegates the responsibility of fire protection and suppression to the municipal level of government. The Fire Prevention Act delegates the responsibility of fire prevention and the investigation and reporting of fires to the municipality through the local assistant.

The Act also allows for the adoption of fire safety regulations, (Saskatchewan Fire Code Regulations) and for other specific regulations (the National Fire Code of Canada) to be adopted to provide for fire safety. The Act establishes a system to organize a comprehensive fire safety network within the province. The main part of this network is made up of persons identified as a local assistant. A local assistant is defined in the Act (section 2(h)) and may be;

- a fire chief or acting fire chief of an established fire department in an urban municipality,
- a secretary treasurer of a rural municipality,
- an administrator of an urban or northern municipality, or
- any person appointed by a municipal council in consultation with the Fire Commissioner.
-

The Act requires persons holding these positions to be a local assistant for the purposes of the Act. Most cities have fire inspection units that employ municipal inspectors for bylaw enforcement. These municipal inspectors may be directed by the fire chief to enforce the act and regulations under section 2(j) of the Act. A fire chief may delegate fire department members as municipal inspectors to enforce the Act and regulations. Members of a fire department working within the scope of duties the fire department provides to the municipality may be considered an employee of the municipality. (see section 2(j) of the Act.)

A municipal council must inform the Fire Commissioner, in writing, of the person appointed as a local assistant. (section 10.)

Duties of Local Assistants

All local assistants are designated as a "*fire inspector*", but are not a "*provincial inspector*". (see section 2(f) and 2(l) of the Act.) As a "*fire inspector*", the local assistant is responsible to administer and enforce the Act and regulations within their jurisdiction. (section 11) This duty is discretionary and how the Act and regulations are administered and enforced is a decision local authorities (municipal and fire) must make. There are some legal and liability implications involved in this duty and local assistants are cautioned to be aware of them.

The local assistant may also be tasked with other duties by the Fire Commissioner.

Local assistants are required to investigate (or have investigated) all fires that occur within their jurisdiction, and to report all fires to the Office of the Fire Commissioner by using the Fire Incident Report Form. Certain fires must be reported within 24 hours of occurrence to the Fire Commissioner (use 1-800-739-3473). (section 15(1)(2)) These fires include;

- suspicious fires,
- death or injury caused by fire,
- a fire in a government owned or occupied building, and
- any other fire designated by the Fire Commissioner.

All fire investigations must be started within 3 days, excluding Sunday, of the fire occurrence. (Section 15(3))

Powers of the Local Assistant

The Act provides the local assistant with powers to complete duties assigned by the Act. These powers are quite strong and must be used with discretion. Powers include;

Right to Entry

The Act allows for the entry to property (section 13, 14, and 18) for suppression, inspection, investigation and enforcement purposes. The local assistant may also take any person or thing to assist them and may also take any thing from the property for the purposes of the Act.

The right to entry also includes powers to restrict access or close property. Property owners must be notified of the purpose of entry, and local assistants may not enter a dwelling unless permission from the owner/occupant is given, or by warrant issued by a judge or justice of the peace (section 18(6)).

Issue Orders

Section 19 of the Act authorizes the Local Assistant to issue correction orders to property owners to require owners to comply with the Act or regulations. See Unit V for order forms.

Authorize Corrections

Section 24 of the Act allows local assistants to carry out, or cause to be carried out, corrective actions in a property where a property owner will not or can not complete corrections of hazardous conditions. The costs associated with these corrections may be recovered from the owner or added to the property taxes.

Charge Persons

The Act also allows the local authority to lay a charge under the Act as well. Section 30 identifies Offenses and the penalties a conviction may bring to a person.

Limitations

The powers under the Act have certain limitations. The Act should be consulted and understood before attempting to use the powers granted. Where questions arise, the Office of the Fire Commissioner may offer interpretation and guidance. It is recommended that where powers are to be used, legal experts be consulted (municipality's legal counsel) to ensure the powers are used properly.

The Act also provides a certain degree of immunity to local assistants (section 34) who are enforcing the Act or regulations. Care should be taken that the local assistant must be empowered by the Act, working within the confines of the Act and not acting negligently for the immunity to have any effect. Where any question or doubt on legality or liability issues occur, legal experts should be consulted.

Fire Prevention Act, 1992

Short title

1 This Act may be cited as The Fire Prevention Act, 1992.

Interpretation

2 In this Act:

- (a) "**court**" means Her Majesty's Court of Queen's Bench for Saskatchewan;
- (b) "**Crown**" means Her Majesty the Queen in right of Saskatchewan.
- (c) "**fire chief**" means a fire chief appointed or employed by a municipality;
- (d) "**fire commissioner**" means the fire commissioner appointed pursuant to subsection 4(1);
- (e) "**fire department**" means a fire department established by or contracted with a municipality;
- (f) "**fire inspector**" means a provincial inspector, a local assistant or a municipal inspector;
- (g) "**judge**" means a judge of the court.
- (h) "**local assistant**" means:
 - (i) in a city, town, village, resort village or northern municipality where a fire department is established, the fire chief or acting fire chief;
 - (ii) in a town, village, resort village or northern municipality where there is no fire department established, the administrator or clerk of the town, village, resort village or northern municipality;
 - (iii) in a rural municipality, any fire chief appointed by the rural municipality or, where there is none, the secretary treasurer of the rural municipality; or
 - (iv) in any municipality, any other person appointed by the municipality in consultation with the fire commissioner;
- (i) "**minister**" means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (j) "**municipal inspector**" means an officer who is employed by a municipality and authorized by the fire chief to act as a municipal inspector for the purposes of this Act;
- (k) "**municipality**" means a city, town, village or resort village within the meaning of The Urban Municipality Act 1984 , a rural municipality within the meaning of The Northern Municipalities Act;
- (l) "**provincial inspector**" means the fire commissioner, the deputy fire commissioner or a provincial inspector appointed by the Public Service Commission pursuant to subsection 4(2).

Crown Bound

3 The Crown is bound by this Act.

GENERAL DUTIES AND POWERS

Appointment of fire commissioner and provincial inspectors

4(1) A fire commissioner, one or more deputy fire commissioners and any provincial inspectors that may be necessary for the purposes of this Act may be appointed in accordance with The Public Service Act.

(2) The fire commissioner may designate persons employed pursuant to The Gas Inspection Act as provincial inspectors for the purposes of this Act.

Duties of Fire Commissioner

5(1) Subject to the other provisions of this Act and to the regulations, the fire commissioner shall:

- (a) promote and encourage fire prevention and the protection of life and property against fire;
- (b) collect and disseminate information respecting fires in Saskatchewan.
- (c) keep records of all fires occurring in Saskatchewan including the cause, origin and circumstances of each fire and other information respecting each fire that the fire commissioner considers appropriate;
- (d) investigate or cause to be investigated or hold inquiries into any fire whenever the fire commissioner considers it necessary to do so in order to ascertain the cause, origin and circumstances of the fire;
- (e) administer and enforce this Act and the regulations within park land constituted pursuant to *The Parks Act* or a regional park established pursuant to *The Regional Parks Act, 1979*;

- (f) provide for training courses in fire fighting and fire prevention; and
- (g) perform any other duties that the minister may direct.

(2) The fire commissioner may advise and provide recommendations respecting:

- (a) the establishment and administration of a fire department and the effectiveness of that fire department;
- (b) the supply of adequate water for fire protection;
- (c) the enactment and enforcement by a municipality of bylaws relating to fire prevention and the protection of life and property against fire;
- (d) the establishment of inter-municipal areas for fire prevention and fire suppression and mutual aid for fire protection agreements;
- (e) the provision of suitable fire protection equipment and apparatus for the use of fire departments;
- (f) the storage, handling and emergency response plans relating to hazardous materials as defined by the edition of the National Fire Code adopted in the regulations; or
- (g) any other matter that the minister may direct.

Deputy fire commissioners

6(1) A deputy fire commissioner may act in the place of the fire commissioner.

(2) Where a deputy fire commissioner acts as fire commissioner, the deputy fire commissioner may exercise all the powers of the fire commissioner given by this Act and the regulations and shall perform all the duties imposed on the fire commissioner by this Act and the regulations.

Appointment of fire chief for hamlets

7 The council of a rural municipality may appoint a fire chief with responsibility for any hamlet or area in the rural municipality specified in the appointment.

Delegation to local assistants

8(1) The fire commissioner may delegate in writing to any local assistant all or any of the powers, other than the power to hear appeals, and all or any of the duties of the fire commissioner given by this Act or the regulations.

(2) The fire commissioner may impose any restrictions or limitations on a delegation pursuant to subsection (1) that the fire commissioner considers appropriate.

(3) The fire commissioner may rescind, in writing, a delegation pursuant to subsection (1).

General powers of fire inspector

9 A fire inspector may aid in the enforcement of any Act, regulation and municipal bylaw relating to fire safety and fire prevention.

Notification of appointment

10 The council of every municipality shall immediately notify the fire commissioner, in writing, of the full name and address of any person appointed by the council who is or becomes a local assistant.

Duties of local assistants

11 Every local assistant shall:

- (a) administer and enforce this Act within the local assistant's jurisdiction; and
- (b) perform any other duties and may exercise any other powers that may be delegated to the local assistant by the fire commissioner.

Powers of the peace officers

12 Where directed by local assistant, a peace officer may exercise the powers of the local assistant and may fulfil the duties of the local assistant that are given by this Act or the regulations.

INVESTIGATION OF FIRES

Right of entry and examination

13(1) Any fire inspector and, where directed pursuant to section 12, any peace officer may:

- (a) where it is necessary in the conduct of an investigation, at any reasonable time enter on land or into any building, structure or premises and make any examination on the land or in the building, structure or premises where a fire has occurred or is in progress and any other adjoining or nearby buildings, structures and premises;
 - (b) take with him or her on land or into any building, structure or premises mentioned in clause (a) any person who or equipment, machinery or apparatus that, in the opinion of the fire inspector or peace officer, would be of assistance in conducting the investigation mentioned in that clause;
 - (c) close the land, building, structure or premises mentioned in clause (a) and prohibit any person from entering or remaining on the land or in the building, structure or premises until the investigation mentioned in that clause is completed;
 - (d) perform or cause to be performed any tests that the fire inspector or peace officer considers necessary on the land, building, structure or premises mentioned in clause (a) or on anything on that land or in those buildings, structures or premises in order to determine the cause, origin and circumstances of the fire;
 - (e) remove anything on land or in a building, structure or premises mentioned in clause (a) for the purpose of performing the tests mentioned in clause (d) or for the purpose of retaining the thing removed as evidence.
- (2)** When an investigation or test mentioned in subsection (1) is completed, the fire inspector or peace officer shall return anything removed from the land, building, structure or premises to the person from whom it was taken, unless:
- (a) it is required as evidence in a prosecution for a contravention of this Act or an Act of the Parliament of Canada that relates to the fire mentioned in subsection (1); or
 - (b) in the opinion of the fire inspector or peace officer, it is impossible or impracticable to return it.

Entry on premises to put out fires

14(1) Any fire inspector or member of a fire department and any person employed by or assisting a fire inspector or member of a fire department may:

- (a) enter on land or into any building, structure or premises where a fire has occurred or is occurring and any other adjoining buildings, structures or premises; and
 - (b) if the fire is occurring, use any measures that the person making the entry considers necessary to put out the fire or prevent it from spreading.
- (2)** An entry on land or into any building, structure or premises pursuant to subsection (1) may be made with any equipment, machinery, apparatus, vehicle or materials that, in the opinion of the person making the entry, is necessary to put out the fire or prevent it from spreading.

Investigation and report by local assistants

15(1) Every local assistant shall investigate, or cause to be investigated, the cause, origin and circumstances of every fire occurring in the local assistant's jurisdiction.

(2) The local assistant shall notify the fire commissioner within 24 hours of the commencement of an investigation pursuant to subsection (1) if:

- (a) the fire is, in the opinion of the local assistant of suspicious origin;
- (b) death or serious injury is involved; or
- (c) the fire involved a building, structure or premises owned or leased by the Crown.

(3) An investigation required under subsection (1) must be commenced within three days, excluding Sunday, of the occurrence of the fire.

(4) Immediately after the completion of an investigation pursuant to subsection (1), the local assistant shall furnish a written report of all facts concerning the cause, origin and circumstances of the fire to the fire commissioner in the form prescribed in the regulations.

Investigation

16(1) A provincial inspector may investigate or cause to be investigated the cause, origin and circumstances of any fire that has:

- (a) destroyed or damaged property; or
- (b) caused injury or death

(2) Where a provincial inspector, other than the fire commissioner, makes an investigation pursuant to subsection (1), the provincial inspector, immediately after the completion of the investigation, shall furnish a written report of all facts concerning the cause, origin and circumstances of the fire to the fire commissioner.

Inquiry

17(1) The fire commissioner or any person appointed by the fire commissioner for the purpose may conduct an inquiry into the cause, origin and circumstances of a fire that has:

- (a) destroyed or damaged property; or
- (b) caused injury or death

(2) The person conducting an inquiry pursuant to this section has the powers conferred on commissioners under The Public Inquiries Act.

(3) A person giving evidence at an inquiry may be represented by counsel at the person's expense and that counsel may examine and cross-examine any witnesses called to give evidence at the inquiry.

(4) Subject to subsection (3) and in the discretion of the person conducting the inquiry, may be conducted in a meeting that is closed to the public and the person conducting the inquiry may exclude persons other than those required to be present under this Act.

(5) The person conducting the inquiry may adjourn the inquiry from time to time, but no adjournment is to be made for a period longer than 30 days.

COMPLIANCE WITH ACT, REGULATIONS AND ORDERS

Inspection of buildings, structures or premises

18(1) For the purposes of ensuring compliance with this Act the regulations or any order made pursuant to this Act, any fire inspector may, at any reasonable time, enter and inspect any building, structure or premises.

(2) A fire inspector making an inspection pursuant to subsection (1) may:

- (a) collect data or samples
- (b) make any inspection or study
- (c) conduct any test;
- (d) examine books, records and documents;
- (e) require the production of documents and property for the purposes of examination or making copies.

(3) When entering on land or into any building, structure or premises pursuant to this section, the fire inspector may:

- (a) enter with any equipment, machinery, apparatus, vehicle or materials that the fire inspector considers necessary for the purpose of the entry;
- (b) take any person who or thing that the fire inspector considers necessary to assist him or her to fulfil the purpose of the entry.

(4) Where the fire inspector considers it necessary for the purposes of the entry, the inspector may temporarily close the land, building, structure or premises until the purpose of the entry is fulfilled.

(5) Before entering on any land or into any building, structure or premises, the fire inspector shall notify the owner or occupant, if the owner or occupant is present at the time of the entry, of the purpose of the entry.

(6) A fire inspector shall not enter a private dwelling without a warrant issued pursuant to this section unless the owner or occupant consents.

(7) A fire inspector may apply without notice to a justice of the peace or a judge of the provincial court for a warrant to be issued pursuant to this section where a person:

- (a) refuses to permit the fire inspector to enter on land or into any building, structure or premises to carry out any of the activities mentioned in subsection(2); or
- (b) fails to produce any documents or property pursuant to clause (2) (e).

(8) A justice of the peace or judge of the provincial court may issue a warrant where the justice of the peace or judge of the provincial court is satisfied by oath that the fire inspector believes on reasonable grounds that there is a contravention of this Act, the regulations or an order made pursuant to this Act.

(9) A warrant issued pursuant to this section authorizes the person named in the warrant to enter the place named in the warrant and any premises connected with that place to:

- (a) examine the place and connected premises;
- (b) carry out the activities described in subsection (2); and

(c) search for and seize and take possession of any books, records and documents.

(10) Every peace officer is under a duty to assist the fire inspector in enforcing a warrant issued pursuant to this section.

(11) While a fire inspector is carrying out his or her powers under this section, no person shall:

- (a) fail to comply with any reasonable request of the fire inspector;
- (b) knowingly make any false or misleading statement to the fire inspector;
- (c) unless authorized by the fire inspector, remove, alter or interfere in any way with anything seized, detained or removed by the fire inspector; or
- (d) obstruct or interfere with the fire inspector.

Orders to remedy contravention

19(1) If, in the opinion of a fire inspector, there is a contravention of this Act, the regulations or an order made pursuant to this Act in a building, structure or premises, the fire inspector may issue to the owner, operator or occupant of the building, structure or premises a written order in which the fire inspector:

- (a) shall specify the contravention; and
- (b) may direct the owner, operator or occupant to do one or more of the following within the time limit set out in the order:
 - i. remedy the contravention, including doing anything in relation to the building, structure or premises that the fire inspector considers necessary to remedy the non-compliance;
 - ii. repair, remove or demolish the building, structure or premises;
 - iii. alter the use or occupancy of the building, structure or premises;
 - iv. replace materials used in the construction of buildings, structures and premises;
 - v. remove any combustible or explosive material;
 - vi. repair or replace faulty equipment or fire protection devices;
 - vii. install or correct the faulty installation of fire safeguards equipment or fire protection devices.

(2) Notwithstanding any other provision of this Act or the regulations, where in the course of an investigation or inspection pursuant to this Act, the fire commissioner is of the opinion that a condition exists creating a serious danger to life or property, the fire commissioner may do all or any of the following:

- (a) use any measure that the fire commissioner considers appropriate to remove or lessen the condition;
- (b) evacuate and close or cause the closing of a building, structure or premises where the contravention exists for any period that the fire commissioner considers appropriate.

(3) A fire inspector may request the assistance of a peace officer to assist in carrying out the provisions of this section.

Applications for direction

20 The fire commissioner may apply without notice to a judge for directions, instructions or an order of the court in carrying out any order made pursuant to this Act.

Prohibition respecting closed buildings structure and premises

21 No person shall enter, attempt to enter or tamper with a building, structure or premises that has been closed pursuant to section 19 without the prior approval of the fire commissioner.

Carrying out of orders by fire commissioner

22(1) The fire commissioner may carry out or cause to be carried out the activities required to be done by an order if:

- (a) the person to whom the order is directed fails to comply with the order within the period specified in the order; or
- (b) after reasonable inquiry, the whereabouts of the owner, an agent of the owner or the occupant of the building, structure or premises that is the subject of the order cannot be determined.

(2) Where an order is carried out or caused to be carried out by the fire commissioner pursuant to subsection (1), the costs and expenses incurred in the carrying out of the order are a debt due to the Crown and may be recovered by the minister in any manner that is allowed by this Act or by law for the recovery of debts due to the Crown.

(3) The minister may certify the amount of the costs and expenses incurred in carrying out an order and may file a certificate with the local registrar of the court at the judicial centre nearest to the place where the work in carrying out the order was done.

(4) A certificate filed pursuant to this section shall set out the person from whom the costs and expenses are recoverable.

(5) Subject to subsection (6), before the minister files a certificate pursuant to this section, the minister shall cause a copy of the certificate to be served on the person from whom the costs

(6) If, after reasonable investigation, the minister cannot determine the address of the person from whom the costs and expenses are recoverable, the minister may effect service by causing a copy of the certificate to be served on the person by publishing a copy of the certificate in a daily or weekly newspaper having general circulation in the area where the work in carrying out the order was done.

(7) A certificate filed pursuant to this section has the same effect as if it were a judgment obtained in the court for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges with respect to its filing.

Appeal of certificate

23(1) A person with respect to whom a certificate is filed pursuant to section 22 may appeal to the Saskatchewan Municipal Board the amount of costs and expenses set out in the certificate.

(2) An appeal pursuant to this section must be made within 30 days of the date that the person was served with a copy of the certificate.

(3) On an appeal pursuant to this section, the Saskatchewan Municipal Board shall consider the matter and may make any order it considers appropriate respecting the amount of the costs and expenses, including an order to amend the certificate.

Carrying out of orders by local assistant

24(1) A local assistant may carry out or cause to be carried out the activities required to be done by an order if:

- (a) the person to whom the order is directed fails to comply with the order within the period specified in the order; or
- (b) after reasonable inquiry, the whereabouts of the owner, an agent of the owner or occupant of the building, structure or premises that is the subject of the order cannot be determined.

(2) Where an order is carried out or caused to be carried out by a local assistant pursuant to subsection (1), the costs and expenses incurred in carrying out the order are a debt due to the municipality and may be recovered from the owner of the building, structure or premises in or on which the order was carried out.

(3) Where the costs and expenses mentioned in subsection (2) are not paid at the end of the year in which the order was carried out, the municipality may add the amount of the costs and expenses to the owner's property taxes.

APPEALS

Appeal of the fire commissioner

25(1) A person who is aggrieved by an order made by a local assistant or municipal inspector may, within 20 days of being served with the order, appeal the order to the fire commissioner.

(2) An appeal pursuant to this section shall be made by filing a written notice of appeal setting out the reasons for the appeal on the fire commissioner and serving a copy of the appeal on the local assistant or municipal inspector.

(3) The fire commissioner shall consider the appeal within 20 days of the serving of the appeal and may confirm, modify or revoke the order appealed from or substitute his or her own order for the order being appealed from.

(4) The fire commissioner shall cause a copy of his or her decision to be served on:

- (a) the appellant;
- (b) the local assistant or municipal inspector; and
- (c) any other persons whom the fire commissioner considers may be interested in the decision.

(5) An appeal taken pursuant to this section does not operate as a stay of the decision appealed from unless the fire commissioner, on an application by the applicant, decides otherwise.

Appeal to Saskatchewan Municipal Board

26(1) A person who is aggrieved by an order of a provincial inspector may, within 20 days of being served with the order, appeal the order to the Saskatchewan Municipal Board.

(2) A local assistant, municipal inspector or other person who is aggrieved by a decision of the fire commissioner pursuant to section 25 may, within 20 days of being served with the decision, appeal the decision to the Saskatchewan Municipal Board.

(3) A person making an appeal pursuant to this section shall cause a written copy of the appeal to be served on the fire commissioner.

(4) On receipt of an appeal pursuant to this section, the Saskatchewan Municipal Board shall consider the appeal and may confirm, modify or repeal the order or decision appealed from or substitute its own order for the order or decision being appealed from.

(5) The Saskatchewan Municipal Board shall give written notice of its decision to the fire commissioner, the appellant and any other person that the Saskatchewan Municipal Board considers may be interested in the decision.

(6) An appeal taken pursuant to this section does not operate as a stay of the order or decision appealed from unless the board, on an application by the appellant, decides otherwise.

Appeal to Court of Appeal

27 Notwithstanding The Municipal Board Act, with leave of a judge of the Court of Appeal, any person who is aggrieved by a decision of the Saskatchewan Municipal Board made pursuant to section 26 may appeal to the Court of Appeal against the decision of the Saskatchewan Municipal Board within:

- (a) 30 days after the date the decision was made; or
- (b) any further period not exceeding 30 days that a judge of the Court of Appeal may allow on an application that is made within 30 days after the date the decision was made.

OWNER RESPONSIBILITIES

Owner responsibilities

28 Every owner of a building structure or premises shall ensure that the building, structure or premises is designed, constructed, erected, placed, altered, repaired, renovated, demolished, relocated, removed, used or occupied in accordance with this Act and the regulations.

TAX ON PREMIUMS AND ASSESSMENTS

Tax on premiums and assessments

29(1) Every company, whether stock or mutual, licensed or not, transacting the business of fire insurance within the meaning of The Saskatchewan Insurance Act shall pay to the Minister of Finance a fee in the amount prescribed in the regulations.

(2) The fee imposed by subsection (1) is deemed to be a tax within the meaning Part III of The Revenue and Financial Services Act and this Act is deemed to be a revenue Act within the meaning of the Part III of that Act.

(3) Part III of The Revenue and Financial Services Act and the regulations made pursuant to that Part apply, with any necessary modification, to the reporting, remitting and enforcing the remission of the fee imposed by subsection (1).

(4) The fee imposed by subsection (1) is in addition to any other lawful taxes or fees payable by a company mentioned in subsection (1).

(5) Any moneys paid pursuant to subsection (1) are to be deposited in the consolidated fund.

OFFENSES AND PENALTIES

Offenses

30(1) No person shall:

- (a) tamper with exit doors, portable or fixed fire extinguishing equipment automatic sprinkler systems, automatic fire or smoke detection systems or manual or automatic fire alarm systems;
- (b) fail to comply with an order made pursuant to this Act;

- (c) obstruct or hinder any fire inspector, member of a fire department or any other person acting under the authority of this Act or the regulations; or
- (d) fail to comply with any other provision of this Act or the regulations.

(2) Every person who contravenes any provision of subsection (1) is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual, to a fine of not more than \$ 5,000 and, in the case of a continuing offence, to a further fine of not more than \$ 5,000 for each day during which the offence continues.

(3) A conviction for an offence for failing to comply with an order does not relieve the person convicted from complying with the order and the convicting judge may, in addition to any fine imposed, order the person to do any act or work, within the time specified by the judge in the order, to comply with the order with respect to which the person was convicted.

(4) A person to whom an order is made pursuant to subsection (3) who fails to comply with that order within the time specified by the judge is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual, to a fine of not more than \$5,000 for each day during which the non-compliance continues;
- (b) in the case of a corporation, to a fine of not more than \$ 10,000 for each day during which the non-compliance continues.

Application for court order

31(1) The fire commissioner may apply to a judge for a final order enjoining a person from carrying out any activity that is contrary to this Act or the regulations or an order made pursuant to this Act.

(2) On receipt of an application pursuant to this section, the judge may make any order, including an order for interim relief, that the judge considers appropriate.

Limitation on prosecutions

32 No prosecution for an offence under this Act is to be commenced after two years from the date of the commission of the alleged offence.

GENERAL

Effect of municipal bylaws

33 Where a municipality has passed a bylaw in accordance with The Rural Municipality Act, 1989, The Urban Municipality Act, 1984 or The Northern Municipalities Act respecting the prevention and suppression of fires and the provisions of the bylaw are more exacting than the provisions of this Act or the regulations, that bylaw governs and applies to all properties within the boundaries of that municipality.

Immunity from liability

34 No action lies or shall be instituted against the minister, a fire inspector, a municipality, a fire department or a member of a fire department, or peace officer, where the minister, fire inspector, municipality, fire department or member of a fire department, or peace officer is acting pursuant to the authority of this Act, the regulations or an order made pursuant to this Act, for any loss or damage suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by any of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any order made pursuant to this Act or any duty imposed by this Act or the regulations.

Contents and service of orders

35(1) Every order made pursuant to this Act:

- (a) shall be directed to the owner, occupant or other person responsible for the use of the building, structure or premises, or to all of them; and
- (b) shall set out the act of thing the owner, occupant or other person responsible for the use of land, a building structure or premises is required to do with respect to the land, building, structure or premises and the time within which that person is to do that act or thing.

(2) Every order made pursuant to this Act shall be served:

- (a) in the case of service on an individual:
 - i. personally; or

- ii. (ii) by mailing it to the individual's last address known to the person making the order;
 - (b) in the case of service on a corporation:
 - (i) personally on a director, manager or officer of the corporation; or
 - (ii) by leaving it at or mailing it by registered mail to the registered office of the corporation or to the office of its attorney in Saskatchewan, if the corporation is an extra-provincial corporation.
- (3)** An order served by registered mail is deemed, in the absence of evidence to the contrary, to have been served 10 days after the day on which it was mailed.

Annual report to minister and Publication

36(1) In this section, "fiscal year" means the period commencing on April 1 in one year and ending on March 31 in the following year.

(2) The fire commissioner shall:

- (a) submit to the minister, on or before May 31 in each year, a detailed report of the fire commissioner's official actions during the previous year; and
- (b) publish any part of the report mentioned in clause (a) that the minister directs, in the manner the minister prescribes.

Reports by insurance companies and adjusters

37(1) On or before the twenty-first day of each month, every fire insurance company that is licensed pursuant to The Saskatchewan Insurance Act shall furnish the fire commissioner with a statement relating to the preceding month of every fire that occurs in Saskatchewan in which it is interested as an insurer.

(2) On or before the seventh day of each month, every fire insurance adjuster shall furnish the fire commissioner with a statement relating to the preceding month, of every fire that occurs in Saskatchewan in which the fire insurance adjuster is interested as an adjuster.

(3) The statements described in subsections (1) and (2) shall be in the form prescribed in the regulations and shall contain:

- (a) the name and address of the insured;
- (b) the location of the risk;
- (c) the value and contents of the buildings, structure or premises;
- (d) the amount of insurance carried; and
- (e) the amount of the loss sustained.

(4) In the case of a fire of suspicious origin, the insuring company shall make a preliminary report as soon as possible showing:

- (a) the names of the owner and occupant;
- (b) the location, use and occupancy of the burnt premises;
- (c) the date of the fire; and
- (d) any facts and circumstances that the company receives knowledge of tending to establish the cause, origin or circumstances of the fire.

(5) The report mentioned in subsection (4) is in addition to, and not in lieu of, any report that the company may be required to make pursuant to any other law of Saskatchewan.

Regulations

38 For the purpose of carrying out the provisions of this Act according to their intent, the Lieutenant Governor in Council may make regulations:

- (a) governing the approval, sale, distribution, installation and maintenance of fire fighting, fire prevention and fire and smoke detection equipment, apparatus, material and supplies, including fire alarm systems, automatic sprinkler systems and fire extinguishers and the licensing and control of manufacturers, agents and jobbers, wholesale and retail vendors and installers of those items;
- (b) governing the approval, sale, installation and maintenance of oil burners and oil-burning equipment and all appliances using flammable and combustible liquids as fuel, and the licensing and control of manufacturers, agents and jobbers, wholesale and retail vendors and installers of those items;
- (c) respecting the training and qualifications of persons installing, servicing and testing the equipment, apparatus or systems mentioned in clause (a) or (b) and requiring those persons to be licensed or certified in the manner prescribed in the regulations;
- (d) requiring persons installing, servicing and testing equipment, apparatus or systems mentioned in clause (a) or (b) to obtain insurance or performance bonds in any financial institution approved by the

- minister and in any amounts that the minister may consider necessary to cover any possible damage resulting from the operation, installation, servicing or testing of that equipment, apparatus or system;
- (e) regulating the approval, sale, installation and servicing of solid fuel burning appliances and equipment, including fire places, furnaces, ducts, flue pipes and chimneys;
 - (f) respecting the training and qualifications of persons installing, servicing and testing the appliances or equipment mentioned in clause (e) and requiring those persons to be licensed or certified in the manner prescribed in the regulations;
 - (g) respecting emergency fire fighting services;
 - (h) respecting the fees and expenses to be paid to local assistants for written reports furnished to the fire commissioner in accordance with subsection 15(4);
 - (i) defining any word or expression used in this Act but not defined in this Act;
 - (j) prescribing the procedures to be followed with respect to any proceeding or the doing of any thing authorized by this Act where, in the opinion of the Lieutenant Governor in Council, the provisions of this Act are insufficient respecting that proceeding or that thing;
 - (k) governing the standards for fire protection training and the education and certification of fire fighters, fire inspectors, fire investigators and fire officers;
 - (l) requiring the payment and prescribing the amount of fees respecting any action that the fire commissioner is required or authorized to take under this Act or the regulations;
 - (m) for the purposes of this Act and the regulations, declaring that all or any part of the National Fire Code of Canada, 1990, as amended from time to time or otherwise, and subsequent editions of the National Fire Code of Canada, as amended from time to time, or any other code or standard, as amended from time to time or otherwise, respecting any materials, equipment or appliances used or installed in a building, structure or premises, is in force with any revisions, variations or modifications that may be specified in the regulations;
 - (n) exempting any land, building, structure, premises or person or any class of land, building, structure, premises or person from complying with all or any part of any code or standard declared to be in force pursuant to clause (m) on any terms and conditions that the Lieutenant Governor in Council considers appropriate;
 - (o) exempting any land, building, structure, premises, person, thing or class of lands, buildings, structures, premises, persons or things from all or any part of this Act or the regulations on any terms or conditions that may be prescribed in the regulations;
 - (p) prescribing the fee to be paid pursuant to section 29;
 - (q) prescribing forms for the purpose of this Act;
 - (r) requiring plans and specifications for the construction, alteration or repair of buildings or structures or classes of buildings or structures to be reviewed by the fire commissioner to determine whether proper precautions are being taken against fire and the spread of fire, authorizing the fire commissioner to order alteration of those plans and specifications and requiring compliance with the orders of the fire commissioner;
 - (s) requiring plans and specifications for the installation and operation of fire alarm systems, fire extinguishment systems and heating equipment in buildings, structures or classes of buildings or structures to be reviewed by the fire commissioner, authorizing the fire commissioner to order alteration of those plans and specifications and requiring compliance with the orders of the fire commissioner;

Minister may release reports

39 Where the minister considers it appropriate and in the public interest, the minister may direct the fire commissioner to release all or any part of any report respecting fires that is in the office of the fire commissioner.

Saskatchewan Fire Code Regulations

1 These regulations may be cited as The Saskatchewan Fire Code Regulations.

Interpretation

2(1) In these regulations:

- (a) **"Act"** means The Fire Prevention Act, 1992;
- (b) **"apartment building"** means a building containing three or more dwelling units that have common roof, wall or floor assemblies;
- (c) **"approval laboratory"** means a testing laboratory designated by the fire commissioner pursuant to section 9;
- (d) **"approved"** means approved by an approval laboratory;
- (e) **"Code"** means the National Fire Code of Canada, 1995, as declared to be in force pursuant to subsection 3(1);
- (f) **"educational building"** includes a building used as a school, residential school, independent school, private school, university or college, or a building used for the accommodation or recreation of students that is part of an educational institution;
- (g) **"health care facility"** means a place providing sleeping facilities for its occupants where services are provided for the maintenance of health, or the diagnosis or treatment of human pain, injury, disease or other physical condition, and includes a hospital, a nursing home, an extended care home or an integrated facility;
- (h) **"hotel"** means a place where, for a consideration, sleeping accommodation and attendant services for the public are provided, and includes a motel, an inn, a hostel, a bed and breakfast establishment or a tourist home;
- (i) **"licensed installer"** means a person who holds an installation and service license issued pursuant to section 5.

(2) Subject to the Act and these regulations, a word symbol or abbreviation defined or used in the Code has the same meaning when used in these regulations.

(3) For the purpose of applying the Code for the purposes of these regulations, a reference in the Code to the "authority having jurisdiction" is to be interpreted as a reference to:

- (a) the fire commissioner;
 - (b) a provincial inspector; or
 - (c) a local assistant;
- as the case may be.

(4) For the purposes of the Act and the Code, "automatic sprinkler system" means a system made up of a water supply and all necessary pumps, valves, pipes and heat actuated devices that is installed in all parts of a building and arranged to automatically distribute water on a fire in sufficient quantities to extinguish the fire or control its speed.

(5) For the purpose of applying the Code for the purposes of these regulations, a reference in the Code to the National Building Code of Canada is to be interpreted as a reference to the National Building Code of Canada, including errata, revisions, modifications and variations declared to be in force from time to time pursuant to regulations made pursuant to The Uniform Building and Accessibility Standards Act.

NATIONAL FIRE CODE

National Fire Code

3(1) The National Fire Code of Canada, 1995, including appendices and errata, as amended from time to time, and including any revisions, variations or modifications that may be specified in these regulations or other regulations made pursuant to the Act, is declared to be in force.

(2) Subject to subsection (3), no person shall fail to comply with the Code.

(3) These regulations are not to be interpreted as conflicting with a provision of any regulation made pursuant to any Act or with a provision of any municipal bylaw, made prior to the coming into force of these regulations, that permits a provision of the Code not to be complied with before a specified date.

PLAN REVIEW

Plan review

4 The Fire Commissioner may require any person who wishes to construct, to make alterations to, or to convert an existing facility or structure for use as an educational building, health care facility, hotel, apartment building, dangerous goods storage facility, service station, self-service outlet, unattended self-service outlet or bulk plant shall, before commencing work on the construction, alteration or conversion, to submit the final plans or working drawings to the fire commissioner to be reviewed for compliance with the Code.

OIL BURNERS AND OIL-BURNING EQUIPMENT

Licences

5(1) In this section, "fiscal year" means the period commencing on April 1 in one year and ending on March 31 in the following year.

(2) The fire commissioner may issue a licence for the purposes of this section to every person who:

- (a) pays the fee prescribed in this section; and
- (b) complies with the other provisions of this section.

(3) A manufacturer's agent, distributor, jobber or wholesale vendor may apply to the fire commissioner, in a form acceptable to the fire commissioner, for a sale and distribution licence.

(4) No person shall sell, offer for sales or distribute any oil burner or oil-burning equipment except under the authority of a sale and distribution licence.

(5) A person may apply to the fire commissioner, in a form acceptable to the fire commissioner, for an installation and service licence.

(6) Subject to subsection (7), no person shall install, service or offer to install or service any oil burner or oil-burning equipment except under the authority of an installation and service licence.

(7) A person without a licence may install an oil-fired space heater with an integral tank.

(8) Subject to subsection (9), the expiry date of a licence is, in case of:

- (a) a sale and distribution licence, the last day of the fiscal year for which it is issued;
- (b) an installation and service licence, at the option of the applicant, either:
 - i. the last day of the fiscal year for which it is issued; or
 - ii. the last day of the term of five fiscal years for which it is issued.

(9) The fire commissioner may issue a provisional installation and service licence that is valid for a term of not more than 90 days, as specified in the licence:

(10) Every application for a licence is to be accompanied by a fee of:

- (a) \$50 for a sale and distribution licence;
- (b) \$30 for an installation and service licence valid for a term of five fiscal years;
- (c) \$10 for an installation and service licence valid for a term of one fiscal year; or
- (d) \$5 for a provisional installation and service licence.

(11) A fee for a licence is not refundable except as provided for in subsection (12).

(12) A person who holds a five year installation and service licence may, within the first two years in which he or she holds the licence, surrender it and receive a refund of 60% of the amount of the licence fee.

Notification

6(1) Every person who holds a sale and distribution licence shall, when required by the fire commissioner, notify the fire commissioner of all sales of oil burners and oil-burning equipment made by that person.

(2) A notification made pursuant to subsection(1) is to be made on a form supplied by the fire commissioner.

Cancellation or suspension

7(1) The fire commissioner may, for cause, and after giving the holder of the licence an opportunity to be heard, cancel a licence issued pursuant to these regulations or suspend a licence for any period that he or she considers advisable.

(2) Without restricting the generality of subsection (1), the fire commissioner may cancel or suspend the licence of a licensed installer who:

- (a) fails to comply with the provisions of the Act or these regulations;
- (b) fails to rectify improper, defective or faulty installation; or

- (c) consistently performs poor workmanship or permits poor workmanship by persons whom he or she employs or supervises.

Certificates

8(1) Every licensed installer who installs an oil burner or oil-burning equipment or who adds to or alters an existing installation shall on being satisfied that the installation, addition or alteration meets the requirements of the Act, these regulations and the Code, issue a certificate, in a form supplied by the fire commissioner, respecting the installation, addition or alteration.

(2) Subsection (1) does not apply to the normal servicing and maintenance of an oil burner or oil-burning equipment, or to the installation, addition or alteration of an oil-fired space heater with an integral tank.

(3) A licensed installer who issues a certificate pursuant to subsection (1) shall:

- (a) supply the copy of the certificate marked "Customer" to the owner or occupant of the premises where the installation, addition or alteration has been performed; and
(b) promptly send the copy of the certificate marked "Office" to the fire commissioner.

Approval laboratories

9 The fire commissioner may, where he or she considers it appropriate to do so in the public interest, designate testing laboratories that have been accredited by the Standards Council of Canada as approval laboratories for the purpose of verifying whether the requirements established by the Act, these regulations and the Code have been complied with.

Retest

10(1) The fire commissioner may, where he or she is of the opinion that any oil burner or oil-burning equipment does not meet the standards established by the Act, these regulations or the Code, require that the oil burner or oil-burning equipment be submitted to an approval laboratory for testing.

(2) Where an oil burner or oil-burning equipment has been submitted to an approval laboratory pursuant to subsection (1) and has not been approved, the fire commissioner may require the owner of the oil burner or oil-burning equipment to make any repairs or alterations identified as necessary by the approval laboratory.

Installation

11 No person shall install an oil burner or oil-burning equipment that has not been approved.

Repairs

12(1) Every person who repairs an oil burner or oil-burning equipment shall use parts that are approved for use with that make and model of burner or equipment.

(2) A person who repairs an oil burner or oil-burning equipment shall not repair a faulty heat exchanger, but shall replace it.

TRANSITIONAL AND COMING INTO FORCE

Transitional

13(1) Every person who, on the coming into force of these regulations, holds an oil burner licence issued pursuant to Saskatchewan Regulations 379/78 as a manufacturer's agent, distributor, jobber or wholesale vendor is, for the purposes of these regulations, deemed to be the holder of a sale and distribution licence issued pursuant to these regulations.

(2) Every person who, on the coming into force of these regulations, holds an oil burner licence issued pursuant to Saskatchewan Regulations 379/78 as an oil burner installer is, for the purpose of these regulations, deemed to be the holder of an installation and service licence issued pursuant to these regulations.

(3) Every licence referred to in subsections (1) and (2) that is not cancelled pursuant to these regulations expires on the date that it would have expired if these regulations had not come into force, but on expiry may only be renewed as a licence issued pursuant to section 5.

Coming into force

14 These regulations come into force on the day on which section 38 of *The Fire Prevention Act, 1992* comes into force.

Fire Insurance Fees and Fire Incident Reporting

Although not applicable to local assistants, the Fire Prevention Act, 1992 also has regulations governing the reporting of fires to the Fire Commissioner's Unit and payment of fees to the government by insurance companies.

Title

1 These regulations may be cited as The Fire Insurance Fees and Reporting Regulations.

Interpretation

2 In these regulations, "Act" means The Fire Prevention Act, 1992

Fee

3 For the purpose of subsection 29(1) of the Act, every company referred to in the subsection shall each year pay a fee that is equal to 1% of its premium receipts and assessments for the previous year, including premiums covering fire risks on automobiles, less returned premiums and cancellations, based on the premium income it reported to the Superintendent of Insurance for that year pursuant to The Saskatchewan Insurance Act.

Form

4 A fire insurance company that is licensed pursuant to The Saskatchewan Insurance Act or a fire insurance adjuster shall provide the statements required pursuant to subsections 37(1) and (2) of the Act in the form set out as Form A of the Appendix to these regulations.

Coming Into Force

5 These regulations come into force on the day on which section 38 of the Fire Prevention Act, 1992 comes into force.