



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 7200-02

From: Fire Chief

Date: December 11, 2024

Subject: Fire Protective Services Bylaw Amendment

PURPOSE:

To propose amendments to the Fire Protective Services Bylaw No. 2556, 2008.

BACKGROUND:

The Fire Safety Act (FSA) was brought into force on August 1, 2024, replacing the Fire Services Act. This new legislation introduces significant changes in the structure and delegation of fire safety responsibilities. Under the Fire Services Act, the authority to perform fire inspections and fire investigations was granted by the Office of the Fire Commissioner (OFC). Local governments relied on this centralized authorization to appoint individuals responsible for these critical functions.

With the enactment of the FSA, the responsibility has shifted to local governments, which are now required to designate qualified individuals or a class of qualified individuals to carry out fire inspections and fire investigations within their jurisdictions.

DISCUSSION:

The introduction of the Fire Safety Act brings about several changes that necessitate updates to the City's Fire Protective Services Bylaw to ensure compliance with the new legislation. Staff is seeking Council's approval to amend the bylaw to reflect these changes. Below are the three key amendments proposed:

1. Replace References to the Fire Services Act with the Fire Safety Act

The Fire Protective Services Bylaw currently references the Fire Services Act, which has been repealed and replaced by the Fire Safety Act. To maintain legal and operational consistency, all such references in the bylaw must be updated to align with the new legislation. This change is primarily administrative but is essential to ensure that the bylaw reflects the correct statutory authority.

2. Appoint the Fire Chief and Approved Designates as Fire Inspectors and Investigators

Under the Fire Services Act, the Office of the Fire Commissioner (OFC) was responsible for authorizing individuals to perform fire inspections and investigations. The Fire Safety Act shifts this responsibility to local governments, requiring them to appoint qualified individuals for these roles.

We recommend that the bylaw be amended to designate the Fire Chief and their approved designates as fire inspectors and investigators. This change will ensure that inspections and investigations continue to be conducted by individuals who meet established training standards and that the objectives of the Fire Safety Act are met.

3. Authority to Evaluate and Accept Alternative Solutions to Fire Code Requirements

The third proposed amendment seeks to empower the Fire Chief or their designate to evaluate and accept alternative solutions to specific fire code requirements. This provision would apply when an

Fire Protective Services Bylaw Amendment

alternative solution meets the intent of the applicable provisions of the British Columbia Fire Code and provides an equivalent or greater level of fire safety.

This flexibility allows for innovative approaches to fire safety while ensuring that public safety is not compromised. It also supports developers and building owners in finding cost-effective solutions that comply with fire safety standards without necessitating strict adherence to prescriptive code requirements.

POLICY ANALYSIS:

Amending the Fire Protective Services Bylaw in response to the Fire Safety Act coming into force is a necessary step to ensure legislative compliance and maintain local authority.

FINANCIAL IMPLICATIONS:

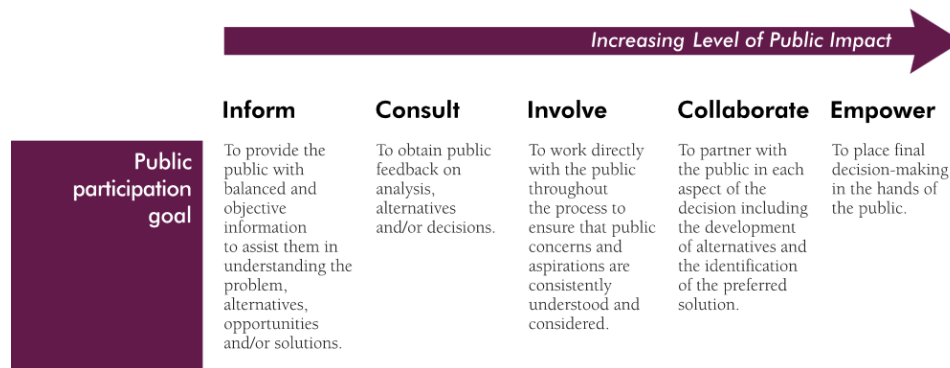
Legal costs to draft up the amending bylaw are estimated to be \$700.

ADMINISTRATIVE IMPLICATIONS:

None

PUBLIC ENGAGEMENT:

Staff would inform the public based on the IAP2 Spectrum of Public Participation:



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OPTIONS:

1. THAT Council give first, second and third reading to the Fire Protective Services - Amendment Bylaw No. 3163, 2024.
2. THAT Council provide alternative direction to staff.

ATTACHMENTS:

1. Fire Protective Services – Amendment Bylaw No. 3163, 2024.

Prepared by: Kurt MacDonald, ECFO, Fire Chief

Reviewed by: Kate O'Connell, Director of Corporate Services (CO)

Concurrence: Geoff Garbutt, M.PI., MCIP, RPP, City Manager (CAO)