International Municipal Lawyers Association
2021 Virtual IMLA in Canada Seminar

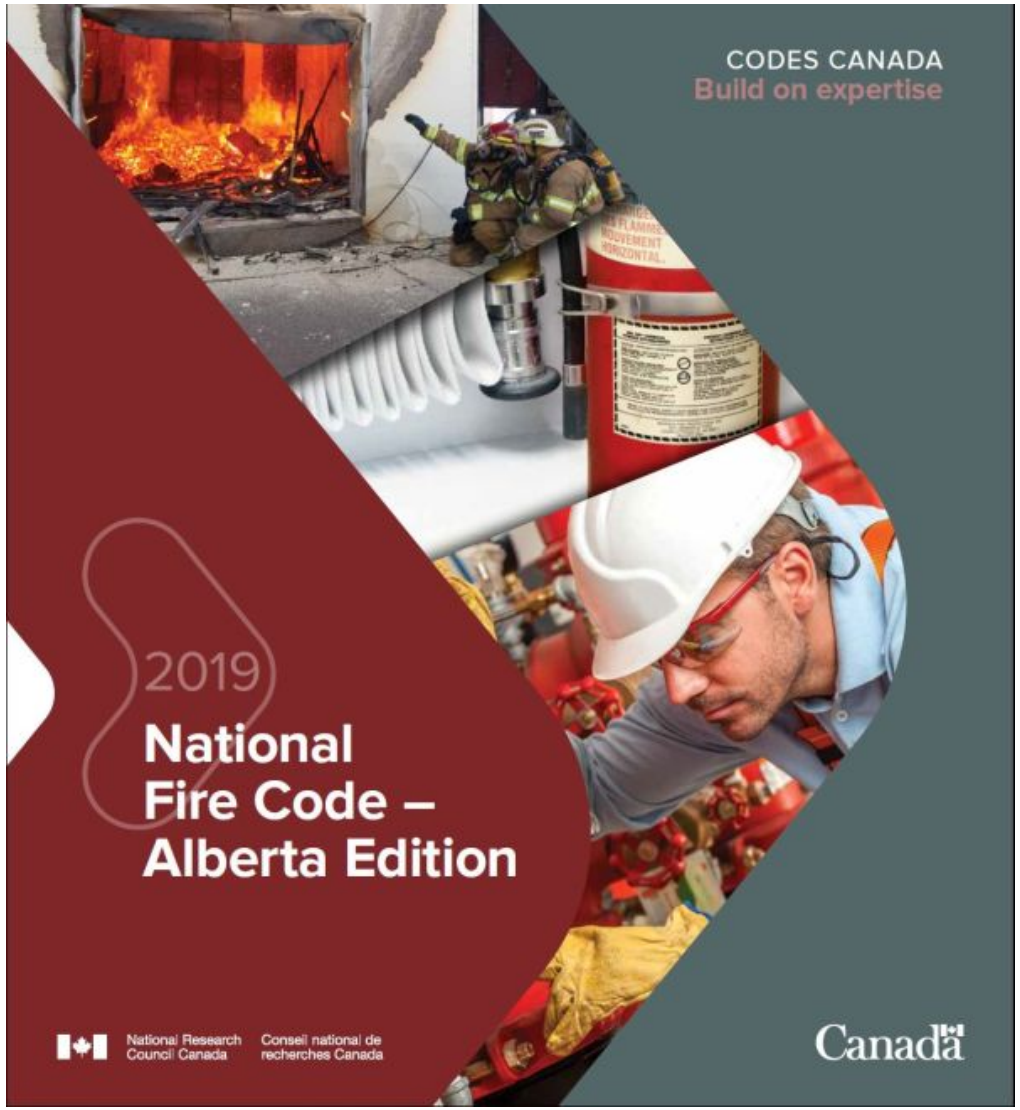
Session 3 – June 3, 2021

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Fire Codes

LIFE SAFETY AND MUNICIPAL RESOURCES

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Framework

The responsibilities on Municipalities for Fire Code and Fire Safety entails language such as “must ensure” and “shall”.

The legislative framework for every jurisdiction is different:

Examples

Alberta – *Alberta National Fire Code* and the *Safety Codes Act*

Ontario – *Ontario Fire Code* and *Fire Protection and Prevention Act*

Saskatchewan – *The Swift Current Fire and Emergency Services Bylaw*, *National Fire Code* and *The Fire Safety Act*

Approval and Oversight

Approvals – permits and permissions

Oversight – qualifications and certifications in the industry

City of Toronto, 2018 Auditor Report: Raising the Alarm, Fraud Investigation of a Vendor Providing Life Safety Inspection Services to the City of Toronto

R v. Premium Fire Protection Ltd. – Alberta trial April and May 2021



Fire Department Response

1. Respond to emergency and imminent danger
2. Investigations – cause and origin
3. Inspections – occupied buildings and dwelling units



Enforcement of the Fire Code

1. Regulatory, public welfare legislation – the goal is compliance and deterrence
   - Enforcement options
   - Inspection of premises powers
   - Acceptances (including licenses and permits)
   - Offences and penalties – City of Calgary website: “Enforcement Actions Taken by the Calgary Fire Department”
   - Compliance Orders by an Enforcement Officer – *R v. Klippert*, [1998] 1 S.C.R. 737

2. Fire Code Enforcement Officer character, training and experience

3. Politics

4. The Good Will of Fire Fighters



Recovery of Costs for Municipal Resources

1. Through legislation such as Provincial Acts or Bylaws
2. Court Orders
3. Lawsuits



Conclusion

1. Fire Codes are practical trade manuals that set the minimum standards.

2. Enforcement and the legislation framework differ from jurisdiction to jurisdiction.

3. Prosecutions relating to Fire Codes are “more complicated than prosecuting tax cases”.

4. Try to have enforcement-minded officers paired with lawyers and prosecutors who have experience with Fire Code enforcement and prosecution.

Experience When It Matters The Most

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