

SNL1991 CHAPTER 34

FIRE PREVENTION ACT, 1991

Amended:

1993 c36; 2004 c9; 2006 c40 s21

CHAPTER 34

AN ACT TO REVISE AND CONSOLIDATE THE LAW RESPECTING THE PREVENTION
OF FIRE

(Assented to December 11, 1991)

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Be it enacted by the Lieutenant-Governor and House of Assembly in Legislative Session convened, as follows:

Short title

1. This Act may be cited as the Fire Prevention Act, 1991 .

1991 c34 s1

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Definitions

2. In this Act

- (a) "court" means the Trial Division;
- (b) "fire alarm and detection equipment" includes a fire alarm control panel, bell, horn or other visual or audible device, annunciator panel, pull station or switch, voice control system, telephone or fire alarm box used in connection with a fire alarm, heat or smoke detector, smoke alarm, associated wiring installation and other equipment connected to or associated with a fire alarm or fire detection device or equipment and a component associated with the operation of any of these systems or devices;
- (c) "fire commissioner" means the Provincial Fire Commissioner appointed under this Act;
- (d) "fire protection equipment" includes a portable or wheeled type fire extinguisher, fixed fire extinguishing system, including halon, carbon dioxide, sprinkler, water spray, foam,

wetting agent, dry chemical, interior or exterior fire hose stations, fire department connections, fire hydrants, fire apparatus, fire pumps and accessories and other equipment or components associated with fire protection or suppression equipment used or intended to be used in the operation of any of these systems or devices for the protection from or suppression of fire;

(e) "mayor" means the mayor of or the person holding an equivalent office in a municipal area;

(f) "minister" means the minister appointed under the Executive Council Act to administer this Act;

(g) "municipal area" means the area in which a municipal authority exercises jurisdiction;

(h) "municipal authority" means

(i) the St. John's Municipal Council,

(ii) the Corner Brook City Council,

(iii) the Mount Pearl City Council,

(iv) the St. John's Metropolitan Area Board, and

(v) a town council, community council, a regional council or local service district committee established or continuing and operating under the Municipalities Act ;

(i) "property" means all real property and all personal property whether moveable or immoveable; and

(j) "structure" includes a building, plant, machinery, equipment, storage tank, storage place or fixture of any kind and a part of 1 of them erected or placed on, in, over or under land or water.

1991 c34 s2; 2006 c40 s21

PART I ADMINISTRATION

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Fire commissioner and staff

3. (1) The Lieutenant-Governor in Council may appoint an officer to be known as the Provincial Fire Commissioner and an officer to be known as the deputy fire commissioner, both of whom shall hold office during pleasure.

(2) The Lieutenant-Governor in Council may appoint qualified persons to act as special assistants to the fire commissioner in the province or in a part of the province that may be designated in the appointment.

(3) A special assistant to the fire commissioner shall serve without remuneration.

(4) The Lieutenant-Governor in Council may appoint or employ those other officers, clerks and employees that are necessary for the proper carrying out of this Act.

1991 c34 s3

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Local assistants

4. (1) The minister may appoint

(a) the chief of the fire department of a municipal area where a fire department has been established; or

(b) the mayor of a municipal area where a fire department has not been established,

as a local assistant to the fire commissioner.

(2) Every officer and member of the Royal Canadian Mounted Police or the Royal Newfoundland Constabulary, the Chief of Operations, Deputy Chief of Operations and Superintendent of Training and Fire Prevention of the St. John's Fire Department exercising his or her functions in the province is, unless the minister otherwise directs in writing, a local assistant to the fire commissioner with respect to the area of the province over which the officer or member exercises his or her functions.

(3) A local assistant to the fire commissioner shall serve without remuneration.

1991 c34 s4

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Duties

5. (1) The fire commissioner shall, under the direction of the minister,

(a) keep a record of every fire reported to him or her with those facts, statistics and circumstances that may be required by the minister;

(b) investigate the cause, origin, extent and circumstances of fires in those areas that may be prescribed by the minister;

(c) inspect property, municipal areas or a structure in a municipal or rural development area with a view to determining whether precautions against fire and the spread of fire and the means of exit in case of fire or the alarm of fire are adequate and satisfactorily maintained and with a view to directing those alterations or additions to be made and precautions to be taken that the fire commissioner considers necessary for the safeguarding of persons and property;

(d) review plans and specifications for the construction, alteration or repair of structures and outside storage areas to determine that proper precautions are taken against fire and the spread of fire;

(e) submit to the minister on or before December 31 in each year a detailed report, in the form that the minister may prescribe, setting out particulars of all fires, fatalities or injuries by fire, investigations of fires, investigations of and prosecutions for arson or attempted arson, and a summary of the administration and the fire prevention and fire protection activities of the office of the fire commissioner, and other information required by the minister;

(f) give advice and make recommendations to the minister and to a municipal authority with respect to

(i) the establishment of fire departments and the necessary organization and equipment for those fire departments and the training of firefighting personnel and the evaluation of firefighting capability,

(ii) the provision of adequate water supply for firefighting purposes,

(iii) the installation and maintenance of fire alarm systems and fire extinguishing equipment,

(iv) the storage, use, sale or disposal of combustibles, explosives or other flammable material,

(v) the construction and maintenance of fire escapes and other exit facilities in the event of fire or the alarm of fire,

(vi) the types and adequacy of fire alarms in municipal areas and in or upon a building or property,

(vii) fire prevention precautions in the construction, repair or alteration of or addition to a structure or property,

(viii) the assessing of fire hazards and of conflagration risks,

(ix) electrical, heating and mechanical equipment installations in or upon a structure or property, and

(x) the enactment and enforcement by a municipal authority of regulations, by-laws or ordinances for the prevention and suppression of fire and the safe-guarding of persons and property in the event of fire or the alarm of fire,

but nothing in this paragraph affects the obligation or duty of a person to comply with, carry out or enforce a law of the province or a regulation, by-law or ordinance made under that law;

(g) disseminate information and advice as to fire prevention and fire protection by means of public meetings, press articles, exhibitions, radio, television, moving pictures or other publicity campaigns that the minister may consider advisable; and

(h) perform those other duties that the minister may prescribe.

(2) Notwithstanding paragraph (1)(d), the fire commissioner may, in writing, delegate his or her duties under that paragraph to

(a) another official or employee of a department of the government of the province; and

(b) a person who, in the opinion of the fire commissioner, is suitably qualified to carry out those duties.

1991 c34 s5; 2004 c9 s1

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Plans submitted

6. (1) The fire commissioner or, where applicable, the person to whom duties have been delegated under subsection 5(2), may require that plans and specifications for the construction, alteration or repair of a structure be submitted to him or her to determine whether proper provision has been made in the plans and specifications

(a) to prevent fire or the spread of fire;

(b) to provide for fire escapes and other exit facilities in the event of fire or the alarm of fire; and

(c) to provide for adequate fire alarm, fire detection, fire suppression and life safety equipment.

(2) The fire commissioner or, where applicable, a person to whom duties have been delegated under subsection 5(2), may order the alteration of plans and specifications submitted to him or her under subsection (1).

(3) A decision or order of a person who, after April 1, 1996 exercised the authority of the fire commissioner with respect to paragraph 5(d) or section 6 in force immediately before the coming into force of this section shall be considered to have been validly made under this Act notwithstanding the absence of a proper delegation of that authority by the fire commissioner to that person.

1991 c34 s6; 2004 c9 s2

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Deputy fire commissioner

7. The deputy fire commissioner shall act in the place of the fire commissioner, in the absence of the latter during illness or other disability, or in case of a vacancy in the office, or when ordered to do so by the minister, and when so acting the deputy fire commissioner has and may exercise all of the powers and authority of the fire commissioner.

1991 c34 s7

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Duties of assistants

8. (1) A local or special assistant to the fire commissioner shall, subject to the direction of the fire commissioner, assist in the carrying out of the duties of the fire commissioner within the territorial jurisdiction of that assistant and in particular shall investigate and report to the fire commissioner the cause, origin and circumstances of every fire occurring within the territorial jurisdiction of that assistant by which fatalities or injuries have occurred to persons, or by which property has been destroyed or damaged, for the purpose of ascertaining whether the fire and a death or injury caused by the fire was the result of negligence, carelessness, accident or design, and during the investigation of a property or structure that assistant may exclude people from the property or structure except those necessary for the maintenance or care of the property, structure or its contents.

(2) An investigation under subsection (1) shall commence within 6 days of the occurrence of the fire or within a longer period which may be prescribed by the fire commissioner and the person conducting the investigation shall immediately after the investigation is completed furnish to the fire commissioner a written statement of the facts that can be ascertained relating to the cause, origin and circumstances of the fire and further information that may be required by the fire commissioner.

(3) A written statement provided under subsection (2) shall be on a form supplied by the fire commissioner.

(4) Where a fire occurs on an industrial site and where the owner or operator of the industrial site has qualified safety supervisory staff in its employ, the investigation into the cause, origin and circumstances of the fire need not be investigated by a local or special assistant to the fire commissioner unless there are indications of suspicious circumstances in the cause, origin and circumstances of the fire or the fire commissioner considers an investigation is necessary.

(5) The owner or operator of an industrial site shall report all fires occurring on the industrial site to the Royal Canadian Mounted Police or the Royal Newfoundland Constabulary within 24 hours of the occurrence of the fire where a monetary loss, injury or death has occurred.

1991 c34 s8; 1993 c36 s1

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Right to enter property

9. The fire commissioner or a local or special assistant to the fire commissioner, for the purposes of an investigation conducted under this Part or the regulations may, at all times,

(a) enter in or upon and examine a structure or property where a fire has occurred, and other structures or property adjoining or in the vicinity of the structure or property; and

(b) remove an article or material, which in his or her opinion may be required for the purposes of furthering the investigation, from a structure or property where a fire has occurred and from a structure or property adjoining or in the vicinity of the structure or property.

1991 c34 s9

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Advisory council

10. (1) The Lieutenant-Governor in Council may by order appoint an advisory council, which shall consist of the fire commissioner who shall act as chairperson and not more than 10 other persons.

(2) The advisory council shall

(a) act in an advisory capacity only;

(b) meet not less than 3 times annually where requested to do so by the chairperson; and

(c) advise the minister on matters within the scope of this Act.

1991 c34 s10

PART II

FIRE PROTECTION AND INSPECTION

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Fire research

11. The fire commissioner shall where necessary for the proper carrying out of this Act

(a) conduct fire research directed towards the application of modern methods and practices in fire protection engineering, fire prevention, fire inspection and the investigation of fire loss and arson;

(b) approve the fire protection materials, devices, systems, apparatus, solid fuel, gas and oil burning equipment and appliances, and standards to be used in the installation and use of these materials or items in a structure or property, and determine the safety of the use, sale, storage and handling of a device, material or equipment;

(c) provide fire protection engineering consulting services relating to the construction, occupancy and use of property; and

(d) enforce in the province the life safety codes and standards that have been adopted by the province.

1991 c34 s11

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Power to inspect

12. The fire commissioner or local or special assistants of the fire commissioner may, upon complaint by a person, or where he or she considers it necessary, inspect a structure or property to determine if fire hazards dangerous to persons or property exist in or upon the structure or property and for those purposes may, at all reasonable times, enter into or upon the structure or property accompanied by a peace officer or other assistant, or both.

1991 c34 s12; 1993 c36 s2

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Orders

13. (1) Where the fire commissioner or a local or special assistant finds a structure or property which, for want of proper repair or by reason of age, dilapidated condition or other state, is especially liable to fire or the spread of fire or which is so situated as to endanger another structure or property or so occupied that fire would endanger persons or property in the structure or property or where flammable, combustible or explosive material or conditions dangerous to the safety of persons or property exist he or she may order the owner or occupant to

(a) remove or demolish the structure or property or a part of it to make repairs or alterations;

(b) install safeguards by way of fire extinguishing equipment, fire and smoke alarms, smoke detectors, fire escapes, exit doors, exit lights, emergency lights and other devices and equipment that may be required by the regulations including outside fire hydrants and water supplies where necessary and practical for the protection of industrial, commercial and institutional properties;

(c) develop fire evacuation plans and attend from time to time demonstrations of fire drills, such as evacuation of persons from a structure or property, and the handling and use of firefighting equipment;

(d) remove the flammable, combustible, explosive or non-approved material, item or equipment;

(e) alter the use or occupancy of the structure or property or a part of it;

(f) evacuate and close the structure or property or a part of it;

(g) comply with the fire and life safety regulations, codes and standards pertaining to electrical, heating and mechanical fire hazards, processing, operation, storage, handling and transportation of materials;

(h) remove from a structure or property an item, material or equipment which is hazardous or has not been approved; and

(i) stop the operation of a hazardous process or operation where an immediate fire or explosion is likely to occur.

(2) Where, in the opinion of the fire commissioner or a local or special assistant to the fire commissioner, an electrical installation, apparatus or equipment in or upon a structure or

property is in a condition or so situated as to be likely to cause fire and to be dangerous to the safety of persons or property, he or she may in writing order a person, firm, corporation, commission or other organization supplying electrical energy to discontinue supplying electrical energy to the structure or property until the condition or the location of the electrical installation, apparatus or equipment is remedied or altered to his or her satisfaction.

(3) Upon receipt of the order referred to in subsection (2), the person, firm, corporation, commission or other organization to whom it is directed shall immediately discontinue supplying electrical energy to the structure or property until the order is rescinded by the person who made it or by the fire commissioner.

(4) Where an appliance, apparatus or place in or upon a structure or property is used or intended to be used for supplying fire or heat and in the opinion of the fire commissioner or a local or special assistant to the fire commissioner the use of the appliance, apparatus or place for that purpose is likely to be dangerous to persons or property, he or she may order in writing that a fire not be lighted or maintained in the appliance, apparatus or place until the dangerous condition has been remedied.

(5) Upon receipt of the order referred to in subsection (4) the owner or occupant of the structure or property in or upon which the appliance, apparatus or place is situated or contained, or the person in charge or control of the appliance or apparatus shall not light or maintain a fire in the appliance, apparatus or place until the order is rescinded by the person who made it or by the fire commissioner.

1991 c34 s13

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Fire lanes

14. (1) Where the fire commissioner considers it necessary he or she may order the designation of fire lanes on public or private property.

(2) A fire lane designated under subsection (1) is considered to be a highway for the purposes of the Highway Traffic Act .

1991 c34 s14

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Form of order

15. (1) An order made under this Part shall be in writing and shall be served by delivering a copy to the person to whom it is addressed, and unless otherwise directed by the fire commissioner an order made by a local or special assistant to the fire commissioner shall be submitted to the fire commissioner for approval before it is served.

(2) Two or more specific orders for the same building or premises may be combined in 1 order and an order may be made in the alternative or subject to those conditions as to alterations, repairs, replacements or placement of firefighting apparatus, fire escapes, exit doors or other

facilities and the performance of another act or thing in or upon the structure or property or a part of it that the fire commissioner considers reasonable under the circumstances.

(3) Where the fire commissioner considers it necessary he or she may direct the owner or occupant of a structure or property or both the owner and the occupant to comply with an order and may designate the person who shall bear the expense or a part of the expense of carrying out the order.

1991 c34 s15

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[Right of entry](#)

16. A tenant or occupier of a structure or property in respect of which an order is made under this Part or the regulations shall at all reasonable times permit the owner of the structure or property or a servant, agent, worker or employee of the owner to enter and re-enter that part of the structure or property of which he or she is a tenant or occupier for the purpose of making the alterations and repairs and doing those other things that the owner is required to do by the order.

1991 c34 s16

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[Scope of order](#)

17. (1) An order made under section 13 may require that the structure or property be repaired or altered or that the installation be made in accordance with a provision of the Canadian Electrical Code, the National Building Code, the National Fire Code of Canada, or the National Fire Codes of the National Fire Protection Association (International), a requirement relating to accepted material and appliances of the Underwriters' Laboratories of Canada, the CSA Testing Laboratories, a division of the Canadian Standards Association, or The Canadian Gas Association, and specifications of the Canadian Standards Association, which may be specified in the order and in accordance with those other requirements that the fire commissioner may prescribe.

(2) A certificate signed or purporting to be signed by the fire commissioner that a document attached to the certificate is a copy of the Canadian Electrical Code, or the National Building Code, or the National Fire Code of Canada or the National Fire Codes of the National Fire Protection Association (International), or the accepted list of the Underwriters' Laboratories of Canada, the CSA Testing Laboratories, a division of the Canadian Standards Association, or The Canadian Gas Association or the specifications of the Canadian Standards Association, or an extract from either of them is, in the absence of evidence to the contrary, evidence of the content of that code, list or specification or extract without proof of the appointment or signature of the fire commissioner.

1991 c34 s17

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[Structure may be closed](#)

18. (1) Where in a structure or property there is in the opinion of the fire commissioner or a local or special assistant a fire hazard dangerous to the safety of persons, the fire commissioner may order that the public be not admitted to the structure or property until the fire hazard has been remedied to the satisfaction of the fire commissioner.

(2) Where in a structure or property there is, in the opinion of the Fire Commissioner or a local or special assistant danger to the safety of the public by reason of the inadequacy of exits, or the over-crowding of an area or the presence of flammable, combustible or explosive liquids, materials or substances or because of another condition, he or she may order that the number of persons to be permitted in or upon the structure or property shall not exceed that prescribed in the order.

(3) Where, in the opinion of the fire commissioner, or a local or special assistant the smoking of pipes, cigars or cigarettes in a structure or property constitutes a fire hazard dangerous to the safety of persons, the fire commissioner may order that smoking shall not be permitted in the structure or property or shall be permitted only in those rooms or portions of the structure or property that may be designated in the order.

(4) Where an order has been made under subsection (3), the proprietor or manager of the structure or property shall within 1 week post notices in conspicuous places in the structure or property bearing the words "No Smoking, By Order of the Fire Commissioner", and no person shall smoke in the structure or property except in those rooms or places that have been designated for that purpose in the order.

(5) An order made under this Part shall be in writing or by means of an official sign and shall be served by delivering a copy of it to the person to whom it is addressed, and unless directed by the fire commissioner, an order made by a local or special assistant to the fire commissioner shall be submitted to the fire commissioner for approval before it is served.

1991 c34 s18

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[Review of order](#)

19. (1) Within 30 days of the making of an order under this Part a person affected by that order may apply to the minister and the minister may review that order and may amend, revoke or confirm that order.

(2) A decision made by the minister under this section may be enforced under this Act in the same manner as an order of the fire commissioner.

1991 c34 s19

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[Appeal to court](#)

20. (1) A person who is dissatisfied with the decision or action of the minister under section 19, may within 14 days after the minister has made known his or her decision apply to a judge of the court to review the decision of the minister.

(2) A person appealing under subsection (1) shall, within 5 days of the filing of the notice of appeal or within a longer time where permitted by the judge, file with the registrar of the court a bond of an amount not less than \$200, to be fixed by the judge, with at least 2 sureties approved by the judge conditioned to pay all of the costs of the appeal where judgment is given against him or her, or the person appealing shall deposit with the registrar an amount not less than \$200 to be fixed by the judge to cover the costs of the appeal.

1991 c34 s20

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Order to remain in force

21. An order of the fire commissioner or a local or special assistant to the fire commissioner and a decision of the minister made under section 19 shall remain in effect until revoked or amended in accordance with this Act and may be enforced even though a review of the order or decision is sought, but a judge of the court or the minister may, on the application of a person affected by that order or decision and subject to those terms and conditions that the judge considers appropriate, stay the enforcement of the order or decision to allow that person an opportunity to have it reviewed in accordance with this Act.

1991 c34 s21

PART III REPORTING FIRES AND FIRE LOSSES

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Reports

22. (1) An insurer shall furnish to the fire commissioner a statement respecting every fire that occurs in the province in which the insurer is interested as an insurer stating in each case the name and address of the owner and occupier of the property where the fire occurred, the name and address of each person insured by that insurer in respect of property destroyed or damaged, the location of the property, the use and occupancy, the date of the fire, the value of the property, the amount of insurance carried, the amount of loss sustained, the probable cause of the fire, the name and address of the person adjusting the claim and the other information that the fire commissioner may require.

(2) A person adjusting a claim against an insurer in respect of a loss by fire of property in the province, whether that person represents the insurer or the insured, shall forward a report in writing to the fire commissioner stating the date of the fire, the name and address of the owner and of the occupier of the property where the fire occurred, the location of the property, the name and address of the insured and each insurer, the value of the property insured, the amount of insurance placed with each insurer, the amount of loss which each insurer is to bear and those other particulars that the fire commissioner may require.

(3) A person sustaining or claiming to have sustained a loss by fire of property in the province whether uninsured or insured wholly or partially shall report to the fire commissioner the date of the fire, the name and address of the owner and of the occupier of the property where the fire occurred, the location, use and occupancy of the property, particulars of the insurance and other information that the fire commissioner may require.

(4) A person in or upon whose property a fatality or injury has been caused by fire shall immediately report the fatality or injury to the fire commissioner giving the name, age and sex of each and every person sustaining the fatality or injury, the cause of the fire and the name of the occupier of the property where the fatality or injury occurred and other information that may be required by the fire commissioner.

(5) A report required to be made under this section shall be mailed or delivered to the fire commissioner within 10 days after the occurrence of the fire or within a longer period that the fire commissioner may prescribe.

(6) Where a fire appears to him or her to be of suspicious origin, a local or special assistant of the fire commissioner or a fire insurance adjuster or other person interested shall, as soon as practicable, report to the fire commissioner the name of the owner and of the occupant of the property where the fire occurred or was attempted, the use and occupancy, the date of the fire or attempted fire and those other facts and circumstances that may appear necessary, and that report shall be made in addition to another report that may be required under this Part.

1991 c34 s22

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Firefighting training program

23. (1) The fire commissioner with the approval of the minister, shall establish and conduct a mobile firefighting training program for firefighters throughout the province and approve firefighting training standards of and curriculum and firefighting equipment assigned to municipal authorities.

(2) The fire commissioner shall, with the approval of the minister provide technical training programs to meet the requirements of those engaged in fire inspection, firefighting, fire investigation, dealing with dangerous goods, municipal fire protection and administration.

1991 c34 s23; 1993 c36 s3

PART IV MISCELLANEOUS

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Offences

24. (1) A person who

(a) contravenes or fails to comply with a requirement or obligation imposed on him or her by this Act;

- (b) interferes with a person in the discharge of his or her duties under this Act;
- (c) tears down, removes or damages a regulation, order or notice made under this Act; or
- (d) interferes or tampers with or damages installed fire protection or detection equipment,

commits an offence and is liable on summary conviction to a fine of not more than \$5,000 and in default of payment of the fine to imprisonment for a period of not more than 24 months.

(2) The conviction of a person for failing to comply with a requirement or obligation referred to in subsection (1) shall not operate as a bar to further prosecution under this Act for the continued failure on the part of that person so to comply.

1991 c34 s24; 1993 c36 s4

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Disposition of fines

25. All fines collected under this Act shall be forwarded to the Department of Municipal and Provincial Affairs for payment to the credit of the Consolidated Revenue Fund.

1991 c34 s25

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Regulations

26. (1) The Lieutenant-Governor in Council may make regulations

(a) in respect of all matters relating to or affecting the manufacture, transportation, handling, storage, use, sale or other disposal of explosive or inflammable substances and materials, whether volatile or non-volatile, solid, liquid or gas and in particular

(i) regulating or restricting the classes or quantities of those substances and materials that may be kept or stored and the places or areas in which they may be handled, kept or stored, or prohibiting the handling or storage of those substances and materials in specified places or areas,

(ii) regulating or restricting the manner in which those substances and materials may be transported, sold, or offered or held for sale, or prohibiting their transportation or sale,

(iii) regulating or prescribing the kinds of installations or containers which may be used for the storage, handling, use or sale of those substances and materials and prescribing the markings which shall be placed on those installations or containers,

(iv) providing for the issuing of permits by the fire commissioner for the transportation, storage, handling, use, or sale of those substances and materials, the conditions to which permits are subject, and the refusal, suspension or cancellation of permits, and

(v) prescribing the minimum distances from highways, residences or other premises at which installations for the storage, handling, use or sale of those substances and materials may be erected;

(b) regulating the sale, installation and maintenance in structures or property of equipment or apparatus for burning fuel, whether solid, liquid or gas;

(c) regulating the sale, installation and maintenance of fire extinguishing materials, devices, apparatus and equipment;

(d) providing for emergency exits from various buildings or structures in the event of fire or the alarm of fire;

(e) prohibiting or restricting the lighting of fires or the disposal of refuse or waste material and prescribing the location and construction of incinerators, whether public or private;

(f) regulating the sale, installation and maintenance of electrical equipment used or intended for use in or upon a structure or property;

(g) prescribing fire prevention and fire protection measures in the construction of structures to prevent the vertical and horizontal spread of fire;

(h) prescribing the fire extinguishing materials, devices, apparatus and equipment which shall be installed in structures;

(i) regulating the handling of materials or the setting of fires which may spread to adjoining property;

(j) prohibiting the construction, structural alteration or change of use of a structure unless a plan and specifications in a form to be prescribed in the regulations are first furnished to the fire commissioner and approved by him or her;

(k) providing that where the owner of a structure or property is absent from the province or cannot readily be found the fire commissioner may order the tenant or occupant or person in possession of the structure or property to make minor repairs or alterations that are urgently required for the purposes of fire prevention and empowering a tenant or occupant making those repairs or alterations in the execution of an order to deduct the cost from rent or other money payable by him or her to the owner or to recover the cost by civil action against the owner;

(l) providing that where a structure or property in respect of which an order has been made under this Act or the regulations is not occupied and the owner is absent from the province or cannot readily be found the fire commissioner may arrange to have the order carried out, and providing for the recovery by the fire commissioner of expenses incurred from the municipal authority of the area in which the structure or property is situated, and empowering the municipal authority from which those expenses are recovered to assess the structure or property and the land on which it is situated for an amount equal to the amount recovered from it together with interest at 6% a year and to recover the amount assessed in the same manner as a tax assessment or imposition may be recovered by the municipal authority in that area;

(m) providing that so much of this Act and the regulations as he or she considers desirable shall apply to structures or property owned or occupied by the Crown;

(n) prescribing the period in which a report required by this Act or the regulations shall be forwarded where the period is not specified in this Act, and where the period is so specified, varying that period;

(o) prescribing forms to be used for the purpose of this Act or the regulations;

(p) respecting the certification of persons or firms engaged in the installation, servicing, maintenance and repair of fire extinguishers, fixed fire extinguishing systems, fire alarm and detection devices and fire alarm monitoring devices; and

(q) providing for the installation in structures of fire-detecting devices of the type set out in the regulations.

(2) The Lieutenant-Governor in Council may adopt and constitute as regulations by reference

(a) a code, rule or standard relevant to a matter referred to in subsection (1), or an official abridgment of a code, rule or standard;

(b) a code, rule, standard or abridgment with the exception of a specified provision;

(c) a specified provision of a code, rule, standard or abridgment; and

(d) an amendment to a code, rule, standard or abridgment made, with or without modification,

and a certificate of the minister that a document is a copy of a code, rule or standard adopted and constituted as regulations under this subsection or an official abridgment of, extract from or amendment to a code, rule or standard shall without further proof be, in the absence of evidence to the contrary, evidence of the contents of the code, rule or standard.

(3) Regulations made under this section may be

(a) made to apply to the whole of the province,

(b) restricted in their application to specified areas of the province,

(c) made to apply without limit of time or during particular periods,

(d) applied at or between specified times only, and

(e) applied in or upon particular circumstances or conditions only,

and different regulations may be

(f) made in respect of structures or property of a different description or class, and

(g) made in respect of structures or property of the same description or class in different circumstances,

and exceptions or limitations in favour of or against structures or property of a particular description or class may be prescribed.

(4) Regulations made under this section may be made with retroactive effect.

(5) The fire commissioner may attach to a permit issued under regulations made under subparagraph (1)(a)(iv) those conditions that he or she considers necessary and the conditions may be varied in respect of different permits.

(6) Notwithstanding another provision of this Act, the fire commissioner shall not issue a permit under regulations made under subparagraph (1)(a)(iv) except with the approval of the Deputy Minister of Works, Services and Transportation.

(7) The fire commissioner may attach to a permit issued under subsection (1) those conditions that he or she considers necessary or desirable and the conditions may be varied in respect of different permits, and the permits are subject to refusal, suspension or cancellation.

1991 c34 s26; 1993 c36 s5

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Entry to premises

27. (1) The fire commissioner or a local or special assistant may for the purposes of this Act enter a structure or property in or upon which explosive, flammable or combustible substances or materials or items or equipment which are not approved are manufactured, transported, handled, stored, used, sold or otherwise disposed of and may take samples of those substances, materials, items or equipment.

(2) The fire commissioner or a local or special assistant may order, as he or she considers necessary, the manufacturing, transportation, handling, storage, use, sale or disposal of materials under subsection (1) or any of them to be discontinued.

1991 c34 s27

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Actions against fire commissioner

28. An action or proceeding shall not, without the written consent of the minister, be brought or taken against the fire commissioner, the deputy fire commissioner, a person to whom duties have been delegated under subsection 5(2) or a local or special assistant to the fire commissioner for anything done or omitted to be done in the performance or intended or supposed performance of his or her duties under this Act.

1991 c34 s28; 2004 c9 s3

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Conflict of authority

29. Where there is a conflict between the authority of the fire commissioner and that of an official of a municipal area the authority of the fire commissioner shall prevail.

1991 c34 s29

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RSN 1970 c.131 Rep.

30. The Fire Prevention Act is repealed.

1991 c34 s30

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