

The following is an extract from the *Fire Services Act* pertaining to **Section 33 orders** which is reproduced for convenience. For further details, please obtain a full version of the *Fire Services Act* on the BC government website www.gov.bc.ca.

Interpretation

1. In this Act

“**hotel**” includes

- (a) an apartment house,
- (b) a residential building that has
 - (i) 2 or more levels of strata lots as defined in the *Strata Property Act*, and
 - (ii) one or more corridors that are common property as defined in the “*Strata Property Act*”, and
- (c) a boarding house, lodging house, club or any other building, except a private dwelling, where lodging is provided;

“**public building**” includes a factory, a warehouse, store, mill, school, hospital, theatre, public hall, office building and any building other than a private dwelling house;

S. 27 Appeal to fire commissioner

- (1) If a local assistant makes an order under sections 21 to 24 to remove or to keep secure combustible or explosive material or to remedy a flammable condition, the occupier may appeal to the fire commissioner by registered letter mailed within 48 hours after receipt of the order.
- (2) If a local assistant makes an order under sections 21 to 24 to repair, remove or destroy premises, or to alter the use or occupancy of premises, or to remove or to take proper precautions against a fire hazard, the owner or occupier may appeal to the fire commissioner by registered letter mailed within 10 days after receipt of the order
- (3) The fire commissioner must promptly investigate each appeal, affirm, modify or revoke the order appealed from, and in writing communicate the decision and the reasons to the owner or occupier and to the maker of the order.

S. 28 Other appeals

- (1) If an order under section 21, 22, 23, 24, 27 or 30 involves the loss or expenditure of more than \$500, the owner or occupier, if dissatisfied with the order or decision, may, within 5 days of its receipt apply for review of it by petition to the Supreme Court.
- (2) An application under subsection (1) must be commenced at a registry of the Supreme Court located in the judicial district where the property lies.
- (3) The owner or occupier must file the petition with the registrar of the court and give notice of it in writing to the fire commissioner.
- (4) The court must hear and determine the appeal and make the order it believes proper.
- (5) The decision under subsection (4) is final, except that on a point of law an appeal lies to the Court of Appeal.

S. 30 Escape from fire

- (1) An owner or occupier of a hotel or public building must provide means of exit from the hotel or public building in accordance with the Provincial building regulations.
- (2) owner or occupier must keep the means of exit unobstructed and in good repair.
- (3) fire commissioner may order an owner or occupier of a hotel or public building to provide make alterations to
 - (a) fire and smoke detection, fire alarm, fire extinguishing and emergency lighting systems, and
 - (b) means of exit, regardless of subsection (1).
- (4) A local assistant may order an owner or occupier of a hotel or public building to provide or make alterations to systems of fire and smoke detection, fire alarm, fire extinguishing and emergency lighting and means of exit, to the extent that the order does not set requirements which exceed those established by the Provincial building regulations.

S. 31 Means of exit, etc.

- (1) In this section, “approved” means approved by the fire commissioner.
- (2) An owner or occupier of a hotel or public building which is required under this Part to have a means of exit must do the following:
 - (a) keep posted in all main halls and at the intersections of all cross halls of the hotel or public building conspicuous signs indicating the means of exit;
 - (b) keep posted in each apartment or room a conspicuous notice describing the means of exit, with instructions to be followed in the event of fire;
 - (c) if the building is occupied, ensure that the means of exit has approved illumination, and if the illumination is artificial, has an approved emergency lighting system;
 - (d) provide an alarm gong or similar equipment required by regulation;
 - (e) if the fire commissioner orders, provide and keep in good repair a sprinkler system of an approved type;
 - (f) ensure that smoke and fire doors or closures are kept closed when not in use for access, unless they are automatically controlled by an approved fire or smoke detection system;
 - (g) for a hotel, hospital, community care facility or other building with sleeping accommodation and used for the care of persons, adopt, and have the employees in the building practise, an approved fire drill system;
 - (h) for a school, child care facility, children’s home or other institution for children’s education or care, adopt, and have all persons in the premises practise, an approved fire drill system.

S. 33 Orders to comply with this Part

- (1) If the owner or occupier of a hotel or public building fails to provide, keep in good repair, alter or improve a means of exit, alarm gong or other equipment required by this Part, the local assistant authorized by this Part to inspect the hotel or public building may in writing order the owner or occupier to comply with the requirements within a reasonable time stated in the order.
- (2) The local assistance must deliver the order to the owner or occupier, who must comply with it.

S. 34 Appeal

- (1) The owner or occupier may, within 10 days after the receipt of the order, appeal to the fire commissioner.
- (2) Section 27 applies to an appeal and, if the order involves the expenditure of a sum exceeding \$500, section 28 also applies.