

RE: LETTER FROM THE CITY OF NORTH VANCOUVER,  
141 WEST 14TH STREET, NORTH VANCOUVER, B.C., V7M 1H9  
CITY OF NORTH VANCOUVER RESOLUTION  
SECTION 26 (2) B.C. FIRE SERVICES ACT

ACTING MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Fire Chief be adopted.

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TO: DIRECTOR ADMINISTRATIVE &  
COMMUNITY SERVICES

FROM: FIRE CHIEF

SUBJECT: CITY OF NORTH VANCOUVER RESOLUTION  
SECTION 26(2) B.C. FIRE SERVICES ACT

RECOMMENDATIONS:

1. THAT Council endorse a resolution to revise Section 26(2) of the B.C. Fire Services Act to provide the necessary inspections every six (6) months.
2. THAT the UBCM and the City of North Vancouver be sent a copy of this report.

R E P O R T

Appearing on the Agenda for the 1986 August 05 meeting of Council is a request from the City of North Vancouver for endorsement of a resolution involving Section 26(2) of the Fire Services Act.

Sections 26(2) and Section 55 of the Fire Services Act read as follows:

"Duty of municipality to provide for inspection

26.(1) Each municipal council shall provide for a regular system of inspection of premises in the municipality. The council may authorize other persons, in addition to the local assistant, to exercise within the municipality some or all of the powers conferred by sections 21 to 23.

(2) The inspection system shall provide for inspection at least once in every 2 months of each hotel, school, theatre, skating rink, dance hall and other building used as a place of public resort."

"55. No action or proceeding shall, without the leave of the Attorney General, be brought or taken against the fire commissioner, or a local assistant to him or an officer on his staff for anything done or omitted in the performance or intended performance of duties under this Act."

This Department has found it increasingly difficult, with current staff levels, to meet the statutory requirements of Section 26(2) of the B.C. Fire Services Act. Efforts have been made, on a continuing basis, to increase Fire Prevention productivity through Company Inspections and improved scheduling. Even with those improvements, however, it has not been possible to maintain the two (2) month inspection requirement. In our view, failure to inspect as required by this Section could leave the Corporation open to possible litigation in the event that damage, death or injury can be attributed, either wholly or in part, to our failure to identify and have any hazardous condition(s) corrected. Such an action could only be brought with the leave of the Attorney General.

It seems unlikely and, in our view unadvisable, that the Provincial Government would delete entirely the requirement to conduct "regular" inspections of described occupancies, and/or relieve municipalities of the obligations under Section 26.

However, we do believe that the two month time frame is unrealistic and perhaps less necessary given modern fire detection systems, and we would suggest a six (6) month period between inspections would, to a degree, alleviate the problem, and this Department would support a resolution reflecting this change.

  
Chief H.O. Brown  
FIRE CHIEF