

Interpretation Date: January 16, 2002 (Revised Dec. 17, 2003)

Building Code Edition: BC Building Code 1998

Subject: Fire Services Act

Keywords: Fire Commissioner Authority,
Building Permit, Alterations

Building Code Reference(s): 1.1.2.1.(1), 1.1.2.3.

Question:

Under the Fire Services Act (FSA), Part 2 Section 30 (3), the Fire Commissioner may order an owner of a hotel or public building to make alterations to the means of exit regardless of the reference to sentence (1) where the owner is obligated to provide such means of exit in accordance to building regulations made under the Local Government Act.

- a) Does the Fire Commissioner have the right to vary from the Building Code?
- b) Does an order under the FSA require a Building Permit?

Interpretation:

a) Yes, for the purpose of easy reference, Section 30 of the FSA is quoted :

- “(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 building regulations made under the *Local Government Act*
- (2) The owner or occupier must keep the means of exit unobstructed and in good repair.
- (3) The fire commissioner may order an owner or occupier of a hotel or public building to provide or 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 building regulations made under the *Local Government Act*.”

The FSA, Part 2, Section 30 (3) gives the Fire Commissioner alone special powers to exceed or deviate from the Building Code for hotels or public buildings as it relates to fire systems and means of exit.

RQC

**BC BUILDING CODE INTERPRETATION COMMITTEE
AIBC, APEGBC, BOABC, POABC**

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Although, the current Fire Commissioner in response to this inquiry has stated that he,

"...is not personally aware of any section 30 (3) order being issued by either myself or my predecessors where the order exceeded the building code requirements, as all efforts are made to be consistent with the building code". Rick Dumala, P. Eng, Fire Commissioner

The FSA does not transfer the powers in Part 2, Section 30 (3) to the local fire authorities. Section 30 (4) limits the powers of the local fire authorities so that they cannot override the provisions in the Building Code.

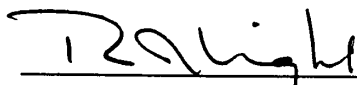
b) Yes, if it requires building *alterations*.

Once a fire authority gives an order to improve an unsafe condition that requires an *alteration* or upgrade to the building, then the BCBC '98 applies due to Clauses 1.1.2.1.(1) (d), (g), (h), or (j) and most jurisdictions would then require a building permit. This review ensures the collaboration between the Fire Commissioner and *Authority Having Jurisdiction*, which is to the benefit of the owner in the case of a non-code compliant order.

The scope of the *alteration* and the *Authority Having Jurisdiction* can only be specific and limited to the order of the Fire Commissioner. The order does not permit the *Authority Having Jurisdiction* to review other non-conforming building code issues not covered in the order. However, if an owner voluntarily provides plans for an *alteration*, the *Authority Having Jurisdiction* will require that the *alteration* meets the code requirements but cannot be less compliant than the existing condition.

If the order involves no *alterations* to the building, e.g. clearing the path of an exit, then a building permit would not be required.

Also refer to Article 1.1.2.3. regarding the application of the building code to alterations to existing buildings. The level of life safety and building performance shall not be decreased below a level that already exists.



R. J. Light, Committee Chair