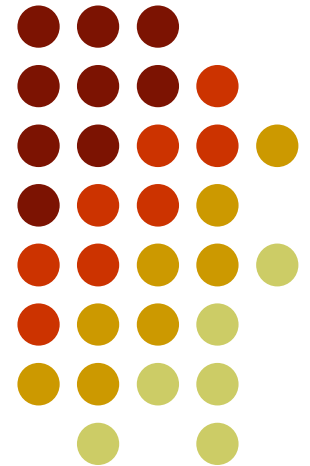


# Fire Safety Inspections



**An overview of the Fires  
Prevention and Emergency  
Response Act-  
Municipal Inspections and  
Enforcement**



# Discussion Points

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## Fires Prevention And Emergency Response Act

- General inspection powers under the Act
- Local authority and local assistant responsibilities
- Protection from liability
- Fire Inspection Regulation
- Documenting and completing an Order to Remedy



# Definitions

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- LOCAL ASSISTANT
  - Fire Chief
- LOCAL AUTHORITY
  - municipality, incorporated community, local government district
- DESIGNATE
  - a designated inspector, a local assistant, a person exercising a delegated power, duty or function



# Sec 20- Local Authorities

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- Local authority must enforce the Mb Fire Code in accordance with the Act
- Must inspect prescribed buildings
- Ensures local assistant carries out those inspections
- Ensures records of inspections are kept for at least 7 years



# Sec 23- Local Assistant May Delegate

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- Must be in writing and may delegate powers, duties and functions
- TO ANOTHER EMPLOYEE OF THE SAME LOCAL AUTHORITY
- Subject to limitations and conditions as set out in the delegation
- Local Authority required to report delegation and or change in local assistant to Fire Commissioner



# Sec 7- Right of Entry

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A designate can enter onto land or premises at any reasonable time to conduct a fire safety inspection

## **OTHER THAN A DWELLING then**

- You require consent of the owner or occupant
  - Or by warrant to enter



# Sec 7- Fees for inspections

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Local authority may charge a fee for inspections

- if inspection carried out by local assistant
- can be applied to land taxes



# Sec 9/10- General Inspection Powers

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- Examine or require production of documents and records
- Require equipment or device be operated
- Conduct tests, take samples, photos, videos- electronic or otherwise
- Take any other person, equipment, or materials to assist with inspection
- Make any reasonable inquiry with any person orally or in writing





# Sec 11- Immediate Actions May Be Taken

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- Cause land or premises to be closed and persons removed
- Post fire watch, make repairs to fire safety systems
- Install temp safeguards including extinguishers and smoke alarms
- Eliminate ignitions sources, remove material or anything that constitutes a fire menace
- Do anything else that is reasonably required to immediately reduce threat to life or property



# Sec 12- Orders in Writing

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- May apply to owner, occupant or both
- Remove anything that may constitute fire hazard
- Make repairs or demolish
- Install or modify things
- Discontinue manufacturing, producing or fabricating
- Close land or premises until corrective actions that have been ordered have been completed
- Take any other measure necessary for fire safety on the land or premises and to remedy any contravention of the Act



# Sec 13- Service of Orders

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- Action taken under sec. 11:
  - Must give 'notice' to owner and occupant promptly
  - Notice must describe location and reason/s
- Closure under section 12:
  - Post on the land or premises
  - Serve on owner if owner in MB and whereabouts are known
- Order under section 12:
  - Serve on owner and any occupant of the land
  - Personally, ordinary mail, electronic mail, fax or another method that allows proof of receipt



# Sec 15- Administrative Penalty

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May be issued by Fire Commissioner

- If person failed to comply with an Order under Section 12
- Order stated penalty may be imposed
- And is in the public interest
  - First contravention \$2500.00
  - Second or subsequent \$5000.00



# Sec 41- Protection From Liability

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No action or proceeding may be brought against the fire commissioner, a designate or any other person acting under the authority of this Act for anything done or not done, or for any neglect,

(a) in the performance or intended performance of a duty under this Act or the regulations; or

(b) in the exercise or intended exercise of a power under this Act or the regulations;

unless the person was acting in bad faith.



# Fire Inspection Regulation

Table	
Column 1 Inspection Period	Column 2 Building Use
12 months	Elderly persons' housing unit or hostel, as defined in <i>The Elderly and Infirm Persons' Housing Act</i>
12 months	Child care centre licensed under <i>The Community Child Care Standards Act</i>
12 months	Personal care home, as defined in <i>The Health Services Insurance Act</i>
12 months	Residential care facility, as defined in the <i>Manitoba Fire Code</i> , Manitoba Regulation 155/2011

12 months	Hospital
36 months	Licensed premises, as defined in <i>The Liquor and Gaming Control Act</i>
36 months	Public or private school, as defined in <i>The Education Administration Act</i>
36 months	Recreation centre, including without limitation, an arena, curling rink and community club
36 months	Hotel or motel
36 months	Restaurant located in a building that contains one or more dwelling units



# Fire Inspection Regulation

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**High hazard occupancies to be inspected**  
**2(1) A local authority must ensure that a fire safety inspection of a high-hazard industrial occupancy within its boundaries is conducted at least once in each of the following**

**inspection**  
**periods:**

(a) the period beginning on the coming into force of this section and ending on July 1, 2017;

(b) each 24 month period after July 1, 2017



# Documenting The Inspection

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## Collecting Information:

**Notebook, notes**

**Photographs**

**Videos**

**Measurements**

**Documents**

**Interviews**

**Inspection check sheet**





# Documenting The Inspection

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## Collecting Information:

### Notebook, notes

- Serves as primary means of recording information
  - Include date and times, names
    - Description of deficiencies
  - Diagrams/sketches/measurements
    - Be legible
- Is considered evidence in proceedings

**Photographs**

**Videos**

**Measurements**

**Documents**

**Interviews**

**Inspection check sheet**



# Documenting The Inspection

---

## Collecting Information:

**Notebook, notes**

### **Photographs**

- Photos of all sides of the building being inspected
  - Photos of deficiencies
- Assists with recall for completing FSI report/ evidence
- Assists with application for appeals or court proceedings
  - Saved as a history record of the building
  - Use a photo log sheet

**Videos**

**Measurements**

**Documents**

**Interviews**

**Inspection check sheet**



# Documenting The Inspection

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## Collecting Information:

**Notebook, notes**

**Photographs**

**Videos**

- Document large areas
- Document hazardous processes
- Document movement of machinery
  - Use a tracking log sheet

**Measurements**

**Documents**

**Interviews**

**Inspection check sheet**



# Documenting The Inspection

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## Collecting Information:

Notebook, notes

Photographs

Videos

### Measurements

- Use a measuring device
  - Record in notebook
- Take photo of deficiency with measuring device display

Documents

Interviews

Inspection check sheet



# Documenting The Inspection

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## Collecting Information:

**Notebook, notes**

**Photographs**

**Videos**

**Measurements**

**Documents**

- Pre-collection of life safety systems inspections, safety plan, SDS
  - Manufacturer's specifications/ equipment spec sheets
  - Applicable training records, preventative maintenance
    - Previous inspection results including 3<sup>rd</sup> party
      - Building owner/occupier/owner's agent
        - Letters of understanding

**Interviews**

**Inspection check sheet**



# Documenting The Inspection

---

## Collecting Information:

**Notebook, notes**

**Photographs**

**Videos**

**Measurements**

**Documents**

**Interviews**

- Owner/owner's agent, occupier
  - Supervisory staff
  - Employees
- Third party interests (insurance/certification agencies/suppliers)

**Inspection check sheet**



# Documenting The Inspection

---

## Collecting Information:

Notebook, notes

Photographs

Videos

Measurements

Documents

Interviews

## Inspection check sheet

- To track and log rough results during inspection
- Used as a guideline to refresh memory of requirements
  - Supply to client as a pre-cursor to inspection
  - An aid for establishing and following a routine
    - Ensure thorough assessment



# Documenting The Inspection

## Ownership Information

“The owner or owner’s authorized agent shall be responsible for carrying out provisions of this code” (MFC, Div C, 2.2.1.1)

## Evidence

- Company records
- Land title checks
- Municipal records
- Business name check
- Lease agreements
- Websites
- Inspection history
- Business cards
- Personal identification
- Verbal confirmation
- Status within the business hierarchy
- Court documents
- Social media





# Completing Order to Remedy

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Six components to a fire safety inspection report:

- Header
- Check sheet
- Narrative
- Administrative notice
- Signature
- Indemnification



# Report Components

Header

Fire Safety Inspection Report / Order to Remedy			
Name of Occupant	Group (select one)	Division (select one)	Occupancy
Building Address	Town/Community		Inspection Date
Name of Owner or Authorized Agent	Contact Person for Inspection		Phone No.
Address of Owner or Authorized Agent	Inspector(s) & Phone No.		Reporting No.

Check Sheet

ID	MANITOBA FIRE CODE ARTICLE	Inspection Observations	Meets MB Fire Code		
			Yes	No	N/A
<b>A</b>		<b>EXTERIOR</b>			
1	MFC 2.5.1.5.	Fire department access is maintained clear of obstructions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	MFC 6.4.1.1.	Private fire hydrants are serviced / maintained clear of obstructions. (NFPA 25)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	MFC 2.5.1.4.	Fire department connections are accessible and free of obstructions.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	MFC 2.7.1.6.	Means of egress shall be maintained in good repair and free of obstructions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	MFC 3.1.1.4.	Exterior natural gas or propane installations are protected. (CAN/CSA-B149.1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	MFC 2.6.1.6.	Chimneys are visibly maintained and in good repair.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	MFC 3.3.5.3	Flammable gases are stored outdoors in an approved manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>B</b>		<b>MECHANICAL SERVICE SPACES</b>			
1	MFC 2.6.1.6.	Heating, ventilation and air conditioning systems are operated, tested and maintained in good operating condition.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	MFC 2.6.1.6.	Fuel-fired heating system must be inspected annually, by a person acceptable to the Authority Having Jurisdiction <b>(MB Amendment)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Narrative

The following deficiencies have been identified and require the following corrective action(s), to be completed by the noted compliance date.

ID	MFC Article No.	Deficiency	Corrective Action	Compliance Date

- Additional information as required may be made on additional pages, and shall become part of this inspection report.



# Report Components

## Administrative Notice/s

### Administrative Penalty:

The required corrective action(s) listed above are to be completed by the noted compliance date, or you may be subject to an Administrative Penalty, as provided for under section 15.1(1) of *The Fires Prevention and Emergency Response Act*

### Request for Review of Order:

In accordance with Section 15 of *The Fires Prevention and Emergency Response Act (C.C.S.M.c. F80)*, you have the right to request, in writing, a review of this order by the Manitoba Fire Commissioner within 14 days of issue, or the period specified for compliance if it is less than 14 days. Should you choose to waive that right, the order will be considered final. Your request must include:

- a) a copy of the order
- b) your name and contact information, and
- c) the reason(s) for the request.

Please submit your request to: **Fire Commissioner**  
**Office of the Fire Commissioner**  
508-401 York Ave.  
Winnipeg, MB R3C 0P9

## Signature/ Authority

Date	<input type="text"/>	
Inspector(s) Name	<input type="text"/>	
Inspector(s) Signature	<input type="text"/>	
Authority Having Jurisdiction	<input type="text"/>	
Address	<input type="text"/>	Phone No. <input type="text"/>
Report provided to:	<input type="text"/>	<input type="text"/>

## Indemnification

The report is solely based on conditions existing on . The Owner or their Authorized Agent shall be solely responsible for carrying out the provisions of the Manitoba Fire Code.



# Follow-up Report

## Records:

- Completed actions
  - *To finalize process*
- Identifies outstanding items
- Extends compliance dates
- Tracks compliance
- Reinforces administrative notices

### NOTE:

**Not for use with new findings**

Fire Safety Inspection Follow-Up Report / Order to Remedy			
<b>Name of Occupant</b> [Redacted]	<b>Group</b> (select one) [Redacted]	<b>Division</b> (select one) [Redacted]	<b>Occupancy</b> [Redacted]
<b>Building Address</b> [Redacted]	<b>Town/Community</b> [Redacted]		<b>Initial Inspection Date</b> [Redacted]
<b>Name of Owner or Authorized Agent</b> [Redacted]	<b>Contact Person for Inspection</b> [Redacted]		<b>Phone No.</b> [Redacted]
<b>Address of Owner or Authorized Agent</b> [Redacted]	<b>Follow-up Inspection Date</b> [Redacted]		<b>Reporting No.</b> [Redacted]

**All corrective actions have been completed.** [Redacted] (Date)

**Deficiencies noted below require an extension of original Compliance Date as indicated.**

ID	MFC Article No.	Deficiency Corrective Action	Compliance Date
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]

• Additional information as required may be made on additional pages, and shall become part of this inspection report.

**Administrative Penalty:**

The required corrective actions(s) listed above are to be completed by the noted compliance date, or you may be subject to an Administrative Penalty, as provided for under section 15.1(1) of *The Fires Prevention and Emergency Response Act*.

<b>Date</b>	[Redacted]
<b>Inspector(s) Name</b>	[Redacted]
<b>Inspector(s) Signature</b>	[Redacted]
<b>Report provided to:</b>	[Redacted] [Redacted]



# Manitoba Municipal Act

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The Municipal Act has several articles that may also be referenced..

- 232 and 233 by-law creating powers
- 239 Municipal inspections and enforcement
- 245 Municipality remedying contraventions; closures; cost recovery
- 387 Building inspections
- 402 Indemnification



# OFC Support

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## Municipal Support

- Mentoring opportunities
- Fire Safety Inspections forms are available on OFC website
- Administrative penalties bulletin
- Fire protection surveys and risk assessments
- Assist with bylaws construction
- Assist with program development
- M.A.D. meetings

## Manitoba Emergency Services College

Courses:

- Fire Inspector Level I
- Fire Inspector Level II
- High Hazard Inspections



# Questions?

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