

# *The Fire Safety Act*

*being*

Chapter F-15.11 of *The Statutes of Saskatchewan, 2015* (effective November 2, 2015) as amended by the *Statutes of Saskatchewan, 2019, c.S-32.4* and *c.13*.

## **NOTE:**

This consolidation is not official and is subject to House amendments and Law Clerk and Parliamentary Counsel changes to Separate Chapters that may be incorporated up until the publication of the annual bound volume. Amendments have been incorporated for convenience of reference and the official Statutes and Regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the official Statutes and Regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER F-15.11

### An Act respecting Fire Safety, Fire Prevention and Emergency Response Services and making consequential amendments to other Acts

#### PART I Preliminary Matters

##### Short title

1 This Act may be cited as *The Fire Safety Act*.

##### Interpretation

2 In this Act:

“**business day**” means a day other than a Saturday, Sunday or holiday;

“**bylaw**” means a bylaw concerning fire department services, fire prevention, fire suppression and the protection of persons, property and the environment against fire;

“**court**” means the Court of Queen’s Bench;

“**Crown**” means the Crown in right of Saskatchewan;

“**emergency**” means a present or imminent situation or condition that requires prompt action or coordination of action to prevent or limit:

- (a) loss of life;
- (b) harm or damage to the safety, health or welfare of people; or
- (c) damage to property or the environment;

“**fire brigade**” means a privately owned fire suppression service that provides a response to an emergency fire situation but that is not established or operated or contracted with by a local authority;

“**fire chief**” means:

- (a) with respect to a municipality, a person appointed or employed as a fire chief by a municipality; and
- (b) with respect to park land constituted pursuant to *The Parks Act* or a regional park established or continued pursuant to *The Regional Parks Act, 2013*, a person appointed as a fire chief by the fire commissioner;

“**fire commissioner**” means the fire commissioner appointed pursuant to subsection 4(1);

“**fire department**” means a fire department established or operated by or contracted with a local authority;

**“fire department services”, “firefighting” and “fire services”** mean the services that are provided by a fire department, whether provided pursuant to this Act, the regulations or any other Act, and include all or any of the following:

- (a) fire prevention and protection;
- (b) fire safety;
- (c) fire inspections;
- (d) fire investigation;
- (e) fire suppression;
- (f) mitigation of the effects of fires and recovery from fires;
- (g) enforcement of laws relating to fire safety or public safety;
- (h) search and rescue services;
- (i) support or provision of medical first response services;
- (j) response to incidents involving hazardous materials as defined in the National Fire Code;
- (k) response to emergency situations;
- (l) training, education and certification with respect to any of the services mentioned in clauses (a) to (k);
- (m) fire safety and public safety awareness and education programs;
- (n) fire dispatch and emergency communications;
- (o) any other services set out in the regulations;

**“fire department services agreement”** means an agreement for the purposes of providing fire department services between:

- (a) two or more local authorities; or
- (b) one or more local authorities and one or more:
  - (i) other local governments outside Saskatchewan;
  - (ii) Indian bands;
  - (iii) ministries, departments, organizations or agencies of the Government of Saskatchewan or the Government of Canada;
  - (iv) fire brigades; and
  - (v) other persons, organizations or agencies;

**“fire inspector”** means a provincial inspector, a local assistant or a municipal inspector;

**“fire insurance”** means fire insurance as defined in the regulations;

**“fire prevention”** means the provision of services for the purposes of preventing fires and includes planning, public awareness, enforcement of laws related to fire safety and education with respect to fires and the elimination of fire risk;

**“fire suppression”** means the provision of services in response to an emergency whether related to extinguishing a fire or otherwise;

**“Indian band”** means a band as defined in the *Indian Act* (Canada) and includes the council of a band;

**“Indian reserve”** means a reserve within the meaning of the *Indian Act* (Canada);

**“judge”**, except in subsections 42(4) to (6), means a judge of the court;

**“local assistant”** means:

- (a) with respect to a municipality that has a fire department, a fire chief or acting fire chief;
- (b) with respect to a municipality that does not have a fire department:
  - (i) the administrator or clerk of the municipality; or
  - (ii) any other person appointed by the municipality in consultation with the fire commissioner;
- (c) in any municipality, any person appointed by the municipality in consultation with the fire commissioner; or
- (d) with respect to a local authority that is not a municipality, a prescribed person;

**“local authority”** means:

- (a) a municipality or a council of a municipality and includes the City of Lloydminster; or
- (b) any prescribed authority or body;

**“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

**“municipal inspector”** means a person who is appointed in writing by a local assistant for a municipality to act as a municipal inspector for the municipality for the purposes of this Act;

**“National Fire Code”** means the edition of the National Fire Code of Canada adopted in the regulations;

**“occupant”** includes:

- (a) a person residing on land or in a premises;
- (b) a person entitled to the possession of land or a premises if there is no person residing on the land or in the premises; and
- (c) a leaseholder;

**“owner”** means any person who has any right, title, estate or interest in land, improvements or premises other than that of a mere occupant, tenant or mortgagee;

**“prescribed”** means prescribed in the regulations;

**“premises”** includes buildings, facilities and structures;

**“private dwelling”**, subject to the regulations, includes:

- (a) any land on which a private dwelling is located or any outbuilding or premises that is located on the same property as a private dwelling, but does not include any part of that land, outbuilding or premises that:
  - (i) is not being used as a private dwelling or is not enclosed within the private dwelling; and
  - (ii) is being used to carry out a commercial operation;
- (b) foster care homes as defined in the regulations;
- (c) alternative family care homes as defined in the regulations; and
- (d) any other prescribed property;

**“provincial inspector”** means:

- (a) the fire commissioner;
- (b) a deputy fire commissioner;
- (c) an assistant fire commissioner designated pursuant to subsection 4(5);  
or
- (d) a provincial inspector designated pursuant to subsection 4(5);

**“SPSA”** means the Saskatchewan Public Safety Agency.

2015, c.F-15.11, s.2; 2019, cS-32.4, s.8-3.

**Crown bound**

**3** The Crown is bound by this Act.

2015, c.F-15.11, s.3.

**PART II**  
**Administration**

**Fire commissioner, deputy fire commissioners, assistant fire commissioners and provincial inspectors**

**4(1)** The minister may appoint an employee of SPSA as the fire commissioner and one or more other employees of SPSA as deputy fire commissioners to carry out the duties and exercise the powers of the fire commissioner pursuant to this Act.

**(2)** Subject to subsection (3), a deputy fire commissioner may act in the place of the fire commissioner and, for that purpose:

- (a) may exercise all or any of the powers of the fire commissioner given by this Act and the regulations;
- (b) shall perform all the duties imposed on the fire commissioner by this Act and the regulations.

- (3) The fire commissioner may impose any limitation or terms and conditions on the powers that may be exercised by a deputy fire commissioner pursuant to clause (2)(a) or the duties that must be performed by a deputy fire commissioner pursuant to clause (2)(b).
- (4) The exercise of powers and the performance of duties by a deputy fire commissioner pursuant to subsection (2) are deemed to be the exercise of powers and performance of duties by the fire commissioner.
- (5) The fire commissioner may designate an assistant fire commissioner, a provincial inspector or any other staff required to assist the fire commissioner for the purposes of this Act.
- (6) For the purposes of subsection (5), the fire commissioner may:
- (a) designate any person whom the fire commissioner considers qualified; and
  - (b) impose any limitations or terms and conditions on the designation that the fire commissioner considers appropriate.

2015, c.F-15.11, s.4; 2019, cS-32.4, s.8-3.

**Annual report to minister and publication**

- 5(1) In this section, “**fiscal year**” means the period commencing on April 1 in one year and ending on March 31 in the following year.
- (2) The fire commissioner shall:
- (a) on or before June 30 in each year, submit to the minister a detailed report of the fire commissioner’s official actions during the preceding fiscal year; and
  - (b) publish any part of the report mentioned in clause (a) that the minister directs, in any manner the minister directs.

2015, c.F-15.11, s.5.

**Duties and powers of fire commissioner**

- 6(1) Subject to this Act and the regulations, the fire commissioner shall:
- (a) promote and encourage fire prevention and information about fire services and other fire programs;
  - (b) investigate or cause to be investigated or hold inquiries into any fire whenever the fire commissioner considers it necessary to do so in order to ascertain the cause, origin and circumstances of the fire;
  - (c) keep records of all fires that occur in Saskatchewan, including the cause, origin and circumstances of each fire and other information respecting each fire that the fire commissioner considers appropriate;
  - (d) keep records of all emergencies to which a fire department or fire brigade in Saskatchewan responded, including the cause, origin and circumstances of each emergency and other information respecting each response that the fire commissioner considers appropriate;
  - (e) collect and disseminate information respecting fires and fire department services in Saskatchewan;

- (f) administer and enforce this Act and the regulations within park land constituted pursuant to *The Parks Act* or a regional park established or continued pursuant to *The Regional Parks Act, 2013*;
  - (g) provide or facilitate the provision of training courses related to fire department services; and
  - (h) perform any other duties that the minister may direct.
- (2) The fire commissioner may advise and provide recommendations and assistance to local authorities or any other persons respecting the following:
- (a) the establishment, administration and effectiveness of a fire department or fire brigade;
  - (b) standards for fire department services or similar services provided by fire brigades;
  - (c) the supply of adequate water for fire suppression;
  - (d) the passing of bylaws and the enforcement of bylaws and agreements by a local authority concerning fire department services, fire prevention, fire suppression and the protection of persons, property and the environment against fire;
  - (e) the establishment of a fire department services agreement or an interjurisdictional area to plan, organize and deliver fire safety programs and fire department services;
  - (f) the provision of suitable fire protection equipment and apparatus for the use of a fire department or fire brigade;
  - (g) the storage and handling of hazardous materials and the establishment and implementation of an emergency response plan relating to hazardous materials as defined in the National Fire Code;
  - (h) the recruitment, appointment and training of local assistants;
  - (i) any other matter that the minister may direct.
- (3) The fire commissioner may provide any fire department services, firefighting and fire services to any person and may charge the person to whom the services are provided.
- (4) The fire commissioner may investigate or cause to be investigated or hold inquiries into any emergency whenever the fire commissioner considers it necessary to do so to ascertain the cause, origin and circumstances of the emergency.
- (5) The fire commissioner may investigate conditions under which fires are likely to occur.
- (6) The fire commissioner may assist with the preparation of fire service information required pursuant to section 17.



**Powers of fire commissioner in an emergency**

7(1) In this section, “**incident command structure**” means a management system of procedures for directing personnel and the use of facilities, equipment and communications during a fire or an emergency that requires fire department services, police services, environmental services and other emergency services personnel to work collaboratively in an effective and efficient manner towards the goal of eliminating, reducing or controlling the effects of a fire or an emergency.

(2) In an emergency requiring fire department services, the fire commissioner may, after reasonable consultation with a local authority or if a local authority is unable or unwilling to provide a response, take any action the fire commissioner considers necessary to meet the emergency and to eliminate, reduce or control its effect, including:

- (a) establishing an incident command structure, if one is not already established by a local authority, to direct and manage fire department services, police services, environmental services and all other emergency services personnel in attendance at the site of the emergency;
- (b) coordinating all emergency services personnel in attendance at the site of the emergency in accordance with the incident command structure established pursuant to clause (a);
- (c) directing that land or premises that the fire commissioner considers affected by the emergency be evacuated;
- (d) closing or causing the closure of land or premises or of things that the fire commissioner considers affected by the emergency for any period that the fire commissioner considers appropriate;
- (e) pulling down or removing premises or things on or attached to the land or premises on which the emergency occurred or is occurring, or on adjacent land or premises;
- (f) implementing any plan that the fire commissioner considers appropriate to eliminate, reduce or control the effects of the emergency; and
- (g) issuing orders to persons to provide labour, services, equipment or materials to assist in meeting the emergency.

(3) A direction, instruction or order of the fire commissioner pursuant to this section may be made orally or in writing.

(4) No person to whom a direction, instruction or order has been issued pursuant to subsection (2) shall fail without reasonable excuse to comply with that direction, instruction or order.

(5) The minister may remunerate, at a rate determined by the minister, a person whose labour, services, equipment or materials are provided pursuant to clause (2)(g) to assist in meeting an emergency.

**Prescribed provincial inspectors as peace officers**

**8** All prescribed provincial inspectors or prescribed classes of provincial inspectors have the powers of peace officers to enforce this Act and the regulations and are entitled, while performing their duties, to all the protection to which peace officers are entitled pursuant to the *Criminal Code*.

2015, c.F-15.11, s.8.

**Powers of provincial inspectors**

**9** A provincial inspector may administer and enforce this Act and the regulations throughout Saskatchewan.

2015, c.F-15.11, s.9.

**General powers of fire inspectors**

**10** In addition to exercising the powers conferred, and fulfilling the duties imposed, by this Act on fire inspectors, a fire inspector may aid in the enforcement of any Act, regulation or bylaw.

2015, c.F-15.11, s.10.

**Appointment of a fire chief for park land or a regional park**

**11** The fire commissioner may appoint a person as fire chief for park land constituted pursuant to *The Parks Act* or a regional park established or continued pursuant to *The Regional Parks Act, 2013*.

2015, c.F-15.11, s.11; 2019, cS-32.4, s.8-3.

**Appointment of fire chiefs for hamlets**

**12** The council of a local authority may appoint a fire chief with responsibility for any hamlet or area of the local authority's jurisdiction specified in the appointment.

2015, c.F-15.11, s.12.

**Notification re local assistants**

**13** Every local authority shall, as soon as is practicable, notify the fire commissioner in writing of the full name and address of any person who:

- (a) is or becomes a local assistant; or
- (b) ceases to be a local assistant.

2015, c.F-15.11, s.13.

**Delegation to local assistants**

**14(1)** In consultation with a local authority, the fire commissioner may delegate in writing to any local assistant all or any of the powers or duties of the fire commissioner pursuant to this Act or the regulations, other than the power to hear appeals.

(2) The fire commissioner may impose any limitations or terms and conditions on a delegation pursuant to subsection (1) that the fire commissioner considers appropriate.

(3) The fire commissioner may rescind, in writing, a delegation pursuant to subsection (1).

(4) If a local assistant exercises any powers or performs any duties of the fire commissioner that are delegated to the local assistant pursuant to this section and the local assistant exercises those powers or performs those duties in accordance with the limitations or terms and conditions imposed pursuant to subsection (2), the exercise or performance is deemed to be the exercise of powers or the performance of duties by the fire commissioner.

2015, c.F-15.11, s.14.

**Powers and duties of local assistants and municipal inspectors**

**15(1)** Every local assistant shall:

(a) administer and enforce this Act within the local assistant's jurisdiction; and

(b) perform any other duties and may exercise any other powers that may be delegated to the local assistant by the fire commissioner.

(2) Unless otherwise provided by this Act, the jurisdiction within which a local assistant or a municipal inspector shall perform his or her duties and exercise his or her powers pursuant to this Act is:

(a) the jurisdiction of the local authority that employs or appointed the local assistant or municipal inspector; and

(b) if the local authority has entered into a fire department services agreement, the jurisdiction of each of the parties to the agreement unless the agreement provides otherwise.

2015, c.F-15.11, s.15.

**Powers of peace officers**

**16** If directed by a local assistant to do so, a peace officer may exercise the powers of the local assistant and may fulfil the duties of the local assistant that are given or imposed by this Act and the regulations.

2015, c.F-15.11, s.16.

**Fire service information**

**17(1)** In this section, "**fire service information**" means information about the fire department services provided in the local authority filed with the fire commissioner pursuant to this section.

(2) A local authority shall file with the fire commissioner fire service information in the form and manner and within the periods directed by the minister.

(3) For the purposes of subsection (2), the minister may:

(a) direct different fire service information and a different form, manner and period for filing fire service information for different:

(i) local authorities, fire departments and fire department services; and

(ii) classes of local authorities, fire departments and fire department services.

- (b) direct that the fire service information include information regarding any fire department service agreements the local authority is party to.
- (4) Every local authority shall communicate or provide a copy or synopsis of its fire service information to its residents in a form and manner that the local authority considers appropriate.
- (5) Every local authority shall annually review and update its fire service information and provide any updates of that information to:
  - (a) its residents, in the manner set out in subsection (4); and
  - (b) the minister, in the manner that the minister requires.

2015, c.F-15.11, s.17.

**PART III**  
**Suppressing, Reporting and Inspecting Fires and**  
**Emergencies Requiring Fire Department Response**

**Suppression of fires and emergency response: entry and related powers**

**18(1)** In the case of a fire or an emergency that requires the response of a fire department, a local assistant or any person authorized by a local assistant may, in relation to the local assistant's jurisdiction, without a warrant:

- (a) enter:
    - (i) on land or into any premises where that fire or emergency is occurring; and
    - (ii) on or into any other adjoining or nearby land or premises; and
  - (b) take any measures that the person making the entry considers necessary to put out the fire, to prevent the fire from spreading, to address the emergency or to remove or lessen any threat to persons, property or the environment resulting from the fire or emergency.
- (2) An entry on land or into any premises pursuant to subsection (1) may be made with any equipment, machinery, apparatus, vehicle or materials that, in the opinion of the person making the entry, are necessary to put out the fire or prevent it from spreading or remove or lessen the threat of the emergency.
- (3) Subject to subsection (4), if, in the opinion of a local assistant or any person authorized by a local assistant, a fire or an emergency mentioned in subsection (1) that is occurring on property outside the local assistant's jurisdiction threatens persons, property or the environment within the local assistant's jurisdiction, the local assistant or any person authorized by the local assistant may exercise the powers mentioned in subsections (1) and (2) in relation to that fire or emergency.
- (4) In exercising the powers mentioned in subsections (1) and (2) in relation to a fire or an emergency that requires the response of a fire department occurring on property outside the local assistant's jurisdiction, the local assistant or any person authorized by the local assistant shall comply with any direction that may be given at the scene of the fire or emergency by the local assistant for the jurisdiction in which the fire or an emergency is occurring.

(5) In relation to any fire occurring in Saskatchewan, the fire commissioner may, after reasonable consultation with a local authority or if a local authority is unable or unwilling to provide a response:

- (a) exercise any power mentioned in subsections (1) and (2); and
- (b) require any peace officer, local authority, fire department, other agency or person to assist the fire commissioner in exercising any power pursuant to clause (a).

(6) No person to whom a direction, instruction or order has been issued pursuant to clause (5)(b) shall fail without reasonable excuse to comply with that direction, instruction or order.

(7) The minister may remunerate, at a rate determined by the minister, any peace officer, local authority, fire department, other agency or person who assists the fire commissioner pursuant to clause (5)(b).

2015, c.F-15.11, s.18.

**Imminent risk of fire: entry and related powers**

**19(1)** In this section, “**imminent risk**” means an imminent risk of a fire, emergency or other danger that, in the opinion of a fire inspector on reasonable grounds, threatens persons, property or the environment and requires the response of a fire department or the provision of fire department services.

(2) If a fire inspector has reason to believe that an imminent risk exists on land or in a premises, the fire inspector may, without a warrant:

- (a) enter on the land or into the premises; and
- (b) take any measures that the fire inspector considers necessary for the immediate protection of persons, property or the environment against that risk.

(3) If a fire inspector exercises any of the powers mentioned in subsection (2):

- (a) the fire inspector shall, as soon as is practicable, notify the fire commissioner that the fire inspector has exercised the powers and outline the circumstances under which those powers were exercised; and
- (b) provide any additional information that the fire commissioner may require within the period specified by the fire commissioner.

2015, c.F-15.11, s.19.

**Investigation and report by local assistants of cause, origin and circumstances of fire**

**20(1)** A local assistant shall undertake an investigation, or cause an investigation to be undertaken, to determine or cause to be determined the cause, origin and circumstances of every fire occurring within the local assistant’s jurisdiction.

(2) For the purposes of subsection (1), the local assistant may request the assistance of a fire inspector.

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(3) An investigation required pursuant to subsection (1) must be commenced within three business days after the occurrence of the fire.

(4) As soon as is practicable after the completion of an investigation pursuant to subsection (1), the local assistant shall report in the form and manner determined by the fire commissioner to the fire commissioner with respect to all facts concerning the cause, origin and circumstances of the fire.

(5) A local assistant shall report in the form and manner determined by the fire commissioner to the fire commissioner with respect to any emergency other than a fire:

- (a) that occurs within the local assistant's jurisdiction; and
- (b) to which a fire department or a fire brigade responds.

2015, c.F-15.11, s.20.

**Entry re investigations pursuant to this Part**

**21(1)** For the purposes of an investigation pursuant to this Part, the fire inspector may enter the land or premises where the fire occurred without a warrant.

(2) In undertaking an investigation pursuant to this Part, a fire inspector may enter a private dwelling without a warrant, but, if the fire inspector believes on reasonable grounds in the course of the investigation that there was a contravention of this Act, the regulations or an order made pursuant to this Act or a bylaw passed pursuant to this Act, the fire inspector shall:

- (a) advise the owner or occupant of the private dwelling of that fact; and
- (b) either:
  - (i) obtain the written consent of the owner or occupant to conduct the investigation; or
  - (ii) leave the private dwelling and obtain a warrant issued pursuant to section 32.

2015, c.F-15.11, s.21.

**Notification and investigation re significant fires**

**22(1)** In this section, "**significant fire**" means a fire that:

- (a) is, in the opinion of the local assistant, of suspicious origin with a significant amount of loss or damage sustained to property or the environment or is otherwise of interest to the fire commissioner;
- (b) involves death or serious injury to a person; or
- (c) involves a premises owned or leased by the Crown.

(2) If a significant fire occurs within the local assistant's jurisdiction, the local assistant shall:

- (a) notify the fire commissioner as soon as is practicable of the fire; and

- (b) secure the land or premises where the fire occurred against entry until:
  - (i) a municipal inspector arrives to conduct an investigation to determine the cause, origin and circumstances of the fire; or
  - (ii) if no municipal inspector is available to conduct the investigation mentioned in subclause (i):
    - (A) a provincial inspector arrives to conduct the investigation; or
    - (B) the local assistant is directed by a provincial inspector to conduct an investigation.
- (3) The fire commissioner shall ensure that every significant fire is investigated to determine the cause, origin and circumstances of the fire.
- (4) If a local assistant is directed by a provincial inspector to conduct an investigation pursuant to paragraph (2)(b)(ii)(B), subsections 20(3) and (4) apply to that investigation.

2015, c.F-15.11, s.22.

#### **Investigation and report by provincial inspectors**

- 23(1)** A provincial inspector may undertake an investigation or cause an investigation to be undertaken to determine the cause, origin and circumstances of a fire.
- (2) If a provincial inspector other than the fire commissioner conducts an investigation pursuant to subsection (1), the provincial inspector shall, within 30 days after the completion of the investigation, provide a written report of all facts concerning the cause, origin and circumstances of the fire to the fire commissioner and to the local assistant for the municipality in which the fire occurred.

2015, c.F-15.11, s.23.

#### **Other reporting requirements**

- 24(1)** If a fire department responds to a fire outside the area for which it is responsible and is not a party to a fire department services agreement covering that area outside the area for which it is responsible, the local assistant of the responding fire department shall:
  - (a) as soon as is practicable, notify the local assistant for the area in which the fire occurred about the fire; and
  - (b) comply with any direction given by the local assistant mentioned in clause (a) to enable an investigation of the fire to be made.
- (2) If a fire brigade responds to a fire, the owner of the fire brigade shall:
  - (a) as soon as is practicable, notify the local assistant for the area in which the fire occurred about the fire; and
  - (b) comply with any direction given by the local assistant mentioned in clause (a) to enable an investigation of the fire to be made.

(3) If a fire department or a fire brigade responds to an emergency other than a fire, the fire chief of the fire department or the owner of the fire brigade shall, in accordance with the regulations, report to the fire commissioner with respect to the emergency.

2015, c.F-15.11, s.24.

#### Investigation powers

**25** For the purposes of conducting an investigation pursuant to this Part, the person conducting the investigation may exercise all the powers given and shall fulfil all the duties imposed pursuant to sections 30, 31 and 32.

2015, c.F-15.11, s.25.

#### Inquiry

**26(1)** The fire commissioner may conduct or cause to be conducted an inquiry into the cause, origin and circumstances of a fire or an emergency that has:

- (a) destroyed or damaged property or the environment; or
- (b) caused injury or death.

(2) The person conducting an inquiry pursuant to this section has the powers conferred on commissioners pursuant to sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.

(3) A person giving evidence at an inquiry may be represented by counsel at the person's expense and that counsel may examine and cross-examine any witnesses called to give evidence at the inquiry.

(4) Subject to subsection (5), an inquiry conducted pursuant to this section must be open to the public.

(5) The person conducting the inquiry may exclude the public from any part of the inquiry if he or she is of the opinion that the possible disclosure of intimate financial or personal matters outweighs the desirability of allowing the public to be present during part of the inquiry.

(6) The person conducting the inquiry may adjourn the inquiry from time to time, but no adjournment is to be made for a period longer than 30 days.

2015, c.F-15.11, s.26.

#### Reports by insurance corporations and adjusters

**27(1)** On or before the twenty-first day of each month, every fire insurance corporation that is licensed pursuant to *The Saskatchewan Insurance Act* shall provide the fire commissioner with a statement with respect to every fire that occurred in Saskatchewan in the preceding month in which the fire insurance corporation is interested as an insurer.

(2) On or before the seventh day of each month, every fire insurance adjuster shall provide the fire commissioner with a statement with respect to every fire that occurred in Saskatchewan in the preceding month in which the fire insurance adjuster is interested as an adjuster.



- (3) The statements described in subsections (1) and (2) must be in the prescribed form and must contain:
- (a) the name and address of the insured;
  - (b) the location of the risk;
  - (c) the value and contents of the premises;
  - (d) the amount of insurance carried; and
  - (e) the amount of the loss sustained.
- (4) In the case of a fire of suspicious origin in which a fire insurance corporation is interested as an insurer, the fire insurance corporation shall provide the fire commissioner with a preliminary report as soon as possible but not later than seven business days after the date on which the fire commenced, showing:
- (a) the names of the owner and occupant;
  - (b) the location, use and occupancy of the burned premises;
  - (c) the date of the fire; and
  - (d) any facts and circumstances of which the corporation receives knowledge that tend to establish the cause, origin or circumstances of the fire.
- (5) The report mentioned in subsection (4) is in addition to any report that the fire insurance corporation may be required to make pursuant to any other law of Saskatchewan.
- (6) If a fire insurance corporation receives further facts or information respecting the cause, origin or circumstances of the fire after the period mentioned in subsection (4), the fire insurance corporation shall provide the fire commissioner with a subsequent report that sets out those facts or that information as soon as is practicable.

2015, c.F-15.11, s.27.

**Restrictions on access to records**

- 28(1)** Any information submitted or provided to the fire commissioner as a result of an investigation or inspection pursuant to this Act is not open to inspection or available for access except by:
- (a) those employees of SPSA employed in the office of the fire commissioner whose responsibilities require them to inspect or allow them to have access to the information;
  - (b) those persons who are authorized in writing by the minister to inspect or to have access to the information; and
  - (c) the local authority that submitted the information.

(2) Unless authorized by this Act or by any other law or with the written consent of the person to whom any information relates, no employee of SPSA employed in the office of the fire commissioner and no person authorized by the minister to inspect or have access to the information shall:

(a) communicate or allow to be communicated any information obtained pursuant to this Act to any person who is not legally entitled to the information; or

(b) allow any person who is not legally entitled to the information obtained pursuant to this Act to inspect or have access to it.

(3) Notwithstanding subsections (1) and (2), the minister may authorize the release of, inspection of or access to the information mentioned in those subsections to or by any person if the minister believes that it is in the public interest to allow the release, inspection or access.

2015, c.F-15.11, s.28; 2019, cS-32.4, s.8-3.

## PART IV Compliance

### Owner, occupant responsibilities

**29(1)** Every owner of a premises shall ensure that the premises is designed, constructed, erected, placed, altered, repaired, renovated, demolished, relocated or removed in accordance with this Act, the regulations, any order made pursuant to this Act and the bylaws of the jurisdiction in which the premises is located.

(2) Every owner and occupant of land shall ensure that the land is used or occupied in accordance with this Act, the regulations, any order made pursuant to this Act and the bylaws of the jurisdiction in which the land is located.

2015, c.F-15.11, s.29.

### Inspections

**30(1)** Subject to subsections (2) and (3), a fire inspector may, without a warrant, at any reasonable time, enter on any land or into any premises for the purposes of conducting an inspection for the purposes of monitoring compliance with this Act, the regulations or any order made pursuant to this Act or a bylaw passed pursuant to this Act.

(2) Except where the land or premises is open to the general public, before entering on land or into a premises, the fire inspector shall:

(a) make reasonable attempts to notify the owner or occupant of the purpose of the entry, if the owner or occupant is present at the time of the entry; and

(b) on the request of the owner or occupant, produce identification.

(3) For the purposes of making an inspection pursuant to this section, a fire inspector shall not enter a private dwelling without a warrant issued pursuant to section 32 unless the owner or occupant consents to the entry.

2015, c.F-15.11, s.30.

**General inspection and investigation powers**

**31(1)** A fire inspector making an inspection pursuant to this section or an investigation pursuant to Part III may do all or any of the following:

- (a) conduct any tests, collect any data and take and remove any samples that may be relevant to the inspection or investigation;
  - (b) examine or require the production of any record or thing that may be relevant to the inspection or investigation;
  - (c) make copies of any record that may be relevant to the inspection or investigation;
  - (d) for the purposes of producing a readable record from a computer system or other data storage, processing or retrieval device, use that system or device, including any computer hardware or software used in conjunction with it;
  - (e) after giving a receipt:
    - (i) remove any record or thing that may be relevant to the inspection or investigation if the fire inspector is unable to examine the record or thing or make a satisfactory copy of the record; and
    - (ii) retain the record or thing for any period that the fire inspector considers necessary to examine the record or thing or to make a copy;
  - (f) require any person to answer any question, orally or in writing, on a matter relevant to the inspection or investigation;
  - (g) require that any machinery, equipment or device found on the land or in the premises that is the subject of the inspection or investigation be operated, used or set in motion;
  - (h) make any excavations that he or she considers necessary on the land or into the premises that is the subject of the inspection or investigation;
  - (i) remove anything on the land or in the premises that is the subject of the inspection or investigation for the purpose of:
    - (i) eliminating an imminent risk of fire;
    - (ii) conducting a test that may be relevant to the inspection or investigation; or
    - (iii) retaining the thing removed as evidence of the cause, origin or circumstances of a fire.
- (2) When entering on land or into any premises pursuant to this section, the fire inspector may:
- (a) enter with any equipment, machinery, apparatus, vehicle or materials that the fire inspector considers necessary for the purpose of the entry; and
  - (b) take any person who or thing that the fire inspector considers necessary to assist him or her to fulfil the purpose of the entry.
- (3) If the fire inspector considers it necessary for the purposes of the entry, the inspector may temporarily close the land or premises until the purpose of the entry is fulfilled.

- (4) A fire inspector may request the assistance of a peace officer to assist in carrying out any action authorized by this section.
- (5) Notwithstanding any other provision of this Act or the regulations, if, in the course of an inspection pursuant to this section or an investigation pursuant to Part III, a fire inspector is of the opinion that a condition exists creating a serious danger to persons, property or the environment, the inspector may do any or all of the following:
- (a) take any measures that the inspector considers appropriate to remove or lessen the condition;
  - (b) evacuate and close or cause the closure of a premises where the contravention exists for any period that the inspector considers appropriate.
- (6) When a record or thing removed from any land or premises pursuant to this section is no longer required by a fire inspector for the purpose for which it was removed, the fire inspector shall return it to the person from whom it was taken, unless:
- (a) it is required as evidence in a prosecution for a contravention of this Act, any other Act or an Act of the Parliament of Canada, the regulations or an order made pursuant to this Act or a bylaw passed pursuant to this Act that relates to a fire or an imminent risk of fire; or
  - (b) in the opinion of the fire inspector, it is impossible, impracticable or unsafe to return the record or thing or it is unsafe to store the thing for any period.

2015, c.F-15.11, s.31.

#### **Warrant re investigations**

- 32(1)** On an application without notice, a justice of the peace or judge of the provincial court may issue a warrant if the justice of the peace or judge of the provincial court is satisfied by information given on oath or affirmation that the fire inspector believes on reasonable grounds that there is a contravention of this Act, the regulations, an order made pursuant to this Act or a bylaw passed pursuant to this Act.
- (2) A warrant issued pursuant to this section authorizes the person named in the warrant to enter the place named in the warrant and any land or premises connected with that place to:
- (a) examine the place and connected premises;
  - (b) carry out the activities described in subsections 31(1) to (3); and
  - (c) search for and seize and take possession of any records or things.
- (3) A fire inspector may request the assistance of a peace officer to assist in enforcing a warrant issued pursuant to this section.

(4) Notwithstanding subsection 30(3), a fire inspector may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to subsection (1) if:

- (a) the conditions for obtaining a warrant exist; and
- (b) the fire inspector has reasonable grounds to believe that the delay necessary to obtain a warrant would result:
  - (i) in danger to human life or safety; or
  - (ii) in the loss, removal or destruction of evidence.

2015, c.F-15.11, s.32.

**Order to remedy contravention**

**33(1)** If, in the opinion of a fire inspector, there is a contravention of this Act, the regulations, an order made pursuant to this Act or a bylaw passed pursuant to this Act on land or in a premises, the fire inspector may issue to the owner or occupant of the land or premises a written order in which the fire inspector:

- (a) shall specify the contravention;
- (b) may direct the owner or occupant to do one or more of the following, within the time specified in the order:
  - (i) remedy the contravention, including doing anything in relation to the land or premises that the fire inspector considers necessary to remedy the non-compliance;
  - (ii) repair, remove or demolish the premises;
  - (iii) alter the use or occupancy of the land or premises;
  - (iv) replace materials used in the construction of the premises;
  - (v) remove any combustible or explosive material;
  - (vi) repair or replace faulty equipment or fire protection devices;
  - (vii) install or correct the faulty installation of fire protection, detection and suppression systems or devices;
  - (viii) install and use equipment or devices specified in the order:
    - (A) to contain any material on the land or in the premises; and
    - (B) to remove any material from the land or premises;
  - (ix) discontinue the manufacture, production or fabrication of any material, device or other thing that, in the opinion of the fire inspector, poses an undue risk of fire or explosion until the owner or occupant satisfies the fire inspector that the risk has been eliminated; and

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(c) may direct the owner or the owner's agents, contractors, employees, successors or assigns, within the time specified in the order, and at the expense of the owner or the owner's agents, contractors, employees, successors or assigns, to satisfy the fire inspector that any materials, equipment, devices or assemblies installed, used or to be used in the property meet all requirements of the National Fire Code, by:

- (i) having tests conducted;
- (ii) providing a certification letter written by an engineer or other qualified person determined by the fire inspector; or
- (iii) providing other evidence.

(2) An order made pursuant to this section must set out the right of appeal of the owner or occupant to the fire commissioner pursuant to section 39 or to the Saskatchewan Municipal Board pursuant to section 40, as the case may be.

(3) An order made pursuant to this section must be served in accordance with section 47 on the owner or occupant of land or premises to which the order relates.

2015, c.F-15.11, s.33.

**Registering orders against titles to land**

**34(1)** A fire inspector may direct the local authority to cause an interest based on an order made pursuant to section 33 to be registered in the Land Titles Registry against the title to the land that is the subject of the order.

(2) If an interest is registered pursuant to subsection (1), the interest runs with the land and is binding on the owner and any subsequent owner.

(3) The local authority shall cause an interest that is registered pursuant to subsection (1) to be discharged when:

- (a) the order has been complied with; or
- (b) the local authority has performed the actions mentioned in the order and has recovered the cost of performing those actions from the person against whom the order was made.

2015, c.F-15.11, s.34.

**Carrying out of orders**

**35(1)** A local assistant or the fire commissioner may carry out or cause to be carried out the actions required to be done by an order pursuant to section 33 if:

- (a) the person to whom the order is directed fails to comply with the order within the period specified in the order; or
- (b) after reasonable inquiry, the whereabouts of the owner, the occupant or an agent of the owner or occupant of the land or premises that is the subject of the order cannot be determined.

(2) For the purposes of carrying out any order made pursuant to section 33, a local assistant or the fire commissioner may apply without notice to the court for an order of the court or for directions or instructions.

2015, c.F-15.11, s.35.

**Recovery of local assistant's costs**

**36(1)** If an order is carried out or caused to be carried out by a local assistant pursuant to subsection 35(1), the costs and expenses incurred in carrying out the order are a debt due to the local authority and may be recovered from the owner of the land or premises in or on which the order was carried out.

(2) If the costs and expenses mentioned in subsection (1) are not paid in the time specified by the local authority, the local authority may, if it has the authority to levy taxes, add the amount of the costs and expenses to the owner's property taxes.

2015, c.F-15.11, s.36.

**Recovery of fire commissioner's costs**

**37(1)** If the fire commissioner carries out or causes to be carried out an order pursuant to subsection 35(1), the costs and expenses incurred in carrying out the order are a debt due to SPSA and may be recovered by SPSA in any manner that is set out in this section or in *The Financial Administration Act, 1993* or in any other manner that is authorized by law.

(2) The minister may file in the office of the local registrar of the court at the judicial centre nearest to the place where the work or the greatest portion of the work was done in carrying out the order a certificate that is signed by the minister and that sets out:

- (a) the amount of the costs and expenses; and
- (b) the person from whom the costs and expenses are recoverable.

(3) If the minister files a certificate pursuant to subsection (2), the minister shall serve a copy of the certificate on the person from whom the certificate states the costs and expenses are recoverable.

(4) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the court for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges with respect to its filing.

(5) A person who has been served with a copy of a certificate pursuant to subsection (3) may, within 30 days after receiving the copy, make written representations to the minister requesting the minister to reconsider the amount of the costs and expenses.

(6) After considering the representations mentioned in subsection (5), the minister may:

- (a) withdraw the certificate;
- (b) vary the amount of the costs and expenses and, for that purpose, withdraw the certificate and file a new certificate with the new costs and expenses; or
- (c) confirm the certificate.

(7) The minister shall serve a copy of the minister's decision made pursuant to this section on the person who made the written representations as soon as is reasonably practicable after making the decision.

2015, c.F-15.11, s.37; 2019, cS-32.4, s.8-3.

**Appeal against certificate**

**38(1)** A person with respect to whom a certificate has been entered as a judgment pursuant to section 37 may appeal to the Saskatchewan Municipal Board only on the grounds that the costs and expenses set out in the certificate are not reasonable.

- (2) An appeal pursuant to subsection (1) must be made within:
  - (a) 30 days after the date of service of the certificate; or
  - (b) if the person has made representations to the minister pursuant to section 37, within 30 days after the minister has issued a decision.
- (3) A person making an appeal pursuant to this section shall cause a written copy of the appeal to be served on the fire commissioner.
- (4) On receipt of an appeal pursuant to this section, the Saskatchewan Municipal Board shall consider the matter and make an order:
  - (a) confirming the amount of the costs and expenses set out in the certificate;
  - (b) amending the amount of the costs and expenses set out in the certificate; or
  - (c) determining that no costs and expenses are owing.
- (5) The Saskatchewan Municipal Board shall give written notice of its decision to the fire commissioner, the appellant and any other person that the Board considers may be interested in the decision.
- (6) If, on an appeal pursuant to this section, the Saskatchewan Municipal Board makes an order:
  - (a) pursuant to clause (4)(b), the minister shall withdraw the certificate and file a new certificate with the new costs and expenses; or
  - (b) pursuant to clause (4)(c), the minister shall withdraw the certificate.

2015, c.F-15.11, s.38.

**Appeal to fire commissioner – order of local assistant or municipal inspector**

**39(1)** A person who is subject to a discipline order pursuant to section 41.4 or an order respecting matters involving contravention of the National Fire Code made by a local assistant or municipal inspector pursuant to section 33 may, within 15 days after being served with the order, appeal the order to the fire commissioner.

- (2) An appeal pursuant to this section must be made by:
  - (a) serving a notice of appeal on the local assistant or municipal inspector who made the order; and
  - (b) filing the notice of appeal with the fire commissioner.
- (3) The notice of appeal mentioned in subsection (2) must:
  - (a) be in writing; and
  - (b) set out the reasons for the appeal.
- (4) The fire commissioner shall consider the appeal within 30 days after the notice of appeal is filed with the fire commissioner and may confirm, modify or revoke the order being appealed or substitute his or her own order for the order being appealed.



- (5) The fire commissioner shall cause a copy of his or her decision to be served on:
- (a) the appellant;
  - (b) the local assistant or municipal inspector; and
  - (c) any other person that the fire commissioner considers may be interested in the decision.
- (6) An appeal made pursuant to this section does not operate as a stay of the decision being appealed unless the fire commissioner, on an application by the appellant, decides otherwise.

2015, c.F-15.11, s.39; 2019, c.13, s.5.

**Appeals to Saskatchewan Municipal Board – order of provincial inspector, fire commissioner**

**40(1)** A person who is subject to an order of a provincial inspector pursuant to section 33 may, within 15 days after being served with the order, appeal the order to the Saskatchewan Municipal Board.

(2) A local assistant, municipal inspector or other person who is subject to the order and decision of the fire commissioner pursuant to section 39 may, within 15 days after being served with the decision, appeal the decision to the Saskatchewan Municipal Board.

(3) A person making an appeal pursuant to this section shall cause a written copy of the appeal to be served on the fire commissioner.

(4) On receipt of an appeal pursuant to this section, the Saskatchewan Municipal Board shall consider the appeal and may confirm, modify or revoke the order or decision being appealed or substitute its own order or decision for the order or decision being appealed.

(5) The Saskatchewan Municipal Board shall give written notice of its order or decision to the fire commissioner, the appellant, the local assistant, the municipal inspector and any other person that the Saskatchewan Municipal Board considers may be interested in the order or decision.

(6) An appeal taken pursuant to this section does not operate as a stay of the order or decision being appealed unless the Saskatchewan Municipal Board, on an application by the appellant, decides otherwise.

2015, c.F-15.11, s.40.

**Appeal to Court of Appeal – order of board**

**41** Notwithstanding *The Municipal Board Act*, with leave of a judge of the Court of Appeal, any person who is subject to an order or decision of the Saskatchewan Municipal Board made pursuant to section 40 may appeal the order or decision to the Court of Appeal on a question of law or jurisdiction within:

- (a) 30 days after the date the order or decision was made; or
- (b) any further period not exceeding 30 days that a judge of the Court of Appeal may allow on an application that is made within 30 days after the date of the order or decision.

2015, c.F-15.11, s.41.

PART V  
**Enforcement**

**Administrative penalties**

41.1(1) The fire commissioner may assess a penalty against a person for contraventions of this Act or the regulations or for failure to comply with an order made pursuant to this Act if the fire commissioner:

- (a) is requested by a local authority to assess a penalty; or
  - (b) considers the penalty necessary.
- (2) The penalty may consist of:
- (a) a single monetary amount not exceeding \$5,000;
  - (b) a daily amount not exceeding \$1,000 for each day the infraction continues; or
  - (c) a combination of clauses (a) and (b).
- (3) Before assessing a penalty, the fire commissioner shall provide notice to the person:
- (a) setting out the facts and circumstances that, in the fire commissioner's opinion, render the person liable to a penalty;
  - (b) specifying the amount of the penalty that the fire commissioner considers appropriate in the circumstances; and
  - (c) informing the person of the person's right to make representations to the fire commissioner.
- (4) No penalty is to be assessed by the fire commissioner more than three years after the act or omission that renders the person liable to a penalty first came to the knowledge of the fire commissioner.
- (5) A person to whom notice is sent pursuant to subsection (3) may make representations to the fire commissioner respecting whether a penalty should be assessed and the amount of any penalty.
- (6) Representations pursuant to subsection (5) must be made within 30 days after the person received the notice.
- (7) After considering any representations, the fire commissioner may:
- (a) assess a penalty in the amount set out in the notice and set a date by which the penalty is to be paid in full;
  - (b) assess a revised penalty and set a date by which the penalty is to be paid in full; or
  - (c) determine that no penalty should be assessed.
- (8) The fire commissioner shall serve a copy of the decision pursuant to subsection (7), with reasons, on the person who made the representations.

(9) The fire commissioner may assess a penalty pursuant to this section notwithstanding that the facts and circumstances giving rise to the penalty arose due to the actions of an employee, helper, contractor or agent of the person required to pay the penalty.

(10) If a corporation commits a contravention mentioned in subsection (1), the fire commissioner may, in accordance with this section, assess a penalty against an officer, director or other person of the corporation who authorized, permitted or acquiesced in the contravention, even though the corporation is liable for or pays an administrative penalty.

2019, c 13, s.5.

**Enforcement of administrative penalty**

**41.2(1)** The fire commissioner may file in the Court of Queen's Bench a certificate signed by the fire commissioner and setting out:

- (a) the amount of the penalty assessed pursuant to subsection 41.1(7); and
- (b) the person from whom the penalty is to be recovered.

(2) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.

2019, c 13, s.5.

**Appeal to Court of Queen's Bench re administrative penalty**

**41.3(1)** Any person aggrieved by a decision of the fire commissioner to assess a penalty against that person pursuant to section 41.1 may appeal that decision on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of service of the fire commissioner's decision.

(2) The record of an appeal pursuant to subsection (1) consists of:

- (a) the fire commissioner's decision;
- (b) any written representations made to the fire commissioner by the person named in the decision;
- (c) the notice of motion commencing the appeal;
- (d) any other prescribed documents or material; and
- (e) any other material that the Court of Queen's Bench may require.

(3) On hearing an appeal pursuant to this section, the judge of the Court of Queen's Bench may issue an order:

- (a) confirming the penalty;
- (b) amending the amount of the penalty; or
- (c) quashing the fire commissioner's decision to assess a penalty.

2019, c 13, s.5.

**Discipline order**

41.4(1) The fire commissioner may issue a discipline order pursuant to this section against any person who:

- (a) is in contravention of this Act or the regulations; or
  - (b) fails to comply with a compliance order pursuant to section 33.
- (2) A discipline order mentioned in subsection (1) must:
- (a) be in writing and in the form approved by the minister;
  - (b) contain a description of the action to be undertaken by the person;
  - (c) cite the contravened provision of this Act or of the regulations;
  - (d) subject to subsection (4), require the person to undertake the action within a period specified in the order that is not less than 30 days from the time the person receives the order; and
  - (e) be served on the person to whom the order is directed as soon as is practicable after it is issued.
- (3) The penalty may consist of any sanction the fire commissioner considers necessary, including the following:
- (a) that specified training or education be completed within a specified period;
  - (b) that any other action by a person be taken, modified or stopped if necessary to prevent, avoid or reduce risk of personal injury or damage to property;
  - (c) that reports on any of the actions listed in the discipline order be made to the fire commissioner.
- (4) For the purposes of clause (2)(d), if the action requires ongoing reporting to the fire commissioner, the order must set a period of not more than one year in which the reporting of the action must be completed.

2019, c 13, s.5.

**Public notice**

41.5 Notice of administrative penalties, discipline orders, court-ordered compliance or any other orders made pursuant to this Act may be published in any manner that the minister considers necessary to protect the public, including posting the notice on the ministry's website.

2019, c 13, s.5.

**Offences and penalties**

42(1) No person shall:

- (a) tamper with:
  - (i) exit doors, exit signs or emergency lighting;
  - (ii) portable or fixed fire extinguishing equipment;

- (iii) automatic sprinkler systems;
  - (iv) fire, heat or smoke detection devices; or
  - (v) fire alarm devices or systems;
- (b) fail to comply with an order made pursuant to this Act;
- (c) obstruct or hinder a fire inspector, a member of a fire department or any other person acting pursuant to the authority of this Act or the regulations or a bylaw passed pursuant to this Act;
- (d) fail to comply with any reasonable request of a fire inspector, a member of a fire department or any other person acting pursuant to the authority of this Act or the regulations or a bylaw passed pursuant to this Act;
- (e) knowingly make any false or misleading statement to a fire inspector, a member of a fire department or any other person acting pursuant to the authority of this Act or the regulations or a bylaw passed pursuant to this Act;
- (f) remove, alter or interfere in any way with anything seized, detained or removed by a fire inspector, a member of a fire department or any other person acting pursuant to the authority of this Act or the regulations or a bylaw passed pursuant to this Act, unless authorized by the fire inspector, member of a fire department or other authorized person; or
- (g) fail to comply with any other provision of this Act or the regulations or a bylaw passed pursuant to this Act.
- (2) No person shall enter, attempt to enter or tamper with land or premises that has been closed pursuant to this Act without the prior approval of the fire commissioner or a person authorized by the local authority in which the premises is located.
- (3) Every person who contravenes any provision of subsection (1) or (2) is guilty of an offence and liable on summary conviction:
- (a) in the case of an individual, to a fine of not more than \$25,000 and, in the case of a continuing offence, to a further fine of not more than \$5,000 for each day or part of a day during which the offence continues; and;
  - (b) in the case of a corporation, to a fine of not more than \$200,000 and, in the case of a continuing offence, to a further fine of not more than \$20,000 for each day or part of a day during which the offence continues.
- (4) A conviction for an offence for failing to comply with an order does not relieve the person convicted from complying with the order and the convicting judge may, in addition to any fine imposed, order the person to do any act or work, within the time specified by the judge in the order, to comply with the order with respect to which the person was convicted.

(5) If a person is found guilty of contravening any provision of subsection (1) or (2), the convicting judge may, in addition to any other penalty imposed, order the person to do any act or work, within the time specified by the judge in the order.

(6) A person who is subject to an order made pursuant to subsection (4) or (5) who fails to comply with that order within the time specified by the convicting judge is guilty of an offence and liable on summary conviction:

(a) in the case of an individual, to a fine of not more than \$5,000 for each day or part of a day during which the non-compliance continues;

(b) in the case of a corporation, to a fine of not more than \$10,000 for each day or part of a day during which the non-compliance continues.

2015, c.F-15.11, s.42; 2019, c13, s.5.

#### **Directors, etc., of corporations**

**43** If a corporation contravenes any provision of subsection 42(1) or (2), any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of the offence and liable on summary conviction to the penalty mentioned in section 42 whether or not the corporation has been prosecuted or convicted.

2015, c.F-15.11, s.43.

#### **Limitation on prosecutions**

**44** No prosecution for an offence pursuant to any provision of subsection 42(1) or (2) is to be commenced after two years from the date on which the offence is alleged to have been committed or, in the case of a continuing offence, the last date on which the offence was committed.

2015, c.F-15.11, s.44.

## **PART VI General**

#### **Immunity from liability**

**45(1)** In this section:

**“firefighter”** means:

(a) a fire chief;

(b) any person employed by, appointed by or performing duties for a local authority as a firefighter, whether for wages or otherwise; or

(c) any person employed by, appointed by or performing duties on behalf of the Government of Saskatchewan, to provide fire services;

**“volunteer”** means a person performing duties pursuant to this Act under the direction of a local authority, a local assistant or the fire commissioner.

(2) No action or proceeding lies or shall be commenced against the Crown, the minister, SPSA, a fire inspector, a local authority, a local assistant, a firefighter, a peace officer or a volunteer for any loss, injury or damage suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them while performing their duties, including:

- (a) where appropriate, the performance of those duties by a local assistant or a firefighter outside the municipality in which they are authorized to act; or
- (b) performing their duties in an emergency.

(3) Subject to subsection (2), no person has any rights or remedies and no action or other proceeding lies or shall be commenced against a person other than one mentioned in subsection (2) with respect to any act or omission of that other person done or omitted in compliance with and not in contravention of this Act, the regulations, a bylaw passed pursuant to this Act or any direction, decision, order or other requirement made or given pursuant to this Act, the regulations or a bylaw passed pursuant to this Act.

2015, c.F-15.11, s.45; 2019, cS-32.4, s.8-3.

#### **Application for enjoining order**

**46(1)** The fire commissioner or a local assistant may apply to a judge for an order enjoining a person from carrying out any activity that is contrary to this Act, the regulations, an order made pursuant to this Act or a bylaw passed pursuant to this Act.

(2) On receipt of an application pursuant to this section, the judge may make any order, including an order for interim relief, that the judge considers appropriate.

2015, c.F-15.11, s.46.

#### **Service of notice or documents**

**47(1)** Unless otherwise provided in this Act, any notice, order or document required by this Act or the regulations to be given or served is to be served personally or mailed by ordinary or registered mail to the last known address of the person being served or by any other prescribed means.

(2) A notice, order or document directed to the occupants of a premises that contains two or more units intended for separate occupancy is deemed to have been served on each occupant by posting a copy of the notice, order or document in a conspicuous place on the land or premises to which the notice, order or document relates.

(3) A notice, order or document served by ordinary mail or registered mail is deemed to have been received on the seventh business day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, he or she did not receive the document or that he or she received it at a later date.

(4) Irregularity in the service of a notice, order or document does not affect the validity of an otherwise valid notice, order or document.

2015, c.F-15.11, s.47.

**Posting notice of closure**

**48** A person who is authorized pursuant to this Act to close any land or premises shall post a notice of that closure in a conspicuous place on the land or premises to which the notice, order or document relates.

2015, c.F-15.11, s.48.

**Effect of municipal bylaws**

**49(1)** Subject to subsection (2), nothing in this Act or the regulations prevents a local authority from passing and enforcing bylaws in accordance with *The Municipalities Act*, *The Cities Act* or *The Northern Municipalities Act, 2010* respecting the prevention and suppression of fires and the provision of fire department services.

(2) Subject to subsection (3), a local authority may pass bylaws establishing standards in addition to, exceeding or more exacting than the standards contained in the National Fire Code if the local authority considers the bylaws necessary for the health, safety or welfare of persons, property or the environment.

(3) Unless the bylaw is approved by the minister pursuant to section 50, a bylaw mentioned in subsection (2) must not conflict with the provisions of the National Fire Code.

(4) If, before the coming into force of this Act, a municipality has passed a bylaw in accordance with *The Municipalities Act*, *The Cities Act* or *The Northern Municipalities Act, 2010* respecting the prevention and suppression of fires and the provisions of the bylaw are more exacting than the provisions of this Act or the regulations, that bylaw continues to govern and apply to all properties within the boundaries of that municipality until it is subsequently amended or repealed.

2015, c.F-15.11, s.49.

**Submission of certain bylaws for approval**

**50(1)** If a local authority passes a bylaw or an amendment to a bylaw mentioned in subsection 49(2) that conflicts or may conflict with the National Fire Code, the local authority shall file two certified true copies with the minister for the minister's approval pursuant to this section.

(2) Within 60 days after the filing of a bylaw or an amending bylaw pursuant to subsection (1):

(a) if the minister is of the opinion that the provisions of the bylaw conform with the intent of this Act and the regulations, the minister shall approve the bylaw;

(b) if the minister is of the opinion that the provisions of the bylaw do not conform with the intent of this Act and the regulations, the minister shall not approve the bylaw;



- (c) if the minister is of the opinion that a part of the bylaw does not conform with the intent of this Act and the regulations but that a part of the bylaw does conform with the intent of this Act and the regulations and is severable from the part of the bylaw that does not conform with the intent of this Act and the regulations, the minister shall:
- (i) approve the bylaw in part; or
  - (ii) approve the bylaw on the condition that the local authority make amendments to it that meet the minister's directions.
- (3) If the minister issues an approval or an approval in part, the bylaw or the approved parts of the bylaw:
- (a) come into force on the date of approval; and
  - (b) on coming into force, govern and apply to all land or premises within the boundaries of that local authority.
- (4) If the minister issues a conditional approval pursuant to subclause (2)(c)(ii):
- (a) the bylaw comes into force on the date of approval except for the part that requires further amendment; and
  - (b) the local authority shall submit the amended bylaw to the minister for approval, and subsections (1) to (3) apply, with any necessary modification, to the amended bylaw.
- (5) If the minister does not issue an approval, an approval in part or a conditional approval of a bylaw, the bylaw is void.
- (6) As soon as is practicable after making a decision pursuant to this section, the minister shall provide written notice to the local authority of the decision and reasons for the decision.
- (7) If a bylaw that is approved pursuant to this section deals with the same subject-matter as a regulation passed pursuant to this Act, that bylaw prevails within the boundaries of the local authority in the case of any conflict with the regulation.
- (8) If the minister approves a bylaw pursuant to this section, the bylaw prevails in the case of any conflict with the National Fire Code.
- (9) A certificate purporting to be issued by the clerk or administrator of a local authority is admissible in evidence as proof, in the absence of evidence to the contrary, that a bylaw has been passed by the local authority and approved by the minister on the days specified in the certificate, without proof of the office or signature of the person purporting to have signed the certificate, if the certificate:
- (a) identifies the bylaw;
  - (b) states that the bylaw has been passed by the council and approved by the minister; and
  - (c) specifies the date of passage and the date of the minister's approval.

**Regulations**

**51** The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) for the purposes of the definition of “local assistant”, prescribing a person as a local assistant;
- (c) for the purposes of the definition “local authority”, prescribing other authorities or bodies as local authorities;
- (d) for the purposes of the definition of “private dwelling”:
  - (i) defining foster care homes and alternative family care homes; and
  - (ii) prescribing property as a private dwelling;
- (e) exempting, on any terms or conditions that the Lieutenant Governor in Council considers appropriate, any land, premises, person or thing or any class of land, premises, person or thing from all or any part of this Act or the regulations;
- (f) governing the standards for training in fire prevention and fire suppression and the education and certification of firefighters, fire inspectors, local assistants, persons who carry out fire investigations and fire services personnel;
- (g) requiring and governing the licensing of fire inspectors;
- (h) for the purposes of this Act:
  - (i) adopting, as amended from time to time or otherwise, all or any part of the National Fire Code or any specified edition of any relevant code or standard;
  - (ii) amending for the purposes of this Act or the regulations any provisions of a code or standard adopted pursuant to subclause (i); or
  - (iii) requiring compliance with a code or standard adopted pursuant to subclause (i);
- (i) governing the application of any code or standard adopted pursuant to clause (h), or any provision of an adopted code or standard, to existing land or premises or any category of existing land or premises;
- (j) exempting, on any terms or conditions that the Lieutenant Governor in Council considers appropriate:
  - (i) any person or any class of persons from complying with all or any part of any code or standard adopted pursuant to clause (h); and
  - (ii) any land, premises, equipment, apparatus, material or supplies or any class of land, premises, equipment, apparatus, material or supplies from the application of all or any part of any code or standard adopted pursuant to clause (h);

- (k) requiring plans and specifications for the construction, alteration or repair of premises or classes of premises to be reviewed by the fire commissioner to determine whether proper precautions are being taken against fire and the spread of fire, authorizing the fire commissioner to order alteration of those plans and specifications and requiring compliance with the order of the fire commissioner;
- (l) requiring plans and specifications for the installation and operation of fire alarm systems, fire suppression systems and heating equipment in premises or classes of premises to be reviewed by the fire commissioner, authorizing the fire commissioner to order alteration of those plans and specifications and requiring compliance with the order of the fire commissioner;
- (m) with respect to firefighting, fire prevention and fire and smoke detection equipment, apparatus, material and supplies, including fire alarm systems, automatic sprinkler systems and fire extinguishers:
  - (i) governing their approval, sale, distribution, installation and maintenance;
  - (ii) governing the licensing and control of manufacturers, agents, wholesale and retail vendors and installers of those items;
  - (iii) respecting the training and qualifications of persons who install, service or test the equipment, apparatus or systems, and requiring those persons to be licensed or certified in the prescribed manner; and
  - (iv) requiring persons who install, service or test equipment, apparatus or systems to obtain insurance or performance bonds in any financial institution approved by the minister and in any amounts that the minister may consider necessary to cover any possible damage resulting from the operation, installation, servicing or testing of that equipment, apparatus or system;
- (n) with respect to oil burners and oil burning equipment and all appliances using flammable and combustible liquids as fuel:
  - (i) governing their approval, sale, distribution, installation and maintenance;
  - (ii) governing the licensing and control of manufacturers, agents, wholesale and retail vendors and installers of the equipment or appliances;
  - (iii) respecting the training and qualifications of persons who install, service or test the equipment or appliances and requiring those persons to be licensed or certified in the prescribed manner; and
  - (iv) requiring persons who install, service or test the equipment or appliances to obtain insurance or performance bonds in any financial institution approved by the minister and in any amounts that the minister may consider necessary to cover any possible damage resulting from the operation, installation, servicing or testing of that equipment or those appliances;

- (o) with respect to solid fuel burning appliances and equipment, including fireplaces, furnaces, ducts, flue pipes and chimneys:
  - (i) governing their approval, sale, distribution, installation and servicing; and
  - (ii) respecting the training and qualifications of persons who install, service or test the appliances or equipment and requiring those persons to be licensed or certified in the manner prescribed;
- (p) providing for the publishing or restricting the publishing of any information or reports or parts of information or reports mentioned in this Act;
- (q) respecting fire department services, firefighting and fire safety services;
- (r) for the purposes of section 8, prescribing provincial inspectors or classes of provincial inspectors as having the powers of and protection given to peace officers;
- (s) for the purposes of section 24, prescribing the report that a fire chief of a fire department or an owner of a fire brigade may be required to provide to the fire commissioner with respect to an emergency;
- (t) for the purposes of section 47, prescribing other means of service;
- (u) prescribing the fee to be paid pursuant to section 52 by corporations transacting the business of fire insurance;
- (v) requiring the payment of fees or charges or both, prescribing the amounts of fees and charges to be paid and prescribing circumstances in which refunds of fees or charges may be granted, with respect to:
  - (i) any matter governed by this Act; or
  - (ii) any service provided by a provincial inspector on request;
- (w) governing the standards for fire dispatch services;
- (x) developing and adopting standards for fire safety services radio communications, operational policies and procedures;
- (y) developing and adopting standards for fire safety services radio communications in premises;
- (z) prescribing forms for the purposes of this Act;
- (aa) prescribing any matter or thing required or authorized by this Act to be prescribed in the regulations;
- (bb) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

**Tax on premiums and assessments**

**52(1)** Every corporation, whether licensed or not pursuant to *The Insurance Act*, that transacts the business of fire insurance shall pay to the Minister of Finance a fee in the prescribed amount.

(2) The fee imposed by subsection (1) is deemed to be a tax within the meaning of Part III of *The Revenue and Financial Services Act*, and this Act is deemed to be a revenue Act within the meaning of Part III of that Act.

(3) Part III of *The Revenue and Financial Services Act* and the regulations passed pursuant to that Part apply, with any necessary modification, to the reporting, payment and recovery of the fee imposed by subsection (1).

(4) The fee imposed by subsection (1) is in addition to any other lawful taxes or fees payable by a corporation mentioned in subsection (1).

(5) Any moneys paid pursuant to subsection (1) are to be deposited in the general revenue fund.

2015, c.F-15.11, s.52; 2019, cS-32.4, s.8-3.

**PART VII****Repeal, Transitional, Consequential Amendments and Coming into Force****S.S. 1992, c.F-15.001 repealed**

**53** *The Fire Prevention Act, 1992* is repealed.

2015, c.F-15.11, s.53.

**Transitional**

**54** Notwithstanding the repeal of *The Fire Prevention Act, 1992*, all orders issued pursuant to that Act by a fire inspector and appeals of orders remain in force and may be amended, enforced and otherwise dealt with pursuant to this Act as if they were issued or appealed pursuant to this Act.

2015, c.F-15.11, s.54.

**S.S. 1986, c.A-18.2, section 29 amended**

**55** Section 29 of *The Amusement Ride Safety Act* is amended in the portion preceding clause (a) by striking out “*The Fire Prevention Act, 1980*” and substituting “*The Fire Safety Act*”.

2015, c.F-15.11, s.55.

**S.S. 1999, c.B-5.1, section 37 amended**

**56** Subsection 37(4) of *The Boiler and Pressure Vessel Act, 1999* is amended in the portion preceding clause (a) by striking out “*The Fire Prevention Act, 1992*” and substituting “*The Fire Safety Act*”.

2015, c.F-15.11, s.56.

S.S. 1993, c.E-6.3, section 28 amended

**57 Section 28 of *The Electrical Inspection Act, 1993* is amended in the portion preceding clause (a) by striking out “*The Fire Prevention Act, 1992*” and substituting “*The Fire Safety Act*”.**

2015, c.F-15.11, s.57.

S.S. 1996, c.E-7.3, section 2 amended

**58 Subclause 2(d)(iii) of *The Emergency 911 System Act* is amended by striking out “*The Fire Prevention Act, 1992*” and substituting “*The Fire Safety Act*”.**

2015, c.F-15.11, s.58.

S.S. 1993, c.G-3.2, section 30 amended

**59 Section 30 of *The Gas Inspection Act, 1993* is amended in the portion preceding clause (a) by striking out “*The Fire Prevention Act, 1992*” and substituting “*The Fire Safety Act*”.**

2015, c.F-15.11, s.59.

S.S. 1994, c.M-9.2, section 17 amended

**60 Subclause 17(2)(b)(iii) of *The Medical Laboratory Licensing Act, 1994* is repealed and the following substituted:**

“(iii) *The Fire Safety Act*”.

2015, c.F-15.11, s.60.

S.S. 1979, c.M-11.1, section 12 amended

**61 Clause 12(1)(f) of *The Meewasin Valley Authority Act* is amended by striking out “*The Fire Prevention Act, 1992*” and substituting “*The Fire Safety Act*”.**

2015, c.F-15.11, s.61.

S.S. 1988-89, c.M-23.2, section 18.1 amended

**62 Section 18.1 of *The Municipal Board Act* is amended:**

**(a) by striking out “*The Fire Prevention Act, 1992*” and substituting “*The Fire Safety Act*”:**

**(i) in clause (a); and**

**(ii) in clause (b); and**

**(b) in clause (c) by striking out “section 22 of *The Fire Prevention Act, 1992*” and substituting “section 37 of *The Fire Safety Act*”.**

2015, c.F-15.11, s.62.

S.S. 2010, c.N-5.2, section 51 amended

**63 Subsection 51(2) of *The Northern Municipalities Act, 2010* is amended by striking out “*The Fire Prevention Act, 1992*” and substituting “*The Fire Safety Act*”.**

2015, c.F-15.11, s.63.

S.S. 1983, c.R-22.01 amended

**64(1) *The Revenue and Financial Services Act* is amended in the manner set forth in this section.**

**(2) Subsection 47(1) is amended:**

**(a) by repealing subclause (e)(iii) and substituting the following:**

“(iii) *The Fire Safety Act*”; and

**(b) by repealing subclause (g)(iii) and substituting the following:**

“(iii) a corporation described in section 52 of *The Fire Safety Act*”.

**(3) Subsection 87(2) is amended by striking out “*The Fire Prevention Act, 1992*” and substituting “*The Fire Safety Act*”.**

2015, c.F-15.11, s.64.

S.S. 1980-81, c.W-1.1, section 13 amended

**65 Clause 13(1)(f) of *The Wakamow Valley Authority Act* is amended by striking out “*The Fire Prevention Act, 1980*” and substituting “*The Fire Safety Act*”.**

2015, c.F-15.11, s.65.

R.S.S. 1978, c.W-4, section 11 amended

**66 Clause 11(1)(f) of *The Wascana Centre Act* is amended by striking out “*The Fire Prevention Act*” and substituting “*The Fire Safety Act*”.**

2015, c.F-15.11, s.66.

S.S. 2014, c.W-13.01, section 2 amended

**67 Subclause 2(q)(vii) of *The Wildfire Act* is amended by striking out “*The Fire Prevention Act, 1992*” and substituting “*The Fire Safety Act*”.**

2015, c.F-15.11, s.67.

S.S. 2013, c.W-17.11, section 28 amended

**68 Clause 28(1)(a) of *The Workers’ Compensation Act, 2013* is amended by striking out “*The Fire Prevention Act, 1992*” and substituting “*The Fire Safety Act*”.**

2015, c.F-15.11, s.68.

**Coming into force**

**69 This Act comes into force on proclamation.**

2015, c.F-15.11, s.69.

