

**Fire Safety
Assessment Report
for
Licensed Residential Care Facilities
and
Registered Assisted Living Residences**

November 17, 2014



EXECUTIVE SUMMARY

Following a tragic fire at a seniors' residence in Quebec where thirty-two people were killed and fifteen others were injured, British Columbia (BC) is reviewing the fire safety provisions in residential care facilities and registered assisted living residences.

The Ministry of Health (the Ministry) established a Fire Safety Working Group with membership from the Ministry, the Office of the Fire Commissioner and the Office of Housing and Construction Standards to develop an inventory of facilities and residences without full sprinkler systems and to develop a methodology for the review of fire safety provisions in these buildings. The goal was to determine what additional protective measures are in place, as well as to assess the potential risks and the means by which any risks could be mitigated.

In March 2014, there were 359 residential long-term care facilities in BC. Of these, 12 had partial sprinkler systems and nine had no sprinkler systems. There were 209 registered seniors assisted living residences in BC. Of these, there are only five residences currently operating without full sprinkler systems. Five residences have partial sprinkler systems. The result of the initial review was that less than six percent of residential care facilities and less than six percent of assisted living residences in BC have partial or no sprinkler systems. During assessment one assisted living residence was determined to have full sprinklers. Since the completion of assessments, one residential care facility and one assisted living residence have ceased operating. These three were removed from the project.

The Ministry's Capital Planning Branch contracted VFA Canada Corporation (VFA), which is a specialized agency for facility fire safety assessments, to conduct on-site assessments of all seniors residential care facilities and registered seniors assisted living residences that did not have full sprinkler systems.

The VFA assessments confirmed that many residential care facilities and assisted living residences have some fire safety deficiencies recommended for remediation. VFA recommended identifying the people at risk and documenting proper procedures on fire safety plans.

There were several recommendations for addressing deficiencies including having appropriate fire safety plans, installing full sprinkler systems, fire-rated doors, additional smoke detectors and visual alarms, and replacing outdated or aging fire safety equipment. It was also advised that night staffing levels be reviewed in residential care.

The Fire Safety Working Group developed an Action Plan to address the issues found during the assessments. The Ministry and the Office of the Fire Commissioner will write jointly signed letters to owner and operators of the assessed facilities and residences requiring them to provide a plan to address required fire safety deficiencies. The Ministry will monitor progress in the completion of the remediation actions.

BACKGROUND

Following the tragic fire at Résidence du Havre Seniors' Residence in L'Isle-Verte, Quebec in January 2014, where thirty-two people were killed and fifteen others were injured, BC is reviewing the fire safety provisions in residential long term care facilities and registered assisted living residences. The Résidence du Havre had a partial sprinkler system; however, in the section of the building that burned, there were no sprinklers. In Quebec, only buildings where residents have no mobility are currently required to have sprinklers. Sprinklers are not mandatory where residents are independent or semi-independent. It is not clear whether The Résidence du Havre would be considered to be a residential care facility or an assisted living residence under the BC definition in the *Community Care and Assisted Living Act* and the Residential Care Regulation.

For the purposes of this report, a person is considered ambulatory if the person does not require assistance to evacuate during an emergency and:

- is capable of independent mobility;
- does not require assistance to use or access a mobility aid;
- is capable of following directions under emergency conditions; and,
- is capable of self-evacuation without direction and within time frames considered necessary for safe evacuation in an emergency situation.

This report is a culmination of a cross-ministry review of all residential care facilities and assisted living residences without full sprinkler systems in place to determine fire safety status of these. A Fire Safety Working Group was established to provide advice on a risk assessment process for both private and publicly funded long-term care Residential Care Facilities and registered seniors Assisted Living residences in BC that have been identified by health authorities as having either no sprinkler system or a partial sprinkler systems as part of their fire safety plan, equipment and approach. The Fire Safety Working Group included representation from the Ministry, the Office of the Fire Commissioner and the Office of Housing and Construction Standards. The result of the initial review was that less than six percent of residential care facilities and less than six percent of assisted living residences in BC have partial or no sprinkler systems.

GUIDING LEGISLATION AND REGULATION FOR FIRE SAFETY:

The Fire Services Act

Under the [Fire Services Act](#) (FSA), the Fire Commissioner is responsible for the administration and enforcement of the FSA and the BC Fire Code. To assist the Fire Commissioner in the enforcement of this legislation, Local Assistants to the Fire Commissioner (LAFC) are appointed within each municipality and in unorganized areas. In most cases, the LAFC is the fire chief and other fire service members of that community.

The LAFC acts under provincial authority and is accountable to the Fire Commissioner rather than to local government. The LAFC is responsible to: investigate fires; report fires; create preliminary fire reports; and, enforce provincial fire safety legislation. The FSA empowers an LAFC to enter premises to inspect for fire hazards and conditions that would hinder escape from fire. For further information, please see Appendix 1.

BC Building Code

The [BC Building Code](#) (BCBC) applies to the construction of buildings; including extensions, substantial alterations, buildings undergoing a change for occupancy, “green” building specifications, and upgrading of buildings to remove an unacceptable hazard. It applies the core concepts of the National Building Code, combined with elements specific to BC’s unique needs.

The BCBC is a provincial regulation for new construction, building alterations and change of use, establishing minimum standards for safety, health, accessibility, fire and structural protection of buildings but does not apply retroactively to existing buildings.

The BC Fire Code is a provincial regulation for the ongoing use of existing buildings and facilities, establishing minimum standards for health, safety, and fire protection.

Operators of residential care facilities and assisted living residences must comply with all applicable laws of BC and Canada, including the BCBC and the BC Fire Code.

Fire sprinklers are one of the many important fire safety features in buildings. Other fire safety features include: dividing buildings into fire resistant compartments to limit the spread of fire, fire alarms, smoke alarms or detectors, reduction of distances to exits and fire resistive construction.

Residential Care

The BCBC has required sprinkler systems in residential care facilities since 1998. Under the 2012 Building Code, residential care facilities are categorized as a Group B, Division 2 occupancy. Facilities with six or fewer persons in care, as determined by the *Community Care and Assisted Living Act (CCALA)*, are categorized as Group C (Residential) provided the occupants are ambulatory; live as a single housekeeping unit in a dwelling unit with accommodation for not more than ten persons; there are interconnected smoke alarms installed in each sleeping room; emergency lighting is provided; and, the building has sprinklers throughout.

The 2012 BCBC introduced a middle ground between “care and treatment” (Group B Division 2) and residential (Group C) occupancies: “Treatment” is now Group B Division 2 and “Care” is Group B Division 3. All of the facilities assessed were constructed prior to the 2012 amendments to the BCBC. These facilities are assumed to be compliant with the Building Code which was in place at the time of construction, and are not legally required to upgrade to meet the requirements of the 2012 Building Code with respect to automatic sprinkler systems. The decision on whether or not a renovation, alteration or repair of a building requires upgrading the building to comply with the current BCBC (as per Div. A, Part 1, Article 1.1.1.1.) is normally the responsibility of the local building official.

For any new construction, the profile of the residents would determine which occupancy classification the Residential Care facilities would have. As per the 2012 BCBC, both Group B Division 2 and Group B Division 3 require automatic sprinkler systems.

In addition to meeting the requirements of the BCBC, residential care facilities must incorporate the specific design and construction provisions outlined in the Residential Care Regulation. The provisions related to fire safety include requirements for signalling devices, mobility and access, signage and fire safety requirements over and above what is required by the BCBC.

Assisted Living Residences

The 2012 BCBC requires that any new assisted living residence or any assisted living residence undergoing substantial renovation must comply with the 2012 Building Code. It is important to note that Building Codes are not retroactive and apply only to new construction and to major renovations.

The residences assessed for this project were all built prior to 2012. Prior to the 2012 changes, assisted living residences were considered as “Class C Residential Occupancy”, which meant that sprinkler systems were not required. However, many assisted living residences were developed in partnership with BC Housing and have sprinkler systems as well as some additional protective features.

The *Community Care and Assisted Living Act*

The [Community Care and Assisted Living Act](#) (CCALA) provides the legislative authority for the Director of Licensing, the Assisted Living Registrar and Medical Health Officers to exercise certain powers and to carry out mandated duties and responsibilities. The Act also empowers the Lieutenant Governor in Council (Cabinet) to make regulations. These regulations include the [Residential Care Regulation](#), [Assisted Living Regulation](#), and the [Community Care and Assisted Living Regulation](#).

The regulations, and associated policies and standards establish minimum health and safety standards for licensed residential care facilities and registered assisted living residences.

Residential Care Facilities

Most residential long-term care facilities are licensed under the [Community Care and Assisted Living Act](#) (CCALA) and the [Residential Care Regulation](#) and provide care and supervision to a person in care as defined in the [Community Care and Assisted Living Regulation](#). Facilities that provide residential care to three or more persons must have a valid community care facility license, whether they receive funding from a health authority or other agency, or whether the client pays privately for their accommodation and care.

A number of the facilities which were assessed in this project are regulated under the [Hospital Act](#) and, therefore, not subject to the Residential Care Regulation. These are sometimes referred to as “private hospitals” or “extended care facilities”.

Residential care facilities typically provide 24/7 professional care and supervision in a protective, supportive environment, for people with complex care needs who are not able to live independently. Complex care includes a mix of ambulatory and non-ambulatory persons.

Assisted Living Residences

Registered Assisted Living residences are also regulated under the [CCALA](#). Residences are considered assisted living (AL) residences if they provide housing, hospitality services, and one or two prescribed services under the [Community Care and Assisted Living Regulation](#) to three or more adults. Prescribed services for seniors typically include regular assistance with activities of daily living and medication services. Both publicly subsidized and private-pay assisted living residences that meet the definition of an assisted living residence under the [CCALA](#) are required to be registered with the provincial assisted living registrar.

Assisted living is a semi-independent form of housing for people who need regular assistance in one or two areas of their daily living. Assisted living residents are expected to be able to make decisions on their own behalf and to function safely in a semi-independent environment. This includes the ability to recognize an emergency and summon help or to follow directions. In the context of fire safety, this means residents are expected to be able to evacuate independently, without requiring assistance from staff. When residents lose these abilities, it is

expected that planning will be initiated to relocate residents to settings which can safely meet their needs, such as licensed community care facilities.

ROLES AND RESPONSIBILITIES

Owners and Operators of Community Care Facilities

It is the role of the owner/operator to provide a safe environment for persons who are accommodated in community care facilities. The owner/operator must comply with the CCALA and its regulations, as well as with all other relevant statutes of BC and Canada.

Owners and operators are held accountable through routine inspections under the *Fire Service Act* (FSA) and the CCALA.

Ministry of Health

Residential Care

The Community Care Licensing team is part of the Quality Assurance Branch of the Health Services Policy and Quality Assurance Division responsible for the development and implementation of legislation, policy, and guidelines to protect the health and safety of people being cared for in licensed community care facilities. The Branch provides provincial stewardship for the operation of the community care licensing programs under the CCALA.

The Director of Licensing is appointed by the Minister to carry out specified duties, holds explicit powers under the CCALA, and has an overall stewardship role for the provincial community care licensing program.

Assisted Living

The Assisted Living Registrar is appointed by the Minister under the CCALA which outlines his or her authority, powers and duties. The Assisted Living Registry is part of the Quality Assurance Branch of the Health Services Policy and Quality Assurance Division responsible for protecting the health and safety of assisted living residents by:

- registering all assisted living residences in BC, whether they are publicly subsidized or private-pay;
- establishing and monitoring health and safety standards, policies and procedures;
- investigating complaints about the health and safety of residents living in assisted living residences and ensuring resolution of all substantiated complaints; and,
- inspecting residences if there is a concern about the health or safety of a resident.

Assisted Living Residences

An amendment to the BCBC that is applicable to assisted living residences was introduced in 2012. The BCBC now requires that any new assisted living residence or any assisted living residence undergoing substantial renovation must comply with the 2012 Building Code. It is important to note that Building Codes are not retroactive and apply only to new construction and to major renovations.

The residences assessed for this project were all built prior to 2012. Prior to the 2012 changes, assisted living residences were considered as “Class C Residential Occupancy”, which meant that sprinkler systems were not required. However, many assisted living residences were developed in partnership with BC Housing and have sprinkler systems as well as some additional protective features.

Health Authorities

Medical Health Officers (MHOs) are employed by the regional health authorities and are appointed under the [Public Health Act](#). MHOs have explicit duties under the CCALA such as issuing licenses, inspecting licensed facilities and investigating complaints that an unlicensed facility is being operated. The MHO delegates these duties to be carried out by Licensing Officers on a day-to-day basis.

Licensing Officers and Licensing Nutritionists inspect, license and monitor all licensed community care facilities in the province.

Office of the Fire Commissioner

The Office of the Fire Commissioner is the senior fire authority in the province with respect to fire safety and prevention. Services include administration and enforcement of fire safety legislation, training of Local Assistants to the Fire Commissioner, fire loss statistics collection, fire investigation, fire inspection, response to major fire emergencies, and advice to local governments on delivery of fire protection services, public fire safety education and fire fighter certification.

Office of Housing and Construction Standards

The Building and Safety Standards Branch of the Office of Housing and Construction Standards is responsible for governance of the regulatory system for the design, construction and occupancy of buildings in BC. This work includes the development and production of the BCBC and BC Fire Code, promoting BC’s interests in national building and fire code standards, and working with stakeholders to balance safety, economic and social priorities.

METHODOLOGY

The Ministry established a Fire Safety Working Group with membership from the Ministry, the Office of the Fire Commissioner and the Office of Housing and Construction Standards which met weekly to develop an inventory of facilities and residences without full sprinkler systems and to develop a methodology for the review of fire safety provisions in these buildings. The goal was to determine what additional protective measures were in place, as well as to assess the potential risks and the means by which the risk could be mitigated.

VFA conducted site assessments which were provided to the Ministry. The Office of the Fire Commissioner and the Ministry reviewed the assessments. The result of the review is this summary report.

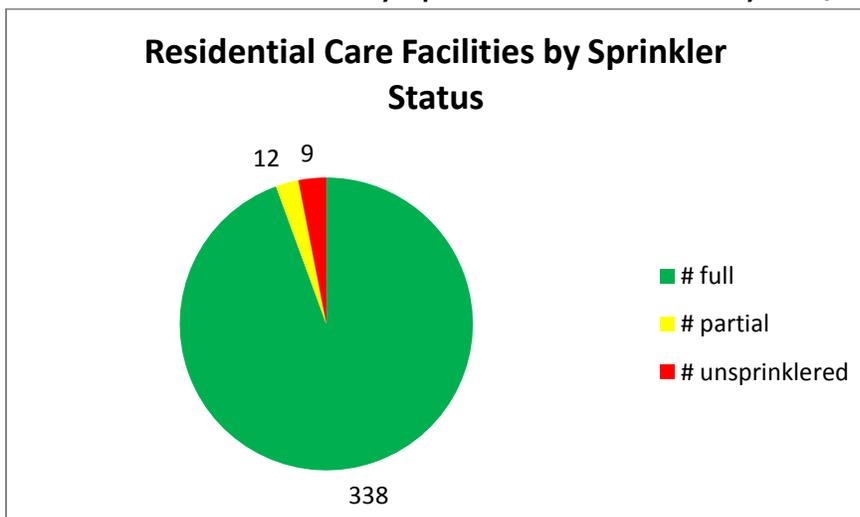
SPRINKLER STATUS

The Ministry collaborated with industry stakeholders, Health Authority Community Care Licensing programs and assisted living residence operators to develop an inventory of residential care facilities and assisted living residences to determine which of these had full, partial or no sprinkler systems. The vast majority, 94 percent, of residential care facilities and assisted living residences in BC have full sprinkler systems in place.

Residential Care Facilities by Sprinkler Status

In March 2014, there were 359 residential long-term care facilities in BC. Of the total number of residential care facilities assessed, 9 had no sprinkler systems and 12 had partial sprinkler systems. It is important to note that not having a full sprinkler system does not mean the facility is not in compliance with building codes and fire safety requirements, as noted previously. With the closure of one facility, there are currently only 11 long-term residential care facilities with no sprinkler systems in BC and nine residential care facilities with partial sprinkler systems.

Residential Care Facilities by Sprinkler Status as of May 2014

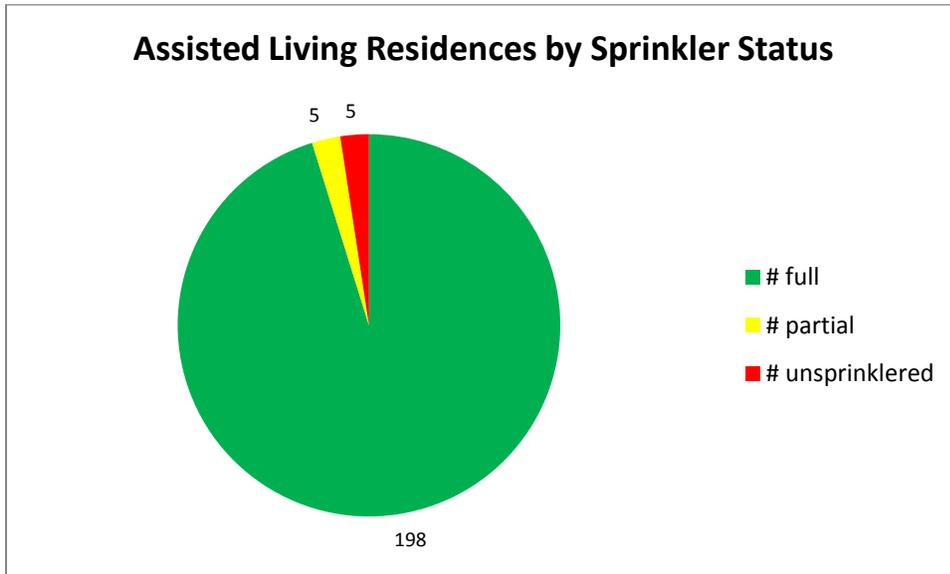


Note: One facility has closed since the inception of this project. The total number of facilities is now 358.

Assisted Living Residences by Sprinkler Status

As of March 2014, there were 209 registered seniors assisted living residences in BC. Of these, there are only five currently operating that do not have full sprinkler systems. Five residences have partial sprinkler systems. In addition, three of the five residences with partial sprinkler systems are in a campus of care, which means that there may also be licensed residential care beds and/or independent living units at the same address. As noted previously, it is important to note that not having a full sprinkler system does not mean the residence is not in compliance with building codes and fire safety requirements.

Assisted Living Residences by Sprinkler Status as of May 2014



Note: One residence has closed since the inception of this project. The total number of residences is now 208.

FACILITY AND RESIDENCE ASSESSMENTS

The Ministry's Capital Planning Branch contracted VFA Canada Corporation (VFA), which is a specialized agency for facility fire safety assessments, to conduct on-site assessments of all seniors residential care facilities and registered seniors assisted living residences that did not have full sprinkler systems.

In total, VFA conducted site visits to 18 residential care and 12 assisted living residences. Their purpose was to conduct a fire safety assessment of each facility or residence and to report the results to the Fire Safety Working Group, including recommendations for upgrades. Three other residential care facilities were not assessed on site by VFA at the time of this review as they had been recently assessed by VFA for a previous project. A total of 21 residential care facilities and 12 assisted living residences were assessed during this project.

During assessment, one assisted living residence was determined to have a full sprinkler system. Since assessments were completed, one facility is no longer operating as a residential care facility and one residence is no longer operating as an assisted living residence. These three were removed from the assessment process.

The assessments of the residential care facilities were completed on April 1, 2014, and the assisted living residence assessments were completed on May 2, 2014. The terms of the contract required immediate notification of any urgent fire safety issues. No urgent fire safety issues were brought to the attention of the Ministry by VFA. In reviewing the VFA assessments the Ministry identified four issues in residential care facilities and two issues in assisted living residences that needed further follow up or clarification. These were related to storage of combustible materials, a blocked exit door, and bars on some service area windows of one facility. The Ministry contacted these facilities and residences or the local fire authority requesting that these issues be addressed. In these cases, the identified issues have been resolved or are in the process of being resolved.

KEY FINDINGS AND RECOMMENDATIONS

The assessments confirmed that the residential care facilities and assisted living residences had some fire safety deficiencies recommended for remediation. Identifying the people at risk and documenting proper procedures on fire safety plans were noted as paramount to fire safety. The installation of additional protective and preventative measures was recommended for implementation in the short term, and periodic assessments conducted by internal and external bodies were highly recommended.

It was noted that increased awareness for owners, operators and staff of high-risk areas (resident rooms, kitchens, boiler rooms, electrical and incoming gas areas) is needed to ensure the safety of seniors in care.

Fire Safety Plans

Many facilities and residences assessed did not have complete and/or up-to-date Fire Safety Plans (FSP) in place. FSP provide a thorough analysis and operations approach to meet the needs of residents and staff in the event of an emergency. As the fire safety plan details how a facility has assessed their risk and client population, and plans to manage operations/evacuations in an emergency, the lack of a FSP prevents an accurate assessment of the risk level. Due to the great variation between jurisdictions in how fire inspections are conducted and recorded, it was not clear whether FSPs are routinely reviewed during annual fire inspections.

Residential care facilities and assisted living residences that are not located in municipalities receive their inspections under local bylaws, with the exception of Vancouver, which falls under the [Vancouver Charter](#).

Out of 20 residential care facilities assessed:

- Seven had a current, complete FSP;
- 10 had either an incomplete, or outdated, FSP; and,
- Three had no FSP.

Of the 10 assisted living residences:

- Six had a current, complete FSP;
- Three had either an incomplete, or outdated, FSP; and,
- One had no FSP.

Key Findings: Residential Care

Most residential care facilities had lower staffing levels for night shifts than during day and evening shifts. It is recognized that routine activities such as meals, bathing, and recreation activities are not needed during the night shift, which will naturally result in a lower staffing component. It is also recognized that with lower staffing components there is less assistance available to non-ambulatory persons in the event of an emergency. Plans for emergency evacuation are to be described in facility FSPs.

Recommendations for Residential Care

It was recommended that staffing levels at night in residential care be reviewed.

In addition, there were several recurring deficiencies/issues noted (number of facilities with each in brackets):

- Install visual alarms at exit doors missing to assist people with hearing impairment (19)
- Replace electrical outlets in or near the kitchen that were not GFCI (ground fault circuit interrupter) (16)

- Repair inadequate fire stopping at floors/wall penetrations to maintain fire separation (12)
- Remove masking tape or paint covering fire ratings on doors and door frames, and ensure that fire rated doors are in place where required (12)
- Replace missing fire and smoke detectors in some areas (8)
- Install fire-rated doors in stairwells, water heater rooms or other doors (5)
- Ensure laundry room is contained within a fire compartment (3)
- Install missing fire dampers on door grille and/or machine room (3)
- Conduct periodic inspections on fire safety equipment (3)
- Ensure inspection tags on fire extinguishers are current (3)

Key Findings: Assisted Living

There were no key findings specific to Assisted Living; however, all Assisted Living Residences assessed had a low level of understanding regarding fire safety risk areas.

Recommendations for Assisted Living

There were several recurring deficiencies/issues noted (number of residences with each in brackets):

- Install visual alarms at exit doors to assist people with hearing impairment (7)
- Install missing fire and smoke detectors in some areas (6)
- Install fire-rated doors in stairwells, water heater rooms or other doors (6)
- Repair inadequate fire stopping at floors/wall penetrations to maintain fire separation (5)
- Ensure inspection tags on fire extinguishers are current (5)
- Remove masking tape or paint covering fire ratings on doors and door frames, and ensure that fire rated doors are in place where required (3)
- Install missing fire dampers on door grille and/or machine room (3)
- Ensure laundry room is contained within a fire compartment (2)
- Conduct periodic maintenance on fire safety equipment not performed (2)
- Replace aging alarm system or panel (2)

ACTION PLAN

The Ministry and the Office of the Fire Commissioner are committed to enhancing the safety of seniors in care and will undertake the following actions to address the findings of this review:

- A letter will be sent to all residential care facilities and assisted living residences providing them with a template for use in creating a comprehensive FSP in consultation with the local fire department or other regulatory authority.

- The Office of the Fire Commissioner will issue an Advisory Bulletin to local fire authorities regarding the requirements for, and importance of, FSPs.
- The Director of Licensing and the Office of the Fire Commissioner will write to the assessed residential care facility operators outlining findings of the assessment of their facility requesting that they work with the local fire authority to remedy the issues found. The letter will require the facility to report back to the Ministry within 30 days of the date of the letter with their plan to address the issues noted. The Ministry will monitor the progress of the facilities in completing required mitigations.
- The Ministry will follow up with facilities that do not currently have a FSP to request they complete a plan, and submit a copy so the Ministry can work with the OFC to assess the risk level.
- A jointly signed letter will also be sent to the local fire authority requesting that they work with the facility and the Office of the Fire Commissioner to reduce the risk to persons in care. The letter will request the fire authority to report back to the Ministry within 30 days of the date of the letter with their plan to address the issues noted.
- The Assisted Living Registrar and the Office of the Fire Commissioner will write to the assessed assisted living residence operators outlining findings of the assessment of their residence requesting that they work with the local fire authority to remedy the issues found. The letter will require the residence to report back to the Ministry within 30 days of the date of the letter with their plan to address the issues noted. The Ministry will monitor the progress of the facilities in completing required mitigations.
- A jointly signed letter will also be sent to the local fire authority requesting that they work with the residence and government to reduce the risk to residents. The letter will request that the fire authority report back to the Ministry within 30 days of the date of the letter with their plan to address the issues noted.
- The Director of Licensing and the Office of the Fire Commissioner will jointly write to residential care facilities that have been identified as having low night staffing and request that they review and remedy this situation.
- Stakeholders will be consulted to ensure transparency.

Some facilities and residences have taken action to address identified deficiencies:

- One residential care facility has completed the clean-up of items stored in the attic.
- One residential care facility has installed most of the needed sprinklers and will install those in remaining 4 rooms in 2015.
- One residential care facility re-installed missing fire doors.

- One local fire authority clarified that bars installed on lower level windows at a residential care facility were located in a service area where there were no persons in care and did not pose a risk to fire safety.

In addition:

- One residential care facility has ceased operation.
- One assisted living residence has ceased operation.

APPENDIX 1 BC FIRE SAFETY LEGISLATION

The British Columbia Fire Code (BCFC) applies to all existing buildings and facilities, and to building construction or demolition sites.

The BCFC contains references to the British Columbia Building Code (BCBC) for the design, construction and installation of many fire protection features. Some BCBC requirements are most readily applied to new buildings and their retroactive application to existing situations as prescribed by this Code could result in some difficulty in achieving compliance. It is the intent of the BCFC that an equivalent level of safety be achieved rather than necessarily achieving strict conformance to the BCBC. The application of the BCFC to the upgrading of existing facilities should be based on the judgment of the enforcement authority, who must deal with each case on its own merits.

The BCFC states that the owner or the owner's authorized agent is responsible for carrying out the provisions of the Code. However, the owner is expected to communicate with the authority having jurisdiction that is in a position to assess the relative significance of variances from the BCBC requirements. Such authority may then determine that upgrading measures are not necessary, on the basis that the existing arrangement represents an equivalent level of fire safety. The Fire Services Act (FSA) and BCFC allow discretionary judgment on the part of the enforcing officials, along with appropriate rights to appeal.

Under the FSA, the Fire Commissioner is responsible for the administration and enforcement of the FSA and pursuant BCFC. To assist the Fire Commissioner in the enforcement of this fire legislation, Local Assistants to the Fire Commissioner (LAFC) are appointed within each municipality and in unorganized areas. In most cases, the LAFC is the fire chief and other fire service members of that community.

The LAFC acts under Provincial Authority and is accountable to the Fire Commissioner not local government. The LAFC is responsible for:

- Investigating fires
- Reporting fires
- Creating preliminary fire reports
- Enforcing provincial fire safety legislation

The FSA empowers an LAFC to enter premises to inspect for fire hazards and conditions that would hinder escape from fire. The FSA [and BCFC] do not make the inspection of a property by a LAFC, Office of the Fire Commissioner Inspectors, or Fire Commissioner mandatory. The word "may", used in both the FSA [and BCFC] is defined in section 29 of the Interpretation Act as "is to be construed as permissive and empowering". The Fire Commissioner or inspectors have a duty or obligation to consider each complaint, but they do not have a requirement or obligation to enter and inspect every time they receive a complaint.

The FSA requires that a municipality provide for a regular system of inspection of hotels and public buildings. This does not apply to areas outside of a municipality. "Inspection" is not defined in the FSA and the requirement for the inspection to be "regular" is also undefined. The municipality has the authority to choose who carries out the inspection, such as a "municipal fire inspector" or "bylaw enforcement officer". The administration of the regular system of inspection stays at the municipal level which largely depends on the local resources and other local factors.

The FSA and BCFC place no obligation on a municipality to inspect for matters within the BCFC. The BCFC does not place an obligation on a municipality to enforce the BCFC.