



**Dashwood  
Volunteer Fire Department  
Review**

**Dave Mitchell and Associates Ltd.**

**April 2016**

## General Introduction

The review of the Dashwood Volunteer Fire Department (“DVFD” or the “Department”) was conducted on 8 December 2015. Fire Chief Nick Acciavatti and Deputy Chief Greg Howard were present during the review.

The DVFD’s Station 61 is situated approximately 52 kilometres north of Nanaimo and the Department provides service to portions of Electoral Areas F, G and H of the Regional District of Nanaimo (the “RDN”). The DVFD’s second fire hall (Station 62) is located in the Meadowood area. The DVFD has a complement of 36 members, 3 of whom function in support roles.

In addition to fire suppression duties, the Department provides First Medical Responder (“FMR”) services – FR-III, auto extrication, low-angle rope rescue, shore-based water rescue and wildland-urban interface suppression. Given its geographic location, the Department is well supported through the District 69 mutual aid agreement with four other RDN-contracted departments (Bow Horn Bay, Coomb-Hilliers, Errington and Nanoose) and the departments from Parksville, Qualicum Beach, Lantzville and Deep Bay.

References below to the “main report” are to the main summary report on the RDN’s fire services, delivered concurrently with the audit reports on individual departments.

## Fire Department Organizational Structure

The Department is organized as follows:

- Fire Chief (Career)
- Deputy Fire Chief/ Training Officer (part-time career)
- Captains (2)
- Lieutenants (4)
- Acting Lieutenants (3)

The Department has been established and is directly operated by a society called the “Dashwood Volunteer Fire Department” (the “Society”), which was incorporated under the *Society Act* (B.C.) on 6 May 1996. The operation of the Department is subject to oversight from Society’s Board.

The Fire Chief is a fulltime career member. The Deputy Chief/Training Officer is also a career member, but works part-time (3.5 days per week). One Captain is assigned to each of the Department’s two fire halls; in addition, each fire hall has two Lieutenants, and one or two acting Lieutenants (Station 61 has one, Station 62 has two) to stand in when the confirmed members are absent.

The Fire Chief, in conjunction with Society Board on financial matters, is primarily responsible for budgeting, forward planning and overall command and control of the Department. The Deputy Fire Chief is primarily responsible for overall Department training in addition to fulfilling the more traditional administrative roles within the Department. The two Captains assist the

Deputy Chief with training. Chief Acciavatti has been the Department's Chief for approximately 10 years.

Promotion to the position of Fire Chief within the DVFD has historically been on the basis of an election by the membership, followed by approval and confirmation by the Board. This has been changed in recent years to a more modern method of selection based on merit and experience. The current officer selection process is open to competition and includes a selection panel consisting of Department officers who evaluate candidates based on level of training, ability to do the job and prior commitment to the Department. All decisions on promotions are still subject to final Board approval but that approval is rarely, if ever, withheld.

The updated selection process for Fire Chief, and the more recently created Deputy/Training Officer position, consists of Society Board interviews and selection. (The Fire Chief participated with the Board in the Deputy Chief/Training Officer hiring process).

The Department's officer structure appears strong and experienced albeit that some of the individual officers, while having many years in the fire service, are relatively new to the Department. The average years of service for officers in the department varies and can range from 2-3 years to as many as 10 years.

There are written qualifications for all officer positions within the Department. The Department is to be congratulated on making this transition and its approach should be used as a model for departments which have not instituted such an approach. In the long term the Department will benefit greatly from its formal, documented officer training program. This approach also assists those members who aspire to become officers and ensures that, when promoted, officers are already trained to assume their positions. We would recommend that the current written qualifications be reviewed and amended as required, to ensure they are in compliance with the qualifications as provided in the Playbook.<sup>1</sup>

## **Fire Department Training**

General Comment (included in all Department reviews)

There are many commonalities in training issues facing the RDN's volunteer fire departments. The main report has a section that discusses the general issues that need to be addressed in relation to RDN's fire department training, and that section should be consulted in addition to the Department-specific comments set out below.

### Department-Specific Comments

As noted, the Deputy Fire Chief is primarily responsible for the Department's training and records, although the Captains and other individual members also contribute by training

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<sup>1</sup> Office of the Fire Commissioner, *British Columbia Fire Service Minimum Training Standards: Structure Firefighters Competency and Training Playbook* (2<sup>nd</sup> ed., May 2015) (the "Playbook").

members on subjects with which they have some expertise. An annual training schedule is routinely posted to advise all members on upcoming training.

The Consultants did not witness actual operational training of Department members and therefore have relied on training records as an indicator of the level of operational readiness of the Department to carry out its mandated emergency response activities. The Department provided training records and formal qualifications for inspection. The Department uses a combination of electronic records and hardcopy and for the most part, the records are structured in a way that would permit an easy determination of an individual's level of training. The Consultants reviewed a sampling of the Department's training records. Accordingly, the following comments are based on the records reviewed and discussions during the interview session with the chief officers.

According to the Fire Chief, the Department currently trains toward operating as an Interior Operations Service Level department and assumes that it will be declared as such in the future. A breakdown of the Playbook training competency requirements to achieve and maintain a declaration of Interior Operations Service Level can be found in the main report. It needs to be emphasized, however, that the Playbook sets minimum qualification requirements for only a limited range of positions and functions within a fire department, based on the service level selected for that department. The Playbook is not a complete system:<sup>2</sup> there is a range of positions, duties and functions, essential to fire suppression and emergency service delivery, which are not covered in the current iteration of these standards. As such, the Playbook is only the starting position for determining the necessary qualifications, training and proficiency requirements needed to deliver fire and emergency response services safely and effectively. Each Authority Having Jurisdiction ("AHJ") and fire department must establish training and other requirements for the positions, duties and functions not covered by the Playbook. This issue is considered further in the main report.

Upon a review of the Department's current training levels, and discussion with the Fire Chief, eight of the 35 members meet the minimum criteria required by the Playbook for Interior Operations, with the remaining members (approximately 27) currently enrolled in the required training to achieve this level. Of these remaining members (including junior and recruit firefighters, and those still on probation) several are at various levels of the "basic firefighter training program", which by itself, does not meet the Playbook requirements for Interior Operations Service Level Firefighter. The Department needs to ensure that the basis for its training programs is compliant with those requirements outlined in the Playbook

The Playbook also identifies the minimum training competencies required for the role of a Team Leader, which is defined in the Playbook as being the individual responsible for a specific crew's functions/activities in both exterior and interior operations. The current training records indicate that five members, who include the Fire Chief and Deputy Chief, meet these requirements. The

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<sup>2</sup> The Playbook expressly recognizes this issue: see p. 13/20, where it notes that the Playbook is not an "all encompassing" program.

Fire Chief indicates that the remaining officers are currently enrolled in, or are intending to enroll in, the required training.

Under the Playbook, the competencies/qualifications for a Company Fire Officer are the requirements of NFPA 1021 Fire Officer 1, and those for the role of Team Leader are primarily drawn from the “Emergency Service Delivery” section of NFPA 1021 Fire Officer 1 requirements.<sup>3</sup> Based on the documentation provided, the Department has five members who meet these requirements and as such may find it challenging at this time to comply with the Team Leader requirements for either Interior or Exterior Operations depending on how many of these members attend any given incident.

With regard to the Company Fire Officer competencies/qualifications identified in the Playbook, four of the eight officers in the Department, along with one firefighter, have met these requirements.

Both fire hall properties are large enough to conduct drills. In addition, the Department has several on-site training props at Station 61 including a dumpster, forcible entry prop, car fire pit and an auto-ex area. Multi-unit drills are conducted at other sites throughout the district when required. Formal live-fire exercises are conducted in either the Comox or Nanaimo training facilities with the use of third party trainers. The Department, however, would like a small live-fire prop closer to Station 61 to enable it to undertake more training involving entering a smoke-filled environment. In addition, as noted in the facilities portion of this report, the training room at Station 61 is small and could be improved. There is a planned addition and upgrade slated for 2019 and consideration should be given to ensuring adequate classroom space for training purposes at that time.

Overall, the Department has an extensive set of operational guidelines. We do note however, the absence of specific operational guidelines dealing with conducting interior fire operations. We strongly encourage the Department to ensure that all operational aspects of emergency responses including all of the necessary aspects of conducting an interior attack (an issue addressed in the main report) are included.

The Fire Chief reports that weekly training sessions are well attended. Attendance is recorded and although there are no minimum number of training sessions members need to attend, members are asked for a minimum of 100 hours training per year. High absenteeism or missing the required number of hours is addressed when necessary. In addition, the Department is looking at implementing flex training days, where extra training days are offered for those who cannot attend on the regularly scheduled day. The Department’s training program is primarily based on the requirements of the NFPA 1001 Standard<sup>4</sup> and is in the process of being set up to align with the Playbook. However, it should be noted that the Department also utilizes the BC Basic Firefighter Program (which is also based on the NFPA 1001 standard) as the required

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<sup>3</sup> National Fire Protection Association, *NFPA 1021: Standard for Fire Officer Professional Qualifications* (2014 ed.).

<sup>4</sup> National Fire Protection Association, *NFPA 1001: Standard for Fire Fighter Professional Qualifications* (2013 ed.).

qualification for “firefighter” status, and that completion of this program does not meet all of the Playbook requirements for an Exterior Operations Service Level Firefighter.<sup>5</sup>

The absence of written operational guidelines for aggressive fire operations significantly increases the risks in undertaking an interior attack. Aggressive interior operations, such as fire attacks and primary searches, require firefighters to enter the hazardous environment, dramatically increasing the potential for adverse fire events such as flashover, smoke explosion or backdraft, along with exposure to a variety of other hazards, thereby posing the most significant risk to firefighters in fire ground operations. A line of duty death or serious injury is a risk that all fire departments must seek to mitigate. In the case of the Department, in the event of a line of duty injury or death, the potential for liability is significant, a risk that is potentially increased by the lack of these operational guidelines and the overall current level of fire officer training. The Department should develop the necessary operational guidelines as soon as possible.

The nature of modern construction techniques has amplified the risks faced by firefighters. Lightweight construction components and contents made of composites, synthetics and other unusual fuels, cause fires to burn hotter, faster and with less predictability, creating a much more volatile fire environment than that of the past. Although firefighters are now better equipped, the fires today pose a greater risk than those faced in the 1970s and 1980s. Having recognized this, the fire service in general is now placing a much greater emphasis on firefighter safety, with particular focus on interior operations, and seeking to manage the degree of risk to which firefighters are exposed. Unless the situation presents firefighters with an immediate life safety issue (a saveable life), in general firefighters should not be subjected to the high degree of risk involved in aggressive interior operations to save a structure and its contents. With a good understanding of the appropriate strategies and tactics that should be implemented, and with the correct levels of training to achieve these, structure fires can be effectively suppressed using a safer, exterior, defensive mode of operations that materially reduces risks to firefighters.

Given the high degree of risk presented when firefighters engage in aggressive interior operations, we would recommend that, until written operational guidelines are in place dealing with offensive interior operations, and a sufficient number of the Department members and officers have completed their training, the Department confine itself to conducting exterior or defensive attacks on structure fires. Before recommencing interior attacks, the Department must develop, and train to, relevant written operational guidelines covering aggressive, offensive interior operations.

In addition, the Department must ensure that its members and officers are properly qualified to meet the WorkSafe BC requirements. For interior attacks, as a minimum, firefighters need to meet or exceed the Playbook qualifications for Interior Operations Service Level Firefighter, which include JPRs<sup>6</sup> pertaining to Live Fire Exterior, as well as those of NFPA 1407 RIT

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<sup>5</sup> The BC Basic Program was developed by the Justice Institute of BC prior to the introduction of the Playbook. It does not contain all of the training modules now required by the Playbook.

<sup>6</sup> “Job performance requirements” as established under the relevant NFPA standards.

training.<sup>7</sup> In addition, officers and others who are responsible for a specific crew's functions/activities (team leaders) must have the same minimum qualifications required for that function as well as those of a Team Leader as identified in the Playbook.

The issue of appropriate training levels also needs to be considered along with the obligation to ensure that workers are properly trained for their duties and supervised while performing them. With the Playbook stipulating only a minimum level of required training for select positions, the goal, should always be to maximize training for all firefighters, and to limit their fire ground operations to those tasks for which they have been properly trained. To accomplish this, the Department should also ensure that all firefighter activities are always supervised by a suitably trained team leader and/or fire officer. As with firefighters, fire officers **MUST** adhere to the limits of their actual training.

As stated earlier, the Department's officer structure appears reasonably well qualified, with the majority of its officers being well experienced. As noted, the Department should review its existing officer proficiency and qualification requirements against those set by the Playbook as well as the relevant NFPA standards, and develop a program to bridge any training gaps that may exist.

**Recommendation:** The Department not undertake aggressive, offensive interior operations on structure fires until it has met the following recommendation.

**Recommendation:** The RDN, in consultation with the Fire Chiefs, should develop written operational guidelines dealing with all fire ground operations, including offensive interior attacks. The written operational guidelines for interior operations, among other things, should specify the minimum levels of training and qualification for fire attack and primary search teams involved in such operations.

**Recommendation:** The RDN, in consultation with the Fire Chiefs, should develop officer qualifications and prerequisites for all positions. Once developed, existing officers should be offered the opportunity to receive the training needed to ensure they fulfil the requirements (with an emphasis first on ensuring that they are fully qualified for all operational fire ground responsibilities). All members within the Department interested in future promotion should be offered the opportunity to take part in the training.

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<sup>7</sup> National Fire Protection Association, *NFPA 1407: Standard for Training Fire Service Rapid Intervention Crews* (2015 ed.).

## Fire Department Records

In the main report, the section on “Records” provides a general overview of what records must be maintained to be compliant with WorkSafe BC, and what records should be maintained for good business practices.

The Department’s training records are maintained in combination of electronic and hardcopy format. Since 2008, the Department has been using the “FirePro” software program to maintain its records electronically. Hard copy records (external certifications, drivers’ abstracts, etc.) along with a personal folder for each member are also maintained by the Department. A sample review of both the electronic and hardcopy records of several members verified that the Department is currently maintaining good training records and is meeting its mandated requirements. Historic records, those created prior to the 2008 implementation of FirePro, are slowly being entered onto the system, with the expectation of eventually having all training records in one format, backed up by hardcopy files.

Maintenance of proper training records is an area that is problematic for most volunteer and even many career departments. We congratulate the Department for its commitment to utilizing the existing software and for maintaining good training records.

## Fire Hall Facilities

The DVFD has two fire halls. Station 61 is a three bay back-in style 3,600 sq. ft. fire hall that was built in 1984. The building is of concrete block construction with a tar and gravel roof. The fire hall, although old, is generally in good condition. The Fire Chief reports that the building does not currently house all of the equipment and that they are presently required to store some apparatus off-site. In addition, there is not a lot of storage space within the building. An addition and seismic upgrading to the hall is anticipated in 2019 under the RDN’s 10-year capital plan, at an estimated cost of \$1.2 million.

The general area room is used as the training room and has become too small for the Department. When the renovation work is undertaken in 2019, the Department’s need for appropriate class-room space for training purposes should be addressed. The building has no secondary uses within the community.

A vehicle exhaust extraction system has been installed in the apparatus bays. Section 31.32 of the *Occupational Health and Safety Regulation* requires that fire departments install effective venting for exhaust gases, unless it can be established that vehicle fumes are below a mandated level. If the system has not recently been tested, the DVFD should consider having WorkSafe BC (or an external testing agency) conduct air quality testing to determine the effectiveness of the system.

The apparatus bays are small in comparison to modern day fire halls, resulting in little room for staff to maneuver around equipment. The SCBA area is directly within the apparatus bay and provides no clean area for bottle filling or mask repairs. Personal protective equipment is stored



within the apparatus bays, thereby subjecting the turnout gear to diesel exhaust emissions. The building lacks a locker storage area and has too few showers.

Fire hall maintenance is contracted out. Regular cleaning is provided by a local contractor. According to the Fire Chief the fire hall is centrally located within the fire protection district.

The Department’s second fire hall, Station 62, is located in the Meadowood area. The building was constructed in 2009 and is approximately 4,200 sq. ft. The building has most of the features required of a modern fire hall, currently houses all of its assigned apparatus and, according to the Fire Chief, works well for the Department. The hall is well located for its coverage zone within the fire protection district.

## Fire Apparatus and Equipment

The chart below outlines the fire apparatus currently in use by the Department:

Type	Manufacturer	Date of Manufacture	Pumping Capacity gpm	Tank Capacity (gals)	NFPA/CSA Compliant	ULC Compliant
Pumper	Superior	2001	1050	1000	Yes	
Pumper	Hub	2008	1050	800	Yes	
Tender	Fort Gary	1997	450	1500		No
Tender	Hub	2008		1500		No
Heavy Rescue	KME	2008	n/a	n/a	n/a	No
Wildland	Custom Built	2001 Chassis 2015 Body	350	350	No	No
Command	Dodge	2015	n/a	n/a	n/a	n/a
Command	Dodge	2007	n/a	n/a	n/a	n/a

The Department currently has adequate fire apparatus to meet the Fire Underwriters’ requirements and to provide its mandated services. Apparatus maintenance is done as required and annual pump testing is contracted out to ProFire. The general condition of the apparatus appeared good and maintenance records, including recent pump tests, were available for inspection.

Annual ladder testing is contracted out to Intermountain; records were available for inspection and were up to date. Similarly, SCBA testing is contracted out and conducted every year; records were available for inspection and were up to date.

According to the Fire Chief, the Department has adequate and appropriate apparatus and equipment to provide its mandated services – we concur with this opinion. The topic of appropriate funding for replacement of apparatus and equipment is discussed in the budgets/financing portion of this report.

(Please see Appendix 2 in the main report for detailed recommendations on equipment testing and records keeping)

## Fire Department Responses

Over the period from 2012 to 2015, the DVFD responded to total of 489<sup>8</sup> calls, or an average of about 122 calls per year. In addition to fire suppression duties, the Department provides low angle rope rescue, wildland-urban interface suppression, FMR, shore based water rescue and auto extrication. The Department's members are also trained to the awareness level for hazmat incidents.

The Dashwood fire protection area consists of primarily rural residential structures. In addition, their fire protection includes two gas stations, a small strip mall and illegal grow-ops. The Department's coverage zone includes a significant transportation corridor, with a major highway and railway line traversing the district (both of which present potential chemical hazards).

On average, a daytime (8:00 a.m. to 6:00 p.m.) emergency incident is attended by three to four volunteers responding from Station 61 and four to five volunteers from Station 62. In comparison, a similar night time incident (6:00 p.m. to 8:00 a.m.) will be attended by 20 to 25 volunteers from both Stations.<sup>9</sup> The lower daytime attendance is a common problem for most volunteer and paid-on-call departments throughout the province. That being said, the Department's day-time turnout is very good in comparison to that of many other volunteer and composite departments we have reviewed. The DVFD's evening attendance during incidents is good and provides adequate staffing to appropriately deal with most incidents that the Department will encounter.

DVFD is a party to the District 69 mutual aid agreement and an automatic aid agreement with two other RDN-contracted departments, plus the Parksville and Qualicum departments. The Fire Chief reports that when called upon, its mutual and automatic aid partners can provide adequate additional resources. The Department is confident that it has adequate apparatus, staffing and training to safely respond to most common emergency incidents that might occur within its fire service area. The only exception to this is a major wildland-urban interface fire within the fire protection district, which would likely be beyond the Department's capability and require considerable mutual aid support and the assistance from the BC Wildfire Service.

The Department has a formal pre-fire planning program in place and have pre-plans in place for most of their higher risk structures. The information is updated annually or biennially when they are conducting regular fire inspections. Pre-incident plans are an essential tool for ensuring safe responses to major risks, and is an area where most volunteer and many career departments are challenged. In addition, pre-incident plans are required under the Playbook for an Interior Operations Service Level department to conduct interior operations in a risk larger than a standard residential structure. The Department is to be congratulated on its advanced development in this area, which demonstrates a high level of sophistication in its planning.

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<sup>8</sup> Note that the response data is that which has been supplied by the North Island 911 Corporation and may not include all responses.

<sup>9</sup> The Department's standard procedures are that both stations are dispatched to a structure fire.

## **Volunteer Recruitment and Retention**

The average age of members within the Department is estimated to be the mid-forties. The average time of service for the officer group is 9 years and the firefighters group 5.2 years (it should be noted that the Department has eight new recruit fire fighters which lowers the average firefighter years of service considerably). The average yearly turnover of volunteers is estimated at six to eight members per year. With these numbers, the DVFD is somewhat higher than the average in the level of annual turnover. With an overall membership of 36 members (33 of whom are active and responding), the Department has been successful with its recruitment practices. With a turnover rate around 20%, however, the Department must continue to be diligent in its efforts to recruit new members and might even consider increasing its membership by five or six members to ensure continuity and guard against unexpected or unanticipated above average number departures or retirements.

According to the Fire Chief, the Department's recruitment drive is conducted once per year. Over the years, various methods have been employed including newspaper ads, social media, local sign boards and by word of mouth. In addition, as noted earlier, the Department has a junior fire fighter program which assists in providing a continuous supply of new members in the future. The Department currently has two junior members enrolled in the program. The Fire Chief, his officers and all members of the Department are to be congratulated for their ongoing commitment to providing fire service to the community of Dashwood.

The section on volunteer recruitment and retention, found in the main report, provides additional thoughts and ideas on the subject and may provide some insight in some useful tools to assist in dealing with this matter.

## **Budgets and Financing**

The Fire Chief, in consultation with Board Treasurer, develops the Department's draft budget. Once formulated, the Fire Chief, along with the Treasurer, prepares a final budget for presentation to the Society Board of Directors. Once approved by the Board of Directors the budget is then presented and approved at a public Society meeting. Final approval of the budget rests with the RDN Board of Directors.

The 2015 approved budget was \$519,945 of which \$16,500 was drawn from the equipment reserve fund and \$1,200 was grant monies. The actual requisition for 2015 was \$502,545. Of this amount \$85,000 was slated for transfer back into the equipment reserve fund. The Department reports it generally expends its annual budget; if there is any small surplus, it is normally transferred to the equipment reserve fund.

The 10-year capital plan indicates a need to replace the 2001 Freightliner pumper in 2020. For the purposes of the area's FUS rating and assessment, in general apparatus can only be used as front-line equipment for 20 years. The Department has adopted a sound long term planning approach in relation to its major apparatus, and by ensuring that reserves are built up,

minimizes the need for sudden or sharp taxation increases when apparatus replacement is required.

In addition to the replacement plan noted above, the Department anticipates replacing the 1997 Fort Gary tender in 2024. While mobile water supply vehicles (tenders) are not generally subject to the same stringent replacement standards by FUS as pumper trucks,<sup>10</sup> it is advisable to have a replacement plan in place for all fire apparatus that is guided by the 20-year rule.

## Legal Structure and Bylaw Review

The legal structure for the Department is fairly standard given the manner in which the fire service is operated in the RDN:

- (a) There is a local service area conversion bylaw, under which the RDN is authorized to provide fire suppression and other emergency response services, and operate, or contract for, a fire department: *Dashwood Fire Protection Service conversion and Boundary Amendment Bylaw No. 964, 1996* (the “Service Bylaw”);
- (b) There is an operational bylaw which grants the Department the authority to respond to and manage incidents, and which addresses certain administrative matters: *Regional District of Nanaimo (Dashwood) Fire Services Regulatory Bylaw No. 1390, 2004* (the “Operational Bylaw”);
- (c) There is a service agreement (the “Service Agreement”), dated as of 28 November 2006, between the RDN and the Society relating to the provision of fire and emergency response services by the Department; and
- (d) There are the separate constitutional documents under which the Society itself is incorporated and operates. The constitutional documents of the Society have not been reviewed in detail.

The main report contains some suggestions and recommendations which, if adopted, would result to changes in the Operational Bylaw. It also contains some recommendations, particularly in relation to the Playbook, which will impact the operational bylaws of all departments, as well as the Service Agreement. Those comments are not repeated here.

In reviewing the bylaws and agreements, nothing in this report should be construed as legal advice. The RDN and Society should review any issues identified in this report with legal counsel.

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<sup>10</sup> We have seen FUS reports where the 20-year rule also was applied to mobile water supplies, though they are not always consistent in their approach on this issue.

## Individual Bylaws

### Service Bylaw

The Service Bylaw converted the specified area to a local service area in 1996, in accordance with the provisions of the *Municipal Act* (B.C.). The service authorization language in section 1 permits the RDN to provide a broad-based service, covering fire protection and “emergency responses to other classes of emergency.” The RDN may provide the service directly or by “otherwise obtaining” it.

The Service Bylaw established the boundaries for the local service area within which the Department operates.<sup>11</sup> The participating areas for service are portions of Electoral Areas “G” and “H” and the maximum amount of property taxes which may be collected in connection with the service is the greater of \$179,525 or a property tax rate of \$1.23/\$1,000 of net taxable value of land and improvements.<sup>12</sup> The 2016 tax rate for residential properties in the service area is expected to be \$1.085/\$1,000 of assessed value.

The Department’s service area was extended in 2008 to include properties in the Meadowood area (a portion of Electoral Area “F”). There also is a separate service establishment bylaw for this additional area: *Meadowood Fire Protection Service Area Establishment Bylaw No. 1509, 2006* (the “Meadowood Service Bylaw”), intended to cover the capital cost of building a hall and acquiring equipment and apparatus to service the added area. The Meadowood Service Bylaw has a slightly broader range of specified mechanisms for raising funds to pay for the service than the Dashwood Service Bylaw.<sup>13</sup> The maximum amount of property taxes which may be collected in connection with the service is the greater of \$126,160 or a property tax rate of \$2.286/\$1,000 of net taxable value of land and improvements.<sup>14</sup>

### Operational Bylaw

The 2004 Operational Bylaw replaced the 1996 version of the same bylaw.<sup>15</sup> The Operational Bylaw is one of the fundamental constitutional documents which underpins the Department’s operational powers, mandate and administrative processes. As a starting point, it needs to be recognized that, for local governments, fire departments are an optional service.<sup>16</sup> Unlike police and ambulance, which are established under and/or operate pursuant to provincial statutes and have a uniform range of powers across the province, a fire department only has the power and

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<sup>11</sup> Bylaw No. 964, s. 3 and 4 and Schedules ‘A’ and ‘B’.

<sup>12</sup> Bylaw No. 964, ss. 5 and 6.

<sup>13</sup> Compare s. 4 of the Meadowood Service Bylaw No. 1507, with the comparable s. 7 in the Dashwood Service Bylaw No. 964. The Meadowood bylaw specifically permits “revenues raised by way of agreement, enterprise, gift, grant or otherwise.”

<sup>14</sup> Bylaw No. 1507, s. 5.

<sup>15</sup> It replaced *Regional District of Nanaimo (Dashwood) Fire Services Regulatory Bylaw No. 1057, 1996*.

<sup>16</sup> The only exception to this is the City of Vancouver, which is required to maintain a fire department pursuant to the terms of the *Vancouver Charter* (B.C.).

authority granted to it under the local bylaw which creates and defines its operations. Outside of its operating jurisdiction – which, in the case of a service established by a regional district, is the boundaries of the local service area<sup>17</sup> – a fire department has no specific authority to act at or to respond to an incident. Care must be taken, therefore, to ensure that the Department has the full range of powers needed to respond effectively to incidents within its jurisdiction; where it is responding outside of its ordinary jurisdiction, express consideration should be given to the source of the Department’s powers to respond to and operate at an incident – whether in a mutual or automatic aid agreement, under a fire service contract or in support of another emergency response agency, such as the BC Wildfire Service.

Similarly, there is no standard range of services defined for a fire department. A department is authorized to provide only those services which are stipulated in its bylaw. Given that fire departments are the only “all hazards” response agency available to local government, we recommend that both the grant of powers and authorization to respond to incidents be very broadly cast, but that their exercise be made subject to training and the availability of necessary personnel and equipment.<sup>18</sup>

There are slight variations in the Operational Bylaw of the Department when compared with the comparable bylaws of other RDN departments – a result of these bylaws being passed individually at different points in time. Indeed, there are a number of differences between this bylaw and the comparable one under which the Bow Horn Bay Volunteer Fire Department operates, even though both bylaws were passed about the same time. The Department’s Operational Bylaw also includes certain “fire prevention matters” (e.g., open burning, use of incinerators, etc.).

In the main report, we are recommending that the RDN utilize the approach prevalent in other jurisdictions, and adopt a single, uniform operational bylaw empowering the various RDN departments to operate at incidents, and providing for uniform administrative processes and definitions of mandate (including the process for establishing the Service Level, as required by the Playbook). Specific recommendations are made in the main report regarding the matters to be covered in such a “master” operational bylaw.

In relation to the Department’s Operational Bylaw, we would note as follows:

- In the definition of “Fire Chief” in section 3, the Operational Bylaw attempts to deem the Fire Chief to be a “municipal public officer” within the meaning of s. 287(1)(n) of the *Local Government Act* (B.C.) (the “LGA”). This section of the LGA, which is now

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<sup>17</sup> For a fire service established by a municipality, the boundaries typically align with the municipal boundaries. The local service area for the DVFD was established under the Service Bylaw.

<sup>18</sup> There may also be a need for additional authorizations to provide some services – for example, providing “emergency health services”, as contemplated by the *Emergency Health Services Act* (B.C.), requires appropriate training and certification and an agreement with the Emergency Health Services Commission.

differently numbered with the recent revision of that statute,<sup>19</sup> identifies a “volunteer firefighter or special constable” as being entitled to immunity from personal liability (subject to certain exceptions).<sup>20</sup> There are three issues to be considered in connection with this attempt to deem the Fire Chief to be covered by section 287 (now, s. 738) of the LGA:

- The language in the bylaw definition itself is vague: it says that the Fire Chief “may” be deemed to be a Municipal Public Officer within the meaning of the provision, not that he or she *is* so deemed;
  - The provision in question in the LGA relates to “volunteer firefighters.” It is unlikely that, at law, the Dashwood Fire Chief, who is a paid employee of the Society, would be considered a volunteer; and
  - It is not clear whether individuals who are volunteers (or employees) of an arm’s length entity such as a society, and delivering services to local government only in such capacity, can be considered “volunteers” of the local government for purposes of this provision.
- The definition of “Fire Code” in section 3 should be reviewed. The “British Columbia Fire Code” (which has province-wide application) is implemented by regulation under the *Fire Services Act* (B.C.).<sup>21</sup> While the BC Fire Code is based on the underlying National Fire Code of Canada, is not the same as that code.
  - The Operational Bylaw contains an excellent definition of an “Incident”, which is essentially the triggering mechanism for the Department’s exercise of its emergency powers. Consideration should be given to including “automatic aid” services (in addition to mutual aid) and possibly expanding the definition to include any other situation to which the Department has responded, whether alone or in conjunction with other emergency response services (e.g., with police and ambulance).
  - The definition of the term “Members” also seeks to deem them to be “Municipal Public Officers” under the LGA. This provision is somewhat better drafted than the corresponding definition of “Fire Chief,” as it uses the phrase “shall be deemed” rather than “may be deemed.” However, uncertainty still exists as to whether the provision is effective:
    - Dashwood Members are paid-on-call firefighters. As such, they may not be considered, at law, to be “volunteers” (and so would not fit within s. 738(1)(o) of the LGA); and

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<sup>19</sup> Under the new LGA, it is s. 738(1)(o). The term has been changed from “municipal public officer” to “local public officer.”

<sup>20</sup> See: LGA s. 738(2); the exceptions are set out in s. 738(3).

<sup>21</sup> *British Columbia Fire Code Regulation* B.C. Reg. 263/2012. With the advent of the *Fire Safety Act* (Bill 4) later in 2016, it will become a regulation under the new statute.

- Since the Members are only employees of (or “volunteers” of) the Society, it is not entirely clear whether they can be deemed to be entitled to the benefits of this protection from liability.<sup>22</sup>
- The Operational Bylaw provides a good set of operational powers to the Fire Chief and to the Department when responding to or dealing with an Incident.<sup>23</sup> One issue that might be considered for review relates to incident command. It is generally better in a bylaw to require the Fire Department to establish appropriate operational guidelines relating to incident command, and then empower the “Incident Commander” at any given Incident, to exercise the powers identified in the bylaw. In the main report, we are recommending that the RDN and its area fire departments develop a single, consistent set of operational guidelines which would cover off matters such as incident command (and which could then be tied into a single operational powers bylaw).
- The Operational Bylaw should require the Department to establish an occupational health and safety program and to operate a joint committee as required under the *Workers Compensation Act* (B.C.).
- The Operational Bylaw does not address the payment of compensation for equipment commandeered under s. 5(3)(vi).
- The Operational Bylaw includes some fire prevention provisions, dealing with matters such as the “Maintenance of Premises” (s. 6), “Open Burning and Domestic Incinerators” (s. 7), “Commercial Incinerators” (s. 8) and “Deposit of Mill Waste” (s. 9). If the RDN moves to a single operational bylaw covering all of its area departments, these fire prevention provisions will need to be reconstituted in a separate fire prevention bylaw.
- In relation to enforcement (s. 10), consideration should be given to tying the bylaw to a ticketing bylaw, which would simplify the Department’s enforcement activities.
- The provision dealing with the Department’s jurisdictional limits (subsection 11(2)) could usefully be reviewed, and potentially expanded to include responses:
  - Under a task authorization number from the Provincial Emergency Program; and
  - In relation to an incident on or near the boundary of the service area which, if left untended, may pose a threat to the service area. In the latter case, provided that such area is under the RDN’s jurisdiction, the RDN may authorize the Department to operate at the scene of such an incident. Before entering any other jurisdiction (e.g., the boundaries of a municipality or another regional

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<sup>22</sup> The change of the term from “municipal public officers” to “local public officers” may be of benefit where the individual in question is a true volunteer – in that the direct association with the relevant local government may not be required. However, if the firefighters are not at law volunteers, then the provision would not apply.

<sup>23</sup> Bylaw No. 1390, ss. 4 (powers of the Fire Chief), and 5 (Conduct at Incidents).



district), there needs to be an agreement in place permitting such a response to occur.

- It should be noted that the version of the Operational Bylaw also has a number of minor typographical errors – see: s. 3, in definition of “Society Board”, the word “Society” is misspelled at the end of the line; s. 4(3), has the same error in spelling “Society”; s. 5(3), the word “hazard” is misspelled as a “haxard”; s. 6(4), the word “Hydrants” is misspelled as “Hidrants”; and in s. 11(2)(ii), the word “Society” is again misspelled.

## **Service Agreement**

The Service Agreement is substantively the same as the form of agreement used with other RDN fire services. This form of agreement requires updating to address a number of issues, including Playbook matters. A discussion regarding this form of agreement and recommendations regarding its content are found in the main report.

## **Mutual Aid / Automatic Aid Agreements**

### **(a) District 69 Mutual Aid Agreement**

The Department is covered by a mutual aid agreement, dated 1 August 2010, which includes four other RDN departments, as well as departments from Parksville, Qualicum Beach, Lantzville and Deep Bay. As this agreement covers five of the six RDN-contracted departments, it has been reviewed in the main report. The one item that the Department probably should note is that the Society likely should be a separate party to this mutual aid agreement.

### **(b) Automatic Aid Agreement**

The Department’s operations are also covered by an automatic aid agreement dated 13 December 2013 (the “Automatic Aid Agreement”). This agreement covers three RDN-contracted departments (the Department, Coombs-Hilliars and Errington), as well as the departments from Parksville and Qualicum Beach. The Societies are separate parties to this agreement, along with the RDN.

The principal difference between a mutual aid and automatic aid agreement is that, in relation to the former, a specific request for assistance must be made before another department commences its response. Conversely, with an automatic aid agreement, one or more other departments will automatically be dispatched by the dispatch centre when the criteria specified in the underlying aid agreement are met. Automatic aid arrangements improve overall response times, particularly for major incidents where additional resources are going to be required. They are favoured by the Fire Underwriters, who accord significant additional credit for the automatically responding resources of the neighbouring jurisdictions.

In general, the Automatic Aid Agreement has been well drafted and carefully thought out. The agreement covers only certain specific or defined areas of each Department's fire protection zone, is limited to defined incident types and involves responses or support of specific types (e.g., a ladder truck or a tender).<sup>24</sup> Under the agreement, an operating committee is established to oversee and regulate the types of responses which are covered, the coverage area of the agreement, as well as various other operational matters. Uniform operational guidelines are required to be established covering certain principal matters (e.g., training levels for RIT members,<sup>25</sup> incident command procedures and several other matters). The dispatch provider (North Island 9-1-1) is required to be provided with the most recent version of the Automatic Aid Agreement and the parties commit to keeping their dispatch centre fully informed of any changes.

The Automatic Aid Agreement has express provisions dealing with incident command: the party receiving aid is expected to assume incident command. Where a "Responding Department" is first on-scene, it establishes incident command but is expected to transfer command to the first on-scene qualified member from the "Requesting Department" as soon as is practicable.<sup>26</sup>

Section 5.5 of the agreement provides that:

"The Fire Department of the jurisdiction or service area in which the Emergency Incident occurs is required to respond to such Emergency Incident firstly with its own resources available at the time of such Emergency Incident and must ensure it is capable of arriving at the Emergency Incident in a timely fashion."

This section should be reviewed. An automatic aid request is triggered based on pre-set criteria – if a party is already engaged in responding to another incident, it may not be in a position to respond "in a timely fashion." This section should be expanded to address such situations. We would suggest that this type of event should result in the triggering of appropriate (and broader) mutual aid requests under the District 69 Mutual Aid Agreement, without cancelling or negating the automatic aid response. A Responding Department which is first on scene to an incident also should be empowered to make a broader mutual aid request even before the Requesting Department is on-scene.

There is an indemnity provided in section 3.1 by an "Assisted Party" in favour of a "Supplying Party." This indemnity covers "any and all claims, causes of action, suits, demands and expenses whatsoever arising out of, or related to, the Automatic Response rendered by the Supplying Party [...]". This indemnity is made subject to certain limitations in section 3.2. We would recommend reviewing section 3.2 and expressly excepting any costs, damage or

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<sup>24</sup> Automatic Aid Agreement, "Definitions" (see "Emergency Incident"), ss. 1.1, 2.2, 2.4, 2.5 and Schedule "A" – "Locations and Resources for Automatic Response to Emergency Incidents." As an operative provision, the "Definitions" section probably should be numbered.

<sup>25</sup> See Schedule C of the Automatic Aid Agreement. RIT means "rapid intervention team."

<sup>26</sup> Automatic Aid Agreement, s. 5.7.

expenses addressed by section 6.0 (which covers expenses related to consumables, damage to vehicles and damage to equipment).

A further section should be added to the Automatic Aid Agreement, which expressly addresses the powers of Responding Departments to operate at the scene of an incident in the Requesting Department's jurisdiction. The simplest formulation is to provide that, subject to the Automatic Aid Agreement, a Responding Department has the same power and authority in the Requesting Department's jurisdiction as it does in its ordinary jurisdiction, when responding to an Emergency Incident in accordance with the agreement.

With the advent of specific service levels under the Playbook, the Automatic Aid Agreement should be reviewed to address any differences that may arise. Where one department has a higher (or lower) level of service, the parties should expressly address how incidents will be managed (and whether interior attacks will be undertaken). These decisions will potentially impact matters related to incident command and, in particular, whether a Requesting Department is in a position to take over incident command. The "Accountability System" referenced in Schedule "C" should be further defined to ensure that there is a common system for identify training levels of all on-scene personnel.

In addition, to meet the pre-incident planning requirements for Interior Operations Service Level departments, the Automatic Aid Agreement should be revised to expressly address how such risks will be managed. Ideally, the various Departments should commit to developing and sharing pre-incident plans for major risks within their respective jurisdictions. Pre-planning also is a factor assessed by the Fire Underwriters when conducting reviews for insurance grading purposes: work in this area will help the various departments maintain or improve their assessment scores.