

**REGIONAL DISTRICT OF NANAIMO**

**FIRE SERVICES ADVISORY COMMITTEE**

**WEDNESDAY, JANUARY 11, 2017**

**7:00 PM**

*(RDN Board Chambers)*

*RDN meeting may be recorded*

**A D D E N D U M**

**PAGES**

**COMMUNICATIONS/CORRESPONDENCE**

2 - 3

**Jack Crompton, Squamish-Lillooet Regional District, re Volunteer Fire Departments on Private Land.**





Box 219, 1350 Aster Street  
Pemberton, BC V0N 2L0  
P. 604-894-6371 TF. 800-298-7753  
F. 604-894-6526  
info@slrd.bc.ca www.slrd.bc.ca

December 21, 2016

Gordon Anderson  
Fire Commissioner  
PO Box 9201 Stn Prov Govt  
Victoria BC  
V8W9J1

BY EMAIL (Gordon.A.Anderson@gov.bc.ca)

Dear Commissioner Anderson:

**RE: VOLUNTEER FIRE DEPARTMENTS ON PRIVATE LAND**

Society-operated volunteer fire departments (VFDs) have been an essential part of the public safety architecture in rural BC for over 70 years. Where it is impractical or unsustainable for local governments to provide fire protection services, these organizations have come together in small communities to provide a degree of structural fire protection not otherwise possible. In recent conversations with other regional districts throughout the province, the Squamish-Lillooet Regional District (SLRD) has recently been made aware of an issue that could affect the viability of society-operated VFDs.

Neither the current *Fire Services Act*, the new *Fire Safety Act* nor the *Local Government Act (LGA)* provides regional districts with the power to delegate the authority to enter onto private land to a society-operated VFD unless that society is created by the regional district. Specifically, under section 229(1) of the *LGA*, the ability of a regional district to delegate to a society or corporation is limited to delegations to a society or corporation created by the regional district; as such, a society-operate VFD that is not a function of/created by a regional district cannot take advantage of the statutory authority regarding right of entry under the *LGA*.

A society-operated VFD in another regional district reportedly recently raised this issue with their insurer. They were told that their liability insurance may be void if a claim were made against them with respect to their actions on private property and they did not have either delegated authority from the regional district or written permission of the property owner, to enter onto private land in the pursuit of their structural fire suppression duties. It is further inferred that WorkSafe BC coverage would also be void in the above circumstance.

The SLRD Board notes that society-operated VFDs pre-date the existence of regional districts in many rural areas. A brief consultation with SLRD legal counsel indicates that the right for a society-operated VFD to enter onto private land in the pursuit of structural fire suppression duties is most likely enshrined in common law. However, given that there may be insurers in the province

who are reconsidering how to apply liability protection to society-operated VFDs, the SLRD Board formally requests that:

1. The BC Office of the Fire Commissioner (OFC) step in and clarify that society-operated VFDs have the right to enter onto private land in the pursuit of their duties; and
2. The OFC legislate the right of society-operated VFDs to enter onto private land in the new *Fire Safety Act*.

In small, rural communities, society-operated VFDs are often at the heart of community volunteerism. These entities organize and focus on the desire to help a neighbour in an emergency. Without society-operated VFDs, many small communities would simply go without fire protection, as most regional districts have neither the resources nor the expertise to step in as the Authority Having Jurisdiction (AHJ) in all cases. The SLRD Board looks forward to the OFC guaranteeing through legislation, and communication to all stakeholders, that society-operated VFDs are an essential part of the first responder community in rural BC, and have the right to enter onto private land to complete their duties.

Sincerely yours,



Jack Crompton  
Board Chair, Squamish-Lillooet Regional District

cc: MLA Jordan Sturdy (West Vancouver-Sea to Sky)  
MLA Jackie Tegart (Fraser-Nicola)  
BC Regional Districts (27)