

## Chapter 8

### AN ACT TO AMEND THE FIRE PREVENTION ACT

(Assented to June 15, 2006)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

**1. The *Fire Prevention Act* is amended by this Act.**

**2. Section 1 is amended by**

- (a) **repealing the definition "Assistant Fire Marshal" and substituting the following:**

"Assistant Fire Marshal" means an Assistant Fire Marshal appointed under subsection 2(1); (*commissaire adjoint aux incendies*)

- (b) **repealing the definition "Deputy Fire Marshal";**  
(c) **repealing the definition "Fire Marshal" and substituting the following:**

"Fire Marshal" means the Fire Marshal appointed under subsection 2(1); (*commissaire aux incendies*)

- (d) **repealing the definition "local assistant" and substituting the following:**

"local assistant" means a person

- (a) who, by virtue of his or her office, is a local assistant to the Fire Marshal under subsection 5(1), or  
(b) appointed as a local assistant to the Fire Marshal under subsection 5(3) or (4); (*représentant local*)

- (e) **striking out the period at the end of the definition "structure" and substituting a semi-colon, and adding the following definitions in alphabetical order:**

"code" means a code of rules or standards adopted under subsection 23(2); (*code*)

"Court" means the Nunavut Court of Justice; (*Cour*)

"fire" includes an explosion or other incident caused by or related to fire; (*incendie*)

"substantial alteration" means any change to a structure, premises or property that increases or decreases the floor area of an occupancy or that affects any of the following:

- (a) a major occupancy classification,

- (b) an exit or entrance in or of a structure, premises or property, including means of egress, and travel distance to an exit,
- (c) a fire alarm system,
- (d) a system for the prevention or suppression of fire. (*transformation importante*)

**2.1. The following is added after section 1:**

GOVERNMENT OF NUNAVUT

Government bound by Act

- 1.1. This Act binds the Government of Nunavut.

**3. The heading preceding section 2 and section 2 are repealed and the following is substituted:**

FIRE MARSHAL, ASSISTANT FIRE MARSHALS AND LOCAL ASSISTANTS

Appointment of Fire Marshal and Assistant Fire Marshals

2. (1) The Minister may appoint a Fire Marshal and one or more Assistant Fire Marshals.

Jurisdiction

- (2) The Fire Marshal and an Assistant Fire Marshal have jurisdiction throughout Nunavut.

Duties and powers of Fire Marshal

- (3) The Fire Marshal
- (a) shall perform the duties imposed and may exercise the powers conferred on the Fire Marshal by this Act and the regulations; and
  - (b) may perform the duties imposed and exercise the powers conferred on the Assistant Fire Marshal by this Act and the regulations.

Duties and powers of Assistant Fire Marshal

- (4) An Assistant Fire Marshal shall perform the duties imposed and may exercise the powers conferred on an Assistant Fire Marshal by this Act and the regulations.

Delegation by Fire Marshal

- (5) The Fire Marshal may delegate, in writing, to an Assistant Fire Marshal or local assistant any of the duties imposed or powers conferred on the Fire Marshal except the power

- (a) to appoint a local assistant under subsection 5(3) or (4);
- (b) to designate a person to conduct an inquiry under subsection 8(1);
- (c) to make an order under subsection 12(1) or (2) or paragraph 12(3)(b);

- (d) to authorize a municipality to carry out work under subsection 16(1); or
- (e) to make an application to the Court under section 17.

**4. (1) Paragraph 3(b) is amended by striking out ", extent".**

**(2) Paragraph 3(c) is amended by adding "structure, premises or" after "inspect any".**

**(3) Paragraph 3(d) is amended by adding "or premises" after "of structures".**

**(4) The following is added after paragraph 3(d):**

- (d.1) inspect, where the Fire Marshal considers it necessary, a newly constructed, substantially altered or repaired structure or premises before occupancy to ensure that proper precautions are taken for the safeguarding of persons and property;

**(5) Paragraph 3(e) is repealed.**

**(6) The English version of subparagraph 3(f)(iii) is amended by striking out "maintenace" and substituting "maintenance".**

**(7) Subparagraph 3(f)(v) is amended by striking out "construction and maintenance of fire-escapes and other" and substituting "provision of".**

**(8) Subparagraph 3(f)(vi) is amended by striking out "building" and substituting "structure, premises".**

**(9) Subparagraph 3(f)(vii) is repealed and the following is substituted:**

- (vii) precautions to be taken for the purpose of fire prevention or protection against fire in the construction or substantial alteration of or addition to any structure, premises or property,

**(10) Paragraph 3(g) is amended by striking out "fire protection by means of public meetings, press articles, exhibitions, radio, moving pictures or other publicity campaigns" and substituting "protection against fire by means of public meetings or public education".**

**5. Section 4 is repealed.**

**6. Section 5 is repealed and the following substituted:**

*Ex officio* local assistants

5. (1) The following municipal officials or employees are, by virtue of their offices, local assistants to the Fire Marshal and, subject to the direction of the Fire Marshal, shall perform the duties imposed and may exercise the powers conferred on a local assistant by this Act and the regulations:

- (a) in a municipality in which a fire department is established, the chief or acting chief of the fire department of the municipality;
- (b) in a municipality in which no fire department is established, the senior administrative officer appointed under the *Cities, Towns and Villages Act* or the *Hamlets Act*.

Notification to Fire Marshal

(2) The appropriate municipal council shall immediately notify the Fire Marshal of the full name, address and occupation of any person who, by virtue of his or her office, is or becomes a local assistant.

Appointment of additional local assistants

(3) The Fire Marshal may, with the approval of the municipal council, appoint one or more municipal employees with appropriate training or experience as a local assistant to the Fire Marshal, who, subject to the direction of the Fire Marshal, shall perform the duties imposed and may exercise the powers conferred on a local assistant by this Act or the regulations.

Appointment of local assistants outside municipality

(4) In an area outside a municipality, the Fire Marshal may appoint one or more local assistants to the Fire Marshal, who, subject to the direction of the Fire Marshal, shall perform the duties imposed and may exercise the powers conferred on a local assistant in this Act or the regulations.

Jurisdiction

(5) A local assistant has jurisdiction

- (a) where an *ex officio* local assistant under subsection (1), within the municipality;
- (b) where appointed under subsection (3), within the municipality; or
- (c) where appointed under subsection (4), within the area set out in the appointment.

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(6) A member of the Royal Canadian Mounted Police while on duty in Nunavut has all the powers of a local assistant to the Fire Marshal under this Act and the regulations.

## REVIEW OF PLANS AND SPECIFICATIONS

### Submission of plans and specifications

5.1. (1) An owner or his or her agent or an occupant of a structure or premises who proposes to construct, alter or repair a structure or premises shall, unless the proposed work is of a prescribed class, submit a copy of all plans and specifications in respect of the proposed work to the Fire Marshal.

### Review of plans and specifications

(2) The Fire Marshal shall

- (a) review the plans and specifications submitted;
- (b) make any comment or recommend any revision that the Fire Marshal considers necessary or advisable;
- (c) provide, in a timely manner, a written response containing the comment or recommendation to the person who submitted the plans and specifications; and
- (d) provide a copy of the written response to the municipal council of the municipality in which the proposed work is to be performed.

### Prohibition

(3) Where plans and specifications are required to be submitted, no person shall begin work on the construction, alteration or repair of the structure or premises until the Fire Marshal completes the review of the plans and specifications and provides the written response to the person who submitted the plans and specifications.

**7. The heading preceding section 6 is amended by striking out "INJURIES" and substituting "INQUIRIES".**

**8. The following is added after the heading "INVESTIGATIONS, INQUIRIES AND REPORTING OF FIRES" and immediately preceding section 6:**

### Investigation by local assistant

5.2. (1) A local assistant shall investigate or cause to be investigated, in a general way, the cause, origin and circumstances of every fire occurring within his or her jurisdiction.

### Securing scene

(2) Where a local assistant has reason to believe that a fire has been caused deliberately, the local assistant shall immediately secure the scene and notify the Fire Marshal of his or her belief.

### Written statement

(3) A local assistant shall, immediately after completing an investigation under subsection (1), provide the Fire Marshal with a written statement of all the facts that can be ascertained relating to the cause, origin and circumstances of the fire, and any further information that may be required by the Fire Marshal.

Report of fatality or injury

5.3. A local assistant shall

- (a) immediately report to the Fire Marshal any fatality caused by a fire; and
- (b) report to the Fire Marshal any injury caused by a fire within 24 hours after its occurrence.

Investigation by Assistant Fire Marshal

5.4. (1) In addition to an investigation made by a local assistant under section 5.2, an Assistant Fire Marshal may investigate the cause, origin and circumstances of any fire.

Investigation report

(2) An Assistant Fire Marshal shall, within a reasonable time after completing an investigation under subsection (1), provide the Fire Marshal with a written report of the results of the investigation.

**9. (1) Subsection 6(1) is repealed and the following is substituted:**

Power to enter

6. (1) An Assistant Fire Marshal or local assistant, in investigating a fire, may enter in or on and examine any structure, premises or property in which a fire is occurring or has occurred and any adjoining or proximate structure, premises or property.

**(2) Subsection 6(2) is amended by striking out "structure or premises" wherever it appears and substituting "structure, premises or property".**

**(3) That portion of subsection 6(2) preceding paragraph (a) is repealed and the following is substituted:**

Powers during investigation

(2) In the course of an investigation into a fire, an Assistant Fire Marshal or local assistant may

**(4) Paragraph 6(2)(c) is amended by adding "is occurring or has" after "the fire".**

**10. Section 7 is repealed.**

**11. (1) Subsection 8(1) is repealed and the following is substituted:**

Inquiries

8. (1) The Fire Marshal, an Assistant Fire Marshal or any person designated by the Fire Marshal with the approval of the Minister may conduct an inquiry into the cause, origin and circumstances of any fire that caused an injury or fatality or destroyed or damaged property.

**(2) Subsection 8(3) is amended by**

- (a) striking out "made" in the English version and substituting "conducted"; and**
- (b) striking out "from the place where the investigation is held".**

**(3) Subsection 8(4) is amended by striking out "investigation" and substituting "inquiry".**

**12. Section 9 is repealed.**

**13. (1) Subsection 10(1) is repealed and the following is substituted:**

Insurer's report

10. (1) Every fire insurance company carrying on business in Nunavut shall provide the Fire Marshal with a monthly report of every claim made under a fire insurance policy issued by it, setting out the prescribed information.

**(2) Subsection 10(2) is amended by**

- (a) striking out "statement" and substituting "report";**
- (b) striking out "submitted" in the English version and substituting "provided".**

**(3) Subsections 10(3) and (4) are repealed and the following is substituted:**

Insurance adjuster's report

(3) Every person adjusting a claim against an insurer in respect of a loss by fire of property in Nunavut, whether that person represents the insurer or the insured, shall provide the Fire Marshal with a report setting out the prescribed information.

Insurance adjuster's preliminary report

(4) Where an insurance adjuster adjusting a claim in respect of a loss by fire of property in Nunavut has reason to believe that the fire has been caused deliberately, the insurance adjuster shall, within 48 hours after forming that belief, provide the Fire Marshal with a preliminary report setting out the prescribed information.

**14. The heading preceding section 11 and section 11 are repealed and the following is substituted:**

## INSPECTIONS

Inspection of structure, premises and property

11. (1) An Assistant Fire Marshal may, on the complaint of any interested person, or without a complaint where the Assistant Fire Marshal considers it necessary, enter in or on and inspect any structure, premises or property for the purposes of assessing fire safety.

Entry to adjoining structure, premises and property

(2) An Assistant Fire Marshal may enter in or on an adjoining structure, premises or property if the entry is necessary for the purposes of conducting an inspection.

Time of entry

(3) The power of an Assistant Fire Marshal to enter and inspect a structure, premises or property must be exercised at a reasonable time.

Entry to private dwelling

(4) An Assistant Fire Marshal shall not enter in or on any structure or premises that is a private dwelling without the consent of the owner or occupant or a warrant issued under subsection 11.2(1).

Powers during inspection

- (5) In the course of an inspection, an Assistant Fire Marshal may
- (a) have any person assist him or her in the course of the inspection;
  - (b) take with him or her any thing that the Assistant Fire Marshal considers would be of assistance in the course of the inspection;
  - (c) close the structure, premises or property and prohibit any person from entering or remaining in the structure, premises or property until the inspection is complete;
  - (d) perform or cause to be performed on the structure, premises or property or any thing in it any test that he or she considers relevant to the inspection;
  - (e) remove for review and retain as evidence any thing or document that is in the structure, premises or property under inspection;
  - (f) require any person present to do any action or refrain from doing any action that is reasonable in the circumstances to assist the inspection;
  - (g) require any machinery, equipment or device to be operated, used or set in motion;
  - (h) demand the production for inspection of any thing or document that is relevant to the inspection; and
  - (i) question any person on any matter relevant to the inspection.

Return of thing removed

(6) Where any thing is removed in the course of an inspection, the person who removed the thing shall return it to the person entitled to it within a reasonable time after the inspection is completed, unless

- (a) the thing is required as evidence in a prosecution arising out of the inspection; or
- (b) it is impossible or impractical to return the thing.



Document removed

(7) Where any document is removed in the course of an inspection, the person who removed the document shall return the document or a copy of it to the person entitled to it within a reasonable time after the inspection is completed unless

- (a) the document is required as evidence in a prosecution arising out of the inspection; and
- (b) the state of the document does not permit a copy to be made of it.

Inspection report

(8) An Assistant Fire Marshal shall provide the Fire Marshal with a written report within a reasonable time after completing the inspection.

Electrical installations

11.1. Where an Assistant Fire Marshal conducting an inspection under section 11 is of the opinion that an electrical installation in a structure or premises creates or poses a risk of fire, the Assistant Fire Marshal shall report the risk to the Chief Inspector appointed under the *Electrical Protection Act* or, on the coming into force of the *Technical Standards and Safety Act*, the chief inspector responsible for electrical protection appointed under that Act.

## WARRANTS

Warrant authorizing entry

11.2. (1) A justice of the peace or judge may issue a warrant authorizing the person named in the warrant to enter in or on and inspect a private dwelling and exercise any of the powers referred to in subsection 11(5) if the justice of the peace or judge is satisfied by information on oath that there are reasonable grounds to believe that

- (a) the entry is justified for the purposes of assessing fire safety; and
- (b) an Assistant Fire Marshal
  - (i) has been or will be denied entry to the private dwelling, or
  - (ii) has been or will be obstructed in exercising any of the powers referred to in subsection 11(5).

Application without notice

(2) A warrant may be issued, with or without conditions, on an *ex parte* application by the Fire Marshal, an Assistant Fire Marshal or a local assistant.

Execution

(3) A warrant must be executed at a reasonable time, or as specified in the warrant.

Expiration and extension

(4) A warrant must state the date on which it expires, and a justice of the peace or judge may extend the date on which the warrant expires for such additional periods as the justice of the peace or judge considers necessary.

Use of force

(5) A person named in a warrant may use such force as is reasonable and necessary to make the entry and exercise any power specified in the warrant.

Assistance

(6) A person named in a warrant may call on any other person he or she considers necessary to execute the warrant.

Identification

(7) On the request of an owner or occupant of the private dwelling, a person executing a warrant shall identify himself or herself and explain the purpose of the entry.

## HAZARDS AND ORDERS

Immediate protection order

11.3. Where an Assistant Fire Marshal is of the opinion that it is necessary for the immediate protection of persons or property, the Assistant Fire Marshal may order a structure, premises or property to be immediately closed and vacated, and shall specify the period, not to exceed 24 hours, that the structure, premises or property shall remain closed and vacated.

Immediate threat to persons or property

11.4. (1) Where an Assistant Fire Marshal has reasonable grounds to believe that a risk of fire poses an immediate threat to persons or property, the Assistant Fire Marshal may, without a warrant, enter in or on any structure, premises or property and do any or all of the following for the purpose of removing or reducing the threat:

- (a) remove and dispose of any flammable, combustible or explosive material;
- (b) eliminate or seal an ignition source;
- (c) install a temporary safeguard, including a fire extinguisher and smoke alarm;
- (d) make minor repairs to an existing fire safety system;
- (e) post a fire watch;
- (f) any other thing that the Assistant Fire Marshal considers is urgently required to remove or reduce the threat to persons or property.

Notice to owner

(2) An Assistant Fire Marshal shall without delay provide notice to the owner, his or her agent or occupant of the exercise of any power under subsection (1) if the whereabouts in Nunavut of the owner, his or her agent or occupant are known to the Assistant Fire Marshal.

Notice to be posted

(3) An Assistant Fire Marshal shall post a copy of the notice in or on the structure, premises or property.

Contents of notice

- (4) The notice referred to subsections (2) and (3) must set out
- (a) the location of the structure, premises or property;
  - (b) the reason for the entry; and
  - (c) any action taken under subsection (1) to remove or reduce the threat.

Use of force and assistance

(5) An Assistant Fire Marshal who enters a structure, premises or property under subsection (1) may use such force as is reasonable and necessary to make the entry, and may call on any other person for assistance as is necessary.

**15. Sections 12 to 14 are repealed and the following is substituted:**

Order of Fire Marshal

12. (1) The Fire Marshal may, in writing, order the owner, his or her agent or the occupant of a structure, premises or property to do any or all of the following:
- (a) take any measure necessary to ensure fire safety in the structure, premises or property;
  - (b) repair, remove, destroy or demolish a structure, premises or property that is
    - (i) especially susceptible to fire because of age, dilapidated condition, lack of proper repair or any other reason, and
    - (ii) so situated as to endanger other structures, premises or property;
  - (c) repair, remove, destroy or demolish a structure, premises or property that is dangerous to persons or property because of a fire that is occurring or has occurred;
  - (d) alter the use or occupancy of a structure, premises or property if the structure, premises or property is being used or occupied in a manner that any fire occurring in the structure, premises or property would be likely to cause the structure, premises or property to become a hazard to persons or property;
  - (e) remove any flammable, combustible or explosive material stored in or on a structure, premises or property in a manner that is dangerous to persons or property;
  - (f) install and use any equipment or device to contain hazardous material in or on the structure, premises or property;
  - (g) remedy any hazardous condition in or on the structure, premises or property;
  - (h) install and use
    - (i) smoke detectors or other devices for detection of fire,
    - (ii) fire-alarms or other devices for the alarm of fire,
    - (iii) fire extinguishers or other devices for the suppression of fire,

- (iv) a sprinkler system or other systems for the suppression of fire,
- (v) fire doors or other safeguards for the containment of fire, or
- (vi) exit signs, exit doors, emergency lighting systems, notices describing means of exit or other safeguards for the safe evacuation of the structure or premises in case of fire or an alarm of fire;
- (i) prepare a fire safety plan and post it at a location the Fire Marshal directs;
- (j) stop work on the construction, alteration or repair of a structure, premises or property because of a failure to comply with a code;
- (k) remedy a breach of a code.

#### Closure order

(2) Where the Fire Marshal makes an order under subsection (1), the Fire Marshal may, in writing, order the structure, premises or property to be closed and vacated, and the structure, premises or property shall remain closed and vacant until the Fire Marshal is satisfied that the order under subsection (1) has been complied with.

#### Dangerous appliance

(3) Where an appliance, apparatus or place used or intended to be used for supplying fire or heat is likely to be dangerous to persons or property, the Fire Marshal may

- (a) seal the appliance, apparatus or place; and
- (b) order, in writing, the owner, his or her agent or the occupant of the structure, premises or property in which the appliance, apparatus or place is located
  - (i) to remedy any condition which renders the appliance, apparatus or place dangerous, and
  - (ii) to not use or light, or allow to be used or lighted, the appliance, apparatus or place until the dangerous condition has been remedied to the satisfaction of the Fire Marshal.

#### Content of order

- (4) An order made under subsection (1) or (2) or paragraph (3)(b) must set out
- (a) the location of the structure, premises or property;
  - (b) the reasons for the order;
  - (c) an explanation of the work to be carried out or the action required to be taken;
  - (d) the period of time within which the order must be complied with; and
  - (e) the right to appeal the order to the Court under section 15.

Service of order

(5) A copy of an order made under subsection (1) or (2) or paragraph (3)(b) must be served on the owner, his or her agent and any occupant of the structure, premises or property.

**16. Section 15 is repealed and the following is substituted:**

Appeal to Court

15. (1) A person who considers himself or herself aggrieved by an order made by the Fire Marshal under subsection 12(1) or (2) or paragraph 12(3)(b) may appeal the order to the Court.

Procedure on appeal

(2) The appeal shall be conducted in accordance with the procedure for appeals from tribunals set out in the *Judicature Act*, except that

- (a) notwithstanding subsection 86(1) of the *Judicature Act*, the notice of appeal must be filed in the Court and served on all parties directly affected by the appeal within 10 days after service of the order; and
- (b) section 89 of the *Judicature Act* does not apply.

Decision of Court

(3) The Court, on hearing an appeal, may confirm, reverse or vary the order of the Fire Marshal, and may make any other order that the Court considers appropriate.

**17. (1) Subsection 16(1) is repealed and the following is substituted:**

Failure to comply with order in municipality

16. (1) The Fire Marshal may authorize a municipal council to take any steps necessary to carry out the work required by an order made by the Fire Marshal under subsection 12(1) or paragraph 12(3)(b) if the owner or his or her agent or the occupant fails to comply

- (a) with the order within the period specified in the order; or
- (b) with an order of the Court within five days after the order is made if an appeal is taken under section 15.

Failure to comply with order outside municipality

(1.1) The Fire Marshal may, where the structure, premises or property is located outside a municipality, carry out or cause to be carried out the work required by an order made by the Fire Marshal under subsection 12(1) or paragraph 12(3)(b) if the owner or his or her agent or the occupant fails to comply

- (a) with the order within the period specified in the order; or
- (b) with an order of the Court within five days after the order is made if an appeal is taken under section 15.

**(2) Subsection 16(2) is amended by striking out "or \$50, whichever is the greater".**

**(3) The following is added after subsection 16(2):**

Application for carrying out of work

(3) Where a municipal council authorized under subsection (1) to carry out work is unable to carry it out, the municipal council may request the Government of Nunavut to undertake, or arrange for and pay the costs of, the carrying out of the work.

**18. Section 17 is repealed and the following is substituted:**

Application to carry out order

17. The Fire Marshal may apply *ex parte* to the Court for authorization to enter in or on a structure, premises or property to carry out an order made under subsection 12(1) or paragraph 12(3)(b) where

- (a) after reasonable inquiries, the whereabouts in Nunavut of the owner or agent of the owner, if any, is unknown to the Fire Marshal; or
- (b) there is no occupant or, after reasonable inquiries, the whereabouts in Nunavut of the occupant are unknown to the Fire Marshal.

**19. The following is added after section 17:**

MISCELLANEOUS

Exclusion of liability

17.1. The Fire Marshal, Assistant Fire Marshal and local assistants are not liable for any loss or damage caused by anything done or not done in good faith by them in the performance of their duties or in the exercise of their powers under this Act or the regulations.

Fire safety plan

17.2. Every building to which the public has access must have a fire safety plan posted in a conspicuous place.

Annual report

17.3. (1) The Fire Marshal shall submit to the Minister, within three months after the end of each year, a detailed report for that year, setting out

- (a) particulars known to the Fire Marshal of every fire that occurred, every fatality or injury caused by fire, every investigation and inquiry into a fire, and every prosecution under this Act or for arson;
- (b) a summary of the activities of the office of the Fire Marshal for fire prevention and protection against fire; and
- (c) any other information that the Minister requests.

Tabling of annual report

(2) The Minister shall table the report referred to in subsection (1) before the Legislative Assembly at the first sitting of the Legislative Assembly after the report is received.

**20. Section 19 is amended by striking out "every day" and substituting "each day".**

**21. Sections 20 and 21 are repealed and the following is substituted:**

Obstruction

20. Every person who obstructs, hinders or interferes with the Fire Marshal, an Assistant Fire Marshal or a local assistant in the exercise of a power or the performance of a duty under this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year or to both.

False or misleading information

20.1. Every person who knowingly provides false or misleading information to, or fails or refuses to provide the information requested by, the Fire Marshal, an Assistant Fire Marshal or a local assistant in the exercise of a power or the performance of a duty under this Act or the regulations is guilty of an offence and liable on summary conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year or to both.

Interference with device or safeguard

20.2. Every person who, without lawful excuse, interferes with or removes any device or safeguard required by or under this Act or the regulations for the detection, containment or suppression of fire is guilty of an offence and liable on summary conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year or to both.

General offence and punishment

20.3. Every person who contravenes a provision of this Act or the regulations for which no specific punishment is provided is guilty of an offence and liable on summary conviction to a fine not exceeding \$25,000 or to imprisonment for a term not exceeding one year or to both.

Corporate penalty

20.4. (1) Notwithstanding the punishment set out in sections 20 to 20.3, where a corporation is guilty of an offence under this Act or the regulations, the corporation is liable on summary conviction to a fine not exceeding \$100,000, and to a further fine not exceeding \$10,000 for each day on which the offence continues.

#### Liability of officers, directors and agents

(2) Where a corporation commits an offence under this Act or the regulations, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is guilty of an offence and liable on summary conviction to a fine not exceeding \$50,000 or to imprisonment for a term not exceeding one year or to both, whether or not the corporation has been prosecuted or convicted.

#### Failure to comply with order

21. Every owner, agent of an owner and occupant of a structure, premises or property who fails to comply with an order made by the Fire Marshal under subsection 12(1) or (2) or paragraph 12(3)(b) is guilty of an offence and liable on summary conviction to a fine not exceeding \$500 for each day after receipt of the order on which the failure to comply continues.

#### **22. Section 22 is repealed and the following is substituted:**

##### Search and seizure

22. (1) A justice of the peace or judge may issue a warrant authorizing the person named in the warrant to enter in or on a structure, premises or property and exercise any of the powers referred to in subsection (3) if the justice of the peace or judge is satisfied by information on oath that there are reasonable grounds to believe that

- (a) an offence under this Act or the regulations has been or is being committed; and
- (b) a document or thing that may afford evidence of, or information concerning the offence is likely to be found in or on the structure, premises or property, or is likely to be obtained through the exercise of any of the powers specified in the warrant.

##### Application without notice

(2) A warrant may be issued, with or without conditions, on an *ex parte* application by the Fire Marshal, an Assistant Fire Marshal or a local assistant.

##### Powers under warrant

(3) The warrant may authorize the person named in the warrant to do any or all of the following:

- (a) search the structure, premises or property;
- (b) seize any document or thing referred to paragraph (1)(b);
- (c) perform or cause to be performed any test relevant to the search;
- (d) require that any machinery, equipment or device be operated, used or set in motion;
- (e) question a person on any matter relevant to the search;
- (f) demand the production of any thing or document;
- (g) require any person present to do any action or refrain from doing any action reasonable in the circumstance.



Exigent circumstances

(4) Notwithstanding subsections (1) and (2), the Fire Marshal, an Assistant Fire Marshal or a local assistant may exercise any of the powers referred to in subsection (3) without a warrant where the conditions for obtaining a warrant exist but the delay necessary to obtain a warrant would result in a danger to persons or property or in the removal, loss or destruction of evidence.

Execution

(5) A warrant must be executed at a reasonable time, or as specified in the warrant.

Expiration and extension

(6) A warrant must state the date on which it expires, and a justice of the peace or judge may extend the date on which the warrant expires for such additional periods as the justice of the peace or judge considers necessary.

Use of force

(7) A person named in a warrant may use such force as is reasonable and necessary to make the entry and exercise any power specified in the warrant.

Assistance

(8) A person named in a warrant may call on any other person he or she considers necessary to execute the warrant.

Identification

(9) On the request of an owner or occupant of the structure, premises or property, a person executing a warrant shall identify himself or herself and explain the purpose of the entry.

**23. (1) Subsection 23(1) is amended by**

- (a) renumbering paragraph (a) as paragraph (a.2) and adding the following before paragraph (a.2):**
  - (a) prescribing classes of work for the purposes of subsection 5.1(1);
  - (a.01) prescribing the information to be included in the plans and specifications submitted under subsection 5.1(1);
  - (a.1) prescribing the information to be provided under subsections 10(1), (3) and (4);
- (b) striking out "for" in the English version of paragraph (b) after "including fire-alarm systems, and".**
- (c) repealing paragraph (c) and substituting the following:**
  - (c) governing the approval, sale, installation and maintenance of oil burners, oil-burning equipment and appliances using flammable liquids or gases as fuel;

- (c.1) governing the licensing and control of manufacturers, agents and jobbers, wholesale and retail vendors, and installers of oil burners, oil-burning equipment and appliances using flammable liquids or gases as fuel;
- (d) adding the following after paragraph (c.1):**
- (c.2) governing the purchase, sale, importation, possession, storage and use of fireworks;
- (e) repealing paragraph (d) and substituting the following:**
- (d) governing the possession, sale, storage and use of flammable or combustible liquids and gases, and the manner of disposal of their containers;
- (e.1) striking out "in" in that portion of paragraph 23(1)(e) preceding subparagraph (i) and substituting a semi-colon, and repealing subparagraphs (i) and (ii);**
- (f) adding the following after paragraph (e):**
- (e.1) respecting the safety of persons and the preservation of property;
- (g) striking out "the Territories" in paragraph (f) and substituting "Nunavut".**

**(2) Subsection 23(2) is amended by striking out "the Territories" and substituting "Nunavut".**

**(3) The following is added after subsection 23(2):**

Amendment of code

(3) A regulation made under subsection (2) may adopt a code as amended from time to time.

Exemption

(4) The Fire Marshal may

- (a) exempt a person from complying with a prescribed code; and
- (b) direct a person to comply with an alternative solution or to take any other measure the Fire Marshal considers appropriate.

**REPEAL**

***Regulatory Reform Measures Act***

**24. Section 8 of the *Regulatory Reform Measures Act*, S.N.W.T. 1998, c.21, as duplicated for Nunavut by section 29 of the *Nunavut Act*, is repealed.**