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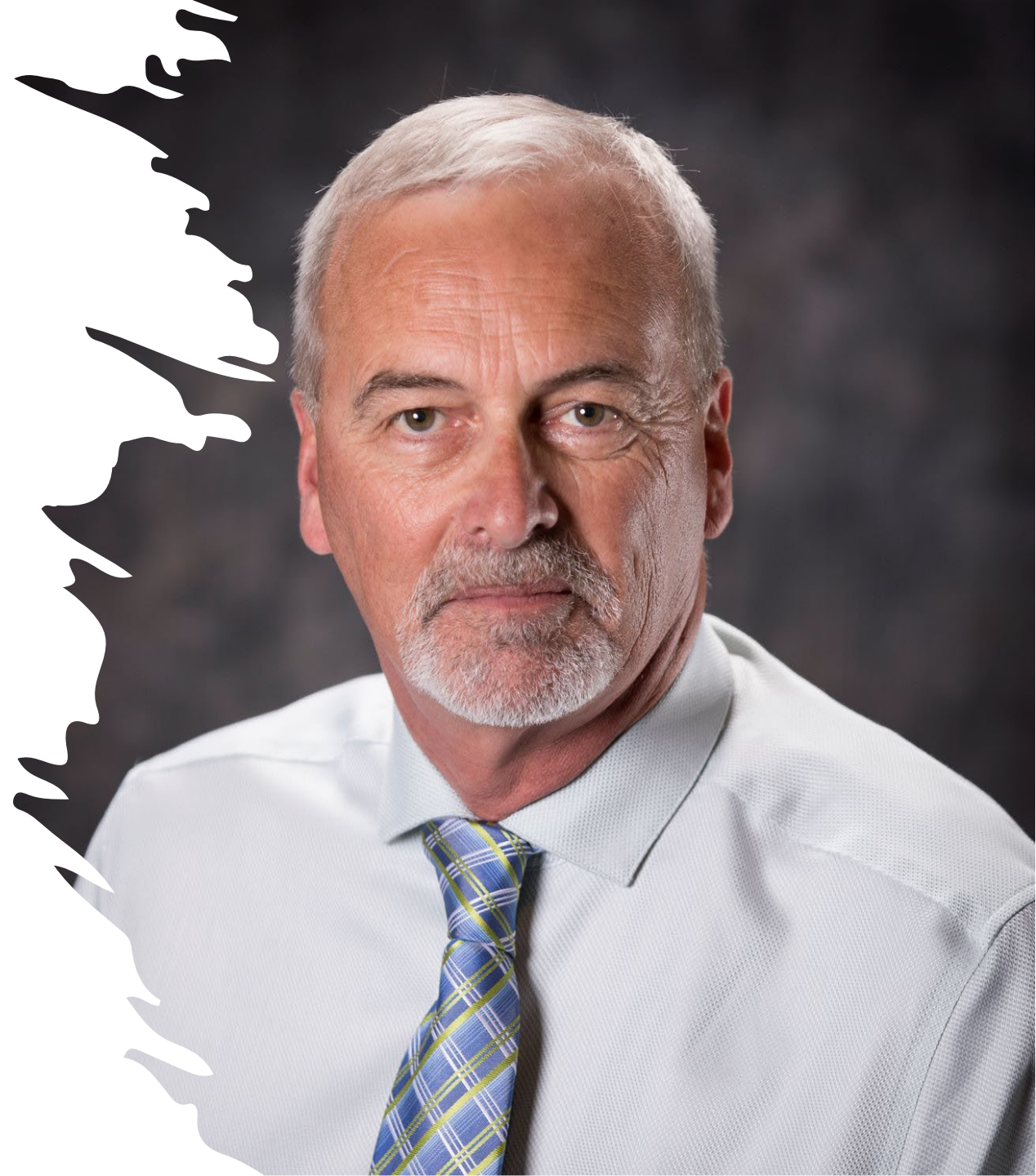
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FIRE DEPARTMENT LIABILITY: Standards, Risk & Resilience in Municipal Practice

- **Potential Areas of Liability**
- **Judicial Treatment/ Case Law**
- **Recent Changes to the *Fire Services Act*, R.S.B.C. 1996, c. 144**
- **Technical Guidelines for Fire Fighters**
- **Case Study: Rocky View County**

Ernie Polsom, FireWise Consulting Ltd.

- Ernie Polsom was Fire Chief in Taber and Leduc, Alberta, as well as Regina, Saskatchewan and spent nearly 10 years with the Alberta Fire Commissioner's Office as Deputy Fire Commissioner.
- As an owner and CEO of FireWise Consulting, Ernie brings his extensive background in all aspects of emergency response and management to consulting and training programs in support of effective First Nation, Municipal, Provincial and international risk, mitigation, prevention and response programs.



POTENTIAL AREAS OF LIABILITY FOR FIRE SERVICES:

- Common Law Tort Liability: Negligence
- Misrepresentation

NEGLIGENCE

- Elements of a Negligence Claim:

- (1) Duty of Care;

- (2) Breach of Duty;

- (3) Causation; and

- (4) Damages

DUTY OF CARE

Kamoto v. RDCK, 2022 BCCA 282:

- Approving officer does not owe a private law duty of care to the applicant.
- Exercise of statutory powers in connection with the authority's duty to the public does not give rise to a private law duty of care.

Bayus v. Coquitlam, 1993 CanLII 1031:

- “A municipal fire department is a valuable public service. The citizens of the community are entitled to expect a high standard of service, consistent with the resources the community has made available.”

BREACH OF DUTY

- Expert Evidence usually necessary to flesh out the applicable standard of care.
- This can vary depending on available resources, local circumstances and whether fire department is volunteer or professional.

Hammond v. Wabana (Town Council), 1995 CanLII 10450:

- “the standard expected of a volunteer fire department is that, with the resources available to them, they will do their best to put out the fire. A bona fide decision or action will not be open to question unless it caused a worsening of the fire and is a substantial departure from the basic principles of fire fighting.

BREACH OF DUTY – CONT'D

Schouten v. Rideau (Township), 2009 ONCA 541:

- Chief's failure to conduct a proper size-up created a "domino effect" by causing him to choose an incorrect plan of attack.

Bayus v. Coquitlam (City), 1993 CanLII 1031:

- Liability conceded. City failed to maintain complete maps.

CAUSATION

- “but for” v. material contribution tests.
- *Bayus*: difficult, but not impossible to determine causation. 15% of damage attributable to the FD’s delay.
- *Hammond*: “A fire is a dynamic process influenced by many variables. To conclude that, if a certain action had been taken, the fire would have taken a different course, requires evidence that all relevant variables have been identified, quantified and considered.”

MISREPRESENTATION

Kamoto v. RDCK, 2022 BCCA 282:

- A duty of care in negligent misrepresentation is dependent upon the defendant undertaking a responsibility to the plaintiff and on the plaintiff being induced to place reliance on the defendant.

Windsor Motors v. District of Powell River (1969), 4 D.L.R. (3d) 155 and Jung v. Burnaby (District) (1978), 91 D.L.R. (3d) 592:

- Liability in misrepresentation can arise where the municipality is acting outside a statutory scheme and voluntarily provides information to a plaintiff, knowing that the plaintiff is placing trust in them and expecting that the plaintiffs will be induced to act based on the representation.

Densmore v. Whitehorse (City), [1986] 5 W.W.R. 708:

- Dispatcher said fire department would respond but was overruled by fire chief.

INSPECTIONS & COMPLIANCE RISK

Municipality Undertakes Fire Safety Inspections

- Must perform inspections reasonably

Under *Fire Safety Act*:

- Mandatory designation of:
 - Fire Inspectors
 - Fire Investigators
- Training requirements apply

KEY TAKEAWAY:

- Inadequate inspections / training → liability exposure

FIRE SAFETY ACT (2024) – KEY CHANGES

Eliminates “local assistant to BC Fire Commissioner” model

- Shifts responsibility to municipalities, especially cities / towns
- Regional districts:
 - Can rely on provincial support OR self-deliver

Under *Fire Safety Act*:

- Introduces proactive inspection model:
 - Focus on higher risk buildings
- Fire chiefs now order tactical evacuations in emergencies
 - Increased local liability exposure for decisions

1. **Recent shift from provincial → municipal liability**
2. **Understand local risk profile before approving development**
3. **Align:** Infrastructure / Resources / Response capability
4. **Maintain:** Accurate data (maps, hydrants, access routes)
5. **Prepare:** Proper training and adherence to firefighting standards
6. **Consult with industry experts** (e.g., Ernie Polsom)

CONCLUSION



Case Study: Conrich Fire, Rocky View County, Alberta

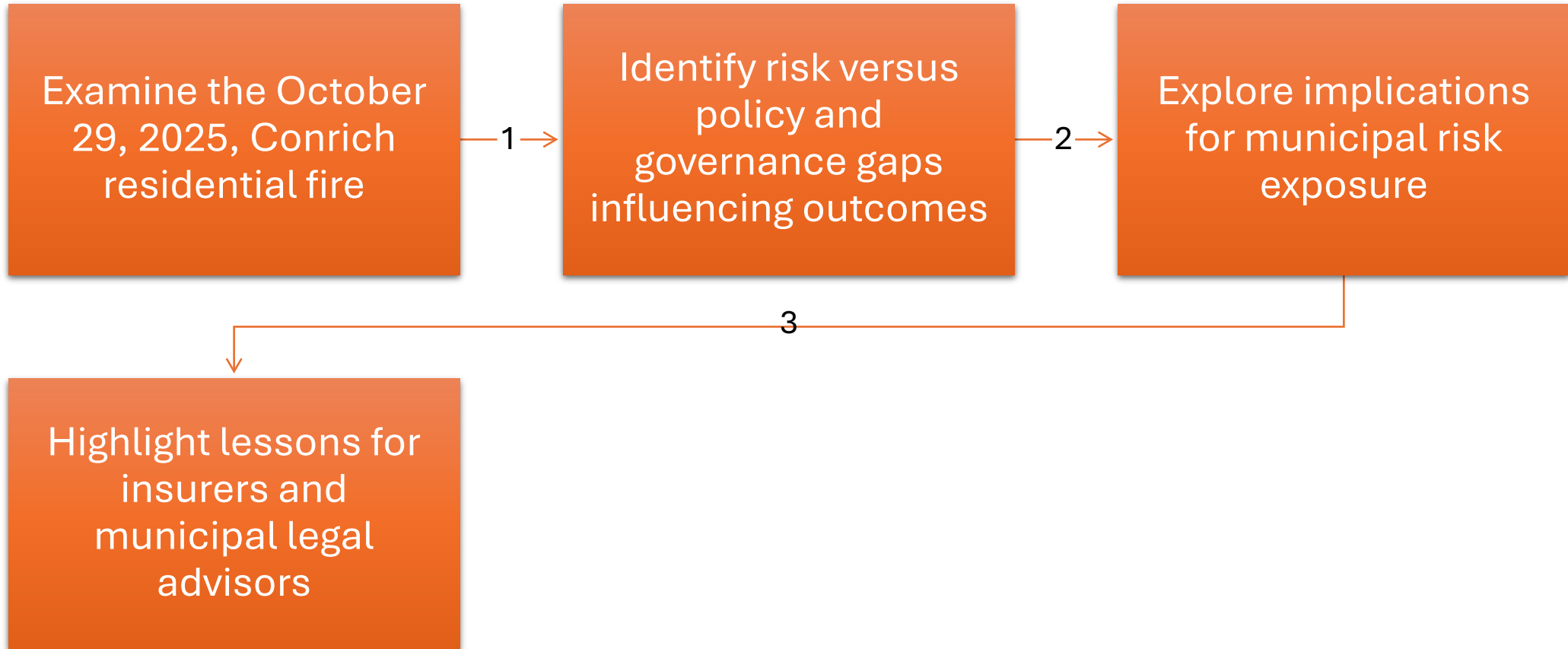
Policy Alignment,
Risk Governance,
and Fire Service
Delivery



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Purpose of the Case Study



Incident Overview



Location: Conrich community,
Rocky View County

Structure of origin: house under
construction

Suspected arson ignition ~2:05
a.m.

No detection or suppression
systems present

Incident Timeline



02:05 – Fire ignites



02:05–02:24 – Fire burns undetected



02:24 – First 911 call received



~20–27 minutes – First fire units arrive



Fire already extended to adjacent homes

Incident Consequences

Five homes destroyed or significantly damaged

Multiple families displaced

Significant financial loss

Long-term emotional and psychological impacts

Operational Constraints



Extended travel distances to Conrich



Limited initial staffing levels



Time required to establish sustained water supply



Rapid fire spread between structures

Core Findings

- Cause of the fire is suspected arson
- The outcome causes are more complex.
- It reflected a systemic misalignment between:
 - Governance and planning frameworks
 - Community growth
 - Fire protection service levels
 - Prevention capacity



Community Risk Evolution



Conrich has transitioned from rural to suburban development.



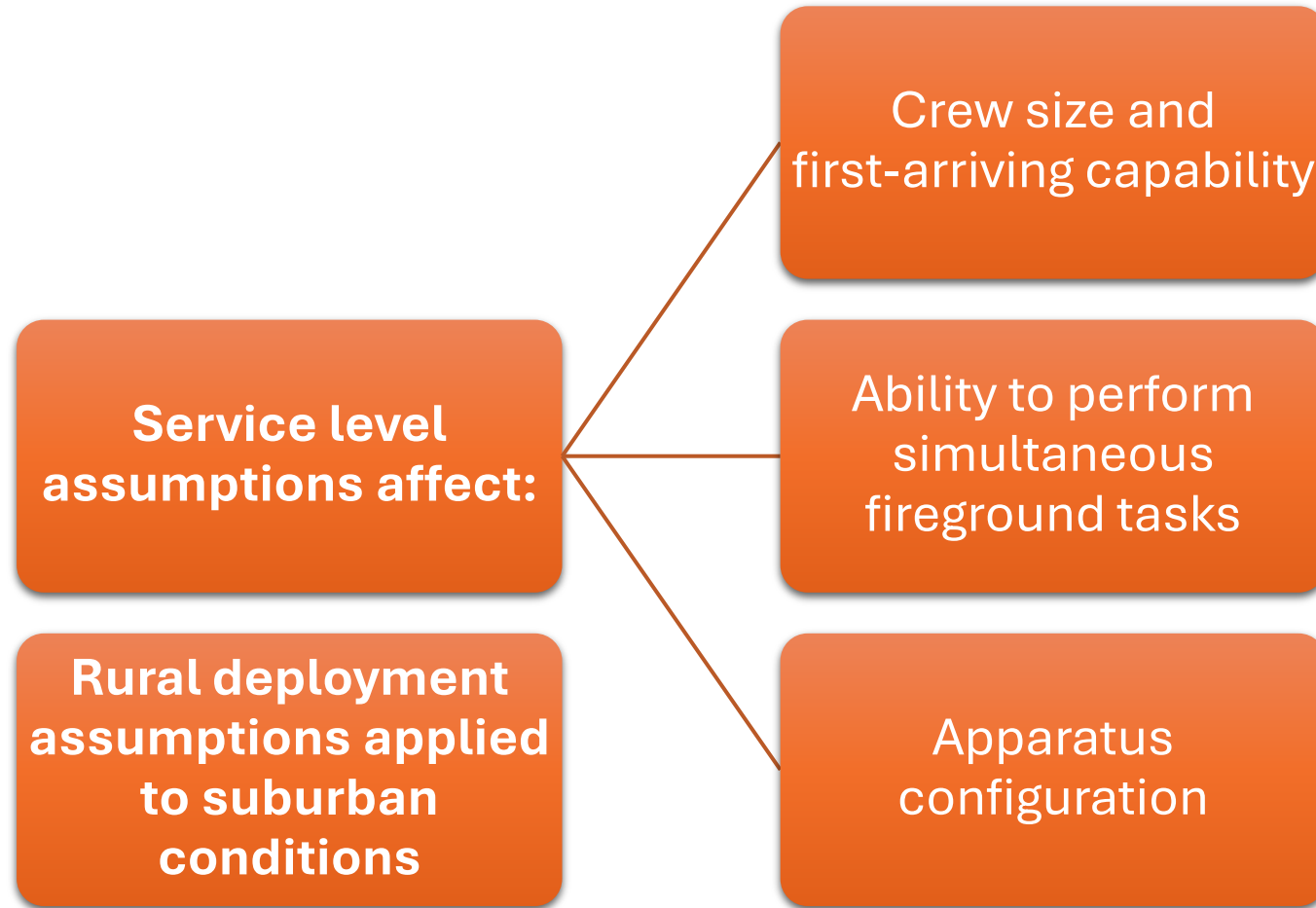
Original community design changed with market demands



Characteristics:

- Increased housing density
- Active construction activity
- Proximity between new and occupied homes
- Limited nearby fire service infrastructure

Resource Implications



Governance and Risk Implications

Fragmented governance instruments:

Service Level Policy

Fire Services Bylaw

Quality Management Plan

Area Structure Plans

Lack of integration made risk escalation harder to detect.

Where good policy existed, it went unimplemented, unfunded and unreported



Key Takeaways

Align fire protection with evolving land-use risk

Ensure service level policies are measurable and realistic

Match prevention capacity with development intensity

Integrate planning, governance, and emergency services

Fire protection is fundamentally a risk governance system.

Closing

The Conrich fire illustrates how planning, policy, and service delivery interact to shape fire outcomes.

For insurers and municipal legal advisors, the key lesson is clear:

When declared service levels diverge from actual capacity, municipal risk exposure increases.

Independent system-level reviews can help municipalities identify and close these gaps.

Thank you



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Q&A

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