

Bill No. 21 of 1944.

A BILL TO AMEND THE FIRE PREVENTION ACT

NOTE.

This Bill amends *The Fire Prevention Act*, chapter 266 of the Revised Statutes of Alberta, 1942.

Section 1 changes the definition of "owner." As the definition now appears in the Act "owner" is confined to the registered owner. Frequently the registered owner has no interest in the property, or only a small interest under an agreement of sale, and difficulty has been found in administering the Act by reason of this narrow description. The amendment widens the definition to include purchasers under an agreement of sale, unregistered owners and persons who are holding themselves out as owners, or exercising the powers of ownership.

The amendment to section 20 of the Act made by section 2 of the Bill is to remove doubts which have arisen in the administration of the Act as to the powers of inspection and of making orders with respect to fire alarm systems, fire extinguishing equipment, and the maintenance of fire escapes and proper access to them.

Section 3 of the Bill strikes out subsections (2), (3), (4) and (5) of section 21 and inserts four new subsections in their place. These changes are partly made necessary by the new definition of "owner," and the only material change apart from that is in subsection (5) where the amounts paid by any municipality to the fire commissioner to reimburse the latter for expenses in carrying out improvements in buildings where orders have not been complied with by the owner are made a charge having the same priority as taxes, that is, they would come ahead of mortgages and other incumbrances whereas in the subsection as it now stands these charges would come after existing incumbrances.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 21 of 1944.

An Act to amend The Fire Prevention Act.

(Assented to _____, 1944.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Fire Prevention Act*, being chapter 266 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 2 by striking out paragraph (b) thereof and by substituting therefor the following:

“(b) ‘Owner’ means and includes,—

- “(i) any person who is registered under The Land Titles Act as the owner of a freehold estate in possession of land;
- “(ii) any person who has purchased or otherwise acquired land whether he has purchased or otherwise acquired the land direct from the owner or from another purchaser and has not become the owner thereof;
- “(iii) any person holding himself out as the person having the powers and authority of ownership or who, for the time being, exercises the powers and authority of ownership;”.

2. The said Act is further amended as to section 20,—

(a) by adding immediately after paragraph (d) of subsection (1) thereof the following new paragraphs:

- “(e) there are no automatic or other approved fire alarms and fire extinguishing equipment maintained in the building, structure or place, or if such equipment is unsuitable or insufficient;
- “(f) there are no fire escapes maintained in the building or structure, or if the fire escapes and means of access thereto are not suitable for the safe and rapid evacuation of persons from the building or structure in the event of a fire;”;

(b) by re-lettering paragraphs (e), (f), (g), and (h) as paragraphs (g), (h), (i) and (j);

(c) by adding immediately after paragraph (j) the following new paragraphs:

- “(k) in cases under paragraph (e), the owner or occupier shall install an approved automatic or other approved fire alarm system and approved

fire extinguishing equipment suitable to the use and occupancy of the building or structure; or change the existing fire alarm system and change or supplement the fire extinguishing equipment to provide reasonable protection from fire to the persons occupying the building or structure;

- “(l) in cases under paragraph (f), the owner shall install and maintain in good repair, fire escapes and exits suitable to and sufficient for the type and class of building or structure, and that the means of access thereto shall be by doors opening outward;”.

3. The said Act is further amended as to section 21 by striking out subsections (2), (3), (4) and (5) thereof and by substituting therefor the following:

“(2) Any order made under the provisions of section 20 may direct any owner or occupier or one or more of them to comply therewith.

“(3) The order may further direct by whom the expenses of complying with the order are to be finally borne, and where the owner is directed to pay them, and by reason of his default the occupier does actually pay the expenses, the latter shall have a right of action or set-off against such owner for all expenses actually or necessarily incurred or paid by him in complying with the order.

“(4) In case an owner and occupier or either of them makes default in complying with an order made under section 20 within the time mentioned therein, or in case there is no occupier of the building, premises or structure mentioned in the order or there is no owner resident in the Province whose whereabouts are known, the fire commissioner or any person or persons authorized by him in writing and his or their workmen may enter into and upon the premises and carry out the order, and in such case the fire commissioner may cause any building materials upon the premises which are saleable to be sold at such price and in such manner as he may deem proper, and shall apply the proceeds realized by any such sale as aforesaid against the expense actually and necessarily incurred in carrying out the order, and shall pay the surplus, if any, to such owner of the property as in the opinion of the fire commissioner is entitled thereto.

“(5) In case the expenses actually and necessarily incurred in carrying out the order are in excess of the sum, if any, realized by the sale of any building materials upon the premises, the fire commissioner shall certify the amount of the expense together with the amount, if any, received by him on account of the proceeds of sale of any building materials to the treasurer or secretary-treasurer of the municipality within which the land on which the building, premises or structure is situated, and the treasurer or secretary-treasurer shall forthwith pay the amount to the

fire commissioner from the ordinary revenue of the municipality, and the amount shall thereupon form a special lien on the land in favour of the municipality, and shall for all purposes be deemed to be taxes imposed and assessed thereon and delinquent under the provisions of *The Assessment Act* and the appropriate municipal Act or City Charter as from the date of payment to the fire commissioner, and all the provisions of that Act and of *The Tax Recovery Act* shall apply to the enforcement, collection and recovery thereof.”.

4. This Act shall come into force on the day upon which it is assented to.

No. 21.

FOURTH SESSION
NINTH LEGISLATURE
8 GEORGE VI
1944

BILL

A Bill to amend The Fire Prevention
Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE.

EDMONTON:
A Shnitka, King's Printer
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