



# INFORMATION BULLETIN

Office of the  
Fire Commissioner

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## **L AFC's Legal Authority to Enter Under Section 10 of the *Fire Services Act***

The *Fire Services Act* gives the local assistant (an L AFC within their area of jurisdiction), the fire commissioner and the fire commissioner's inspectors the authority to enter and examine a building, premises, motor vehicle, vessel or rolling stock where a fire has occurred, and, if necessary, those adjoining or near the fire (Section FSA 10).

Section 10, of the *Fire Services Act*, also gives the local assistant, the fire commissioner and the fire commissioner's inspectors the authority to exclude a person from the building, premises, motor vehicle, vessel or rolling stock where a fire has occurred.

Section 8 of the Canadian Charter of Rights and Freedoms (CCRF) states: "Everyone has the right to be secure against unreasonable search or seizure."

The purpose of the fire investigation, conducted under the *Fire Services Act*, is to establish the cause, origin and circumstances of the fire only (Section FSA 9).

The *Fire Services Act* **does not** give the L AFC, the fire commissioner or the fire commissioner's inspectors any authority to determine or investigate criminal activity.

Therefore, if criminal activity is **suspected**, the local police must be contacted immediately by the fire investigating officer to:

- maintain proper legal procedure during the continued investigation and
- ensure that a reasonable search or seizure is conducted (Section 8 CCRF).

Also, the L AFC must immediately make a preliminary report **to the fire commissioner** if a fire appears to be of **suspicious** origin (Section FSA 13).

***The contents of this Information Bulletin are not intended to be provided as legal advice and should not be relied upon as legal advice.***

Information Bulletins are distributed to British Columbia Fire Departments, Local Assistants to the Fire Commissioner and where applicable, other related agencies and authorities, in order to provide general information on fire-related issues.

For further information contact: Office of the Fire Commissioner, Ministry of Public Safety and Solicitor General,  
Mailing Address: PO Box 9491, Stn. Prov. Govt., Victoria B.C. V8W 9N7 / Location: Suite 200, 645 Tyee Road  
Telephone (250) 356-9000, Facsimile (250) 356-9019, E-mail: [ofc@gov.bc.ca](mailto:ofc@gov.bc.ca), Internet: <http://www.pssg.gov.bc.ca/firecom/>