



WHAT WE HEARD REPORT

FIRE PREVENTION ACT – PROPOSED PLAN REVIEW APPEALS BOARD
REGULATIONS AND FIRE PREVENTION REGULATIONS UPDATE
PUBLIC AND STAKEHOLDER ENGAGEMENT

October | 2024



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Background

A. The Fire Prevention Act

The *Fire Prevention Act* (FPA) is the backbone of the legislative framework for structural fire prevention in the Northwest Territories (NWT). This framework establishes the system by which the Government of the Northwest Territories (GNWT) seeks to prevent and address fire and the threat of fire to persons and property.

The FPA and Regulations relate to:

- Structural fire investigation and reporting;
- Fire hazard regulation; and,
- The adoption of codes and standards related to the construction of safe buildings and for the prevention and extinguishment of structural fires.

Ultimately, the goal of this legislative regime is to ensure the NWT has the means to adequately and efficiently protect the public and property from fire and the threat of fire. The National Building Code of Canada (NBC) and National Fire Code of Canada (NFC) are adopted under the *Fire Prevention Regulations* and are periodically updated following the release of newer publications of the National Model Codes.

Unless the structure is exempted by the *Fire Prevention Regulations*, any person who plans to construct, alter, or repair a structure in the NWT must submit a description of the proposed work to the Fire Marshal for review in accordance with the *Fire Prevention Act*. When required by the Fire Marshal, plans and specifications must be submitted for review to verify conformity to these codes with respect to fire and the prevention of fire.

Before the most recent amendments to the FPA in the 19th Legislative Assembly, the Act did not establish Plan Review reports as authoritative decisions. Therefore, those reports could not be formally challenged or disputed by the recipient. The 2023 amendments to the FPA making the Plan Review an authoritative decision will come into force following the registration of the proposed [Plan Review Appeals Board Regulations](#).

B. History of Previous Engagement and Legislative Amendments

1. Plan Review Appeal Board Regulations

In 2021, Municipal and Community Affairs (MACA) restarted a legislative review of the FPA using previous engagement results and subsequent department research as a foundation and asked stakeholders and the public to consider and comment on potential legislative solutions to address identified issues. This was done with the intention of ensuring that there was a sound basis for any proposed amendments to the FPA.

The Department formed an Interdepartmental working group with Infrastructure, Executive and Indigenous Affairs, and Housing NWT to develop the [*Fire Prevention Act Discussion Paper: Review of the Fire Prevention Act and Consideration of Building Standards Framework*](#).

On August 10, 2022, MACA released a [What We Heard Report](#) on the Department's 2022 review of the Fire Prevention Act. The report includes a summary of feedback received from engagement with stakeholders, including professional organizations, community governments, and members of the public.

The majority of respondents supported the decision to implement an appeals board for Plan Review which would create an additional level of appeal between the Fire Marshal and the NWT Supreme Court.

On March 30, 2023, [Bill 67: An Act to Amend the Fire Prevention Act](#) received royal assent. Updates to the Act include provisions to make plan review reports legally enforceable as orders and for the establishment of a Plan Review Appeals Board (PRAB). Bill 67 included a Coming-In-Force clause that required regulations to be established before the amendments related to the PRAB to be in force.

During the passing of the amendments to the FPA, MACA committed to further engaging with professional organizations before moving forward with establishing regulations related to the PRAB.

2. Fire Prevention Regulations Update for Code Adoption

The National Building Code of Canada (NBC) and National Fire Code of Canada (NFC) are adopted under the *Fire Prevention Regulations* and are periodically updated following the release of newer publications of the National Model Codes. The [National Building Code of Canada 2020](#) and the [National Fire Code of Canada 2020](#) were developed by the Canadian Commission on Building and Fire Codes and published by the National Research Council of Canada in March 2022.

What We Heard

This section of the report includes a summary of the feedback from respondents.

A. Stakeholder Engagement

As per its commitment to the Standing Committee during the passing of Bill 67, MACA reached out to key stakeholders on May 16, 2023, for input on the proposed composition of a plan review appeals board.

Table 1: Breakdown of Stakeholders by Affiliation – Pre-Drafting Engagement

Affiliation	Participant Breakdown
Organizations or Associations	<ul style="list-style-type: none"> • Northwest Territories Association of Architects • NWT and Nunavut Association of Professional Engineers and Geoscientists • Northwest Territories and Nunavut Construction Association • Association of Consulting Engineering Companies Northwest Territories
Other GNWT Departments	<ul style="list-style-type: none"> • Department of Infrastructure • Department of Housing

In its letter to stakeholders, MACA suggested the following regarding the PRAB:

- Board size of five members, with three members being required for a hearing (minimum quorum).
- Remuneration in line with Northwest Territories’ Honoraria Classifications and Rates.
- Allowing the board to develop guidelines for processes and procedures not covered in the legislation or regulation.

MACA also asked stakeholders to choose between two options for Board membership, one which would grant the Minister flexibility in appointing members as long as they met certain qualifications, and the other which would require certain professions to be included on the Board. The Department requested stakeholders to include any other options for Board membership they preferred in their

response.

Key comments from stakeholders included:

- Board eligibility should be expanded to include a larger and more diverse pool of candidates.
 - Membership criteria should include qualifications and experience with projects in the NWT.
 - A professional designation should be required to ensure a base level of competency.
 - Members of the public service should not be excluded.
- Board members should be permitted to extend beyond a three-year term, given the limited pool of professionals to draw on.
- Proposed remuneration may not be sufficient and should align with the standard rates of the professionals involved.
- The proposed board composition does not contain enough detail to determine if the requisite professional background will be suitable to perform this type of specialized work.

Input from these engagements was used to inform the drafting of the [Plan Review Appeals Board Regulations](#) which were released in the July 2, 2024 public engagement. While the Department considered all feedback, it was not possible to remove the exclusion of members of the public services from the board or to change the length of board members' terms as these were set in the updated *Fire Prevention Act*.

B. Public Engagement

On July 2nd, 2024, the GNWT sought public feedback on two sets of proposed regulations, the *Plan Review Appeal Board Regulations* and amendments to the *Fire Prevention Regulations* to adopt the 2020 Model NBC and NFC.

Residents and stakeholders were invited to email feedback on these proposed regulations to WhatWeHeard-MACA@gov.nt.ca by August 6, 2024.

Targeted invitations to provide feedback included the following NWT organizations:

- Northwest Territories Association of Architects
- NWT and Nunavut Association of Professional Engineers and Geoscientists
- Northwest Territories and Nunavut Construction Association
- Association of Consulting Engineering Companies Northwest Territories

Two responses were received on the proposed regulations.

- One respondent had no suggested changes and was in support of the changes.

- The other respondent made some recommendations regarding animal safety provisions within the context of farm buildings and evacuation planning.

A direct response was given to the individual who provided feedback on animal safety in evacuation planning and code development. The individual was made aware that the Department's Emergency Management division regularly publishes emergency preparedness public education materials which include recommendations for individuals to plan for their pets in emergency situations. MACA will continue to encourage residents to have a pet plan in place. The individual was also directed to the Canadian Board for Harmonized Construction Codes, where they can provide direct input on the development of the National Model Codes.

What's Next?

Thank you to all who took the time to participate in the engagement process.

MACA will be proceeding with publishing the regulations as presented. The *Plan Review Appeals Board Regulations* will be published following the appointment of the board. The Department is currently seeking members for the board. The updated *Fire Prevention Regulations* for the purposes of adopting the 2020 NBC and 2020 NFC came into force on October 1, 2024.