



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **FIRE SAFETY ACT**

## **FIRE COMPANIES REGULATIONS**

## PLEASE NOTE

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## FIRE COMPANIES REGULATIONS

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## FIRE SAFETY ACT

### CHAPTER F-11.1

## FIRE COMPANIES REGULATIONS

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Pursuant to section 64 of the *Fire Safety Act* R.S.P.E.I. 1988, Cap. F-11.1, Council made the following regulations:

#### 1. Definitions

In these regulations,

- (a) “**Act**” means the *Fire Safety Act* R.S.P.E.I. 1988, Cap. F-11.1;
- (b) “**authorized officer**” means the mayor or other person authorized by a council of a municipality to act on behalf of the municipality for the purposes of these regulations;
- (c) “**member**” means any resident of the municipality or rural community served by a fire company who is 18 years of age or older and an owner of real property within the municipality or rural community;
- (d) “**rural community**” means an area that is not within a municipality. (EC654/25)

#### 2. Application for incorporation of fire company

- (1) A person may apply to the Minister for incorporation of a fire company under section 35 of the Act to serve a specified area in accordance with this section.

##### Application requirements

- (2) An application for the incorporation of a fire company shall be signed
  - (a) in the case of one or more rural communities, in Form 1 as set out in Schedule A to these regulations, by at least 10 persons who are residents of the rural communities and at least 18 years of age;
  - (b) in the case of a rural community and a municipality, in Form 2 as set out in Schedule A to these regulations, by
    - (i) at least 10 persons who are residents of the rural community and at least 18 years of age, and
    - (ii) an authorized officer on behalf of the municipality;
  - (c) in the case of one or more municipalities, in Form 3 as set out in Schedule A to these regulations, by an authorized officer on behalf of each municipality. (EC654/25)

**3. Information to be included**

- (1) An application for incorporation of a fire company shall include the following information:
- (a) the proposed name of the fire company;
  - (b) a statement that the purpose of the fire company is to provide fire coverage for a specified area, including a description of the specified area;
  - (c) the place within the province where the head office of the fire company is to be situated;
  - (d) the name in full and the address of each of the applicants;
  - (e) the names of the proposed provisional chairperson and directors of the fire company;
  - (f) confirmation, satisfactory to the Minister, that the Fire Marshal supports the application.

**Provisional directors to be named**

- (2) For the purposes of clause (1)(e), the application shall name at least five provisional directors of the fire company. (EC654/25)

**4. Memorandum of agreement**

The application shall be accompanied by a memorandum of agreement signed by the applicants, setting out the bylaws of the proposed fire company, including but not limited to bylaws on the following matters:

- (a) mode of holding meetings, provision for quorum, rights of voting and of enacting bylaws;
- (b) mode of repealing or amending bylaws;
- (c) appointment and removal of directors and officers, and their respective powers;
- (d) audit of accounts and appointment of auditors;
- (e) custody of the corporate seal and certifying of documents issued by the fire company. (EC654/25)

**5. Provisional chairperson**

- (1) The first-named person in an application under clause 2(2)(a) shall be the provisional chairperson of the fire company.

**Authorized officer as provisional chairperson**

- (2) The authorized officer named in an application under clause 2(2)(b) or (c) shall be the provisional chairperson of the fire company.

**Provisional directors**

- (3) The persons named in an application under section 2 as provisional directors shall be the provisional directors of the fire company. (EC654/25)

**6. Duties of provisional chairperson**

- (1) The provisional chairperson of the fire company shall, upon receiving a certificate of incorporation issued under subsection 35(6) of the Act,
- (a) within 30 days, call an organizational meeting of the members; and
  - (b) provide at least five days' notice to members of the date, time and location of the meeting.

**Election of directors**

- (2) The members shall, at the organizational meeting, elect five or more directors from among whom shall be chosen a president, vice-president and secretary-treasurer. (EC654/25)

**7. Annual general meeting, election**

- (1) Directors of the fire company shall be elected annually by the members in a general meeting of the fire company, at the time and in the manner set out in the bylaws of the fire company.

**Rules respecting election of directors, officers**

- (2) Unless otherwise provided by the bylaws of the fire company,
- (a) at an election all directors shall resign and, if otherwise qualified, are eligible for re-election;
  - (b) election of directors shall be by ballot;
  - (c) every member is entitled to vote in an election of directors;
  - (d) vacancies occurring among the directors of the fire company may be filled for the unexpired remainder of the term, by the board of directors, from among the members of the fire company; and
  - (e) the directors shall elect from among themselves a president, vice-president, secretary-treasurer and other officers of the fire company.

**Delay in election**

- (3) Where an election of directors is not made or does not take effect at the proper time, the election may take place at any general meeting of the fire company called for that purpose, and the retiring officers shall continue in office until their successors are elected. (EC654/25)

**8. No remuneration**

- (1) Subject to clause (3)(a), a director of a fire company shall serve as director of the fire company without remuneration.

**Reimbursement for expenses**

- (2) A director of a fire company may be reimbursed for the reasonable expenses actually incurred by the director in carrying out the director's duties.

**Discretion to remunerate**

- (3) The members of a fire company may, at a general meeting of the fire company,
- (a) approve a rate of remuneration for the directors of the fire company and provide that the directors be remunerated for their services at the approved rate; or
  - (b) rescind a rate of remuneration previously approved in accordance with clause (a) and discontinue the remuneration of the directors. (EC654/25)

**9. Annual report to be filed**

- (1) A fire company shall file an annual report with the Minister within 30 days after each annual meeting and provide a copy of the report to the Fire Marshal.

**Contents of annual report**

- (2) The annual report shall include a balance sheet and a profit or loss statement prepared by a person approved by the Minister or a chartered professional accountant.

**Annual audit**

- (3) The accounts and financial transactions of the fire company shall be audited by a qualified auditor appointed by the fire company
  - (a) in accordance with a bylaw of the fire company respecting the auditing of accounts and appointment of auditors; or
  - (b) on the request of the Minister.

**Auditor's report**

- (4) Copies of the report of the auditor referred to in subsection (3) shall be provided to the Minister and the Fire Marshal within 30 days after the report is received by the fire company.

**Public access to records**

- (5) The Fire Marshal may, on the request of any person, make available the records received by the Fire Marshal under this section for public inspection during normal business hours at the office of the Fire Marshal. (EC654/25)

**10. Applicable provisions of *Companies Act***

- (1) A fire company shall comply with the following requirements of the *Companies Act* R.S.P.E.I. 1988, Cap. C-14:
  - (a) clause 50(a) and section 52, as if the certificate of incorporation issued under subsection 35(6) of the Act or under the *Rural Community Fire Companies Act* R.S.P.E.I. 1988, Cap. R-16, were letters patent;
  - (b) section 67;
  - (c) subsection 91(3).

**Construing provisions**

- (2) In construing the provisions referred to in subsection (1),
  - (a) the words “the company”, “a company”, or “a corporation to which this Part applies” mean a fire company; and
  - (b) the word “shareholder” means a member. (EC654/25)



## SCHEDULE

### FORM 1

#### APPLICATION FOR THE INCORPORATION OF A FIRE COMPANY UNDER THE PROVISIONS OF THE *FIRE SAFETY ACT*

We the undersigned, being residents of the rural community hereinafter described, do hereby petition the Minister of Justice and Public Safety of the Province of Prince Edward Island for the incorporation of a fire company under the provisions of the *Fire Safety Act*.

1. The name of the Company is “ ..... Fire Company”.
2. The object of the Company is to provide fire protection coverage for the following community or area:  
.....
3. The head office of the Company shall be located at .....
4. The following applicants shall be the provisional directors and the first-named shall be Provisional Chairperson of the Company; and by our signatures attached to this document we agree to act as Provisional Chairperson and Directors respectively:

|                                      |         |
|--------------------------------------|---------|
| 1. ....                              | .....   |
| Signature of Provisional Chairperson | Address |

|                       |
|-----------------------|
| 2. ....               |
| Signature of Director |

.....

|                       |
|-----------------------|
| 5. ....               |
| Signature of Director |

|  |           |
|--|-----------|
| Names of Additional<br>Supporting Applicants | Addresses |
|--|-----------|

|          |       |
|----------|-------|
| 1. ....  | ..... |
| 2. ....  | ..... |
| ....     |       |
| 10. .... | ..... |

#### CERTIFICATE OF THE FIRE MARSHAL

I hereby certify that I have carefully examined this application and approve of the formation of this Fire Company and that I do hereby support the applicants in their application for incorporation under the provisions of the *Fire Safety Act*.

|         |              |
|---------|--------------|
| .....   | .....        |
| Witness | Fire Marshal |

### CERTIFICATE OF APPROVAL

I hereby approve this application for the incorporation of .....

.....

Name of Fire Company

and upon this application being duly filed with the Director of Corporations, the said Company shall thereupon become a body corporate and shall have the powers of a Company incorporated under Part II of the *Companies Act* R.S.P.E.I. 1988, Cap. C-14.

This application conforms to the provisions of the *Fire Safety Act* and regulations made under that Act.

.....  
Witness

.....  
Minister of Justice and Public Safety  
Province of Prince Edward Island

### CERTIFICATE OF THE DIRECTOR OF CORPORATIONS

This is to certify that the original application of .....

Name of Fire Company

has been duly filed in the Office of the Director of Corporations on this ..... day of .....,  
20.....  
(EC654/25)

### FORM 2

#### APPLICATION FOR THE INCORPORATION OF A FIRE COMPANY UNDER THE PROVISIONS OF THE *FIRE SAFETY ACT*

We the undersigned, being the authorized officer of the municipality of .....and residents of the rural community hereinafter described, do hereby petition the Minister of Justice and Public Safety of the Province of Prince Edward Island for the incorporation of a fire company under the provisions of the *Fire Safety Act*.

1. The name of the Company is “..... Fire Company”.
2. The object of the Company is to provide fire protection coverage for the following municipality and rural community: .....
3. The head office of the Company shall be located at .....

.....  
4. The following applicants shall be the provisional directors and the first-named shall be Provisional Chairperson of the Company; and by our signatures attached to this document we agree to act as Provisional Chairperson and Directors respectively:

- |   |           |
|---|-----------|
| 1. ....   | .....     |
| Signature of Authorized Officer of (Municipality) | Address   |
| 2. ....   | .....     |
| 3. ....   | .....     |
| ....  | .....     |
| 5. ....   | .....     |
| Signatures of Directors                           | Addresses |

Names of Additional  
Supporting Applicants

Addresses

1. ....  
2. ....  
.....  
10. ....

### **CERTIFICATE OF THE FIRE MARSHAL**

I hereby certify that I have carefully examined this application and approve of the formation of this Fire Company and that I do hereby support the applicants in their application for incorporation under the provisions of the *Fire Safety Act*.

.....  
Witness Fire Marshal

### **CERTIFICATE OF APPROVAL**

I hereby approve this application for the incorporation of .....  
Name of Fire Company

and upon this application being duly filed with the Director of Corporations, the said Company shall thereupon become a body corporate and shall have the powers of a Company incorporated under Part II of the *Companies Act* R.S.P.E.I. 1988, Cap. C-14.

This application conforms to the provisions of the *Fire Safety Act* and regulations made under that Act.

.....  
Witness Minister of Justice and Public Safety  
Province of Prince Edward Island

### **CERTIFICATE OF THE DIRECTOR OF CORPORATIONS**

This is to certify that the original application of .....  
Name of Fire Company

has been duly filed in the Office of the Director of Corporations on this ..... day of .....,  
20.....

.....  
Witness Director of Corporations  
(EC654/25)

**FORM 3****APPLICATION FOR THE INCORPORATION OF A FIRE COMPANY UNDER THE PROVISIONS OF THE FIRE SAFETY ACT**

We the undersigned, being the authorized officer of the municipality of ..... and the authorized officer for the municipality of ....., do hereby petition the Minister of Justice and Public Safety of the Province of Prince Edward Island for the incorporation of a fire company under the provisions of the *Fire Safety Act*.

1. The name of the Company is “..... Fire Company”.
2. The object of the Company is to provide fire protection coverage for the following municipalities: .....
3. The head office of the Company shall be located at .....
4. The following applicants shall be the provisional directors and the first-named shall be Provisional Chairperson of the Company; and by our signatures attached to this document we agree to act as Provisional Chairperson and Directors respectively:

1. ....  
Signature of Authorized Officer of (Municipality)      Address

Names of Additional  
Directors

Addresses

2. ....  
3. ....  
.....  
5. ....

**CERTIFICATE OF THE FIRE MARSHAL**

I hereby certify that I have carefully examined this application and approve of the formation of this Fire Company and that I do hereby support the applicants in their application for incorporation under the provisions of the *Fire Safety Act*.

.....  
Witness

.....  
Fire Marshal

**CERTIFICATE OF APPROVAL**

I hereby approve this application for the incorporation of .....  
Name of Fire Company

and upon this application being duly filed with the Director of Corporations, the said Company shall thereupon become a body corporate and shall have the powers of a Company incorporated under Part II of the *Companies Act* R.S.P.E.I. 1988, Cap. C-14.

This application conforms to the provisions of the *Fire Safety Act* and regulations thereunder.

.....  
Witness

.....  
Minister of Justice and Public Safety  
Province of Prince Edward Island

**CERTIFICATE OF THE DIRECTOR OF CORPORATIONS**

This is to certify that the original application of .....

Name of Fire Company

has been duly filed in the Office of the Director of Corporations on this ..... day of  
....., 20.....

.....  
Witness

.....  
Director of Corporations

(EC654/25)

