



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **FIRE SAFETY ACT**

## **FIRE SAFETY REGULATIONS**

## PLEASE NOTE

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For more information concerning the history of these regulations, please see the ***Table of Regulations*** on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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Table of Contents

Section	Page
1. Definitions.....	5
2. Review of plans and specifications .....	5
3. Purposes requiring capacity permit.....	6
4. Prohibition.....	7
5. Prohibition.....	8
6. Adoption of codes and standards .....	8
7. Revocations.....	9



**FIRE SAFETY ACT****CHAPTER F-11.1****FIRE SAFETY REGULATIONS**

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) “**fireworks**” means any substance, combination of substances or article prepared for the purpose of producing a visible or audible effect of combustion, explosion, deflagration or detonation and used for recreation or amusement, and includes cannon crackers, firecrackers, cherry bombs, showers, fountains, golden rain, lawn lights, pinwheels, roman candles, volcanoes, sparklers, rockets, serpents, shells, bombshells, tourbillions, maroons, bouquets, barrages, bombardos, waterfalls, batteries, mines, illuminations, set pieces and pigeons;
- (c) “**portable fire extinguisher**” means a device that is capable of being readily moved from place to place, which contains chemicals, fluids, or gases for extinguishing fires and the means for application of its contents to that purpose;
- (d) “**servicing**” includes any of the following functions in relation to a portable fire extinguisher:
  - (i) charging,
  - (ii) filling,
  - (iii) inspecting,
  - (iv) maintaining,
  - (v) recharging,
  - (vi) refilling,
  - (vii) testing;
- (e) “**ULC**” means Underwriter’s Laboratories of Canada. (*EC657/25*)

**2. Review of plans and specifications**

For the purposes of section 15 of the Act, an occupant of land or premises shall submit plans and specifications for the construction of a new building or alterations or repairs to an existing

building to the Fire Marshal or a municipal fire inspector if the premises are, or are intended to be, used for any of the following purposes:

- (a) storage purposes, where the premises are used primarily for storage or sheltering of goods, merchandise, products or vehicles;
- (b) lodging purposes, where the premises are a one- or two-family dwelling that provides sleeping accommodation for persons on a transient basis and is primarily used by transients for lodging, with or without meals;
- (c) residential tenancy purposes, where the premises are a one- or two-family dwelling that is primarily used by a tenant as a rental unit as defined in the *Residential Tenancy Act* R.S.P.E.I. 1988, Cap. R-13.11. (EC657/25)

### 3. Purposes requiring capacity permit

- (1) Premises to be used for any of the following purposes require a valid capacity permit issued by the Fire Marshal under section 19 of the Act:

- (a) assembly purposes, where 50 or more persons are gathered for deliberation, worship, entertainment, eating, drinking, amusement, or waiting for transportation, or a similar purpose;
- (b) educational purposes, where the premises are used for education or training purposes by an educational body;
- (c) daycare purposes, where four or more children receive child care as defined in the *Early Learning and Child Care Act* R.S.P.E.I. 1988, Cap. E-.01, on the premises for less than 24 hours a day from one or more persons who are not their family members or guardians;
- (d) health care purposes, where medical or other treatment or care is provided simultaneously to four or more persons on an in-patient basis on the premises, and the persons are largely incapable of self-preservation because of age, physical or mental disability, or security measures not under the persons' control;
- (e) ambulatory health care purposes, where the premises are used to provide one or more services or treatments simultaneously to four or more persons on an out-patient basis, where
  - (i) the treatment for a person renders the person incapable of taking action for self-preservation under emergency conditions without the assistance of others,
  - (ii) anesthesia renders a person incapable of taking action for self-preservation under emergency conditions without the assistance of others, or
  - (iii) a person requires emergency or urgent care because of an injury or illness that renders the person incapable of taking action for self-preservation under emergency conditions without the assistance of others;
- (f) detention or correctional purposes, where one or more persons are housed in premises under varying degrees of restraint or security, and the occupants are largely incapable of self-preservation because of security measures not under their control;
- (g) lodging or rooming house purposes, where a premises or portion of a premises that is not a one- or two-family dwelling provides sleeping accommodation for a total of 16 or fewer persons on a transient or permanent basis, without the provision of personal care services, and with or without meals, but without separate cooking facilities for each occupant;
- (h) hotel purposes, where a premises or group of premises under the same management provides sleeping accommodation for more than 16 persons and is primarily used by transients for lodging, with or without meals;

- (i) dormitory purposes, where a premises or part of a premises is used to provide group sleeping accommodations for more than 16 persons who are not members of the same family in one room or a series of closely associated rooms, under joint occupancy and single management, with or without meals, but without individual cooking facilities;
- (j) residential board and care purposes, where premises are used for lodging and boarding of four or more persons, not related by blood or marriage to the owners or operators, and personal care services are provided to those persons;
- (k) mercantile purposes, where premises are used for the display and sale of merchandise;
- (l) business purposes, where premises are used for the transaction of business other than mercantile purposes set out in clause (k);
- (m) industrial purposes, where premises are used for the manufacture of products or in which processing, assembling, mixing, packaging, finishing, decorating or repair operations are conducted;
- (n) storage purposes, where premises are used primarily for storage or sheltering of goods, merchandise, products or vehicles.

**Definition, “educational body”**

- (2) For the purposes of clause (1)(b), “**educational body**” includes
  - (a) an education authority as defined in the *Education Act* R.S.P.E.I. 1988, Cap. E-.02;
  - (b) a private school as defined in the *Private Schools Act* R.S.P.E.I. 1988, Cap. P-20.01;
  - (c) a private training school as defined in the *Private Training Schools Act* R.S.P.E.I. 1988, Cap. P-20.2;
  - (d) the University of Prince Edward Island, established under the *University Act* R.S.P.E.I. 1988, Cap. U-4;
  - (e) Holland College, established under the *Holland College Act* R.S.P.E.I. 1988, Cap. H-6; and
  - (f) La Société Éducative de l’Île-de-Prince Édouard Inc., a non-profit corporation established under the laws of the province, operating under the trade name “Collège de l’Île”. (EC657/25)

**4. Prohibition**

- (1) No person shall sell, offer for sale, give, possess or store fireworks, or fire or set off fireworks, except in accordance with this section.

**Permit required**

- (2) A permit is required for
  - (a) the storage of fireworks;
  - (b) the sale of fireworks to a person; and
  - (c) the holding of a public or private display of fireworks.

**Request for permit**

- (3) A request for a permit shall set out
  - (a) the purpose under subsection (2) for which the permit is required;
  - (b) the number and type of fireworks in respect of which the request is made; and
  - (c) in the case of a request to set off fireworks at a public or private display, the time and place of the proposed display.

**Information to be provided**

- (4) Where a request for a permit under subsection (2) is made, the Fire Marshal may request other relevant information and the person making the request shall provide the requested information in writing.

**Issuing of permit**

- (5) The Fire Marshal may issue a permit for a purpose under subsection (2) where, in the opinion of the Fire Marshal, the proposed storage, sale, gift, possession or display of fireworks is not likely to endanger public safety.

**Conditions may apply**

- (6) The Fire Marshal may attach conditions to a permit issued under this section. (EC657/25)

**5. Prohibition**

- (1) No person shall service a portable fire extinguisher unless the person, at the time of servicing,
- (a) is certified to the ULC Standard S532 by an organization accredited for such purposes by the Standards Council of Canada; and
  - (b) meets any other requirements imposed upon persons who service portable fire extinguishers under a code or standard referred to in section 6.

**Proof of compliance**

- (2) A person who services a portable fire extinguisher shall, upon request of the Fire Marshal, produce for inspection proof of compliance with the requirements described in subsection (1). (EC657/25)

**6. Adoption of codes and standards**

- (1) For the purposes of subsection 64(2) of the Act, the following codes of fire safety rules and standards for fire safety are in force in Prince Edward Island and shall be enforced by the Fire Marshal under the Act:
- (a) subject to subsection (3), 2024 edition of the National Fire Protection Association's NFPA 1 Uniform Fire Code;
  - (b) 2024 edition of the National Fire Protection Association's NFPA 101 Life Safety Code;
  - (c) 2020 Edition of the National Research Council's National Fire Code;
  - (d) Canadian Standards Association B 139, Installation Code for Oil Burning Equipment;
  - (e) Canadian Standards Association B 149.2, Installation Code for Propane Burning Appliances and Equipment;
  - (f) Canadian Standards Association B 365, Installation Code for Solid Fuel Burning Appliances and Equipment.

**Incorporation by reference**

- (2) A provision of an electrical or building construction safety code that is referred to in any provision of the codes referred to in clauses (1)(a), (b) and (c) is in force in Prince Edward Island and shall be enforced by the Fire Marshal under the Act to the extent necessary to give effect to any provision of those codes that refers to the provision of that electrical or building construction safety code.



**Exception**

- (3) The requirement in section 1.4.2. of the 2024 edition of the National Fire Protection Association's NFPA 1 Uniform Fire Code does not apply with respect to windows in existing buildings where
  - (a) the window is used as a secondary means of egress; and
  - (b) the window size meets the minimum requirements for window size specified in the National Building Code of Canada 2020. (EC657/25)

**7. Revocations**

- (1) The *Fire Prevention Act* Regulations (EC15/85) are revoked.
- (2) The *Fire Prevention Act* Codes and Standards Order (EC16/85) is revoked.
- (3) The *Fire Prevention Act* Extinguisher Service Agencies Regulations (EC585/88) are revoked.
- (4) The *Fire Prevention Act* Fire District Regulations (EC487/89) are revoked.
- (5) The *Rural Community Fire Companies Act* Regulations (EC1019/67) are revoked. (EC657/25)