



Nova Scotia Office of the Fire Marshal
Department of Municipal Affairs
250 Baker Dr, Entrance C, Suite 210
Dartmouth, NS, B2W 6L4
PO Box 231, Halifax Central
Halifax, NS, B3J 2M4
902 - 424 - 5721 | fax: 902 - 424 - 3239

Fire Investigation and Fire Scene Security Guideline *revised 14 July 2025*

I. PURPOSE

Pursuant to the Nova Scotia *Fire Safety Act*, 2002, c. 6, (the “FSA”) the following guidelines will apply in respect of fires in the province attended by fire suppression personnel where property has been destroyed or damaged, where there has been a loss of human life or where the origin is believed to be incendiary.¹

II. OBJECTIVE

The investigation of a fire must be a continuation of the initial response to that fire. These guidelines and procedures are relative to the investigation process including the duties of a local assistant, the manner of and responsibility for fire scene security, the fire investigation reporting process and the duties of the Office of the Fire Marshal (“OFM”).

III. SCOPE

This guideline describes fire scene security and fire investigation protocols and procedures required to be followed by the Office of the Fire Marshal, all Nova Scotia fire suppression personnel, fire chiefs and OFM designated local assistants as defined by the FSA.

IV. DEFINITIONS

“**Fire chief**”² means the senior official within, and in charge of, a fire department.

“**Fire official**”³ means, where authorized,

- (i) the Fire Marshal,
- (ii) a Deputy Fire Marshal,
- (iii) a provincial inspector,
- (iv) a local assistant, or
- (v) a municipal fire inspector.

¹ FSA, s. 13(1)(h)

² FSA, s. 3(m)

³ FSA, s. 3(q)

“Incendiary Fires” means fires that are deliberately set with the intent to cause a fire to occur in an area where the fire should not be.

“Local Assistant”⁴ means a qualified fire chief, or another qualified individual appointed pursuant to the FSA by the Fire Marshal, as a local assistant to the Fire Marshal. The authority of a local assistant is not transferable to another senior officer; however, additional local assistants can be appointed by the Fire Marshal under s.14(5). Those individuals must be (i) qualified to investigate fires, and (ii) recommended by the first local assistant appointed for the fire department (Fire Chief).

“Qualified individual”⁵ means a fire chief or other senior officer who has attended the Local Assistant Training Program provided by the OFM. Applicants for Local Assistant designation who have not taken the training program will be required to provide the Fire Marshal with details of their Fire Service training and experience, at which time the Fire Marshal may provide them with a temporary appointment until such time as they have attended the Local Assistant Training Program.

V. DUTIES OF THE OFFICE OF FIRE MARSHAL

Upon receiving a report from the 24-hour OFM answering service, the On-Duty DFM shall contact the local assistant as soon as is reasonably possible. Upon reviewing the Fire Department Investigation Request Form information, the Duty DFM will determine whether there will be a response by the OFM in accordance with the OFM Fire Investigation Policy.

- 1) If the OFM will be attending the scene, the On-Duty DFM will confirm and document that the local assistant will be securing the scene.
- 2) Should any suspicion of a fatal or incendiary fire be communicated by the local assistant, or assessed by the On-Duty DFM, the On-Duty DFM will be responsible to confirm and document with the local assistant that police services have been notified and are securing the scene.
- 3) The On-Duty DFM will advise the local assistant of the estimated time of arrival at the scene or will do so as soon as it is confirmed.
- 4) When the Fire Marshal or a DFM arrives at the scene, they assume responsibility for the fire investigation and the local assistant is released from that responsibility (unless otherwise directed by the Fire Marshal or DFM.) On the determination of a fatality or suspicion of an incendiary fire, the Fire Marshal or DFM will endeavor to transfer authority to police services.

VI. On-Scene Duties and Responsibilities of the Local Assistant

- 1) The local assistant shall, within their territorial jurisdiction and, subject to the directions of the Fire Marshal, assist in administering the FSA, the *Fire Safety Regulations* (“Regulations”) and the Fire Code.⁶

⁴ FSA, ss. 14(1) to 14(7).

⁵ FSA, s. 3(ad)

- 2) The local assistant shall immediately, and in no case later than 24 hours following a fire, investigate, or cause to be investigated, the cause, origin and circumstances of every fire by which property has been destroyed or damaged.⁷ Where the cause, origin or circumstances cannot be determined by the local assistant, the local assistant shall discuss the matter with the OFM to determine if a response of the OFM is required.
- 3) To preserve potential evidence, fire service personnel attending a scene should delay non-essential overhaul, salvage, and where practical, other incident operations that may damage evidence at the fire scene, until clearance is given by the OFM or Police. It is the responsibility of all fire suppression personnel and Fire Officials to be alert for any evidence of related to the cause of a fire, or of fatalities, and to preserve such evidence until it can be properly photographed and/or collected by investigators.
- 4) Investigation Matrix. The following statements include the steps to be followed for fires involving police services and all other fires.

In all instances where there has been a **loss of human life** or the local assistant believes that the origin of the **fire is incendiary in nature**, the local assistant shall: Notify the police and OFM immediately.

- Take steps to ensure the scene is properly secured and all reasonable efforts are made to preserve evidence. (See Section VIII)
- Preferably, the fire department would remain on site until police services arrive to take control of the scene.
- Consult with police upon their arrival and confirm coordination with the OFM is required, contact the OFM through the normal channels.

In **all other instances**, the local assistant shall:

- **Conduct a preliminary investigation, including a non-destructive survey of the fire scene to observe the necessary physical evidence related to area of origin of the fire and potential ignition sources and a review of the conditions of the fire at the time of arrival of first responders and throughout the fire itself.**
- The survey should be interior and exterior observations only without damage or removal to any physical evidence. As a minimum, the review of the circumstances of the fire should include interviews with first responders, owners, tenants and any other witnesses.

Upon completion of the preliminary investigation, **where the local assistant has determined the origin and cause of the fire**, the local assistant shall furnish to the Fire Marshal, in a form acceptable to the Fire Marshal, a documented statement of the facts relating to the cause, origin and circumstances of the fire and such further information as the Fire Marshal requires.⁸ For the purpose of filing a report under this provision, an approved format is located at: <https://beta.novascotia.ca/fire-report-fire-services>

Upon completion of the preliminary investigation, **where the local assistant has not determined the origin and cause of the fire or where the local assistant requires assistance or direction**, they shall contact the OFM through the normal channels. The local assistant should endeavor to complete all fire suppression and overhaul activities before contacting the OFM unless circumstances warrant during suppression activities.

The local assistant shall be prepared to provide the OFM with all of the information required in the Fire Department Investigation Request Form. **(See Appendix A)**

Note: If, against the OFM's recommendation, the local assistant carries out an in-depth investigation of the fire that involves the removal or relocation of the physical evidence at the scene, they assume responsibility for the fire investigation and the OFM may not attend the scene.

- 5) Where the local assistant requests investigation assistance from the OFM, and the OFM determines they are attending, the local assistant must immediately on that request, ensure the scene is secured. This shall include giving proper instructions to security personnel that no one is to enter the scene before the OFM arrives and then only under their direction. (See Section VII)
- 6) **The OFM shall be contacted by calling the 24-hour OFM answering service at 1-800-559-3473. The OFM Duty DFM will be notified by the answering service and will contact the local assistant as soon as reasonably possible. Requests for Fire Investigations shall not be made directly to the DFM's.**
- 7) **Scene Security Procedures for the Local Assistants and/or Fire Suppression Personnel**

Introduction: **Scene security is extremely important during any fire investigation. Local Assistants and Fire Suppression Personnel:**

- 1) When required due to a loss of life, a fire believed to be of incendiary origin, or a request for the OFM to attend, the **local assistant shall secure** the fire scene. Security shall remain in place until the local assistant is relieved of their responsibility by Police or the OFM.
- 2) Fire Department personnel may remain on scene to maintain security; however, they are not entitled to third party compensation. When the fire department is securing the scene, enough personnel must be assigned to ensure that unauthorized persons are not permitted to enter into or around the entire scene. Fire line tape can be placed around the incident to help ensure security; however, property owners, tenants and all other bystanders are to be kept strictly out of the immediate area.
- 3) The local assistant, in consultation with local fire services, should establish working relations with the local municipality to develop and agree upon

measures that may be taken to ensure the securing of any fire scene within that municipality, and the manner of the fulfillment of such measures.

- 4) It is recommended that Municipalities work with their fire services to develop scene security processes and procedures. The protocol should include pre-established agreements with fire service personnel, security contractors or police that clearly identifies the level of service to be provided.
- 5) In the event the local assistant cannot make immediate arrangements to secure the fire scene, the local assistant must inform both the OFM in all cases and the local police services when reporting the circumstances of a fire believed to be of incendiary origin or a fatal fire.
- 6) Where expenses for providing security are not previously arranged, the municipality may assess such costs against the property in question, in accordance with the provisions of the FSA as outlined in Section VIII.

VIII. Cost Recovery for Posting Security

- 1) Under s. 33(3) of the FSA, if a local assistant considers it necessary for a fire investigation, they may order the closure of the land or premise where a fire has occurred, prohibit persons from entering and post a fire security watch. **(See Appendix B, Order to Post a Security Watch)**
- 2) If a local assistant posts a security watch under FSA, s. 33(3), s. 30(3) FSA allows the local assistant to also make an order directing the owner to pay the costs incurred for the security watch. **(See Appendix C, Order to Pay Cost for Security)**

Note: Digital copies of prepared Orders in Word format may be obtained from the Office of the Fire Marshal (OFM@novascotia.ca) upon the request of a Local Assistant.

- 3) An order to pay under FSA s. 30(3) is limited to a maximum of \$5,000, unless the Minister of Municipal Affairs approves a higher expenditure and the order to pay.
- 4) If an owner has not repaid the local assistant for the costs incurred for the security watch by the time the right to appeal under the FSA has been exhausted, then the local assistant can obtain payment from the municipality by submitting receipts of the expenses incurred under FSA s.30(4) and filing a copy of the order to pay under FSA s. 31(1).
- 5) A municipality is authorized under FSA s. 31 to seek interest on any unpaid costs ordered, place a lien on the property which was the subject of the security watch, to use the municipal tax payment process to collect, and to have an unpaid order to

pay treated as a judgement from the Supreme Court.

- 6) It is recommended that fire services within a municipality work with their municipal unit to develop a preplan and process to provide third party security when required for fire investigation purposes.