

Fire Safety for Owners of Management Companies

Consumer Guide



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Guidelines for Management Companies

The primary piece of legislation in relation to fire safety is the Fire Services Act 1981. Section 18(2) places a duty on persons having control over a premises to take all reasonable measures to guard against the outbreak of fire and to ensure as far as is **reasonably practicable** the safety of persons on the premises in the event of an outbreak of fire.



A building can be considered as 'potentially dangerous' under Section 19 of the Act if it has inadequate or no provision with regard to a range of fire safety measures including:

- **Automatic detection and warning of fire (fire alarm)**
- **Fire protection of escape routes and structure**
- **Fire compartmentation of the building**
- **Emergency Lighting**
- **AOVs (Automatic Opening Vents)**
- **A range of other matters**

So why are there so many Multi-Unit Developments that may not comply with the Act?

Until 1992 there was no formal system of approval for the fire safety design of buildings and therefore many apartment complexes were built without fire detection and alarm systems. There is a general assumption that these buildings comply with fire safety legislation. This is not the case.

The Building Control Act 1992 required all new buildings to go through an approval process by way of application to the local Building Control Authority for a Fire Safety Certificate. A Fire Safety Certificate is an approval of the **fire safety design of a building prior to construction**. It is not an approval of the fire safety of the completed building.

In the case of apartment complexes built since 1992, there is also a misconception that since the building 'complied with the standards of the time' then it should be considered to be compliant now. Fire safety standards have been raised incrementally over the years and the responsibilities under Section 18 (2) requires that the building meets the current standards. In 1994 the Department of Environment issued a guide "Fire Safety in Flats", giving information on compliance with the Fire Service Act, which required the provision of fire detection and alarm systems to older buildings. Fire Authorities are not required to carry out random inspection of blocks unless a fire safety issue is brought to their attention.

So why do OMCs need to comply now?

1. The updated Irish Standards place a responsibility on an Owners Management Company (OMC) to ensure that there is proper fire safety equipment in place and that it is properly maintained. The standards have very strict criteria as to the design, installation and commissioning of fire safety systems. There are also stricter requirements on the testing, servicing and maintenance of these

systems. One common fault found in many MUDs is the failure to provide adequate fire-stopping in service shaft and floor openings. If the OMC has concerns in this regard, then it is advisable to have a Fire Safety Audit carried out on a Multi-Unit Development by a Fire Safety Practitioner.

2. Many Insurers of MUDs are now requiring that a fire safety system be put in place. Insurers recognise that implementation will require capital expenditure in difficult economic times and therefore may allow the OMC to prepare an installation plan, including reasonable proposed time scales for tendering process and the phased installation of new or upgraded systems.

3. As part of the MUD Act the OMC will be required to provide an annual report setting out the fire safety equipment installed in the development and the arrangements in place for the maintenance of such equipment.

4. The Housing (Standards for Rented Houses) Regulations 2009 require that all apartments should have a mains wired smoke alarm (within the apartment) and emergency lighting in the common areas.

5. The responsibility for the fire safety in a MUD is first and foremost with the OMC (see Dublin Fire Brigade website).

So what does an OMC need to do with inadequate fire safety equipment?

It is imperative that OMCs seek the advices of a competent Fire Safety Practitioner to carry out a fire safety assessment of their building. The consultant should establish the extent of compliance or otherwise with fire safety standards generally and make recommendations for rectifying any deficiencies. The consultant should be requested to:

1. List and prioritise works and seek quotations for carrying out the works.
2. Properly specify the works in advance and ensure that they are certified after completion as having been correctly carried out in accordance with IS (Irish Standards) such as IS3217 and 3218.
3. Consult with the Fire Authority if deemed necessary to ensure that they are in agreement with any proposed solutions. Certain works may also be subject to the requirements of the Building Control Regulations, i.e. a Fire Safety Certificate may need to be applied for in advance of the works.

In modern complexes with fire safety equipment, the OMC should review its fire safety arrangements for existing fire protection systems. This includes maintenance of fire protection systems, fire related elements of the building construction (e.g. fire doors) and management of ignition sources such as waste and unprotected openings such as service shafts.



Good fire safety management is a requirement under Section 18 (2) of the Fire Services Act, as noted above. Although there are no set time intervals between which a building should be re-assessed, any building that has not been assessed after 1992 (the date of introduction of the Building Regulations and the Fire Safety Certificate system) should be assessed.

It is important that servicing/maintenance of fire protection systems, including fire alarms, emergency lighting and fire extinguishers, is carried out at the appropriate intervals, by competent providers and that all work is correctly certified and logged in a Fire Safety Register for the building. Certification set out in the relevant standards such as IS 3218:2009, must be correctly provided by the contractor.

Fire Safety: The Duties of the OMC

Maintain a Fire Safety Register / Log Book

The log book should contain a record of:

- Daily and weekly tests by a 'Responsible Person' (where practicable). Owners in an OMC are considered to be the responsible party in terms of fire related standards and safety requirements. A property management agent may assist in the procurement of the education and delivery of: fire fighting and safety systems, testing and maintenance. It is expected that owners undertake positions such as fire marshals and designated authors and participants for the fire logs' required entries.
- All service visits with copies of proper certification by the service provider
- False Alarms
- Call Outs

Training of 'Responsible Persons'

Organise training of persons (Janitor / Resident / Committee Member / Service Personnel) in the use of the fire alarm as per IS3218:2009. This is wholly impractical for many MUDs without a Janitor.

Organising Servicing

Fire Alarms – Quarterly and Annually. This requires organising access to all apartments annually so that sounders and heat detectors can be tested. Circulars will need to be sent to all owners and residents. There will be follow up correspondence where owners/residents fail to provide access. Very often in practice this will require an after-hours service by the contractor. The OMC should make it a proviso that Landlords/Owners would be required to make themselves available and if not to pay a call out charge to have their detector/sounder tested.

Emergency Lighting – Tested Quarterly and Annually

Fire Extinguishers – Annually

Hose Reels – Half yearly

AOVs & Hydrants – Annually

Risers & Sprinklers – Periodically

Annual Fire Safety Report in compliance with MUD Act 2011 - To be prepared and circulated with AGM notice

Organise Fire Safety Practitioner - To advise on the installation of new or upgraded fire safety equipment

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