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To: ["Direct to Mayor and Council - DL"](#)  
Date: 4/27/2022 5:02:52 PM  
Subject: Council Memo - Support for residences when elevators are out of service - RTS 14348  
Attachments: DBL - LI - Elevators - Memo to Council - RTS 14348.pdf

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Dear Mayor and Council,

Please see the attached memo from Andrea Law, General Manager of Development, Buildings and Licensing. A short summary is as follows:

- The Memo reports back on Council direction from February, 2021 (RTS 14348) to review the Vancouver Building By-law and Standards of Maintenance By-law and report back with suggested amendments and/or actions to ensure that housing operators to have plans and tools in place to assist residents who have difficulty with stairs when elevators are out of service.
- Staff find that the City's authority regarding elevators in section 306 (1)(aa) of the Vancouver Charter is specifically restricted to requiring residential elevators to be in service at all times. The City has used this authority to enact section 11A of the Standards of Maintenance By-law which requires residential elevators to be in operational condition at all times.
- To encourage building owners and operators to make plans and assist residents, staff have developed a set of resources for building owners and operators. The resources describe good practice for supporting residents when elevators are out of service. They include downloadable elevator service notices and a downloadable checklist of steps to take in preparing a plan to assist residents.
- Staff have also developed resources for residents on how to prepare for elevator outages, and what to do when elevators are out of service including when to contact the City.
- The resources have been reviewed by the Seniors Advisory Committee and are currently under review by the Persons With Disabilities Advisory Committee. They will be available on a new City webpage dedicated to residential elevators. This webpage will be live in mid-May and will be promoted through the City's social media channels, and shared with industry and advocacy organizations, community centres and libraries.

If you have any questions, please feel free to contact Andrea Law (604.873.7160/ [Andrea.Law@vancouver.ca](mailto:Andrea.Law@vancouver.ca)).

Best,  
Paul

**Paul Mochrie** (he/him)  
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The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and səliłwətał (Tsleil-Waututh) Nations.

## MEMORANDUM

April 27, 2022

TO: Mayor and Council

CC: Paul Mochrie, City Manager  
Armin Amrolia, Deputy City Manager  
Karen Levitt, Deputy City Manager  
Katrina Leckovic, City Clerk  
Lynda Graves, Administration Services Manager, City Manager's Office  
Maria Pontikis, Chief Communications Officer, CEC  
Anita Zaenker, Chief of Staff, Mayor's Office  
Neil Monckton, Chief of Staff, Mayor's Office  
Alvin Singh, Communications Director, Mayor's Office  
Saul Schwebs, Chief Building Official  
Sandra Singh, General Manager, Arts, Culture and Community Services

FROM: Andrea Law  
General Manager, Development, Buildings and Licensing

SUBJECT: Support for residents when elevators are out of service

RTS #: 14348

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People with mobility challenges can face significant quality of life, health, and safety impacts when residential elevators are out of service. On February 10, 2021, Council directed staff to review the *Vancouver Building By-law* and *Standards of Maintenance By-law*, and to report back with amendments and/or actions to ensure that housing operators have plans in place and the necessary tools to assist residents who have difficulty with stairs when elevators are out of service. Council identified housing operators as including but not limited to landlords, owners, strata councils and co-ops.

Staff have assessed the City's authority to compel all building owners to have plans and tools to assist residents; conducted research on industry practices, and consulted key stakeholders about the kinds of assistance that would be helpful to residents (Appendix A).

### City Authority

The City's only explicit authority over elevators is found in section 306(1)(aa) of the *Vancouver Charter*:

**"By-laws respecting building regulation**

**306.** (1)The Council may make by-laws ...

## **Elevators**

(aa)subject to the *Safety Standards Act*, for requiring that every elevator in any building used for residential purposes shall be maintained in an operational condition at all times;...”

This authority is specifically restricted to requiring residential elevators to be in service at all times. Council has used this authority to enact section 11A of the Standards of Maintenance By-law which reads:

### **“11A. ELEVATORS**

11A.1 (1) Every elevator in any building used for residential purposes shall be maintained in an operational condition at all times.”

The section applies to elevators in residential buildings of all tenures including rental buildings, strata properties, co-op housing, and housing run by non-profit organizations. Section 11A means that elevator repairs must be undertaken and completed as quickly as possible and section 3.1 of the same By-law makes the building owner responsible for the maintenance. City Inspectors enforce the By-law. Appendix B details the City’s authority, and its regulations in the Standards of Maintenance By-law and the Vancouver Building By-law (VBBL). Appendix B also describes the City’s protocols and options for by-law compliance and enforcement of section 11A of the Standards of Maintenance By-law.

The City’s specific authority in section 306(1)(aa) does not authorize Council to compel building owners to have plans in place and assist residents when elevators are out of service. Therefore, via this Memo, staff are reporting on research findings, and actions underway to:

- 1) encourage housing operators to plan for and assist residents when elevators are out of service, and
- 2) to provide residents with information about how to prepare and what to do when elevators are out of service.

Elevator safety, maintenance, and inspection frequency are regulated by the Province under the *Safety Standards Act* (the “Act”). The *Act* makes elevator owners responsible for contracting with a provincially licensed technician to carry out a maintenance program that meets Provincial requirements. Provincial regulations are summarized in Appendix C.

### **Scope of the Issue**

All residents who live in buildings with elevators experience negative impacts when one or more elevators is out of service. Limited service creates long wait times that are disruptive and inconvenient. In buildings with only one elevator, loss of service can have immediate and severe impacts, particularly on people with mobility challenges.

It is difficult to estimate the number of people severely impacted by elevator service outages. The City lacks data on the number of residential buildings in Vancouver that have only one elevator. Developers determine the number of elevators a residential building will have based

on factors like the number of units, floors and anticipated usage. Other than a minimum National Building Code requirement of one elevator in high-rise buildings, there are no national, provincial or municipal standards for the number of elevators a building must have.

The provincial regulator, Technical Safety BC, does not maintain data on elevator reliability (i.e. how much time elevators are out of service) at the municipal level.

The City's online and 3-1-1 complaint data from the last five years (2018 – March 2022) show an average of 20 complaints received each year about elevators in residential buildings. About 10% of complaints include concerns that seniors and persons with disabilities are being impacted by elevator outages.

### **Findings from Stakeholder Consultation**

Staff consulted key stakeholders to learn about plans and tools that are in use to assist residents when elevators are out of service. Staff also asked which tools might be most useful to residents. Stakeholders included advocacy groups like the Condominium Home Owners Association, Landlord BC and the Tenants Rights Advocacy Centre, as well as the City's Seniors Advisory Committee and the Persons with Disabilities Advisory Committee. See Appendix A for full list and summary of stakeholder feedback.

Staff heard that a range of supports is available and in use by building owners and operators. No consistent set of best practices was reported. Staff heard that while some strata corporations, co-ops and rental property managers have plans in place to assist residents, others rely on an ad hoc approach. We also heard that it is common for residents to rely on family and friends.

Types of support reported to be in use and to be useful to residents include:

#### Proactive action

- Maintain a list of residents who need assistance; know what kinds of assistance residents need;
- Work with residents to develop a plan to provide assistance

#### Communication

- Clear and timely communication about planned and unplanned elevator shutdowns
- As much advance notice as possible for planned service outages, particularly to residents with mobility issues
- Regularly updated information about unplanned outages including expected repair timeframe

#### Assistance with daily needs

- Provide assistance with basic needs such as grocery shopping, medicine pick-up and errands

#### Alternatives

- Access to back-up elevator; platform or stair lifts

#### Alternate housing

- Provide alternative accommodation in same or other building

#### Financial compensation for tenants.

Stakeholders reported that effective plans are tailored to a building and the needs of its residents.

## **Resources for Building Owners and Operators**

With information gathered from stakeholders, staff have developed a set of resources for building owners and operators with information on:

- Building owner responsibilities to: keep elevators operational under City by-laws; maintain and service elevators regularly in accordance with Provincial regulations.
- Good practice in supporting residents when planned and unplanned elevator outages occur
- A downloadable checklist to use when developing a plan to assist residents; the checklist is flexible so that assistance is appropriate to the building and the needs of residents.
- Downloadable elevator service notices
- Links to organizations and resources with additional information.

## **Resources for Residents**

Stakeholders reported that many residents do not know what actions they can take when elevators are out of service. The Seniors Advisory Committee reported that seniors may not know they can contact the City about an elevator that is out of service, and some may not wish to report a complaint.

Staff have developed resources for residents with information on:

- What to do when residential elevators are out of service, including when to contact the City
- Ideas for planning ahead and being prepared for elevator outages, including a downloadable checklist.
- Building owner/operator responsibilities to keep elevators operational, and to maintain and service regularly
- Links to organizations that might offer additional information and support.

The resources for building owners and for residents will be available on a new City webpage dedicated to residential elevators. The webpage will launch in mid-May.

Staff will advertise the webpage and resources on the City's social media platforms. The resources for owners and operators will be shared with industry and advocacy organizations like Condominium Home Owners Association, Landlord BC, Co-op Housing Federation of BC, and the Professional Association of Managing Agents. The resources for residents will be sent to community centres and libraries. Staff is exploring additional avenues for sharing the information for residents, with an emphasis on reaching people who may not access online resources.

## **Advisory Committee Feedback**

Staff shared the research findings and the resources for building owners and residents with the Seniors Advisory Committee and the Persons with Disabilities Advisory Committee.

The Seniors Advisory Committee reported that the information for residents is important, and that it will be useful as long as residents can access the information. The members noted that

seniors and persons with disabilities may not access the City website and encouraged staff to broaden its communications.

In response to City authority relating to elevators, the Persons with Disabilities Advisory Committee reported their concern that encouragement will not yield results. The Committee are currently reviewing the resources for Building Owners and Residents and will provide their feedback to staff.

### **Updated Complaint Intake Protocol**

In November 2020 staff revised the 3-1-1 intake protocol for complaints about elevators. Elevator complaints are now categorized discretely from other Property Use complaints so that they can be easily identified and prioritized for investigation. Operators obtain detailed information including the number of elevators in the building, whether there are seniors or people with mobility challenges in the building, and whether any steps have been put in place to assist residents. These questions help staff to prioritize complaints.

### **Future Action**

In December 2021, Council approved funding for an Action While Planning priority of the Accessibility Strategy to create an online directory (CoV Public Website) of accessible services and supports for persons with disabilities. The resources for residents on what to do when residential elevators are out of service will be linked to this new directory.

### **Conclusion**

Staff find that the City does not have specific legal authority in section 306(1)(aa) to require building owners and operators to make plans or assist residents when elevators are out of service. Staff have developed resources to encourage building owners to assist residents, and resources for residents on how to be prepared and what to do when residential elevators are out of service. The resources will be sent to industry and advocacy organizations and to community centres and libraries. They will be promoted through the City's website and social media platforms.

If you have any questions about the content of this Memo, please do not hesitate to contact me.

A handwritten signature in blue ink, appearing to read 'Andrea Law', is positioned above the typed name and title.

Andrea Law  
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### Stakeholders Consulted

Landlord BC  
Condominium Home Owners Association (CHOA)  
BC Co-op Housing Association  
Tenant Resource and Advisory Centre  
Property Management (3 companies)  
BC Housing

Senior's Advisory Committee  
Persons with Disabilities Advisory Committee

### Summary of Feedback from Key Stakeholders

| Consultation Topic  | Feedback   |
|---|--|
| What tools and practices are used to assist residents with mobility challenges when elevators are out of service?   | <ul style="list-style-type: none"> <li>• <b>Communication:</b> Clear and timely communication about planned and unplanned elevator shutdowns</li> <li>• <b>Proactive Action:</b> Maintain a list of residents who need assistance; work with residents to develop accessibility plan</li> <li>• <b>Assistance:</b> Provide assistance with basic needs such as grocery shopping, medicine pick-up etc.</li> <li>• <b>Alternatives:</b> Provide back-up elevator; platform lifts; stair lift</li> <li>• <b>Alternate housing:</b> Provide in same or other building</li> <li>• <b>Financial compensation</b> for tenants of rental units</li> <li>• Friends and family</li> <li>• Neighbors providing volunteer assistance</li> </ul> |
| What tools would be most useful for assisting residents with mobility challenges when elevators are out of service? | <ul style="list-style-type: none"> <li>• Communication is a critical baseline tool. As much advance notice as possible to people with mobility challenges for planned service outages.</li> <li>• Tools that are tailored to the needs of residents in a specific building</li> <li>• There is a role for people who need assistance to prepare for elevator outages and to make their needs known to building owners and operators</li> <li>• Tenants should receive financial compensation or rent reduction for extended periods of reduced or no elevator service.</li> </ul>  |
| How consistently are practices and tools used to assist residents? Is there a set of best practices?                | <ul style="list-style-type: none"> <li>• Communication with residents is the most consistently used form of assistance.</li> <li>• No consistent set of best practices; building owners determine practices.</li> <li>• Some buildings plan ahead others use an ad hoc approach</li> </ul>   |

*Standards of Maintenance By-law*

11A. ELEVATORS 11A.1 (1) Every elevator in any building used for residential purposes shall be maintained in an operational condition at all times.

Section 3.1 of the By-law makes building owners responsible for compliance with this requirement.

*Protocol for complaint investigation and enforcement options.*

1. Complaint is received through 311 or other sources.
2. A case file is created and assigned to a City Inspector.
3. The Inspector determines whether the elevator is operational.
4. If not operational, the inspector checks on the timeline for repairs and any contingency plans, including plans to assist residents
5. If reasonable efforts to repair are being made, the property is monitored until the elevator is operational.
6. If reasonable efforts to repair are not being made by the property, the City may issue a formal order to the property owner to commence repairs.
7. If the elevator is not repaired 30-60 days after receiving the order, the property owner may be referred to prosecution.

Based on the severity of the situation, the City has the option to issue an immediate formal order to the property owner to restore the elevator to an operational condition.

*Vancouver Building By-law (VBBL)*

The VBBL sets construction requirements for buildings resulting from the installation of elevating devices; the interaction of elevators with other building systems; and the specification of certain operations during an emergency.

The City has authority under the Charter to set standards for number of elevators in a building. Standard setting should be undertaken at national or provincial levels so that residents and industry can have certain and consistent standards across jurisdictions.

### ***Safety Standards Act***

The Province sets and enforces standards for elevator safety and maintenance through the [Safety Standards Act](#).

It establishes standards for elevator equipment. It sets maintenance schedules and minimum inspection frequency. It establishes training and certification requirements for elevator maintenance contractors and mandates that elevating devices only be serviced by provincially licensed contractors. Elevator maintenance log books must be kept on site.

Section 21 of the [Elevating Devices Safety Regulations \(Section 21\)](#) requires building owners to,

- Ensure that elevators are operated in accordance with provincial regulations and manufacturer's specifications
- Engage a provincially certified elevator mechanic to carry out inspection and maintenance on a minimum quarterly basis
- Close an elevator to passengers when any unsafe condition exists as determined by a certified elevator mechanic or provincial safety manager.

Compliance with Provincial regulations is enforced by Technical Safety BC (TSBC). It may inspect equipment and work, and audit log books. It may issue orders and impose monetary penalties.

### ***Other Provincial Regulations***

| <b>Regulatory Act</b>      | <b>Purpose / Authority</b>  | <b>Applicability to elevator availability in residential buildings</b>  |
|----------------------------|---|---|
| BC Building Code           | Identifies and establishes standards for buildings across BC including elevators. | Establishes technical requirements of a building resulting from the installation and operation of elevators   |
| BC Residential Tenancy Act | Provides legislation on landlord and tenant responsibilities within BC.           | Requires landlord to repair and maintain residential property in a state of repair that complies with health, safety and housing standards required by Section 32(1) (a). Specifies emergency situations where tenants are entitled to financial compensation (does not include elevators); authorises dispute resolution process wherein financial compensation for elevator outages can be awarded to tenants |
| BC Strata Property Act     | Legislates the responsibilities and functions of stratas in BC.                   | Places responsibility of common assets (such as elevators) in the hands of the strata corporation. Section 72 mandates the repair of common assets.   |