

From: ["Mochrie, Paul" <Paul.Mochrie@vancouver.ca>](mailto:Paul.Mochrie@vancouver.ca)

To: ["Direct to Mayor and Council - DL"](#)

Date: 6/30/2022 2:42:41 PM

Subject: [Council Memo - RTS 15034 "Improving the Effectiveness of the Standards of Maintenance By-law"](#)

Attachments: [DBL - SOM By-law Memo.pdf](#)

Dear Mayor and Council,

Please see the attached memo from Andrea Law, General Manager of Development, Buildings and Licensing, which provides an update on staff's response to the Council Motion "Improving the Effectiveness of the Standards of Maintenance By-law" (RTS #: 15034). As more time is required to undertake a by-law review, staff will report back in 2023 with a more fulsome update. This memo provides information on the following:

- The regulatory framework and background for designated Single Room Accommodation (SRA) buildings;
- Enforcement of the Standards of Maintenance By-law in designated SRA buildings, including recent issues with by-law compliance;
- Existing short-term actions that address the Council directions in the Motion; and
- Initial policy considerations for the by-law review.

If you have any questions, please contact Andrea Law at andrea.law@vancouver.ca.

Best,
Paul

Paul Mochrie (he/him)
City Manager
City of Vancouver
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The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the x^wməθk^wəyəm (Musqueam), S^kwəxwú7mesh (Squamish), and səlilwətał (Tsleil-Waututh) Nations.

MEMORANDUM

June 30, 2022

TO: Mayor and Council

CC: Paul Mochrie, City Manager
Armin Amrolia, Deputy City Manager
Karen Levitt, Deputy City Manager
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
Sandra Singh, General Manager, Arts, Culture and Community Services
Saul Schwebs, Chief Building Official
Celine Mauboules, Managing Director, Homelessness Services and Affordable Housing Programs
Doug Smith, Director, Sustainability
Iain Dixon, Assistant Director, Legal Services

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

SUBJECT: Response to Council Motion "Improving the Effectiveness of the Standards of Maintenance By-law"

RTS #: RTS 15034

The purpose of this memo is to provide Council with a progress update on the Motion "Improving the Effectiveness of the Standards of Maintenance By-law" ("the Motion"), which was approved on February 8, 2022. A copy of the Motion is attached as Appendix A. Staff understood the intent of the Motion to be focused on the effectiveness of the Standards of Maintenance (SOM) By-law with respect to Single Room Occupancy (SRO) buildings. As more time is required to undertake a by-law review, staff will report back in 2023 with recommendations.

A. Background

Regulatory framework

Residential buildings in Vancouver are subject to several by-laws that protect the life and safety of occupying residents, including the SOM By-law, Fire By-law and Vancouver Building By-law (VBBL). SRO buildings, in the Downtown Eastside and Downtown core, which serve as a housing of last resort for many of Vancouver's most marginalized residents, are further designated and protected under the Single Room Accommodation (SRA) By-law. On November 17, 2021, Council also approved amendments to the License By-law that restrict rent increases between tenancies in all non-government owned SRA-designated buildings, a policy known as SRA vacancy control, to stem the loss of the remaining affordable private SROs through speculative investment and evictions.¹

The aforementioned by-laws, while having different applications and functions as summarized in Table 1 below, all play an essential role in ensuring Vancouver residents, especially the most marginalized, are safely and adequately housed:

Table 1: By-laws that apply to SRA-designated buildings

| | Authority | Scope | Function |
|------------------------------------|--|---|--|
| <u>SOM By-law</u> | Sections 306(1)(i) and 323 of the <i>Vancouver Charter</i> | All land and buildings in the city of Vancouver | Sets minimum standards that all buildings in Vancouver must comply with, including for <ul style="list-style-type: none"> - Building foundations; - Exterior walls, doors and windows; - Interior fire and safety hazards; - Heat (i.e. maintaining a minimum temperature of 22 degrees Celsius) - Electrical systems; etc. |
| <u>VBBL</u> | Section 306 of the <i>Vancouver Charter</i> | New construction – While the VBBL cannot generally apply retroactively, it applies to an existing building when it is rehabilitated, renovated, if there is a major change in occupancy or use, or when an unsafe condition is identified | Regulates how new construction, building alterations, repairs and demolitions are done, including setting the: <ul style="list-style-type: none"> - Minimum requirements for safety, health, accessibility, fire and structural protection, security, and energy and water efficiency; and - The administrative provisions relating to the permitting, inspections and enforcement of these requirements |
| <u>Fire By-law</u> | Sections 306 and 311 of the <i>Vancouver Charter</i> | All land and buildings in the city of Vancouver | Regulates how fire and life safety is maintained in and around a building, including requirements for smoke and carbon monoxide alarms, and banning the sale and discharge of fireworks |
| <u>SRA By-law</u> | Section 193D of the <i>Vancouver Charter</i> | Only rooms in buildings designated as Single Room Accommodation in Schedule A of the SRA By-law | Regulates the conversion and demolition of all designated rooms less than 320 sq. ft. in rooming houses and residential hotels within the Downtown Core (including the DTES), including the requirement to apply to Council |

¹ City of Vancouver (2021). "Vacancy Control Regulations in Single Room Accommodation (SRA) Designated Properties." RTS no. 14121: <https://council.vancouver.ca/20211117/documents/pspc5.pdf>.

| | | | |
|--|---|--|--|
| | | | for a demolition or conversion permit to which Council may attach a variety of conditions if approved. |
| License By-law (vacancy control regulations) | Sections 203, 272 and 273 of the <i>Vancouver Charter</i> | All rooms in designated under the SRA By-law not owned by a government, its agencies, or government owned corporations | Sets the maximum rent increase between tenancies in rooms of non-government owned SROs, including the process for obtaining above allowable rent increases and the annual submission of rent rolls |

Background on the SRO stock and Single Room Accommodation (SRA) By-law

Single Room Occupancy or ‘SRO’ rooms are rooms designed for a single person, typically 10 by 10 feet in size, with shared bathrooms and minimal or no cooking facilities. SRO buildings were built in the early 1900s to provide transitional housing for largely seasonal resource workers. SROs can be a Housekeeping, Sleeping or Dwelling Unit as defined by the SOM By-law.

Single Room Accommodation or ‘SRA’ is a term used to describe all of the SRO rooms that were designated by the SRA By-law enacted in 2003 (Schedule A). The SRA By-law includes buildings and rooms that have been closed as these rooms remain designated and City policy aims to see all SRA-designated rooms (closed or open) replaced on-site or off-site with self-contained, shelter rate social housing.

There are 163 open and closed buildings designated under the SRA By-law containing approximately 7,870 rooms, mostly in Vancouver’s Downtown Core including the Downtown Eastside. Around 50% of designated SRA rooms are privately owned, while 39% are under government (BC Housing and City of Vancouver) ownership and the remainder 11% are owned by non-profits and Chinese Benevolent Societies. Fourteen (14) SRA-designated buildings are closed, containing approximately 820 rooms. These closures include the City-owned Balmoral Hotel (176 rooms), Regent Hotel (153 rooms), and 514 Alexander (20 rooms).

SRO buildings are difficult to properly maintain because of their age, heritage status and unique needs of their residents. The plumbing, heating and electrical systems in these buildings are often antiquated and prone to breakdown. With the majority of SRO residents on income assistance, private owners of SROs are also increasingly challenged to recover the cost of building maintenance as the shelter component of income assistance has remained steady at \$375 for the past 15 years. The combination of these factors makes it challenging to own and operate SROs, and support the longstanding Council-approved direction to replace all SRO rooms with new self-contained social housing units that rent at the shelter rate.

Until the policy goal of replacement is achieved, the City will continue to play three key roles in the maintenance and revitalization of the SRO stock:

- a) **Regulator:** In addition to enforcing by-laws that support the life safety and liveability, the City also regulates the conversion, demolition and affordability of the SRO stock through the SRA By-law and License By-law;
- b) **Investor:** The City invests in the SRO stock through the provision of renovation grants for non-profit operated SROs, and the delivery of new shelter-rate social housing through

policies, capital grants and the provision of City-owned land; and

c) Partner/advocate: The City is both a partner with community-based tenant organizations as well as an advocate to senior levels of government for capital investment in the SRO stock, increases to income assistance rates and wrap around supports for tenants, and stronger tenant protections in the *Residential Tenancy Act* (RTA) and its Regulations.

Playing any of the aforementioned roles alone, without coordination, can have unintended consequences. For instance, the use of regulatory tools alone may cause some private SROs to be financially inoperable, potentially leading to tenant evictions and building closures.

Enforcement of life and safety by-laws in the SRO stock

This memo focuses on the role of the City as a regulator of public safety and liveability in SRO buildings, specifically enforcement of the SOM By-law, as these buildings consistently have a higher number of by-law violations when compared to the rest of the rental stock.

For non-SRO rental stock, the City typically adopts a traditional, complaint-based approach to enforcement of the SOM By-law. In contrast, the City has a longstanding policy of both a proactive and complaint-based approach for the SRO stock, with the objective of improving the standard of living for tenants while recognizing the economic realities associated with operating a SRO. All complaints to the City regarding potential by-law violations are investigated and followed-up as they are received.

A key component of the proactive approach is the annual inspection of all designated SRO buildings by the City's by-law enforcement officers, which includes tenant rooms and common areas. Furthermore, select proactive pre-winter inspections are conducted annually during the fall to ensure heating and water standards are met. Vancouver Fire and Rescue Services (VFRS) also conducts separate annual inspections of fire safety devices and fixtures in all designated SRA buildings to ensure compliance with the Fire By-law.

In addition to annual inspections, a Tactical Team consisting of senior staff from the following departments meets monthly to review, discuss and prioritize actions for SRO buildings that are at the most risk of non-compliance:

- Development, Buildings and Licensing (DBL) – including individual representatives from Property Use, Proactive Enforcement, Buildings and Trades, and Permitting;
- Arts, Culture and Community Services (ACCS) – Housing and Homelessness Services, SRO Team;
- Vancouver Police Department (VPD);
- VFRS; and
- Legal.

A dedicated Property Compliance Inspector in DBL coordinates reviews of all outstanding violations, complaints, and VPD and VFRS data of SRO buildings to support the Tactical Team. SRO buildings identified through the Tactical Team may be subject to increased levels of inspections and communications with the owners and property managers on a weekly or bi-weekly basis. The goal is compliance, with the preferred means being voluntary. The City takes a collaborative approach to enforcement that:

- Identifies the root problems that impede long-term building maintenance;

- Identifies operational issues that need fixing (i.e. security cameras, etc.);
- Identifies opportunities to support and improve affordability, livability and safety of the living space for residents through grants or partnerships with Non-Profits and community organizations;
- Identifies opportunities to support tenant stability and works collaboratively with operators, tenants and owners to improve conditions without destabilizing individual rooms or buildings;
- Clarifies and defines expectations for life-safety requirements; and
- Develops an enforcement timeline that is manageable.

If voluntary compliance is not forthcoming, the City will commence formal enforcement against the property owner and/or operator in an effort to achieve compliance. Enforcement actions can include a number of legal actions, including referral to prosecution in Provincial Court or a recommendation to Council for the City to seek injunctive relief in Supreme Court. In the case of a successful prosecution, the amount of the fine upon conviction is decided by the Judge. Note that while the City is authorized under the SOM By-law to carry out repairs at the owner's expense, this is usually a last resort given the risks to the City. This includes ongoing legal liability and financial risks, as there is no guarantee of recovery from the owner. Moreover, this approach does not increase SRO owner accountability for compliance with the SOM By-law, and may encourage them to defer their maintenance responsibilities to the City.

There is shared responsibility, under the Residential Tenancy Act (RTA), for both landlords and tenants to maintain their living accommodation in compliance with provincial tenancy regulations. This principle of shared responsibility is applicable to critical life safety requirements under the SOM By-law, especially ensuring all room doors have door closers and maintaining sprinkler and smoke detection systems in individual rooms. As previously mentioned, SROs house many of the city's most marginalized residents, many of whom experience physical disabilities, substance use and/or mental health issues. Staff spend a considerable amount of time working with tenants and landlords to address the ongoing cycle of damage and repair, and often bring in other community agencies to lend support to tenants and landlords.

Recent issues with by-law compliance

The City's proactive approach regarding the SOM By-law in SRO buildings has yielded significant successes with voluntary compliance. However, some private SRO owners and operators have recently experienced difficulties securing tradespersons to undertake critical repairs and upgrades due to labour shortages and supply chain issues in the construction industry, which has prolonged the time needed for voluntary compliance.² This is further compounded by the reported reluctance of some tradespersons to work in the DTES due to the perceived deficiencies with personal safety, as well as the technical difficulties of servicing antiquated appliances (e.g. boilers) in SROs, which often require the importing specialized parts from other countries. If the City were to undertake the corrective work at the expense of owners, it would be subject to many of the same issues as the City also contracts out the work to external tradesperson due to not having staff members who can carry out building repairs on non City-owned buildings.

During the December 2021 holiday season, all of these factors coincided with a surge in the Omnicron variant and unseasonably colder temperatures in Vancouver due to an Arctic front.

² Van Santvoort, A. (February 10, 2022). "Trades worker shortage worsens through pandemic." *Business in Vancouver*. <https://biv.com/article/2022/02/trades-worker-shortage-worsens-through-pandemic>; McSheffrey, E. (January 5, 2022). "Rising costs, supply chain issues battering B.C. construction industry, survey finds." *Global News*: <https://globalnews.ca/news/8491023/bc-construction-industry-survey/>.

This resulted in a number of SROs experiencing heating failures.³ Staff throughout the City worked closely with the SRO owners, operators and community groups to ensure that heat was restored for affected tenants, including where necessary through the provision of space heaters. No enforcement actions were necessary as the owners and operators were able to demonstrate best efforts to restore heat, despite the issues with securing tradespersons, which was mostly restored within a day of the City being notified.

B. Existing short-term actions relevant to the Motion

Staff from various departments including DBL, ACCS and PDS (Sustainability) are already undertaking work that is relevant to Council’s direction to increase the effectiveness of the SOM By-law and the larger goal of improving living standards for SRO tenants. The table below shows existing and ongoing actions organized by the individual policy directions in the Motion:

| Motion category | Existing city efforts |
|--|---|
| Improving effectiveness of the By-law with respect to problematic properties that exhibit a history of non-compliance | <ul style="list-style-type: none"> • VFRS is leading an educational campaign in collaboration with community organizations to increase awareness among SRO tenants on the critical need for door closers, smoke detectors and sprinklers for their life safety. The objective is to reduce the incidences of these devices being mistakenly or deliberately tampered with by residents or guests. |
| Requiring SRO owners to place permanent plaques in their lobbies that would state the mailing address for service of documents to landlords, how to call 311 with repair and maintenance issues, contact info and function of Residential Tenancy Branch (RTB) | <ul style="list-style-type: none"> • On March 30, 2022 Council approved the Motion “Strengthening the Conditions of Landlord Licensing in Vancouver” which requested staff to draft amendments to the License By-law to require holders of a Long-term Rental business licence to display the business licence and include additional information related to tenant resources. Operators of non-government owned SROs are required to obtain a Long-term Rental business licence. All businesses, including Long-term Rental businesses, are already required under Section 6(5) of the License By-law to display the physical business licence in a conspicuous location within the premises. They are also further required under Section 19.1(2) of the License By-law to comply with the RTA, which requires landlords to: <ul style="list-style-type: none"> - Include in the tenancy agreement the legal name of the landlord, and address for service and telephone number of the landlord or agent (S.13.2 of the RTA); and - Post and maintain at a conspicuous location on the residential property, or give tenants in writing, the name and telephone number of a person the tenant is to contact for emergency repairs (S. 33.2). <p>Section 4(10)(e) of the License By-law authorizes the Chief Licence Inspector to establish terms and conditions on a business</p> |

³ Little, S. (December 30, 2021). “B.C. confirms 4,383 new cases as Omicron surge pushes COVID-19 to record heights.” *Global News*: <https://globalnews.ca/news/8481123/bc-covid-19-update-dec-30-2021/>; Ruttle, J. (December 27, 2021). “Vancouver weather: Baby, it’s (still) cold outside.” *Vancouver Sun*: <https://vancouversun.com/news/local-news/vancouver-weather-baby-its-still-cold-outside>.

| Motion category | Existing city efforts |
|---|---|
| | <p>licence that are necessary to ensure the licensed business does not have a negative impact on the public. In response to the Council Motion, staff will therefore add the following notes to all 2023 Long-term Rental business licences:</p> <ul style="list-style-type: none"> • Per Section 19.1 of the License By-law, every landlord or agent must comply with the Residential Tenancy Act, including: <ul style="list-style-type: none"> ○ Providing the legal name of the landlord, and address for service of documents and telephone number of the landlord or agent in the tenancy agreement ○ Posting at a conspicuous location of the property, or provide to tenants in writing, the name and telephone number of the person to contact for emergency repairs • Contact the following agencies for assistance and information: <ul style="list-style-type: none"> ○ The Residential Tenancy Branch for information, education and dispute resolution services (604-660-1020 or HSRTO@gov.bc.ca); and ○ The City of Vancouver’s Renter Office for information on City policies and resources that protect renters (3-1-1 or renteroffice@vancouver.ca). <p>In addition, staff will be sending annual renewal notices to all business licences in November 2022, which will also remind Long-term Rental licence holders to display the physical business licence in a location that is conspicuous and accessible for tenants, and to comply with the RTA.</p> <p>Staff have provided to Council a separate Memo in response to the Motion “Strengthening the Conditions of Landlord Licensing in Vancouver” at the same time of this Memo. The actions taken pursuant to that motion would also satisfy Council’s direction to place permanent plaques in the lobby of SROs.</p> <ul style="list-style-type: none"> • Staff are evaluating the feasibility of requiring SRO operators to display further pieces of information that would be beneficial for tenants. ACCS is planning to work with the SRO Collaborative, a community organization based in the DTES, to reach out to tenants directly on the types of information that are useful for them and how they would like to receive it. |
| <p>Adding language related to cooling within the By-law that require buildings to not exceed a maximum temperature during future heat waves</p> | <ul style="list-style-type: none"> • Staff from various departments have prepared an extreme heat and air quality mitigation strategy for the upcoming 2022 summer season. City actions specific to supporting residents of SROs and other non-market housing was previously reported to Council in the Memos “Planning for Extreme Heat and Air Quality Mitigation in Vancouver” from the General Manager of Planning, Urban Design and Sustainability, dated March 10, 2022 and “Updates to extreme heat response plans for 2022” from the City Manager, dated June |

| Motion category | Existing city efforts |
|---|---|
| <p>and is aligned with the City's direction on zero emission buildings within the Climate Emergency Action Plan</p> | <p>14, 2022. On June 21, Council approved approximately \$166,000 in funding in Resilient Neighbourhood Grants. These included sharing updated directions for wellness checks, piloting the limited distribution of Cool Kits, sharing information to privately owned SROs, and working with the SRO collaborative to support the implementation of community response plans.</p> <p>These City actions also complement resources prepared by BC Housing on extreme heat preparedness in rental buildings. More information on these resources and program can be found on BC Housing's website.</p> <ul style="list-style-type: none"> On May 17, 2022, Council approved new regulations for new buildings as well as existing detached homes, and large commercial and multifamily buildings to address the climate emergency. These included new requirements to protect residents from the health impacts of extreme heat and air pollution, such as mandating mechanical cooling for all new multifamily homes, starting in 2025. <p>For non-market housing, including SROs, requiring cooling through the installation of heat pumps while protecting housing affordability was determined to be economically challenging. To support voluntary retrofits for non-market housing, Council approved staff's recommendation to approve a grant of \$2,000,000 from the City's Capital Budget for Deep Emission Building Retrofits to the BC Non-Profit Housing Association to fund a new Non-Market Housing Climate Resilient Retrofit program. More information on the program can be found in the Council Report from May 17, 2022.⁴ Other City supports for removing barrier in installing heat pumps in existing multifamily buildings, including energy efficiency coaching and planning tools, were also reported in Appendix E of a separate Council Report, also from May 17, 2022.⁵</p> |

C. Future work and policy considerations for Council

Staff, including the Tactical Team will be embarking on a comprehensive work plan to review the SOM By-law, including consideration of the measures requested by Council in the Motion (i.e. increasing minimum and maximum fines, and adding language relating to cooling). The work will review inter-dependencies with other City by-laws and regulations in comparable municipalities with a significant amount of older SRO, tenement and/or apartment housing. Staff will also conduct extensive consultation with affected stakeholders, including property owners, industry and tenant groups.

⁴ For more information, see: City of Vancouver (May 17, 2022). "Non-Market Housing Climate Resilient Retrofit Grant." RTS No. 15111: <https://council.vancouver.ca/20220517/documents/R1d.pdf>.

⁵ For more information, see: City of Vancouver (May 17, 2022). "Annual Carbon Pollution Limits for Existing Large Commercial and Multifamily Buildings." RTS no. 14231: <https://council.vancouver.ca/20220517/documents/R1c.pdf>.

Staff in ACCS are also engaging directly with senior levels of government on the creation of an SRO investment strategy to work towards complete replacement of the SRO stock with self-contained social housing at shelter rates. This strategy development will ideally create new opportunities for the City and its partners to support renovation and replacement of these buildings and lasting improvements in the stock.

A more fulsome report back will be provided in 2023 with a recommendations for amendments to the SOM By-law.

Staff have identified some initial policy considerations for this work:

- a) *Enforcement alone doesn't necessarily result in compliance:* Staff have learned from the proactive enforcement approach that immediate recourse to enforcement actions, including larger fines and prosecutions, do not necessarily result in compliance or address the underlying systemic building issues. Recent policy innovations from other jurisdictions, namely Toronto and Montreal, which require owners of rental apartment buildings to maintain five-year maintenance plans, can be a more appropriate preventative approach that is aligned with the City's proactive enforcement model. Staff will consider a number of options as part of the work plan.⁶
- b) *Added regulatory burden on building owners needs to be carefully considered:* Any added regulatory burden on SRO and other building owners need to be carefully evaluated for their technical and financial viability, as well as impacts on tenant housing stability and the City's goal for zero emission buildings. Staff will also continue to investigate opportunities for financial incentives for building owners, in partnership with industry and senior levels of government, to undertake building upgrades that align with City priorities on life safety and reducing greenhouse gas emissions.
- c) *Privacy impacts:* The City is required to comply with *Freedom of Information and Protection of Privacy Act* when disclosing third-party information to the public. Currently, staff only share enforcement related documents that are routinely releasable, such as issued permits and Orders that were publicly posted. The City's by-law enforcement officers may advise complainants on whether a casefile has been opened or closed, however all requests for inspections reports, letters or Orders that are not publicly posted must be processed through a Freedom of Information request. These documents can be released if the complainant has an active dispute filed with the Residential Tenancy Branch and if the building is listed in the City's [Rental Property Standards Database](#). Any changes to the existing standards for disclosure needs to be evaluated for its privacy impacts and ideally applied to violations of all City by-laws, not just the SOM By-law, to ensure equitable treatment.

The aforementioned policy considerations will inform staff's analysis of options and recommendations to improve the effectiveness of the SOM By-law, which will be reported to Council in 2023.

⁶ For more information, see: City of Toronto (2021). "RentSafeTO for Tenants." <https://www.toronto.ca/community-people/housing-shelter/rental-housing-tenant-information/rental-housing-standards/apartment-building-standards/rentsafeto-for-tenants/>; MacLellan, A. (February 15, 2022). "Montreal launches rental price registry, certification of landlords." *CBC News*: <https://www.cbc.ca/news/canada/montreal/montreal-rental-registry-landlords-1.6352293>.

D. Conclusion

Staff are undertaking a proactive approach toward compliance in SRO buildings and other short-term work that is increasing the effectiveness of the SOM By-law and the larger goal of raising the living standards for residents. This includes measures to protect tenants from extreme heat and air quality issues during the upcoming summer season. Further work to review the SOM By-law will result in a report back to Council in 2023 with potential new policies and by-law amendments.

If you have any further questions or concerns, please contact Saul Schwebs, Chief Building Official at 604.873.7040 or saul.schwebs@vancouver.ca.



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APPENDIX A

Council Motion: “Improving the Effectiveness of Standards of Maintenance By-law”

Final Motion as approved on February 8, 2022.

WHEREAS

1. The City of Vancouver had a Standards of Maintenance By-law No. 5462 (“the By-law”) which prescribes standards for the maintenance and occupancy of building within the City of Vancouver to ensure that the buildings are free from hazard and are maintained continuously in conformity with accepted health, fire and building requirements;
2. Section 23.6 (1) of the By-law states that “Every person who commits an offence against this By-law is liable to a fine and penalty of not less than \$250.00 or more than \$10,000.00 for each offence.”;
3. Section 23.6 (2) of the By-law states that “Despite the minimum fine referred to in subsection (1), every person who commits an offence against section 11.1(1), 15.1(1), 16.1(2), 17, 18, 21.4(a), 21.13(a), 21.13(b), 21.14 or 23.3 is liable to a fine of not less than \$500.00 for each offence.” A significant number of the specific offences noted under Section 23.6 (2) of the By-law related to the requirement to provide heat and hot water to the tenants of a building as well as related fire prevention measures;
4. Section 23.7 of the By-law states that “Every person who commits an offence of a continuing nature against this By-law is liable to a fine of not less than \$250.00 and not more than \$10,000.00 for each such offence continues.”
5. Section 23.5 (1) of the By-law states that “Every person is guilty of an offence against this By-law” wherever and whenever they violate the provisions of the By-law, suffer or permit any act or thing to be done in contravention or violation of the By-law, or neglect or refrain from doing these things required by the By-law along with various related provisions of this section;
6. Section 23.5 (2) of the By-law states that “Each day that a violation is permitted to exist, shall constitute a separate offence.”;
7. Section 23.8 of the By-law states that “Notwithstanding any other provisions of this By-law, where any building or land does not comply with standards set out in this By-law, the Council may, by resolution, order that failure to remedy any default specified in such order within 60 days after service of such order, will result in the work being carried out by the City at the expense of the owner.”;
8. In December 2020, the City of Vancouver reached a settlement with the owners of the Balmoral and Regent Hotels to expropriate the properties. The settlement which was approved by Vancouver City Council, ensured that the buildings – (after many years of enforcement and legal action “against the owners, who oversaw decades of underinvestment and unaddressed life-safety issues that resulted in the closure of these

two derelict buildings in 2017 and 2019”) – could be turned into safe and secure low-income housing in partnership with BC Housing;

9. At the September 22, 2021, Standing Committee on Policy and Strategic Priorities, Council unanimously endorsed a staff recommendation to commence legal action in relation to the Regal Hotel located at 1046 Granville Street in order to bring this property into compliance with City By-laws and address an unsafe condition identified by the Chief Building Inspector; and
10. Over the recent Christmas holiday in December of this year, residents of the Regal Hotel were widely reported to be without heat for multiple days, at a time when the outside temperature and wind chill factor were expected to drop to minus 20 degrees. Living without heat during these incredibly cold temperatures clearly represented a life-threatening situations for the residents of the building as well as significant violation of the City’s Standards of Maintenance By-law No. 5462 and its intent to safeguard and ensure the necessities of life for all Vancouver residents.

THEREFORE BE IT RESOLVED THAT Council direct staff to report with recommendations and options to improve the effectiveness of the Standards of Maintenance By-law No. 5462 before the end of Q2, 2022 with respect to problematic properties that exhibit a history of non-compliance, such as – but not restricted to – giving consideration to raising the maximum and minimum fines for certain violations where an immediate impact on the life and limb of building residents (such as non-functioning heating systems) is clearly evident, as well as shortening the period of time in which the City can step in to carry out any and all necessary work to bring a building into compliance under the By-law at the expense of the property owner;

FURTHER THAT staff include in this report an analysis of the impact of these measures on building closures and tenant evictions;

FURTHER THAT staff report back on the possibility of requiring Single Room Occupancy (SRO) owners to place permanent plaques in their lobbies that would state the mailing address for service of documents to landlords, how to call 311 with repair and maintenance issues, contact info and function of the Residential Tenancy Branch;

FURTHER THAT staff report back on the possibility of requiring City inspectors to contact tenants after they have made inspections so the tenant knows the results of their complaints;

FURTHER THAT Council direct staff to report back with considerations for adding language related to cooling within the Standards of Maintenance By-law No. 5462, so that in addition to requiring buildings to be able to maintain a minimum temperature during cold snaps, that we also require buildings be able to not exceed a maximum temperature during future heat waves;

AND FURTHER THAT considerations around options for adding building cooling requirements within the Standards of Maintenance By-law No. 5462 be aligned with action on zero emission buildings within Vancouver’s Climate Emergency Action Plan.