

From: **"Mochrie, Paul"**

To: **"Direct to Mayor and Council - DL"**

Date: 2024-05-31 10:49:47 AM

Subject: Coroner's Inquest Recommendations - Winters Hotel fire

Attachments: CMO-VFRS - Letter (BC Coroners Service) - Winters Hotel Fire Inquest Recommendations (2024-05-31) - Signed.pdf

Mayor and Council,

As you know, the Coroner's Inquest into the fatal fire at the Winters Hotel in 2022 led to a series of recommendations from the jury, including a number of recommendations directed to the City of Vancouver. For your information, the attached correspondence sets out the City's response to the Coroner's office in respect of each of those recommendations.

If you have any questions regarding this matter, please do not hesitate to connect with me, Sandra Singh or Karen Fry.

Best,
Paul

Paul Mochrie (he/him)
City Manager
City of Vancouver



The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the x̱m̱əθḵəy̱əm (Musqueam), S̱ḵw̱x̱w̱ú7mesh (Squamish), and s̱əlilw̱ətał (Tsleil-Waututh) Nations.

May 31, 2024

Via Email chiefcoronercorrespondence@gov.bc.ca

John McNamee, Acting Chief Coroner
John Knox, Presiding Coroner
Rolf Warburton, Acting Chief Legal Officer
BC Coroners Service
Province of British Columbia

Dear John McNamee,

RE: Inquest Verdict regarding the deaths of Mary Ann GARLOW and Dennis James GUAY (Your Files: 2022-5054-0171 / 2022-3008-0151)

The City and Vancouver Fire Rescue Services 'VFRS' have received the recommendations from the Coroner's Inquest into the Winters Hotel Fire and we thank the jury for their extensive deliberations and recommendations.

First and foremost, the City and VFRS mourn the many losses from the Winters Hotel fire. Together with the former residents and their families and friends, we remember Mary Ann Garlow and Dennis Guay.

We have thoroughly reviewed the recommendations toward making single-room occupancy hotels safer for vulnerable tenants. Attached you will find a consolidated response from the City and VFRS to Recommendations 16-19. We would like to note for you that we have also reviewed and discussed the other recommendations with BC Housing to identify areas where the City could support BC Housing's efforts.

Further to the enclosed, the City's Housing Vancouver Strategy and SRO Revitalization Strategy identifies the need to work with all levels of government to replace all SRO rooms (open and closed) with self-contained, shelter-rate social housing to address the needs of low-income residents and end reliance on this outdated and inadequate housing type.

Thank you for your diligence in conducting the inquest and for your commitment to public safety. Please feel free to reach out if you require any further information or updates on our progress. We remain committed to the objectives of this process.

Sincerely,



Paul Mochrie
City Manager, City of Vancouver



Karen Fry
Fire Chief, Vancouver Fire and Rescue
Services

604.665.6051 | karen.fry@vancouver.ca

cc: Iain Dixon, Counsel for the City of Vancouver
Sandra Singh, Deputy City Manager, City of Vancouver

Winters Hotel Fire: Coroner's Inquest Recommendations – City and VFRS Items

(Response Due June 1, 2024 – 60 days from April 4, 2024)

Recommendations	Responsibility
<p>16. Create a database which lists all SROs, city shelters and transition houses to include a history of municipal bylaw violations, fire watch orders, and occupants with disabilities. <i>Presiding Coroner Comment: The jury heard evidence that VFRS firefighters may benefit from having access to this information to assist with fire response, fire inspections, and enforcement activities.</i></p>	<p>COV & VFRS</p>
<p><u>City Comments/Response:</u></p> <p>There are two recommendations in this item: (a) Create a database which lists all SROs, city shelters and transition houses to include a history of municipal bylaw violations, fire watch orders; and (b) Create a database which lists all SRO, city shelters, and transition house occupants with disabilities.</p> <p>(a) Create a database which lists all SROs, city shelters and transition houses to include a history of municipal bylaw violations, fire watch orders</p> <p><i>Accepted.</i></p> <p>While staff note that shelters and transition houses reflect a different level of risk from SROs due to the congregate nature and supports respectively, this information could be viewed together as the recommendation suggests.</p> <p>Data related to properties are held in three places: Development, Building and Licencing (DBL) has their property use data in a database system called POSSE; Vancouver Fire and Rescue Services (VFRS) has their data in their Fire Data Management System (FDM); and ACCS also tracks information on SROs related to renters (e.g., Rental Tenancy Board actions), owners, community complaints, etc. in spreadsheets.</p> <p>The City currently has a public database (open data Rental Properties Standards Database) that aggregates data from POSSE and FDM. This database was created for renters. This public database does not include data about shelters or transitional housing. An internal version with additional data points would be needed to fulfil this recommendation.</p> <p>Of relevance, the underlying FDM database is technologically outdated and so the status of some violations must be entered manually and can have out-of-date data. Accordingly, FDM is not a real-time source of data for emergency management purposes. When VFRS moves to their new Records Management System (RMS), currently projected for 2025, the system should enable better integration or alignment with the Property Use and Building Inspector's data in POSSE.</p>	

The City also has an interdepartmental Tactical Team that includes staff from DBL, ACCS, VFRS, and VPD. This team meets regularly to discuss the most problematic buildings with regards to building and life safety violations. Typically, SROs comprise the top of the list of problematic buildings. This is in part because of the aging and deteriorating housing typology, and some of the tenant population having behaviours that increase fire risks (e.g., hoarding, smoking and/or substance use, refusal to follow fire safety rules). Furthermore, SROs are proactively inspected annually (with regular follow up to ensure any orders have been addressed), in contrast to the complaint-driven inspections for other residential buildings, shelters and transition houses.

City Action:

Action 16.1: City to explore the development of an internal real-time information layer (i.e., portal or dashboard) for SROs, shelters, and transition houses that aggregates data from POSSE, FDM/RMS, and ACCS inventories, and allows for additional data input from ACCS's Housing and Homelessness Services Team related to RTB complaints or other public safety matters. Incorporate information referenced in Action 19.1

Date: 2024 start

(B) Create a database which lists all SROs', city shelters' and transition houses' occupants with disabilities.

Not accepted: (a) the City has no jurisdiction to collect occupant information, and (b) the diverse operational models of SROs, shelters, and transition houses, and the high turnover in SROs make this recommendation not feasible.

The City has no jurisdiction to collect personal or health information about occupants for housing and services that are not operated by the City. To note, the City operates 10 non-market rental housing buildings (3 SROs) and one year-round shelter (The Gathering Place). All other SROs, shelters, and all transition houses are operated by other entities – BC Housing or non-profit societies. BC Housing can collect information about any BC Housing funded sites.

In any event, given the high-level of turnover in SROs and the transient nature of many shelter clients, this recommendation would be near impossible to implement and maintain in real-time across the three types of stock. Some specific challenges are:

- Because tenancies change regularly in both SROs and rental housing, maintaining real-time awareness of all occupants and their disabilities which may impact emergency evacuation is not feasible for the City.
- As a managed congregate setting, emergency evacuation of a shelter will be en masse. Depending on the shelter, occupancy can change every night; maintaining updated occupancy lists would be impossible given the current BC Housing HIFIS database limitations and shelter operations considerations.
- For Transition Houses, these are Class B care occupancy buildings in which the occupants have more supports from the building managers, which improves residents' safety.

	<p>The range of disabilities that could impact a residents' safe evacuation are diverse and need to be understood by building managers and operators as they will ultimately need to ensure preparedness for their tenants' emergency response needs. There are examples of existing guides for building managers that could provide advice, such as</p> <ul style="list-style-type: none"> • Emergency Evacuation Guide for People with Disabilities PDF. (nfpa.org) • Planning for safety - Evacuating people who need assistance in an emergency: A guide for building managers and occupants (https://www.canada.ca/content/dam/esdc-edsc/migration/documents/eng/disability/arc/planning_safety.pdf) • There are private consultants that can offer training on these matters for landlords. • Atira is also developing a course for their managers on their roles and responsibilities including fire safety, which VFRS could review for its potential as a resource for other building owners and managers. <p>Given the City cannot collect personal information about tenants or shelter and transition housing occupants, and the maintenance of real-time information across hundreds of these buildings is not feasible, the City can focus on supporting building Owners to understand their obligations to support tenants with disabilities under the Fire Code.</p> <p><u>City Actions:</u></p> <p>Action 16.2: (a) Create an online resource guide to existing fire life safety information resources and useful applications for SRO building owners/managers on evacuation considerations for tenants with disabilities. Consult and coordinate with BC Housing on their implementation as appropriate. (b) Discuss with Fire Commissioner's Office whether they could implement such a guide for the Province. Date: September 2024</p> <p>Action 16.3: City to outline the BC Fire Code responsibilities (Section 2.8.2) for Operators to know who in their building has a disability that may require special provisions and/or assistance during an evacuation or alarm, and to have that information inform their own evacuation plans as well as shareable with First Responders. Include in annual letter from DBL described in Action 17.1. Date: July 2024</p>	
17.	<p>Provide copies of all Fire Watch Orders, Notices of Violations and Municipal Ticket Infractions, and annual fire inspection reports to the SRO operator and building owner.</p> <p><i>Presiding Coroner Comment: The owner of the building testified that after the Winters Hotel was leased to Atira in 2017, they no longer received copies of Fire Watch Orders, Notices of Violation, Municipal ticket infractions, or inspection reports. The owner did continue to receive annual inspection reports from the city. The owner told the jury it would be helpful for owners to receive all of these documents as it would provide them with a better sense of issues within their buildings.</i></p>	COV & VFRS

City Comments/Response:

Partially accepted.

In the Fire Code, fire safety is the owner's responsibility (note: the Fire By-law's definition of Owner includes a lessee). The building owner has the ability to impose proper information sharing and reporting requirements on their lessees or operators to ensure compliance with all applicable by-laws.

Fire By-law compliance work is a progressive process. VFRS will usually start by providing information to building owner representatives or operators (i.e., on site building managers or those in care of the building) about issues/infractions they see and will issue a Notice of Violation noting those issues that must be addressed. After issuing a Notice, VFRS will return to the site after a period of time to confirm whether the infraction has been remedied. If the situation is not addressed, VFRS will then issue a municipal ticket information ("MTI"). The MTI outlines the by-law violation and the monetary value of the fine if the MTI is accepted or proven in court. MTIs are personally served on a building representative. If after issuing an MTI, the infraction still is not corrected, then VFRS will issue an Order with a timeframe outlined. The Order is provided in writing and affixed to the building/door. If the Order is not addressed to the satisfaction of the VFRS inspector, then VFRS will proceed to referral for prosecution.

With the current VFRS Records Management System (RMS), all these processes are manual and there is no way to automate the process. The new RMS will replace FDM in 2025 and should support improvement, including allowing for issuing electronic Notices, and Orders. This new system should give VFRS the ability to send copies of Notices and Orders (not MTIs) directly to the building owner in addition to the lessee/operator (with proper prior consent).

However, regardless of this functionality, it must remain understood that it is always within the owner's control and purview, as a prudent owner, to require that their lessee/operator share information with them pertaining to Notices, Orders, etc.. VFRS will evaluate the feasibility of implementing a voluntary program for owners to register an email address at which to receive courtesy copies of Notices and Orders (with the consent of the lessee to share this information). However, this should not be viewed as a replacement for an independent and reasonable information sharing system between the owners and their lessee, particularly because there is no current ability for VFRS to share this information, or to ensure complete information sharing. VFRS will not have the ability to share MTIs directly with owners under the new system.

City Actions:

Action 17.1: City to send out a letter to all SRO building Owners outlining their responsibility for ensuring effective information sharing with their Operators. Letter to include information discussed in Recommendation 16.

Date: July 2024

	<p>Action 17.2: VFRS to evaluate the feasibility of implementing a voluntary program for owners to register their email addresses with VFRS to enable them to receive copies of Notices and Orders (VFRS to explore the same for MTIs if feasible). Importantly, Operators will need to confirm their consent to share this information. Date: 2025</p>	
<p>18.</p>	<p>Expand hours and staffing of the VRRS Urban Compliance Team to seven days a week. <i>Presiding Coroner Comment: The jury heard evidence that the VFRS Urban Compliance Team was not sufficiently resourced to provide services 7 days a week. A VFRS Fire Captain testified that if firefighters submitted fire safety concerns about a particular property into their information database on a Friday, the Urban Compliance Team would not be able to follow up with inspection and enforcement actions until after its members returned to duty after the weekend.</i></p> <p><u>City Comments/Response:</u></p> <p><i>Partially accepted.</i></p> <p>After a fire response and any resulting violations requiring corrective actions, the established practice of VFRS was to make a follow-up visit within 3-5 days to confirm that the owner or operator has taken steps to address the violations. Based on experience, further inspections do not necessarily result in prompter compliance, for various reasons, including the availability of parts etc. As noted above, the Bylaws put the responsibility for by-law compliance on the building owner. VFRS will review whether the practice should be changed, including whether VFRS has the operational and resourcing capacity to make the recommended expansion to 7 days a week.</p> <p>There are currently 6 individuals on VFRS Urban Compliance Team. There are a number of operational issues that need to be considered before VFRS could commit to expanding the unit to weekends, including whether intended outcomes would be achieved.</p> <p><u>City Action:</u></p> <p>Action 18.1: VFRS to review options and identify most effective approach to enhancing inspections for compliance post-fire and outline recommendations in a memo to the City Manager by September 2024. Date: September 2024</p>	<p>COV & VFRS</p>
<p>19.</p>	<p>Collaborate and coordinate fire and building inspections so that they alternate every six months. <i>Presiding Coroner Comment: The jury heard evidence that VFRS and the City of Vancouver could improve coordination of annual fire and building inspections to maximize opportunities to identify safety hazards as early as possible.</i></p>	<p>COV & VFRS</p>

City Comments/Response:

Partially accepted.

DBL and VFRS inspectors are in SRO buildings on a regular basis.

VFRS inspectors aim to inspect every SRO by the end of Q1 each year. SROs that have frequent violations see several VFRS visits throughout the year. When VFRS issues a Notice, MTI, or Order, these actions result in automatic follow-up visits. This means that SROs receive multiple visits by VFRS each year. For example, in 2023: VFRS inspected 171 individual SRO properties, however the total number of SRO inspections was 966. This is because 119 of these SROs were inspected more than once, and 30 SROs were inspected more than 30 times, with one SRO being inspected 43 times.

In Q4, DBL Property Use inspectors do winter readiness inspections of all SRO buildings. As well, DBL sends out their Property Use Inspectors throughout the year for annual inspections – it is not feasible to do these all at once so they are spread out across the 12 months. Like with VFRS, when Orders are issued, the inspector comes back in 30 days to follow-up and so there may be multiple visits to the same building.

DBL Property Use Inspectors and VFRS Inspectors also respond to complaints on an ongoing basis.

It is important to note that while the aggregated efforts of VFRS and DBL inspectors mean that SROs receive multiple visits from City officials each year, inspectors are only trained to inspect conditions based on their expertise. That means that a VFRS Inspector cannot take responsibility for noting any or all SOMB infractions and, likewise, a DBL Property Use Inspector cannot take on responsibility for noting Fire Code/Fire By-law violations.

VFRS' and DBL's data and analytics teams are working to aggregate data on DBL and VFRS inspection reports to provide visibility on the occurrences of inspections by DBL and VFRS.

The City Tactical team (VFRS, DBL, ACCS, VPD) meet on a regular basis to discuss the buildings of highest concern and to respond to complaints and issues. Currently, there are 15 buildings on their problem buildings list. More recently, Provincial Residential Tenancy Branch staff have started attending meetings to address landlord/tenancy related issues.

City Action:

Action 19.1: Refer to Action 16.1 (i.e., Dashboard creation) and incorporate information on inspections dates to enable visibility on occurrences of inspections by City officials.

<p>20.</p>	<p>Create a 24/7 mobile call-out team to support VFRS Fire Hall #2 personnel responding to critical incidents. This team should include staff capable of responding to the complex needs of SRO tenants, such as social workers, psychiatric nurses, and mental health support workers, who could advise BC Housing and the SRO operator regarding the high-risk actions of particular tenants.</p> <p><i>Presiding Coroner Comment: The jury heard evidence that VFRS personnel are frequently attending SROs for matters unrelated to fighting fires such as false alarms, smoking complaints, and medical emergencies including mental health incidents and acute drug toxicity events. These calls strain VFRS resources and impact their ability to respond to fires. The jury also heard that additional work could be done to identify individuals responsible for multiple fire incidents so that BC Housing and SRO operators can ensure they are housed and supported appropriately.</i></p>	<p>COV & VCH</p>
	<p><u>City Comments/Response:</u></p> <p><i>Accepted, with clarification that jurisdiction and responsibility for implementation lies with VCH.</i></p> <p>There are SROs outside of the DTES with similar profile, notably the DT South so this recommendation should apply to all SROs regardless of neighbourhood.</p> <p>VFRS agrees that access to VCH mental health support workers when they are responding to critical incidents or other mental incidents in SROs is useful. Currently, VFRS calls 911 and requests a mental health response.</p> <p>City Council approved catalyst funding of \$8M/year to support VCH to implement a multi-disciplinary mental health response team to support this population. It is possible that the City's investment provides the daytime service and the gap that is needed to be addressed is the overnight. TBC in discussion with VCH. This funding has significantly increased services and capacity in the area of MH response. Supported by this funding, VCH also now has mental health nurses embedded in the 911 call centre who triage mental health calls to a variety of mental health response teams.</p> <p><u>City Action:</u></p> <p>Action 20.1: VCH has multiple crisis response teams available to VFRS through 911, such as Car 87/88 and the mobile de-escalation team. Please refer to VCH's response for further information. While 911 likely remains the best approach to accessing appropriate mental health supports, VFRS will discuss with VCH and provide a memo update to the City Manager's Office by end of July 2024. Date: July 2024</p>	
<p>21.</p>	<p>Expand the scope of the Hoarding Action Response Team to include a team dedicated to all SROs in the Downtown Eastside.</p>	<p>COV & VCH</p>

	<p><i>Presiding Coroner Comment: The jury heard evidence that hoarding is a common problem in SRO buildings; it adds to a building’s fire load and increases overall fire safety risk. A VFRS Fire Captain from the Urban Compliance Team testified that the Hoarding Action Response Team (HART) is a partnership comprised of personnel from the City of Vancouver, VFRS, and Vancouver Coastal Health. HART does not aid with clients living in Downtown Eastside SRO buildings.</i></p>	
	<p><u>City Comments/Response:</u></p> <p><i>Partially accepted.</i></p> <p>The Hoarding Task Force is currently 1 VFRS inspector and 1 VCH Mental health worker and they service all neighbourhoods outside of the DTES. VFRS’ Urban Compliance Team (UCT) is a team of 6 members who work in SROs, Temporary Modular Housing, and shelters to support fire safety and Bylaw compliance. In doing this work, the team responds to a variety of fire safety situations in SROs, including hoarded suites. VFRS notes that they do not need an expansion of HART into the DTES for this reason, however, the UCT would benefit from a formalized connection to VCH mental supports as they work with tenants in hoarded suites in SROs, similar to the mental health supports offered through HART.</p> <p><u>City Action:</u></p> <p>Action 21.1: VFRS to work with VCH to develop an approach for the Urban Compliance Team to access mental health supports when dealing with hoarded suites in SROs. Pilot an approach in 2024 and report back on efficacy via memo after 6 months. Date: 2024</p>	
<p>22.</p>	<p>Expand the Downtown Eastside SRO Collaborative Pilot Project for tenant fire safety training to include all SROs in the Downtown Eastside.</p> <p><i>Presiding Coroner Comment: The jury heard evidence from tenants that this tenant focused fire prevention and response program would improve the overall safety of the community. A City of Vancouver council report reviewed by the jury stated the pilot phase of the program would only involve the participation of 18 SRO buildings.</i></p>	<p>COV & VCH</p>
	<p><u>City Comments/Response:</u></p> <p><i>Partially accepted, noting funding will be required from Province to expand across private SROs.</i></p> <ul style="list-style-type: none"> This is already underway. In Q1 2024, the City granted additional funding to SRO-C to expand the project to an additional 8 SROs. The total City funding to SRO-C for this program for 2024 is \$160,000 to improve fire safety in 35 privately-owned and operated SROs and Chinese Benevolent Society SROs (targeting roughly 1,265 rooms). Importantly, SRO-C has noted that they can only expand this program in increments of 8 SROs at a time. The cost of expanding this program is \$36,000 per 8 SROs so discussion of 	

sustained funding with the Ministry of Housing will be necessary given the size of the stock.

City Actions:

Action 22.1: City staff to continue to recommend funding existing pilot and plan to recommend further expansion of this program to an additional 8 buildings in 2025.

Date: Initiate discussions with SRO-C in 2024

Action 22.2: City to discuss funding with the Province, Ministry of Housing. Report back to City Manager's Office on outcome of discussions through a memo.

Date: 2024