



ADMINISTRATIVE REPORT

Report Date: July 6, 2009  
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Meeting Date: July 23, 2009

TO: Standing Committee on Planning and Environment

FROM: Chief Building Official and Assistant Director Coordinated By-law Compliance

SUBJECT: Request for Injunctive Relief - Lucky Lodge at 134 Powell Street

***RECOMMENDATION***

THAT Council authorize the Director of Legal Services, in her discretion, to commence a legal action or proceeding in relation to the premises at 134 Powell Street (Lucky Lodge) and to seek injunctive relief in that action or proceeding, in order to bring this building into compliance with City By-laws.

***GENERAL MANAGER'S COMMENTS***

The General Manager of Community Services RECOMMENDS approval of the foregoing.

***CITY MANAGER'S COMMENTS***

The City Manager RECOMMENDS approval of the foregoing.

***COUNCIL POLICY***

The Vancouver Charter gives Council power to pass by-laws fixing standards of fitness for human habitation to which all dwellings, whether single or multiple, must conform (s.306(1)(i)) and for requiring owners or occupants of real property to maintain said property in a neat and tidy condition in keeping with a reasonable standard of maintenance (s.323(u)). The City has exercised its powers by enacting the Standards of Maintenance By-law.

Section 334 of the Vancouver Charter allows the City to seek injunctive relief for any by-law violation.

In March of 2009, Council directed that in appropriate cases, staff request Council approval to seek injunctive relief to bring Single Room Occupancy (SRO) buildings in the Downtown East Side (DTES) into compliance with City By-laws.

## PURPOSE

The purpose of this report is to request Council approval to seek injunctive relief to have the SRO building known as the Lucky Lodge @ 134 Powell Street, brought into compliance with the Building and Standards of Maintenance By-laws.

## BACKGROUND

The Lucky Lodge, located at 134 Powell Street, is an SRO building containing 54 sleeping units. The building was constructed in 1912. The current operators took over management of this building in 2006.

Since then, in the course of carrying out regular inspections of this building, the inspector has observed the following repetitive violations:

- a) damaged suite entry doors and hardware - violation of Section 21.10 of the Standards of Maintenance By-law;
- b) lack of hot and cold water supply to some units - violation of Section 16.1(2) of the Standards of Maintenance By-law;
- c) missing smoke alarms - violation of Section 9.10.19 of Division B of the Building By-law;
- d) leaking sinks - violation of Section 16.1 (1) of the Standards of Maintenance By-law;
- e) moldy shower stalls - violation of Section 16.1.(5) of the Standards of Maintenance By-law;

Orders were issued to the owner/landlord to correct each deficiency as they were observed. Although the inspector reported that the orders were ultimately complied with, inevitably the inspector found that when rechecking the order, more of the same violations in other units not previously identified, were observed. It was determined that there are systemic infrastructure issues that are contributing to the ongoing issues in this building, such as inadequate water supply to the individual rooms and an inadequate number of bathing facilities.

A recent inspection in April of 2009 revealed the following deficiencies:

1. one of the bathing rooms was being renovated without permit or approval - violation of Section 1A.3.1.3. of Division C of the Building By-law;
2. there are only 2 operational bathing units in the building (the by-law requires 4 operational bathing units for this size of building) - violation of Section 21.3(c) of the Standards of Maintenance By-law;
3. there are numerous hand basins in tenant rooms that had plumbing work carried out without permit or approval - violation of Section 1A. 3.1.3 of Division C of the Building By-law;
4. hot and cold running water is not being provided to many of the tenant rooms - violation of Section 16.1(2) of the Standards of Maintenance By-law;

Accordingly, the owners were ordered by the Chief Building Official to obtain permits, provide the required number of bathing facilities and to provide hot and cold running water to all hand basins in the building by May 29, 2009.

The owners were also advised that the City may seek injunctive relief should they continue to contravene the by-laws.

***DISCUSSION***

The following is a status report with respect to the order issued:

The owners responded by submitting an application for Building Permit (BU 444957) on May 27, 2009 for "interior alterations to provide a shower room on the second floor and to re-pipe all SRA units on the second and third floor of this existing SRO building". As of July 6, 2009, this permit had not been issued as the required Letter of Assurance had not been submitted by the owners. The owners have been notified by the District Building Inspector that these letters must be submitted.

The owners are also required to obtain an additional Building Permit for alterations to the first storey and a Plumbing Permit for the re-piping. As of July 6, 2009, there were no permit applications submitted in this regard.

At present, there are a significant number of tenants that do not have hot or cold running water in their units.

***FINANCIAL IMPLICATIONS***

There are no financial implications.

***SOCIAL IMPLICATIONS***

This building currently provides 54 SRO housing units at a low rental rate. Given the shortage of such housing in the city, it is important that this housing stock be maintained and that the basic needs of the tenants for hot and cold running water and adequate bathing units be provided and maintained. The work required in this report is not expected to require any of the existing tenants to vacate their units.

***CONCLUSION***

Some progress has been made in response to the order issued by the Chief Building Official, however, to date, all the required permits have not been obtained and the work has not been completed. There are a significant number of tenants that currently do not have hot or cold running water in their units. Given that there are still contraventions of the by-laws, staff request that Council authorize court action seeking injunctive relief to have the building brought into compliance with the Building and Standards of Maintenance By-laws, should it prove necessary.

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