



ADMINISTRATIVE REPORT

Report Date: May 2, 2011
Contact: Will Johnston
Contact No.: 604.873.7515
RTS No.: 09195
VanRIMS No.: 08-2000-20
Meeting Date: June 30, 2011

TO: Standing Committee on Planning and Environment
FROM: Chief Building Official
SUBJECT: 35 West Hastings Street (Palace Hotel) - Request for Injunctive Relief

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 35 West Hastings Street (Palace Hotel), 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 the authority to adopt 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 the property in a neat and tidy condition in keeping with a reasonable standard of maintenance (s.323(u)). The City has exercised these powers by enacting the Standards of Maintenance By-law.

Section 334 of the Vancouver Charter allows the City to seek a court order requiring a person to comply with any of the City's By-laws.

In March of 2009, Council directed that in appropriate cases, staff request Council approval to seek a court order requiring a person 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 a court order requiring the owner of the Palace Hotel at 35 West Hastings Street to bring the property into compliance with the Building By-law and the Standards of Maintenance By-law.

BACKGROUND

The building located at 35 West Hastings Street is a 3-storey plus basement building constructed in 1906. The main floor is occupied as a neighbourhood pub (Funky Winker Bean's Pub) while the upper two floors contain 32 residential SRO units (Palace Hotel).

This report focuses primarily on the residential portion of the building.

Staff of the Licences and Inspections Department report that since the current operator took over management of this property in 2008, the condition of the building has been steadily deteriorating. There have been numerous violations of the Building By-law and the Standards of Maintenance By-law. Responses to City orders to rectify deficiencies under these By-laws have been slow or, in some cases, non-existent.

The following provides a history of the Department's recent enforcement action in regards to this building:

- On January 7, 2010, the district building inspector reported that the fire alarm system was no longer being monitored through an approved ULC-listed fire monitoring station, in violation of the Building By-law. On January 20, 2010, an order was sent to the owners to re-establish monitoring of the fire alarm system and to submit copy of a signed agreement with the new monitoring company to the district building inspector. However, to date, no agreement has been received by the City.
- On April 28, 2010, a co-ordinated inspection jointly carried out by the district building and property use inspectors revealed numerous violations of the Building By-law and Standards of Maintenance By-law, including but not limited to the following:
 - The anchorage holding the roof access ladder is deteriorated to the point of detaching from the exterior brick wall.
 - The roof shows signs of disrepair (water bubbling under the torch-on roof).
 - The fire separations between the exit corridor and residential units are compromised in numerous locations by a number of holes in the walls.
 - Many of the smoke alarms in the residential units are either missing, not working or have been disconnected.
 - There are broken windows throughout the building, even though the windows are required for fire separation.
 - Exit signage throughout the building is either missing or not working.
 - Many of the units are in a state of disrepair with damaged flooring, leaky taps, and water damages.
 - The common water closet and tub rooms have damaged doors, missing or damaged tiles, and broken locks.

The owner was ordered to obtain a building permit and complete repairs to the building by July 5, 2010. By July 15, 2010, a building permit had still not been obtained.

After several unsuccessful attempts to gain access into the building to determine if any progress has been made on the repairs, the owner was served an order to provide access to City inspectors on October 7, 2010.

- The October 7, 2010 inspection revealed that very little progress had been made on repairing the building. In addition, a number of tenants indicated to the inspectors that their rooms were infested with bedbugs.
- On October 18, 2010, an order was sent to the owner pursuant to the Standards of Maintenance By-law, requiring him to hire a qualified pest control company to commence a program by November 1, 2010 to eliminate the pest problem.
- On October 25, 2010, the Director of Licences & Inspections also sent a written notice to the owner requesting a meeting on November 3, 2010 to discuss a work schedule for completing the repairs. During the meeting, it was agreed that the owner was to submit a work plan to the Director within a week, outlining a schedule for completing all of the outstanding work noted in our orders by March 1, 2011. Other documents required to be submitted include information with respect to who was monitoring the fire alarm system and the status of any bedbug treatment program. The owner was also advised at this meeting that failure to comply with City orders would result in the referral of this file to Council in order to seek a Court order.
- By January 2011, no work plan or any of the documents related to the fire alarm system or bedbug treatment program had been submitted to the Director of Licences & Inspections. After several more unsuccessful attempts to gain access into the building, another order was served on the owner requiring him to provide access to City inspectors on February 3, 2011.
- On February 3, 2011, the inspectors reported that only minimal repairs had been done to the building and that numerous deficiencies under the Building By-law and Standards of Maintenance By-law still existed. During this inspection, the owner gave the inspectors copies of 3 invoices - two from Green Valley Pest Control dated February 1, 2011 and one from Vancouver Fire & Security dated January 11, 2011. However, these invoices do not indicate the status of a pest control program (or if one existed), nor do they indicate if the owner has entered into a new agreement with a fire alarm monitoring company.

The owner was once again advised that the City would be seeking Council approval to seek injunctive relief from the Court in order to compel compliance with City By-laws.

- On March 31, 2011, in response to a tenant complaint regarding an out-of-order common bathroom on the 3rd floor, a property use inspector returned to the building. The inspection confirmed that the bathtub and sink were in disrepair. Furthermore, there was no evidence of any repairs being carried out as required by our previous orders.
- On April 7, 2011, an order was sent to the owner pursuant to the Standards of Maintenance By-law requiring that the bathtub and sink be repaired by April 21, 2011.
- On April 29, 2011, an attempt to carry out a follow-up inspection of the above order was blocked by the front-desk manager, who refused to allow the inspector to look in the bathroom even though the inspector was already inside the building because the front entrance door was wide open.

DISCUSSION

Like many SRO buildings in the DTES, 35 West Hastings is one where inspection staff applies the intervention/prevention approach of enforcement. This means that an inspector (usually from the Property Use Inspection Branch) carries out enforcement through regular routine inspections and intervenes in a timely manner where small building maintenance issues occur, in order to prevent larger and more imminent issues from emerging.

Prior to the current operator taking over management of this building, our departmental records show that building maintenance issues or by-law violations reported by inspection staff would result in relatively quick resolution.

Since the current operator took over management in 2008, staff report that it has become more difficult to obtain compliance. In April 2010, due to concerns that this building was in such a state of disrepair that it was potentially unsafe, a joint inspection was co-ordinated and carried out by the building and the property use inspectors. The inspection revealed deficiencies under the Building By-law and Standards of Maintenance By-law that, although not considered imminent enough to warrant evacuation, should nevertheless be addressed in order to prevent further deterioration of the building.

As noted previously in this report, since the April 2010 joint inspection, staff had been trying to gain compliance through orders, re-inspections, meetings, and allowing the owner to set a reasonable work schedule to carry out repairs. However, staff report that there has been very minimal progress made to rectify the deficiencies, as noted in the attached building and property use inspection reports dated February 3, 2011(Appendix A).

Subsequent inspections carried out in March and April 2011 also confirmed that there was no evidence of any repairs being done to the building. Also, to date, the owner has not submitted the necessary documents to show that a pest control program is in place to combat the bedbug infestation, or that an agreement with a new fire alarm monitoring company has been re-established.

Consequently, in support of Council's directive of March 2009, staff is bringing this matter in front of Council in order to request approval to seek a court order or injunction requiring the owner to bring this building into compliance with City By-laws.

FINANCIAL IMPLICATIONS

There are no financial implications.

SOCIAL IMPLICATIONS

This building contains 32 SRO housing units for low-income renters in the Downtown Eastside. 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 be provided and maintained. The work required to bring this building into compliance with the Building By-law and the Standards of Maintenance By-law is not expected to require any of the existing tenants to vacate their units. However, should the need arise, staff will work with our Housing Department and BC Housing to help tenants find alternate housing.

CONCLUSION

The Palace Hotel at 35 West Hastings Street contains 32 SRO units. Since the current operator took over management of this property in 2008, the condition of the building has been steadily deteriorating.

Minimal progress has been made in response to the orders issued by the Chief Building Official. The required Building Permit has not yet been obtained and there are still numerous contraventions of the Standards of Maintenance By-law and the Building By-law. Other than a series of e-mail communication from the owner for the primary purpose of cancelling or rescheduling inspection appointments, the owner/operator has been largely non-responsive to any of the City's requirements to repair and maintain the building in accordance with the By-laws.

Accordingly, staff request that Council authorize court action seeking injunctive relief to have this building brought into compliance with the Standards of Maintenance By-law and the Building By-law.

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CITY OF VANCOUVER

Co-ordinated Inspection Report (Building)

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IR Number	CB 10685	EN Number	EN 064363	Date of Inspection (yyyy/mm/dd)	2011/02/03
Main Address	35 W Hastings St		Specifics and/or Suite #	Entire building	
Secondary Address					
Tenant			Number of Storeys	3+B	
Owner	0847566 BC Ltd / [REDACTED]		Permit Number	N/A	
Contractor			Approved Use of Building/Land	SRA / Pub	
Contractor's Business License Account			Present Use of Building/Land	SRA / Pub	

Reason for Inspection

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Enforcement | <input type="checkbox"/> Final Inspection | <input type="checkbox"/> Special Inspection |
| <input type="checkbox"/> Community Care | <input type="checkbox"/> Strata Titling | <input type="checkbox"/> Other [REDACTED] |

Inspection Carried Out With:

Building	Mike Collister	Fire	Brett Cooke
Plbg/Gas		Police	
Electrical		Health	
Environmental Protection		Prop. Use	Becky Innes

Narrative/Observations

Detailed access at the above mentioned address to determine the condition of the building. Owner was ordered to obtain a building permit for repairs to this existing 3+B storey building of combustible construction facing one street.

As of the date of the inspection above the following was observed.

- The owner has begun to make minimal repairs to the building consisting of drywall repair to SRA rooms that are not occupied, repair of broken windows, repair of broken doors and frames.
- The fire alarm and sprinkler system has been inspected by Vancouver Fire and Security. The field inspector for that company was on site at the time of our inspection and he verbally verified that the sprinkler and fire alarm systems were in good working condition. I talked to a woman at the office of Vancouver Fire and Security and she verbally confirmed that they had been contracted to monitor the fire alarm panel at this address. I informed her that the City of Vancouver required a monitoring letter and asked that it be forwarded to me. She stated that they would mail in the letter ASAP.
- The front interior exit stairs is in good condition and complies with the VBBL.
- The exterior rear exit stair complies from the 3rd floor down to the 2nd floor until it comes to an area where an unauthorized roof structure has been built over the stair from the 2nd floor to the ground.
- The rear exit leading from the base of the rear exterior exit stair for the SRA which also receives the rear exit for the pub had bricks, an old sign and kegs of beer stacked in it, effectively reducing the rear exit capacity.
- The rear exit door at property line leading to the alley has had the lock removed.
- Many of the in-suite smoke alarms were disconnected, removed or not working.
- There are numerous large holes in the rated floor and wall fire separations.
- There is missing fire stopping at pipe and duct penetrations through rated floor and wall separations
- The suite doors of many of the single room accommodations are broken, as are the jambs.

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- There is evidence of floor buckling in at least one suite suggesting water damage.
- There are water stains on the tiles of the t-bar ceiling in the SRA corridor,
- The bomber hinge style self closing devices of the doors to the SRAs do not close the doors and are missing screws from the hinges.
- The emergency lighting had been inspected and all were working.
- The majority of exit signs were working but a few had bulbs out and had been itemized by the field inspector from Vancouver Fire and Safety for repair.
- The GWB in the bathrooms is in disrepair and there are areas in the bathrooms that are unpainted plywood and GWB patches that have not been painted making these areas susceptible to mould production.
- The stair leading to the basement from the back of the bar is in disrepair with uneven tread widths.

Owner was to apply for applicable permits for required repair work and also to have a structural engineer review the metal ladder leading to the roof.

The owner was also ordered to hire a monitoring company to monitor the existing fire alarm system in this building.

Requirements

Owner to apply for applicable permits complete with architectural drawings to facilitate repairs to the building to bring it into compliance with part 3 of the VBBL and to legalize any unauthorized changes to the layout and use of the building.

Architectural drawings to list deficiencies and repair recommendations to bring building into code compliance. Owner to have original copy of monitoring letter from Vancouver Fire and Security and ULC certificate sent to the City of Vancouver, attention Mike Collister.

Recommendations

Refer to Will Johnston for further enforcement.

Photos Taken? Yes Digital No Notice Posted? Yes No Type of Notice?
 Regular

Date Report Made: February 7, 2011 Mike Collister
Inspector's Name

For Manager or Assistant Manager Use Only

File: Approval / Use Enforcement Project / Permit

FYA to: Catherine Wong

FYI to: Mark Roobahani; Will Johnston

R Dyck
Manager / Supervisor



CITY OF VANCOUVER
COMMUNITY SERVICES GROUP
Licences and Inspections
Inspections

Property Use Inspection Report

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IR Number	UI 44682	EN Number	EN 061170	Date of Inspection (yyyy/mm/dd)	2011/02/03
Main Address	35 W HASTINGS ST		Specifics and/or Suite #		
Secondary Address					
Tenant	[REDACTED]		Number of Storeys	3 + MAIN + BASEMENT	
Owner	0847566 BC LTD.		Permit Number		
Agent	[REDACTED]		Approved Use of Building/Land	SRA/LIQUOR STANDARD	
District Zone	DD		Present Use of Building/Land	SRA/LIQUOR STANDARD	
Business License	11-151005 (RENEWAL STATUS)				

Reason for Inspection	RECHECK OF PREVIOUS ENFORCEMENT LETTER DATED JUNE 4/10, OCT 18/10 AND MEETING WITH
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Narrative/Observations

INSPECTION TODAY WITH [REDACTED], MIKE COLLISTER (DBI) AND BRETT COOKE (VFD) REVEALED THE FOLLOWING:

2ND FLOOR

UNIT #1 - VACANT

- THIS IS A LARGE ROOM THAT NEEDS TO BE COMPLETELY RENOVATED. [REDACTED] WOULD LIKE TO CONVERT THIS INTO 2 ROOMS. [REDACTED] WAS ADVISED HE WOULD NEED TO APPLY FOR PERMITS.

UNIT #2 - OCCUPIED

- SMOKE ALARM NOT WORKING OR MISSING
- DOOR FRAME NEEDS TO BE REPAIRED
- HOLES IN THE FLOORING AROUND THE RADIATOR

UNIT #3 - OFFICE (PREVIOUSLY AN SRA ROOM AND REQUIRES APPROVAL)

- SINK IS BEING SUPPORTED BY A STOOL AND PIECES OF WOOD
- ELECTRICAL COVER PLATES MISSING

UNIT #4 - OCCUPIED

- REDUCE CLUTTER - FIRE HAZARD

UNIT #5 - VACANT

- HOLE IN WALL BENEATH WINDOW
- CEILING LIGHT IS NOT WORKING

UNIT #6 - OCCUPIED

- HOLE IN WALL NEAR RADIATOR
- REMOVE ITEMS HANGING FROM SPRINKLER PIPE

UNIT #7 - OCCUPIED

- HOLE IN WALL NEAR RADIATOR
- ITEMS HANGING FROM SPRINKLER PIPE

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- UNIT #8 - OCCUPIED
 - SMOKE ALARM NOT WORKING OR MISSING
 - REPAIR DOOR FRAME
- UNIT #9 - OCCUPIED
 - DOOR NUMBER MISSING
 - REPAIR HOLE IN WALL AND FLOOR ON WEST ELEVATION AND PUT IN BASEBOARDS
- UNIT #10 - OCCUPIED
 - SMOKE ALARM NOT WORKING OR MISSING
- UNIT #11 - VACANT
 - FLOORING AND SUBFLOOR NEEDS TO BE REPAIRED
 - HOLE IN THE WALL ALONG THE WEST ELEVATION
- UNIT #12 - OCCUPIED
- UNIT #13 - VACANT
 - ELECTRICAL COVER PLATES MISSING
 - SMOKE ALARM NOT WORKING OR MISSING
 - REPLACE DOOR KNOB
 - FINISH WALL AND FLOOR REPAIRS
- UNIT #15 - OCCUPIED
 - ELECTRICAL COVER PLATES MISSING
 - REATTACH THE HANGER FOR THE SPRINKLER PIPE TO THE CEILING
 - REPAIR DOOR FRAME
- UNIT #17 - VACANT
 - CURRENTLY UNDER REPAIR
 - SMOKE ALARM NOT WORKING OR MISSING

3RD FLOOR

- UNIT #18 - OCCUPIED
- UNIT #19 - VACANT
 - SMOKE ALARM NOT WORKING OR MISSING
 - HOLE AROUND THE RADIATOR
- UNIT #20 - VACANT
 - REPAIR DOOR FRAME
 - ELECTRICAL COVER PLATES MISSING
 - REPAIR/PAINT HOLES IN WALLS
 - SINK IS PLUGGED
 - SMOKE ALARM NOT WORKING OR MISSING
- UNIT #21 - VACANT
 - ROOM IN SERIOUS DISREPAIR FROM ROOF LEAK
 - REPAIR/PAINT WALLS & CEILING
 - CEILING LIGHTS MISSING
- UNIT #22 - OCCUPIED
 - SMOKE ALARM NOT WORKING OR MISSING
 - ELECTRICAL COVER PLATES MISSING
 - ITEMS HANGING FROM SPRINKLER PIPE

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UNIT #23 - VACANT

- ELECTRICAL COVER PLATES MISSING
- SMOKE ALARM NOT WORKING OR MISSING
- HOLE IN THE FLOORING AROUND PLUMBING PIPE

UNIT #24 - VACANT - NO ACCESS

UNIT #25 - OCCUPIED

- ELECTRICAL COVER PLATES MISSING
- REPLACE FLOOR COVERING
- CEILING LIGHT IS NOT WORKING
- HOLE IN THE WALL BEHIND DOOR
- SMOKE ALARM NOT WORKING OR MISSING

UNIT # 26 - OCCUPIED

- NO SMOKE ALARM
- FIX DOOR LOCK
- ITEMS HANGING FROM SPINKLER PIPE
- REDUCE CLUTTER - FIRE HAZARD

UNIT #27 - VACANT

- NEW FLOORING REQUIRED
- REPLACE/REPAIR DOOR
- HOLE AROUND RADIATOR
- ELECTRICAL COVER PLATES MISSING

UNIT #28 - VACANT

- FINISH REPAIRS TO ROOM AND DOOR FRAME

UNIT #29 - VACANT

- REPAIR DAMAGED LINO
- PUT IN BASEBOARDS
- ELECTRICAL COVER PLATES MISSING

UNIT #30 - OCCUPIED

- SMOKE ALARM NOT WORKING OR MISSING

UNIT #31 - VACANT

- REPLACE DOOR LOCK
- ELECTRICAL COVER PLATES MISSING
- NEW FLOORING REQUIRED

UNIT #33 - VACANT

- ELECTRICAL COVER PLATES MISSING
- REPAIR DAMAGED LINO

UNIT #35 - OCCUPIED

- ELECTRICAL COVER PLATES MISSING
- CEILING LIGHT NEEDS TO BE REPAIRED
- HOLES IN THE NORTH WALL

UNIT #37 - VACANT

- CURRENTLY UNDER REPAIR
- SMOKE ALARM NOT WORKING OR MISSING

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HALLWAYS - FINISH ALL REPAIRS TO AND AROUND ENTRANCE DOORS TO THE RESIDENTIAL UNITS.
- REPLACE MISSING OR HEAVILY STAINED/DAMAGED CEILING TILES.
- REPAIR HOLES IN LINO.
- REPAIR/PAINT HOLES IN WALLS.

2ND FL BATHTUB ROOM - REPAIR DAMAGED LINO
- CAULK AROUND TUB
- REPLACE DAMAGED OR MISSING WALL TILES
- REPAIR/PAINT WALLS AND CEILINGS

3RD FL BATHTUB ROOM - REPAIR/PAINT WALLS AND CEILINGS
- CAULK AROUND TUB
- REPLACE DAMAGED OR MISSING WALL TILES
- REPLACE CEILING FAN

FUNKY WINKER BEAN PUB(MAIN FL) - A LARGE STAGE HAS BEEN INSTALLED IN THE BAR AREA WITHOUT PERMITS
- REPAIRS TO THE CEILING HAVE BEEN STARTED BUT NOT COMPLETED.
- A COUPLE OF REAR FIRE EXITS WERE NOT WORKING.

- AT THE TIME OF INSPECTION VANCOUVER FIRE & SECURITY WAS AT THE BUILDING DOING AN INSPECTION.

- VERY LITTLE HAS BEEN DONE SINCE THE PREVIOUS INSPECTION.

- [REDACTED] WAS UNABLE TO PROVIDE A PLAN FOR THE REPAIRS TO THE BUILDING AS HE HAD LEFT HIS FILE AT HIS DOCTOR'S OFFICE. HE ADVISED US THAT HE HAS HIRED NAR CONSTRUCTION LTD TO DO THE WORK.

Requirements

VIOLATION OF THE STANDARDS OF MAINTENANCE BY-LAW.

Recommendations

REFER TO WILL JOHNSTON
CC: CATHERINE WONG

Photos Taken? Yes Digital No
 Regular

Date Report Made: February 4, 2011

Becky Innes
Inspector's Name

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For Manager or Supervisor Use Only	
File:	<input type="checkbox"/> Approval / Use <input checked="" type="checkbox"/> Enforcement <input type="checkbox"/> Project / Permit
FYA to:	<u>Will Johnson: Standards of Maintenance</u>
FYI to:	<u>Catherine Wong</u>
	<u>Bruce Peet</u>
	Manager / Supervisor