

Supports Item No. 4  
P&E Committee Agenda  
June 30, 2011



ADMINISTRATIVE REPORT

Report Date: May 2, 2011  
Contact: Will Johnston  
Contact No.: 604.873.7515  
RTS No.: 09194  
VanRIMS No.: 08-2000-20  
Meeting Date: June 30, 2011

TO: Standing Committee on Planning and Environment  
FROM: Chief Building Official  
SUBJECT: 50 - 52 East Cordova Street (Wonder Rooms) - 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 50 - 52 East Cordova Street (Wonder Rooms), 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 property at 50 - 52 East Cordova Street to bring the property into compliance with the Building By-law and the Standards of Maintenance By-law.

## ***BACKGROUND***

The building at 50 - 52 East Cordova is a 4-storey building with a vacant commercial space on the ground floor and a total of 39 SRO rooms on the top three floors. The building was constructed in 1912 and is listed on the heritage registry.

In November 2010, this building was due for a routine Standards of Maintenance By-law inspection. After many attempts to gain access to the building, including numerous unreturned phone messages, e-mails and letters, the inspectors were allowed to carry out an inspection on February 4, 2011.

The inspection revealed numerous by-law violations. In total, the inspectors reported 24 deficiencies under the Building By-law and 141 deficiencies under the Standards of Maintenance By-law. These include:

- The rear exit/gate that serves both the commercial and residential space is locked from the inside with a keyed deadbolt, effectively blocking the required means of egress.
- The exit stairways have no handrails.
- Fire separation between the ground floor commercial space and the residential units above is compromised by large holes in the existing lath and plaster.
- Emergency lighting and exit signs are either not working or are missing.
- Water is dripping from the 2<sup>nd</sup> floor bathrooms of the residential units to the ground floor ceiling.
- The entire basement and first floor are littered with rat feces and smell very strongly of rat urine.
- Most of the in-suite smoke alarms are missing, disconnected or non-operational.
- The walls, ceilings and floorings in many of the units are damaged.
- Light fixtures and water faucets in many of the units are not working and need replacing.
- There is evidence of pest infestation (bedbugs, roaches and rats) in many of the units.
- Many units do not have unit numbers posted on the doors, making it difficult for emergency personnel to locate a unit in cases of emergency.

The first two bullets above are considered imminent hazards. Accordingly, on March 1, 2011, an order was issued to the owner to replace the keyed deadbolt of the rear exit/gate with a thumb-turn locking device, and install handrails in all exit stairways immediately.

The order also required the owner to obtain a building permit and complete the rest of the repairs by March 31, 2011.

The owner was advised that the City will seek a court order requiring him to comply should he fail to comply with the order and bring the building into compliance with the Building By-law and the Standards of Maintenance By-law.

A copy of our order dated March 1, 2011 is attached in Appendix A.

### ***DISCUSSION***

Since issuance of the above order, the building inspector reported on March 23, 2011 that the keyed deadbolt had been removed from the rear exit/gate and replaced with a thumb-turn device. However, the installation of the handrails in all exit stairways had still not been completed at that time.

Since the beginning of April 2011, inspection staff have been trying to enter the building in order to follow-up on the progress of the building repairs. The property use inspector has left phone messages, dropped off business cards with the front desk receptionist, and sent e-mail to the owner/operator - all to no avail. The Chief Building Official then issued orders on two separate occasions, one on April 6<sup>th</sup> 2011 and another on April 28<sup>th</sup> 2011, requiring the owner/operator to give access to the inspectors on April 21<sup>st</sup> 2011 and May 5<sup>th</sup> 2011, respectively. However, each time, the owner replied with an email on the day before the inspection to cancel the appointment.

On the date of the last inspection, May 5<sup>th</sup> 2011, because neither the building nor the property use inspector was notified in time about the cancellation request/e-mail, both inspectors attended the building for the follow-up inspection. The inspectors were greeted at the door by the front desk attendant, who informed them that he was not aware of an inspection by the City and that he was told not to let any government officials into the building.

As of the date of this report, a Building Permit has still not been obtained, and the building and property use inspectors have still not been able to enter the building for a follow-up inspection.

Staff is therefore bringing this matter in front of Council in order to request approval for a court injunction to bring this building into compliance with City By-laws.

### ***FINANCIAL IMPLICATIONS***

There are no financial implications.

### ***SOCIAL IMPLICATIONS***

This building contains 39 SRO housing units for low-income renters in the Downtown Eastside. Currently, 27 of the units are occupied. Given the shortage of low-income 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***

Since receiving the City's order of March 1, 2011 to bring this building into compliance with the by-laws, the owner/operator has made minimal progress on the required repairs. 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 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  
COMMUNITY SERVICES GROUP  
Licences and Inspections  
By-law Compliance Division

**REGISTERED AND REGULAR MAIL**

PLEASE REFER TO:  
Mr. M. Roozbahani, Asst. Director  
Inspections Services Division  
at 604.871.6051  
IR #CB-10686 EN #068123  
IR #UI-44745; EN #068103

March 1, 2011

**ORDER**

50 East Cordova Holdings Ltd.  
Attention: [REDACTED]  
5690-176A Street  
Surrey, BC V3S 4H1

50 East Cordova Holdings Ltd.  
Attention: [REDACTED]  
52 East Cordova Street  
Vancouver, BC V6A 1K2

[REDACTED]  
Delta, BC [REDACTED]

Dear Sir:

RE: 50 - 52 East Cordova Street

A recent co-ordinated inspection carried out by the District Building and Property Use Inspectors revealed numerous violations of the Building and Standards of Maintenance By-laws, as outlined in *Attachment A - Violations of the Building By-law* and *Attachment B - Violations of the Standards of Maintenance By-law*.

It was further reported by the District Building Inspector that the following poses a potentially life safety concern for the occupants of the building and must be rectified immediately:

- i) The rear exit from 52 East Cordova leads to the alley where there is a chain link fence with a gate that locks from the inside with a keyed deadbolt, effectively blocking the rear exit. This is also the rear exit for the upper floors (residential portion) of this building.
- ii) The exit stairways are missing handrails.
- iii) The existing fire escape wall connections appear to be in poor condition - there is cracking in the existing un-reinforced masonry wall around the bolt connections.

Pursuant to Article 1A.6.1.2 of Division C of the Building By-law and Subsection 23.2 of the Standards of Maintenance By-law, you are **ordered to**:

1. Immediately remove the keyed deadbolt from the rear exit/gate and replace with thumb-turn hardware; and
2. Immediately install handrails in all exit stairways; and

3. Have the rear fire escape assessed by a Professional Structural Engineer, and submit a report bearing the Engineer's seal and signature BY MARCH 15, 2011. The report must include an assessment of the structural stability of the fire escape and recommendations for any necessary repairs; and
4. Obtain a Building Permit and correct the Building By-law infractions as listed in Attachment A - Violations of the Building By-law BY MARCH 31, 2011; and
5. Correct the Standards of Maintenance By-law infractions as listed in Attachment B - Violations of the Standards of Maintenance By-law BY MARCH 31, 2011.

IF YOU FAIL TO COMPLY WITH THIS ORDER, THIS MATTER WILL BE BROUGHT BEFORE CITY COUNCIL IN ORDER TO REQUEST INJUNCTIVE RELIEF TO BRING THIS BUILDING INTO COMPLIANCE WITH THE BY-LAWS.

Yours truly,



W.M. Johnston, P. Eng.  
Director, Licences and Inspections &  
Chief Building Official

/CW

Enclosures - Attachment A - Violations of the Building By-law  
- Attachment B - Violations of the Standards of Maintenance By-law

Copy To - Posted on Building  
- M. Collister, District Building Inspector  
- B. Innes, District Property Use Inspector

Attachment A - Violations of the Building By-law

**Ground Floor and Basement (52 East Cordova Street):**

1. The ground floor retail space is currently undergoing unauthorized alterations in the form of new wall construction.
2. There are large shelving platforms hanging from the ceiling structure of the ground floor retail space that have not been built with permit and do not have any structural engineering.
3. The basement is also undergoing unauthorized alterations in the form of new partition walls.
4. Water is dripping through the ceiling of the ground floor at the rear of the space beneath the 2nd floor bathrooms of the residential unit above. It would appear that the plumbing of the residential unit's bathroom is leaking. The leak appears to have been there for quite some time as the floor of the ground floor space below the leak is very wet and spongy indicating rot of the floor structure.
5. The horizontal fire separation between the ground floor space and the residential units above has large breaches in the existing lath and plaster.
6. The horizontal fire separation between the ground floor space and the basement is existing heavy timber construction, with the floor consisting of laminated 2" by 4" construction. Large areas of the laminated flooring have been removed and repaired with plywood or ¾" tongue and groove fir in numerous areas reducing the fire rating to below the required 45-minute.
7. Repairs have been made to structural columns and beams that do not appear sound, specifically at intersections of column and beam.
8. The stair to the basement of 52 E Cordova is accessed through an approximate 4'x 7' hatch in the floor. When the hatch is open, there is no guardrail around the opening and there is no handrail for the stair.
9. There are no emergency lights in the ground floor or basement.
10. There are no exit signs.
11. The rear exit from 52 East Cordova leads to the alley where there is a chain link fence with a gate that locks from the inside with a keyed deadbolt, effectively blocking the rear exit. This is also the rear exit for the upper floors (residential portion) of this building.

**Second to Fourth Floors - Residential portion of building (50 East Cordova Street):**

12. The stair from the ground floor entrance to the 2<sup>nd</sup> floor of the building from Cordova Street is missing the required handrail.
13. The rear exit from the 2<sup>nd</sup> floor leads to an alley exit that is blocked by a chain link fence and gate locked from the inside by a keyed deadbolt.
14. The existing fire escape wall connections appear to be in poor condition - there is cracking in the existing un-reinforced masonry wall around the bolt connections.

Attachment A - Violations of the Building By-law (cont'd)

15. The emergency lighting in the corridors is in disrepair and in some locations not working or missing altogether.
16. The exit signs are present but are not lit in some locations.
17. The vertical suite-to-corridor fire separations which are an existing lathe and plaster wall, wood doors/door frames with wood transoms over, have numerous holes in the lathe and plaster. Many of the suite-to-corridor doors and frames are broken and the doors do not latch and do not self close. Many of the wood transoms above the doors are completely missing.
18. The vertical suite-to-suite fire separations which are existing lath and plaster over 2" x 4" stud wall, have been breached especially under the sinks where the plumbing pipes enter the wall. Large sections of the lathe and plaster are missing as well as numerous pipe and electrical BX penetrations are not fire stopped. NOTE: As well as being a breach in the fire separation, these holes allow rats and other vermin to travel freely throughout the building.
19. The horizontal floor-to-floor fire separations have been compromised by water damage. Entire suite ceilings have been removed and are currently in the process of being repaired with gypsum wall board.
20. Most of the in-suite smoke alarms are missing, disconnected or non-operational.
21. Sprinkler pipes are being used to hang miscellaneous items and in some places the sprinkler pipe hangers have been removed.
22. The 2<sup>nd</sup> floor kitchen hood fan does not work and the duct leading to the outside appears undersized at 2" in diameter.
23. Kitchen drop ceiling of 12"x12" ceiling tile is buckling.
24. Kitchen hood fan over the residential stove is not working and the metal duct is undersized.

Attachment B - Violations of the Standards of Maintenance By-law

ENTIRE BASEMENT and GROUND FLOOR of COMMERCIAL UNIT @ 52 East Cordova Street:

1. The entire basement and first floor are littered with rat feces and smell very strongly of rat urine - provide professional pest control to the room. Proof of pest control will have to be provided in the form of a receipt.

RESIDENTIAL PORTION OF BUILDING @ 50 East Cordova Street:

Second Floor:

**Bathroom**

2. There are gaps between the baseboard and wall - seal gaps.
3. The sealant around pipes is missing - replace seal around pipes.

**Water closets**

4. The walls are damaged - repair and paint walls.

Third Floor:

**Bathroom**

5. The door lock is missing - replace door lock.

**Water closets**

6. The door locks are damaged - replace door locks.
7. The walls and ceiling are damaged - repair and paint walls and ceiling.

Fourth Floor:

**Bathroom**

8. The walls are damaged - repair and paint walls.

**Water closets**

9. The door locks are missing - install door locks.
10. The toilet is in disrepair - repair or replace toilet.

Hallways:

11. The walls are damaged - repair and paint walls.

Unit #1

12. The wall under the sink is damaged - repair wall.
13. There are gaps between the baseboard and wall - seal gaps.
14. The window pane is in disrepair - replace window pane.
15. The smoke alarm is not working - repair or replace smoke alarm.

Attachment B - Violations of the Standards of Maintenance By-law (cont'd)

Unit #2

- 16. The wall under the sink is damaged - repair wall.
- 17. There are gaps between the baseboard and wall - seal gaps.
- 18. The walls are damaged - repair and paint walls.
- 19. The smoke alarm is not working - repair or replace smoke alarm.

Unit #4

- 20. The wall under the sink is damaged - repair wall.
- 21. There is clutter in the unit - reduce clutter.
- 22. The smoke alarm is not working - repair or replace smoke alarm.

Unit #5

- 23. The ceiling light is not working - repair or replace light.
- 24. The smoke alarm not working - repair or replace smoke alarm.

Unit #6

- 25. The ceiling light is not working - repair or replace light.
- 26. The walls are damaged - repair and paint walls.
- 27. The smoke alarm not working - repair or replace smoke alarm.

Unit #7

- 28. The wall under the sink is damaged - repair wall.
- 29. There are gaps between the baseboard and wall - seal gaps.
- 30. The flooring is damaged - repair or replace flooring.
- 31. The door lock is not working - replace door lock.
- 32. There is evidence of pest infestation - provide professional pest control to the room.  
Proof of pest control will have to be provided in the form of a receipt.

Unit #8

- 33. There is water damage to the wall - locate and repair the source of the water leak, and repair the damaged wall.
- 34. The walls and ceiling are damaged - repair and paint walls and ceiling.
- 35. The flooring is damaged - repair or replace flooring.
- 36. There are gaps between the baseboard and wall - seal gaps.
- 37. The smoke alarm is not working - repair or replace smoke alarm.

Unit #9

- 38. The walls and ceiling are damaged - repair and paint walls and ceiling.
- 39. The flooring is damaged - repair or replace flooring.
- 40. There are gaps between the baseboard and wall - seal gaps.
- 41. The smoke alarm is not working - repair or replace smoke alarm.

Unit #10

- 42. The walls are damaged - repair and paint walls.

Attachment B - Violations of the Standards of Maintenance By-law (cont'd)

Unit #11

- 43. The walls are damaged - repair and paint walls.
- 44. The wall under the sink is damaged - repair wall.
- 45. The ceiling light is not working - repair or replace light.

Unit #12

- 46. The walls are damaged - repair and paint walls.
- 47. There are gaps between the door frame and wall - seal gap.
- 48. There are gaps between baseboard and wall - seal gaps.
- 49. The door knob is missing - replace door knob.

Unit #14

- 50. There is damage to wall around light switch - repair wall.
- 51. The light fixture is not working - replace light fixture.
- 52. The smoke alarm not working - repair or replace smoke alarm.

Unit #15

- 53. There are gaps between the baseboard and wall - seal gaps.
- 54. The taps are in disrepair - repair or replace taps.
- 55. The door is damaged - repair or replace door.
- 56. The unit does not have a smoke alarm - install smoke alarm.

Unit #16

- 57. The smoke alarm is not working - repair or replace smoke alarm.

Unit #17

- 58. The flooring is damaged - repair or replace flooring.
- 59. The ceiling light is not working - replace light.
- 60. The smoke alarm not working - repair or replace smoke alarm.

Unit #18

- 61. The flooring is damaged - repair or replace flooring.
- 62. The walls and ceiling are damaged - repair and paint walls and ceiling.
- 63. There are gaps between the baseboard and wall - seal gaps.
- 64. There is evidence of pest infestation - provide professional pest control to the room.  
Proof of pest control will have to be provided in the form of a receipt.

Unit #19

- 65. There is clutter obstructing the doorway - clear clutter from doorway.
- 66. The taps are in disrepair - repair or replace taps.

Unit #20

- 67. The unit number is not posted on the door - replace unit number.
- 68. The walls are damaged - repair and paint walls.

Attachment B - Violations of the Standards of Maintenance By-law (cont'd)

- 69. The flooring is damaged - repair or replace flooring.
- 70. The ceiling light is not working - replace light.
- 71. The smoke alarm is not working - repair or replace smoke alarm.

Unit #21

- 72. The ceiling light is not working - replace light.
- 73. The smoke alarm is not working - repair or replace smoke alarm.

Unit #22

- 74. The walls and ceiling are damaged - repair walls and paint and ceiling.
- 75. The flooring is damaged - repair or replace flooring.
- 76. There are gaps between the baseboard and wall - seal gaps.
- 77. The smoke alarm is not working - repair or replace smoke alarm.

Unit #23

- 78. The unit number is not posted on the door - replace unit number.
- 79. The walls and ceiling are damaged - repair and paint walls and ceiling.
- 80. The transom is missing - replace transom.
- 81. The electrical cover plates are missing - provide plates.
- 82. The taps are in disrepair - repair or replace taps.

Unit #24

- 83. The walls and ceiling are damaged - repair and paint walls and ceiling.
- 84. The flooring is damaged - repair or replace flooring.
- 85. There are gaps between the baseboard and wall - seal gaps.
- 86. The window pane is damaged - replace window pane.

Unit #25

- 87. There are gaps between the baseboard and wall - seal gaps.
- 88. The flooring is damaged - repair or replace flooring.

Unit #26

- 89. The walls and ceiling are damaged - repair and paint walls and ceiling.
- 90. The wall under sink is damaged - repair wall.
- 91. There are gaps between baseboard and wall - seal gaps.
- 92. The smoke alarm is not working - repair or replace smoke alarm.

Unit #27

- 93. The flooring is damaged - repair or replace flooring.
- 94. There are gaps between the baseboard and wall - seal gaps.
- 95. The smoke alarm is not working - repair or replace smoke alarm.

Attachment B - Violations of the Standards of Maintenance By-law (cont'd)

Unit #28

- 96. The sealing around the pipes is missing - seal pipes.
- 97. There are gaps between the baseboard and wall - seal gaps.
- 98. The taps are in disrepair - replace taps.
- 99. The smoke alarm is not working - repair or replace smoke alarm.

Unit #29

- 100. The flooring is damaged - repair or replace flooring.
- 101. The door lock is missing - replace door lock.
- 102. The smoke alarm not working - repair or replace smoke alarm.
- 103. There is evidence of pest infestation - provide professional pest control to the room.  
Proof of pest control will have to be provided in the form of a receipt.

Unit #30

- 104. The unit number is not posted on the door - replace unit number.
- 105. There are items hanging from sprinkler system - remove items from sprinkler pipe.
- 106. The smoke alarm is not working - repair or replace smoke alarm.

Unit #31

- 107. The flooring is damaged - repair or replace flooring.
- 108. There are gaps between the baseboard and wall - seal gaps.
- 109. The smoke alarm is not working - repair or replace smoke alarm.
- 110. There is evidence of pest infestation - provide professional pest control to the room.  
Proof of pest control will have to be provided in the form of a receipt.

Unit #32

- 111. The wall under the sink is damaged - repair wall.
- 112. There are gaps between the baseboard and wall - seal gaps.
- 113. The smoke alarm is not working - repair or replace smoke alarm.

Unit #33

- 114. The sealing around sprinkler pipe is missing - replace seal.
- 115. There are gaps between the baseboard and wall - seal gaps.
- 116. The ceiling is damaged - repair and paint ceiling.

Unit #34

- 117. The seal between window frame and wall is missing - replace seal.
- 118. The closet wall is damaged - repair wall.
- 119. The flooring is damaged - repair or replace flooring.

Unit #35

- 120. The smoke alarm is not working - repair or replace smoke alarm.

Attachment B - Violations of the Standards of Maintenance By-law (cont'd)

Unit #36

- 121. The ceiling light is not working - replace light.
- 122. The wall under sink is damaged - repair wall.
- 123. The seal between window frame and wall is missing - replace seal.

Unit #37

- 124. The seal is missing around the sprinkler pipe - replace seal.
- 125. The smoke alarm is not working - repair or replace smoke alarm.

Unit #38

- 126. There are gaps between the baseboard and wall - seal gaps.
- 127. There is evidence of pest infestation - provide professional pest control to the room.  
Proof of pest control will have to be provided in the form of a receipt.

Unit #39

- 128. The ceiling is damaged - repair and paint ceiling.
- 129. The wall under the sink is damaged - repair wall.
- 130. The seal is missing around sprinkler pipe - replace seal.

Unit #40

- 131. The unit number is not posted on the door - replace unit number.
- 132. The smoke alarm is not working - repair or replace smoke alarm.
- 133. There are gaps between the baseboard and wall - seal gaps.

Unit #41

- 134. There are items hanging from sprinkler system - remove items from sprinkler pipe.
- 135. The flooring is damaged - repair or replace flooring.
- 136. The door lock is missing - replace door lock.

Unit #42

- 137. There are gaps between the baseboard and wall - seal gaps.
- 138. The walls are damaged - repair and paint walls.
- 139. The flooring is damaged - repair or replace flooring.
- 140. The smoke alarm is not working - repair or replace smoke alarm.
- 141. There is evidence of pest infestation - provide professional pest control to the room.  
Proof of pest control will have to be provided in the form of a receipt.