

MOTION

6. Private Single Room Occupancy Cleaning Cost Recovery

At the Council meeting on April 28, 2020, Council referred the following motion to the Standing Committee on Policy and Strategic Priorities meeting on April 29, 2020, in order to hear from speakers.

Submitted by: Councillor De Genova

WHEREAS

1. On March 19, 2020, Vancouver City Council declared a State of Emergency in order to address the local impact of the global COVID-19 pandemic;
2. City of Vancouver By-law No. 5462 "Standards of Maintenance"¹ includes requirements to keep lodging accommodations in clean condition. Offences of a continuing nature against this By-law, are punishable with fines of \$250-\$10,000 per day;

Section 21.0 "Lodging Owners"

Every lodging house owner shall at all times keep or maintain the lodging house:

(a) in a thoroughly clean and sanitary condition, including windows and lightwells.

(b) free of pests, including insects and rodents.

(c) fixtures and appliances in good working order and repair.

(d) floors, stairs, doors, walls and windows in good working order and repair;

(e) heating system in good working order and repair; and

(f) sinks, toilets and bathing fixtures in good working order and repair.

Section 21.19: "The City Building Inspector may issue an order to an owner, a lodging house operator, a lodging house keeper or a lodger to bring about compliance with the provisions of this By-law."

3. Out of necessity to stop the spread of COVID-19, cleaners were contracted to clean common spaces and private rooms in Single Room Accommodations (SRAs), including privately owned SRAs at no cost to the Single Room Accommodation (SRA) owners;
4. The City of Vancouver does not typically fund the cleaning of privately owned residences or establishments and the Standards of Maintenance By-law requires cleaning at the expense of the owner:

¹ City of Vancouver "Standards of Maintenance By-law No. 5462" <https://bylaws.vancouver.ca/5462c.PDF>

Section 23.8 “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.”

23.10 “All costs and expenses of the City, as a consequence of work carried out pursuant to Subsection 23.9, shall be paid by the owner or owner under agreement of the property within 30 days from the date of a statement of account from the City.”

23.11 “Any amount which remains unpaid after the time limited in Subsection 23.10 hereof, shall, after certification by the Director of Finance, be inserted in the Real Property Tax Roll as a charge with respect to the parcel on which the work was carried out.”

23.12 “Any order or notice referred to in Subsection 23.2, 23.8 or 23.8A hereof shall be sufficiently served if sent by registered mail to the owner or posted on the affected premises.”

23.13 “Before any matter is dealt with by Council pursuant to Subsection 23.8 hereof, the City Clerk shall notify the owner of the building or land that the Council will be considering the question of a violation of this By-law. Such notice shall specify the nature of the violations and shall specify the time and place at which the owner may appear before the Council to make representations in respect of the matters allege.”

5. There is no specific reference or requirements for room cleaning, or common use cleaning, health and safety Single Room Accommodation By-law No. 8733;²
6. Access to the “Building Owners’ Manual for Buildings in Vancouver’s Downtown Eastside” published in 2010 can currently be found on the Worksafe BC website and states “your responsibility as a Building Owner is to maintain a healthy, safe and clean environment for your tenants and staff in an effort to minimize risk of harm to them;”³
7. SRAs are known to house and be frequented by the most vulnerable and marginalized people, who are at high risk for infection of COVID-19, and statistically face the most devastating medical complications from the coronavirus, including death;

² City of Vancouver “Single Room Accommodation By-Law No. 8733
<https://bylaws.vancouver.ca/8733c.PDF>

³ WorkSafe BC “Building Owners’ Manual for buildings in Vancouver’s Downtown Eastside”
<https://www.worksafebc.com/en/resources/health-safety/books-guides/building-owners-manual-for-sro-buildings-in-vancouver-s-downtown-eastside?lang=en>

8. The Single Room Occupancy (SRO) Revitalization Action Plan⁴ presented to Council in November 2017, states “the working group learned that enforcement tools can work alongside reinvestment strategies to exercise pressure on private owners and reposition their buildings into more effective management. Additional enforcement tools that both mitigate loss of affordability and improve maintenance and management standards were identified”, including:
 - Liens on title for noncompliance with orders; and
 - Use of civil forfeiture or expropriation of building with ongoing non-compliance;
9. As of April 8, 2020, the City of Vancouver projected a budget shortfall of approximately \$61 million, resulting from widespread economic impact and measures to combat COVID-19;
10. March 23, 2020, the Mayor called a Special Council meeting to amend By-law No. 12661 and enact By-law No. 9370, to enhance enforcement, fines and ticketing for the public and businesses that did not/could not comply with the physical /social distancing standards recommended by the Provincial Health Authority;
11. In April 2020, the City of Vancouver contracted cleaning services for SRA Buildings in common areas and private living spaces, in some cases, up to three times each day. BC Housing agreed to fund the first two weeks of cleaning services, at the request of the city. There is no guarantee BC Housing will continue to provide funding for this expense;
12. Contributions from Federal and Provincial governments amount to over 96 percent of BC Housing’s revenue “BC Housing is forecasting to receive total provincial contributions of \$1.370 billion”;⁵
13. The hospitality industry may operate if they can comply with the social/physical distancing recommended by the Provincial Health Authority and Vancouver Coastal Health Authority. Examples include: Restaurants offering take-out services only, and hotels. These establishments are responsible for cleaning establishments at their own cost, or they may face fines of up to \$50,000. Individuals not complying with social/physical distancing requirements face fines of \$1,000;

⁴ City of Vancouver | Housing Vancouver | Single Room Occupancy (SRO) Revitalization Plan
<https://vancouver.ca/files/cov/sro-revitalization-action-plan.pdf>

⁵ BC Housing | BC Housing’s Three-Year Service Plan 2020/2021-2022/2023
<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwjM4eDlqufoAhUUu54KHfHgBKwQFjAAegQIAhAB&url=https%3A%2F%2Fwww.bchousing.org%2Fpublications%2Fservice-plan-2020-23.pdf&usq=AOvVaw3ZQLEebpsGHZXGK83yhk2t>

14. There is no mention of measures to amend by-laws and enforcement to hold private SRA building owners accountable for appropriate cleaning in the interest of health and safety;
15. On April 12, 2020, the Mayor's Office released a statement expressing concern for the City of Vancouver's ability to balance future budgets and possible bankruptcy, due to an inability to collect on property taxes by due dates; and
16. The City of Vancouver cannot afford to cover the costs of private SRA building owners.

THEREFORE BE IT RESOLVED

- A. THAT Council direct staff to consider revisions to the Single Room Accommodation By-law No. 8733 to include:
 - (i) Specific reference to the Standards of Maintenance By-law No. 5462 and any other City of Vancouver by-laws that apply to Single Room Accommodation Building Owners that include standards for maintenance, cleanliness, health and safety; and
 - (ii) Explicit information addressing non-compliance, including orders, fines and amounts.
- B. THAT Council direct staff to examine the possibility of actions that may be taken, including liens on title for non-compliance with orders and outstanding fines.
- C. THAT Council direct staff to increase enforcement of City of Vancouver by-laws, in the interest of maintaining standards that meet Vancouver Coastal Health and the Provincial Health Authority standards for cleanliness, health and safety, at the expense of the owner.
- D. THAT Council direct staff to consider if by-laws or powers enacted by the City of Vancouver and the province, in the current state of emergency, can be leveraged to require private Single Room Accommodation (SRA) Building owners to reimburse the Province of BC for any cleaning costs paid for in privately owned SRA Buildings.
- E. THAT Council direct staff to share this resolution with BC Housing and request assistance in reporting enforceable by-law offences pertaining to cleanliness, health and safety in Single Room Accommodation buildings in the City of Vancouver.
- F. THAT Council direct staff to prepare a memo summarizing the enforcement of City of Vancouver by-laws in privately owned Single Room Accommodation Buildings, including:

- (i) Information and data for fines, orders and actions taken to address cleanliness, health, and safety;
- (ii) Any unpaid fines or outstanding orders; and
- (iii) Information on current enforcement measures.

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