

## COUNCIL MEMBERS' MOTION

### 5. Improving the Effectiveness of Standards of Maintenance By-law

Submitted by: Councillor Kirby-Yung

#### WHEREAS

1. The City of Vancouver had a Standards of Maintenance By-law No. 5462 ("the By-law") which prescribes standards for the maintenance and occupancy of buildings within the City of Vancouver to ensure that the buildings are free from hazard and are maintained continuously in conformity with accepted health, fire, and building requirements;
2. Section 23.6 (1) of the By-law states that "Every person who commits an offence against this By-law is liable to a fine and penalty of not less than \$250.00 or more than \$10,000.00 for each offence.";
3. Section 23.6 (2) of the By-law states that "Despite the minimum fine referred to in subsection (1), every person who commits an offence against section 11.1(1), 15.1(1), 16.1(2), 17, 18, 21.4(a), 21.13(a), 21.13(b), 21.14, or 23.3 is liable to a fine of not less than \$500.00 for each offence." A significant number of the specific offences noted under Section 23.6 (2) of the By-law relate to the requirement to provide heat and hot water to the tenants of a building as well as related fire prevention measures;
4. Section 23.7 of the By-law states that "Every person who commits an offence of a continuing nature against this By-law is liable to a fine not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.";
5. Section 23.5 (1) of the By-law states that "Every person is guilty of an offence against this By-law" wherever and whenever they violate the provisions of the By-law, suffer or permit any act or thing to be done in contravention or violation of the By-law, or neglect or refrain from doing those things required by the By-law along with various related provisions of this section;
6. Section 23.5 (2) of the By-law states that "Each day that a violation is permitted to exist, shall constitute a separate offence.";
7. Section 23.8 of the By-law states that "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.";
8. In December 2020, the City of Vancouver reached a settlement with the owners of the Balmoral and Regent hotels to expropriate the properties.

The settlement which was approved by Vancouver City Council, ensured that the buildings – (after many years of enforcement and legal action “against the owners, who oversaw decades of underinvestment and unaddressed life-safety issues that resulted in the closure of these two derelict buildings in 2017 and 2019”) – could be turned into safe and secure low-income housing in partnership with BC Housing;

9. At the September 22, 2021, Standing Committee of Council on Policy and Strategic Priorities, Council unanimously endorsed a staff recommendation to commence legal action in relation to the Regal Hotel located at 1046 Granville Street in order to bring this property into compliance with City By-laws and address an unsafe condition identified by the City Building Inspector; and
10. Over the recent Christmas holidays in December of this year, residents of the Regal Hotel were widely reported to be without heat for multiple days, at a time when the outside temperature and wind chill factor were expected to drop to minus 20 degrees. Living without heat during these incredibly cold temperatures clearly represented a life-threatening situation for the residents of the building as well as a significant violation of the City’s Standards of Maintenance By-law No. 5462 and its intent to safeguard and ensure the necessities of life for all Vancouver residents.

THEREFORE BE IT RESOLVED THAT Council direct staff to report back with recommendations and options to improve the effectiveness of the Standards of Maintenance By-law No. 5462 before the end of Q2, 2022 with respect to problematic properties that exhibit a history of non-compliance, such as – but not restricted to – giving consideration to raising the minimum and maximum fines for certain violations where an immediate impact on the life and limb of building residents (such as non-functioning heating systems) is clearly evident, as well as shortening the period of time in which the City can step in to carry out any and all necessary work to bring a building into compliance under the By-law at the expense of the property owner.

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