

Supports Item No. 2
P&E Committee Agenda
June 16, 2011



ADMINISTRATIVE REPORT

Report Date: May 2, 2011
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Meeting Date: June 16, 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 2nd 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 6th 2011 and another on April 28th 2011, requiring the owner/operator to give access to the inspectors on April 21st 2011 and May 5th 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 5th 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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