Minutes – Executive Policy Committee - June 13, 2007

REPORTS

Minute No. 374 **Red Tape Report, Recommendation 20.2 - Edit Language in Occupancy Permits to Eliminate Uncertainties where Permits Imply that an approved Community Living Facility Cannot House Community Living Tenants**
File EB-1.4

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee received as information the administrative report dated May 4, 2007, from the Acting Director of Planning Property and Development.

DECISION MAKING HISTORY:

Moved by Councillor Wyatt,
That the administrative report be received as information.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 22, 2006, the Executive Policy Committee directed the Chief Administrative Officer to prepare and forward reports on all remaining recommendations of the Red Tape Commission in an expedited manner, in a manner reflecting a list of priorities.

RE: Red Tape Commission Report: Recommendation #20.2 – Edit language used in Occupancy Permits to eliminate uncertainties where permits imply that an approved community living facility cannot house community-living tenants.

FOR SUBMISSION TO: Executive Policy Committee

ORIGINAL REPORT SIGNED BY: Director of Planning, Property and Development

REPORT DATE: May 4, 2007

RECOMMENDATION:

1. That this report be received as information.

Report Summary

Key Issues:

- In the mid 80's the City and the Province developed Residential Care Standards that would apply to facilities for persons requiring special care and treatment in a home setting.
- The Residential Care Standards require that the occupants be ambulatory, that is, to be able to evacuate without assistance in an emergency.
- Over the years, the Fire Prevention Branch encountered in some facilities, residents who were non-ambulatory (i.e. bedridden and unable to move without assistance) or who were detained in a locked room.
- Non-ambulatory are only permitted in a care facility, which has more restrictive Building Code requirements such as a mandatory sprinkler system.
- As a result of these findings, it was decided to include a condition of the Occupancy Permit for a residential care facility, that the facility was not approved for Care or Detention occupancy.
- This past winter, the City, the Provincial Family Services Department and the Office of the Fire Commissioner has acknowledged two distinct types of facilities.
  a) Residential Care facility – for ambulatory persons
  b) Care facility – for non-ambulatory persons

General Implications

( ) None

() For the organization overall and/or for other departments

(X) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s): Provides clarity on the two types of facilities that provide housing for community-living tenants.

Policy Implications

(X) No

( ) Yes

Comment(s):

Regulatory Implications

( ) None

(X) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s):
The proposed process improvements clarify the roles and responsibilities between Provincial Family Services and the City of Winnipeg.

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

(X) No

( ) Yes

Comment(s):

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s): There are no financial implications associated with the recommendations in this report.

Report

REASON FOR THE REPORT:

At its meeting of March 22, 2006, the Executive Policy Committee directed the Chief Administrative Officer to prepare and forward reports on all remaining recommendations of the Red Tape Commission in an expedited manner, reflecting a list of priorities. One of these recommendations was Recommendation 20.2 namely: "*Edit language used in Occupancy Permits to eliminate uncertainties where permits imply that an approved community living facility cannot house community-living tenants*".

HISTORY:

On November 23, 2004, the Mayor officially established the Red Tape Commission to review City operations and regulations in order to improve customer service while granting administrators more freedom to innovate.

The Red Tape Commission submitted a final report dated June 28, 2005, containing 30 recommendations.

Recommendation #20.2 of the Red Tape Commission Report states: "*Edit language used in Occupancy Permits to eliminate uncertainties where permits imply that an approved community living facility cannot house community-living tenants*".

DISCUSSION:

Background

In the mid 80's the City and the Province developed standards that would apply to a facility that provided services and accommodations for persons requiring special care and treatment in a home setting. The result was the Residential Care Standards.

- *Residential Care Facility* means a building or part thereof a building that is used by a person to provide services to 10 or fewer individuals who are **ambulatory** but
    a) due to a disability or disorder are precluded from living independently, or
    b) who need temporary supervision, assistance or counseling.

- *Care or Detention occupancy* means the occupancy or use of a building or part thereof by persons who require special care or treatment because of cognitive or physical limitations or by persons who are restrained from, or incapable of self-preservation because of security measures b not under their control.

- *Residential occupancy* means the occupancy or use of a building or part thereof by persons for whom sleeping accommodations is provided but who are not harboured or detained to receive medical care or treatment or are not involuntarily detained.

In developing the Residential Care Standards a key component requires that the occupants be ambulatory, that is, to be able to evacuate without assistance in an emergency. Over the years, the Fire Prevention Branch, who is responsible for maintenance inspections of these facilities, has encountered in some of these facilities residents who were non-ambulatory (i.e. bedridden and unable to move without assistance) or who were detained in a locked room.

Persons who live in a residential home setting but are non-ambulatory are only permitted in a care facility, which has more restrictive Building Code requirements such as a mandatory sprinkler system. As a result of the Fire Prevention Branch findings, it was decided to include as a condition of the Occupancy Permit for a residential care facility, the definition for a Care or Detention occupancy and that the facility was not approved for that use.

This past winter, the City, the Provincial Family Services Department and the Office of the Fire Commissioner has met to discuss this matter and as a result of the meetings, Family Services has acknowledged two distinct types of facilities.

c) Residential Care facility – for ambulatory persons
d) Care facility – for non-ambulatory persons

Next Steps

- The Province has agreed to provide a sprinkler system connected to a monitoring system in those facilities that fall under the category of a “care facility” and to ensure that non-ambulatory residents are only accommodated in these facilities.

- The City has agreed to remove the not for “care definition” condition from the permits for a “residential-care facility”.

Financial Impact Statement Date: May 4, 2007

Project Name:

Red Tape Commission Report: Recommendation #20.2 – Edit language used in Occupancy Permits to eliminate uncertainties where permits imply that an approved community living facility cannot house community-living tenants.

COMMENTS:

There are no direct financial implications associated with the recommendations in this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

THIS REPORT SUBMITTED BY:

Department: Planning, Property and Development
Division: Development and Inspections

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