Minutes – Standing Policy Committee on Protection and Community Services – January 30, 2015

APPEAL HEARINGS

Item No. 1 The Fire Prevention By-law No. 150/2004 – 331 Smith Street (Daniel McIntyre Ward) File GF-5

STANDING COMMITTEE DECISION:

The Standing Policy Committee on Protection and Community Services denied the appeal and confirmed Order 1124178-0-117 dated December 23, 2014, issued by the Director of Fire Prevention, Winnipeg Fire Paramedic Service, regarding provisions of The Fire Prevention By-law No. 150/2004 for the premises located at 331 Smith Street.

DECISION MAKING HISTORY:

Moved by Councillor Eadie,

That the receipt of public representations be concluded.

Carried

Moved by Councillor Eadie,

That the Appeal be denied and the Order 1124178-0-117 dated December 23, 2014, issued by Director of Fire Prevention, Winnipeg Fire Paramedic Service, regarding provisions of The Fire Prevention By-law No. 150/2004 for the premises located at 331 Smith Street, be confirmed.

Carried

Moved by Councillor Eadie,

That the Appeal Hearing be concluded.

Carried

APPEAL HEARING SUMMARY

File:	GF-5
Order Number:	1124178-0-117
Before:	Standing Policy Committee on Protection and Community Services Councillor Browaty, Chairperson Councillor Eadie Councillor Schreyer
Public Hearing:	January 30, 2015 Council Building, 510 Main Street
Appellant:	Marlborough Hotel (Christopher Dubberley)
Premises Affected:	331 Smith Street
Nature of Appeal:	On January 7, 2015, Christopher Dubberley, Marlborough Hotel, appealed Order 1124178-0-117 dated December 23, 2014, issued by Director of Fire Prevention, Winnipeg Fire Paramedic Service, regarding provisions of The Fire Prevention By-law No. 150/2004. The Order stated: In accordance with the provisions of By-Law 150/2004, YOU ARE HEREBY ORDERED TO take the following steps to bring the property into compliance with the Fire Prevention By-law by: • The sprinkler system is to be repaired to fully functional, deficiency free status. The water supply valve is to be repaired or replaced.
Exhibits Filed:	1. Order 1124178-0-117 dated December 23, 2014, issued by Director of Fire Prevention, Winnipeg Fire Paramedic Service 2. Notice of Appeal filed by Christopher Dubberley, Marlborough Hotel received January 7, 2015 3. Notification of Appeal Hearing dated January 8, 2015 4. Letter of authorization dated January 8, 2015 from Manfred Boehm, Boehm Hotel Corporation to Chris Dubberley, Marlborough Hotel

REPRESENTATIONS:

In Support of Appeal:

Chris Dubberley, Marlborough Hotel
Mike Boyer, Marlborough Hotel

In Opposition to Appeal:

Nil

For Information on Appeal:

Nil

For the City:

Chief J. Lane, Winnipeg Fire Paramedic Service

Winnipeg

Fire Paramedic Service • Service d'incendie et de soins médicaux d'urgence
Fire Prevention Branch• Direction de la Prévention des incendies

ORDER

FIRE PREVENTION BY-LAW NO. 150/2004

Date December 23rd/2014 **Reference: 1124178-0-117**

BOEHM HOTEL CORP.
Lana Marie Lychuk, Director/ President
84 Grass River Drive.
Thompson, Manitoba, R8N 1X8

BOEHM HOTEL CORP.
Manfred Boehm, Secretary
48 Hillside Cres.
Thompson, Manitoba, R8N 0W1

Delivered by Registered Mail

RE: 331 Smith St., Winnipeg, Manitoba. LOTS 214 TO 217 (BOTH INCLUSIVE) BLOCK 3 PLAN 129 WLTO (W DIV) IN RL 1 PARISH OF SAINT JOHN.

The above premises were inspected by this department on August 15, 2014 and were found to be in a condition which constitutes a threat to life and property and contravenes the **Winnipeg Fire Prevention By-Law No. 150/2004** and amendments thereto.

- Manitoba Fire Code 6.4.1.1.(1) Water-based fire protection systems shall be inspected, tested and maintained in conformance with NFPA 25, "Inspection, Testing and maintenance of Water Based Fire Protection Systems".

Inspection has revealed a damaged sprinkler system main water supply valve. A temporary two inch water supply line has been installed as an interim measure to supply water to the sprinkler system until the valve can be replaced.

In accordance with the provisions of By-Law 150/2004, **YOU ARE HEREBY ORDERED TO** take the following steps to bring the property into compliance with the Fire Prevention By-law by :

- The sprinkler system is to be repaired to fully functional, deficiency free status. The water supply valve is to be repaired or replaced.

You are further advised that a re-inspection of the property will occur on January 27, 2015 to verify compliance with this Order.

If you object to this Order, you are entitled to appeal it to the Standing Policy Committee on Protection and Community Services of The City of Winnipeg. You can do so by indicating in writing your intention to appeal the Order within (a) the date specified for compliance or (b) 14 days of being served with the Order, whichever is earlier. You can do so by filing a written notice of appeal along with a $250.00 administration fee to:

The Standing Policy Committee on Protection and Community Services
Office of the City Clerk
Council Building, 510 Main Street
Winnipeg, Manitoba, R3B 1B9
Fax: (204) 947-3452
E-mail: CLK-Appeals@winnipeg.ca

The appeal must be received by the City Clerk within the time for appeal.

If you fail to comply with this Order or, on appeal, fail to comply with the decision of the "Standing Policy Committee on Protection and Community Services", you may be prosecuted.

In addition, the Fire Paramedic Service may carry out the work necessary to bring this property into compliance with the By-law at your expense.

Enquiries regarding this Order should be directed to Senior Fire Inspector Rose Edwards at 204-986-7036. .

J. (Janet) Bier
Director of Fire Prevention

Copy: Kalam Paull Fire Inspector
Sherry Reich Senior Fire Inspector
BHF

Exhibit “2” Appeal – The Fire Prevention By-law No. 150/2004 – 331 Smith Street

From: Chris Dubberley [mailto:]
Sent: Wednesday, January 07, 2015 10:21 AM
To: CLK-Appeals
Subject: Notice of Appeal

Good morning,

Please accept this notification of appeal for order reference #1124178-0-117. I have tried to contact the Senior Fire Inspector listed in the order but I have not heard back. If there are further steps required please advise. How is payment of the $250 admin fee made and is a formal letter required.

Thank you,

Christopher Dubberley
General Manager
The Marlborough Hotel
331 Smith Street
Winnipeg, MB R3B2G9
p:
f:

Exhibit "3" Appeal – The Fire Prevention By-law No. 150/2004 – 331 Smith Street

Winnipeg

City Clerk's Department • Bureau du greffier

REGISTERED MAIL RW 743 870 365 CA, RW 743 870 374 CA, RW 743 870 388 CA

January 8, 2015

File GF-5

Boehm Hotel Corp.
Lana Marie Lychuk, Director/ President
84 Grass River Dr
Thompson, MB R8N 1X8

Boehm Hotel Corp.
Manfred Boehm, Secretary
48 Hillside Cres
Thompson, MB R8N 0W1

Attn: Christopher Dubberley
The Marlborough Hotel
331 Smith Street
Winnipeg, MB R3B 2G9

Appeal – The Fire Prevention By-law No. 150/2004 – 331 Smith Street

This will acknowledge receipt of your communication dated January 7, 2015, appealing the Order from the Director of Fire Prevention, Winnipeg Fire Paramedic Service, dated December 23, 2014, regarding provisions of The Fire Prevention By-law No. 150/2004 for the premises located at 331 Smith Street.

Please be advised that the appeal will be heard by the Standing Policy Committee on Protection and Community Services at its meeting on Friday, January 30, 2015, at 9:30 a.m. in the Council Building, 510 Main Street.

The purpose of the appeal hearing is to allow interested persons to make submissions, ask questions or register objections with respect to this matter.

Information or documents concerning this matter and a description of the procedure to be followed at the hearing are available for inspection in the City Clerk's Department, 510 Main Street or can be accessed on the Internet site: www.winnipeg.ca/CLKDMIS.

Senior Committee Clerk
Telephone 204-986-4228
Email JMarques@winnipeg.ca

…/2

c Chief J. Lane, Winnipeg Fire Paramedic Service
J. Bier, Director of Fire Inspection, Winnipeg Fire Paramedic Service
K. Paull, Fire Prevention Inspector, Winnipeg Fire Paramedic Service
S. Reich, Senior Fire Inspector, Winnipeg Fire Paramedic Service
R. Edwards, Senior Fire Inspector, Winnipeg Fire Paramedic Service
Ms K. Boryskavich, Acting Director of Legal Services and City Solicitor

Exhibit “4” Appeal – The Fire Prevention By-law No. 150/2004 – 331 Smith Street

From: Manfred Boehm [mailto:]
Sent: Thursday, January 08, 2015 12:18 PM
To: Marques, Josie
Cc: 'Chris Dubberley'; 'Doug Tesch'
Subject: re: Appeal

I’m Manfred Boehm owner of Boehm Hotel Corporation and of the Marlborough Hotel at 331 Smith Street and hereby authorize Chris Dubberly my General Manager to appeal the order against the Marlborough Hotel should you require anything else from me please contact me directly either by email or my cell thank-you.

Manfred Boehm
Director of Operations & Proprietor
331 Smith Street
Winnipeg, MB R3B2G9
p:
f:

Like Tweet

Thompson INN
1 Public Road
Thompson, MB R8N 0M3
p:204-677-2371 f: 204-778-8442
www.thompsoninn.com
1-800-803-3182

The Burntwood Hotel
146 Selkirk Avenue
Thompson, MB R8N 0N1
p:204-677-4551 f: 204-778-6219
www.burntwoodhotel.com
1-800-442-0635

THE Marlborough HOTEL
331 Smith Street
Winnipeg, MB R3B 2G9
p:204-942-6411 f: 204-947-3724
www.themarlborough.ca
1-800-677-7666

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