Agenda - Council - November 16, 2016

Report – Standing Policy Committee on Protection, Community Services and Parks – November 7, 2016

Item No. 3 Annual Inspection of Converted Residential Dwellings (CRD) with Shared Facilities (Rooming Houses)

STANDING COMMITTEE RECOMMENDATION:

On November 9, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks, and submitted the following to Council:

1. That the strategic initiatives to address annual inspections of Converted Residential Dwellings with Shared Facilities (attached as Appendix A) be received as information.

2. That the Winnipeg Public Service be requested to report back annually on Converted Residential Dwellings with shared Facilities, including but not limited to the Winnipeg Regional Health Authority education effectiveness; 311 screening; number of complaints, inspections, compliances, and outstanding inspections; and anything regarding the by-law safety issues, and recommendations.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Protection, Community Services and Parks – November 7, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 7, 2016, the Standing Policy Committee on Protection, Community Services and Parks concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- Add the following new recommendation

    "2. That the Winnipeg Public Service be requested to report back annually on Converted Residential Dwellings with shared Facilities, including but not limited to the Winnipeg Regional Health Authority education effectiveness; 311 screening; number of complaints, inspections, compliances, and outstanding inspections; and anything regarding the by-law safety issues, and recommendations,

and submitted the matter to the Executive Policy Committee and Council.

Further on November 7, 2016, Councillor Lukes, South Winnipeg–St. Norbert Ward submitted a presentation titled "Converted Residential Dwellings (CRD) with Shared Facilities (Rooming Houses)" with respect to the matter.

Further on November 7, 2016, Sel Burrows, Chair, Point Douglas Residents' Committee, submitted a document titled "Does your rooming house follow these Fire safety rules?" in support of the matter.

COUNCIL DECISION:

On July 13, 2016, Council concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks and granted an extension of time of up to 90 days for the Winnipeg Public Service to report back on the matter.

Report – Standing Policy Committee on Protection, Community Services and Parks – November 7, 2016

DECISION MAKING HISTORY (continued):

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 13, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Protection, Community Services and Parks and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 11, 2016, the Standing Policy Committee on Protection, Community Services and Parks recommended that an extension of time of up to 90 days, from today's Standing Committee meeting, be granted for the Winnipeg Public Service to report back on the matter, and submitted the matter to the Executive Policy Committee and Council.

Further on July 11, 2016, Sel Burrows, President of the North End Seniors Association Inc., submitted a copy of Part 2 – Residential Properties of the Neighbourhood Liveability By-law No. 1/2008 in support of the matter.

COUNCIL DECISION:

On April 27, 2016, Council ruled automatic referral of the following motion to the Standing Policy Committee on Protection, Community Services and Parks:

Moved by Councillor Eadie,
Seconded by Councillor Lukes,

WHEREAS affordable housing is very difficult to find in Winnipeg, making rooming houses an important amenity for people with low incomes;

AND WHEREAS there are many rooming houses kept in liveable condition by the owners;

AND WHEREAS some rooming houses do not meet the liveability criteria under the Neighbourhood Liveability By-law;

AND WHEREAS due to the lack of affordable housing options, many rooming house residents are afraid to make complaints about unliveable conditions in their rooming houses because they do not want to get kicked out on to the street;

Report – Standing Policy Committee on Protection, Community Services and Parks – November 7, 2016

DECISION MAKING HISTORY (continued):

COUNCIL DECISION (continued):

THEREFORE BE IT RESOLVED THAT the Winnipeg Public Service undertake whatever it must do to have existing building inspectors conduct annual inspections of rooming houses to ensure all Neighbourhood Liveability by-law dwelling provisions are met in “Part 1” and “Part 2”.

ADMINISTRATIVE REPORT

Title: Annual Inspection of Converted Residential Dwellings (CRD) with Shared Facilities (Rooming Houses)

Critical Path: Standing Policy Committee on Protection Community Services & Parks – Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
J. Bier W. Yee	J. Lane C. Wightman	n/a	D. McNeil

EXECUTIVE SUMMARY

This report provides Council with a summary of strategic initiatives to address annual inspections of Converted Residential Dwellings with Shared Facilities (CRD Shared), coordination of resources, establishing a screening process for reporting of unlicensed CRD Shared and an operational overview of the current and amended processes of a coordinated Licensing and Inspection program the City of Winnipeg has for CRD Shared.

RECOMMENDATIONS

That the strategic initiatives to address annual inspections of Converted Residential Dwellings with Shared Facilities (attached as Appendix A) be received as information.

REASON FOR THE REPORT

On April 27, 2016, a motion made by the Ward Councillors for both Mynarski and St. Norbert was automatically referred to Standing Policy Committee on Protection Community Services and Parks by Council. The motion directed "…the Winnipeg Public Service to undertake whatever it must do to have existing building inspectors conduct annual inspections of rooming houses to ensure all Neighbourhood Liveability By-law dwelling provisions are met in "Part 1" and "Part 2"".

On July 13, 2016 Council concurred in the recommendations of the Standing Policy Committee on Protection, Community Services, and Parks that:

1. An extension of time of up to 90 days, from today's Standing Committee meeting, is granted for the Winnipeg Public Service to report back on the matter.
2. The Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

This report provides background information to assist the Standing Policy Committee in considering the above-noted motion.

IMPLICATIONS OF THE RECOMMENDATIONS

This report is based on the assumption that the motion made by the Ward Councillors for both Mynarski and St. Norbert is aimed at the provision of annual inspections of licensed CRD Shared only and that it does not address the question of unlicensed CRD Shared.

The Public Service has implemented strategies to address annual inspections of licensed CRD Shared. This strategy's primary focus is on licensed facilities and provides a mechanism for the public and tenants to report both unsafe property standards and CRD Shared that may be operating unlicensed.

Licensed CRD Shared will be inspected annually by the Fire Prevention Branch, whereas all other licensed Converted Residential Dwellings (CRDs) will be inspected on a 30-month cycle. Licensed CRD Shared are generally associated with a higher risk as kitchen and bathroom facilities are shared and often the tenant's "room" may serve additional purposes other than sleeping and living quarters.

The Fire Prevention Branch will prioritize inspections of licensed CRD Shared such that those facilities will be subject to annual inspections. A formalized interdepartmental relationship with Community By law Enforcement Services (CBES) and the Fire Prevention Branch will be outlined in a Memorandum of Collaboration that will result in notable infractions being referred for investigation to the appropriate enforcement service.

The beneficial value of annual inspections of licensed CRD Shared is that inspections provide an opportunity to identify whether the owner is maintaining the fire alarm system, smoke alarms, fire extinguishers and means of egress and identifies fire hazards as well as Neighbourhood Liveability Bylaw issues through referrals to CBES. Annual inspections will help to ensure that occupants are notified of a fire through activation of the fire alarm system and smoke alarms and that they can safely evacuate. However, the condition of the building and fire protection systems can change at any time between inspections.

CBES will formalize coordination of services / resources with the Winnipeg Regional Health Authority (WRHA) wherein a CBES liaison will facilitate ongoing education of Neighbourhood Liveability Bylaw standards and processes to WRHA staff who may have regular contact with tenants of licensed CRD Shared and other properties as applicable. This ongoing relationship will assist in establishing trust with a population that may be more vulnerable and less likely to report infractions.

A screening process has been established through 311 to receive complaints on properties that may be suspected of operating a CRD Shared without a license. Information has been provided to 311 to assist in receiving the appropriate information and for directing the service request to the appropriate department (Zoning, Development and Inspections, CBES, Fire Prevention) for investigation.

With respect to unlicensed CRD Shared, which are illegal in Winnipeg, processes exist whereby when the Public Service receives a complaint with respect to an unlicensed CRD Shared, or is

otherwise made aware of such an operation, it will investigate and either take enforcement steps to bring the property into compliance or to have the property owner cease its operations. Increasingly the Public Service's approach is to order the property owner to cease operations in the short term until the required zoning, building code, and licensing requirements are met. Complaints are likely to increase due to the screening process established through 311.

There are no financial or human resource implications resulting from the strategic initiatives outlined in Appendix A.

HISTORY

Overview of Current City Processes Related to Licensed CRD Shared:

The City of Winnipeg licenses CRDs to help ensure that conversions of residential dwellings meet minimum occupancy, structural, and fire safety standards.
A CRD Shared must meet the following two general criteria to be licensed / allowed to operate in the City of Winnipeg:

1. A converted residential dwelling (CRD) meets the following criteria:
   i. Is a building that contains a residential occupancy.
   ii. Has a maximum building height of three stories.
   iii. Was originally designed for use by one or two families but has since been converted to provide more than two suites, or
   iv. Was originally designed for use by one or two families but has been converted to provide more than one suite with a commercial occupancy.

2. A shared facilities dwelling is:
   i. A dwelling that is designed for sanitary facilities or cooking facilities to be shared by occupants of three or more dwelling units, whether or not the dwelling units are occupied.
   ii. A dwelling where sanitary facilities or cooking facilities are shared by two or more residents of a dwelling unit that is <u>not</u> operated under a single tenancy.

Operational Inspections of CRD Shared:
When occupancy is issued signaling that structural safety measures have been addressed, the file is then turned over to the Fire Prevention Branch who will conduct inspections of all CRD's that are licensed with the City of Winnipeg. However, it is important to note that annual inspections are not required under any City by-law. As of June 15, 2016 there are 814 CRD's in the City of Winnipeg, with 217 being CRD Shared (numbers based on CRD's that are licensed, pending renewal, waiting for approvals, and new applications).

CRD Licensing Statistics

CONVERTED RESIDENTIAL DWELLINGS as of June 15, 2016			
	CRD	**CRD-SHARED**	**TOTAL**
ISSUED (currently licensed)	469	176	**645**
RENEW (awaiting payment for their renewal)	44	13	**57**
REVIEW (paid and awaiting approvals)	69	23	**92**
NEW APPLICATION (awaiting application from new owner)	15	5	**20**
TOTAL	**597**	**217**	**814**

Community By law Enforcement Services – Enforcement Statistics

In enforcing a variety of City by-laws, CBES conducts approximately 15,000 inspections annually resulting in approximately 30,000 investigations. Of the approximately 15,000 inspections roughly 20% are proactive. Proactive inspections are a result of either officer observations while on duty or feedback to CBES' outreach initiatives with community organizations.

Regulatory History

During the 1970's and 1980's there were numerous CRD fires with fatalities which resulted in the City passing the *Residential Buildings Fire Safety By-law No. 4304/86*. This by-law set out minimal fire safety standards for small apartment blocks, high rise apartments (Division I Buildings) and CRDs (Division II buildings). A task force of building inspectors was engaged to conduct inspections of the buildings that were converted before 1987 to ensure they met the requirements of the 4304/86 by-law standards and complied with zoning requirements.

Subsequent to building owners complying with the schedules of the by-law, final reports were completed for these buildings. The final reports were submitted to Fire Prevention to ensure 4304/86 by-law requirements were maintained for the purposes of licensing the CRD. Once the task force had inspected all of the CRDs and final reports had been completed, the task force was disbanded; **no new CRDs are permitted into the 4304/86 program.**

The *Residential Buildings Fire Safety By-law No. 4304/86* does not apply to new buildings.

Any houses converted to a CRD after 1987 are not regulated by By-law No. 4304/86 and are required to meet current building code requirements. The building code requirements for multi-dwellings are cost prohibitive and typically they are unable to meet City zoning requirements, therefore, many owners convert their homes illegally.

Previous to the current *Doing Business in Winnipeg By-law No. 91/2008*, inspections of various occupancies including CRDs was regulated by *The City of Winnipeg License By-law No. 6551/95*. Licenced occupancies required a "Certificate of the Fire and Paramedic Chief", which was essentially a fire inspection notice indicating that a building was in compliance with *The Residential Fire Safety By-law 4304/86* and *The Fire Prevention By-law 150/2004*. From the 1990's to 2008 the Licensing Department sent Fire Prevention lists of addresses of various occupancies, including CRDs, which were due for license inspections. Fire Prevention inspected all licensed CRDs every two years.

The *Doing Business in Winnipeg By-law No. 91/2008,* which replaced the *License By-law 6551/95*, does not require annual or bi-annual inspections of CRD shared facility occupancies. Under this by-law, when an existing CRD has been sold to a new owner they must obtain a new license. This requires verification that it is in compliance with the *Residential Fire Safety By-law No. 4304/86.* This verification is typically done via a fire inspection during which the fire inspector confirms that the building is in compliance with all requirements of the 4304/86 by-law. However, to renew a license there is no requirement for confirmation of compliance to the aforementioned by-law or the Fire Prevention By-law, the Manitoba Fire Code and other regulatory requirements relating to fire safety.

Fire Prevention currently responds to complaints of illegally converted houses and subsequent to an inspection, the illegally occupied rooms of the house are vacated. The owners are informed that they must apply for permits at Planning, Property, & Development to legally convert the home and must meet current building code requirements and zoning requirements. However, typically owners do not apply for permits to convert their homes and often they resume the operation of the illegal CRD shared when they feel the Fire Prevention Branch is no longer monitoring their activities.

Financial Impact Statement **Date:** September 26, 2016

Project Name:

Annual Inspection of Converted Residential Dwellings (CRD) with Shared Facilities (Rooming Houses)

Comments: There is no financial impact as a result of the recommendation of this report.

"original signed by"
John Hall, CPA
Manager of Finance
Winnipeg Fire Paramedic Service

"original signed by"
Kelly Lemoine, CPA, CA
Manager of Finance and Administrative Services
Community Services Department

CONSULTATION

In preparing this report there was consultation with:

311
Legal Services (as to legal issues)
Planning Property and Development
Winnipeg Regional Health Authority

OURWINNIPEG POLICY ALIGNMENT

01-2A Collaborate to Make Safe Communities
Direction 3: Promote Safety In Buildings
>Ensure that all buildings are in compliance with adopted fire and health by-laws.

SUBMITTED BY

Department:	Winnipeg Fire Paramedic Service; Community Services
Division:	Fire Prevention / Community By-law Enforcement Services
Prepared by:	Janet Bier / Winston Yee
Date:	October 5, 2016

Appendix A – Strategic Initiatives To Increase Safety in Converted Residential Dwellings with Shared Facilities (Rooming Houses).

1. **Prioritization of Inspections of Licensed CRD Shared**
    i. The Fire Prevention Branch will prioritize inspections of licensed CRD so that all licensed CRD Shared are inspected annually.
    ii. All other licensed CRD will be inspected on a 30 month cycle.

2. **Collaboration of Inspection observations**
    i. Fire Prevention Branch and Community Bylaw Enforcement Services have coordinated operations such that noticeable infractions of Neighbourhood Liveability Bylaw during annual inspections (as noted in #1 above) will be referred to CBES for follow up investigation.

3. **Coordination with WRHA**
    i. CBES and the WRHA are working together to coordinate services and resources to assist vulnerable tenants in CRD Shared and other properties as applicable, who may be reluctant to reporting infractions of property standards.
    ii. The relationship will include a liaison from CBES who will facilitate education of NLB and CBES processes for compliance.
    iii. WRHA engagement with vulnerable tenants and bylaw officers to facilitate trust.

4. **Establishment of Screening Process to report unlicensed CRD Shared**
    i. A screening process has been established through 311 to receive complaints on properties suspected of operating a CRD Shared without a license.
    ii. Information has been provided to 311 to assist in receiving the appropriate information and for directing the service request to the appropriate department (Zoning, Development and Inspections, CBES, Fire Prevention) for investigation.