

Honourable Mike Farnworth
Minister of Public Safety and Solicitor General
Room 128, Parliament Buildings
Victoria, BC V8V 1X4

Re: Modernizing the Emergency Program Act:
Disaster Response Plans for Strata Corporations

Dear Minister Farnworth,

I am writing on behalf of the City of Victoria Council to request that you include in the modernization of the *Emergency Program Act* (EPA) provisions to ensure the participation of strata corporations in the planning and preparation for, and the response to major disasters. We believe this is an important public safety initiative which will save lives in the event of a major disaster (such as an earthquake, tsunami, flood, or major windstorm).

To achieve the full participation of strata corporations in disaster planning, preparation, and response, two matters need to be addressed. First, the legislation needs to establish a duty, or responsibility, for strata corporations to prepare and regularly update Disaster Response Plans (DRP). This “regime” for disaster planning, preparation, and response would parallel the existing provisions in the B.C. Fire Code which require all condominiums to prepare and annually update a Fire Safety Plan that meets specified criteria. Second, the legislation needs to specify that strata corporations, strata councils, owners, residents, employees and contractors, in carrying out these duties and responsibilities in good faith, are not liable for any injuries or damage which may arise.

Alternatively, if it is not possible at this stage of consultations and drafting to include specific provisions in the legislation itself, we request that the regulation-making powers in the Act be broad enough to facilitate the inclusion of provisions for DRPs and limitation of liability in future regulations.

In support of including these provisions in the modernization of the *EPA* we make the following points:

- Neither the *Strata Property Act* (SPA) nor the *EPA* reference the role and responsibility of strata corporations in relation to disaster response planning and preparation.
- Recent natural disasters have demonstrated the important role that citizens play in preparing for and responding to natural disasters. In the aftermath of a major disaster, governments, at all levels, are totally occupied in responding to the most urgent needs. Citizens need to work together with their neighbours to address their immediate needs. A Disaster Response Plan that includes a definition of roles and responsibilities in disaster preparation and response, acquisition of relevant equipment (such as hard hats, safety vests, flashlights, communication devices, shovels, pry bars, etc.), training of owner volunteers, and related matters will enable a more effective, orderly and safe response.
- Approximately one quarter of B.C. residents live in condominiums. While condo owners should follow the earthquake preparation advice for individual homeowners, the size and complexity of multi-unit buildings require that condo owners also prepare to address building-specific issues. These issues will require pre-planned, coordinated team responses, such as:

- Rapid Damage Assessment of building structural elements to determine if evacuation is advisable or if sheltering in place is viable;
- Stabilization of operational and functional building components (utilities – power, water, gas; elevators; HVAC equipment; sprinkler and alarm systems; generators; etc.);
- Clearing evacuation routes;
- Access to locked utility rooms, tool storage areas, etc.;
- Light search and assistance to attend to the safety of neighbours and to address their immediate needs, including first aid, as effectively as possible;
- Communication with fellow owners on everything from the status of the building, its utilities and services, to garbage and waste disposal, to security and fire watch protocols. and a myriad of other matters.

These issues require collective planning and action.

- Condominium governance also complicates full and effective participation of strata corporations in disaster preparation and response:
 - The condominium governance provisions of the *SPA* require the support of a majority (in many case ¾) of owners for the approval of disaster plans and related expenditures. Disaster response measures must compete with other priorities for time, attention, and financial resources. In light of other pressing needs, such as fulfilling Depreciation Report obligations, addressing high-risk-lower-probability events such as natural disasters is often delayed or ignored.
 - Disaster Response planning and preparation requires a continuous, long-term commitment to planning, review, training, preparation, and education of a strata corporation's owners. In the absence of clearly defined responsibilities of the strata corporation, strata councils elected on a short-term basis (1 year) and with revolving membership may not maintain the attention that disaster planning and preparation requires.
- In the absence of any legislative guidance and based on the legal advice some strata corporations have received, strata corporations, their councils and owners fear that participation in disaster planning, training and response activities may open the strata corporation or its individual members to legal liability, with the result that they limit any involvement in corporate disaster planning.

If it is appropriate for the province to require strata corporations to have detailed Fire Safety Plans which address building fires involving the safety of limited numbers of people, the City of Victoria believes a similar legislative “regime” should apply to the preparation and maintenance of Disaster Response Plans, which would impact the public safety of large numbers of people in the event of a major disaster. If strata corporations are required to prepare and maintain such plans (and all the related activities they will involve), the City of Victoria believes that the strata corporations, their councils, owners, residents, employees and contractors should be shielded from related liability.

Thank you for your consideration of our submission. We look forward to significant advances in public safety with the forthcoming modernization of the *EPA*.

Lisa Helps, Mayor

cc: Honourable John Horgan, Premier
Honourable Murray Rankin, Minister Responsible for Housing (including the *SPA*)