



Council Report For the Meeting of May 11, 2023

To: Council **Date:** May 9, 2023
From: Megan Sabell Assistant Chief of Fire Prevention
Subject: 2122 Cook Street Update

RECOMMENDATION

That Council, under the authority provided in Section 76 and 78(4) of the *Community Charter* amend the Remedial Action Requirement Order dated May 4, 2023 (the “RAR”) by

1. adding the following particulars in relation to items 1(a) and (1)(b) of the RAR, Fire Alarm Panel:
 - i) The Owner must, at the Owner’s expense, complete or have completed the full building verification for all of the fire alarm devices.
 - ii) A full submission of all relevant permit application (building and electrical) documents must be received by Permits and Inspections.
2. Setting a revised timeline for compliance with items 1(a) and 1(b) of the RAR and with the actions detailed in section 1 of this resolution to Thursday, May 25, 2023, at 12:00 PM.
3. Adding the following particulars in relation to item 1(c) of the Remedial Action Requirement Order, west fire escape stairs (“West Stairs”):

The Owner must cause the following to be done, at the Owner’s expense:

- i) The required permit application must be completed and submitted to Permits and Inspections for review and issuance.
 - ii) The West Stairs must be constructed to the standard of the British Columbia Building Code as presented in the building permit application with final inspection approved.
 - iii) Through that process if the either of the two exit stairs are not useable, notification and temporary alternative egress measure must be provided to the tenants.
4. Setting a revised timeline for compliance with item 1(c) of the RAR and with the actions detailed in section 3 of this resolution to Tuesday, June 26, 2023, at 12:00 PM.

EXECUTIVE SUMMARY

On May 4, 2023, council approved placing a Remedial Action Requirement on the property located at 2122 Cook Street (see attachment) due to the serious life safety issues associated with not having a functional fire alarm system or fire escape from the second floor of a multi-unit building. The property owner and tenants were advised of the Remedial Action Order on May 5, 2023. On Monday May 8, 2023, the property owner requested that Council reconsider the Remedial Action Requirement Order in light of certain work having been performed at the building.

However, not all applications and documentation required by the applicable codes, regulations and bylaws have been received in relation to the work. The City cannot assess whether the work that has been done on the site to date has been done in accordance with the applicable codes, regulations, and standards because not all documentation has been received in relation to the fire panel replacement; and a building permit has not even been applied for in relation to the fire escape.

Without proper applications and accompanying documentation, the City is unable to assess whether or not the life safety issues raised on May 4, 2023, have been adequately addressed in accordance with the applicable codes, regulations and bylaws.

PURPOSE

This report is to update Council on the current conditions of deficiencies at 2122 Cook Street as were the subject of the report before Council and remedial action requirement order made on May 4, 2023.

BACKGROUND

Fire Inspectors and a Bylaw Officer attended the building in person to deliver the Remedial Action Order to the tenants and were met by one of the tenants who was in the process of re-building the west stairs. This tenant advised staff that the fire alarm panel had already been replaced. This information was new-found as prior to the previous report to council fire staff had checked with the regular service provider for the building, as well as current required permits on the property and there were no indications that a technician had been enlisted to perform this work; nor had Mr. Good contacted the Fire Prevention Branch to advise that he had engaged with an alternate service provider to attempt to comply with the order.

The tenant who was working on the stairs, was advised by Fire Inspectors and the Bylaw Officer to cease any further work until a building permit was applied for. He was also advised that due to the circumstances, city staff were prepared to expedite the permit process in order to facilitate a speedy resolution, but a property representative needed to submit a drawing and the required application form as soon as possible.

Staff obtained visual confirmation that the panel had been changed and could see that a partial verification of the panel had been performed by a third party. Staff checked with this third party who advised that their verification was only a partial test, as they were not provided access to the individual units to test the heat detectors. This third party did provide their report directly to the fire department. Staff then called the electrician who performed the panel installation and advised that an electrical permit through the online portal should have been applied for prior to commencing work and that the required documentation such as the device compatibility report

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should have followed as soon as possible. This system does allow for a contractor to commence an emergency fire panel replacement without having to wait for the full permit to be issued in order to get systems working in a expedited manner.

A follow up conversation was held with the Chief Electrical Inspector and the electrician who performed the panel installation regarding this matter.

As of 10:35 AM on May 9th, 2023, an electrical permit application has been submitted to the City of Victoria and we are still waiting for the required supplemental documentation.

A building permit application for the replacement of the west stairs has not been submitted and work continued after staff left the property on Friday May 5th, 2023.

Permits and Inspections staff have a duty to issue a stop work order as there has been no building permit issued. However, the stop work order will be provisional, meaning the property owner will be afforded interim flexibility to stabilize the stairs, making them functional in the event of an emergency while they apply for the required permit to ensure compliance with the BC Building Code and any other applicable regulations.

ISSUES AND ANALYSIS

While Mr. Good has failed to communicate progress with the City, and his contractors have failed to apply for the applicable permits prior to conducting the work, he has taken steps to comply with the previous orders and make the building safer. Today, the circumstances are different than those known when this matter came to Council on May 4, 2023. At that time, very short timelines were recommended as it appeared that no work had been done to address serious life safety issues.

Fire understood that there was no working fire alarm and firewatch not being conducted. There didn't appear to be any action being taken to establish the west egress on the second floor. Now the city has confirmation that key aspects of the fire alarm system are in working order, although the individual heat sensors in individual suites have yet to be tested, and there may be other verification and testing outstanding as well, impossible to tell without having all applicable documentation to review.

An extension of the time for the West Stairs is also recommended, taking into account any time that may be needed to consult with a design professional for the structure; and for re-construction up to BC Building Code, if required. The current stairs are functional, so the urgency is less than what it was last week when no steps had been taken to ensure that there was a secondary means of egress from the second floor.

Therefore, in the interest of keeping the momentum of compliance with the order, and after conferring with Permits and Inspections, I would recommend that the timelines be extended to allow for the permit application and finalization.

Should Mr. Good not meet the deadline issued on May 4th, the under the Remedial Action Requirement, the City would also require additional time to follow through and complete the work. As Mr. Good appears to be now engaged in making the attempt at compliance, I believe it is in the interest of those involved to allow the opportunity of completion.

OPTIONS & IMPACTS

Option 1: Amend the RAR and the City takes over the fire panel on May 25 and the stairs on June 26 (recommended).

This option allows the property owner to complete the work up to code, but if compliance is not achieved by those dates, the City could still do what is required to ensure the work is done as outlined.

Option 2: Do not amend the RAR and the City takes over on Friday.

This option is not recommended, given the progress made to date. It would likely take as long for the City to step in and complete the work at this point as it would for the property owner to complete. The City would have the assurance that the work would be completed up to code, but there would be more staff resources required.

Option 3: Cancel the RAR altogether.

This option is not recommended. The City would have no assurance that the work will be completed or finalized, in accordance with applicable codes, regulations and bylaws, or at all.

Respectfully submitted,

Megan Sabell
Assistant Chief, Fire Prevention

Dan Atkinson
Fire Chief

Report accepted and recommended by the City Manager

List of Attachments

2023 05 04 Signed Remedial Action Order 2122 Cook Street
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