

City Centre Inn & Suites Order to Close Summary

Factual Background

- The property has a long history over the past several years.
- Since 2014, the Fire Department activities at 610 Idylwyld Drive North are as follows:

13 Complaints

14 enforcement actions:

10 tickets

3 Orders to Remedy Contravention

1 direct charge under the *Fire Safety Act*

21 inspections

- These figures date to 2014 when the Fire Department implemented an electronic records management system for our inspections.
- Most recently there was a fire inspection conducted January 9, 2019 with 5 deficiencies.
- This year we have conducted two property maintenance inspections in April and May to deal with complaints about garbage around the property.
- The level of degeneration of the site, generally, based on the most recent inspection is new and concerning
- the City's regulatory powers over motels is somewhat limited – while we have the ability to inspect for and order the remediation of fire code issues, the City cannot comfortably regulate issues of public health
- the closest that the City can get to public health matters is the Bylaw No. 8175 – the Property Maintenance and Nuisance Abatement Bylaw – however this bylaw does not comfortably address issues such as: failure to maintain a water and sewer system in a building or the control and eradication of pests inside a building
- the most recent issues came to the attention of the City through an anonymous public complaint
- the first inspection of the City Centre Inn and Suites following the complaint took place last week
- as the Fire Department does on all such files, it attempted to first deal with the owner but there was resistance from the beginning of that contact and subsequent inspections were conducted.
- following a more detailed inspection on July 20, 2020 the list of concerns and issues became apparent and the seriousness of those issues also became

apparent, most notably, the inspector noted the following without gaining access to the suites:

1. Broken windows
 2. Windows that don't lock
 3. Damaged doors
 4. Unsafe stairs to the 2nd floor (all around building)
 5. Sharp wire covers sticking out of room A/C units.
 6. Garbage and junk
 7. Missing fire extinguishers
 8. Missing outdoor lighting or lighting hanging by wires
 9. Odor of urine and other odors
 10. Damaged sidewalks
 11. Heavy fire load in vacant suites
 12. Graffiti
 13. Filthy rooms visible where curtains were open
 14. Stairs held on/attached by a couple self-tapping screws
 15. Exit doors locked between east and west side of one building
 16. Rotten wood on railings around 2nd floor
 17. Hypodermic Needles
- when access to the suites was provided the extent of the issues became readily apparent
 - the first matter the SFD addressed was the placement of a Fire Watch on site as there was little or no operable smoke alarms, few emergency lights or extinguishers and many issues with the fire alarm system in the public areas of the site
 - the Fire Department then conducted a series of inspections and there is now in place a series of Orders to Remedy under both City Bylaws and The National Fire Code of Canada and the *Fire Safety Act*
 - the Fire Chief made the decision to close the motel and is primarily based on the concerns for public safety revealed by the inspections, including his own inspection
 - given there is a vulnerable population at the site, an Emergency Management Organization response was triggered so that the residents could be notified, identified and supported with alternate housing
 - For this reason, the closing was delayed as it was deemed necessary and prudent to have a relocation team in place before the Order to Close was issued
 - the Order to Close was based on a number of factors but key among them for this site were the following:
 1. Few, if any, of the occupied suites had operable smoke alarms.
 2. Many of the suites that were occupied had a significant fire load and fire risk as residents had appliances such as hotplates, fridge and microwaves in the suites even though these were meant to be only sleeping accommodations.

3. Some of the suites that were occupied had windows – which are a possible point of egress – broken and covered with plywood
4. There were few operable emergency lights on site.
5. There were few fire extinguishers on site and of those present had no valid inspection seal in place
6. The fire alarm system in the public area had not been inspected since 2017 – inspections are the responsibility of the owner.
7. Exit signs in the public area – in many cases – did not illuminate
8. In many cases fire separation that is required was not in place as there were several holes in walls that would readily permit a fire to spread from one area to another.
9. The kitchen fire suppression system was not maintained.
10. The access stairs and the railings to the second storey building was in a state of disrepair.
11. On the second storey of the two-storey building fire exit routes were blocked or doors that ought to have been open were locked.
12. Many unoccupied suites were being used as storage and had a significant fire load.
13. One suite had evidence of a fire but there was no record of a Saskatoon Fire Department response to match.
14. In the two-storey structure there was evidence that the standing pipe for the sanitary sewer has failed and several suites on the ground floor were contaminated and the ceilings were falling down.
15. In many of the occupied suites, there was evidence that the towels were not functioning.
16. Many of the suites had obvious infestations of cockroaches and bedbugs
17. The building and the site, generally, was in a state of poor repair and was both poorly maintained and replete with garbage, needles and trash.

For a closing to be partial or complete, the Fire Chief needs to be satisfied that an immediate hazard exists or that a serious condition exists that represents a danger to persons or property. In this case, the Fire Chief was satisfied that a full closure was required.

Legal Background:

The ability to close a building or part of a building depends on there being life-safety issues of concern and both pieces of legislation (*the Cities Act* and *the Fire Safety Act*) call for there to be significant National Fire Code concerns.

The Fire Safety Act empowers a municipal inspector to inspect a building and if it is determined that there are issues of non-compliance with the National Fire Code, an Order to Remedy can be issued.

In addition, an inspector can, where a condition exists that creates a serious danger to persons, property or the environment, evacuate and close a building [section 31(5)] (Fire Safety Act, 2015).

Bylaw No. 7990, The Fire and Protective Services Bylaw, 2001, provides for the issuance and delivery of an Order to Remedy and an Order to Close.

The ability to complete an Order to Remedy, as set out in section 11, is fairly standard. And, the Order needs to comply with the requirements set out in section 328 of *The Cities Act* and be served in accordance with section 347 of the *Act*.

In this case, each Order to Remedy was personally served on the owner.

Section 16.1 of the (Fire and Protective Services Bylaw 7990) provides that the City does not have to issue an Order, it can in an emergency simply remedy the contravention or take whatever steps are necessary to eliminate the emergency.

Section 16.2 provides that where an investigation or inspection is completed and there is identified a “condition exists creating a serious danger to life or property” the Fire Chief can “evacuate and close the building ... for any period that the Fire Chief considers appropriate.”

The Fire Chief can also impose other conditions, as required, in the Order to Close.

Where an Order to Close is done it is posted on the building, and there is no right of appeal set out in either *The Fire Safety Act* or Bylaw No. 7990.

The owner can now appeal each of the Orders received but the fact that an appeal is sent will not impact on the Order to Close.

Steps in Process

Given the above, the key steps are as follows:

- 1) A Fire Inspector or the Fire Marshal completes an Order to Remedy that details the concerns and identifies the life-safety issues that are of significant concern as well as the other issues of contravention – this is the standard form.
- 2) The Order to Remedy is referred to the Fire Chief for his review
- 3) Upon reviewing the Order the Fire Chief chooses to execute a companion Order to Close and looks for the following:
 - a) description of the building
 - b) list of possible violations
 - c) identifies the hazardous conditions

- d) provide other information that substantiate the issuing of the Order to Close
- e) detail actions taken to alleviate the immediate hazard
- f) note the steps taken to alleviate the issues on tenants or others impacted
- g) provides for conditions that would permit this Order to Close to be removed

Plan Going Forward

Given the vulnerable population, this closing has not followed a standard approach, and the EMO has been engaged so that the community assistance that is needed can be made available.

The Orders to Remedy will now be followed up on, and as the SFD does in all cases it will work with the owner to achieve compliance.

There may be engagement with Public Health on site, and further orders for remediation may arrive, although the City does not drive that process.

Re-Open

The building could be reopened and the Order to Close lifted when the conditions have improved but the issues that would need to be addressed are likely the following:

- smoke alarm system operable
- smoke detectors operable
- fire equipment replaced
- emergency lighting operable
- electrical service confirmed as safe
- fire load assessed and corrected
- water and sewer functioning
- stairs and railing to second floor repaired
- all egress routes repaired
- property maintenance issues addressed and remedied