

Engagement Summary

Project overview

The Building Maintenance Bylaw (BMB) was first introduced in January 2017, and is most notably one of only a few in North America. After several incidents in the city in 2017, a Notice of Motion was brought forward directing a review of the current bylaw. This expansion included maintenance of building structures, early learnings from the current BMB, and identify areas of opportunity where tenants' rights groups, particularly those who were impacted from Kensington Manor incident in November 2017, would be able to provide input that the bylaw could potentially support.

Engagement overview

From June to October 2018, The City of Calgary held two in-person workshops and one face-to-face interview. The first was with the representatives from the original advisory group who were involved in developing the initial Building Maintenance Bylaw to understand their current experience working within the bylaw, discuss any early learnings, and to explore the potential to expand the bylaw to incorporate structural testing. The second workshop and face-to-face interview were with who were impacted from Kensington Manor incident in November 2017.

From late July to early October 2018, The City of Calgary also hosted two separate online surveys to solicit feedback from these targeted stakeholder groups. The first survey was to the building industry, building owners and property owners, and the second survey, specifically targeted tenants and those who were impacted by the incidents in 2017. Input from both the workshops and online surveys will be used to inform recommendations for the Building Maintenance Bylaw Notice of Motion.

Note that this consolidated report includes a two-part high-level summary from the three in-person meetings and online feedback collected from each of these stakeholder groups, tenants and building owners.

What we asked

ADVISORY GROUP (Part 1)

Engagement sought public input through questions structured around the direction in the Notice of Motion.

Building Maintenance Bylaw – Early Learnings

1. Are there any areas of concern for you working with the Building Exterior Visual Assessment or other parameters of the Building Maintenance Bylaw?
2. Do you have any issues or challenges adhering to the the Building Maintenance Bylaw at its current state?
3. What would you say is working well with the Building Maintenance Bylaw? Why?
4. What would you say isn't working well with the Building Maintenance Bylaw? Why?
5. Do you have any ideas around how this could be improved?
6. Do you have any concerns with the overall current state of the BMB? Why?

Structural Testing

1. Would a structural review protect the public or the building occupants?

2. What challenges do you foresee about incorporating a structural review in the Building Maintenance Bylaw?
3. What are the Top 5 visual concerns that could lead to a destructive review
4. When thinking about incorporating a risk matrix to support the BMB, what are the three highest risks that need to be mitigated?
5. What should be included in a risk matrix for the Building Maintenance Bylaw?

TENANTS & TENANTS RIGHTS GROUPS (Part 2)

Engagement sought public input through questions structured around the direction in the Notice of Motion.

Evacuation

1. In regards to your experience with the Kensington Manor incident, what are your Top 3 main concerns and why?

Building Maintenance Bylaw

2. Do you have any questions about the purpose of the bylaw and/or its limitations?
3. After reviewing the video and reviewing the materials explaining the purpose of the Building Maintenance Bylaw, can you share ideas on how this bylaw can address your concerns?
4. We are looking at do risk matrix that would support the Building Maintenance Bylaw. How can a risk matrix be useful to you?

Structural Testing

5. Part of the Notice of Motion is to look at potentially including structural testing as part of the bylaw. Structural testing in a more intrusive and robust-type of test that requires structural engineers to remove small sections of the building materials, which gives them the ability to test the performance and integrity of a structure. Conducting this kind of testing does come at a hefty cost, which the landlord or building owner would incur.

If the landlord was to pass this cost to the tenant by increasing the rent, can you please tell us how this would directly impact you?

What we heard

ADVISORY GROUP (Part 1)

Engagement sought public input through targeted questions structured around the direction in the Notice of Motion for the bylaw.

Building Maintenance Bylaw - Early Learnings

When discussing working within the current Building Maintenance Bylaw, and sharing any early learnings, many participants indicated that they found this challenging to do stating that they haven't worked with it enough to provide thoughtful feedback. Of the input that was given by participants, these Top 3 themes have been captured below and are supported by participant comments.

Top 3 Themes That We Heard	Participant Verbatim Comments
<p>Bylaw is Needed (Participants indicated that the bylaw does serve its purpose)</p>	<ul style="list-style-type: none"> • Visually obvious issues are being found. This is good. • Great program, as many people know exterior maintenance is not something that has been dealt with properly in the 38 years I have been in this trade. People don't worry about it until something serious happens. • Yes it does not allow for consideration of work that is in progress or for buildings that have a current Reserve fund study as per the condo act.
<p>Bylaw Requires More Rigor (Participants indicated that the bylaw needs to better define who can fill out these visual assessments)</p>	<ul style="list-style-type: none"> • Professionals should be completing these reviews. Need stricter rules on who can complete them. • The person who is to complete the assessment should be better defined. Also, it should be defined how the inspection should be conducted for high rise - drone, from grade, rope drops, etc • I suggest a form be supplied by City so all criteria are met, state if need Engineer stamp or ???
<p>More Streamlined Process (Participants indicated that the bylaw lacks clarity and requires more depth)</p>	<ul style="list-style-type: none"> • There is no flexibility in acceptance of an engineering report. we have a building currently undergoing exterior brick work and railing repairs and our roof anchors are also inspected annually. • The form is not user friendly. Thank you for finally correcting the mistakes on it I pointed out over a year ago. There is no place to write any explanations. • Maybe a website could be built for an online submission portal and if it isn't then someone at the city gets an automated notification of any buildings that have not complied.

Building Maintenance Bylaw –Structural Testing	
<p>When discussing working within the current Building Maintenance Bylaw and exploring the possibility of including structural testing, many participants indicated that this could be effective in protecting the public and building occupants, but that it would also be quite costly and implementing could be a challenge. These Top 3 themes have been captured below and are supported by participant comments</p>	
Top 3 Themes That We Heard Overall	Participant Verbatim Comments
<p>Cost (Participants indicated that structural testing is too costly should it be required.)</p>	<ul style="list-style-type: none"> • Cost too high as engineers' fees are \$\$\$\$ • Added high cost of engineer reports. for high rises unless they use a swing stage they cannot truly evaluate. A visual ground inspection is no different than a reserve fund study

<p>Occupant and Public Protection <i>(Participants indicated that structural testing could protect both the occupants and the public and the property owners.)</i></p>	<ul style="list-style-type: none"> • I think structural review would protect both groups. • It helps protect owners • Potentially yes, but much of the structure is hidden by finishes. I am a structural engineer and would be concerned with the false confidence a visual review may give owners/city.
<p>Implementation Challenge <i>(Participants indicated that structural testing would be challenging to implement as part of the bylaw, as there are too many factors to consider.)</i></p>	<ul style="list-style-type: none"> • The inability to actually review the structure as most of it is covered with finishes. Recent structural failures in the city would not have been caught by a simple visual review. • There are too many elements that are possible risks. Wall exteriors and roofing are already covered in your BEVA. Those are the top risks. • Without an educated observer and review of drawings, listing a top five concerns may cause people to unnecessarily do destructive testing. Displaced cladding elements, certain types of cracking, missing cladding elements, irregular moisture staining, impact damage • Every consultant or person would have their own opinion and the qualifications of the inspector is not well defined

<p>Building Maintenance Bylaw – Risk Matrix</p> <p><i>When discussing working within the current Building Maintenance Bylaw and exploring the possibility of including a risk matrix with the building exterior visual assessment, many participants indicated they did not understand the purpose of the risk matrix. Participants also indicated that they were unsure how a risk matrix would benefit the Building Maintenance Bylaw. These Top 3 themes have been captured below and are supported by participant comments.</i></p>	
<p>Top 3 Themes That We Heard</p>	<p>Participant Verbatim Comments</p>
<p>Does Not Support a Risk Matrix <i>(Participants indicated that they did not support a risk matrix within the bylaw.)</i></p>	<ul style="list-style-type: none"> • I don't understand what you are getting at here. 'Risk matrix' sounds like jargon. All buildings are unique and have their own potential issues. You can't create a one-all 'risk matrix' that covers everything. Review requires experienced professionals. Added high cost of engineer reports. for high rises unless they use a swing stage they cannot truly evaluate. A visual ground inspection is no different than a reserve fund study • this level of detail eliminates any further responses • Please refer to other comments of why we do not support the BMB. Therefore, we would not consider adding a 'risk matrix' to it to make it even more complicated and time consuming.

<p style="text-align: center;">Unsure (Participants indicated that they were unsure of what the risk matrix would entail.)</p>	<ul style="list-style-type: none"> • I am not sure what this is. • NOT SURE • I don't understand what you are getting at here. 'Risk matrix' sounds like jargon. All buildings are unique and have their own potential issues. You can't create a one-all 'risk matrix' that covers everything. Review requires experienced professionals.
<p style="text-align: center;">Detailed Risk Matrix Required (Participants indicated that a risk matrix would require detailed and prioritized line items to be efficient.)</p>	<ul style="list-style-type: none"> • Weather, risk of having someone on the buildings, risk of drone equipment failures, risk of falling items from damaged buildings. • Risk to public by proximity to public space(downtown versus suburb) • All aspects of the exterior including swing stage and tracks on the roof • Risk of deterioration and failure • Risk to occupants

TENANTS & TENANTS RIGHTS GROUPS (Part 2)

Engagement sought public input through questions structured around the direction in the Notice of Motion for the bylaw.

<p style="text-align: center;">Building Maintenance Bylaw – Evacuation, Risk Matrix and Structural Testing</p> <p>When discussing the experience during a building evacuation, and exploring how the Building Maintenance Bylaw could best support the building occupants and members of the public, participants provided input that was structured around a building evacuation, risk matrix, and understanding the impact of structural testing to building occupants.</p> <p>Due to the low volume of input received from this stakeholder group (tenants and tenants' rights groups), we are only able to provide high-level themes from the engagement conducted overall.</p>	
<p style="text-align: center;">Top Themes That We Heard</p>	<p style="text-align: center;">Participant Verbatim Comments</p>
<p style="text-align: center;">Communications (Participants indicated that more and streamlined communication is needed to building occupants and the public should an evacuation of a building be required. Participants also indicated that they were not aware that this bylaw existed.)</p>	<ul style="list-style-type: none"> • The City should consider how they follow up with tenants in similar emergencies. Our things were still in there, but we had to find new places to live. This was an incredibly disruptive situation. • I am not confident the management company, and/or the City would have been able to contact the tenants with updates and move-out information. Relevant authorities on both sides should have made a real effort to have a complete and accurate contact list for all tenants. The fact that they did not have one is inexcusable. • There needs to be a larger campaign about the BMB: what to do if you see something, signs to look for and who to contact and the process that occurs after you make the complaint

	<ul style="list-style-type: none"> • Need for a central helpline number or email that impacted residents could call if evacuated • The way tenants were notified is also an issue—better communication • Could have used some long-term communication solutions: mail delivery, info on what was happening, severity of the situation, and timeline
<p>Transparency to Occupants/Public <i>(Participants indicated the need to be able to access the submitted Building Exterior Visual Assessment or some kind of visual indicator that the building is in safe condition, much like a business certificate.)</i></p>	<ul style="list-style-type: none"> • Results of initial and follow-up evaluations should be made available to current and prospective tenants. • People need to be able to make an informed choice when they enter into a rental agreement. Not having information about the state of the building is a current gap in the information available to prospective and current tenants. • The current colour-coding system is likely to be comprehensible to most tenants, so that is a helpful start. • Renters should be able to make an informed decision about where they will live – this is their home, and they have the right to feel at home and safe there. • Asking prospective landlords or building owners for a copy of their BEVA • It would be helpful for tenants to have some sort of visual certificate (like business need to have their business license up) that illustrates green/yell/red once their BEVA has been reviewed. This way tenants are aware of issues or non-issues happening in their building
<p>Identifying Risk to the Public & Building Occupants <i>(Participants indicated a need to include criteria as part of the risk matrix that identifies the potential impact to building occupants.)</i></p>	<ul style="list-style-type: none"> • This bylaw goes a long way in assuring to many tenants that their building meets a certain standard of safety, and makes another Kensington Manor situation less likely. • It is essential that strong and meaningful enforcement mechanisms are built into the roll-out of this bylaw. • The people most likely to live in buildings affected by this bylaw are also likely to be the most precarious. Their safety is particularly important because they may have a weaker safety net in case of emergency.

<p style="text-align: center;">Timelines (Participants indicated a need to have a staggered evacuation procedure/ timeline in place as criteria in the risk matrix.)</p>	<ul style="list-style-type: none"> Any amount of warning would have been preferable to an evacuation with 15 minutes' notice. While I recognize that engineers have certain professional obligations, the speed and uncertainty in the evacuation was not very humane. The City should have ensured that the property management company contacted all tenants about the situation that afternoon, rather than upon returning home. Timing: lack of empathy from landlords Should have a planned evacuation—staggering the tenants moving out/evacuating
<p style="text-align: center;">Cost of Structural Testing (Participants indicated that, should the building occupants absorb the cost of structural testing, this could become an affordability issue.)</p>	<ul style="list-style-type: none"> Would be good to have a line items in a rental contract agreement about the potential of incurred cost Reducing affordability which could price renters out of markets The costs associated with compliance should be considered a cost of doing business (like lighting and heating hallways, or having smoke detectors). Ideally, there should be a licensing system for landlords, and so costs associated with complying with Municipal and Provincial regulations could be rolled into the license. Renting is a prime example of a free and open market – landlords won't be able to charge much more than the market supports. No one should be in an unsafe living situation because they cannot afford a safe one.

Next steps

- October-November 2018:** The City's Calgary and Building Services department will begin work on drafting the proposed Building Maintenance Bylaw recommendations, taking into consideration the feedback collected through the public engagement process.
- December 2018 at Committee and then Council -** The City's Calgary and Building Services department will present and seek approval on the proposed approach to the Building Maintenance Bylaw to Council.
- ONGOING:** The project team will continue to work with the Building Maintenance Bylaw advisory group to explore how the bylaw is working throughout its four-year implementation cycle.
- TBD:** A What We Did report will be shared online with stakeholders to demonstrate how the feedback collected through the public engagement process influenced the final decisions from Council regarding the Building Maintenance Bylaw Notice of Motion.