



REPORT FOR ACTION

Emergency Management and Vital Service Disruption Response in Apartment Buildings

Date: June 19, 2019

To: Planning and Housing Committee

From: Fire Chief and General Manager, Toronto Fire Services and Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

As directed by City Council, this report provides a review of the function and performance of the City of Toronto's emergency response to the incident at 260 Wellesley Street East as it pertains to emergency management interventions for high-rise buildings. It also recommends amendments to Toronto Municipal Code, Chapter 354, Apartment Buildings to require building owners/operators to develop and maintain a vital service disruption plan in order to better serve their residents during times of prolonged vital service disruptions.

RECOMMENDATIONS

The Fire Chief and General Manager, Toronto Fire Services and Executive Director, Municipal Licensing and Standards, recommend that:

1. City Council amend Toronto Municipal Code Chapter 354, Apartment Buildings to require building owners/operators under the RentSafeTO program to develop and maintain a vital service disruption plan, satisfactory to the Executive Director, Municipal Licensing and Standards, and provide the City with a copy of the plan when requested.
2. City Council amend Toronto Municipal Code Chapter 354, Apartment Buildings to authorize the Executive Director, Municipal Licensing and Standards, to set standards and minimum requirements for the vital service disruption plans in consultation with the Office of Emergency Management.
3. City Council amend Toronto Municipal Code Chapter 354, Apartment Buildings to add a provision stating that a building owner/operator who, in the opinion of the Executive Director, Municipal Licensing and Standards, does not implement their

established vital service disruption plan during a time of prolonged vital service disruption is guilty of an offence.

FINANCIAL IMPACT

There are no financial implications resulting from the receipt of this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information

DECISION HISTORY

On January 30 and 31, 2019, City Council adopted [MM2.26 Holding Landlords Responsible for Property Maintenance and Improving Crisis Communications in Emergencies](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM2.26) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM2.26>). Of the four directives in the motion, this report addresses Directive number 2, directing the Deputy City Manager, Infrastructure and Development Services to review the function and performance of the City's emergency response to the incident at 260 Wellesley Street East, in consultation with the local Councillor, the Mayor, the property owners and tenants of 260 Wellesley Street East and 650 Parliament Street, specifically as it pertains to crisis communication and emergency management for high-rise and other types of evacuations, especially for vulnerable persons.

On May 14, 2019, the Executive Director, Municipal Licensing and Standards reported to City Council with [PH5.6 Vital Service Disruptions in Apartment Buildings](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH5.6) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.PH5.6>) to provide an update on the response to apartment building safety issues identified in the St. Jamestown catchment area.

City Council adopted PH5.6, adding the following measures to the Apartment Buildings By-law as requirements of building owners/operators:

- maintain a voluntary contact list of tenants who may require additional assistance during periods of evacuation or temporary discontinuance of vital services, and who choose to voluntarily self-identify to building owners/operators and City officials as needing assistance;
- develop an electrical maintenance plan in collaboration with a Licensed Electrical Contractor; and
- retain logs of any service and maintenance conducted on building electrical systems as part of the by-law's record keeping obligations.

As part of PH5.6, Council also directed the Executive Director, Municipal Licensing and Standards, in consultation with the Fire Chief and General Manager, Fire Services to review the feasibility of implementing a number of measures, including requiring building owners/operators under the RentSafeTO program to develop a communications plan and emergency preparedness plan for tenants during periods of emergency evacuation or temporary discontinuance of vital services. These measures include requirements for

building owner/operators to: communicate with tenants; create a public website; and provide resources such as drinkable water, blankets and food. In addition, it includes proposed measures to provide tenants with temporary accommodation and creation of a tenant assistance office to assist tenants with temporary housing and associated costs.

COMMENTS

Emergency Management

The function of the City of Toronto's Office of Emergency Management (OEM) is to oversee and coordinate Toronto's emergency management program in collaboration with City divisions, agencies, boards, corporations and other partners. The OEM ensures the City's emergency management program is in compliance with the legislated requirements of Ontario's Emergency Management and Civil Protection Act, as well as Toronto Municipal Code Chapter 59, Emergency Management.

As part of the emergency management program, the OEM leads a range of preparedness activities to ensure the City can effectively respond to and recover from emergencies. This includes: developing plans and procedures; maintaining and operating the City's Emergency Operations Centre; and training City staff and other partners to work in the Emergency Operations Centre and conduct exercises.

The OEM works in partnership with the province of Ontario to provide public education on personal emergency preparedness in an effort to encourage residents to be ready to take care of themselves during times of crisis. It may take up to 72 hours for emergency services to provide assistance in a large scale incident, which means residents have an important role to play in emergency preparedness. The OEM also provides resources for community organizations, businesses, and property owners to assist them in becoming 'emergency prepared'.

The OEM provides regular training for staff from across City divisions to ensure they are ready to assume leadership roles in the event an Emergency Reception Centre is required to be activated during an emergency.

To further support the response to large scale emergencies, the OEM continues to develop partnerships and processes to address the needs of residents who present with pre-existing specialized health or other needs resulting from an emergency and connect them, wherever possible, to required services and supports.

The OEM ensures the City's readiness to implement an Emergency Social Services response, as per Council adopted policy, which supports residents in need when they are displaced from their homes due to other types of incidents or events, which do not meet the definition of an emergency as defined by Ontario's Emergency Management and Civil Protection Act, and Municipal Code Chapter 59. The City maintains a Memorandum of Understanding (MOU) with the Canadian Red Cross that outlines services they are able to provide residents who are affected by such events and who are unable to provide for themselves. Services can include registration and assessment

of individuals, temporary accommodation, assistance with accessing transportation, food and clothing and other community supports. As per the terms of this MOU, the City reimburses the Canadian Red Cross for the cost of services provided.

Emergency Response at 260 Wellesley Street East

On January 22, 2019, an electrician observed that water from a ruptured pipe had caused significant damage to the customer-owned electrical equipment in the electrical room at 260 Wellesley Street East (260 Wellesley), a 33-storey, privately owned residential building. The Electrical Safety Authority (ESA) was contacted, and the ESA contacted Toronto Hydro. Toronto Hydro disconnected power to the building at 16:50 to avert a catastrophic electrical failure emergency. Residents were left with no water, heat, electricity or life safety systems in the building. Given the potential risks posed by the situation at 260 Wellesley, Toronto Hydro contacted Toronto Fire Services shortly thereafter.

260 Wellesley is owned by the same companies that own the property at 650 Parliament Street, where a six-alarm fire occurred as a result of a major electrical failure on August 21, 2018. During that emergency, the City's Emergency Operations Centre was activated from August 21 to October 1, 2018 to coordinate the recovery from the fire and resulting evacuation. To date, the approximately 1,500 residents of 650 Parliament St. are still unable to return to their units.

Site response at 260 Wellesley St. E.

During the incident at 260 Wellesley, Toronto Fire Services (TFS) issued an Immediate Threat to Life Notice under the Fire Protection and Prevention Act, due to the lack of working life safety systems in the building. This immediately requires the building owners to hire security personnel to conduct a Fire Watch on a 24/7 basis. TFS also conducted ongoing hazard assessments to determine if it was safe for building residents to remain in their units, such as measuring air quality and temperature levels. In the event that there was any risk to the health and safety of the residents, TFS would have issued an "Order to Close" the building under the Fire Protection and Prevention Act, which would have forced the evacuation of the nearly 1,500 residents.

Ultimately, TFS was not required to issue this order and residents were able to remain in their units for the duration of the power outage, from January 22 to January 27, 2019. In order to ensure residents were able to remain in their homes, TFS worked in partnership with other City agencies and partners at the site to respond to the residents' basic needs and allow them to safely remain in the building, including:

- coordinating with Toronto Paramedic Services, Toronto Police Service, and private security personnel to perform door-to-door wellness checks;
- maintaining fire suppression crews at the building for the duration of the event;
- maintaining a primary care paramedic on stand-by to provide patient care as needed;
- assisting residents with walking up/down stairs, including carrying groceries and to access medications;
- installing portable heaters and temporary lighting in the stairwells;

- supporting private security personnel to provide water for hygienic purposes via the standpipes;
- working with the Toronto Transit Commission to maintain shelter buses at the building to serve as warming sites;
- conducting suite-to-suite inspections prior to Toronto Hydro's re-energization of the building; and
- assisting Rogers Communications with re-fueling the generator that powers a cell phone tower located on the roof top.

The OEM activated a warming Centre for residents at the Wellesley Community Centre. Canadian Red Cross volunteers, Parks, Forestry and Recreation staff, as well as many other City employees staffed the Warming Centre on a 24/7 basis to register residents and provide information, light refreshments, and access to electricity for charging devices. In total, 526 people registered at the Warming Centre and were assessed for any specialized needs or vulnerabilities; and nine individuals were provided with overnight accommodation, while other residents simply utilized various services at the Community Centre and returned to their residences at night.

Emergency Operations Centre response

At the direction of the City's Fire Chief and General Manager, Fire Services, the City activated its Emergency Operations Centre from January 22 to January 27, 2019 to provide strategic incident coordination and operational support including:

- coordinating the Warming Centre activation;
- liaising with City agencies and partners to support the delivery of emergency social services, such as the Canadian Red Cross, Gerstein Crisis Centre, Toronto Public Health's Mental Health Promotion Team, the St. James Town Service Providers Network, and Toronto Central LHIN among others;
- establishing an evacuation contingency plan in the event that Toronto Fire Services was required to issue an Order to Close; and
- establishing a briefing cycle with the City's Senior Leadership Team to provide situational awareness on response and recovery efforts.

Strategic Communications staff embedded within the Emergency Operations Centre coordinated information provided to the public and news media, providing updates via a variety of channels including news media, social media, 311 and the City's website. A more detailed outline of the crisis communications undertaken by the City for this event is attached to this report as Attachment 1 - Incident Communications.

Community Perspectives

As directed by City Council, on May 16, 2019, Councillor Wong-Tam along with staff from the OEM, TFS, Strategic Communications and Municipal Licensing and Standards (MLS) hosted a focus group to generate ideas to improve the response to emergencies in high-rise buildings. Participants included residents from 650 Parliament Street, 260 Wellesley and service providers from St. James Town.

The majority of feedback related to identifying opportunities to strengthen the roles and responsibilities of property owners during emergencies, addressed by the amendments to MM2.26 issued on April 30, 2019, as noted in the Decision History in this report. The participants also provided feedback that could be helpful in improving the City's ability to support the response to emergencies in high-rise buildings, such as:

- improving the coordination of crisis communications between the City's Emergency Operations Centre, the first responders leading the site response, and property owners;
- finding ways to better engage with elected officials from other levels of government that serve the community;
- continuing to support the City of Toronto's 311 to ensure they have information to assist affected residents during an event; and
- finding ways to continue promoting personal preparedness amongst the residents of high-rise buildings, including sharing pamphlets and other resources.

During the consultation, participants also discussed some of the ways that local service providers in St. James Town are increasing the capacity of the community to respond to and recover from emergencies. For example, the St. James Town Service Providers Network is developing a local neighbourhood crisis response protocol to coordinate their response activities, along with preparedness resources to promote emergency readiness for community members.

Staff also consulted with key stakeholders representing tenants and landlords to discuss the role of building owners/operators in supporting and communicating with their tenants during times of prolonged vital service disruptions, and to assess the feasibility of various components of a potential vital service disruption plans. Stakeholders were supportive of the requirement for building owners/operators to develop and maintain vital service disruption plans under the Apartment Buildings By-law and the elements that should be included in these plans, such as communications measures and other necessary supports.

Recommendations to Enhance Building Owner/Operator Response

The incidents at 650 Parliament St. and 260 Wellesley have raised questions with respect to the state of emergency management for the evacuation of high-rise buildings and other types of large-scale residential settings, especially those involving vulnerable persons. The incidents also raised concern regarding the ability of landlords to effectively communicate and support their respective tenants during a prolonged vital service disruption.

While first responders, City staff and agencies such as the Canadian Red Cross play important roles in responding to these situations, building owners/operators have key responsibilities as well. Building owners and their management teams have a duty to ensure the safety of their tenants, and be prepared to manage emergencies and periods of prolonged vital service disruptions that occur within their building.

This report has outlined the specific policies and processes in place to respond to a large scale emergency incident. However, there are gaps that exist with respect to vital service disruptions in apartment buildings which are not the responsibility of the City and should be addressed by the building owner/operator. As such, staff propose requiring apartment building owners/operators to develop a vital service disruption plan as part of the RentSafeTO program.

Chapter 354, Apartment Buildings currently requires all building owners/operators of apartment buildings with three or more stories and ten or more units to register with the City through the RentSafeTO program and meet a number of requirements related to building maintenance and resident access to information. These requirements include developing plans for waste management, cleaning, capital repairs and electrical maintenance. Staff recommend expanding the current by-law and its enforcement mechanisms to include vital service disruption plans.

Vital Service Disruption Plan

Successful emergency management requires coordination with and support from building owners/operators, who must establish the process by initiating the necessary planning and activities to proactively develop response plans. A key part of emergency management planning is to ensure the building can continue to function with minimum disruption to tenants and their day-to-day activities. Ensuring effective two-way communication between landlord and residents is also of utmost importance during times of prolonged vital service disruptions.

Staff propose amending Chapter 354, Apartment Buildings to require building owners/operators to develop a vital service disruption plan to support residents during periods of prolonged vital service disruptions, and ensure effective and timely two-way flow of information between residents and landlords.

A vital service disruption plan should give consideration to the following:

- measures to communicate with tenants to provide updates, such as phone calls, text messages, emails, public websites and posting of relevant notices;

- available methods of two-way communication for tenants to contact their landlord or building staff with questions or concerns;
- provision of necessary supports such as drinkable water, food and/or blankets in the event of an extended vital service disruption; and,
- provision of any additional supports, assistance or accommodations identified by residents on the Voluntary Tenants Contact List.

Staff recommend providing delegated authority to the Executive Director, Municipal Licensing and Standards, to set standards and minimum requirements for the vital service disruption plans. MLS will work in consultation with the Office of Emergency Management as well as other relevant City Divisions and issue area experts to establish the components to be included in the vital service disruption plans, and update these standards as necessary.

Every building has specific and unique emergency planning needs – determined based upon geographic location, immediate environment, property type, resident profile, size and construction. As such, it is the responsibility of the landlord to determine the necessary elements of the plan and develop that plan.

The OEM provides publicly accessible information and guidance for building owners/operators on emergency preparedness and response measures, including personal preparedness guidance materials for residents. Building owners/operators can consult these resources as they develop their plans. It is also encouraged that building owners/operators engage with their residents to understand their concerns and preferred means of communication.

The requirements for vital service disruption plans will also complement the new Voluntary Tenants Contact List, which will come into effect on October 1, 2019. Building owners/operators will be required to maintain an up-to-date list of residents who have self-identified as requiring additional assistance in evacuating the building or needing accommodations in cases of vital services disruptions within their building, such as those facing mobility barriers and those who may have greater care needs (e.g., mental health issues, cognitive disabilities, dementia).

As part of this Voluntary Contact List, residents may provide information such as the type of accommodation or assistance required in the event of these disruptions, and landlords are required to make residents aware of this option. Specific accommodations that are made known through this process should be considered as part of the vital service disruption plans.

Enforcement of Vital Service Disruption Plans

Under Chapter 354, Apartment Buildings, buildings are subject to proactive inspections and evaluations at least once every three years as part of the RentSafeTO program. Evaluations are high-level assessments of the condition of a building, focused on inspection of common areas, amenities, and elements such as lighting, cleanliness, building upkeep and security systems, and other requirements such as capital repair plans, waste management plans, and cleaning plans.

As part of the building evaluation and audit processes, MLS enforcement staff will require building owners/operators to provide a copy of their vital service disruption plan. Staff will work with building owners/operators to ensure compliance. Where a building owner is non-compliant, the City will have access to enforcement tools including laying of charges.

Staff also recommend making it an offence for building owners/operators to fail to comply with their vital service disruption plan during periods of prolonged vital service disruptions. In these circumstances, MLS will work with TFS, the OEM and other relevant authorities to investigate whether building owner/operators provided the supports outlined in their plans, and lay charges if there is evidence that this was not done so adequately.

Temporary Accommodations

In addition to the concerns around building maintenance, emergency management and communications during prolonged vital service disruptions, the incidents in the St. James Town buildings also raised important questions with respect to temporary accommodations for displaced tenants in the event of an emergency.

In the case of the fire at 650 Parliament, the City incurred significant expenses in shelter, supplies, travel expenses and operational costs during the period of time in which the landlord did not provide such supports; and the City implemented its response to obtain temporary accommodation for displaced persons, for which Canadian Red Cross services were retained. The City is now pursuing reimbursement from the owner of the property.

City staff will explore the options for the City to most quickly and efficiently recover costs from building owners/operators, specifically in cases where the evacuation and relocation of tenants is the result of a lack of building maintenance. An assessment of which potential cost recovery tool would be most effective, and the particulars of the various tools will be considered, including determining the length of time for which the City would seek to recover costs, and any impact on housing affordability. This analysis will be included as part of the review of the RentSafeTO program, with a report back to Council in Q4 2019.

Conclusions

The coordinated emergency response to the incident at 260 Wellesley was executed according to City policies, procedures and standards. Every effort was made to ensure residents were able to safely remain in the building rather than be displaced from their homes for the duration of the building repairs. Experience gained during the 650 Parliament Street response helped contribute to the successful execution of response initiatives at 260 Wellesley, proactively providing for the anticipated needs of the residents.

The incidents in the St. James Town catchment area offered key learnings and insight into potential gaps in emergency response efforts on the part of building owners/operators across the City. The recommendations in this report aim to ensure

landlords are taking responsibility for their part of the emergency management processes, and improving supports and communication during periods to vital service disruptions.

The by-law changes outlined in this report will come into effect on February 1, 2020.

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ATTACHMENTS

Attachment 1 – Incident Communication