



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 22, 2016
SUBJECT/REPORT NO:	Elevators in Multi-Storey Residential Buildings (PED16045(a)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	James Buffett (905) 546-2424 Ext. 5413
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Property Standards By-law No. 10-221 be amended to include the following requirements with respect to the operation of elevators in multi-storey residential buildings excluding the “Firefighters Elevator” as defined by the Ontario Fire Code:
- (i) for all residential buildings where one elevator is existing, it shall always be maintained in operable condition.
 - (ii) for all residential buildings where more than one elevator is existing, two elevators shall always be maintained in operable condition;
 - (iii) for all residential buildings where elevators are provided, that all operating elevators be kept clean and that all lighting, elevator buttons, floor indicators and ventilation units be maintained;
- (b) That the proposed amending By-law, attached as Appendix “A” to Report PED16045(a), which amends the Property Standards By-law No. 10-221 to regulate the operation and maintenance of elevators in residential buildings and is in a form satisfactory to the City Solicitor, be approved;
- (c) That a copy of Report PED16045(a), respecting elevators in multi-storey residential buildings, be forwarded to the Emergency and Community Services Committee and the Seniors Advisory Committee for information;

- (d) That the item respecting the operation of elevators in multi-storey residential buildings be removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

City Council, at its meeting held on March 11, 2015, directed staff to review enforcement options for ensuring that elevators are operational in multi-storey residential buildings and to report to the Planning Committee respecting this matter.

On February 16, 2016 the Planning Committee considered Report PED16045 respecting Elevators in Multi-Storey Residential Buildings, and directed staff to investigate the feasibility of requiring that more than one elevator always be kept operable where more than one elevator exists.

Staff is recommending an amendment to the Property Standards By-Law to require that, where elevators exist in any multi-storey residential building, that the elevators be maintained in operable condition (maximum of two elevators), and that all operating elevators be kept clean and that existing lighting, elevator buttons, floor indicators and ventilation units be maintained. This would not apply to the "Firefighters Elevator" as defined by the Ontario Fire Code.

Alternatives for Consideration – Not Applicable

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

N/A

HISTORICAL BACKGROUND

Councillor Jackson raised the issue of elevator requirements in multi-storey residential buildings at the Seniors Advisory Committee and brought it forward to the Emergency and Community Services Committee on May 12, 2014. Councillor Jackson requested that any subsequent report on this issue be forwarded to the Emergency and Community Services Committee and the Seniors Advisory Committee for their information.

On February 7, 2015 the Seniors Advisory Committee requested that Council include elevator maintenance in the Vital Services By-Law.

On March 11, 2015 Council approved the following motion by Councillor Matthew Green:

“Operation of Elevators

Whereas, the proper operation of elevators is essential to safety and quality of life for residents in multi-storey residential buildings;

THEREFORE BE IT RESOLVED:

That staff be directed to review enforcement options for ensuring that elevators are operational in multi-storey residential buildings and report to the Planning Committee.”

On February 16, 2016 the Planning Committee considered Report PED16045 respecting Elevators in Multi-Storey Residential Buildings. Staff was directed to investigate the feasibility of requiring that more than one elevator always be kept operable where more than one elevator exists to address situations such as lack of elevator availability due to tenants moving, and servicing/maintenance requirements, etc.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Technical Standards and Safety Act, 2000

The *Technical Standards and Safety Act, 2000* (TSSA) does not require that a building, no matter its height, have an elevator. Nor does it require that an elevator which is not functioning be made operational. This Act only requires that functioning elevators operate safely. Additionally, this Act regulates persons who can work on elevators.

Ontario Fire Code

The Ontario Fire Code requires that constructed buildings greater than six storeys have at least one operational elevator for use by firefighters, called a “firefighters’ elevator”. This requirement is not applicable to any building of six storeys or less. Similar to Orders to Comply issued under the Property Standards By-Law, orders issued by Fire Prevention staff have an appeal period of 14 days and a minimum compliance time frame of 19 days.

Ontario Building Code

The Ontario Building Code reinforces the Fire Code, requiring firefighters’ elevators. Additionally, buildings with designated barrier free units must have operable elevators servicing that floor. The Building Code applies to buildings under construction and where a building permit is required. Once the building permit is closed, the Building Code no longer applies and the Fire Code and Property Standards By-Laws become the applicable regulations. As such, the Building Code does not address the ongoing operation and maintenance of an elevator.

RELEVANT CONSULTATION

Hamilton Fire Prevention
Building Division
Legal Services Division

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Currently the Property Standards By-law does not require a property owner to keep elevators operational or to maintain them for residential buildings.

As noted earlier in this Report, the TSSA does not require elevating devices but only ensures safe operation. The Fire Code ensures residential buildings greater than six stories have at least one operational elevating device (Firefighters Elevator). The Building Code reinforces the Fire Code and also applies to new construction but does not cover existing buildings or ongoing required operation and maintenance.

The Property Standards By-laws of many other municipalities (Toronto, London, Montreal, Oakville, Barrie, Vaughan, Guelph and Ottawa) contain requirements with respect to the operation and maintenance of elevators. The By-laws of these Municipalities all have requirements that at least one elevator be maintained in working condition at all times in multi-storey residential buildings, and that elevators, where they have existing lighting, elevator buttons, floor indicators and ventilation, are maintained.

Therefore, to ensure the safety and convenience for residents of multi-storey residential buildings, staff recommends that the Property Standards By-Law be amended to require that, for residential buildings where elevators are provided, one elevator always be maintained in operable condition where there is one existing (this would apply to elevators servicing a specific range of floor in a residential building with multiple elevators). Additionally, in residential buildings where more than one elevator exists, two elevators always be maintained in operable condition. This would not apply to the Firefighters Elevator as defined by the Ontario Fire Code.

Also, there are currently no requirements to install lights, elevator buttons, floor indicators or ventilation in elevators. Staff also recommends that where these elevator features exist, the By-law require that they be maintained in working order.

In the case of any situations that can be identified by staff as an emergency situation, Property Standards By-Law has the ability to issue an Emergency Order to rectify the issue forthwith.

While the intent of the recommendations contained in this Report is to minimize elevator service disruption in multi-storey residential buildings, some service disruptions could still occur while required repair parts are being obtained and/or in the event of a labour disruption by qualified tradespersons required to perform elevator repairs in accordance with the TSSA.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

2.3 Enhance customer service satisfaction.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED16045(a) – By-law to amend By-law No. 10-221

JB/st