Our Homes Can't Wait
380 E Hastings
Vancouver BC
V6A 1P4

February 9th, 2023

Tanya Fader
Director of Housing, PHS Community Services Society
9 E Hastings
Vancouver BC
V6A 1M9

Dear Ms. Fader

Our Homes Can't Wait is a coalition of Downtown Eastside organizations and allies that struggle for universal housing, free from unjust surveillance and management, on the stolen and unsurrendered territories of the xʷməθkʷəy̓əm (Musqueam), Sḵwx̱wú7mesh (Squamish), and Sel̓íl̓witulh (Tsleil-Waututh) peoples. You may recall our organization from when we occupied City Hall, or when we successfully organized SRO tenants in a campaign against Canada Post. We are deeply concerned about the lengthy elevator outage at the Portland Hotel. We have been working with a group of eight tenants in the building who have informed us of a number of serious corresponding issues.

Residents of the building informed us that after nine months of intermittent function, the elevator ceased working altogether on September 9th, and still isn't working. During this period, several residents who used wheelchairs were trapped in their suites for months at a time. Since then, several residents have been relocated elsewhere. These relocations may be a tremendous inconvenience for these tenants and individual relocations are not a solution for a building-wide problem.

We are also deeply concerned about the remaining tenants who have disability and health issues. Tenants have informed us that many residents with mobility issues remain in the building and continue to be forced to climb as many as 9 flights of stairs to meet their basic needs. And while the elevator has been temporarily fixed, this does not remedy the harms already caused by the problem, the fact that the elevator is expected to break, or the other outstanding problems. We are also deeply concerned that it took tenants visiting the head office and media coverage for wires to get fixed after fix months.

S. 10(1) of the *BC Human Rights Code* prohibits discrimination against people on the grounds of physical disability. You have a duty to accommodate these individuals and have failed to do so. Further, The Human Rights Tribunal has clearly stated that "taking into account the purposes of human rights legislation, moving is not an accommodation" (*Biggings Obo Walsh v. Pink and others*, 2018, para 83).

Additionally, multiple residents have sustained injuries climbing the stairs. Finally, there have been a number of fatalities caused by heart failure which may be attributable, in part, to the increased exertion of climbing so many stairs. An overdose death also occurred that may have been prevented had there been a faster response time but the individual was not attended too quickly because the elevator was not in service. Further, in the event of a future medical emergency, the length of time that it will take paramedics to climb and defend 9 flights of stairs rather than take an elevator could be fatal or have lasting health consequences for someone living in the building.

To this effect, you are in violation of s. 3.2.6.5. of the Vancouver Fire Code which stipulates that at least one elevator be provided for use by firefighters.

You are also in violation of s.11A.1(1) of the City of Vancouver *Standards Of Maintenance By-Law* no. 5462. Each day you're in violation of the act, it is considered a separate offence and punishable by a fine up to $10,000.

As I'm sure you are aware, section 32(1) of the *Residential Tenancy Act* deems elevators in multi-storey apartment buildings an essential service. The restriction or removal of an essential service is cause for compensation to tenants through RTB dispute resolution. Generally, compensation is awarded in the form of a rent reduction. Given that the rents at the Portland are paid by the ministry of social development, we request that all tenants affected by the elevator outage be compensated directly in the number of $1000. We think you'll agree that given the harm caused by the outage at the Portland, and taking into account recent precedent for less egregious cases, this is more than fair. We further request that the elevator be replaced or repaired immediately, regardless of cost.

Residential Tenancy Policy Guideline 40 sets the "useful life" of an elevator at 20 years. It is our understanding that the current elevator is 24 years old and, therefore, requires replacement. Tenants learned from watching a media interview of the Minister of Housing said the elevator shaft is going to be replaced. Firstly, it is unclear if this entails a complete replacement which is your current obligation. Secondly, the tenants should not learn this information via the media. You have a duty to communicate quickly and appropriately with the tenants.

We are aware that the service providers for the elevator, KONE, have a track record of substandard service in the DTES. While it is concerning that the PHS would partner with a company with such a reputation, we request that you commission an independent elevator audit to establish the best course of repair and, if necessary, replace KONE with a more competent service.

In addition to the elevator, the Portland Tenants Union has several demands that we are relaying on their behalf:

1. Compensation for living in building without a working elevator and/or being displaced;
2. Implement a grocery delivery program and put an extra staff member in place to help tenants up and down the stairs until the elevator is replaced;
3. Recognize the right of return to all tenants who were relocated to other buildings so they can return to their former suites;
4. Accessible washrooms on the ground floor;
5. Porta potties to be placed in the courtyard and regular courtyard cleanings;
6. Tenant-led building maintenance and community development programming;
7. Cleaning of the concrete staircase that has not been power washed in 18 years;
8. Install bike room so that safe storage of bikes does not rely on staff storing and retrieving them from staff-only areas, or the resident carrying them up numerous flights of stairs;
9. Replace future elevators after 20 years of operation (as per Guideline 4);
10. Improve fire safety, including:
    a) additional fire extinguishers are added on each floor
    b) repair and ensure the full functionality of the sprinklers, which the city has flagged as being in violation of their Standards of Maintenance By-Law
11. Formally recognize the Portland Hotel Tenants' Union. Commit to regular meetings with the Portland Hotel Tenants' Union. Provide a wheelchair accessible meeting space within a one-block radius of the building for tenants' union membership meetings to take place;

Kindly respond on or before February 10th, 2023, at 3:30pm; failure to do so will result in swift and decisive action.

All correspondence should be directed to both the Portland Tenants Union email (PortlandTenantsAssociation@gmail.com) and myself.

Sincerely,
Ben Ger
Tenant Organizer, OHCW
benvanderger@gmail.com

cc: Honourable Ravi Kahlon, Michael Vonn, PHS Board