

Pre-construction safety inspection proposed by building division

Following a series of complaints on rental spaces advertised as a secondary suite—a self-contained unit within a house that has its own kitchen, bathroom and separate entrance—that did not follow safety protocols and provide secondary exit points, Aurora's Building department has developed a preliminary strategy to attempt to inspect and close out any outstanding building permits.

“When somebody applies for a building permit for a second suite, we have a comprehensive bylaw about what has to be done,” said Ward 3 Councillor Wendy Gaertner, who first brought the motion to Council last summer. “There was a building permit that was issued and it was never checked to see what was being done. In the meantime, there was a person in the basement without a second way to get out.”

“I believe we have an obligation and a responsibility if somebody applies for a building permit for a second suite that we need to be there, we need to see what they're doing. And I don't think we have to wait till they ask us. I think that that's something we can do by right.”

One of the strategies proposed in the new report provided by the building division was to conduct a pre-construction meeting with the homeowner or applicant on site.

“And the purpose of this meeting would be to specifically address the main fire safety issues that would help the applicant ensure that the building is safe,” said municipal Building Manager Bill Jean, adding that smoke alarms and exits would also be inspected.

“Having that pre-construction meeting, I think would address the major life safety concerns that could take place.”

Gaertner said she is more concerned about situations where the building is not following safety protocols under the Town's radar, such as secondary suites created without a permit, and where the Town is denied access for a safety inspection.

Jean said that based on the statistics he compiled over the last ten years, the success rate of entering a suite or gaining voluntary compliance to the suite is at 94 per cent. If access can't be granted, typically six per cent of the time, Jean said the Town could get a search warrant to gain compliance.

One problem, however, is that the chance of getting a search warrant from the justice system based on a complaint is slim to none, he said.

“If it's unsuccessful, our hands are basically tied.”

Gaertner said that the six per cent gap is “too high” and that the Town needs to do something to ensure the safety of residents living in secondary suites.

Jean said that they will work toward continuous attempts to gain access to the building for inspection.

On one instance he dealt with for almost two years, only after constant phone calls did they finally access the building and gain compliance with regards to the unit. Jean said that other factors to take into account is when the owner could not get the tenant to move out and the tenant would refuse access to the suite as well.

Currently, the preliminary strategy is to contact the owner once the building permit is issued and to have a pre-construction meeting with them on site to go over minimum code requirements.

“And at that point, the inspector and the homeowner or the applicant can make arrangements on inspections, and when they can finally come back to a finalized inspection. So, that's one of our strategies that we're proposing for new building permits for

secondary suites," Jean said.

Ward 2 Councillor Rachel Gilliland said she would like to see an established timeline in place for when the final inspection will take place, rather than waiting upon the owner to contact the Town themselves.

"There seems to be no established timeline, other than relying on the goodwill of the person to contact the Town for that final inspection," she said. "I would just like to see some sort of natural follow up after a certain amount of time after that inspection, and communication with that resident, and if nothing has been done proactively, we just call and say, 'Hey, it's been six months, I haven't heard from you. Are you ready to sign off for inspection?' And just do our due diligence as opposed to waiting."

In response to a question from Ward 5 Councillor John Gallo, Jean said that secondary suites should not be leased out until they receive their final safety inspection but "that doesn't always happen, and that's when [they] get into the enforcement strategy."

By Elisa Nguyen