



VERDICT AT CORONERS INQUEST

FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE CORONER'S INQUEST PURSUANT TO SECTION 38 OF THE CORONERS ACT, [SBC 2007] C 15, INTO THE DEATH OF

Guay

SURNAME

Dennis James

GIVEN NAMES

An Inquest was held at The Burnaby Coroners Court, in the municipality of Burnaby

in the Province of British Columbia, on the following dates: January 22 to February 5, 2024

before: John Knox, Presiding Coroner.

into the death of Guay Dennis James 53 Male Female
(Last Name) (First Name) (Middle Name) (Age)

The following findings were made:

Date and Time of Death: April 11, 2022 AM Hours
(Date) (time)

Place of Death: 203 Abbott Street Vancouver, B.C.
(Location) (Municipality/Province)

Medical Cause of Death:

(1) Immediate Cause of Death: a) Thermal injuries and smoke inhalation

Due to or as a consequence of

Antecedent Cause if any: b) Residential fire

Due to or as a consequence of

Giving rise to the immediate cause (a) above, stating underlying cause last. c)

(2) Other Significant Conditions Contributing to Death:

Classification of Death: Accidental Homicide Natural Suicide Undetermined

The above verdict certified by the Jury on the 5th day of February AD, 2024

John Knox
Presiding Coroner's Printed Name

[Signature]
Presiding Coroner's Signature

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PARTIES INVOLVED IN THE INQUEST:

Presiding Coroner:	John Knox
Inquest Counsel:	John McNamee and Kaitlyn Chewka
Court Reporting/Recording Agency:	Verbatim Words West Ltd.
	Rebecca Coad, counsel for the Guay Family
	Julia Riddle, counsel for the Garlow Family
	Iain Dixon and Joëlle Michaud, counsel for the City of Vancouver
Participants/Counsel:	Maureen Abraham and June Ling, counsel for the Province of British Columbia
	Sepideh Alimirzaee, Neil Mulholland, and Alex Eged, counsel for Winters Residence Ltd.
	Scott M. MacKenzie, counsel for British Columbia Housing Management Commission
	Ritu Mahil, counsel for Atira Women's Resource Society and Atira Property Management Inc.

The Sheriff took charge of the jury and recorded **47** exhibits. **30** witnesses were duly sworn and testified.

PRESIDING CORONER'S COMMENTS:

The following is a brief summary of the circumstances of the death as set out in the evidence presented to the jury at the inquest. This is to assist in understanding, but does not replace, the jury verdict and recommendations. This summary is not evidence.

This inquest examined the deaths of Dennis James Guay and Mary Ann Garlow, who died following a fire at a 4-storey building in Vancouver's Gastown neighbourhood.

Dennis James Guay was born and raised in northern British Columbia. Complications at birth caused him severe hearing loss, however, he developed strong lip-reading skills and found hearing aids quite helpful. As a child he enjoyed clubs and sports. As an adult he was fond of chess and backgammon, but music was one of his greatest passions. He taught himself to play the acoustic and electric guitar and wrote his own music. He loved jamming with a friend and writing music for hours on his own. He was described as quiet, reserved, and kind-hearted.

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After completing his post-secondary education, he worked for local and regional governments where he specialized in Geographic Information System mapping.

When Dennis James Guay was in his 40s, he decided to return to school to pursue a business management degree but he found this challenging due to mental health issues. The jury heard that he moved from Prince George to Vancouver and received outpatient mental health services through the Strathcona Mental Health Team between 2020 and 2022. A psychiatrist testified that Dennis James Guay had been diagnosed with paranoid schizophrenia, however, he was compliant with his medication plan and generally stable during the time they knew each other. The psychiatrist testified that staff at the clinic had no problems communicating with Dennis James Guay, whether it was through speaking, lip-reading, or writing notes or text messages.

During the inquest, several witnesses from the Winters Hotel spoke fondly of Dennis James Guay. The Winters Hotel program manager recalled his love of chess and music and said that he was missed by the community.

Dennis James Guay lived in Unit 304 at the Winters Hotel. Mary Ann Garlow, his neighbour, lived in Unit 303. The building was constructed in 1904 and had a common address of 203 Abbott Street. It stood at the southwest corner of Abbott Street and Water Street. The exterior walls were made of bricks and the interior structures of the building were made with wood and other combustible materials.

The building was comprised of several commercial retail units at street level – often referred to as the building's "ground floor" – and three additional levels above the ground floor containing 70 Single Room Occupancy (SRO) units, common use areas such as shared kitchens and washrooms, and other rooms used as administrative offices or for storage. The three upper levels were collectively known as "The Winters Hotel" with the floors numbered 1, 2, and 3 even though they were the second, third and fourth storeys of the building.

The Winters Hotel had an open atrium design. This meant that SRO units on Floors 2 and 3 were on mezzanines which formed a perimeter around empty space extending from Floor 1 up through to the roof and skylights above Floor 3. Some of the SRO units had glass windows facing inwards towards the atrium. The Winters Hotel also had a decommissioned elevator shaft. A Vancouver Fire Rescue Service (VFRS) Fire Captain told the jury that the open atrium, empty elevator shaft, and lack of "compartmentalization" measures between rooms, corridors, floors, and ceilings presented an increased fire risk that is not generally seen in structures built to modern fire and building codes. They explained that these conditions would allow smoke and fire to spread throughout the structure unimpeded, creating significant hazards for all its occupants.

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Other than the fire exits leading to the exterior of the building, the only way in and out of the Winters Hotel was a staircase in an enclosed corridor linking a street-level doorway on Abbott Street up to the second storey lobby on Floor 1.

A local property manager, doing business as Winters Residence Ltd., purchased the building in 1995. The owner described the building as having been in a state of "deferred maintenance" at the time of purchase and that they completed extensive renovations and upgrades to the plumbing and electrical systems. They testified that it was their understanding that the fire sprinkler system was installed by the previous owners around 1972. The owner was uncertain as to when the fire panel and fire alarm system was installed, but said it was possible they had arranged for the installation during post-purchase renovations.

Between 1995 and 2017, Winters Residence Ltd. was the landlord and operator of the Winters Hotel and was responsible for its maintenance. Around the summer of 2017, the Winters Hotel had approximately 20 full-time tenants. The building needed major upgrades, including repairs to the plumbing stack. Approximately 60 rooms remained empty.

Around this time, Winters Residence Ltd. leased the Winters Hotel to the Atira Development Society. Meanwhile, the Atira Women's Resource Society (AWRS) entered into an operating agreement with the British Columbia Housing Management Commission (also known as BC Housing). Under the operating agreement, AWRS was responsible for providing SRO housing and related support services at the Winters Hotel, and BC Housing was to provide AWRS with funding to achieve this.

Another entity called Atira Property Management Inc. staffed the Winters Hotel with a program manager (a role which included building manager duties), front desk workers, resource support workers, and maintenance workers.

In the summer of 2017, the Balmoral Hotel SRO building was permanently closed. Many of its residents relocated to the Winters Hotel, increasing the number of tenants there to approximately 70.

The inquest jury heard from several witnesses who either lived or worked at the Winters Hotel at the time of the fire, as well as a local business owner who was frequently inside the premises talking to tenants.

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Some of the tenants described the condition of the Winters Hotel and their SRO units unfavourably. The jury heard there were issues with mice and cockroaches, windows that could not be opened, holes in the walls, and in some cases, just a single electrical outlet for power. The local business owner told the jury that tenants often used extension cords and strings of Christmas lights as sources of additional outlets to plug devices into. Winters Hotel tenants shared communal washrooms and kitchens, as they did not have these in their SRO units. Some tenants said they felt unsafe at times and that people often broke into the building by way of exterior fire escapes and fire exit doors.

Witnesses testified that the hallways and fire exits of the Winters Hotel were sometimes cluttered or obstructed with personal property or other items. This was supported by photographs and video recordings reviewed by the jury. Atira employees testified that they were frequently working with tenants to resolve these issues. Some of the witnesses said that a lack of tenant storage space was a contributing factor. Atira staff testified that hoarding by tenants was a recurring issue at the Winters Hotel.

The jury heard conflicting evidence as to whether chains had ever been applied to fire exit doors within the building, and if they had, whether these chains prevented the fire exits from being opened. Whether chains were there or not, some tenants testified as to their belief that the fire exits could not be opened and these doors were not a way to leave during an emergency.

Several witnesses, including tenants, Atira employees, VFRS personnel, and BC Housing representatives agreed that the Winters Hotel and other SRO properties house many people with diverse and complex needs, including physical disabilities, mental health conditions, and substance use issues. That said, this is not the case for all residents of the Downtown Eastside.

The jury heard that non-compliance with smoking prohibitions within SRO buildings has been a persistent source of enforcement complaints to VFRS, and it has also resulted in major issues with recurrence of smoke detector activations and false fire alarms. One Atira employee explained that smoke detectors are activated so frequently within SRO buildings that tenants automatically assume it is a false alarm due to cigarette smoke and will ignore the possibility that there might be a fire.

Multiple witnesses from Atira and VFRS testified that some SRO tenants increase fire risks in their buildings through unsafe handling of smoking materials, leaving burning candles unattended, and improper management of other sources of heat and flame.

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On April 8, 2022, VFRS personnel from Hall 2 attended a report of a fire at the Winters Hotel in Unit 222. A VFRS "Origin and Cause" investigation report relating to this fire was entered as an exhibit, and a VFRS Fire Captain testified about their involvement in this matter. The jury heard that a pile of debris inside the unit caught fire, likely due to unsafe handling of smoking materials. The tenant residing there asked for help from Atira staff, and they put the fire out using multiple fire extinguishers. The fire had also activated the overhead fire sprinkler system, but it did not result in any audible alarm in the unit or anywhere else in the building.

Once a sprinkler head has been activated, water will continue to flow until the sprinkler system's water supply is completely shut off at the source. After confirming there was no further risk of fire, VFRS shut off the water supply, as is routine in such situations.

Sprinkler heads of the type that were installed at the Winters Hotel cannot be reset after activation – they must be replaced. Once the water supply was shut off, all remaining sprinklers throughout the building would no longer work. The sprinkler system could not be turned on until the sprinkler head in Unit 222 was replaced or the water could continue to come out of that sprinkler and flood the building.

A VFRS Fire Captain from Hall 2 told the jury that a smoke detector had been removed from Unit 222, leaving bare wires exposed in the ceiling. Conditions inside the unit met the criteria for hoarding. A smoke detector in Unit 223 was also found to be requiring replacement. These issues, in addition to others involving the non-functioning status of the fire sprinkler system and fire alarm system, prompted the VFRS Fire Captain to issue a Notice of Violation.

The Notice of Violation, issued under the City of Vancouver's fire bylaw, was issued on April 8, 2022 at 2020 hours. It directed the recipient to have the fire alarm and sprinkler systems serviced and restored to compliance standards by a technician certified by the Applied Science Technologists & Technicians of BC (ASTTBC). The Notice of Violation also included an order to maintain a 24-hour Fire Watch on the premises until the fire alarm was reset and fully functional. The VFRS Fire Captain testified that they inadvertently neglected to include an additional order to have the fire extinguishers used in this incident serviced or replaced.

The Notice of Violation document has the name and signature of an Atira employee, however, the VFRS Fire Captain testified that they provided the form to the Winters Hotel program manager because they felt the employee may not have been able to act upon the orders. They said that on past occasions, Notices of Violation have been left with staff or tenants at SRO buildings if the program manager or building manager was not available. They further advised that Notices of Violation are not automatically sent to building owners in situations where the property is being managed or operated by a third party.



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The VFRS Fire Captain was asked about a VFRS document called "Fire Watch Requirements and Log." The document provides recipients with comprehensive information about their obligations to ensure alternative fire safety measures are in place while fire protection systems such as alarms and sprinklers are non-operational. The VFRS Fire Captain stated that they did not have a copy of this document with them at the time of the April 8, 2022 fire to provide to Winters Hotel Staff. They also did not specifically remember discussing with the Winters Hotel program manager the specific procedures that were to be followed to comply with the requirements of the order.

The first item on the document's list of procedures requires identification of any persons with disabilities who may require assistance in an emergency and documentation of these individuals on a fire watch incident log. Other procedures included notifying all building occupants that fire protection systems were non-operational during the Fire Watch Order and patrolling the premises with radio communication devices while wearing distinctive visible clothing or uniforms.

The jury heard from Atira employees, including the Winters Hotel program manager, that they had not been provided with any formal fire safety training relating to fire watch procedures, fire drills, use of fire extinguishers, or orientation with the building's fire alarm and sprinkler systems. Further, no training had been delivered regarding developing and acting upon personal evacuation plans for persons with disabilities.

Some witnesses referred to a "Red Book" containing Atira's emergency response policies, and information about the fire alarm and sprinkler systems. A front desk worker and the Winters Hotel program manager testified that they had read the Red Book, but their employer had not taken any steps to confirm if they had reviewed the material.

The Winters Hotel program manager testified they were given the Notice of Violation from someone other than the VFRS Fire Captain, but nevertheless confirmed they received it on April 8, 2022, shortly after the fire. The program manager directed staff at the building to ensure fire watch patrols were completed and they set about working on various other tasks. These included completing a Critical Incident Report for review by their superiors at Atira, completing a Building Incident Report as required by BC Housing, and contacting a building restoration company to deal with flooding and water damage caused by the sprinklers. They did not contact a fire safety contractor to have technicians restore the sprinkler system and service the fire alarm system, even though the Notice of Violation specified this be done immediately.

The Winters Hotel program manager testified that Atira had provided them with a list of approved vendors for trades services, including building maintenance, plumbing, flood restoration, and fire safety contractors. They told the jury that the only fire safety contractor they were authorized to retain was Royal City Fire Supplies Ltd. (RCFS).



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Since the April 8, 2022 fire occurred on a Friday outside of regular business hours, they believed that retaining RCFS at that time would result in overtime charges and a much larger bill than if the work was done during regular business hours. They said it was their understanding that they were not authorized to retain vendors if overtime charges were applicable. They further advised it was their belief that Atira had to manage its budget for the Winters Hotel and other SRO properties very carefully, and its program managers were expected to do the same. When asked why they were able to retain the flood restoration contractor at overtime rates, they explained that they were authorized to incur the additional expenses if it was to address a problem impacting multiple areas of the building, such as other SRO units or the commercial retail units below.

They also expressed some uncertainty regarding whether RCFS technicians were available on a 24-7 basis. They stated their belief that if they were to call RCFS that evening or over the weekend, an afterhours call centre would take a message but they would not receive a response from RCFS technicians until the following Monday or later.

Ultimately the Winters Hotel program manager did not call RCFS until the morning of Monday, April 11, 2022.

The Chief Executive Officer of the Advantage One Group – the parent company of RCFS – testified that ASTTBC-certified fire alarm and sprinkler technicians were available to respond on a 24-7 basis at the time of the April 8, 2022 fire, though after-hours rates would have been applicable. The jury was provided with an RCFS call log indicating that the Winters Hotel program manager called on April 11, 2022 around 0951 hours requesting that the sprinkler system be recharged and that four fire extinguishers be provided.

On the morning of April 11, 2022, another fire broke out at the Winters Hotel. Smoke was first seen coming from Unit 206 at 1056 hours. The jury viewed a video recording that showed a person using a bucket to throw water into the door of the unit from the adjacent hallway. Other tenants and staff attempted to alert the other occupants and evacuate them to safety.

Within a matter of a few minutes Unit 206 erupted into flames and the Winters Hotel filled with smoke. Tenants continued to make their way out of the building via the enclosed staircase on Floor 1, many carrying personal effects and pets. Chunks of burning debris were seen falling from the upper levels of the building, down through the open atrium, and landing on Floor 1 a short distance from the tenants.

Inquest witnesses and video recordings established that the fire sprinkler system was non-operational at the time of the fire. Attempts to put out the flames with fire extinguishers were ineffective because several located within the Winters Hotel had been emptied during the previous fire on April 8, 2022.

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All witnesses testified that the building's central fire alarm bells did not sound at the beginning of the fire.

One tenant, who lived in Unit 111, testified they had no idea there was an emergency until smoke entered their suite through a hole in the wall. They told the jury they briefly opened their door but shut it when it was apparent the building was full of smoke. They were ultimately rescued by fire crews who evacuated them through an exterior window.

This witness, along with two other tenant witnesses who lived in Units 116 and 315, testified that they had not been notified the building was under a Fire Watch Order, nor that the fire alarm and sprinkler systems were non-operational. They said they had never been provided with fire safety training of any kind, nor had they ever participated in fire drills since moving into the Winters Hotel.

One witness, employed by Atira as a pet outreach coordinator for tenants caring for animals at various SRO properties, recorded two time-stamped videos with their mobile phone from a vantage point on Floor 1. The first video, recorded at 1057 hours, shows black smoke coming from the window of an SRO unit on Floor 2. The sound of individual smoke detectors can be heard trilling in the background but it was clear that the building's central fire alarm system had not been activated at that time.

The pet outreach coordinator testified that they left the Winters Hotel momentarily to assist with evacuating pets, then returned to the same vantage point on Floor 1. The second video, recorded at 1101 hours, shows the same SRO unit on Floor 2 fully engulfed with flames emanating from the window out into the atrium. In this video it appears that the building's central fire alarm bells were ringing. The pet outreach coordinator testified the fire alarm bells began ringing a few seconds prior to the start of the second video recording. They told the jury they were certain the alarm bell was ringing within the Winters Hotel, and that it was not an alarm bell from a neighbouring building.

The Advantage One Group CEO provided the jury with possible explanations as to why the building's central fire alarm bell did not ring during the April 8, 2022 fire, nor at the beginning of the April 11, 2022 fire. They testified that the fire alarm bells may not have rung because the alarm system was non-operational, or possibly because heat from the April 8 and 11 fires on Floor 2 had not reached the heat detectors on Floor 3. When asked about the evidence and video recordings from the pet outreach coordinator, they said that it was possible the alarm bells were activated by a manual pull station, even if other parts of the fire alarm system and detection equipment were not working properly. They also noted that while the building had eight alarm bells, this would be considered insufficient by today's standards.



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The jury heard that despite the efforts of tenants, staff, and VFRS personnel, the building was destroyed. Approximately 70 tenants were displaced, many were injured, and some pets are known to have perished in the fire.

Investigations by VFRS and the Vancouver Police Department (VPD) established that the fire was most likely caused by unattended candles left burning inside Unit 206. The tenant who had lived in this unit told a VFRS fire investigator that they sometimes used candles to light cigarettes and smoke narcotics. Further investigation by the VFRS fire investigator established that this tenant had a history of fire incidents involving candles both before and after the Winters Hotel fire on April 11, 2022. The tenant reported that they had accidentally set their hair on fire while in bed more than once.

Several witnesses described the aftermath of the fire as chaotic and confusing. Some building occupants gathered at a designated muster point, whereas others did not. Attempts were made to account for the whereabouts of all tenants and staff. This process was a collaborative effort between staff from Atira, BC Housing, and other emergency personnel. The jury heard that the most up to date list of Winters Hotel tenants was inadvertently left behind in the building during the evacuation and was destroyed. Witnesses testified that alternate versions of tenant lists were obtained from other sources but the information contained within them was incomplete or out of date.

A VPD Detective testified that on April 12, 2022, they were assigned to investigate aspects of the incident and assist with determining the whereabouts of building occupants who were unaccounted for. The VPD Detective stated that at one point, an Atira representative provided information to police suggesting that Mary Ann Garlow and Dennis James Guay were accounted for.

In the days that followed it became apparent that Mary Ann Garlow and Dennis James Guay were missing. Due to dangerous conditions within what remained of the building, it was not possible for emergency responders to access or search the premises in person. A VFRS fire investigator testified that they attempted to survey the structure with an aerial drone, but the drone crashed. Search efforts eventually resumed with the assistance of heavy equipment operators using large excavators.

On April 22, 2022, two unidentified decedents were located within the rubble. The first decedent appeared to have fallen through the floor from Unit 304 into 204 below. The second decedent was found in the hallway outside Unit 303. The two decedents were removed from the premises with the assistance of a high-angle rescue team and transferred to the care of the BC Coroners Service.

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The jury heard evidence from a BC Coroners Service identification specialist and a forensic DNA specialist from the British Columbia Institute of Technology Forensic DNA Laboratory. They testified that the first and second decedents were positively identified as Dennis James Guay and Mary Ann Garlow, respectively. Their identities were verified by comparing DNA profiles from the decedents to DNA profiles obtained from closely related family members.

The jury also heard evidence from a forensic toxicologist and a forensic pathologist who conducted postmortem examinations on behalf of the BC Coroners Service.

Toxicology analysis determined that Mary Ann Garlow and Dennis James Guay both had levels of carboxyhemoglobin in their system at concentrations associated with fatal outcomes. Carboxyhemoglobin is produced when carbon monoxide enters a person's body and binds with hemoglobin in the blood. It is a common toxicological finding for persons who have died during a fire. No other substances were detected which caused or contributed to the deaths of either person. The forensic pathologist testified that the medical cause of death for both decedents was determined to be thermal injuries and smoke inhalation due to a residential fire. They also testified that the death occurred during the fire but could not provide a specific time of death.

The jury reviewed a City of Vancouver council report dated January 24, 2023. It stated that by the end of 2022, there were 154 SRO buildings open and operating within the city, including hotels and rooming houses. These buildings provided 7,200 rooms for housing. It was estimated that 52% of the buildings were privately owned, and 48% were owned by the city, the province, non-profit organizations, or Chinese benevolent societies.

The council report also stated that SRO structure fires increased 114% between 2016 and 2022. According to VFRS fire statistics, there were 380 fire incidents in Vancouver SRO buildings in 2022. Of these, 70% were caused by smoking materials and the mishandling of lighters, candles, and matches. In 2022, 417 tenants were displaced by fires at seven different SRO buildings, including those residing at the Winters Hotel.

Various witnesses provided the jury with insights into fire safety regulations and enforcement. The *National Fire Code of Canada* contains provisions relating to the safety of people in buildings during a fire. This federal legislation is updated every five years and is routinely adopted by the Province of British Columbia a few years later as the *British Columbia Fire Code*. For example, at the time of the Winters Hotel fire, the *British Columbia Fire Code (2018)* had the same requirements and standards as the *National Fire Code of Canada (2015)*.

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Section 2.8.2 of the *British Columbia Fire Code (2018)* requires certain types of buildings to have a formal Fire Safety Plan which includes protocols for instructing occupants on procedures to be followed in the event of a fire, the holding of fire drills, appointing and training staff to carry out fire safety duties, controlling fire hazards within the building, and documentation relating to the type, location, and operation of fire emergency systems. There is a further requirement that the Fire Safety Plan be updated at intervals of no more than every 12 months to consider any changes in use or other characteristics of the building.

No witnesses called to testify at the inquest were able to produce a copy of the Winters Hotel Fire Safety Plan, nor could they speak to its contents, or when it was last updated. Witnesses from Atira testified that the plan would have been printed and located in the building and therefore destroyed in the fire since there was no electronic copy. The Advantage One Group CEO testified that prior to the inquest, representatives from Atira contacted RCFS seeking a copy of the Fire Safety Plan as they were unable to locate one. Upon reviewing their records, RCFS found no evidence that RCFS or its usual subcontractor had ever been retained by Atira to produce a Fire Safety Plan for the Winters Hotel. Further, a request by RCFS to the City of Vancouver had negative results.

Municipal fire bylaws are the principal mechanism by which local fire services issue Notices of Violation, impose orders to repair fire safety systems, impose orders to conduct fire watches, and issue municipal ticket infractions for non-compliance. The jury heard that in the City of Vancouver, fines range from \$500 to \$1,000.

Municipalities that establish fire bylaws must meet or exceed the requirements and standards set out under the British Columbia Fire Code. Municipal governments also have the option of bringing matters of non-compliance to the courts for prosecution. Fire chiefs or their designates may also issue Do Not Occupy orders for buildings or individual residential units that are unsafe for occupancy.

The *National Building Code of Canada* contains provisions relating to the protection of buildings from the effects of a fire. Much like the *National Fire Code of Canada*, it is updated every few years, and its standards and requirements are adopted by the Province of British Columbia as the *British Columbia Building Code*. Municipalities may develop building bylaws provided the bylaws meet or exceed the standards and requirements of the British Columbia Building Code.

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The jury heard that the Winters Hotel was subject to many types of inspections over the years for various reasons. The City of Vancouver conducted annual building inspections, which included inspections of individual SRO units and common use areas. VFRS conducted annual fire inspections of the building's fire safety systems, but this work generally did not include inspections of individual SRO units. VFRS conducted additional inspections following receipt of fire safety complaints and following fire incidents or activation of fire safety equipment. RCFS was hired by Atira to service and inspect fire safety systems and equipment servicing after receiving Notices of Violation or Fire Watch Orders from VFRS.

During the inquest the jury heard from a VFRS Fire Captain in charge of the agency's Urban Compliance Team, formerly known as the "Problem Building Team." The jury also reviewed a VFRS Property Inspection History Report. The VFRS Fire Captain confirmed that VFRS had attended the Winters Hotel to conduct inspections and enforcement actions 30 times from the time that Atira became the operator of the Winters Hotel in July 2017 until December 2021. The VFRS Fire Captain stated that while 30 attendances in that limited time frame would be unusual in the context of a different type of building, this was typical for an aging SRO building in Vancouver's Downtown Eastside.

The VFRS Fire Captain said that while there were some general fire safety concerns arising from the age, construction materials, and design of the building, the Winters Hotel was "not on the radar" as a major source of concerns. There were many SRO buildings that were far more problematic in that regard, some of which had hundreds of fire incidents in a relatively short time frame. The VFRS Fire Captain said that Atira was operating some of the more challenging SRO buildings in the Downtown Eastside with respect to recurrence of fires and false alarms.

The jury heard evidence that the BC Housing operating agreement for the Winters Hotel required AWRS to conduct "...routine inspections to ensure safety hazards are identified and corrected," and "...regular fire inspections, drills, testing, maintenance, training, and maintaining records in respect of same." BC Housing's Vice President of Supportive Housing and Homelessness testified that no steps had been taken over the course of Atira's management of the property to ensure these contractual obligations were being met.

The operating agreement stipulates that BC Housing will conduct an on-site operational review to determine compliance with the contract "...from time to time." A BC Housing Vice President told the jury that an on-site operational review of the Winters Hotel had been planned for 2018, but it was postponed at the request of Atira. They further testified that plans to reschedule the review did not materialize later, due to the COVID-19 pandemic.

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Several witnesses told the jury that even though Dennis James Guay was known to be profoundly hard of hearing, no efforts were undertaken by Atira to develop an individual safety plan or "buddy system" to ensure he was notified in the event of an emergency and assisted to safety during evacuations or fire drills. The Winters Hotel program manager testified that they contacted BC Housing at some point in time to request funding for assistive devices that might help Dennis James Guay, but they said they did not receive a response to this query.

The jury also heard evidence from a representative from the Wavefront Centre for Communication Accessibility, specifically, its manager for Accessible Communication Services. The manager provided the jury with an overview of some of the readily available assistive technologies that can be used to alert people who are deaf, or hard of hearing, to an emergency. Some buildings have installed flashing strobe lights that are activated during fire alarms. Some smoke detectors and other devices can be configured to emit sounds at increased volumes and lower frequencies. Some devices that are body-worn or affixed to furniture can vibrate or shake to provide the user with a tactile notification of an emergency. Other assistive technologies can be used with devices such as mobile phones and smart watches and will send warning messages to the user or trigger the device to vibrate.

The Wavefront manager also testified that their organization could have supported Dennis James Guay in a variety of ways, such as conducting a comprehensive assessment of the Winters Hotel and discussing options for addressing his needs with the building's operator. They could also have assisted with applications for funding to connect him with assistive technologies best suited to his needs.

The Wavefront manager stated that it is important for all concerned to recognize that, like all persons with disabilities, persons who are deaf or hard of hearing are not a homogenous group who can be supported with "one-size fits all" solutions. They told the jury that solutions should be developed in partnership with the individual to ensure their needs are appropriately met in a way that works best for them. For example, some persons who are deaf or hard of hearing elect to place a sticker on the door of their residence which alerts neighbours and emergency responders to the fact they are hearing impaired. Others would not be comfortable with doing so. Likewise, certain assistive devices are better suited for some individuals than others for a variety of reasons, including the nature and extent of their disability, and the environment the devices are to be used in.



Province of British Columbia

VERDICT AT CORONERS INQUEST

FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE CORONER'S INQUEST PURSUANT TO SECTION 38 OF THE CORONERS ACT, [SBC 2007] C 15, INTO THE DEATH OF

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Pursuant to Section 38 of the Coroners Act, the following recommendations are forwarded to the Chief Coroner of the Province of British Columbia for distribution to the appropriate agency:

JURY RECOMMENDATIONS:**To: BC Housing**

1. Work with owners and operators of all BC Housing-funded Single Room Occupancy (SRO) buildings so that lease agreements hold the operator to a higher standard for fire safety above the minimum *Fire Code* requirements, including implementation of the following:
 - (a) Upgrade smoke detectors with adjustability for sensitivity in all SRO rooms and common areas.
 - (b) Provide Funding to SRO operators to install and maintain tamper proofing for all fire safety equipment such as cages over smoke detectors and tamper-proof fire door alarms.
 - (c) As an additional fire safety resource, an inventory of back-up fire extinguishers to be kept aside in a separate location at a ratio of one back up extinguisher for every two extinguishers required by the *Fire Code* for the building and used to replenish floor supply until they can be serviced and put back onto the floor.
 - (d) Ensure that the Fire Safety Plan for each building includes individual evacuation plans for tenants with disabilities written in consultation with each affected tenant, including consideration of a buddy system.
 - (e) Provide comprehensive training to staff and tenants on the priority of steps that must be taken in the event of emergency.

Presiding Coroner Comment: *The jury heard evidence from several witnesses that smoke alarms and fire safety equipment in SRO buildings are frequently damaged, removed, or non-operational. Witnesses described how they were unable to stop the fire at the Winters Hotel because several fire extinguishers had been emptied during a previous fire and had not been replaced. The jury also heard there was no specialized fire safety equipment or personalized evacuation plans for tenants with disabilities, and that Atira's staff at the Winters Hotel did not receive fire safety training.*

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2. Implement the following:

- (a) Perform building inspections on all properties before being cleared for occupancy and assess to determine suitability of occupancy for individual tenants.
- (b) Coordinate assessments of tenants with SRO operators to determine individual specific needs and accommodate them in an appropriate building.
- (c) Maintain an inventory of SROs including individual amenities and barriers such as stairs and no strobe lights.
- (d) Housing in SROs should be provided with primary focus on the complex needs of the people being served by BC Housing and SRO operators. Housing for persons with complex needs must be done thoughtfully and with a primary goal of placing the person in the most suitable housing for their individual needs. A tiered system of accommodation should be in place to allow for services to be directed more centrally to those in the most need. Clients with simpler needs for housing can be placed in buildings allowing for more independence, if appropriate.
- (e) Housing for SROs should be purpose built or selected. Persons with complex needs should be housed in buildings that meet modern building safety codes and standards.
- (f) Full-time mental health supports should be in place for these buildings. For example, one mental health support person and an additional support person.

Presiding Coroner Comment: *The jury heard evidence that BC Housing did not, as a matter of routine, conduct inspections at privately owned SRO buildings before approving tenant placements there. The jury also heard that a person with a disability was placed in unsuitable housing despite their participation in a BC Housing pre-screening process known as the Vulnerability Assessment Tool (VAT). Several witnesses, including tenants, Atira employees and firefighters, testified that aging SRO buildings are unsuitable for housing tenants with complex needs. The jury also heard that providing tenants with additional resources such as mental health support workers would be beneficial to improving safety.*

3. Study the feasibility of upgrading SROs to modern building safety codes or replacing them with buildings that meet these standards.

Presiding Coroner Comment: *The jury heard evidence that older SRO buildings were constructed to meet Building Code standards of the day and there is no specific legal requirement that these structures be upgraded to meet current standards.*

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4. Phase out or eliminate BC Housing-funded SROs being operated in privately owned buildings.

Presiding Coroner Comment: *The jury heard evidence from several witnesses that many SRO buildings are aging structures that are unsuitable for housing tenants with complex needs. The construction and design of these buildings is often inconsistent with modern safety standards. These issues – in conjunction with human-driven risk factors such as non-compliance with smoking prohibitions, unsafe handling of smoking materials, and unattended sources of heat and flame – represent a significant risk of fire, displacement, injury, and loss of life. The jury heard that BC Housing does not inspect privately-owned SRO buildings for fire safety issues prior to housing tenants in them but it does conduct inspections of its own properties. Other witnesses from Atira and Winters Residence Ltd. told the jury that there were sometimes disagreements over who was responsible for repair costs under the terms of their leasing agreement. Some tenants testified that building repairs and maintenance can be held up for weeks or months at a time because of such disagreements.*

5. Include requirements in future operating agreements with SRO operators for a Fire Watch to be supplemented by extra staff or a qualified third-party provider such as a Fire Warden position or qualified third-party Fire Watch provider.

Presiding Coroner Comment: *The jury heard evidence that Atira staff had not been trained to perform fire watches in accordance with the requirements set out under the VFRS Fire Watch Procedures document. They also heard that due to staffing levels, the workers conducted the fire watch at the same time as their regular employment duties. Atira's Director of Strategic Planning for SRO Properties testified that fire watch duties may be impacted if staff need to provide emergency assistance to tenants experiencing an acute drug toxicity event or mental health crisis. The jury heard from multiple witnesses who stated that increasing staffing levels to supplement fire watches could improve safety. Other witnesses, including the Atira director, testified that fire watches could be performed by professional security guards or other individuals who have received specialized training. Examples of this training include the VFRS Fire Warden program for SRO employees and the SRO Fire Safety Preparedness and Response program provided by the Downtown Eastside SRO Collaborative Society.*

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6. Create a mechanism for tenant complaints with a dedicated phone line and online contact point staffed by a Tenant Ombudsperson who will receive, investigate, and follow up on tenant concerns and issues. Provide tenants with pamphlets or posters explaining how to access the Tenant Ombudsperson.

Presiding Coroner Comment: *The jury heard that some of the tenants residing at the Winters Hotel were afraid to complain about the conditions in the building due to fear of negative repercussions. BC Housing's Vice President of Supportive Housing and Homelessness testified that tenants could lodge complaints by phone or e-mail, however, the jury also heard that some people residing in SROs may not have access to a phone or the Internet and may not be aware of their options for bringing complaints forward. The BC Housing Vice President confirmed that the agency had not directly canvassed SRO tenants for complaints or concerns. One tenant testified that they reached out to the City of Vancouver's "311" municipal services hotline for assistance, but they were not aware if anyone had done anything to address their concerns.*

7. Lease agreements with SRO operators should include a requirement for the operator to have a resource team available 24/7 to be called out during critical incidents to provide additional staffing and support to front line staff and managers.

Presiding Coroner Comment: *The Winters Hotel program manager testified about their experiences following the fires of April 8 and 11, 2022. The jury heard evidence from this witness and others that Atira's SRO program managers are responsible for completing several tasks following a fire emergency, including communicating with tenants, staff and supervisors; completing incident reports for Atira and BC Housing; retaining contractors to restore fire safety systems and repair building damage; liaising with firefighters and fire investigators; and if necessary, finding emergency accommodations for any tenants who have been displaced.*

8. Require SRO operators to maintain up to date tenant lists. These should be stored on site and the same information should be immediately and remotely accessible for the benefit of emergency responders.

Presiding Coroner Comment: *The jury heard evidence that the most accurate list of tenants residing at the Winters Hotel was inadvertently left in the building during the fire. Attempts to confirm whether all tenants had been evacuated safely were hampered by incomplete and out of date information found in other lists obtained from alternate sources.*

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9. Make funding available to SRO operators to use at their discretion in the case of an extreme building safety issue to allow for prompt return to operational status, such as necessary elevator repairs, larger fire panel repairs or replacements.

Presiding Coroner Comment: *The jury heard evidence that building maintenance projects and fire safety systems repairs at the Winters Hotel were sometimes delayed due to confusion or disagreements between Atira and Winters Residence Ltd. about which party was responsible for the costs under the terms of their lease agreement.*

10. Add a requirement to the operating agreements that SRO staff members conduct monthly formal inspections to check for working smoke detectors.

Presiding Coroner Comment: *The jury heard evidence that smoke alarms in SRO buildings are often damaged, removed or stolen. The jury also heard there was no formal process or requirement for Atira staff to enter individual SRO units to ensure smoke alarms were present and operational. The British Columbia Fire Commissioner told the jury that provincial fire data from 2022 shows that working smoke alarms were present in just 45% of all recorded fires.*

11. Provide that all SRO lobbies and common areas must have tamper-proof bulletin boards to provide safety and other related information.

Presiding Coroner Comment: *The jury heard evidence that emergency notices at the Winters Hotel were constantly being removed.*

To: Minister of Public Safety and Solicitor General

12. Bring the *Fire Safety Act* of 2016 into force without delay to provide fire services with tools for additional enforcement.

Presiding Coroner Comment: *The jury heard evidence that the Fire Safety Act of 2016 has received Royal Assent but has not yet been brought into force.*

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13. Encourage the use of city bylaws to increase enforcement and compliance, and to improve fire prevention and fire safety.

(a) Encourage municipalities to update bylaws, where possible, to allow for more robust enforcement, including options for escalating fines and prosecution for building owners who do not comply with fire notices and orders.

(b) Encourage municipalities to make Fire Watch orders enforceable with significant penalties if not immediately enacted.

Presiding Coroner Comment: *The jury heard from various witnesses that Notices of Violation are sometimes ignored by SRO building owners or operators, and tenants are not always notified about fire watches and fire safety issues within their buildings.*

14. Consider legislative or other changes to fully fund all assistive devices to eliminate any barriers to safety for residents of SROs with mobility or hearing disabilities. If implemented by legislation, consider naming it in honour of Mr. Dennis Guay.

Presiding Coroner Comment: *The jury heard that some fully portable assistive fire alarm devices – with features such as strobe lights or vibration equipment – can be purchased for \$200 to \$500. The Wavefront manager told the jury that the Province of Ontario provides funding for all persons requiring assistive technologies and the application process to receive this funding is much simpler than what is required in other provinces.*

15. Work with municipalities to consider making it mandatory for fire supply companies to report needed repairs identified on annual Fire Systems Inspections of SRO buildings to the relevant local fire department.

Presiding Coroner Comment: *The jury heard evidence that fire safety contractors like RCFS are not legally required to report deficiencies identified during fire safety systems inspections to the local fire department.*

To: City of Vancouver and Vancouver Fire Rescue Services (VFRS)

16. Create a database which lists all SROs, city shelters and transition houses to include a history of municipal bylaw violations, fire watch orders, and occupants with disabilities.

Presiding Coroner Comment: *The jury heard evidence that VFRS firefighters may benefit from having access to this information to assist with fire response, fire inspections, and enforcement activities.*

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17. Provide copies of all Fire Watch Orders, Notices of Violations and Municipal Ticket Infractions, and annual fire inspection reports to the SRO operator and building owner.

Presiding Coroner Comment: *The owner of the building testified that after the Winters Hotel was leased to Atira in 2017, they no longer received copies of Fire Watch Orders, Notices of Violation, Municipal ticket infractions, or inspection reports. The owner did continue to receive annual inspection reports from the city. The owner told the jury it would be helpful for owners to receive all of these documents as it would provide them with a better sense of issues within their buildings.*

18. Expand hours and staffing of the VFRS Urban Compliance Team to seven days a week.

Presiding Coroner Comment: *The jury heard evidence that the VFRS Urban Compliance Team was not sufficiently resourced to provide services 7 days a week. A VFRS Fire Captain testified that if firefighters submitted fire safety concerns about a particular property into their information database on a Friday, the Urban Compliance Team would not be able to follow up with inspection and enforcement actions until after its members returned to duty after the weekend.*

19. Collaborate and coordinate fire and building inspections so that they alternate every six months.

Presiding Coroner Comment: *The jury heard evidence that VFRS and the City of Vancouver could improve coordination of annual fire and building inspections to maximize opportunities to identify safety hazards as early as possible.*

To: City of Vancouver and Vancouver Coastal Health

20. Create a 24/7 mobile call-out team to support VFRS Fire Hall 2 personnel responding to critical incidents. This team should include staff capable of responding to the complex needs of SRO tenants, such as social workers, psychiatric nurses, and mental health support workers, who could advise BC Housing and the SRO operator regarding the high-risk actions of particular tenants.

Presiding Coroner Comment: *The jury heard evidence that VFRS personnel are frequently attending SROs for matters unrelated to fighting fires such as false alarms, smoking complaints, and medical emergencies including mental health incidents and acute drug toxicity events. These calls strain VFRS resources and impact their ability to respond to fires. The jury also heard that additional work could be done to identify individuals responsible for multiple fire incidents so that BC Housing and SRO operators can ensure they are housed and supported appropriately.*

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21. Expand the scope of the Hoarding Action Response Team to include a team dedicated to all SROs in the Downtown Eastside.

Presiding Coroner Comment: *The jury heard evidence that hoarding is a common problem in SRO buildings; it adds to a building's fire load and increases overall fire safety risk. A VFRS Fire Captain from the Urban Compliance Team testified that the Hoarding Action Response Team (HART) is a partnership comprised of personnel from the City of Vancouver, VFRS, and Vancouver Coastal Health. HART does not aid with clients living in Downtown Eastside SRO buildings.*

22. Expand the Downtown Eastside SRO Collaborative Pilot Project for tenant fire safety training to include all SROs in the Downtown East side.

Presiding Coroner Comment: *The jury heard evidence from tenants that this tenant-focused fire prevention and response program would improve the overall safety of the community. A City of Vancouver council report reviewed by the jury stated the pilot phase of the program would only involve the participation of 18 SRO buildings.*

To: Minister of Housing

23. Establish an annual conference including staff from the Ministry of Housing, BC Housing, and all stakeholders in the Downtown East side to exchange information and establish best practices for fire safety and critical incident prevention and response.

Presiding Coroner Comment: *The jury heard evidence that a conference of this nature would create opportunities for SRO housing partners across the province to learn from each other and develop best practices for promoting fire safety.*

24. Create a combined task force or working group to include the City of Vancouver, other municipalities, and regional districts to identify land that could be developed for social housing, shelters, and transitional housing.

Presiding Coroner Comment: *The jury heard evidence that while BC Housing has financial resources to increase the amount of available social housing, it lacks sufficient land inventory.*



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To: Vancouver Police Department

25. Work with SRO operators to develop mutual best practices for missing persons incidents so that tenants are considered missing until they are located, or their safety is confirmed by a reliable witness who has direct knowledge of that individual.

Presiding Coroner Comment: *The jury heard evidence that improving SRO operator procedures for critical incident responses – such as maintaining accurate and up to date tenant records and providing reliable information to police in a timely manner – would assist police in their efforts to determine whether tenants are safe and accounted for. The jury heard from a VPD Detective who testified that multiple Winters Hotel tenant lists obtained after the fire were incomplete or inaccurate. The names of five additional tenants who did not appear on any of these lists were later obtained from the Ministry of Social Development and Poverty Reduction.*