

Report to Community and Protective Services Committee

To: Chair and Members
Community and Protective Services Committee

From: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development

Subject: Regulating Maximum Temperatures in Rental Units

Date: September 9, 2024

Recommendation

That, on the recommendation of the Deputy City Manager, Planning and Economic Development the following actions be taken:

- (a) the following report **BE RECEIVED** for information purposes;
- (b) a draft by-law **BE PREPARED** for a future meeting of the Community and Protective Services Committee.

Executive Summary

This report outlines the preparation plans for a new Maximum Temperature By-law which would require landlords or property owners of rental units with air conditioning systems to maintain a temperature not exceeding 26 degrees Celsius (26 °C).

Upon initial review, staff suggest that the residential cooling requirements would apply under the following conditions:

- The rented/leased unit already has an air conditioning system.
- The rental agreement explicitly states that the landlord or property owner will provide air conditioning.
- The new building(s) includes an air conditioning system.

Linkage to the Corporate Strategic Plan

The report aligns with the “Wellbeing and Safety” focus of the 2023-2027 Corporate Strategic Plan, emphasizing safety and quality of life for all Londoners. It also enhances proactive by-law enforcement to safeguard the health and safety of tenants and residents.

Analysis

1.0 Background Information

1.1 Previous Reports Related to this Matter

January 28, 2018 – Report to Community and Protective Services Committee – Vital Services By-law – Information report on air conditioning in rental units

1.2 CEAP 2022 Progress Report

In April 2022, Municipal Council approved the Climate Emergency Action Plan (CEAP) to achieve net zero emissions community-wide by 2050. The CEAP Progress Report from May 2023 emphasized the warming global weather trends and the rapidly increasing hazards they bring. It highlighted that more intense heatwaves and heavier

rainfall pose greater risks to human health. The Municipal Compliance service area was tasked in this plan to address temperature maximums in rental units.

2.0 Discussion and Considerations

2.1 The Provincial Residential Tenancies Act

As per the Residential Tenancies Act (RTA), tenants must have access to essential services such as:

- Heat
- Hot and cold water
- Electricity
- Fuel

The RTA defines heat as a “vital service” that property owners must supply. The RTA outlines the requirements for heating systems in all habitable spaces within rental units. The RTA does not mandate cooling as a “vital service” and does not impose similar requirements for air conditioning.

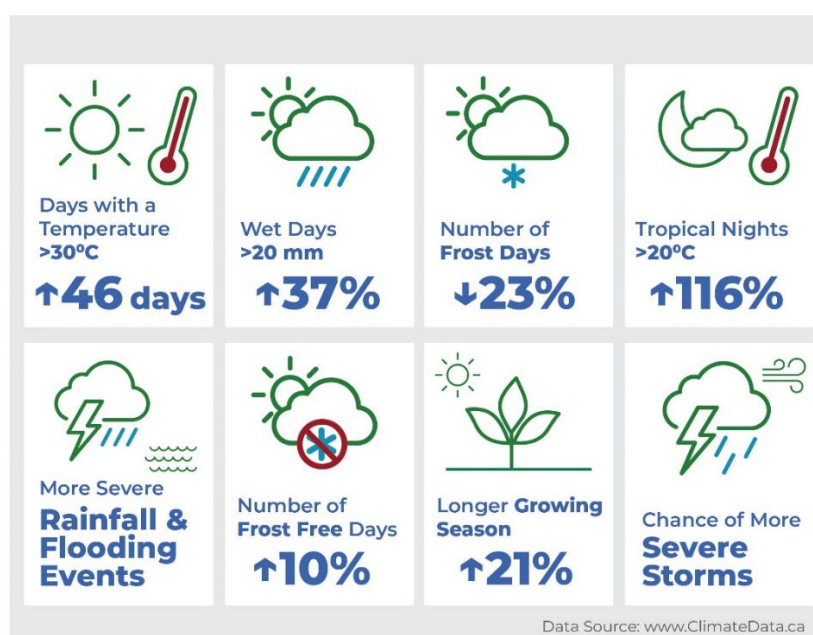
2.2 The Municipal Act

The *Municipal Act* is the main statute governing municipalities' creation, administration, and government in Ontario. Subsection 10(2) 6) of the *Act provides that a municipality may pass by-laws respecting: the health, safety, and wellbeing of persons.*

2.3 Direct Impacts of Increased Temperatures

A 2023 report from the Ontario Government indicates that climate change is significantly affecting various sectors, including infrastructure. The report predicts that by the end of the century, most of the province will face over 60 extremely hot days annually. The following chart illustrates projected weather statistics for London in 2050.

Figure 1 – Projected weather statistics – London Ontario, Canada 2050.



2.3 Cooling rooms and City Cooling-centres

Cooling rooms

Throughout Ontario, tenants and advocacy groups have pursued solutions to combat excessive indoor temperatures in apartment buildings. Some municipalities have mandated that all existing apartment buildings must offer air-conditioned units or a designated air-conditioned cool room. However, healthcare advocates argue that cooling rooms are insufficient, as most residents remain in their rooms, and staff cannot often escort all residents to these cooling areas.

Cooling centres

Across the Province, various Cities have addressed extreme heat events by establishing cooling centers in places like libraries, community centers, private malls, and municipal pools. When Environment Canada issues a heat alert, the City of London activates an extreme temperature protocol, which usually involves opening multiple cooling centers for residents needing temporary relief from the heat.

2.4 Adequate Temperature By-laws in Ontario

Mississauga

[May 2018] - Mississauga was one of the first Cities in Canada to implement a maximum temperature by-law. This regulation mandates that in buildings equipped with air conditioning, landlords must ensure that the temperature does not exceed 26 degrees Celsius.

Toronto

[June 2024] - A coalition of tenant and environmental advocacy groups is urging the City of Toronto to establish a maximum temperature by-law. Like the existing requirement for landlords or property owners to heat units during cold weather, the coalition is asking the City to implement regulations ensuring that residences do not exceed 26 degrees Celsius when outdoor temperatures rise.

Canadian Board for Harmonized Construction Codes

Recent extreme heat events, such as the 2021 Heat Dome in Western North America, have highlighted the significant health impacts of extreme indoor heat. Since 2017, Health Canada has been working to enhance our understanding and response to indoor heat, especially for vulnerable populations.

Given the health risks associated with extreme heat, the Canadian Board for Harmonized Construction Codes (CBHCC) is considering revisions to the National Model Building Code to mitigate the risk of indoor overheating.

2.5 Maximum Rental Unit Temperature Subcommittee

Civic Administration is also recommending the creation of a Maximum Rental Unit Temperature Subcommittee of the existing Tenant Landlord Taskforce. This would include representatives of landlords, tenants, property managers, Middlesex London Health Unit, London Hydro, and City Staff.

The main goal of this subcommittee would include discussions on the possibility of considering several strategies including, but not limited to:

- Requiring that all existing apartment buildings provide air-conditioned units or an air-conditioned space in the building.
- Requiring that all new apartment buildings have air conditioning.

Staff would consider comments and discussions from this Subcommittee in reporting back to CPSC with a recommended strategy to address excessive indoor temperatures in rental units.

2.6 Proposed Cooling Requirements

Staff have been consulting with The Middlesex London Health Unit (MLHU) on this emerging issue. The MLHU will present a report to the Board of Health on September 19, 2024, addressing this issue. Staff will continue to work with the MLHU on the proposed changes to the National Model Building Code.

To address the heat related health risks in London, it is recommended that Council consider a new Maximum Temperature By-law.

The new by-law would require adequate cooling in all areas of the rental unit and a maximum heat of twenty-six degrees Celsius (26 °C). It is proposed that the by-law would apply to the following situations:

(1) the rented or leased dwelling unit has been equipped or furnished with an air conditioning system or unit; and

(2) a landlord or property owner and tenant have expressly agreed that the rented or leased dwelling unit will be air-conditioned by, or at the expense of, the landlord or property owner.

The proposed changes to the by-law would not obligate property owners and/or landlords to maintain a maximum temperature if the dwelling unit lacks an existing air conditioning system or unit.

3.0 Financial Impact/Considerations

There are currently no financial impacts. Staff are however aware that some municipalities are considering supplying portable air conditioner units to low-income families as well as health compromised citizens. Such a program would require a funding source.

Conclusion

A new Maximum Temperature By-law would aim to establish clear regulations requiring property owners and/or landlords to provide adequate and suitable cooling. As climate change leads to more frequent extreme heat events, this by-law would ensure tenants enjoy comfortable and safe indoor temperatures during extreme weather conditions.

Prepared by: Mark Hefferton, MURP, RPP, MCIP
Policy and Program Analyst, Municipal Compliance

Submitted by: Nicole Musicco
Manager, Licensing, Policy and Special Operations,
Municipal Compliance

**Reviewed and
Concurred by:** Orest Katolyk, MLEO (C)
Director, Municipal Compliance

Recommended by: Scott Mathers, MPA, P.Eng.
Deputy City Manager, Planning and Economic Development