



TO:	CHAIR AND MEMBERS PUBLIC SAFETY COMMITTEE
FROM:	G. KOTSIFAS, P. ENG. DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL
SUBJECT:	VITAL SERVICES BY-LAW AND AIR CONDITIONING MEETING ON JANUARY 24, 2012

RECOMMENDATION

That on the recommendation of the Director of Building Controls and Chief Building Official, this report **BE RECEIVED** for information purposes, it being noted that the Vital Services By-law does not affect the use of air conditioners in rental units prior to June 15th of a calendar year.

BACKGROUND

On May 3, 2011 and June 14, 2011 the Community and Neighbourhoods Committee requested a report with respect to landlords being restricted from providing air conditioning to their tenants prior to June 15.

The Vital Services By-law addresses matters of non payment of vital services by landlords and the provision of adequate heat for rental units. Every year when there is a heat spell in early spring, there appears to be a public misconception that air conditioning units cannot be turned on before June 15th as this would be in violation of the by-law.

Below are the relevant excerpts from the Vital Services by-law:

"adequate and suitable" in reference to vital services at a rented residential unit means sufficient to enable,

- (a) the refrigerating, freezing, preparing and cooking of food for human consumption;
- (b) the heating of the unit on and between the 15th day of September of one year and the 15th day of June of the following year to a minimum temperature of 20 degrees Celsius (68 degrees Fahrenheit) between six o'clock in the morning and eleven o'clock in the evening of the same day, and to a minimum temperature of 18 degrees Celsius (65 degrees Fahrenheit) at all other times;

3.3 Heating system - provide - maintain - repair

A landlord shall provide, maintain and repair a heating system for every building in which a rented residential unit is located, in working order sufficient to ensure the supply of adequate and suitable vital services to each part of the building used as a dwelling, so that the requirements of this by-law are met.

3.4 Maintain heat - September to June - minimum requirements

Between the 15th day of September of one year and the 15th of June of the following year, a landlord shall provide a continuous supply of heat to a rented residential unit so that a minimum temperature of 20 degrees Celsius (68 degrees Fahrenheit) will be maintained between the hours of six o'clock in the morning and eleven o'clock in the evening of the same day, and a minimum temperature of 18 degrees Celsius (65 degrees Fahrenheit) at all other times.

The by-law does not restrict landlords from providing air conditioning prior to June 15th. A landlord must provide that the minimum temperature of the rental unit does not fall below 20 degrees Celsius (68 F) between 6 a.m and 11 p.m., and a landlord must provide that the minimum temperature of the unit does not fall below 18 degrees Celsius (65 F) between 11 pm and 6 am. There is nothing to prevent a landlord from providing cooling of the unit, as long as the unit temperature can be controlled in accordance with the minimum temperatures as stated in the by-law.

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In order to address the misconception that air conditioning units cannot be turned before June 15th , the Municipal Law Enforcement Services Office will consult with the London Property Managers Association in early spring and ask that their members be advised of the interpretation of the Vital Services By-law with respect to air conditioning during spring heat spells.

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