

Committee of the Whole (1) Report

DATE: Tuesday, January 21, 2025

WARD(S): ALL

TITLE: VITAL SERVICES BY-LAW

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

Staff in By-law and Compliance, Licensing and Permit Services (BCLPS) propose the enactment of a Vital Services By-law, in order to help ensure staff can quickly address situations in which tenants may not be provided with adequate heat, cooling, water or energy.

Report Highlights

- Current regulations with respect to vital services focus on the capability and maintenance of building systems, and where the provision of services is addressed, it also allows for an appeal process that is inadequately onerous to ensure the health and safety of residents.
- The creation of the Vital Services By-law will enable the City to explicitly and quickly address the restoration of vital services for tenants, including heat, cooling, water and energy.

Recommendation

1. That Staff be directed to return to Council with the Vital Services By-law, and all other consequential amendments to other by-laws, substantially in accordance with the recommendations in the Analysis and Options section, subject to any further direction from the Committee of the Whole and Council, and in a form satisfactory to Legal Services.

Background

In line with the [Council-approved By-law Strategy](#), BCLPS staff recommend creation of a Vital Services By-law to help ensure City by-laws continue to be relevant and address and anticipate residents' concerns, as well as enable staff to quickly address non-compliance and restore vital services.

Staff are proposing to address regulatory gaps with respect to the provision of vital services, ensuring better protection for tenants and vulnerable members of the community.

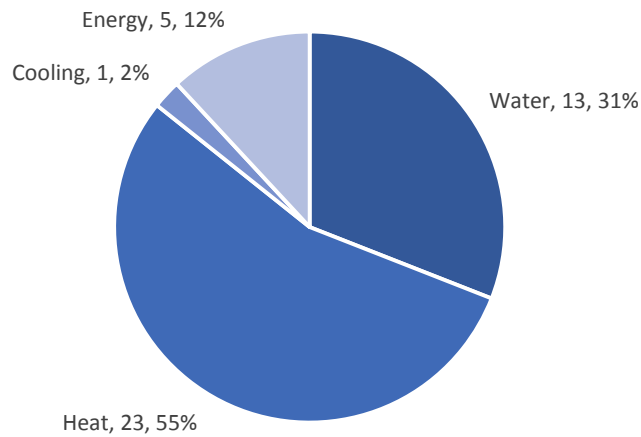
At present, the City's Property Standards By-law has provisions that landlords provide "vital services", such as heat and water, to tenants, stating that:

- landlords must provide a heating system that is capable of heating the air to 21 degrees Celsius;
- a property must have drinkable water from a source approved by the Regional Municipality of York;
- a landlord must not disconnect various utilities providing light, heat, refrigeration, water or cooking facilities for a unit occupied by a tenant, for any longer than required to provide repairs, replacement or maintenance; and
- landlords have the option to appeal any orders given by municipal by-law enforcement officers, such as those requiring a landlord to provide heat. Appeal process and timelines are prescribed in the Building Code Act and hearings are conducted by the City's Property Standards Appeal Committee.

In a review of investigations with respect to vital services since January 2023, staff found that there were investigations in each of the four proposed vital services areas, with heating and water being the most frequent concerns, as shown in Figure 1.

Shortly after the COVID-19 state of emergency was declared in March of 2020, the City established the COVID-19 Emergency Measures By-law, which was a temporary by-law intended to be in effect for the duration of the declared state of emergency, allowing staff to issue orders for landlords to provide vital services, such as hot and cold water, heating, electricity and gas. This by-law has since been repealed.

Figure 1 - Number of investigations that involved vital services, January 1, 2023 to November 30, 2024



To fill this regulatory gap, BCLPS Enforcement Services have recommended a number of regulatory changes to help ensure that by-laws are clear on landlord requirements for vital services. In effect, these recommendations were:

- for City by-laws to not only require landlords to maintain working heating systems, but also to provide heating to a minimum temperature at required times of the year for rented residential units; and
- to have a separate by-law that addresses all of the proposed vital services which, by streamlining the enforcement process, as orders under the by-law would not be subject to appeal, would enable enforcement staff to resolve any vital services issues quickly.

Vital services by-laws are common across the country, with some municipalities also requiring minimum cooling standards.

A look across Canada shows that many municipalities have by-laws which address vital services, providing clear direction about what services are considered essential for landlords to provide to their tenants, and the penalties for failing to do so; examples are found in the by-laws of Brampton, London, Mississauga, Ottawa, Richmond Hill, St. Catherines, Toronto, and Vancouver.

In Toronto and Mississauga, by-laws also require that landlords have cooling systems that can cool a room to 26 degrees Celsius. Both Toronto and Mississauga staff have confirmed that they do receive complaints related to cooling, with Mississauga staff

advising they have received significant numbers of complaints about high temperatures, including 104 in 2022, 73 in 2023 and 56 as at July 2024.

The increasing frequency and intensity of high temperatures have resulted in an emerging health concern that staff intends to address through regulations that set temperature maximums in residential buildings.

The World Health Organization (WHO) released a fact sheet on [Heat and Health](#), explaining that exposure to high temperatures can contribute to a range of health issues, such as respiratory and cardiovascular illness, other physiological issues, and even premature death, with children, the elderly and other vulnerable people most likely to be impacted. WHO also explained that unusually high temperatures are becoming more common in the world, including their growing intensity, more regular frequency, and longer duration.

For these reasons, while many municipal by-laws, including Vaughan's Property Standards By-law, have temperature minimums in order to ensure people can stay warm in the winter, staff suggest also establishing temperature maximums in multi-residential buildings, such as condominiums and apartments, as well as residential homes with air conditioning. Vaughan staff suggest creating the same standard as Toronto and Mississauga, with a temperature maximum of 26 degrees Celsius.

As a practical regulatory measure, multi-residential buildings would be required to have operating heat systems between September 15 and May 15, and cooling systems between May 16 and September 14.

In addition to surveying municipal regulatory regimes, City staff also reached out to property management companies for input, and learned how heating and cooling system capabilities are crucial when considering practical by-law provisions.

One property management company, Cross Bridges, provides property management to over 140,000 condominium units in North America, including 95,000 units in the Greater Toronto Area, including Vaughan. A staff member explained that many buildings have a system which only allows the whole building to be either heated or cooled, with the switch between systems requiring some time and effort to complete (usually by a contractor). As such, if there is an unseasonably hot or cold day, many buildings cannot switch quickly from heating to cooling, or vice versa, to adjust the temperature for that day. Conversely, he also explained that some buildings (albeit a small minority) have more modern and flexible, but also more expensive, systems that allow residents to heat or cool their units at any time of the year.

As such, staff have proposed that in multi-residential buildings, tenants be able to use the heating systems between September 15th and May 15th, and cooling systems between May 16th and September 14th. As energy, i.e., electricity or natural gas, is proposed to be considered as a vital service, if there is an unusual temperature extreme, such as a particularly cold day in late spring, tenants could explore other heating options. As such, staff believe these proposed provisions would be reasonable, taking into consideration building system capabilities, as well as other provisional options available to people for both heating and cooling.

Where cooling systems are not available, cooling rooms would be required to ensure the health and safety of residents.

Some municipalities have additional approaches to keeping their residents cool. For example, in some multi-residential buildings where there is no cooling system, “cooling rooms” have been established, which are communal spaces kept at a cool temperature on hot days. These spaces may be particularly important for residents with mobility challenges or otherwise need to stay close to home.

York Region’s webpage [Extreme Heat](#) encourages various approaches to staying cool both inside and outside, such as having portable heaters and fans available, as well as encouraging its residents to check their lower tier municipalities’ websites for information about “cooling centres”. The City also provides information online on its webpage Emergency Shelters and cooling centres, which list community centres and libraries.

Staff recommend leaving system requirements in the Property Standards By-law and introduce the requirements to provide vital services in the new Vital Services By-law.

In order to create by-law provisions that are applicable to all rental residential dwellings, as well as mitigate the impacts of rising temperatures, staff suggest keeping the existing requirements and standards, as well as adding some new ones:

- **Heating:** Staff recommend keeping the existing Property Standards By-law requirement of having a heating system that can maintain a temperature of 21 degrees and requiring under the new Vital Services By-law that landlords provide access to such heating.
- **Cooling:** In the proposed Vital Services By-law, staff also recommend adding that multi-residential buildings should either have a cooling system capable of cooling the temperature to 26 degrees Celsius, or a cooling room where residents can go that is

at that temperature or cooler. Note that staff recommend this apply to multi-residential buildings and other buildings that already have a cooling system in place, but not to other residential buildings that do not have air conditioning. While the instances where this may apply are likely scant, staff do not think it is reasonable for non-multi-residential buildings to have to provide cooling rooms as space is likely limited or would require owners to purchase and retrofit an air conditioning system. However, where such systems do exist, staff are recommending that the language in the Property Standards By-law be amended to clearly place the same requirements on them as on heating and other mechanical systems. With that said, it also appears that changes may be coming to the Residential Tenancies Act to permit tenants to have an air conditioner under certain circumstances.

Previous Reports/Authority

[Extract from Council Meeting Minutes of June 24, 2014 \(Item 3, Report No. 3, of the Priorities and Key Initiatives Committee\)](#)

[Extract from Special Council Meeting Minutes of April 8, 2020 \(Item 1, Report No. 16 of the Special Committee of the Whole\)](#)

[Property Standards By-law 231-2011](#)

[Administrative Penalties By-law 240-2024](#)

Analysis and Options

The amendments being recommended are detailed in Attachment 1 to this report, describing the current state and the related challenges or issues, listing the recommendations from staff, and providing the reasoning behind the recommendations. All amendments will be detailed in the by-laws that will be sent to council for approval separately.

NO.	CURRENT STATE	RECOMMENDATION	INTENDED IMPACT
1	The City has a Property Standards By-law which covers a wide range of property maintenance standards, including requirements for landlords to provide heating systems and drinkable water for tenants.	To establish a separate “Vital Services By-law” that defines which vital services must be provided and to what degree. The by-law is intended to expedite the path to compliance, and also includes a system of administrative penalties, in which by-law infractions may result in a penalty of \$400.	To help ensure that the City’s tenant-residents have adequate heating, cooling, drinkable water, and energy, and that when these are not provided, the City can issue orders and penalties to landlords to

	<p>The By-law also <u>provides for the City</u> to issue orders to comply and for a system to appeal such orders through the Property Standards Appeal Committee (PSAC).</p>	<p>“Vital Services” under the proposed new by-law will include heating, cooling, hot and cold drinkable water, electricity, and gas.</p> <p>In addition to the creation of a new Vital Services By-law, staff recommend amending the Administrative Penalties By-law to list Vital Services as a designated by-law.</p>	<p>obtain compliance in a timely manner.</p>
2	<p>The Property Standards By-law states that landlords must have a heating system that is capable of heating the air to 21 degrees Celsius but does not currently have provisions with respect to cooling systems.</p> <p>Many buildings have systems that can only provide heating or cooling, but not both to individual units; these building-wide systems must be set to one or the other. In such buildings, changing from heating to cooling, or vice versa, is a process that takes time and is most often accomplished through a contractor. Therefore, in these buildings, it is not possible to adapt to sudden and extreme temperature fluctuations.</p>	<p>To introduce provisions, through the Vital Services By-law, that would require multi-residential buildings <u>to</u> either provide cooling, through a capable system, that maintains temperatures in dwellings to no more than 26 degrees Celsius, or a “cooling room” for residents, that can be maintained at that or a cooler temperature.</p> <p>The by-law is proposed to give tenants the ability to heat their units to the minimum temperature of 21 degrees, between September 16th and May 14th, and to cool their units to a temperature not to exceed 26 degrees, between May 15th and September 15th.</p>	<p>To help ensure that residents have access to cooling, at the recommended temperatures, either through a centralized system that regulates their units, or through access to a “cooling room”. The proposed provisions are intended, in particular, to protect those who are most vulnerable to extreme temperatures.</p>
3	<p>The introduction of a Vital Services By-law would create some redundancies in the Property Standards By-law that would have to be addressed.</p>	<p>Amend the Property Standards By-law to eliminate redundancies by dealing with the provision of vital services under the proposed by-law and maintenance matters under the former, including explicit language requiring cooling systems, where they exist, to be maintained and capable of providing the maximum temperature of 26 degrees.</p>	<p>To ensure authorities for enforcement are clear when dealing with matters concerning the maintenance of mechanical systems and the provision of vital services.</p>

Financial Impact

There is no anticipated financial impact to the City as a result of the adoption of this

report's recommendations. The proposed by-law will be enforced through the current complement of by-law enforcement officers in Bylaw and Compliance, Licensing and Permit Services.

Broader Regional Impacts/Considerations

The proposed by-law will help ensure the City's tenant-residents receive vital services; however, no broader regional impacts are anticipated.

Conclusion

The recommendations of this report are in line with the Term of Council priority of Active, Safe and Diverse Communities, ensuring the safety and well-being of our communities. This report was developed with input from the Regional Municipality of York and the City's Legal Services Department. Staff believe that the introduction of this new regulatory by-law will help to maintain safe and healthy homes for residents and be of particular benefit to people more vulnerable to extreme temperatures.

For more information, please contact: Susan Kelly, Director and Chief Licensing Officer, By-law and Compliance, Licensing and Permit Services, ext. 8952.

Attachment

1. Analysis and Options

Prepared by

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