



City of Kingston
Report to Administrative Policies Committee
Report Number AP-25-014

To: Chair and Members of the Administrative Policies Committee
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Kyle Compeau, Director, Licensing & Enforcement
Date of Meeting: July 10, 2025
Subject: Amendment to By-Law Number 2005-100-Adequate
Temperature Requirements for Residential Rental Units

Council Strategic Plan Alignment:

Theme: 2. Lead Environmental Stewardship and Climate Action

Goal: See above

Executive Summary:

This report recommends amending City of Kingston By-Law Number 2005-100, the “Property Standards By-Law”, to include a maximum temperature provision 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) from June 1 to September 30. The amendment will stipulate that where landlords and property owners are responsible for providing air-conditioning appliances, the appliance must be capable to maintain indoor temperatures not exceeding 26°C from June 1 to September 30 annually.

This change is proposed in response to growing concerns regarding tenant health and well-being during warmer months. The proposed maximum temperature aligns with best practices for adequate living conditions and supports the City’s broader objectives related to public health and climate resiliency.

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Recommendation:

That the Administrative Policies Committee recommend to Council:

That By-Law Number 2005-100, A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston, as amended, be further amended, as per Exhibit A to Report Number AP-25-014.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

**Paige Agnew, Commissioner,
Growth & Development Services**

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

**Lanie Hurdle, Chief
Administrative Officer**

Consultation with the following Members of the Corporate Management Team:

Jennifer Campbell, Commissioner, Community Services	Not required
Neil Carbone, Commissioner, Corporate & Emergency Services	Not required
David Fell, President & CEO, Utilities Kingston	Not required
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required
Ian Semple, Acting Commissioner, Transportation & Infrastructure Services	Not required

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Background

Currently, City of Kingston By-Law Number 2005-100, “A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property Within the City of Kingston” (the “Property Standards By-Law”), prescribes the minimum standards for the maintenance and occupancy of property within the City of Kingston, including temperature requirements during colder months. However, there are no corresponding provisions addressing maximum allowable temperatures during warmer periods. Tenants who may have access to air-conditioning that is provided by a property owner do not have a municipal lever for enforcement if the unit does not function effectively.

Excessive indoor temperatures pose health risks, particularly for vulnerable populations, including seniors, young children, and individuals living with pre-existing medical conditions. Prolonged exposure to high indoor temperatures can result in heat-related illnesses, exacerbation of chronic conditions, and, in extreme cases, fatalities.

In light of these risks and in recognition of the increasing frequency of extreme heat events due to climate change, Council passed Resolution Number 2025-74 on February 4, 2025. The resolution directs staff to amend the Property Standards By-Law to establish a maximum indoor temperature of 26°C in residential rental units with air-conditioning systems, effective annually from June 1 to September 30. The full text of the Council resolution states:

Adequate Temperature Motion Update, as Amended Resolution Number: 2025-74

Moved by: Councillor Oosterhof

Seconded by: Councillor Boehme

That Council direct staff to amend By-Law Number 2005-100, A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property Within the City of Kingston (the Property Standards By-Law) to provide for a new maximum temperature which would require landlords or property owners of residential rental units with air conditioning systems to maintain a temperature not exceeding 26 degrees Celsius (26 °C) from June 1 to September 30; and

That staff report back to Council no later than Q2 2025 with the necessary amending By-Law to provide for a new maximum temperature for residential units with air conditioning systems as part of the Property Standards By-Law; and

That Council direct staff, in partnership with South East Health Unit, to develop a heat response strategy that would provide information and strategies on how people can access supports and services during the hot weather season, and present that strategy to Council no later than Q2 2025; and

That staff be directed to report back to Council not later than Q4 2025 with information regarding the results of the City of Toronto’s research, and the legality of the municipality, in the absence of amendments to the Residential Tenancies Act, implementing a health-based maximum indoor temperature standard for leased residential premises without an

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existing air conditioning system; and

That City Council request that the Province of Ontario amend the Residential Tenancies Act to introduce a maximum temperature standard of 26 degrees Celsius for all residential premises and to include cooling as a vital service: and

That should the Province of Ontario amend the Residential Tenancies Act to introduce a maximum standard temperature for all residential premises, or the cities of Toronto and Hamilton successfully enact similar by-laws for all residential rental properties, staff be directed to provide a report to Council with considerations and recommended next steps to implement a health-based maximum indoor temperature standard for leased residential premises; and

That City Council request that the Province of Ontario proclaim Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023 into force to enhance tenants' rights to install and use window or portable air-conditioners.

Discussion

Rationale for the Amendment

The proposed amendment to the Property Standards By-Law supports Council's strategic goal of environmental stewardship and public health protection. With extreme heat events becoming more frequent and severe due to climate change, indoor heat mitigation is increasingly vital for tenant safety.

The proposed amendment is a proactive measure aimed at ensuring safe and healthy living conditions for tenants during warmer months. The maximum temperature standard of 26°C is informed by health guidelines and best practices that consider the impacts of indoor heat on human health.

Requiring landlords and property owners who provide air-conditioning to maintain indoor temperatures below this threshold will:

- Protect tenants from the adverse health effects of extreme heat; and
- Support the City's climate resiliency and public health goals.

Implementation Considerations

The amendment to the Property Standards By-Law will apply to all residential rental units within the City of Kingston that are equipped with air-conditioning systems. It will not impose a requirement for landlords to install air-conditioning systems where none currently exist. However, where such systems are present, they must be operated and maintained to ensure indoor temperatures do not exceed 26°C during the specified period.

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Enforcement and Compliance

The City's Licensing and Enforcement Services Division will be responsible for enforcing the amended by-law. Enforcement measures include:

- Responding to tenant complaints regarding indoor temperatures;
- Conducting inspections to verify compliance; and
- Issuing orders to comply and imposing penalties, where necessary.

To support compliance, the City will undertake an outreach campaign to inform landlords and tenants of the new requirements, including information on how to report concerns and the enforcement process.

Progressive Enforcement Framework

Enforcement Services will adopt a progressive enforcement model for this provision, which includes the following steps:

1. Complaint Response

Officers will respond to tenant concerns or complaints regarding excessive indoor temperatures during the regulated period (June 1-September 30). Tenants will be asked to provide basic documentation (thermometer readings, dates/times, etc.) to support their complaint.

2. Initial Inspection and Education

Where warranted, officers will conduct on-site inspections to verify the complaint. If the unit exceeds the 26°C limit, the officer will first engage with the landlord or property manager to explain the violation and issue a notice of violation (written warning) with an appropriate compliance timeline.

3. Formal Order of Remedy

If compliance is not achieved voluntarily, a formal Order of Remedy under the Property Standards By-Law will be issued. The landlord will be required to take corrective action, such as servicing or activating the air-conditioning system.

Climate Risk Considerations

As climate change leads to more frequent extreme heat events, the proposed amendment to the Property Standards By-Law would ensure tenants enjoy comfortable and safe indoor temperatures during extreme weather conditions.

Indigenization, Inclusion, Diversity, Equity & Accessibility (IIDEA) Considerations

During extreme heat, vulnerable groups such as the elderly, children, people with chronic health conditions, and low-income individuals, including those experiencing homelessness, may be at

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greater risk for heat-related illnesses. Setting the air-conditioning to a moderate, yet comfortable temperature of 26°C ensures that these vulnerable groups have access to a safe and comfortable living environment. This requirement promotes inclusion by providing an environment that caters to the needs of those who are most at risk.

Existing Policy/By-Law

City of Kingston By-Law Number 2005-100, the “Property Standards By-Law”.

Notice Provisions

None

Financial Considerations

None

Contacts:

Kyle Compeau, Director, Licensing & Enforcement, 613-546-4291 extension 1343

Other City of Kingston Staff Consulted:

Julie Salter-Keane, Manager, Climate Leadership

Jenna Morley, Legal Counsel

Exhibits Attached:

Exhibit A Draft By-Law to Amend By-Law Number 2005-100

City of Kingston By-Law Number 2025-100

By-Law to Amend City of Kingston By-Law Number 2005–100, A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston

Whereas:

The Corporation of the City of Kingston (the “**City**”) is a single-tier municipality incorporated pursuant to an order made under section 25.2 of the *Municipal Act*, R.S.O. 1990, c. M.45.

The powers of a municipality must be exercised by its council (*Municipal Act, 2001*, S.O. 2001, c. 25 (the “**Municipal Act, 2001**”), s. 5 (1)).

A municipal power must be exercised by by-law unless the municipality is specifically authorized to do otherwise (*Municipal Act, 2001*, s. 5 (3)).

A single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public (*Municipal Act, 2001*, s. 10 (1)).

On May 17, 2005, council for the *City* passed *City of Kingston By-Law Number 2005–100, “A By-Law for Prescribing Standards for the Maintenance and Occupancy of Property within the City of Kingston”*.

Council for the *City* (“**council**”) considers it necessary and desirable for the public to amend *City of Kingston By-Law Number 2005–100*.

Therefore, *council* enacts:

1. Amendment

1.1 *City of Kingston By-Law Number 2005-100* is amended as follows:

- (a) section 1 is amended by adding the following definition of “Air-Conditioning System” in alphabetical order:

“**Air-Conditioning System**” means a mechanical system designed to cool air from a central location and distribute it to and from rooms by one or

By-Law to Amend By-Law Number 2005–100

more fans and ductwork”; and

- (b) by adding a new section entitled “Air-Conditioning Systems” after subsection 5.80, as follows:

“Air-Conditioning Systems

- 5.81 The landlord of every rented or leased Dwelling or living accommodation equipped with an Air-Conditioning System must operate, or permit the operation of, the Air-Conditioning System so as to maintain an indoor air temperature of not more than 26 degrees Celsius from June 1 to September 30 in each calendar year.
- 5.82 The landlord of every rented or leased Dwelling or living accommodation equipped with an Air-Conditioning System must Maintain the Air-Conditioning System in good working condition so as to be capable of cooling the Dwelling or living accommodation safely to the standard required by this By-Law.
- 5.83 For purpose of determining compliance with subsection 5.81, the indoor air temperature may be measured at any point within the occupied living space of the Dwelling or living accommodation, provided that the location of the measurement is not directly influenced by localized heat sources, such as ovens or stoves, or in direct sunlight.”

2. Coming into Force

- 2.1 This by-law will come into force and take effect on the date that it is passed.

By-Law to Amend By-Law Number 2005–100

1 st Reading	date
2 nd Reading	date
3 rd Reading	date
Passed	date

Janet Jaynes
City Clerk

Bryan Paterson
Mayor