



**City of Kingston
Report to Council
Report Number 25-020**

To: Mayor and Members of Council
From: Paige Agnew, Commissioner, Growth & Development Services
Resource Staff: Julie Salter-Keane, Manager, Climate Leadership
Date of Meeting: February 4, 2025
Subject: Adequate Temperature Motion Update

Council Strategic Plan Alignment:

Theme: 2. Lead Environmental Stewardship and Climate Action

Goal: See above

Executive Summary:

Council directed staff to prepare a report identifying timelines and requirements for the development of a new Adequate Temperature By-Law to protect the health and safety of residents and that respects Kingston's Strategic Plan 2023 – 2026 Pillar Number 2 Lead Environmental Stewardship and Climate Action; and

That staff report back to Council on the feasibility of including support to residents via the Better Homes Kingston program or other, to retrofit residential housing, especially rental housing with an adequate means of cooling by 2026, as identified as Strategic Plan priority action 2.2.3; and

That staff work with KFL&A Public Health on messaging regarding the dangers of heat, mitigation options, and on scientific standards to support an appropriate by-law.

This report outlines the preparation plans to amend the Property Standards By-Law to include a maximum temperature requirement 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.

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Staff are recommending 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.

This report also provides an update on the engagement campaign in collaboration with KFL&A Public Health (now South East Health Unit) on a “Keeping Cool While It’s Hot” generating a brochure which was widely distributed during the summer of 2024. This engagement campaign is one of many strategies that can be utilized to inform individuals on the available supports and services during the hot weather season.

The City in collaboration with KFL&A Public Health continue to provide information and services during extreme heat alerts. However, there is no one document that outlines the strategies and actions. Due to this, staff is recommending that the next step in expanding on the engagement campaign is the development of a heat response strategy that would provide information on how people can access supports and services during the hot weather season.

Recommendation:

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 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 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.

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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	<input checked="" type="checkbox"/>
Neil Carbone, Commissioner, Corporate Services	<input checked="" type="checkbox"/>
David Fell, President & CEO, Utilities Kingston	Not required
Brad Joyce, Commissioner, Infrastructure, Transportation & Emergency Services	<input checked="" type="checkbox"/>
Desirée Kennedy, Chief Financial Officer & City Treasurer	Not required

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Options/Discussion:

This report outlines the preparation plans to amend the Property Standards By-Law to include a maximum temperature requirement 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 report also recommends that staff in partnership with the South East Health Unit develop a Heat Response Strategy that that would provide information on how people can access supports and services during the hot weather season.

Existing Regulations**National Building Code**

Under the current National Building Code, residential buildings must have heating equipment installed to maintain minimum temperatures in winter, but there is currently no maximum indoor temperature during the summer.

The Provincial Residential Tenancies Act & Vital Services

In Ontario, residential tenancies are governed at the provincial level by the *Residential Tenancies Act, 2006*, S.O. 2006, c. 17 (the "RTA"). The RTA includes, among other things, rules related to the provision of adequate and suitable vital services. Under the RTA, vital services are defined as hot or cold water, fuel, electricity, gas, or heat during the part of each year prescribed by regulation. The RTA does not define cooling or air conditioning as a vital service.

It is illegal for landlords to cut off or interfere with a vital service, even if the tenant has failed to uphold any of their responsibilities, including, but not limited to, paying rent or maintaining the condition of their rental unit. The RTA also requires that during the prescribed part of the year when heat is considered a vital service, the landlord maintain a temperature of at least 20 degrees Celsius.

Under the RTA, landlords and tenants can agree to install an air conditioning unit in exchange for a seasonal rent increase. Landlords may also prohibit the installation of an air conditioning unit in the lease agreement; however, the RTA does not set grounds for this prohibition. In other words, the right to install an air conditioning unit falls primarily within the scope of any lease agreement or is left to the tenant to negotiate with their landlord.

While landlords in Ontario are required to provide a minimum level of heat, the same obligation does not exist for air conditioning. However, as discussed below, proposed changes to the RTA should address some concerns related to extreme heat.

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Ontario's Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023

In June 2023, the Government of Ontario passed Bill 97, the Helping Homebuyers, Protecting Tenants Act, 2023, which outlines changes to the RTA regarding access to air conditioning in rental housing. The legislation has not been proclaimed or brought into force yet and supporting regulations have not been published for interpretation.

Bill 97 would generally prohibit private market landlords from forbidding tenants to install air conditioning units in their homes, provided certain conditions are met. Under the new changes, a tenant would be required to notify their landlord prior to installing air conditioning. If an owner pays for electricity to the rental unit, they may charge a seasonal rent increase if the tenant installs an air conditioner. The legislation also outlines rules requiring rent decreases if a tenant seasonally stops using or removes the air conditioner from use. Certain provisions of the section are made to apply to previously installed window or portable air conditioners. Amendments also provide greater certainty that an owner can inspect the rental unit to determine a tenant's compliance with the requirements for safe installation under the Act. Considering these changes and the outstanding regulations, staff are recommending that City Council request the Province of Ontario proclaim Bill 97 into force.

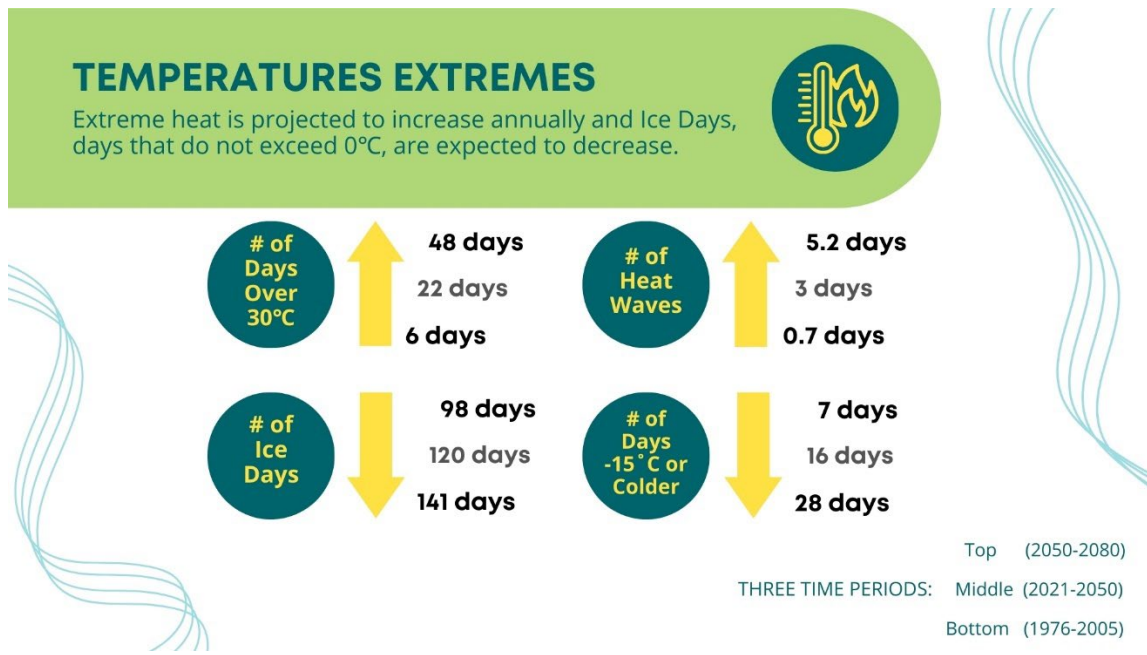
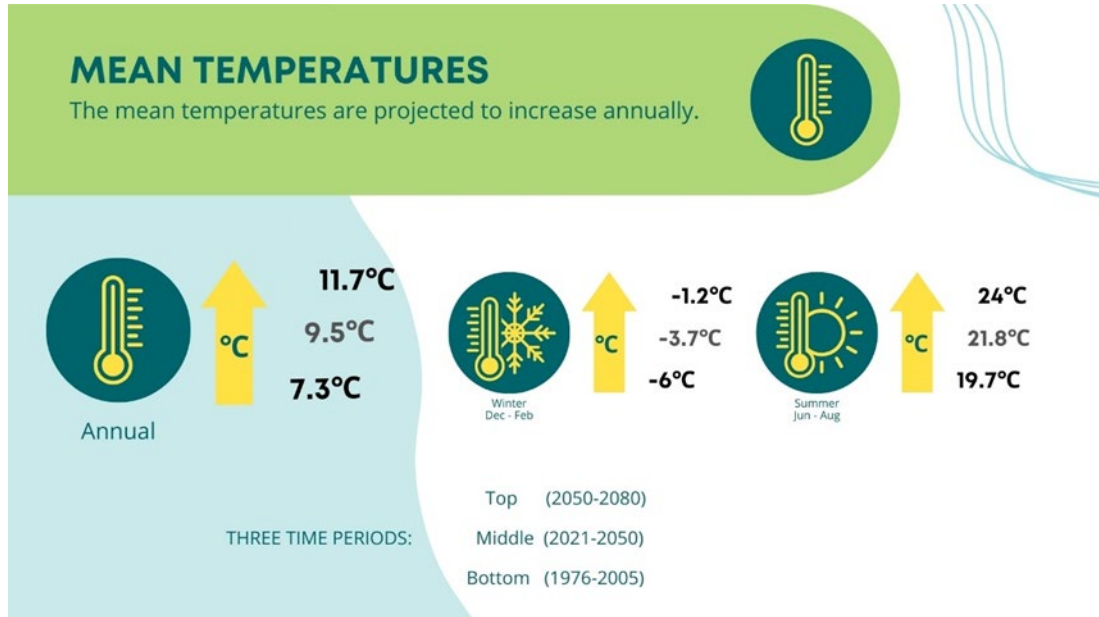
The amendments to Bill 97 related to a tenant's right to install and use window air conditioners are significant. While these provisions are not yet in effect, it is anticipated that they will play a critical role in addressing the impacts of extreme heat on tenants across Ontario. Staff will monitor the status of the Bill and interpret impacts as they become available.

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 charts illustrates projected weather statistics for Kingston between 2021-2050 and 2050-2080.

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The City of Kingston offers several cool down locations, strategically placed throughout the City, to provide a space where residents and visitors can go to seek a cooler, air-conditioned space if desired. The pre-designated cool down locations can be accessed through our [City of Kingston website](#) and are also communicated frequently to the public through our social media outlets.

Kingston Frontenac Lennox & Addington (KFL&A) Public Health (now South East Health Unit) works closely with the City’s Emergency Management Office to ensure we are aware of extreme heat events prompted by heat warnings issued through Environment Canada in a timely fashion. Our valued partners at KFL&A Public Health also work hard to communicate recommended

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actions to take to avoid heat exhaustion and to stay cool during these types of heat related events. Their website notes some [wonderful safety tips](#) on this topic and also provides a link to our City of Kingston page for extreme weather locations.

The City's Climate Leadership Group collaborated with KFL&A Public Health on a "Keeping Cool While It's Hot" campaign generating a brochure which has also been widely distributed.

Together we work to educate the public on the measures that should be taken to ensure their own personal preparedness in advance of, and during, these types of inclement weather events with an overall goal of ensuring the safety and well-being of themselves, and others.

The following provides an overview of the Keeping it Cool Campaign during June-August 2024:

Social media posts:

- 14 total posts published on the City's Facebook, Instagram, X(Twitter)
- 23,637 total impressions (times the posts were shown to social media users)

Digital poster + campaign copy sent to:

- Regional Primary Care Providers via KFL&A newsletter
- Adaptation & Resilience Issues Table

Awareness posters and pamphlets distributed to

- 10+ KFPL library branches
- 5+ City buildings and recreation facilities
- 20+ pharmacies, clinics and health service providers
- 12+ apartment buildings, schools and community service providers

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Adequate Temperature By-laws in Ontario

Very few municipalities in Ontario have a standalone Adequate Temperature By-Law. In 2017, the Town of Ajax enacted an Adequate Temperature By-Law regulating adequate and suitable indoor air temperature for rented units or leased dwellings. In 2018, the City of Mississauga enacted an Adequate Temperature By-Law that defines "adequate and suitable cooling" as a temperature in a unit that does not exceed 26 degrees Celsius.

In 2023, the City of Hamilton supported the development of an Adequate Temperature By-Law or other initiatives to combat extreme heat. Staff for the City of Hamilton are currently exploring their options, and it is expected that a report will go to Council this spring.

The City of Toronto has a Property Standards By-Law that requires all air-conditioning systems, where already provided, to be operated to maintain an indoor temperature of not more than 26 degrees Celsius from June 2 to September 14 of any given year. The City of Toronto does not have a standalone Adequate Temperature By-Law. Council for the City of Toronto has moved several motions in recognition of this gap, and it is anticipated that a report will be brought forward in the coming months.

A common theme amongst the existing by-laws is that the obligation to maintain indoor temperatures only applies to dwellings or buildings with air conditioning already installed.

Proposed Cooling Requirements

To address the heat related health risks in Kingston, it is recommended that Council consider a new maximum temperature amendment to the Property Standards 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) between June 1 to September 30. 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.

Secondly, staff have been consulting with KFL&A Public Health on this emerging issue. Staff is recommending that the next step in expanding on the engagement campaign is the development of a heat response strategy that would provide information on how people can access supports and services during the hot weather season.

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Public Engagement

No public engagement was completed to date for this initiative; however, consultation will take place in the preparation of the proposed heat strategy in 2025.

Climate Risk Considerations

A new Maximum Temperature requirement 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.

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 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. Additionally, the proposed heat response strategy will include cooling site and supports that are available to those at risk or facing homelessness during periods of extreme heat.

Existing Policy/By-Law

[By-law No 2005-100 Property Standards By-law](#)

Financial Considerations

None

Contacts:

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Other City of Kingston Staff Consulted:

Brandi Timpson, Manager, Administration and Emergency Preparedness, Fire and Emergency Services

Kyle Compeau, Director, Licensing and Enforcement

Ruth Noordegraaf, Director, Community Development and Well-Being

Exhibits Attached:

None