

Re: EX32.18

Municipal Licensing and Standards review of Heat in Apartments

**Tenant Issues Committee
February 9, 2018**

City Council Motion

October 2017:

City Council direct the Executive Director, Municipal Licensing and Standards, in consultation with other appropriate divisions, to hold consultations with tenants, landlords and other relevant stakeholders to identify **potential solutions to effectively deal with heat in apartment buildings**, including maximum heat in apartments and applicable dates in the heating chapter and property standards chapter, and to report back to the Tenant Issues Committee in the first quarter of 2018.

Issue

Some tenants face extreme heat in their apartment building units

In May and September, some apartment buildings have heat on despite warm outdoor temperatures

Tenants are too hot

Some landlords believe City bylaws say heat must be on

Complex building heating systems cannot be just turned on or off

Current work to address heat in apartment buildings

- Providing incentives and supports for energy and water retrofits, cool roofs and green roofs
- Implementing Resilient Cities project, which aims to reduce the vulnerability of natural and human systems to actual or expected climate change effects
- Implementing the Toronto Green Standards for new buildings
- Improving communication to tenants regarding cooling spaces via RentSafeTO
- Preparing to operate cooling centres during extreme heat alerts

Background

2012 to 2014 Directives from Council and Licensing and Standards Committee to review indoor temperature date ranges

June 2014 Review of indoor temperature standard - Executive Director of MLS did not recommend a bylaw change

June 2015 Presentation to Tenant Issues Committee on review of indoor temperature standards

Nov 2015 Board of Health directed staff explore feasibility of a maximum indoor temperature standard of 26°C

May 2017 Medical Officer of Health recommended against a maximum indoor temperature standard

Oct 2017 Directive from Council to look at solutions to heat in apartment buildings, including applicable dates bylaws

Applicable Legislation

Residential Tenancies Act, 2006 (O.Reg. 516/06 s.4.(1))

- Shall provide heat and maintain a minimum temperature of 20°C between September 1 and June 15

Municipal Code Chapter 497, Heating (2)

- Shall provide heat to maintain a minimum temperature of 21°C between September 15 and June 1

Municipal Code Chapter 629, Property Standards (38. F)

- Where air-conditioning systems are provided, they shall be operated to maintain a maximum temperature of no more than 26°C from June 2 to September 14
- Every dwelling and every dwelling unit shall have a heating system capable of maintaining a room temperature of 21 degrees Celsius at 1.5 metres above the floor level in all habitable rooms, bathrooms and toilet rooms

Results of Research and Analysis

1. Temperature analysis
2. Factors that affect indoor temperature
3. Jurisdictional scan
4. Complaints and charges laid
5. Public input

Temperature Analysis

Number of days needing heat during shoulder season decreasing, but has not decreased enough to recommend date change

Move spring date from June 1 to May 15? No, but continue to monitor.

- Between 2000 and 2017: 73% of days between May 16 and May 30 require heating, on average
- Number of days requiring heating has slowly decreased over past 17 years:
 - Average 2000 to 2009: 93%
 - Average 2010 to 2017: 52%

Move fall date from September 15 to Sept 30? No, but continue to monitor.

- Between 2000 and 2017: 70% of days between Sept 15 and Sept 29 require heating, on average
- Number of days requiring heating has slowly decreased over past 17 years:
 - Average 2000 to 2009: 73%
 - Average 2010 to 2017: 66%

Other Factors Affecting Indoor Temperatures

Weather and environmental surroundings

- Sun and shading
- Humidity
- Air circulation
- Green spaces vs. paved areas
- Urban density
- Urban heat island effect

Building characteristics

- Windows
- Ventilation
- Age of building
- Storey
- Dwelling type and size
- Building material
- Central air conditioning
- Building and unit orientation
- Shading (blinds, awnings, etc.)
- Insulation

Internal heat gain and behavioural factors

- Occupants and their activities
- Electronics and appliances
- Lights
- Ventilation routine (opening windows, use of fan, etc.)
- Use of air conditioning

Jurisdictional Scan

Surveyed 28 municipalities in Ontario

Minimum indoor temperature

- ~ Two thirds of municipalities use 21°C
- ~ One third use 20°C
 - This includes four largest municipalities studied
- Four municipalities use 22°C

Date range

- ~ Half with date range
 - Most use Sept 15 to May 31/June 1
- ~ Half without date range

Service Requests about Heat

- Few service requests made regarding tenants being **too hot**, 2015 to 2017
 - 9 complaints received during **spring** shoulder season (May)
 - 11 complaints received during **fall** shoulder season (end of Sept, Oct)
- Received service requests regarding tenants being **too cold**, 2015 to 2017 during should season
 - 215 complaints received during **spring** shoulder season (May)
 - 1,094 complaints received during **fall** shoulder season (end of Sept, Oct)

Charges

- **No charges for failure to provide adequate heat during the shoulder seasons** (September, October and May)
- Laid 38 total charges from 2010 and 2018 for failure to maintain adequate heat
- Laid 0 charges from 2010 to 2018 for failure to maintain temperature below 26

Past Decisions

- Toronto Public Health did not recommend a maximum indoor temperature (May 2017 TPH report)
 - Serious financial and infrastructure issues with existing building stock

Challenges

- Tenants are frustrated when heat is on during very warm outdoor temperatures
- Complex issue
- No simple solution
- Impacts for both tenants and building owners

Policy Options for Regulatory Change

Option	Strengths	Weaknesses
1. No change	<ul style="list-style-type: none">– Dates guide buildings with inflexible system	<ul style="list-style-type: none">– Existing issues remain
2. Change heat bylaw dates to Sept 30 to May 15	<ul style="list-style-type: none">– Narrows period during which overheating may occur	<ul style="list-style-type: none">– No evidence for this date range– Increased risk that it will be too cold during shoulder season
3. Create variable date range, set in advance of each season	<ul style="list-style-type: none">– Allows for dates to be based on current weather patterns	<ul style="list-style-type: none">– Difficult to accurately predict weather
4. Remove date range	<ul style="list-style-type: none">– Puts responsibility on landlords to determine when it is best to turn on heat	<ul style="list-style-type: none">– Risk that landlords will turn on heat too late– No date range to guide landlords with inflexible systems

Non-Regulatory Solutions

- Landlord education campaign during shoulder season
 - Explain landlords can turn off heat if building is 21°C or greater
 - Ongoing work on a 2018 trial Heat Relief Network that would promote locally available air-conditioned public spaces
 - Long-term funding for energy efficiency and cooling retrofits including window replacements

Next Steps

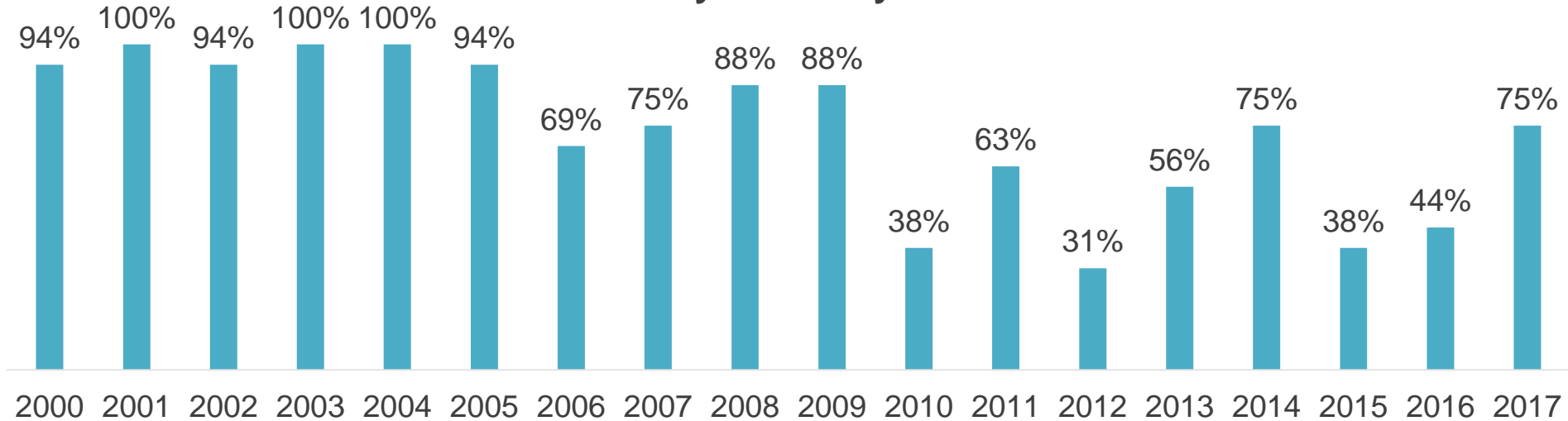
- Further consultation with appropriate City Divisions, building owners and tenant stakeholders
- Determine best regulatory approach
- Conduct landlord education campaign for 2018 spring shoulder season
- Trial Heat Relief Network for 2018 (TPH)
- Report to Licensing and Standards Committee
April 10

Thank you

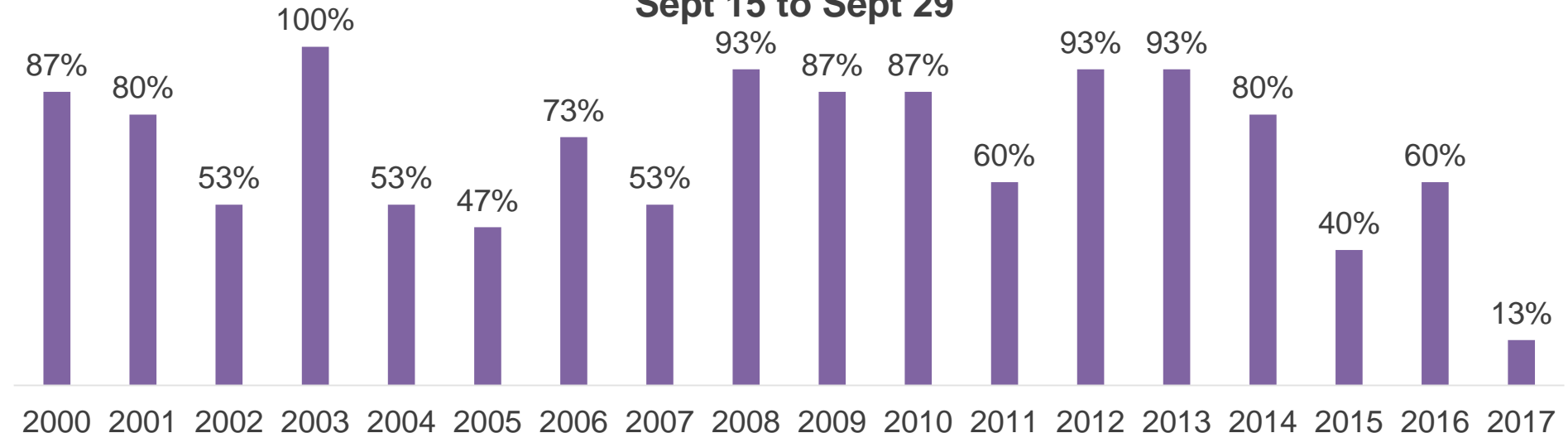
Appendix

Percentage of days requiring heating, 2010 to 2017

May 16 to May 31

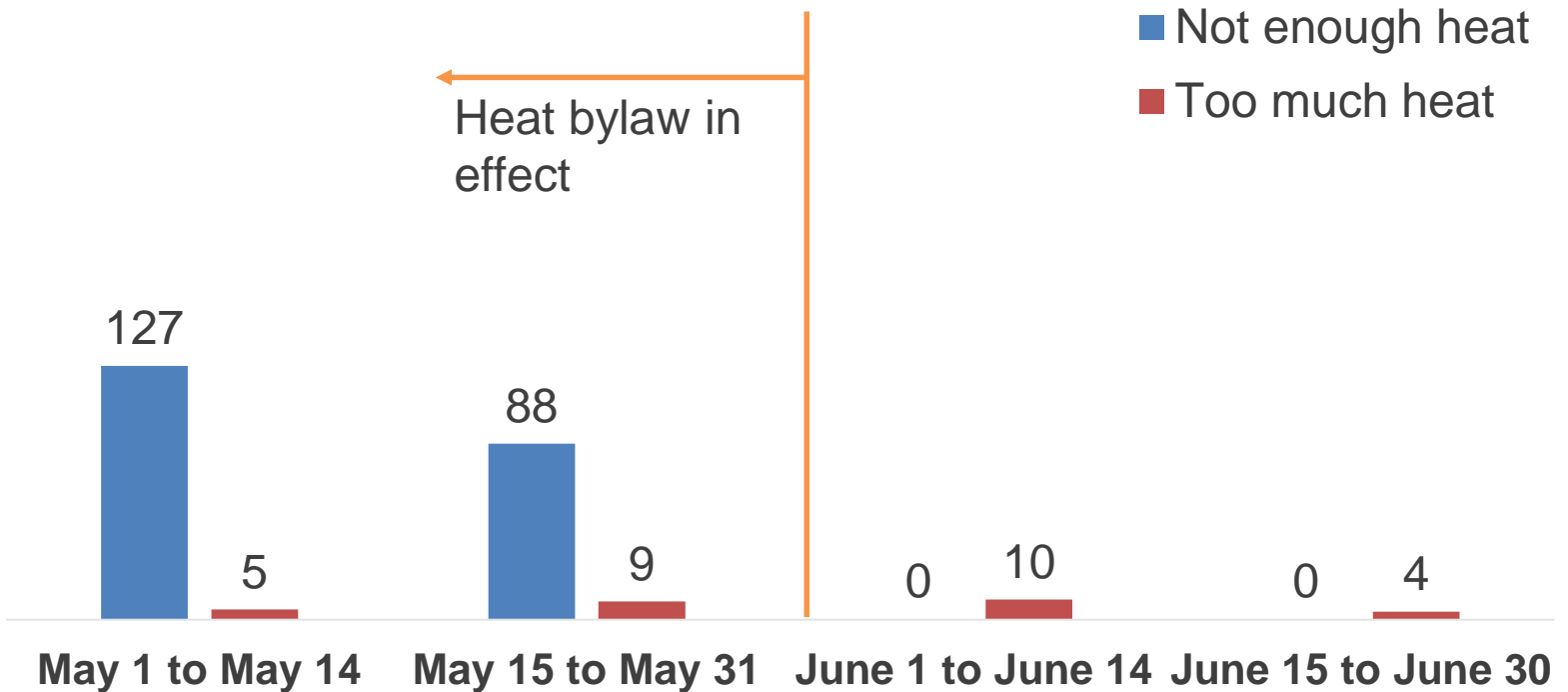


Sept 15 to Sept 29



Service Requests about Heat

Spring shoulder season, 2015 to 2017



Service Requests about Heat

Fall shoulder season, 2015 to 2017

