



REPORT FOR ACTION

Vital Service Disruptions in Apartment Buildings

Date: April 18, 2019

To: Planning and Housing Committee

From: Executive Director, Municipal Licensing and Standards

Wards: All

SUMMARY

This report provides an update on measures being undertaken by the City of Toronto to respond to Council directives on apartment building safety issues identified in the St. Jamestown catchment area.

In January 2019, a flood in an apartment building located at 260 Wellesley Street East resulted in an electrical shutdown that impacted approximately 546 apartment units, leaving many without hydro, heat, fire and life safety systems, and water for five days. This incident came shortly after a similar incident in August 2018 at a nearby building at 650 Parliament Street.

These incidents raised concern about the state of good repair of aging infrastructure in apartment buildings – particularly infrastructure that provides vital services such as electricity, heat, fire and life safety systems, and water, which have a direct impact on the health, safety and livability of tenants. The incidents also raised concerns regarding the ability of building owners/operators to effectively communicate and provide necessary support to tenants.

A number of collaborative efforts have since been undertaken to respond to these incidents, and to better understand the scope of potential safety issues in apartment buildings across the City. This includes a series of proactive safety inspections of high-risk buildings led by Toronto Fire Services with the Municipal Licensing and Standards (MLS) and the Electrical Safety Authority (ESA), as well as upcoming work on emergency management and crisis communications led by the Office of Emergency Management.

In order to promote the health and safety of tenants, specifically in situations when a vital service for an apartment building is disrupted and the disruption is expected to last for an extended period of time, it is recommended that the City of Toronto put in place the following measures under the Apartment Buildings by-law to require building owners/operators to:

- Maintain a voluntary contact list of tenants who may require additional assistance during periods of evacuation or temporary discontinuance of vital services, and who choose to voluntarily self-identify to building owners/operators and City officials as needing assistance;
- Provide proof of an electrical maintenance plan approved by the ESA; and,
- Retain logs of any service and maintenance conducted on building electrical systems as part of the program's record keeping obligations.

This report provides an outline of the response efforts to date, as well as various regulatory tools available to the City to respond to such incidents and recommendations to enhance these tools and strengthen the City's response to similar events in the future. Finally, this report will also outline some areas for further exploration.

Staff have consulted with Legal Services, the Office of Emergency Management, Toronto Fire Services and Toronto Building in the preparation of this report.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards, recommends that:

1. City Council amend Toronto Municipal Code Chapter 354, Apartment Buildings to require building owners/operators under the RentSafeTO program to maintain a voluntary contact list of tenants who may require additional assistance during periods of evacuation or temporary discontinuance of vital services, and who choose to voluntarily self-identify to the building owner/operator and City officials as needing assistance.
2. City Council amend Toronto Municipal Code Chapter 354, Apartment Buildings to require building owners/operators under the RentSafeTO program to develop an electrical maintenance plan with a Licenced Electrical Contractor certified by the Electrical Safety Authority, and maintain any information and records necessary to demonstrate compliance with the electrical safety maintenance plan, when requested.
3. City Council amend Toronto Municipal Code Chapter 354, Apartment Buildings to require building owners/operators to retain logs of service and maintenance conducted on electrical systems including the date and nature of service and name of certified tradesperson, if applicable, and maintain the logs in a secure and accessible manner.
4. City Council request that the Province of Ontario amend the Electrical Safety Code to mandate regular inspections of electrical systems in all buildings.

FINANCIAL IMPACT

There are no financial implications beyond what has already been approved in the current year's budget.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

On January 30 and 31, 2019, City Council adopted MM2.26 [Holding Landlords Responsible for Property Maintenance and Improving Crisis Communications in Emergencies](http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM2.26) (<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.MM2.26>).

City Council requested the Deputy City Manager, Infrastructure and Development Services to direct staff to review the building evaluations and audit schedule under the RentSafeTO program and report on the complete schedule and expected timeline for Citywide building audits, as well as work with the City Solicitor and other relevant staff to review the current regulatory tools available to the City, and report back with recommendations to respond and take action with respect to these types of incidents.

COMMENTS

Emergency Responses in St. James Town

650 Parliament Street

On August 21, 2018, a residential high-rise apartment building located at 650 Parliament Street experienced a six-alarm fire caused by a major electrical failure. The fire resulted in catastrophic damage to the electrical system and the evacuation of approximately 1,500 residents.

Following the successful evacuation led by Toronto Fire Services (TFS), the Office of Emergency Management (OEM) operationalized temporary shelter in the Wellesley and Regent Park community centres and a staged approach to housing tenants in hotels. Special accommodations were made for individuals needing additional assistance, such as the elderly and those with medical concerns. OEM worked closely with the Canadian Red Cross, the Emergency Social Service Working Group and Toronto Paramedic Services, and coordinated supports such as food and school bus transfers.

OEM also worked closely with the property management company to transition from a City-led response effort towards efforts led by the property management company. The City led these efforts until October 1, 2018. The property management company has since taken on the responsibility of housing their displaced tenants in hotels and available units in other apartment buildings. The residents of 650 Parliament are still

unable to return to their units, and it is anticipated they will not be able to return until the summer of 2019.

260 Wellesley Street East

On January 22, 2019, an electrician performing work at a residential apartment building located at 260 Wellesley Street East observed water in the electrical room from a burst pipe, which had caused significant damage to the electrical equipment. The ESA was contacted by the electrician, who in turn contacted Toronto Hydro. Toronto Hydro disconnected power to the building in order to avert a catastrophic electrical failure event similar to the occurrence at 650 Parliament Street. Residents were left with no water, heat, fire and life safety systems and electricity.

TFS and OEM were informed of the situation and prepared for a potential evacuation, notifying and working collaboratively with 21 City divisions and agencies, and providing regular updates to the Mayor and City Councillors. A warming centre was established at the Wellesley Community Centre, which provided information services, overnight accommodations, and light refreshments. A total of five community centres were identified for potential reception areas if required.

However, it was ultimately determined by Toronto Fire not to issue an Order to Close the building. Toronto Fire and other City Divisions committed significant resources to the incident in order to avoid the de-housing of over 1,000 tenants in the building. TFS, Toronto Paramedics, Toronto Police and private security guards hired by the building owner performed door-to-door wellness checks of the residents. In addition, Toronto Fire committed in-service front-line crews to augment the fire watch as well as provide water on each floor for hygiene purposes, monitor air quality and install temporary lighting in the stairwells.

Repairs to the electrical system were made by an electrician and approved by the ESA, alongside TFS to monitor the situation and Toronto Hydro to reconnect power as soon as possible. In total, the repairs resulted in the discontinuance of the building fire and life safety systems and vital services for five days.

Proactive Safety Inspections

The incidents at 650 Parliament and 260 Wellesley have raised concern about the lack of preventative maintenance in apartment buildings across the City. As a result, the City has begun a process of conducting proactive safety inspections of the highest risk buildings in priority areas such as St. James Town. These inspections are part of a collaborative effort by TFS, MLS, and the ESA.

These City divisions and provincial agency are currently in the process of identifying and inspecting the highest risk buildings based on a risk matrix informed by the ESA. Those identified will require a disconnection of the main electrical service to the building for a period of time between 48 hours and 6 days. These will be conducted strategically, one at a time, due to the complexity of the inspections and to ensure that the necessary resources of ESA inspectors and licensed contractors are available.

There have been six building inspections to date – of which, there have been significant issues identified. In each case, property owners needed to have these issues corrected

by their provincially-licensed electrical contractor before they were authorized to reconnect the electrical service to the building. The schedule for the remaining buildings to be completed in 2019 and beyond is currently being developed in consultation between MLS, TFS and ESA.

Ensuring Apartment Building Maintenance

Toronto Municipal Code Chapter 354, Apartment Buildings is a relatively new by-law that enables the RentSafeTO program and came into effect in July 2017. RentSafeTO is a registration, audit and enforcement program that aims to ensure that building owners/operators comply with building maintenance standards and provide tenants access to information.

The RentSafeTO program applies to rental properties that are three or more stories high and have ten or more units – which accounts for approximately 3,500 buildings and home to approximately 30 percent of Toronto's residents. As part of the program, building owners/operators are now responsible for developing and providing the following:

- Tenant service requests
- Tenant notification board
- Pest management
- Waste management plan
- Cleaning plan
- Capital repair plans
- Logs of service and maintenance conducted on fuel burning appliances, heating, cooling systems, ventilation systems and plumbing systems.

There are three key elements to the program: building registration, evaluations, and audits.

All building owners/operators must register their building with the City of Toronto, pay a per unit fee and provide important information about their building and its facilities.

Buildings are subject to proactive inspections and evaluations at least once every three years. Evaluations are high-level assessments of the condition of a building, focused on inspection of common areas, amenities, and elements such as lighting, cleanliness, building upkeep and security systems. The building is given an overall evaluation score, which determines whether the building is required to receive a full building audit. The overall building score also determines when the next building evaluation will be scheduled. Buildings that score within the 51%-65% range will be scheduled for an evaluation within one year; those that score within the 66%-75% will be scheduled for an evaluation within two years; and buildings that score 76% or above will be scheduled for an evaluation within three years.

Only buildings that score 50% or below are scheduled for a full building audit, which entails a comprehensive inspection of all common areas and all equipment/service rooms/areas from rooftop to basement, underground garage and exterior grounds. The audit process is a collaborative effort between MLS and TFS, with voluntary participation from ESA and the Technical Standards and Safety Authority (TSSA).

Audits also include inspections of in-suite units for tenants who file complaints with onsite officers at a community engagement kiosk, which is established in the lobby of the building or nearby during the audit process.

The buildings in St. James Town received passing scores on their initial evaluation, as no problems were identified related to the overall state of the building. These buildings therefore did not receive a full building audit. While the audit process is more comprehensive, electrical safety issues may not have been detected as these matters are complex and may not be visible or apparent without a full comprehensive inspection undertaken by a Licensed Electrical Contractor (LEC).

In response to the incidents at 260 Wellesley and 640 Parliament, MLS will be pursuing risk-based inspections in partnership with the ESA. As an immediate step, staff recommend key changes to the RentSafeTO program such as requiring building owners/operators to: develop an electrical maintenance plan with an LEC, and maintain a list of tenants who may require additional support or assistance in the event of the discontinuance of vital services resulting from inspection or maintenance. These recommendations will be discussed further below.

Partnership with the Electrical Safety Authority

MLS has undertaken a partnership with the ESA to better understand the scope of electrical safety issues in rental apartment buildings across the City of Toronto.

Through the RentSafeTO program, building owners/operators are required to submit key information about various features, amenities and systems within their buildings. This data captures information such as the number of stories and units, the year a building was built, types of heating and cooling systems including any updates or replacement of original systems, as well as sub metering of gas, water and hydro.

MLS and ESA are using this data to identify priority buildings that may be susceptible to electrical safety issues. The registry data has been used to develop a list of approximately 2,900 apartment buildings that were constructed prior to 1976, which may be at higher risk of malfunction according to the ESA. This is due to the fact that buildings built prior to 1976 were not required to have electrical safety devices which would help prevent a catastrophic electrical failure. Buildings constructed after 1976 were required to have such devices due to changes in the Electrical Safety Code.

The registry data will be used to further cross-reference with ESA information to verify which buildings have permits or recent upgrades that result in electrical systems meeting a higher standard of safety. This will be used to develop a list of priority buildings to move forward with a risk-based approach to comprehensive inspections.

If these inspections require the discontinuance of vital services in an apartment building, MLS, TFS and ESA have established a protocol for building owners to follow in order to minimize disruptions in the future. In buildings that are identified as high-risk, there will be a complete shut-down of electrical service by Toronto Hydro, in conjunction with the LEC hired by the property owner, along with inspections conducted by ESA to ensure compliance with the Ontario Electrical Safety Code and alternative measures approved by TFS for the life safety systems in these buildings.

As part of the process, building owners are responsible for taking measures to ensure a minimal level of disturbance to tenants, and to ensure health and safety protocols are in place. Building staff will be required to be on site full-time to manage the shutdown, including providing notice and direction to tenants, as well as coordinating with ownership, tenants, City Officials, TFS, and ESA. There will also be fire watch personnel, elevator technicians, plumbers, and qualified fire alarm panel and sprinkler technicians on site.

Electrical Safety Requirements

The Electricity Act, 1998 sets the standards for electrical systems in the province, but under the Act, there are no regulatory requirements for building owners/operators to inspect, test, or maintain electrical components in their apartment buildings. Failure of an electrical system can have serious consequences and in some cases may endanger the health and safety of tenants. If property owners are not diligent about inspecting and maintaining their building's electrical systems, a small issue can lead to significant breakdowns.

Furthermore, electrical systems in older buildings degrade with regular use. While parts and systems can be serviced and maintained, they can malfunction more quickly over time. Corrosion of metal parts is very common with aging electrical systems, and these require maintenance and replacement to avoid potential electrical hazards in the future. These types of issues could indicate additional potential electrical hazards.

The incidents in St. James Town have raised concerns regarding electrical systems in aging building stock across the city. As a result of aging infrastructure, the buildings at 650 Parliament and 260 Wellesley resulted in significant building damage and displacement of tenants. It is recommended that the City address the existing regulatory gap by requiring building owners/operators, under the Apartment Buildings By-law, to have an electrical safety maintenance plan approved by the ESA, and to maintain any information and records necessary to demonstrate compliance with the electrical safety maintenance plan.

City staff recommend that building owners/operators have a provincially-licensed electrical contractor develop an electrical maintenance plan, and have this plan reviewed and approved by the ESA. The plan should take into consideration each unit of equipment as it relates to the entire function and operation of the building to determine the frequency of inspection and testing, and should consult manufacturers' service manuals and industry standards and guidelines such as the CSA Z463-18. The ESA is currently in the process of developing materials to support property owners and LECs as they endeavor to conduct safety inspections of existing electrical systems.

Moving forward, staff recommend that building owners/operators also be required to provide the logs of service and maintenance conducted on their electrical systems and the name of the certified tradesperson who inspected the system. Logs should detail all service and maintenance conducted since July 1, 2017.

Finally, it is recommended that the City request the Province of Ontario to consider amending the Electrical Safety Code to mandate electrical safety inspections of all

buildings in the province. While the Electricity Act, 1998, authorizes ESA to conduct inspections of properties for the purpose of ensuring compliance with the Act, the inspections are not a legislated requirement. Mandating ESA inspections would result in comprehensive actions to ensure that electrical systems are being held to the standards outlined in the provincial Electricity Act, 1998.

Voluntary Tenants Contact List

Building owners/operators do not always have the means necessary to contact individuals and provide the additional assistance or supports that they may require in situations involving the disruption of vital services. As such, staff are recommending that building owners/operators be required to maintain an up-to-date list of contact information for tenants who require additional assistance in evacuating the building or need accommodations in cases of vital services disruptions within their building, such as those facing mobility barriers and those who may have greater care needs (e.g. mental health issues, cognitive disabilities, dementia, etc.).

Individuals who wish to self-identify as needing assistance would do so on a voluntary basis. A tenant on the contact list may be any individual who feels that they require additional assistance and/or support in the event a disruption of vital services, such as heat, water or electricity. Tenants could provide information such as the type of accommodation or assistance required in the event of these disruptions.

The concept of a voluntary tenant contact list has also been identified as part of the City's Heat Relief Network. In January 2019, City Council requested the Heat Relief Work Group to explore the feasibility of cool rooms and requiring building owners/operators to maintain a list of residents who may require additional assistance getting to a cool space.

Currently, all building owners are required to prepare and submit a Fire Safety Plan for review and approval by TFS that outlines procedures for evacuating occupants, including special provisions for persons requiring assistance. The building owner is required to review the Fire Safety Plan as often as necessary, but at least every 12 months, and revise as necessary so that it takes into account changes in the use or other characteristics of the building or premises.

The proposed voluntary tenants contact list is different from the Fire Safety Plan as it would provide an opportunity for any tenant who feels they would need additional supports in the event of a loss of vital services to identify themselves to their landlord on a list which would be provided to identified City officials in case of evacuation or discontinuance of vital services. It is proposed that building owners/operators would be required to make tenants aware of the option to self-identify for this purpose, as well as maintain the list and update as new information is provided by tenants. Building owners/operators would also be required to communicate to and educate tenants on this process on an annual basis, as well as discuss with new tenants when moving into the building.

The City would develop a form to be used for the voluntary collection of information to ensure that the information is collected, maintained and used in accordance with

applicable privacy requirements. Building owners/operators would only be required to provide this list to City staff if requested in order to respond to an emergency situation.

This list could be used to assist City responders in a serious incident involving a disruption of a vital service in assessing which tenants may require additional assistance. Namely, this list may be of particular use for TFS, Toronto Paramedic Services, the OEM and MLS.

Tools for Enforcement and Cost Recovery

Provincial legislation provides regulatory tools to all municipalities through the Building Code Act, 1992, the Emergency Management and Civil Protection Act, the Fire Protection and Prevention Act, and to Toronto through the City of Toronto Act, 2006.

Using the authority granted by provincial legislation, the City of Toronto has existing by-laws that offer regulatory and enforcement tools for responding to emergencies in apartment buildings – namely the Property Standards (Chapter 629), Apartment Buildings (Chapter 354) and the Discontinuation of Vital Services (Chapter 835) by-laws, which are summarized as follows:

- Under the Property Standards By-law, the City can issue an emergency order to undertake remedial repairs when there is an immediate danger to health and safety, and add the costs to the owner's property tax roll following a successful application to the Ontario Superior Court of Justice.
- Under the Apartment Buildings By-law, the City can conduct joint audit inspections with ESA of electrical systems and fire safety/suppression systems, issue charges which carry fines up to \$100,000 for offences, and undertake remedial action at the building owner/operator's expense.
- Under the Emergency Management and Civil Protection Act, the City has the right of action against any person who caused an emergency for the recovery of money expended or cost incurred in the implementation of an emergency plan or in connection with an emergency.
- Under the Fire Protection and Prevention Act, the City has the ability to undertake work to achieve compliance with the Ontario Fire Code and mitigate fire and life safety hazards, and recover costs from the owner.
- Under the Discontinuation of Vital Services By-law, the City can charge a landlord up to \$5,000 per day for by-law offences, such as failing to provide adequate vital services to a rental unit.

These provisions are outlined below in more detail.

Chapter 629, Property Standards

Toronto Municipal Code Chapter 629, Property Standards sets the minimum standards for all properties in Toronto including building elements related to the livability of rental units such as lighting, heating, plumbing, and electrical services. All property owners are required to maintain and repair their property including owners of rental properties. The Building Code Act, 1992 provides the authority for a municipality to enact a Property Standards by-law including enforcement provisions for any non-compliance matters.

The by-law also prohibits building owners/operators or anyone acting on an owner's behalf to disconnect any service or utility that provides light, heat, air conditioning, refrigeration, water or cooking facilities for any property occupied by a tenant or lessee, unless for the purpose of repairing, replacing or altering the service or utility, and then only during the reasonable minimum time that the action is necessary.

The Property Standards By-law is enforced by MLS. When the City receives Service Requests relating to a property (e.g. through 311), these are investigated by enforcement officers. If contraventions are found, officers may issue a Property Standards Order. An Order states the contravention along with the compliance date for the property owner to rectify the contravention.

Should a property owner not comply with the Property Standards Order then the officer may lay charges for non-compliance, initiate remedial action to have the contravention(s) corrected using City contractors or both. Should remedial action be initiated then all costs associated with this action are placed on the property taxes. The issuance of an order is a legislative requirement before any intervention by the City can occur.

In the event that the violation poses an immediate danger to the health and safety of any person, the City can make an emergency order under Section 15.7 of the Building Code Act, 1992 requiring remedial repairs or other work to be carried out to terminate the danger. The cost of remedial repairs can be added to the property tax roll of the property owner following a successful application to the Ontario Superior Court of Justice.

Chapter 354, Apartment Buildings

Under the Apartment Buildings By-law, an owner/operator is responsible for all of the City's costs associated with a building audit if they receive an evaluation score of 50% or below. This includes an administrative fee plus an audit inspection fee per hour per officer. An additional re-inspection fee also applies when an Order has been issued and full compliance has not been achieved. If these fees are not paid within 90 days, they are added to the property tax bill.

During any audit, inspection, or re-inspection of a building, officers may issue Orders for property standards violations under Chapter 629. Where a landlord has contravened Chapter 354, the City may also charge the owner for these offences. Charges may be dealt with by way of set fines or through a prosecution. Established set fines include penalties for failing to meet program requirements, such as failing to: register, provide a cleaning plan, or post on the tenant notification board. Each offence is designated as a continuing offence and is subject to, for each day or part of a day that the offence continues, a maximum fine of no more than \$10,000. The total of all of the daily fines imposed for each offence may exceed \$100,000.

The Apartment Buildings By-law also allows the City to take remedial action to remedy a contravention if the landlord fails to do so. If a person fails to comply with an order to do work to correct a contravention of the By-law, MLS can pursue remedial action to complete the work ordered at the person's expense.

Chapter 835, Vital Services, Discontinuation of

Toronto Municipal Code Chapter 835 outlines the regulations surrounding the provision and discontinuation of vital services such as fuel, hydro, gas, or hot or cold water in buildings by suppliers and building owners/operators.

The By-law states that a landlord may only cease to provide a vital service if necessary to alter or repair the rental unit, and only for the minimum period of time necessary. Chapter 835 also establishes set fines for non-compliance, such as failing to provide adequate vital services to a rental unit and ceasing to provide suitable vital service to a rental unit. Every person who contravenes or fails to comply is guilty of an offence for each day or part of a day on which the offence occurs or continues. Under the Provincial Offences Act, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.

Fire Protection and Prevention Act

The Fire Protection and Prevention Act (FPPA) provides the Chief Fire Official with numerous options for achieving compliance with the requirements of the Ontario Fire Code, and mitigating fire and life safety hazards not addressed by the Ontario Fire Code. In addition, FPPA provides cost recovery mechanisms for a municipality that exercises the same.

The Government of Ontario introduced amendments to the Fire Protection and Prevention Act in *Schedule 29 of Bill 100, Protecting What Matters Most Act (Budget Measures), 2019*. These amendments significantly increase the penalties for owners who fail to meet their obligations under the Ontario Fire Code and improve cost recovery mechanisms for municipalities when forced to take extraordinary measures.

Emergency Management and Civil Protection Act

In addition to the City of Toronto by-laws and enabling provincial legislation outlined above, the City can also take remedial action under the Government of Ontario's Emergency Management and Civil Protection Act. Under Section 12 Right of Action, municipalities and local service boards have the right of action against any person who caused an emergency for the recovery of money expended or cost incurred in the implementation of an emergency plan or in connection with an emergency.

The City of Toronto could use section 12 to recover costs associated with intervention in situations such as a mass evacuation or de-housing of tenants as a result of a landlord failing to adequately maintain their buildings, including vital services infrastructure such as heat, water and electricity. Municipalities do not necessarily need to declare a state of emergency in order to pursue this process – only to implement their emergency plan. The Office of Emergency Management implemented their emergency plan in response to incidents at both 650 Parliament Street and 260 Wellesley Street.

Pursuing cost recovery through Section 12 Right of Action requires a clear determination of a person or persons at fault for causing an emergency situation. This would be pursued through the provincial courts through a claim, and maybe require commandment of a civil claim.

Areas for further exploration

Recovering Costs for Temporary Accommodation

This report has detailed incidents that have required the evacuation of tenants, and costs incurred by the City to provide temporary accommodation in cases where the landlord does not provide accommodation to tenants (e.g. through short-term stays in hotels, community centres, etc.).

City staff will explore the options that the City has to recover costs from building owners/operators, specifically in cases where the evacuation and relocation of tenants is the result of negligence of the landlord. The nature of a potential cost recovery tool will be assessed, including determining the length of time for which the City would seek to recover costs, and the impact on housing affordability.

City staff will also examine whether the City has the authority to pass a by-law or whether an amendment to the City of Toronto Act, 2006 or other legislation is required.

Emergency Management and Crisis Communications Review

In response to the incidents in St. James Town, City Council has also directed the Deputy City Manager, Infrastructure and Development Services to review the function and performance of the City's emergency response to the incident at 260 Wellesley Street East, in consultation with the local Councillor, the Mayor, the property owners and tenants of 260 Wellesley Street East, 650 Parliament Street, specifically as it pertains to crisis communication and emergency management for high-rise and other types of evacuations, especially for persons needing assistance to evacuate the premises, and to report the outcomes to the Executive Committee.

The Office of Emergency Management, Strategic Communications and Toronto Fire Services intend to address this item in an upcoming report in Q3 2019. This report will aim to review the decision authority and functions of all relevant bodies such as MLS, Legal Services, Toronto Building and Toronto Fire involved in these scenarios, and begin to identify regulatory gaps.

MLS will continue to work collaboratively with the Office of Emergency Management and Toronto Fire Services on these efforts, and identify areas for improvement in the by-laws enforced by MLS.

Insurance

MLS will explore whether there are insurance products on the market that may provide coverage for tenants and building owners/operators in situations outlined in this report, and whether insurance requirements should be incorporated as part of the RentSafeTO program.

Tenant insurance policies currently exist on the market and are fairly common. These are purchased by individual tenants and typically cover liability, contents and additional living expenses. Existing insurance products for building owners/operators include Business Interruption Insurance and General Liability insurance.

MLS will consult with the Insurance Bureau of Canada, Insurance Brokers Association of Ontario, and the Financial Services Commission of Ontario (which will become the Financial Services Regulatory Authority of Ontario in Spring 2019) to undertake a review of the current insurance options on the market, and if the products available may provide appropriate coverage to tenants and building owners/operators.

Review of Chapter 354, Apartment Buildings

MLS will be reporting on the progress and achievements of the RentSafeTO program, and address outstanding directives related to rating systems, tenant engagement, suite metering and administrative penalties. Staff will conduct research and consultation and report back with recommendations in Q4 2019.

Review of Chapter 629, Property Standards

MLS will also be undertaking a review of the Property Standards By-law to address outstanding directives related to elevators and lighting, as well as its relationship to other relevant by-laws such as Chapter 632, Property, Vacant or Hazardous, and Chapter 835, Vital Services, Discontinuation of. Staff will conduct research and consultation and report back with recommendations in Q4 2019.

Implementation

The changes to the Apartment Buildings by-law outlined in this report will come into effect on October 1, 2019. The requirements in these by-laws will be communicated to building owners/operators using existing channels available through the RentSafeTO program prior to July 1, 2019, to ensure that they are aware of how the new by-law will impact them and can take any actions necessary to comply.

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