

Attachment 1 - Draft City of Toronto Municipal Code Chapter 367

**TORONTO MUNICIPAL CODE CHAPTER 367,
BUILDING EMISSIONS PERFORMANCE**

Chapter 367

BUILDING EMISSIONS PERFORMANCE

**ARTICLE I
Interpretation**

367-1. Definitions.

**ARTICLE II
Reporting**

367-2. Duty to report annually.

367-3. Information to be reported.

367-4. Manner of reporting.

367-5. Reporting exemption or extension for a calendar year.

**ARTICLE III
Document Retention**

367-6. Document retention.

**ARTICLE IV
Public Disclosure of Information**

367-7. Public disclosure of information.

**ARTICLE V
Enforcement**

367-8. Offences.

367-9. Entry to inspect.

367-10. Orders to comply.

367-11. Remedial action.

ARTICLE I

Interpretation

367-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BUILDING – An enclosed structure, or part of enclosed structure, consisting of a wall, roof, and/or floor.

CALENDAR YEAR – A calendar year is a one-year period that begins on January 1 and ends on December 31.

CERTIFIED PROFESSIONAL – An individual qualified to perform verification of the descriptive information and the performance information, such as a professional engineer, architect, or another accredited individual acceptable to the Executive Director of Environment & Climate Division.

DESCRIPTIVE INFORMATION – Shall have the meaning set out in §367-3.A.(1).

EXECUTIVE DIRECTOR OF ENVIRONMENT & CLIMATE DIVISION – The Executive Director, Environment & Climate Division or their designate or their successor.

GROSS FLOOR AREA – The gross floor area is the sum of the total area of each floor level of a building, above and below the ground, measured from the exterior of the main wall of each floor level.

LOADING AREA – Loading area is a building, or a portion of a building, used for the loading or unloading of goods from a vehicle.

NON-RENEWABLE ELECTRICITY GENERATION - Electricity produced and used on location at a property from natural gas, district steam, or other fuels.

OFFICER - A City of Toronto employee whose duties include the enforcement of this chapter.

OTHER FUEL - Any source of energy consumed to produce heat and/or electricity that is not listed by name in §367-3.A.(2)(i), such as diesel, propane, gasoline, #2 fuel oil, and wood.

PARKING AREA – Parking area is a building, or a portion of a building, with one or more parking spaces.

PERFORMANCE INFORMATION – Shall have the meaning set out in §367-3.A.(2).

PERSON - Includes a corporation, partnership or any other business association, as well as an individual person.

PROPERTY OWNER – A person who on December 31 of the calendar year is a registered owner on title to the property.

PROPERTY TYPE – A term that describes the use of a property.

RENEWABLE ELECTRICITY GENERATION - Electricity produced from renewable sources at a property and used on location at a property.

REPORT DEADLINE –The first business day of July in which the report information from the previous calendar year is to be submitted to the City of Toronto by or on.

REPORT INFORMATION – Shall mean the information to be submitted by a property owner as set out in §367-3.A.

SUITE - Suite means a single room or series of rooms of complementary use, operated under a single tenancy, and includes,

- a. dwelling units,
- b. individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories, and
- c. individual stores and individual or complementary rooms for business and personal services occupancies.

UTILITY PROVIDER – A utility provider is a person that distributes and/or sells natural gas, electric, water, district heating, district cooling, and/or thermal energy services.

ARTICLE II Reporting

367-2. Duty to report annually.

- A. On or before the report deadline each year a property owner shall submit the report information for their property from the previous calendar year to the City of Toronto, starting as follows:
 - (1) in 2024 if their property contains a building with a gross floor area equal to or exceeding 4,645 m²; and
 - (2) in 2025 if their property contains a building with a gross floor area equal to or exceeding 929 m².
- B. §367-2.A. does not apply to a property owner if the building on the property did not consume any water and energy at any point during a calendar year for which the report information is required to be submitted.
- C. For the purpose of §367-2.A., where a property owner possesses more than one property each property must be reported separately.
- D. For the purpose of §367-2.A., if a property contains more than one building the property owner shall submit a separate report information for each building.

- E. For the purpose of §367-2.A., if the property has more than one property owner all property owners are responsible for submitting a single report information.

367-3. Information to be reported.

- A. The report information to be submitted by the property owner shall contain the following information:

(1) descriptive information, as follows:

- (ii) property address;
- (iii) primary property type;
- (iv) secondary property type;
- (v) total gross floor area of building;
- (vi) total gross floor area of heated parking area and loading area;
- (vii) total gross floor area of unheated parking area and loading area;
- (viii) year of construction;
- (ix) number of suites;
- (x) City of Toronto Property Tax Assessment Roll Number; and

(2) performance information, as follows:

- (i) if the property has an account with a utility provider,
 - a. electricity consumption (kWh);
 - b. natural gas consumption (m³);
 - c. district steam heating consumption (GJ);
 - d. district hot water heating consumption (GJ);
 - e. district cooling consumption (GJ);
 - f. name of utility provider for district heating;
 - g. name of utility provider for district cooling;
 - h. water use (m³); and
- (ii) if the property consumes other fuels, the total amount of each other fuels consumed; and
- (iii) if electricity is produced and used on location at the property:
 - a. renewable electricity generation consumption (kWh);
 - b. non-renewable electricity generation consumption (kWh);
 - c. total amount of each fuel consumed to produce the renewable electricity generation produced and consumed on location;
 - d. total amount of each fuel consumed to produce the non-renewable electricity generation produced and consumed on location; and

- (3) If the property contains a building totaling a gross floor area equal to or exceeding 9,290 m², an attestation by a certified professional verifying the descriptive information and performance information; and

- (4) any other descriptive information or building performance information required by the Executive Director of Environment & Climate Division.

367-4. Manner of reporting.

- A. Every property owner shall submit the report information, as required under §367-2.A., for each property to the City of Toronto in a form and manner satisfactory to the Executive Director of Environment & Climate Division.

367-5. Reporting exemption or extension for a calendar year.

- A. The Executive Director of Environment & Climate Division may grant a property owner:
 - (1) an exemption from submitting any of the report information for a calendar year; and/or
 - (2) extend the report deadline for the submission of any of the report information for a calendar year.
- B. A property owner must request an exemption and/or extension from the Executive Director of Environment & Climate Division in writing outlining why the exemption and/or extension is needed, in the form and with any supporting information required by the City of Toronto, 60 days before the report deadline for the calendar year the exemption and/or extension is being requested for.
- C. A property owner who has applied for an exemption and/or an extension in the manner prescribed above shall not be required to submit the report information until the Executive Director of Environment & Climate Division has disposed of the request and has deemed that all or part of the report information must be submitted.
- D. Before granting an exemption or an extension, the Executive Director of Environment & Climate Division must consider whether an exemption is reasonable based on:
 - (1) the reason for the exemption and/or extension; and
 - (2) the frequency of exemption and/or extension requests.
- E. The exemption granted to the property owner under §367-5.A.(1) by the Executive Director of Environment & Climate Division shall only be valid for the calendar year it was requested for.

ARTICLE III Document Retention

367-6. Document retention.

- A. Every property owner must retain all report information necessary to establish their compliance with the reporting requirement under §367-2. for a period of 6 years from the end of the calendar year which the information pertains to.

ARTICLE IV Public Disclosure of Information

367-7. Public disclosure of information.

- A. The Executive Director of Environment & Climate Division will create a public record of the following information submitted by a property owner under this chapter which may be posted in a manner available to the public:
 - (1) property address;
 - (2) primary property type;
 - (3) secondary property type;
 - (4) total gross floor area of building;
 - (5) total gross floor area of heated parking area and loading area;
 - (6) total gross floor area of unheated parking area and loading area;
 - (7) year of construction;
 - (8) number of suites; and
 - (9) performance information.

ARTICLE V Enforcement

367-8. Offences.

- A. Every person who contravenes any provision of this chapter, or a direction or order issued in accordance with this chapter, is guilty of an offence and on conviction is liable to a fine of no more than \$100,000.
- B. In addition to a fine or fines provided for in this section every person who gains an economic advantage or economic gain from contravening this chapter, or a direction or order issued in accordance with this chapter, shall be liable to a special fine in an amount equal to the fair market value of the economic advantage or economic gain so obtained from the contravention.
- C. In addition to offences referred to in §367-8.A., every person is guilty of an offence under this chapter who:

- (1) Hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this chapter;
 - (2) Neglects or refuses to produce or provide any information or thing to any person acting pursuant to an order made under section 378 of the City of Toronto Act, 2006;
 - (3) Makes, participates in, assents to or acquiesces in the provision of information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter that the person knows or ought to have known to be false or misleading.
- D. Where a corporation contravenes any of the provisions of this chapter, or a direction or order issued in accordance with this chapter, every director or officer who concurs in such contravention is guilty of an offence and, upon conviction, is liable to a fine of no more than \$100,000.
- E. 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.

367-9. Entry to inspect.

- A. In accordance with section 376 of the City of Toronto Act, 2006, an officer may enter upon land within the City of Toronto at any reasonable time for the purpose of carrying out inspections to determine whether there is compliance with this chapter.
- B. For the purposes of an inspection under §367-9.A., an officer may:
- (1) Require, for inspection, the production of documents or things relevant to the inspection;
 - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts of them;
 - (3) Require information from any person concerning a matter related to the inspection;
 - (4) Be accompanied by such person or persons as the officer determines is necessary if such person or persons possesses special or expert knowledge related to the purpose of the inspection; and
 - (5) Make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

367-10. Orders to comply.

- A. An officer who finds a contravention of this chapter may make one or more orders requiring discontinuance of the contravening activity or to do work to correct the contravention under section 384 or 385 of the City of Toronto Act, 2006.
- B. The order may be served:
 - (1) personally on the person to whom it is directed;
 - (2) by regular or registered mail to the last known address of that person, in which case it shall be deemed to have been served on the third day after it is mailed; or
 - (3) by email, at any email address that the person to whom the order is directed has provided for the purpose of receiving electronic documents or at which the person is known to receive email communication, in which case it shall be deemed to have been served on the day it is emailed.
- C. If the City of Toronto is unable to effect service on the person under §367-10.B. a placard stating the terms of the order and placed in a conspicuous place on the property shall be deemed to be sufficient notice to the person.

367-11. Remedial action.

- A. If a person fails to comply with an order to do work to correct a contravention of this chapter, the City of Toronto or persons acting on its instructions, may enter the premises at any reasonable time for the purposes of bring into compliance the things described in the order at the person's expense.