

Attachment 3: Jurisdictional Scan

Purpose

The City of Toronto's Municipal Licensing and Standards (MLS) Division undertook jurisdictional interviews with New York and Vancouver to respond to Council direction that requested a review of their respective apartment standards tools/evaluation frameworks. This scan includes a comparative review of additional Canadian municipalities including Mississauga, Hamilton, Montreal, and Halifax.

New York

New York City's (NYC) [Department of Housing Preservation and Development](#) (HPD) enforces the New York City [Housing Maintenance Code](#) (HMC), which establishes minimum safety and occupancy standards, and the [New York State Multiple Dwelling Law](#) (MDL) which establishes minimum maintenance requirements for existing buildings through the [Property Maintenance Code of New York State](#) (PMCNYS).

The Department oversees the annual registration of residential building property owners who pay a \$13 annual administrative fee; qualified property owners oversee i) multiple dwellings (3+ residential units) which includes hotels, condominiums, and cooperatives and ii) private dwellings (1-2 residential units) where not owner occupied.

The Department's [Office of Enforcement and Neighbourhood Services](#) (ENS) conducts inspections and issues violations through targeted proactive building-wide activities; buildings do not receive a score based on their inspection. Code inspectors perform over 500,000 inspections annually and collaborate with other Departments and community partners to respond to harassment claims based on maintenance conditions.

Violations are closed when verified by the HPD or as certified by the property owner. If property owners do not correct emergency violations, HPD can undertake emergency repair work and charge it to the building. Through the [Underlying Conditions program](#), HPD inspectors can issue administrative orders to property owners; approximately 50-100 buildings participate annually in the program based on the number and severity of violations.

Data from open violations are available [online](#) and New York City's Public Advocate posts a [landlord watchlist](#) where property owners are ranked according to objective criteria based on the average number of open violations.

Vancouver

The City of Vancouver's Property Inspections Branch within [Development, Building and Licensing Service Area](#) oversees the [Standards of Maintenance By-law \(5462\)](#) which establishes a standard for hazard-free buildings with prescribed health, fire, and building requirements; these standards are complemented by other by-laws regulating noise,

graffiti, parking and more. Further, the [Vancouver Building By-law](#) (CBO) regulates building construction and design including administrative provision of permits, inspections and enforcement activities whereas, all landlords in British Columbia are required to comply with the Provincial [Residential Tenancy Act](#) (RTA).

The City of Vancouver is divided into 23 [Property Use Inspection Districts](#); Property Use Inspectors are assigned to a field district and are responsible for all bylaw enforcement in that district. Notably, the City requires residential rental properties including [short-term rentals](#) and [bed and breakfasts](#) to be licensed to operate. [Long-term rental properties](#) (including laneway houses, secondary suites, duplexes and rooming houses) must be licensed if rented for more than 30 days at a time; this license has a registration fee of \$60 and a per unit annual fee. Proactive inspections are only completed for short-term rental accommodations and single-room accommodations.

Bylaw investigation and enforcement efforts typically result from complaints, re-check of permit conditions or routine observation by Property Use Inspectors. Bylaw enforcement is carried out by issuing orders relating to bylaw violations, which may result in charges being laid through the Bylaw Prosecutor's office or "Show Cause Hearings" held before Council.

Data of licensed rental properties with 5 or more units that have current and unresolved bylaw issues are available [online](#).

Mississauga

The City of Mississauga's [Rental Apartment Buildings By-law](#) requires annual registration of all purpose-built rental buildings that contain two or more storeys and six or more residential units that share a common area with exemptions for condominiums, long-term care (LTC) homes, licensed retirement homes and housing co-operatives.

In November 2021, the [Apartment Building Standards and Maintenance Program](#) was approved by Mississauga City Council after City staff identified the need for a program that mirrored the City of Toronto's RentSafeTO program. In March 2022, City Council archived the Apartment Building Standards and Maintenance Program and launched the [Mississauga Apartment Rental Compliance \(MARC\) pilot program](#) which will run from July 2022 to July 2027.

Registration certificates are non-transferable and renewed annually for a fee of \$18.25 per residential unit; new owners are required to register their buildings upon taking ownership. Within 90 days of registration, owners must create and implement all by-law required plans; plans address tenant service request processes, waste management planning, state of good repair planning, vital services disruption planning, tenant notification boards, pest management and record keeping among others. Failure to register an apartment building is an offence under the by-law with maximum penalty of \$100,000 upon conviction.

MLEOs (Municipal Law Enforcement Officers) enforce the program through proactive inspections (evaluations). Evaluations include a visual inspection of common areas and a score is assigned based on program compliance and determines the timing of future inspections: i) 91% - 100% (in three years), ii) 66% - 90% (in two years), iii) 51% - 65% (in one year) and iv) 0% - 50% (audit to be scheduled). MLEOs can issue orders to require building owners to resolve any serious issues.

Audits are conducted on buildings that receive substandard evaluation scores and includes a tenant engagement process. An audit includes an inspection and assessment of physical condition of building, systems and site components as well as individual rental units as requested by tenants. Upon completion, MLEOs will order the owner to resolve any and all identified by-law violations.

The following section includes municipalities that are in the process of establishing an apartment/residential buildings standards program.

Hamilton

In January 2024, the City of Hamilton adopted a [Safe Apartment Buildings By-law](#) that is modelled after the City of Toronto's RentSafeTO program. The general approach of the By-law is to implement a program that would regularly evaluate and inspect purpose-built rental apartments and educate tenants on the processes required to address property standards concerns. The program would require all purpose-built apartment buildings that are 2 or more storeys and 6 or more units to obtain a licence to operate and pay an annual per-unit fee.

Operational requirements include the submission of supporting documentation such as service plans (i.e. Cleaning Plan, Waste Management Plan, State of Good Repair Plan etc.); these plans would be reviewed by staff and registered building would be evaluated as their registration is received. The By-law proposes to score buildings based on weighted evaluation criteria that encompass property standards (exterior and common areas) and compliance with program standards outlined in the By-law. The program proposes to evaluate all buildings at least every three years (with lower scoring buildings evaluated on a more frequent basis). The By-law will require building evaluation scores to be posted on Tenant Notification Boards and available for the public online.

Modelled after RentSafeTO, City staff will undertake on-site engagement with tenants to educate them on the elements of the program and the By-law and highlight processes such as submitting complaints and addressing interior property standard concerns with their property manager. For buildings that score lower than 50% on their evaluation, a comprehensive audit will be conducted with "door-knocking" efforts to engage tenants

The by-law is proposed to be adopted on May 1, 2024 and City staff will continue to monitor the outcomes of its implementation.

Montreal

The City of Montreal has introduced a [Responsible Landlord Certification](#) that applies to rental buildings with eight or more units which represent approximately 35% of Montreal's housing units. The new provisions for the certification/program will be incorporated into the [By-law concerning the sanitation and maintenance of dwellings](#).

The program's objectives are to: i) make multi-unit landlords more accountable, ii) reduce the number of unsanitary and poorly maintained units, iii) improve the condition of existing housing and maintaining its affordability and iv) increase transparency.

Landlords will apply for certification online and certifications must be renewed every 5 years. Certification status and rental rates, disclosed through a rental registry, will be made available to the public online. Eligible landlords will have to confirm that their buildings and units are well maintained and must commit to making the necessary repairs, when required through the City's rigorous monitoring measures.

Implementation is expected to begin in early 2023 and will be phased over a five-year period beginning with buildings of 100 units or more.

Halifax

In April 2019, the City of Halifax adopted [By-law M-200 Respecting Standards of Residential Occupancies](#) to establish minimum standards for maintenance, occupancy, building and fire safety standards. By-law M-200 considered a rental registry however, City staff recommended a separate by-law be adopted.

In August 2023, the City of Halifax adopted [By-law R-400 Respecting Registration of Residential Rental Properties](#) which established a municipal residential rental registry. The rental registry will provide a basis for pro-active inspections and a comprehensive list of all rent properties in the municipality.

Through the adoption of By-law R-400, all rental housing properties must be registered. A grace period of approximately 9.5 months (April 1, 2024) will be given to allow property owners to register, however after that time, rental housing that is not registered will be considered in violation and those property owners will be subject to a fine.

The adoption of these provisions will inform the development of property maintenance plans required under By-law R-400 and enable the enforcement of additional maintenance requirements when completing inspections under By-law M-200.

The City noted its preference for a registry system over a licensing system as it provides a comprehensive record of all rental properties without significant administrative burden or cost. The rental registry addresses gaps in the City's current minimum standards building inspection program by including proactive inspections of fire and life safety elements in smaller residential buildings with 3 units or fewer.

The launch of the rental registry will include a website with resources for tenants and landlords including a template for the maintenance plan required by the R-400 by-law.

Conclusion

City of Toronto staff will continue to monitor the adoption and implementation of similar apartment building standards by-laws and programs across Canada and North America to identify opportunities to refine the City's approach and program design.