

## **Establishing a Framework to Address Excessive Indoor Temperatures in Leased Residential Premises**

**Date:** November 22, 2024

**To:** Planning and Housing Committee

**From:**

Executive Director, Municipal Licensing and Standards

Executive Director, Environment and Climate

Medical Officer of Health

**Wards:** All

### **SUMMARY**

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Like many cities around the world, Toronto is experiencing the effects of climate change with more frequent and extended heat events taking place outside of seasonal norms. Excessive indoor temperatures are a particular concern for tenants living in leased residential premises without air conditioning, or other cooling equipment such as heat pumps, who are at higher risk of heat-related health impacts. These impacts are intensified in multi-unit residential buildings and broadly in built-up urban environments with limited greenspace.

The City regulates indoor temperatures in leased residential premises through Toronto Municipal Code Chapter 497, Heating and Chapter 629, Property Standards. In the short term, heat-related impacts on residents are being managed through existing City measures such as the Heat Relief Strategy and Heat Relief Network, and in the longer term through policy and program initiatives spanning several City Divisions to support building improvements and enhancing the climate resilience of Toronto's aging housing stock.

This report outlines the City's preliminary actions to address excessive indoor temperatures and is the first in a phased reporting approach to address this complex policy challenge. Building on existing measures, this report responds to City Council direction ([2023.MM7.8](#)) and endorses establishing a maximum indoor temperature standard of 26°C to protect tenant health from excessive heat, with implementation considerations and next steps to be outlined in a Q4 2025 staff report. This phased approach will allow for comprehensive stakeholder engagement in 2025 and will be informed by technical findings from a C40 Cities project examining the issue in Toronto and other large North American cities.

This report also recommends amending Chapter 497, Heating and Chapter 629, Property Standards to adjust the dates when heating and cooling equipment must be

turned on and off to proactively address indoor temperatures in the shoulder seasons (i.e. May/June, September/October). The changes are recommended to come into effect on April 30, 2025, prior to the 2025 heat season.

This report also includes an update on the status of relevant Council directives and outlines actions taken to enhance the City's data on indoor temperature. The recommendations are informed by an analysis of climate and service request data, a review of public health research, engagement with residents, property owners and subject matter experts and a review of municipal regulations and provincial legislation.

Staff are committed to addressing excessive indoor temperatures while balancing the City's climate and housing objectives to transition to net-zero energy systems, ensure vital services are maintained, and limit potential impacts on rental housing availability and/or affordability.

This report was developed by Municipal Licensing and Standards, Toronto Public Health, and Environment and Climate with input from the Customer Experience Division, City Planning, Toronto Building, Toronto Emergency Management, Toronto Employment and Social Services, and the Housing Secretariat.

## **RECOMMENDATIONS**

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The Executive Director, Municipal Licensing and Standards, Executive Director, Environment and Climate, and the Medical Officer of Health recommend:

1. City Council amend Toronto Municipal Code, Chapter 497, Heating to:
  - a. Revise the date range in § 497-1.2 A to require the landlord to ensure that minimum temperature of 21°C is maintained in all areas of the dwelling unit from "October 1 in each year to May 15 in the following year" instead of "September 15 in each year to June 1 in the following year".
2. City Council amend Toronto Municipal Code, Chapter 629, Property Standards to:
  - a. Revise the date range in § 629-38 F to require all air-conditioning systems be operated from "June 1 to September 30" for dwelling units equipped with air conditioning provided by the property owner, instead of "June 2 to September 14".
3. City Council direct the amendments in Recommendation 1 and 2 come into effect on April 30, 2025.
4. City Council direct the Executive Director of Municipal Licensing and Standards, in consultation with the Medical Officer of Health, the Executive Director, Environment & Climate and relevant City divisions and external stakeholder groups, to report back by Q4 2025 with implementation considerations and recommended next steps to implement a health-based maximum indoor temperature standard of 26°C for leased residential premises and cooling rooms.

5. City Council request that the Province of Ontario amend the Residential Tenancies Act, 2006 to introduce a maximum temperature standard of 26°C for all leased residential premises and include cooling as a vital service to ensure thermal safety protections are available to tenants.

6. City Council request that the Province of Ontario proclaim Bill 97, Helping Homebuyers, Protecting Tenants Act, 2023 into force to strengthen tenants' rights to access cooling in leased residential premises and examine additional measures to support vulnerable and low-income tenants with associated cooling costs.

## **FINANCIAL IMPACT**

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There are no immediate financial implications resulting from this report. Financial impacts related to the development and implementation of any forthcoming City indoor temperature regulations will be assessed in a Q4 2025 report.

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

## **EQUITY IMPACT STATEMENT**

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Mounting evidence shows that the effects of climate change and excessive heat will continue to compromise the stability of housing in communities around the world. Given the intersectionality of this policy challenge, equity-deserving and marginalized groups feel these effects most acutely. Residents living in leased residential premises without air conditioning, or other cooling equipment such as heat pumps, are at higher risk of experiencing heat-related health impacts. In addition, factors such as age, gender, disability, and health status result in these demographics being disproportionately affected as the likelihood of heat-related morbidity and mortality effectively increases on each day of a heat episode.

The HousingTO 2020-2030 Action Plan and Toronto Housing Charter, both adopted in 2019, commit the City to advancing the right to adequate housing. They are centred in a human rights-based approach, which recognizes that housing is essential to the inherent dignity and well-being of a person and to building healthy, inclusive, and sustainable communities. As such, access to good quality and safe housing that can adapt to extreme heat events will become more critical as climate change accelerates the frequency and duration of these events.

The City recognizes the short-term/immediate impacts of excessive heat on residents and the long-term barriers facing Toronto's aging rental housing stock. Any regulatory, policy and/or program-based considerations regarding indoor temperatures will also have to address the broader equity impacts on housing availability/affordability and decarbonization efforts. City staff are aware that undertaking building improvements to achieve emissions targets and indoor temperature requirements require upfront capital

costs that could be passed down to tenants, ultimately increasing utility costs and exacerbating housing affordability challenges.

Any proposals to address excessive indoor temperatures must be considered in tandem with other strategic priorities such as reducing carbon emissions, enhancing community preparedness for climate events, and improving housing quality and affordability. Many of these factors have been identified through the City's HousingTO 2020-2030 Action Plan and are a central consideration in the development of the City's Building Emissions Performance Standards (BEPS). As such, thoughtful regulatory design must include compliance measures for building owners, supports for tenants and housing providers, and coordination with climate action to ensure equitable and successful outcomes for all.

## **DECISION HISTORY**

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On July 3, 2024, the Infrastructure and Environment Committee received for information [2024.IE15.4 - Building Emissions Performance Standards \(BEPS\) - Design Principles and Development Plan](#), which provides building owners reasonable and achievable pathways to decarbonize their buildings.

On April 17 and 18, 2024, City Council adopted [2024.IE12.3 - Toronto's Climate Change Readiness: Updates on Commitments and a Refreshed Mandate for Coordinating Resilience Activities](#), which directed staff to develop a plan to collect data for tracking the installation of clean technologies such as heat pumps.

On November 27, 2023, the Board of Health adopted [2023.HL8.3 Public Health Impacts of Climate Change in Toronto: A Path Forward for Responding to the Climate Crisis](#), which directed staff to develop a dedicated surveillance framework for monitoring climate change health impacts for Toronto.

On June 14, 2023, City Council adopted [2023.MM7.8 - Request to Implement an Adequate Temperature By-law](#), which directed staff to examine the feasibility of establishing minimum and maximum temperatures for leased residential premises and cooling rooms in addition to other data collection and building retrofit considerations.

On November 26, 2019, City Council adopted [2019.PH10.4 - Amendments to Chapter 354, Apartment Buildings and Progress Update on RentSafeTO](#), which amended Chapter 354, Apartment Buildings to require property owners to post information on their Tenant Notification Board about air-conditioned spaces in the building (or other places on the property) as well as the nearest publicly accessible air-conditioned location.

On November 26, 2019, City Council adopted [2019.HL10.4 - Strengthening Heat Resilience in the City of Toronto](#), which directed all City divisions to continue to incorporate hot weather response activities in their divisional mandates and collaborate on the City-wide Heat Relief Strategy's implementation.

On May 22, 2018, City Council adopted [2018.LS25.1 - Mitigating the Negative Impacts of Extreme Heat in Apartment Buildings](#), which amended Chapter 497, Heating to clarify that landlords do not need to turn the heat on between September 15 and June 1 where the unit is a minimum of 21°C without heating.

On March 5, 2018, the Board of Health adopted [2018.HL25.3 Increasing Access to Cooling in the Community](#), which requested staff conduct a trial Heat Relief Network that would maximize access to public air-conditioned spaces.

On October 2, 2017, City Council adopted [2017.MM32.50 - Protecting Toronto's Tenants from Extreme Heat](#), which directed staff to identify options that address heat in apartment buildings including amending applicable dates in Chapter 497, Heating and Chapter 629, Property Standards.

On May 17, 2017, the Board of Health adopted [2017.HL19.5 - Reducing Vulnerability to Extreme Heat in the Community at Home](#), which did not recommend a health-based maximum indoor temperature standard for all apartment buildings due to significant infrastructure and resource challenges identified.

On November 30, 2015, the Board of Health adopted [2015.HL8.5 - Update on Extreme Heat and Maximum Indoor Temperature Standard for Multi-unit Residential Buildings](#), which directed staff to explore the feasibility of implementing a health-based maximum indoor temperature standard of 26°C for rental multi-unit residential buildings.

On June 26, 2014, Licensing and Standards Committee adopted [2014.LS29.1 - Results of Feasibility Review - Maintaining Current Date Ranges for Provision of Heat to Residential Rental Units](#), which directed staff to monitor annual average temperatures and assess whether changes may be required to Chapter 497, Heating.

## COMMENTS

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### Background

The City's efforts to mitigate excessive indoor temperatures in leased residential premises have become increasingly important given a changing climate and an aging rental housing stock.

#### *Heat Exposure in Toronto*

Toronto's climate is changing, and the city is getting warmer; annual average temperatures have been on the rise since 1850, and the ten warmest years on record have all occurred since 1998. This results in warmer winters, earlier spring onset, and extended summer-like conditions, including more very hot days. The number of hot days per year with temperatures above 30°C has increased from an average of about 8 days per year in the 1950s to about 18 days per year currently<sup>1</sup>. These trends are expected to continue, with average seasonal temperatures increasing by as much as 6-8°C by the end of the century, depending on future global emissions patterns (according to ClimateData.ca). The number of days with temperatures reaching 30°C or higher will

increase to 25 days by the 2030s (2015 - 2040) and to between 46-78 days by the 2080s (2071 - 2100), based on emissions scenarios for current global emissions trajectories and development patterns.

Changing outdoor conditions affect indoor temperatures. With increasing outdoor temperatures, the demand for heating and cooling in buildings may change. This demand can be estimated based on the temperature difference that is accumulated daily when average temperature is below or above 18°C. These measures are called heating degree days (HDD) or cooling degree days (CDD), respectively. Cooling demand in buildings is expected to rise by 170-330% by the 2080s as compared with the 1980s, depending on the emissions scenario (according to ClimateData.ca).

While temperatures are increasing overall in Toronto, exposure to hot weather is not distributed evenly across the city, with variations in surface temperatures of up to 15°C common across various neighbourhoods (based on data extracted from ClimateData.ca and Ontario Provincial Climate Change Impact Assessment)<sup>1, 2</sup>. This happens because the effects of hot weather are amplified in built-up urban environments characterized by closely packed buildings and paved surfaces. Known as the Urban Heat Island (UHI) effect, this well-established phenomenon occurs because common urban features absorb and trap heat more effectively than natural spaces. In cities, heat can also be released from sources such as furnaces, air conditioners, and vehicles, adding to the overall ambient temperature. This type of urban heat persists at night when the heat captured by these structures (such as roads and buildings) during the day is released. Large cities can be as much as 12°C warmer than their surrounding environments in the evening. In contrast, areas with more greenery and water features are cooler due to evaporating moisture.

Environment & Climate Change Canada (ECCC) issues Heat Warnings across Canada. A Heat Warning is issued for southern Ontario (including Toronto) when there is a forecast of two or more consecutive days with daytime maximum temperatures of 31°C or warmer, together with nighttime minimum temperatures of 20°C or warmer or when there is a forecast of two or more consecutive days with humidex values expected to reach 40°C or higher. Toronto Public Health does not issue Toronto-specific Heat Warnings but monitors the ECCC's data for extreme heat exposure indicators (i.e. the number of days with temperatures greater than 30°C).

### *Heat-Based Health Impacts*

Excessive heat is associated with several health impacts that can lead to hospitalization or death, including heat stress and heat stroke. Everyone is vulnerable to the effects of excessive heat, but certain groups are at higher risk than others. These groups include older adults, infants and young children, people with chronic illness (e.g. breathing problems, mental illness, or heart problems), or those who are physically impaired. Vulnerable groups also include socially disadvantaged individuals (e.g. low income, experiencing homelessness or living alone), people who work in the heat and people who are physically active outside. The risk of heat is increased in some populations that are more sensitive to heat or have lower ability to cope or adapt. The locations of these communities often overlap with hotter areas of the City, putting people further at risk.

Thermal safety is a measure of tolerance to excess heat or cold and can be influenced by several factors including the complex interaction between air temperature, radiant temperature, relative humidity, and air movement as well as age, health condition and clothing selection. Excessive indoor temperatures can affect thermal safety. Protecting the thermal safety of residents has several public health considerations including impacts to social services and local institutions such as hospitals and resources for emergency response.

High temperatures are associated with increased risks of heat-related illness and mortality. Past extreme heat events in Canada have resulted in most deaths occurring due to unsafe indoor temperatures. For example, a prolonged and unprecedented heat dome event that occurred in western Canada during the summer of 2021 was associated with the deaths of at least 619 people in British Columbia. Of the 619 heat deaths, 98% occurred in a residence, and 90% of those who died were over 60 years of age<sup>3</sup>. In Quebec in 2018, at least 66 people died in Montreal from an extreme heat event. The vast majority died in a residence (at least 88%), 31% had documented hypertension, and a quarter had diabetes or a psychiatric disorder<sup>4</sup>.

In 2003, a prolonged extreme heat event occurred in multiple countries in Europe. Up to 70,000 people died across multiple countries with France experiencing the highest number of deaths (up to 14,000)<sup>5</sup>. While air conditioning in France was relatively rare, additional risk factors were identified among populations of older adults including those with mobility challenges, those with cardiovascular or neurological disease or mental health disorders, those living in old buildings without insulation or in areas with the greatest heat island effects, and those with a bedroom directly under the roof<sup>6</sup>.

A mortality analysis (including any case of death that was not an accident) conducted by Public Health Ontario found that on average, across the entire population of Toronto, there is an increase in the risk of mortality when outdoor temperatures are approximately 26°C or higher, compared with the risk at 20°C<sup>7</sup>. Other research focused on healthy older adults living in Canada suggests that sustained exposure to temperatures under 26°C does not create undue physiological strain including changes in heart rate, blood pressure and sweat production<sup>8</sup>. Older adults (>60 years) were identified as particularly vulnerable to the impacts of extreme heat during the heat dome event experienced in British Columbia in 2021 and in Quebec in 2018. To reduce and mitigate the risk factors and symptoms associated with air temperatures in long-term care homes in Ontario, the Fixing Long-Term Care Act passed in 2021 requires i) a heat-related illness prevention and management plan and ii) long-term care homes install air conditioning in all resident bedrooms and to maintain a temperature between 22 and 26°C. This plan is implemented on any day when the outside temperature reaches 26°C at any point in the day. A maximum indoor temperature of 26°C was identified by the Ontario Ministry of Long-term Care as likely to protect those with health conditions that necessitate living in a long-term care residence. In response to recommendations made to the Chief Coroner of British Columbia to address overheating risks in new construction, the 2024 BC Building Code now requires a maximum design temperature limit of 26°C for a single living space in each dwelling unit.

## Existing Regulations

Several provincial and municipal regulations govern indoor temperatures for existing buildings.

### *Toronto Municipal Code, Chapter 497, Heating (“Heating Bylaw”)*

- Requires a property owner to provide heat to their dwelling units and ensure that a minimum air temperature of 21°C is maintained in all areas from September 15 to June 1.
- Where a dwelling unit is at a minimum air temperature of 21°C, a landlord is not required to operate a heating unit.

### *Toronto Municipal Code, Chapter 629, Property Standards (“Property Standards Bylaw”)*

- Requires that every heating and air conditioning system be maintained in good working condition.
- Require every heating system maintain a room temperature of 21°C at 1.5 metres above the floor level in all habitable rooms, bathrooms, and toilet rooms.
- Requires that if a building has an air-conditioning system, it shall be operated from June 2 to September 14 so as to maintain an indoor temperature of not more than 26°C.
- Requires that window openings have a guard and a controlled sash that limits the opening of windows to no more than 10 cm. This aligns with Ontario Building Code requirements for new buildings that are three stories or higher. The bylaw allows some flexibility, as it permits other safety options as an alternative to guards, 'sash operations' and screens, if the degree of safety is not reduced.

### *Toronto Municipal Code, Chapter 354, Apartment Buildings (“Apartment Buildings Bylaw”)*

- Apartment buildings with 3 or more storeys and 10 or more units must be registered under the City’s RentSafeTO program.
- Requires building owners to post a Summer Heat Safety Notice on its Tenant Notification Board outlining the location of an air-conditioned place in the building or the nearest location of a publicly accessible air-conditioned place as operated by the Heat Relief Network.
- Requires building owners to maintain a contact list of tenants who voluntarily self-identify as needing assistance during periods of evacuation or temporary discontinuance of vital services.
- Requires building owners to maintain a vital service disruption plan.

### *Ontario’s Residential Tenancies Act, 2006 (RTA)*

The Province of Ontario has jurisdiction over rent control policy and landlord-tenant matters through the RTA, which outlines the rights and responsibilities of landlords and tenants in Ontario. Section 21 of the RTA outlines a landlord's responsibilities regarding vital services. Vital services constitute heat (for part of the year), fuel, gas, electricity



and hot or cold water. Vital services are defined to include heat between September 1 and June 15 and the RTA's maintenance standards contain a minimum temperature requirement of 20°C. Given that the City of Toronto has a Property Standards Bylaw, the RTA's maintenance standards do not apply in Toronto, but instead, the provisions of Chapter 629 apply.

Landlords are not permitted to withhold the reasonable supply of any vital service the landlord has agreed to provide under the tenancy agreement or deliberately interfere with the reasonable supply of any vital service to a tenant. The residential tenancy agreement may contain provisions that outlines whether the landlord or tenant will be responsible for the maintenance and/or the payment of these vital services. Notably, air conditioning is not regulated as a vital service in the RTA and landlords are not required to equip a dwelling unit with air conditioning.

The RTA permits municipalities to pass by-laws requiring landlords to provide certain adequate vital services to the landlord's rental units. Given the prescribed permissions within the RTA and the increasing severity and duration of heat of Canadian summers due to climate change, staff are recommending that City Council request the Province of Ontario amend the RTA to include air conditioning as a vital service and establish a maximum indoor temperature standard of 26°C applicable to all rental units. These considerations have been raised by the Ontario Human Rights Commission and are considered a critical step in ensuring the thermal safety of tenants.

#### *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 a landlord 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 a landlord 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 and examine additional measures to support vulnerable and low-income tenants with associated cooling costs. The City will monitor the status of the Bill and interpret impacts as they become available.

## Existing Actions

The City's current approach to hot weather, indoor temperatures, and climate resilience and efficiency of Toronto's existing buildings are addressed through a network of interdivisional efforts, strategic policy commitments and operational programs overseen by various City divisions. As summarized in Attachment 1 and in response to Council direction, City-wide governance structures to address heat have previously been convened however, those structures were disbanded due to operational considerations.

### *Heat Relief Strategy and Heat Relief Network*

Hotter weather means increasing pressure on City services that support mitigating the health impacts of heat on residents. The City of Toronto's Heat Relief Strategy is a protocol for hot weather response to reduce the incidence of heat-related illness and death in Toronto due to extreme heat. One important component of the Strategy is Toronto's Heat Relief Network, which maximizes the use of existing air-conditioned and other cool spaces on hot days. Toronto Public Health is responsible for organizing the Heat Relief Network and raises awareness regarding the availability of these spaces (and their role in reducing heat exposure) through various promotional campaigns on City webpages, social media channels and local media. Through TPH's leadership, the network has grown from about 250 locations prior to the pandemic to over 625 locations for the 2024 summer season.

The Heat Relief Network features [cool spaces](#) that are open throughout the summer, including on days when Heat Warnings are issued. The Heat Relief Network includes locations such as libraries, community centres and several private and non-profit organizations including some senior centres, shopping malls and YMCA locations. Staff continue to explore options to grow the network, particularly in areas of the city with higher proportions of populations vulnerable to heat.

### *City Communications to Property Owners and Residents*

City Council directed staff ([2018.LS25.1](#)) to develop and implement a plan to communicate to property owners and tenants about providing heat during the spring and fall and clarifying that, per the Heating Bylaw, property owners do not need to turn the heat on between September 15 and June 1 if the unit is at 21°C without heating.

RentSafeTO now circulates an advisory notice and semi-annual newsletter during the shoulder seasons to landlords and property owners regarding heating and cooling for tenants and their buildings. This supports property owners to understand their responsibilities, outline the impact that warm spring and fall days can have on tenants, and advise them to use their judgement and turn the heat off when/if the outdoor weather consistently raises or is expected to raise the temperature of apartment units above 21°C. A Summer Heat Safety Notice template and a Beat The Heat: Tips for Staying Cool poster have been developed and Toronto Public Health also encourages property owners of multi-unit residential buildings to develop a Hot Weather Plan which includes designating a cooling room, updating their Summer Heat Safety Notice, and arranging for staff to conduct checks on tenants that may be at increased risk for heat-related illnesses. While the Hot Weather Plan is not a requirement of the RentSafeTO program, property owners are encouraged to prepare one where feasible. Lastly, the

City issues a news release and circulates reminders on corporate social media channels at the start of every heat season directing to support residents in hot weather and outline the responsibilities of property owners during high temperatures.

### *Building Emissions Reductions and Indoor Temperatures*

Achieving a maximum indoor temperature will require existing buildings to undertake a variety of interventions, ranging from minor to more substantial retrofits. Investments in retrofits to achieve climate mitigation and resilience goals are anticipated to yield positive outcomes for the overall quality of space and indoor environmental quality. Envelope upgrades, as a part of deep retrofits in residential buildings, can lower the amount of energy needed to maintain suitable indoor temperatures and correspond to improved comfort and the ability to maintain liveable indoor temperatures under conditions of power outage. The installation of heat pumps, as part of fuel switching from natural gas to lower emission electricity provides the complementary benefit of mitigating excessive indoor temperatures, since installing heat pumps can provide a cooling system to buildings that do not already have one. In addition, envelope upgrades and properly designed and operated HVAC systems in residential buildings can also improve ventilation and indoor air quality for residents.

The building sector is the primary source of GHG emissions in Toronto, contributing 56% of the city-wide total. Through existing City programs such as the High-Rise Retrofit Improvement Support Program (HI-RIS), Taking Action on Tower Renewal (TATR) and Sustainable Towers Engaging People (STEP), the City has provided both financing and site-specific supports to owners and property managers to increase energy efficiency, reduce greenhouse gas emissions and improve tenant comfort. In December 2021, City Council adopted the TransformTO Net Zero Strategy (TransformTO) and a net zero by 2040 target recognizing a need to accelerate actions to reduce emissions from the previous net zero by 2050 target. The adoption of the new target followed the endorsement of the Net Zero Existing Building Strategy (the Strategy) ([2021.IE26.16](#)) in July 2021. The City Council-endorsed Strategy sets out several critical actions for the City to consider reducing building sector emissions and demonstrate the City's long-term commitment to addressing challenges faced by Toronto's building stock.

The Strategy identifies Building Emissions Performance Standards (BEPS) as the most effective means of enabling city-wide emissions reductions over time. The implementation of the Strategy and development of BEPS are being advanced recognizing potential impacts on emissions, costs and the co-benefits of resilience, social equity, health, and local economic development with special consideration of the social and economic conditions buildings owners and occupants are currently facing.

In developing the Strategy, detailed technical modeling and analysis was completed to assess the emissions performance, business case (i.e. cost) performance and co-benefit impacts of various retrofit measures (e.g., heat pumps). The Strategy recommends actions to reduce emissions through a combination of high-performance envelope improvements to reduce energy demand, increase resilience, occupant comfort and thermal safety, and fuel switching from natural gas to efficient electric equipment, such as heat pumps, for heating and cooling needs.

## Existing Buildings

According to the Housing Secretariat's [Toronto Housing Data Book](#) (published in March 2023), almost half (48%) of Toronto households rent their homes; Toronto's renters include equity-deserving populations such as newcomers, people belonging to racialized groups, and households with very low to moderate incomes. Notably, 65% of renter households live in apartment buildings with 5 or more storeys, which is more than twice the rate of owner-occupied households.

Addressing how indoor temperatures are experienced in apartment buildings presents a unique challenge. Unlike a property owner of a single family detached home, these residents are less likely to have access to air conditioning and/or may not be able to control the temperature of their dwelling unit and may lack the ability to personally afford air conditioning due to greater income stress. While the City does not track the availability of air conditioning across Toronto's purpose-built rental housing stock, the provision of air conditioning, heating and ventilation systems in buildings registered under the RentSafeTO program is captured through the Apartment Buildings Bylaw reporting requirements. The bylaw requires that for multi-unit residential buildings that are three or more storeys and ten or more units, building owners must register with the City and provide information regarding: i) the type of air conditioning provided (i.e. individual units or central air conditioning), ii) available amenities (i.e. indoor and/or outdoor swimming pool, indoor and/or outdoor recreation room), iii) the availability of a cooling room, iv) heating type and its year of installation.

To inform this framework report, the RentSafeTO program undertook a review of its registration data between July and September 2024 to determine the availability and provision of air conditioning and cooling rooms. The purpose of this effort was to i) close any known existing data gaps, ii) inquire with property owners about whether air conditioning units are permitted to be installed in their dwelling units and iii) outline compliance with existing bylaw provisions.

A summary of this data is provided in Attachment 2. As of September 2024, out of the data available on 3,582 RentSafeTO registered buildings, only 8.2% (294 buildings) provide air conditioning to tenants. Of those 294 buildings, 62.6% (184 buildings) are privately owned while the remaining 22.8% (67 buildings) are social housing and 14.6% (43 buildings) are Toronto Community Housing (TCHC). On a geographic basis, buildings situated in Old Toronto (or the downtown wards) are more likely to provide air conditioning to their tenants.

Staff also found that 94% (3,351) of RentSafeTO registered buildings self-reported that they allow tenants to install some type of air conditioning unit (portable, window, other). This effort did not identify the type(s) of air conditioning tenants are permitted to install. Of the remaining 6% (231) of buildings that do not allow a tenant to install air conditioning, 63% (148) are privately owned, 22% (51) are social housing and 13% (32) are Toronto Community Housing. However, it is worth noting that out of the 231 that do not permit a tenant to install air conditioning, 227 buildings already provide air conditioning, and only 4 do not have air conditioning and prevent tenants from installing their own.

City of Toronto bylaws do not prohibit window air conditioning units in apartment buildings. The Property Standards Bylaw requires landlords to ensure that window air conditioning units are installed and maintained in a safe way. If the City determines that a window air conditioning unit may be unsafe, it may require the landlord to prove that a qualified tradesperson has installed, or confirmed proper installation and maintenance of, the window air conditioning unit. There are no City bylaws requiring this proof from tenants or allowing landlords to require this proof from tenants. However, the terms of the lease agreement between the landlord (apartment building owner) and tenant may include requirements concerning air conditioning in the rental unit. This process is governed by the RTA.

In addition, apartment buildings may be equipped with designated air-conditioned common rooms located within the building that are accessible to tenants during heat events (i.e. cooling rooms). The City does not require property owners to have a cooling room nor does the City prescribe the criteria that defines a cooling room. Through this renewed RentSafeTO data, it was found that 15.1% (542 buildings) have a cooling room or space available on the property. Of the 542 buildings equipped with cooling rooms or spaces, 218 of those buildings provide air conditioning. Similar to the previous findings on air-conditioning, privately-owned buildings are more likely to provide access to a cooling room and buildings located in downtown wards have a higher concentration of cooling rooms.

Lastly, nearly all of RentSafeTO registered buildings were found to have the nearest cooling center information posted on the Tenant Notification Board. Of the remaining, 7 buildings were determined to be vacant or demolished and only 1 building was deemed non-compliant; Bylaw Enforcement Officers continue to take action to bring the building into compliance.

## **Data Collection and Analysis**

As noted, there are existing heating and cooling requirements in the Heating and Property Standards Bylaws and if a resident has a concern about the temperature of their unit and/or the functionality of the heating or cooling equipment provided by the property owner, they are encouraged to speak to their landlord or property manager. However, if no response is received from the property owner within 24 hours (in the example of no heat which qualifies as a vital service disruption) or within 5 days (in the example of a poorly functioning air conditioner), residents can contact 311 to have the City investigate.

If there is a complaint or information about a possible violation, Bylaw Enforcement Officers investigate, educate and/or take enforcement action where necessary. Each issue is addressed on case-by-case basis and where an individual is found to be non-compliant, they are guilty of an offence and staff may take escalated enforcement measures including issuing property standards orders and/or laying charges. A summary of violations and charges laid under the Heating Bylaw (as of November 15, 2024) is available in Attachment 3. A summary of service requests received (as of November 15, 2024) for no heat or low heat and air conditioning as regulated by the Heating and Property Standards Bylaws are summarized in the tables below. The 2024

value for air conditioning is notably higher than previous years due to improvements to the City’s reporting methodology.

Table 1: Summary of Heating and Air Conditioning Service Requests from 2020 – 2024 (to November 15, 2024)

Heating	Service Subtype	2020	2021	2022	2023	2024
	Low Heat	377	433	642	305	331
	No Heat	904	986	1,440	1,183	907
	Other	20	31	40	43	26
	Total	1,301	1,450	2,122	1,531	1,264

Property Standards	Service Subtype	2020	2021	2022	2023	2024
	Heat	108	123	260	28	20
	Air Conditioning	9	6	6	6	124

Prior to July 2024, the City did not receive and/or respond to service requests when a dwelling unit is not equipped with air conditioning provided by the property owner. Following a review of the City's existing 311 service request types (and in response to Council direction), Municipal Licensing and Standards staff collaborated with the Customer Experience Division to i) enhance the methodology for capturing service requests for excessive heat in dwelling units equipped with air conditioning and ii) establish a new data collection method to intake and track complaints received from residents in dwelling units that are not equipped with air conditioning. Upon submission, residents are notified that while their request will not result in an investigation or enforcement action, its purpose is for data collection, which may be used to inform future policy and regulatory decisions by the City.

This service request type permits the City to receive information on the internal temperature of the unit (if not equipped with air conditioning) and what time/for how long the resident experienced these temperatures. City staff launched the non-enforceable reporting pathway in July 2024 and as of the end of Toronto’s heat season on September 30, 2024, there were 4 non-enforceable service requests recorded by the City. Staff will continue to monitor the efficacy of this reporting measure and identify opportunities to improve it where feasible.

## Responses to Council Directives and Recommendations

The following section outlines staff responses to relevant directives received from City Council ([2023.MM7.8](#) and [2022.MM45.29](#)) and preliminary recommendations to address aspects of excessive indoor temperatures. This section reviews:

- **A. C40 Research Project and Preliminary Consultation:** In response to Council direction, the City has leveraged its C40 Cities membership to inform the development of policies to address this issue and conducted several engagement sessions to inform this framework report;
- **B. Minimum and Maximum Temperature Standards:** Council requested staff assess i) what minimum and maximum temperatures should be specified for leased residential premises and cooling rooms and ii) requiring landlords who control the temperature in leased residential premises to ensure the temperature is heated to a specific temperature whenever the outside temperature falls below a certain threshold;
- **C. Heating and Cooling During Shoulder Seasons:** Council directed staff to assess the feasibility of various options to require landlords (who control the temperature in leased residential premises) to take action to ensure temperatures do not exceed specified levels;
- **D. Cooling Rooms:** Council requested staff assess the feasibility of requiring a building (that is not equipped with air conditioning or air-cooling equipment) to contain a cooling room accessible to all tenants;
- **E. Supports to Access Supplementary Heating and/or Cooling Equipment:** Council requested staff assess supplementary heating or cooling for tenants with special health needs; and
- **F. Additional Considerations:** Responses from staff related to window opening requirements, the exchange of gas-fired cooking equipment, and changes to the National Building Code to respond to excessive heat.

## **A. C40 Research Project and Preliminary Consultation**

### *C40 Cities and the Indoor Temperature Research Project*

Despite differences in geography and demography, many cities around the world are facing the same challenge and are examining similar policy and technical solutions. Through its [PlaNYC](#), New York City has committed to instating a maximum indoor temperature policy by 2030 and Metro Vancouver is collaborating with North Vancouver to examine the policy in a Vancouver context.

Since 2005, Toronto has been a member of C40 Cities, which is a global network of cities engaged in actions to confront the climate crisis. City staff have been active members of C40 Cities Indoor Temperature Working Group since 2023 and were a main driver in initiating a research project to examine the feasibility of policy and technical measures to maintain a maximum indoor temperature in existing apartment buildings. Given the scale of this policy challenge, this research seeks to identify what equity, infrastructural, and demographic considerations should be incorporated into any indoor temperature policies, and how they can align with existing decarbonization initiatives. Notably, addressing immediate term (1-5 years) and long-term (5-10 years) challenges will require technical and policy solutions that are aimed at reducing and preventing heat-related illness and death.

This research project was initiated in Q3 2024 and is being managed by C40 on behalf of four contributing municipal partners: Toronto, New York City, Washington D.C., and Austin, with connections to a similar project in Vancouver. C40 has procured a

consultant team with expertise in both climate policy analysis and building engineering who will conduct research and host workshops with subject matter experts. Final recommendations for the City of Toronto will be shared via a Toronto-specific technical memo by the end of 2024 and a policy roadmap by Q2 2025. Given the benefits of leveraging work in other cities, C40's findings and recommendations are a critical input to the Q4 2025 staff report and the City's approach to addressing excessive indoor temperatures.

### *Preliminary Consultation Findings*

In response to Council direction and to inform this framework report, staff undertook engagement sessions in summer 2024 with tenant advocacy groups, building owner associations, academic experts, and not-for-profit sector leaders that i) outlined existing City requirements and processes, ii) provided a progress update on the report back and iii) received input on Council direction and proposed policy considerations.

Concurrent to these engagement sessions, staff launched two public surveys; one for residents and tenants and one for property owners. Both surveys contained a similar format and were available on the City's webpage from July 18, 2024, until the end of Toronto's heat season (September 30). The resident survey received 578 responses and the property owner survey received 182 responses. A summary of the survey findings is included in Attachment 4.

Feedback received from tenant groups identified the need for universal access to adequate cooling, without the added risk of renovation or rental rate increases. These groups raised several concerns about inequitable outcomes of residents at higher risk of heat-related health impacts such as older adults and people with disabilities and/or pre-existing health conditions. Engagements with property owners noted that any measures aimed at establishing a maximum temperature or advancing building retrofits without financial supports and a reasonable compliance framework could result in rental rate increases, which would negatively impact the affordability of Toronto's existing rental housing stock.

These findings raise an important consideration - while the challenges previously raised regarding infrastructure and building envelope factors remain relevant for building owners and operators, the personal economic considerations associated with the affordability of air conditioners may be the primary limiting factor for tenants in some cases. The procurement, operation and maintenance and up-front cost of an air conditioning system or unit is challenging as residents face growing affordability concerns. 47% of respondents to the resident survey noted that they would not be able to install an air conditioner whereas 50% noted that they would not be able to maintain/operate an air conditioner due to financial constraints.

## **B. Minimum and Maximum Temperature Standards**

### *Minimum Temperature Standard*

In response to Council direction, staff examined the existing minimum temperature standard within the Heating Bylaw. As noted previously, the Bylaw includes provisions



that require a property owner to provide heat to their dwelling units and ensure that a minimum air temperature of 21°C is maintained in all areas from September 15 to June 1. The bylaw was amended in 2018 to clarify that where a dwelling unit is at a minimum air temperature of 21°C, a landlord is not required to operate a heating unit.

Municipalities across Ontario and North America have adopted either 20°C or 21°C as a minimum temperature standard (as summarized in Attachment 5) and through this report, staff have not identified any health-based evidence that warrants amending the City's existing 21°C standard. Further, the 21°C minimum temperature standard was not a concern heard during the engagement period with residents or property owners. Staff anticipate undertaking the second phase of a review of the Property Standards Bylaw in 2025 and any further considerations to amend the minimum temperature standard may be identified through that process. Staff do not anticipate receiving any insights from the C40 indoor temperature research project pertaining to a minimum temperature standard.

### *Maximum Temperature Standard*

A maximum indoor temperature standard presents an important public health thermal safety measure for residents across the city, and particularly for residents residing in multi-unit residential buildings currently without air conditioning or cooling equipment. The findings from previous heat events, including British Columbia's 2021 heat dome, as well as the latest research, demonstrate the negative health impacts of prolonged exposure to excessive indoor temperatures on residents without access to cooling.

When asked if residents would support all leased residential premises be required to maintain a maximum indoor temperature of 26°C, 88% of respondents said they were strongly supportive whereas 76% of property owners and managers said they would be strongly unsupportive of this proposed requirement. Correspondence from residents and tenants noted the importance of establishing a maximum temperature standard as a thermal safety measure and prevent further heat-based health impacts. Property owners raised several considerations regarding capital and operational challenges of complying with a maximum temperature standard. 73% of owners/managers expressed that if a maximum indoor temperature were to be required, a reasonable implementation timeline would be over 5 years.

Given stakeholder feedback and relevant research available, staff are recommending instating a maximum indoor temperature standard of 26°C as a thermal safety and public health measure. Through the City's engagement with the C40 project, staff are anticipating receiving a project deliverable that outlines a Toronto-specific policy roadmap to attaining this standard. Staff will leverage these findings to inform implementation and resource considerations that will be outlined in the follow-up Q4 2025 report. Technical and financial barriers to consider as part of this work will include impacts of significant building retrofits (particularly in older apartment buildings), costs to landlords, costs being passed on to tenants and impacts on rent, and constraints of Toronto's electrical distribution infrastructure, etc. Staff also anticipate undertaking a robust engagement program with affected stakeholders, including City divisions and agencies, to inform forthcoming recommendations and broader next steps to instate a health-based maximum indoor temperature standard.

### **C. Heating and Cooling Requirements During the Shoulder Seasons**

City Council directed staff to examine the feasibility of requiring all landlords (who control the temperature in leased residential premises) to i) ensure that the air temperature in each unit is heated to a specified temperature whenever the outside temperature falls below a specified temperature and/or ii) turn their heating equipment off when the air temperature in any unit exceeds a specified temperature. Staff were also directed to examine the feasibility requiring all landlords (for leased residential premises that are equipped with air cooling equipment that cool each unit) to ensure that the air temperature in each unit does not exceed a specified temperature. As stated previously, this requirement is outlined in the Property Standards By-law, through an existing provision that states that all air conditioning systems shall be operated from June 2 to September 14 so as to maintain an indoor temperature of not more than 26°C.

Due to the effects of climate change, the months shouldering the winter and summer seasons (i.e. September 15 to October 15 and May 1 to June 1) have become hotter. Tenants are experiencing higher indoor air temperatures as the result of heating still being operational and potentially exceeding the Heating Bylaw's minimum temperature threshold of 21°C. This has resulted in a need to re-assess the date ranges for existing temperature regulations, which have not been updated recently, to protect tenant's thermal comfort.

Indoor temperatures in apartment buildings are difficult to regulate. In addition to outdoor temperatures and heating systems, location in building, shading and orientation of unit all affect the temperature of a unit. Residents can submit service requests regarding the temperature of their unit at any point in the year however, the City is unable to undertake any enforcement action outside of the dates listed in the applicable bylaw. A summary of service requests received in the shoulder seasons are included in Attachment 3. This data demonstrates that while the City receives few complaints regarding "low heat" or "no heat" in the shoulder seasons, residents may continue to experience periods of "low heat" or "no heat" at times of the year where heating may or may not be required.

#### *Engagement Outcomes*

When examining shoulder season challenges, staff considered factors affecting tenant experience of indoor temperatures and property owner experience of regulating indoor temperatures. Tenants who live in multi-unit residential buildings are less likely to be able to adjust the indoor temperature of their dwelling unit as the building's mechanical heating (and/or cooling) systems heat (and/or cool) all dwelling units within the building. Further, indoor temperatures may be experienced differently based on location and/or orientation of the dwelling unit. Of the 578 residents surveyed, 48% of respondents expressed that their heat was on for the majority of the week in the spring shoulder season (i.e. late May) when it was not needed; similarly, 44% of respondents expressed a similar sentiment regarding heating in the fall shoulder season (i.e. mid September).

Engagement with building owners noted several challenges with maintaining indoor temperatures in the shoulder seasons due to aging and inflexible heating systems. 42%

of property owners surveyed noted that aging buildings make it challenging for them to maintain indoor temperatures in the shoulder seasons and noted that the associated costs of installing a new system (or repairing an older system) that may be more responsive to temperature fluctuations (such as a geothermal energy system) could result in rental rate increases which would affect the affordability of tenant's rental units.

In terms of existing date ranges for heating and cooling in City regulations, survey responses varied (see Attachment 4):

- 30% of property owners surveyed were supportive of moving the June date earlier and 29% were supportive of moving the September date later. 46% of property managers said the current date ranges should be maintained and 13% thought that there should be no date ranges.
- In the resident survey, 37% of respondents were supportive of moving the June date earlier (1% suggested moving it later) and 30% were supportive of moving the September date later (2% suggested moving it earlier). An average of 14% of respondents suggested no changes to the date ranges in the Property Standards and Heating Bylaws.

From an operational perspective, these systems require several days and multiple visits by technicians to switchover and not every building is equipped with the same system. Further, if a period of warmer temperatures is experienced after September 15, building owners may not choose to turn the heat off for several reasons including:

- The duration of the warm spell and the variability of these temperatures are hard to predict (and whether they may fall below 21°C if the weather cools suddenly).
- The cost associated with procuring a technician to turn the system on and off (and the number of days it may take for a system to turn on and off).
- The distribution of heat may vary throughout a building (i.e. units located on higher floors may be warmer than those lower to the ground).

To investigate the feasibility of requiring a landlord to operate a heating system with an external temperature threshold and/or to turn their heating equipment off when the air temperature in any unit exceeds a specified temperature in Toronto, staff reviewed regulations in other jurisdictions such as New York City and Chicago that include a date range, time range and outdoor temperature threshold. For example, in New York City, landlords must provide heat between October 1 and May 31:

- Between 6:00 am and 10:00 pm, if the outside temperature falls below 55°F (~13°C), the inside temperature must be at least 68°F (20°C).
- Between 10:00 pm and 6:00 am, the inside temperature must be at least 62°F (~17°C) at all times. There is no outside temperature requirement.

When staff consulted with New York City enforcement officials, the most prominent enforcement challenge regarding an external temperature threshold was temperature variability. Notably, the timing between when a complainant measures the external temperature and submits their service request and when the enforcement officer arrives on site to investigate; this could present additional enforcement challenges that would be reliant upon the officer's discretion and compliance challenges for building owners and operators with respect to the system-level considerations noted above. Further, climate data shows that difference between the maximum and minimum temperatures in

the shoulder seasons can span an average of 11°C in May and 13°C in September, respectively.

Similarly, establishing a requirement to turn off the heating equipment when a unit exceeds a specified internal temperature could result in enforcement challenges due to unit-to-unit and building-to-building variability. Internal temperatures can vary depending on the unit's location and orientation and requiring a building owner and/or operator to determine whether to operate a heating system could create bylaw interpretation challenges and an inconsistent provision of vital services between buildings through the winter months. Despite increasing average seasonal temperatures, Toronto is still experiencing temperature extremes and seasonal changes whereby the City's priority is ensuring the provision of these vital services to residents.

Ultimately, given the constraints presented by the current heating system landscape in apartment buildings and temperature variability across Toronto, the predictability of a date range provides certainty to residents, property owners and Bylaw Enforcement Officers that once the seasons change, the necessary heating (and where applicable, cooling) will be provided.

#### *Analysis of Heating Degree Days (HDD) and Cooling Degree Days (CDD)*

In order to address shoulder season challenges, staff are recommending precautionary amendments to the date ranges. The date ranges in the Heating and Property Standards Bylaws were established when Toronto's climate demonstrated lower annual average temperatures and stability within its seasonal patterns. The ten warmest years recorded in downtown Toronto have all occurred since 1998. Of those ten warmest years, three of them have occurred (2020, 2021 and 2023) since staff last reported on indoor temperature regulations in 2018.

Using HDD and CDD as indicators, staff assessed historic temperatures in May and September between 2000 and 2023. A summary of this data is included in Attachment 6. Given that these measures are based on mean air temperature (and do not account for humidity), cooling degree days likely underestimate the energy demand for cooling, but it remains a commonly used estimate for cooling demand in Canada and the U.S.

In order to consider amending the Heating Bylaw's June 1 date, staff examined the frequency of HDD and CDD between May 16 and May 31, with an average of 11 days when the average temperature was below 18°C (HDD) and an average of 5 days when the average temperature was above 18°C (CDD). However, in the three warmest years as noted above, there is some variability for HDD (9 days in 2020, 8 days in 2021 and 12 days in 2023) that is predicted to continue. This variability is also seen in average difference between daily maximum and minimum temperatures in May between 2000 – 2023, which was 11.8°C. Between the dates of May 16 - 31 the difference is 12.7°C.

A similar analysis of September temperatures was conducted. From 2000 - 2023, September's temperatures demonstrated an equal share of 15 days when the average temperature was below 18°C (HDD) and 15 days when the average temperature was above 18 °C (CDD). Further, the average difference between the daily maximum and minimum temperature was 13.3°C. The three warmest years (2020, 2021 and 2023)

had more days requiring cooling rather than heating (13 in 2020, 17 in 2021 and 18 in 2023).

### *Proposed Amendments to Date Ranges*

Given projected trends regarding heating and cooling demand and the variability of seasonal temperatures within May and September, staff are adopting a proactive and cautious approach to updating date ranges outlined in the City's bylaws.

Based on the data noted above and in anticipation of continued warming trends, staff are recommending amending the Heating Bylaw starting date from September 15 to October 1 and amending the June 1 ending date to May 15. In addition, staff are recommending amending the Property Standards Bylaw dates for the provision of air conditioning from June 2 to June 1 and from September 15 to September 30.

Staff are recommending these amendments take effect on April 30, 2025, in anticipation of the 2025 heat season. These changes are anticipated to have minimal resource and/or operational impacts, and staff will continue to advise property owners to use their judgement and turn the heat off when/if the outdoor weather consistently raises or is expected to raise the temperature of apartment units above 21°C.

Primarily, implementing these changes will require amending existing resources provided to tenants and landlords during the shoulder seasons. Staff will monitor the efficacy of these measures upon implementation and will propose any further amendments to the dates if needed based on emerging temperature data.

### **D. Cooling Rooms**

City Council directed staff to report back on the feasibility of requiring a building (that is not equipped with air conditioning or air-cooling equipment) to contain a cooling room accessible to all tenants as a respite, where the air temperature does not exceed a specified temperature.

In the summer of 2010, Toronto Public Health collaborated with Toronto's Tower Renewal program on a "cool room" pilot project in a privately owned high-rise building without central air conditioning. The majority of residents (59%) did not have air conditioners in their homes. A cooling room was set up in collaboration with the landlord who purchased and installed an air conditioner and a group of volunteers who operated it (e.g. opened it on heat warning days and promoted its availability to residents).

There were several challenges associated with operating the cooling room. The amount of time and effort that the volunteer group was able to provide was not sufficient to run the cooling room. Additionally, two key factors resulted in low number of users of the cool room. Insufficient time and resources to notify residents of the availability of the cooling room and promote its use; and difficulties in making the cool room appealing (ambience, interesting, adequately cool) to those who would benefit most from its use. As well, the air conditioner installed by the property manager did not provide adequate cooling in the room. Residents indicated some support for the cooling room, with modifications such as having more social activities available to tenants in the room.

They also wanted more cooling on-site through central air conditioning and more shade and seating outside.

Staff examined cooling room regulations in other jurisdictions to understand and assess the feasibility of a cooling room requirement: in 2022, the City of Chicago adopted a [Cooling Ordinance](#), requiring air conditioning in at least one indoor common gathering space accessible to each resident of the building free of charge, in buildings greater than 80 feet tall or buildings with more than 100 units. The Ordinance sets requirements such as cooling and dehumidification equipment and a maximum temperature of 24°C when the outdoor temperature is 33°C or more.

### *Engagement Outcomes*

Staff incorporated questions regarding cooling rooms into the public survey for residents/tenants and engaged tenant advocate groups on this topic. Of the residents surveyed, most (73%) were either supportive or strongly supportive of a proposed requirement that all leased residential premises be equipped with a designated air-conditioned common room maintained at a maximum temperature of 26°C. 52% of property owners surveyed were supportive or strongly supportive of a proposed cooling room requirement but 64% of respondents noted that the cost of building (or maintaining) a cooling room would pose a significant barrier to achieving compliance. Further, there are several considerations about the physical, on-site space required for a cooling room and whether the current design of multi-unit residential buildings in Toronto could accommodate a cooling room without impacting existing rental units and/or building amenities.

When asked about potential criteria for a proposed cooling room, accessibility (i.e. AODA compliant design), temporary and/or permanent seating and access to a sanitary facility were ranked as the top three criteria. Additional considerations for security, capacity restrictions and access to a kitchen facility and charging facilities were raised. Tenant advocates noted in engagements with staff that while cooling rooms can be helpful as a short-term measure for residents that reside within buildings with access to one, they are not long-term solutions to the broader challenge presented by extreme heat residents face overnight.

### *Proposed Approach*

Based on the insights received from surveys and engagement efforts and a review of how cooling room requirements are regulated and implemented in other jurisdictions, staff acknowledge the role of cooling rooms in mitigating excessive indoor temperatures. Staff anticipate receiving recommendations from the C40 research project that may identify the efficacy of cooling rooms as an intermediary measure to address indoor thermal safety and suggest additional regulatory options. Upon completion of the C40 research project in Q2 2025, staff will review these findings, consult with building/property owners, and outline any considerations pertaining to cooling rooms for buildings as needed.

## **E. Supports to Access Supplementary Heating and/or Cooling Equipment**

City Council directed staff to report back on the feasibility of requiring a building (that is not equipped with air conditioning or air-cooling equipment) to provide tenants with special health needs with supplementary heating or cooling that they can control. Access to cooling at the unit level can improve overall safety during extreme heat events and throughout the summer. This is particularly true for older adults and individuals with mobility issues, chronic conditions or disabilities that make leaving their residence to get relief from the heat challenging.

Low-income residents who require air cooling equipment such as an air conditioner or fan as part of a health care treatment plan may qualify for funding under Ontario Works discretionary benefits for residents receiving social assistance from Ontario Works or the Ontario Disability Support Program, or under the City's Hardship Fund for residents not receiving social assistance. A resident's application must be supported by a prescription from a physician or nurse practitioner. Residents who receive Ontario Works or the Ontario Disability Support program can speak with their caseworkers for more information on how to apply for this funding. Residents who do not receive social assistance can learn more about the Hardship Fund and how to apply through the City's public facing website.

A similar measure is available in British Columbia as operated by BC Hydro to provide qualifying households with free portable air conditioners. The BC program comes with a one-time installation and the resident is responsible for ongoing maintenance, take-down and reinstallation. This program's criteria includes both household income, property value and requires proof of a recommendation letter from their regional health authority's Home Care Program. The BC program installed 4000 units in 2023 and had a \$10 million budget for 8000 units in 2024. The common feature between these programs is they are facilitated by the provincial hydro authority and are based on household composition and income criteria.

The C40 research project may raise considerations about programs that support the provision of air conditioning or cooling equipment to qualifying residents. Upon completion of the C40 research project in Q2 2025, staff will review these findings, consult with residents from communities who would access these supports and outline any implementation considerations as needed. In the interim, staff will continue to examine the feasibility of increasing resident awareness of these existing municipal and provincial programs to support residents living with special health needs that may require additional heating and/or cooling equipment.

## **F. Additional Considerations**

### *Window Opening Requirements*

In 2022 ([2022.MM45.29](#)), City Council directed staff to review the window opening provision in the Property Standards Bylaw and identify measures that will keep children safe without restricting outside air into apartment units. The current provision aligns with Ontario Building Code requirements to ensure the safety of young children and prevent deaths and injuries.

Some concerns have been raised that the window opening provisions restrict air circulation necessary to manage indoor temperature during hot weather. Public health advice is for residents to open a window during heat events when external temperatures are lower than indoor temperatures to enable air circulation. The bylaw allows some flexibility, as it permits other safety options as an alternative to guards, 'sash operations' and screens, if the degree of safety is not reduced. There have been several studies showing that the requirement for window safety devices in combination with outreach, education, and enforcement has proven an effective means of preventing deaths and injuries and many municipalities in Ontario have maintained the same 10cm window opening provision. Through this report, staff are not recommending any changes to the window opening provision. Staff are not aware of suitable alternatives to guards or controlled sashes that would prioritize children's safety at the time of this report but will be conducting additional research as part of a review of the Property Standards Bylaw to be conducted in 2025.

### *Gas Fired Cooking Equipment*

City Council directed staff to report back on whether each tenant has a right to exchange gas-fired cooking equipment provided by the landlord for a cool-cooking induction stove, if the premises are not equipped with air conditioning equipment that cool each unit and that any information on these rights is posted in common areas.

While research indicates that induction stovetops can be more energy-efficient than gas stoves, there is insufficient evidence to show that replacing gas with induction is effective in reducing indoor temperatures. Other North American municipalities including Vancouver and Rochester recommend that residents limit use of their ovens during warm weather. This established, low barrier messaging applies to all types of cooking appliances.

The primary legislation overseeing the standards applied to kitchen facilities within rental housing, including the Property Standards Bylaw and the RTA do not specify rules related to tenants demanding a different type of stove. The RTA and its regulations include standards for appliances/stoves and that they be kept in good repair, but stove type is not prescribed under this legislation. The Property Standards Bylaw outlines that a "supplied facility" shall be maintained in good repair and good working order but similar to the RTA, this property standard does not prescribe or require a certain type of appliance (or type of stove, in particular) to be provided. Staff are not aware of any other Ontario municipality that prescribes stove types.

Given the inconclusive evidence with respect to appliances impacting inside temperatures, staff are not recommending amendments to the Property Standards Bylaw to prescribe appliance type. If tenants wish to exert their rights under tenancy agreements or under the RTA, the RTA contains the applicable processes to be followed. In response to the element of the directive that asks examine whether this information to be posted in common areas, given that this right is not prescribed in any legislation nor is it advisable to be embedded within a City bylaw, staff are not recommending any amendments to the Apartment Buildings Bylaw.



## *National Building Code*

In July 2024, Toronto Building, in consultation with Divisional partners, submitted comments to the Canadian Board for Harmonized Construction Codes (CBHCC) in response to the 2024 public consultation on proposed changes to the 2020 National Model Codes. Staff identified support for a proposed change to the National Building Code to introduce a maximum indoor air temperature of 26°C in at least one living space in dwelling units of new buildings. This proposed change to the National Building Code is consistent with a recently adopted change to British Columbia's provincial building code. To support the City's objective of proactively addressing the impact of excessive heat on building occupants, staff also recommended that this provision apply to existing buildings that are undergoing change of use or renovation. Toronto Building will monitor the outcomes of the consultation process and confer with divisional partners.

## **Conclusion and Next Steps**

Given the scope of the building-based considerations and public health factors presented by maintaining indoor air temperatures in apartment buildings, staff intend to bring forward a maximum indoor temperature bylaw at a future date. This is a multi-year endeavour with a phased report-back approach and the City's engagement in C40's research project investigating indoor air temperature policies is a critical component to this work and will be informing the proposed Q4 2025 report.

This approach ensures that staff can: i) interpret the research findings for a Toronto context, ii) consult the public, stakeholders and subject matter experts based on the research findings and any resulting City considerations and iii) present an implementation approach that aligns with best practices and existing City efforts. Notably, future engagements will ensure that tenants from communities most impacted by extreme heat (including residents living in social housing, people with disabilities, and seniors) provide critical insights into staff's considerations on implementation and resourcing. Ultimately, this approach will ensure that the City can outline a set of implementation considerations that are realistic and considerate of both the existing rental housing landscape, heat-related health impacts, and other City commitments.

Staff are working across City teams to coordinate various policy and program initiatives aimed at tackling issues impacting the building sector, from building emissions reductions, efforts to reduce heat impacts alongside concerns around affordability, and housing insecurity. Through policy and program initiatives the City is encouraging and supporting building owners in undertaking retrofits to reduce emissions and enhance building resilience, which also result in benefits, such as improved tenant comfort.

With ongoing consultations efforts pertaining to the Building Emissions Performance Standards (BEPS) and the City's TransformTO Net Zero Strategy, staff are committed to coordinating compliance and implementation timelines. Staff anticipate receiving additional technical considerations for existing buildings through the City's engagement with the C40 indoor temperature research project; these recommendations will inform any policy and program considerations that staff develop through this multi-phased report back approach.

If the proposed changes to the date ranges in the Heating and Property Standards Bylaws are adopted, they are recommended to come into effect on April 30, 2025. To reflect the changes, staff will update 311 service request intake processes to reflect the new bylaw regulations, train Bylaw Enforcement Officers, and update internal standard operating procedures and public and landlord communications.

Ultimately, the policy challenge presented by regulating and maintaining comfortable and safe indoor temperatures requires a whole-of-government approach and spectrum of solutions that include both interim and long-term measures. These measures, and this approach more broadly, will focus on maintaining housing affordability, contributing to ongoing decarbonization initiatives, upholding public health practices and engaging residents and property owners. The City is committed to continuing to respond to the impact of excessive indoor temperatures on residents and communities across Toronto.

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## **SIGNATURE**

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## ATTACHMENTS

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- Attachment 1 – Summary of the Status of 2018.LS25.1 Directives
- Attachment 2 – Summary of Air Conditioning Information in RentSafeTO Buildings
- Attachment 3 – Summary of Service Request and Charge Data
- Attachment 4 – Summary of Resident and Property Owner Survey Data
- Attachment 5 – Jurisdictional Scan of Bylaw Date Ranges and Temperature Thresholds
- Attachment 6 – Summary of Temperature Data for Bylaw Date Range Amendments

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