

**TORONTO MUNICIPAL CODE CHAPTER 497,
INDOOR TEMPERATURE STANDARDS**

Chapter 497

INDOOR TEMPERATURE STANDARDS

WHEREAS sections 8(2)5 of the City of Toronto Act, 2006 authorizes the Toronto City Council to pass a by-law respecting the economic, social and environmental well-being of the City, including respecting climate change;

WHEREAS section 8(2)6 of the City of Toronto Act, 2006 authorizes the Toronto City Council to pass a by-law respecting the health, safety, and well-being of persons; and

WHEREAS the City considers it to be in the interest of the health, safety, well-being of persons and the environmental well-being of the City to prescribe standards for the indoor temperature of private property.

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Attachments to Towards Implementing a Maximum Indoor Temperature Requirement for Rental Units and Cooling Rooms

Attachment 1: New Chapter 497, Indoor Temperature Standards

[History: This Chapter was amended in its entirety May 24, 2018 by By-law 646-2018.]

General References

City of Toronto Act, 2006 – See S.O. 2006, c. 11, Sched. A

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ARTICLE I

General Provisions

§ 497-1.1. Definitions.

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

AMENITY SPACE – means an indoor space in an apartment building, that is communal and available for use by the occupants of the apartment building for recreational or social activities. This could include, but is not limited to, meeting rooms, party rooms, games rooms, and fitness centers.

APARTMENT BUILDING – means a purpose-built rental building with three or more storeys and ten or more rental units but does not include a long-term care home, a licensed retirement home or a housing co-operative, and as defined by Toronto Municipal Code, Chapter 354, Apartment Buildings.

DWELLING – means a building or structure, or any part of it, occupied or capable of being lawfully occupied, in whole or in part, for the purpose of human habitation and includes a dwelling unit and a building that would be used for this purpose except for its state of disrepair.

DWELLING UNIT – means an enclosed living area used or designed to be used for human habitation.

EXECUTIVE DIRECTOR – means the Executive Director, Municipal Licensing and Standards or designate.

LANDLORD – includes an owner of a rental unit and any person managing or receiving the rent of the land or premises, whether on the person's own account or as agent or trustee of any other person.

OFFICER – means any City employee assigned responsibility for enforcing this article.

OPERATOR – means the superintendent or property manager of an apartment building or property who may take on some of the roles relating to permitting occupancy but does not include an owner.

OWNER – means the owner of an apartment building or property.

SPACE HEATER – means a heating device that, through combustion of fuel, provides heat energy to an internal or external area.

USED MOTOR OIL – means lubricating oil that has been used as a lubricant in any commercial or industrial operation or as a lubricant in the crankcase of motor vehicles.

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ARTICLE 2

Indoor Temperature Standards

§ 497-2.1. Heating

- A. Every landlord shall:
 - (1) Maintain a minimum air temperature of 21 degrees Celsius at 1.5 metres above the floor level in all areas of a rented dwelling unit from October 1 in each year to May 15 in the following year.
 - (2) Subsection (1) is only applicable to a dwelling unit that is normally heated at the landlord's expense.
 - (3) For greater clarity, where a dwelling unit is at a minimum air temperature of 21 degrees Celsius, a landlord is not required to operate a heating unit.
- B. No person may burn used motor oil within a space heater.

§ 497-2.2. Cooling

- A. Every owner, operator and landlord shall ensure that any installed cooling system is:
 - (1) Operated from June 1 to September 30 so as to maintain an indoor temperature of not more than 26 degrees Celsius.
 - (2) For greater clarity, subsection (1) applies only to properties that have existing air conditioning systems.

§ 497-2.3. Cooling in Amenity Spaces in Apartment Buildings

- A. Every owner and operator of an apartment building with at least one existing amenity space shall maintain a temperature of not more than 26 degrees Celsius from June 1 to September 30 in each year in at least one existing amenity space if cooling and/or central cooling is not provided in all dwelling units.
- B. Subsection A does not apply where the owner or operator can establish that the only way to comply with the requirements of subsection A is to undertake construction or demolition within the meaning of the Building Code Act, 1992.
- C. For greater clarity, subsection A applies to all apartment buildings, whether pre-existing or newly constructed.

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ARTICLE 3

Offences, Entry to Inspect, Orders, Notices of Violation.

§ 497-3.1. Offences.

- A. Every person who contravenes any provision of this chapter, or a notice of violation or direction or order issued in accordance with this chapter, is guilty of an offence and on conviction is liable to a fine of not more than \$100,000.
- B. In addition to a fine or fines provided for in this section every person who gains an economic advantage from contravening this chapter, or a notice of violation or direction or order issued in accordance with this chapter, is liable to a special fine in an amount equal to the fair market value of the economic advantage obtained from the contravention.
- C. In addition to offences in Subsections A and B, 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) Knowingly makes, participates in, assents to or acquiesces in the provision of false information in a statement, affidavit, application or other document prepared, submitted or filed under this chapter.
- D. Where a corporation contravenes any of the provisions of this chapter, or a notice of violation or direction or order issued in accordance with this chapter, every director or officer who concurs in such contravention is guilty of an offence and on 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.

§ 497-3.2. 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 at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with:
 - (1) This chapter; or
 - (2) A notice of violation or direction or order issued in accordance with this chapter.
- B. For the purposes of an inspection under Subsection A, an officer may:
 - (1) Require, for inspection, the production of documents or things relevant to the

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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.

§ 497-3.3. Orders to comply or notices of violation.

- A. An officer who finds a contravention of this chapter may make one or more orders or notices of violation 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. An order or notice of violation may be of immediate effect should the Executive Director determine that a delay would result in circumstances that endanger the health or safety of any person or similarly serious consequences.
- C. The order or notice of violation may be served personally on the person to whom it is directed or to an email or social media address that person has provided to the City or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.
- D. If there is evidence that the occupant of the land is not the registered property owner, the order or notice of violation shall be served on both the registered property owner and the occupant of the land.
- E. If the address of the owner is unknown or the City is unable to effect service on the owner or occupant under Subsection C, a placard stating the terms of the order or notice of violation and placed in a conspicuous place upon land on or near the property shall be deemed to be sufficient notice to the owner.
- F. If the delay necessary to serve an order or notice of violation under Subsection C would result in circumstances that endanger the health or safety of any person or similarly serious consequences, the order or notice of violation may be served by a placard stating the terms of the order or notice of violation and placed in a conspicuous place upon land on or near the property.

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