

To: The Housing and Planning Committee
From: The Canadian Environmental Law Association (CELA)
Subject: Item 2025.PH25.8 - Requested amendment to Property Standards By-law
Date: October 29, 2025
ISBN: 1654

Issue: Despite its legal authority to set property standards and duties under the *Ontario Building Code Act* and *Safe Drinking Water Act*, the City of Toronto continues to permit partial lead service lines (LSL) replacements, which have been shown to increase exposure to lead.

Recommendations:

- CELA recommends that the Planning and Housing Committee do not accept Section 9 of Item 2025.PH25.8 - Property Standards By-law: Phase II Review and Other Property Items, and request an updated feasibility assessment regarding the use of Chapter 629 to end the practice of partial lead service line replacements, similar to Hamilton's By-Law 10-221.

Background

CELA recommends that partial lead service line replacement should be banned through an amendment to Chapter 629 (Annex 1), similar to the approach being used in Hamilton.

Lead is a toxic heavy metal that can have life-altering negative health effects on people of all ages and is particularly harmful to children. No amount of lead exposure is safe.

This month, CELA released a report entitled [*End of the Line: A better way for municipalities to get the lead out of our drinking water.*](#) It urges Ontario municipalities to prevent partial lead service line (LSL) replacements, which occur when the portion of lead pipe on public property is replaced and then re-attached to the old lead line if the property owner does not pay to complete the replacement.

The report shows that **partially replacing LSLs is not only ineffective, but can make the lead levels in drinking water worse for months or years to come.** Notably, lead service lines are the primary contributor to high lead levels in residential drinking water.

It is the opinion of CELA that the staff submission to council has not addressed the significant health risks associated with partial LSL replacement, incorrectly characterizes the City's ability to emulate Hamilton's approach to obligating LSL replacement on private property, and does not sufficiently consider your legislated duty to protect residents from drinking water contaminants.

In this submission, we provide an updated fact base to align the City's position with best practices and ensure your ability to fulfill duties under the *Safe Drinking Water Act*, including section 19. *ct*. Informed by this, CELA recommends the Planning and Housing Committee pursue an amendment to Chapter 629 that would end the practice of partial LSL replacement.

Prioritizing the removal of LSLs and ending partial replacements

The best way to reduce lead in drinking water is to remove this toxic substance from drinking water infrastructure. By leaving part of the LSL in place during a partial replacement, the City is knowingly putting the health of residents at risk.

This was recognized in a 2013 report from Toronto Public Health, which stated that “the available research indicates that partial lead service line replacement is not an effective risk management measure to reduce lead in drinking water.”¹

The health risks associated with partial LSL replacement are not addressed in this staff report. It instead highlights existing programs that do not address this issue:

- While the City does use corrosion control, this is not an effective method for reducing the risk of particulate lead release post-partial replacement of an LSL.
- Additionally, the Priority Lead Water Service Replacement Program is used only when a property owner initiates the LSL replacement, therefore having no applicability to a situation where the City of Toronto replaces part of the LSL and the owner of the residential property opts not to replace the rest of the LSL.

This leaves a policy gap for municipally-initiated LSL replacements. Although secondary interventions highlighted in the staff report are valuable, the evidence is clear: completely removing LSLs is the best way to protect people from lead in drinking water.

Toronto should emulate Hamilton's lead by-law in Chapter 629

CELA respectfully disagrees with City staff's interpretation of how Hamilton's LSL replacement by-law functions and how it differs from Toronto's approach to lead mitigation.

In 2020, the City of Hamilton passed Property Standards By-Law 10-221, which created an obligation for property owners to replace the privately-owned portion of a LSL if the City's portion is not made of lead.

In this staff report, Hamilton's by-law is characterized as only applying to new buildings, meaning that “the Hamilton property standard does not provide additional protection compared to Toronto's

¹ Toronto Public Health, February 2013. “The Potential Health Impacts of Partial Lead Service Line Replacement: A Summary of the Evidence.”

<https://www.toronto.ca/legdocs/mmis/2013/ex/bgrd/backgroundfile-57362.pdf>

existing rules.” CELA believes this interpretation to be a misunderstanding of which properties the by-law applies to and the protections afforded to residents.

The purpose of the by-law, according to the initial instruction from councillors and conversations with Hamilton staff, is to “impose the obligation of property owners to replace the private portion of lead water service lines **where the public portion of a lead water service line replacement has occurred or is to be replaced.**”²

This means that when the City of Hamilton initiates a LSL replacement during planned or emergency construction, the owner must also replace the privately-owned portion of the lead pipe.

In contrast, the City of Toronto relies on voluntary opt-in from property owners during city-initiated LSL replacement, resulting in partial replacements and their associated harmful outcomes.

CELA believes that implementing a similar by-law to Hamilton’s through amendments to Chapter 629 would result in improved health protections and assist the City in making steady progress on removing lead from our water infrastructure.

Section 629 is an appropriate mechanism for requiring action on LSLs

Toronto’s Property Standards By-Law is an appropriate mechanism for requiring immediate removal of LSLs.

In the staff report, at page 27, staff suggest that because neither the Ontario Plumbing or Building Code explicitly address LSL replacement, adding a property standard provision requiring LSL disclosure and action into Chapter 629 may not be consistent with provincial law.

However, CELA notes that municipal staff have elsewhere in the same report more accurately explained the utility of municipal property standards as being a way to fill gaps in Ontario Building Code requirements:

“Where the OBC does not speak to a property standard ... Chapter 629 prescribes **additional, complementary standards.**”

This assessment aligns with the way that Hamilton staff characterized the purpose of property standard by-laws. In their report on the feasibility of what would become By-Law 10-221, Hamilton staff noted that the new lead replacement requirement was “...consistent with the [property standards] By-law’s purpose,” given that these minimum standards are put in place “...to protect the health and safety of those that reside on the property as well as the general public.”

² City of Hamilton Motion, Nov. 27, 2019, <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=211614>

CELA believes that this interpretation of property standards by-laws should be used as a frame for an updated feasibility assessment on how Chapter 629 can be amended to prevent the use of partial LSL replacements.

How could this new By-Law be implemented?

Hamilton's implementation of By-Law 10-221 could serve as a guideline for Toronto and demonstrates the feasibility of regulating LSL replacement through property standards in a large metropolitan city.

Similar to Hamilton's By-law, the suggested amendment to Chapter 629 would come into effect whenever the City plans to replace municipally owned LSLs.

This would require City staff to notify residents and businesses that there is an expectation that they replace their privately owned LSL within a reasonable timeline. Based on conversations with Hamilton staff, there has been widespread voluntary compliance with their by-law, attributed in part to the fact that by creating an obligation to replace the lead line, residents are more receptive to messaging about the seriousness of risks associated with lead exposure.

Hamilton has opted for a flexible implementation approach, which could also be used in Toronto. It uses enforcement tools under Section 15.2 of the *Building Code Act* on a "...case by case basis, with the objective to obtain compliance."

For example, in the case where an owner is a senior or cannot replace the lead service line due to financial hardship:

"...Orders may be registered on title and are assumed by any subsequent owner, who may require resolution of an Order by the selling property owner prior to the house closing date. Registering Orders on property title provides assurance that removal of the private portion of a lead water service line will occur when the property is sold."³

While CELA recognizes that compliance challenges could exist should an amendment be made to the property standards by-law, Hamilton's implementation demonstrates that widespread voluntary compliance is possible and that productive resolutions exist for non-compliance.

Toronto lacks reliable data on the dangers of partial LSL replacement

CELA is concerned that the water quality data being used to support the recommendation that no property standard action on lead mitigation is needed is not representative of the problem and could be creating false reassurance.

³ City of Hamilton, Report No. PED20121/ FCS20060: Amendments to Property Standards By-law 10-221 to Include Private Water Service Line Requirements.

The City of Toronto participates in both regulated and unregulated lead testing, but, to the best of CELA's knowledge, no data is purposefully collected to measure the impacts of partial LSL replacement.

Additionally, the methodology used to conduct unregulated testing has been described as "misleading or falsely reassuring," by the City's Associate Medical Officer of Health, Howard Shapiro.⁴

Residents are instructed to run the tap for 5 minutes before collecting the water sample, which is not representative of everyday use. This means that residents and lawmakers are potentially making decisions about lead mitigation based on data that does not accurately represent water quality.

CELA recommends that this gap in reliable data is recognized when considering the addition of lead-related provisions to Chapter 629.

Under-resourced Torontonians face barriers to clean drinking water

Toronto's lack of action on prohibiting partial LSL replacements disproportionately impacts tenants and low-income households.

Currently, people who rent have no say over whether their landlord decides to replace a LSL and there is no obligation for landlords to inform tenants of the health risk if they do not choose to replace it.

Requiring complete LSL replacement during city-initiated work would mean that landlords must take action to protect tenants from lead in drinking water.

In addition to the lack of any measures preventing partial LSL replacement, Toronto is the only of Ontario's top three most populous cities to not provide any financial support for LSL replacement. This means that people must be willing and able to pay up-front for LSL removal.

CELA urges Toronto lawmakers to, in conjunction with the recommended changes to Chapter 629, introduce a financial support program to ensure that under-resourced Torontonians have equal access to lead-free drinking water.

⁴ Toronto Star, Why does city tell residents to flush taps before testing for lead?: Guidelines for homeowners can produce misleading results that mask health risks, experts warn. (Nov. 8, 2019). <https://ezproxy.torontopubliclibrary.ca/login?url=https://www.proquest.com/canadiannews/newspapers/why-does-city-tell-residents-flush-taps-before/docview/2322480575/sem-2?accountid=14369>

Your responsibility to protect against lead in drinking water

Under the *Ontario Safe Drinking Water Act*, municipal lawmakers are legally liable for providing drinking water that meets the province's water quality standards.⁵ Lead is a unique contaminant in that **you are responsible for lead levels at-the-tap in private homes.**⁶

The current maximum acceptable concentration (MAC) for lead in drinking water in Ontario is 10 parts-per-billion (ppb). However, Ontario is one of the last provinces and territories to not adopt the stronger federally recommended lead MAC of 5ppb. The lower 5 ppb guideline was recommended by Health Canada in response to updated research about the harms of lead and the disproportionate impact of lead exposure on vulnerable populations.

It is an open possibility that Ontario will join the majority of provinces and territories and adopt this strengthened standard. In that case, partial LSL replacements could impact councillors' personal liability as evidence suggests that partial replacement may not result in long-term reductions in lead levels below 10ppb, let alone 5ppb.

CELA recommends that councillors and staff consider this possibility when assessing the effectiveness and making improvements to the City's lead mitigation and testing policies.

Conclusion

The City of Toronto should consider adopting an amendment to Chapter 629 that ends the ineffective and potentially harmful effects of partial LSL replacements. The example of Hamilton demonstrates that such a by-law is feasible and will improve our ability to prevent lead exposure.

By failing to address the health risks associated with partial LSL replacement and providing no financial support for lead mitigation, Toronto is falling behind the rest of the province and country when it comes to protecting residents from lead in drinking water.

The ongoing review of Toronto's Property Standard By-Laws represents a unique opportunity to put an end to partial LSL replacements and begin prioritizing complete lead replacement for all citizens - not just those who can afford it.

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⁵ Safe Drinking Water Act, 2002, S.O. 2002, c. 32, Part 3 s. 11

⁶ Drinking Water Systems, O. Reg. 170/03. s. 15.1

ANNEX 1 - Property Standards Draft By-Law

§ 629-4.24. Plumbing; water and sanitary facilities.

...

I. Every Owner of a private property connected to the municipal drinking water system by a lead service line shall ensure the full replacement of the privately-owned portion,

- a) In concurrence with the replacement of the municipally-owned portion; or
- b) Within one year of the replacement of the municipally-owned portion, unless an exemption is granted, such as:
 1. Seasonal or technical conditions make immediate replacement impracticable or impossible.