



June 15, 2026

City of Hamilton
 Planning Committee
 71 Main Street West, 1st Floor
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Re: Item 9.7 – Hamilton Heat Response Plan

The City of Hamilton must urgently pass a maximum temperature by-law. Canada’s National Adaptation Strategy calls for ambitious and collective adaptation action that is equitable and inclusive to ensure that everyone’s lives and welfare are protected from the impacts of a changing climate. The strategy goes on to identify extreme heat as the deadliest weather-related events in Canada.¹

Climate change is a public health and equity crisis. A property standard which sets a maximum indoor temperature of 26 degrees Celsius in all rental units is urgently needed to keep people safe. In-home cooling is not a luxury.

We Need to Protect the Lives of Tenants Living in Hamilton

The impacts of extreme heat are unfair. Children, older adults, people with pre-existing health conditions, people with some disabilities, people taking certain medications, unhoused people, and low-income communities are at risk.

619 people died from heat exposure in 2021 in British Columbia during an extreme heat event. 98% of the deaths occurred indoors.² 90% of the people who died were over the age of 60. Most of the people who died did not have adequate cooling systems. Notably, deaths were higher among those living in socially or materially deprived neighborhoods with poor-quality housing. Unhoused individuals and overall deprivation were also identified as risk factors for increased mortality rates.³

The Chief Coroner of British Columbia explicitly identified high indoor temperatures as the primary cause of injury and death during this extreme heat event:

¹ Environment and Climate Change Canada, “Canada’s National Adaptation Strategy: Building Resilient Communities and a Strong Economy” (August 1, 2023) at 6, online: <[National Adaptation Strategy - Canada.ca](https://www.ec.gc.ca/nas)>.

² Government of British Columbia, “Extreme Heat and Human Mortality: A Review of Heat-Related Deaths in B.C. in Summer 2021” (June 7, 2022) at 5, online: <[Extreme Heat Death Review Panel Report](https://www2.gov.bc.ca/gov2/othergov2/bc_extreme_heat_death_review_panel_report)>. (“Extreme Heat Death Review Panel”)

³ Extreme Heat Death Review Panel at 17.

“During this time, hot air became trapped indoors and continued to rise over time. Although outdoor temperatures decreased overnight, residences did not cool off, exposing people to harmful high temperatures for extended periods of time. The BC Centre for Disease Control (BCCDC) identified that **people were most in danger when indoor temperatures remained above 26 degrees throughout the heat event.**”⁴
[emphasis added]

An analysis of the deaths in Quebec during the extreme heat event in 2018 found that people who were older, socially isolated, low-income, and those with a chronic disease or a psychotic disorder were most vulnerable to the impacts of heat.⁵ An evaluation of heat-related deaths in Quebec further found that the majority of the people who died did not have access to active cooling like air-conditioners or heat pumps and lived in an urban heat island, such as Montreal.⁶

In 2025, Health Canada released a study on heat-related morbidity and mortality in Canada.⁷ The average number of heat-related deaths has increased notably in the last decade and coincides with years with record-breaking extreme heat events.⁸ Health Canada also found that there were more heat-related deaths, hospitalizations and emergency department visits during years with extreme heat events.⁹ Health Canada calls for adaptation to heat:

“As Canada’s climate continues warming and extreme heat events become more frequent and severe, **the likelihood of adverse heat-related health outcomes will continue to rise without targeted intervention or adaptation strategies.**”¹⁰ [emphasis added]

For low-income seniors living in housing without cooling, indoor temperatures can quickly become dangerous. Research shows that air conditioning is one of the most effective tools for preventing heat-related mortality. A 2025 study published in JAMA Internal Medicine found that during extreme heat events, mortality rates were significantly higher in Ontario long-term care homes without air conditioning compared to homes with air conditioning. The study estimated that air conditioning mandates in Ontario long-term care facilities saved approximately 33 lives between 2020 and 2023, and that 131 deaths could have been prevented had the mandate been introduced a decade earlier.¹¹

⁴ Extreme Heat Death Review Panel at 22.

⁵ Santé Montreal, “Heat Wave Summer 2018 in Montreal” (2018) at 1, online : <https://santemontreal.qc.ca/fileadmin/fichiers/professionnels/DRSP/Directeur/Rapports/Resume_EnqueteChaleurMtl_2018_Anglais.pdf>.

⁶ Center-Sud-de-l’Île-de-Montréal Integrated University Health and Social Services Center, “Heat Wave: July 2018 – Montreal Preliminary Assessment” (2018) at 2, online: <https://santemontreal.qc.ca/fileadmin/fichiers/actualites/2018/07_juillet/BilanCanicule2018VF.pdf>.

⁷ Health Canada, “Heat-Related Morbidity and Mortality in Canada”, 2025. Online: <[heat-related-morbidity-mortality.pdf](#)> (“Heat-Related Morbidity and Mortality in Canada”)

⁸ Heat-Related Morbidity and Mortality in Canada, p. 17.

⁹ Heat-Related Morbidity and Mortality in Canada, p. 19.

¹⁰ Heat-Related Morbidity and Mortality in Canada, p. 19.

¹¹ Gabrielle M. Katz et al., “Air Conditioning in Nursing Homes and Mortality During Extreme Heat”, JAMA Intern. Med., 2026; 186(2), 243-251.

Hamilton has Legal Authority to Pass a Maximum Temperature By-Law in Hamilton

i. Municipal Act

Section 8(1) of the *Municipal Act* outlines a broad and deferential approach to interpreting legal authority for municipal action. The City of Hamilton recently relied on section 8 of the *Municipal Act* as authority for By-Law No. 24 – Renovation License and Relocation By-Law¹²:

8(1) The powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality’s ability to respond to municipal issues.

...

(3) Without limiting the generality of subsections (1) and (2), a by-law under sections 10 and 11 respecting a matter may,

- (a) **regulate or prohibit respecting the matter**;
- (b) **require persons to do things** respecting the matter;
- (c) provide for a system of licences respecting the matter.¹³ [emphasis added]

The City of Hamilton is a single-tier municipality and may provide any service or thing that the municipality considers “necessary or desirable for the public.”¹⁴

The power of a single-tier municipality to pass a by-law mandating a maximum temperature in rental units is provided by s.10(2) of the *Municipal Act*, which allows for by-laws that address economic, social and environmental well-being of the municipality, including respecting climate change, the health, safety and well-being of persons, and the protection of persons and property:

10(2) A single-tier municipality may pass by-laws respecting the following matters:

...

5. Economic, social and environmental well-being of the municipality, including respecting climate change.

6. Health, safety and well-being of persons.

...

¹² City of Hamilton, By-law No 24, Renovation License and Relocation By-Law (January 24, 2024) [Renoviction By Law].

¹³ Municipal Act, s. 8

¹⁴ Municipal Act, 2001, SO 2001, c 25, at ss. 8, 10(1) [Municipal Act]

8. Protection of persons and property, including consumer protection.¹⁵

The City of Hamilton also recently relied on section 10 of the *Municipal Act* as authority for its Renovation License and Relocation By-Law.

Section 425 of the *Municipal Act* authorizes a municipality to pass by-laws providing that a person who contravenes a by-law of the municipality passed under that Act is guilty of an offence. A municipality may pass a by-law providing that the municipality may enter on lands at any reasonable time to carry out an inspection to determine whether there is compliance with a by law. Sections 444 and 445 provide that a municipality may make an order requiring the person who contravened the by-law to do work to correct the contravention.¹⁶

ii. Provincial Authority under the Residential Tenancies Act is Not Exclusive

Section 1 of the *Residential Tenancies Act* provides the purposes of the Act:

The purposes of this Act are to provide protection for residential tenants from unlawful rent increases and unlawful evictions, to establish a framework for the regulation of residential rents, to balance the rights and responsibilities of residential landlords and tenants and to provide for the adjudication of disputes and for other processes to informally resolve disputes.¹⁷

The *Residential Tenancies Act* outlines conflict provisions:

3(4) If a provision of this Act conflicts with a provision of another Act, other than the Human Rights Code, the provision of this Act applies.¹⁸

The *Residential Tenancies Act* contemplates municipal authority. There are several provisions that provide for municipal by-laws, including municipal property standards by-laws.¹⁹ In *London Property Management Association v. City of London*, 2011 ONSC 4710, the Ontario Superior Court of Justice held that the *Residential Tenancies Act* has not precluded other acts from dealing with units in residential complexes. The Court noted as a matter of statutory interpretation that courts should attempt to interpret two potentially conflicting pieces of legislation in a way that avoids a conflict.²⁰

City of Hamilton staff noted in developing the Renovation License and Relocation By-Law that the authority set out in the *Municipal Act* authorizes municipalities to pass by-laws with respect to the well-being of the municipality and its inhabitants. Staff noted that the purpose of the *Residential Tenancies Act* is “to regulate the relationship between landlords and tenants” and

¹⁵ Municipal Act, s. 10(2)

¹⁶ Municipal Act, ss. 425, 436, 444, 445.

¹⁷ Residential Tenancies Act, 2006, SO 2006, c 17, at s. 1 [RTA]

¹⁸ RTA, s. 3(4).

¹⁹ RTA, s. 224-226.2.

²⁰ *London Property Management Association v. City of London*, 2011 ONSC 4710, paras 46-53, 62.

staff were of the view that the proposed Renovation License and Relocation By-Law was within municipal authority as an innovative approach to address renovictions, tenant displacement and property standards.²¹

Section 36.1 of the *Residential Tenancies Act* will come into force on July 1, 2026. Section 36.1 addresses the issue of landlords preventing tenants from purchasing, installing and paying for their own window or portable air conditioner units. Section 36.1(1) states:

A tenant **may** install and use a window or portable air conditioner in a rental unit for which the landlord does not supply air conditioning, unless prohibited from doing so by the landlord under subsection (2), and subject to the conditions set out in subsection (3). [emphasis added]

Subsection (2) refers to “prescribed circumstances” which have not yet been defined. Subsection (3) provides for requirements on a tenant to notify the landlord about installation of the air conditioning unit and to safely install the air conditioner in accordance with municipal property by-law standards or other applicable laws. Section 36.1 would allow a landlord who pays for electricity to increase the rent of the tenant to cover the “actual cost” to the landlord of the electricity supplied for the air conditioner.

Importantly, section 36.1 does not set any maximum temperature standard. It also does not require a landlord to meet any indoor cooling requirements. Recently in an Ottawa Citizen article, the provincial Minister of Municipal Affairs and Housing’s office confirmed that municipalities have authority to implement their own rules relating to cooling:

In a statement, Housing Minister Rob Flack’s office said municipalities already had the authority to implement their own rules.

“Municipalities can implement maximum temperature bylaws as they see fit,” spokesperson Michael Minzak said.²²

iii. ***Building Code Act, 1992***

There is another source of authority for municipal by-laws addressing property standards in Ontario’s *Building Code Act, 1992*, SO 1992, c 23 (“*Building Code Act*”). Section 15.1(3) of the *Building Code Act* contemplates municipal property standards:²³

The council of a municipality may pass a by-law to do the following things if an official plan that includes provisions relating to property conditions is in effect in the

²¹ City of Hamilton, Planning and Economic Development Department, Licensing and By-Law Services Division, REVISED: Addressing Renovictions, Tenant Displacement and Property Standards in Apartment Buildings in the City of Hamilton (PED23072), (report), online: < <https://pub-hamilton.escribemeetings.com/filestream.ashx?DocumentId=464375>> at 11.

²² Michael McBean, “New Bill Would Protect Ontario Renters from Extreme Heat”, dated June 10, 2026. <<https://ottawacitizen.com/news/home-heat-dangers-mckennedy-bill>>.

²³ Building Code Act, 1992, SO 1992, c 23, at ss 15.1(3) [BCA]

municipality or if the council of the municipality has adopted a policy statement as mentioned in subsection (2):

1. Prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.
2. Requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or the site to be cleared of all buildings, structures, debris or refuse and left in graded and levelled condition.²⁴

Section 15.2 provides for the power within a municipal by-law to give “reasonable particulars of the repairs to be made”:

- (2) An officer who finds that a property does not conform with any of the standards prescribed in a by-law passed under section 15.1 may make an order,
 - (a) stating the municipal address or the legal description of the property;
 - (b) giving reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris or refuse and left in a graded and levelled condition;
 - (c) indicating the time for complying with the terms and conditions of the order and giving notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner’s expense; and
 - (d) indicating the final date for giving notice of appeal from the order.²⁵

These municipal powers are subject to a mandatory appeal provision. Section 15.3(1) allows for an appeal to a municipal committee within 14 days of being served with the Order and ultimately with an appeal to the Superior Court of Justice.²⁶

Complementary Measures are Well Understood and Should Move Forward at the Same Time as the By-Law

The provincial RTA and the above guideline rent increase regime are unfair to tenants and should be reformed by the provincial government. However, the urgent public health need for mechanical cooling in tenants’ homes must be addressed and cannot wait for provincial reform. The following complementary measures are recommended to mitigate the costs for tenants of cooling requirements.

- (i) Renovation Licence and Relocation By-Law is Already in Place

²⁴ BCA, s. 15.1

²⁵ BCA, s. 15.2(2)

²⁶ BCA, s. 15.3.(1)

The City of Hamilton already has a Renovation License and Relocation By-law in place. One of the key tenant protection measures of concern in establishing any property standard which may require renovations is renovictions. It is therefore a significant benefit in Hamilton that this measure has already been implemented.

(ii) Tenant Support Programs

The City of Hamilton already has several tenant support programs in place. CELA therefore recommends that enhancements to existing tenant support programs be the focus for mitigating the costs of above guideline rent increases being passed to tenants.

CELA recommends establishing a new tenant support program which would assist low-income tenants with the costs of any additional above guideline rent increases associated with compliance with the by-law.

The Housing Emergency Fund provides assistance to low-income tenants for rent arrears and utility costs. This program should be enhanced and funding for the program should be significantly increased to better support tenants facing any costs from implementation of the by-law.

The Housing Allowance Program, the Residential Care Facilities Subsidy Program and Rent Secure should also be enhanced to assist with any costs incurred by tenants for implementation of the by-law.

As well, the Tenant Support Program assists tenants facing evictions and above guideline rent increases.

We also recommend that the City of Hamilton assist tenants with education materials and access to existing provincial programs, such as the low-income energy assistance program, the Save on Energy – Energy Affordability Program, which in some circumstances provide free mechanical cooling to low-income tenants along with other free energy efficiency upgrades, and the Ontario Electricity Support Program.

(iii) Funding Assistance for Landlords to Conduct Retrofits

Above Guideline Rent Increase Regime under the RTA

Above guideline rent increases are only available if an eligible capital expenditure is made.²⁷ A “capital expenditure” is defined as an extraordinary or significant renovation, repair, replacement or new addition.²⁸ The maximum increase allowed above the guideline is 3% per year.²⁹

Tenant advocates stress that some landlords are already seeking the maximum above guideline rent increase per year. Those actions are deplorable and causing serious harm. They are a key

²⁷ *Residential Tenancies Act, 2006*, SO 2006, c 17 (“RTA”), s.126(1)(2)

²⁸ O. Reg. 516/06, s. 18(1). Online: <[O. Reg. 516/06 GENERAL | ontario.ca](http://www.ontario.ca)>

²⁹ RTA, s. 126(11)

reason why reform of the provincial legislation is necessary. However, for the purposes of the City of Hamilton's analysis of possible above guideline rent increases associated with a new property standard, complementary measures should be focused only on additional above guideline rent increases and not all above guideline rent increases.

Landlords are also already not permitted to utilize both financial assistance and the above guideline rent increase regime. Section 22(1)(2)(i) of O. Reg 516/06 requires landlords to disclose all information regarding grants and assistance from any level of government.³⁰ Importantly, s.26(5) of O. Reg 516/06 provides that the amount of a capital expenditure cannot include grants or financial assistance received by the landlord for that work:

Subtract from the amount determined under paragraph 1 **any grant or other assistance from any level of government** and any insurance, salvage, resale or trade-in proceeds related to the work undertaken or the item purchased.³¹ [emphasis added]

Assistance Should be Provided to Landlords

A key mechanism to avoid additional above guideline rent increases is to provide funding assistance to landlords. We recommend that existing Hamilton city programs be reviewed and updated to include mechanical cooling. We also recommend that once a by-law is in place, the City of Hamilton (1) apply for funding assistance from the federal and provincial governments for the purpose of assisting landlords with implementation of the by-law, and (2) assist landlords with applications for funding assistance available to homeowners and property owners.

- (iv) City of Hamilton Staff to Provide Expert Advice to Landlords to Assist with Meeting the By-Law

During an initial compliance period, CELA recommends that the City of Hamilton hire and make available staff persons to provide assistance to landlords with compliance. Landlords would benefit from advice about what existing financing programs apply to them and what approach to cooling would work well for their building type. Landlords could be assisted with applications for financial assistance from the Federal, provincial and municipal government.

The Cost of Doing Nothing

The report bringing forward a maximum temperature by-law should include an estimate of the health and financial costs of doing nothing. The status quo is very dangerous and itself has high costs which are being borne by the City of Hamilton and its tenants.

Conclusion

³⁰ O. Reg 516/06, s. 22(1)(2)(i)

³¹ O. Reg 516/06, s. 26(5)(2)

The Ontario Human Rights Commission stated that access to cooling during extreme heat waves is a human rights issue.³²

Although low-income communities across the City of Hamilton are not responsible for climate change, they are disproportionately impacted by its effects. Climate change is causing extreme heat events to become more frequent, more lengthy and more severe. Extreme heat can be deadly, particularly in rental housing with no cooling infrastructure in place and where indoor temperatures soar above 26 degrees Celsius for long periods of time.

The public crisis being caused by extreme heat is only predicted to worsen. A maximum temperature by-law which sets a maximum indoor temperature of 26 degrees Celsius is urgently needed.

Yours Truly,

A handwritten signature in blue ink that reads "Jacqueline Wilson". The signature is written in a cursive, flowing style.

Jacqueline Wilson
Counsel
Canadian Environmental Law Association

³² Ontario Human Rights Commission, “OHRC Statement on Human Rights, Extreme Heat Waves and Air Conditioning”, August 19, 2022. Online: <[OHRC statement on human rights, extreme heat waves and air conditioning | Ontario Human Rights Commission](#)>