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Environmental Law
Association
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Written Submission - Correspondence respecting Report PED26074,
Development of an Adequate Temperature By-law and Pilot Program
(Ward 2) (Item 8.3)

ACORN Hamilton, Environment Hamilton, and the Canadian Environmental Law Association urge Councillors to vote for a strong adequate temperature By-law. After multiple delays, we are pleased to see a By-law developed to protect tenants from extreme heat in their homes. However, we have several recommendations to strengthen the current proposal.

We strongly recommend the following changes that will help achieve the wording and intention of the original direction to staff:

1) Expand the By-Law Citywide

- As it stands, tenants outside of Ward 2 would not benefit from the By-law until 2029.
- Bare minimum improvement should include adding Wards 3 & 4. Both are identified as high vulnerability and heat exposure in the staff report. We do still know that vulnerable tenants can be found city-wide however.

2) Permanent tenant protections

- The city has declared a climate emergency. The effects of extreme heat are well documented and have been communicated to previous Councils well before the declaration was made.
- Bare minimum improvement - shorten the pilot to one summer and expand to all wards for summer 2028

3) Support for tenants - improvements to the City of Hamilton Housing Emergency Fund

- Expand circumstances to include tenants facing extra fees for air conditioning use. As of July 1, landlords are allowed to pass on extra fees for AC use to tenants whose utilities are included in their rent. This is new legislation under Bill 97, Fighting Delays, Building Faster Act, 2025. Low-income tenants on fixed incomes will struggle to have the disposable income to cover these fees and face the difficult choice of not having air conditioning in dangerous temperatures to avoid the extra charge.
- Allow tenants to be eligible for financial support before an N4 is issued. Tenants can present the letter from their landlord regarding AC fees.

4) Remove dates for minimum and maximum heat standards

- Climate change means more unpredictable weather. Hamilton now is more likely to experience hot temperatures in the spring and fall
- Removing the date ranges would also enable the city to enforce the adequate temperature By-law when landlords turn on the heat when it is warm outside / malfunctioning heat (overheating in the winter)

5) Exemption for landlords should be narrowed

- We recommend adopting the language from New Westminster's maximum heat by-law, which only allows an owner or operator to apply for an exemption if there are "unreasonable physical barriers" that explain non-compliance. The current wording of the exemption in the proposed by-law may allow for too many landlords to seek an exemption for reasons other than technological barriers to implementation.

6) Opt-out for tenants should be removed

- We are concerned about the proposed provision allowing for tenants to notify the owner or operator of their building that they wish to opt-out of the adequate temperature by-law requirements. A safe indoor temperature is a public health measure. Tenants are at risk of serious health impacts if they do not live in a safe indoor environment. We are very concerned that lower-income tenants most in need of protection will be pressured to opt-out by landlords. We recommend removing s.8(c) from the proposed by-law.

7) Remove exemption for Not-for Profit Social Housing Providers and municipal housing corporations

- Non profit and city owned affordable housing are home to some of the most vulnerable households in our city - especially seniors and people with disabilities.

Tenants across the city have waited 3+ years for a report back on this important tenant protection by-law. We urge Council to finish the term with being a leader in Ontario on this issue.