

# Landlord's Self-Help Centre

*A community legal clinic funded by Legal Aid Ontario*

15<sup>th</sup> Floor - 55 University Avenue

Toronto, Ontario

M5J 2H7

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May 2, 2018

Licensing and Standards Committee  
c/o Julie Lavertu, Committee Administrator  
10<sup>th</sup> Floor, West Tower, City Hall  
Toronto, Ontario  
M5H 2N2

## **Re: LS25.1 - Mitigating the Negative Impacts of Extreme Heat in Apartment Buildings**

Landlord's Self-Help Centre (LSHC) is a non-profit specialty community legal clinic funded by Legal Aid Ontario and mandated to provide services to Ontario's small-scale landlord community. This community represents the secondary rental market which plays a vital role supplying affordable housing across the province which was estimated to include 520,895 residential rental units province-wide in 2016, with 41% or 212,121 of those units located in the Greater Toronto Area.

LSHC assists thousands of small landlords navigate the regulatory environment to address disputes and conflicts related to residential tenancies every year. Through summary legal advice and educational materials and programs these landlords develop a better understanding of their rights, responsibilities and obligations as housing providers. Among other activities, LSHC provides input on potential changes to landlord-tenant legislation.

On behalf of the small landlord community, we would like to express our serious concern with the adoption of any by-law that would specify a maximum temperature for rental housing, effectively requiring landlords to provide air conditioning. LSHC agrees with the recommendation of the Executive Director of Municipal Licensing and Standards that the City should not set a maximum indoor temperature standard for all apartment buildings in Toronto for a number of reasons, including those previously reported by Toronto Public Health. We believe imposing mandatory air conditioning would be impractical and extremely burdensome on small landlords. Generally, small landlords leverage their property investment to generate the income needed to supplement the cost of homeownership. A requirement to purchase, install, and maintain air conditioning equipment would create a financial hardship for many. We fear a by-law requiring landlords to provide a means of mechanical air cooling will result in many small landlords withdrawing their units from the market which will ultimately reduce the supply of rental housing stock and further drive up rental housing costs in Toronto.

Much of Toronto's rental housing stock is in older buildings that were never designed to accommodate air conditioning. Many do not have forced air systems and therefore cannot be

equipped with central air conditioning. Window units are often impractical, unsightly and unwanted by many tenants who would prefer a functional and unobstructed window. The design of some buildings will make it difficult to air condition parts of a building without air leakage to other non-cooled parts of the building. Many buildings have electrical panels and circuits that would not be able to safely handle the additional load of air conditioning. Making a costly electrical upgrade to an entire building is not a feasible option for many small landlords. If making this upgrade requires re-designs or time-extensive re-construction work to the building and tenant units, this would all be prohibitively costly for small landlords. Indeed, it could also lead to temporary tenant displacement.

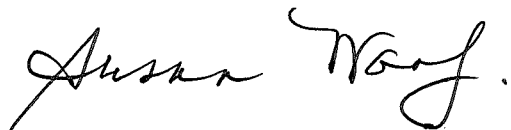
Once installed, landlords would have little or no control over the usage of air conditioners in their units, potentially leading to exorbitant use and drastically higher electricity costs. Amendments to the *Residential Tenancies Act, 2006* pursuant to the *Rental Fairness Act, 2017* have removed the provision which allowed landlords to seek an above-guideline rent increase for extraordinary increases in utility costs, thereby preventing the recovery of increased utility costs for sitting tenants and creating financial hardship for those landlords who include electricity in the rent. The increased utility cost would ultimately be passed on to tenants in the form of higher rent when the unit turns over. Impacts on electrical infrastructure and the environment are beyond the scope of this letter.

Some landlords may seek above-guideline rent increases under s.126 of the RTA for installation of air conditioning, but many small landlords do not have the time, resources or sophistication to seek above-guideline increases. Many will simply stop renting out their units. Regarding operating costs, many small landlords provide utilities at no extra charge to tenants and will therefore have no lawful means to pass on higher electricity costs to tenants, leading to more units being removed from the market if they become uneconomic to operate. Units that remain will no doubt be rented out at much higher rent, both to recover costs and due to diminished supply.

LSHC believes that the provision of air conditioning is a matter best left for landlords and tenants to voluntarily agree upon, thereby giving both parties the flexibility to find the solution that works best for their particular situation. In the alternative, we strongly recommend an exemption for the small landlord community based on the number of rental units, such as three and fewer.

Thank you for your consideration.

Sincerely,  
**Landlord's Self-Help Centre**

A handwritten signature in black ink that reads "Susan Wankiewicz". The signature is written in a cursive, flowing style.

Susan Wankiewicz  
Clinic Director