



## Report to Council

### From the Office of Councillor Samantha Agtarap and Councillor Amy Lubik

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Date: February 14, 2023

Subject: LMLGA Resolution: Updating the *Strata Property Act* to Include Allowances for Heat Pumps and Other Mechanical Cooling Systems

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#### Purpose

To request Council support for amendment of the *Strata Property Act* to allow efficient cooling mechanisms that protect vulnerable populations from extreme heat.

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#### Recommendation

**THAT the following resolution regarding Updating the *Strata Property Act* to Include Allowances for Heat Pumps and Other Mechanical Cooling Systems be endorsed by the City of Port Moody Council and that submitted to the 2023 LMLGA convention,**

**AND THAT staff be directed to forward copies to the Premier of British Columbia, the Minister of Housing, Minister of Poverty Reduction, and Minister of Health as recommended by the report dated February 14, 2023 from Councillors Samantha Agtarap and Amy Lubik;**

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**WHEREAS climate change is worsening conditions, increasing daytime and nighttime temperatures and other vulnerabilities for low-income residents of multi-unit residential buildings, and;**

**WHEREAS the current *Strata Property Act* permits Strata Councils to enact bylaws that permit or restrict the addition of mechanical cooling to an individual unit within a strata property, and therefore this restriction creates an unsafe interior environment in the case of heat domes and other high temperatures;**

**THEREFORE BE IT RESOLVED THAT the Province of BC amend the *Strata Property Act* to allow the addition of heat pumps or other efficient mechanical cooling systems without the need to amend individual Strata corporation bylaws.**

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## Background

Most existing multi-unit residential buildings (MURBs) were constructed under previous BC Building Code requirements and designed to perform under historical climate conditions. As evidenced by the 2021 heat dome, historical conditions no longer represent the reality of a changing climate and existing buildings now need to rapidly adopt adaptation measures to ensure the continued safety and health of occupants. This includes the addition of active (mechanical) cooling as well as passive cooling measures.

With a significant portion of BC's population in urban areas now living in MURBs both as owners and renters, retrofits of these buildings are urgently needed. Most heat dome-related deaths occurred indoors, with almost half of deaths occurring in MURBs, social housing, single room occupancy or supportive housing.

The 2022 review on heat related deaths in BC in summer 2021 identifies several actions including the addition of cooling requirements in new buildings, and updates to the alteration code for energy efficient and resilient buildings to explicitly identify both passive and active cooling standards for existing homes and prioritizes low-income households and least energy efficient residential building stock for CleanBC rebates.

However, many strata corporations' bylaws do not allow for active cooling measures such as heat pumps or air conditioning units, due to concerns about aesthetics or envelope penetration. Bylaw changes can take significant amounts of time, energy and knowledge, and require  $\frac{3}{4}$  votes to pass. While individual strata properties are modifying their bylaws, the province has the power to act now to allow mechanical cooling in existing MURBs, similar to repealing sections of the *Strata Property Act* to remove rental restrictions.

## Discussion

As the climate continues to warm, heat events are expected to occur in greater frequency, duration and amplitude. By 2050, climate projections for Metro Vancouver show that we can expect 14 days over 30° C, compared to 2 days in the past. Combined with hotter summer days (higher daily maximum temperatures) and tropical nights (warmer temperatures overnight), the effectiveness to use natural cooling strategies decline in all building types.

Higher outdoor temperatures contribute to dangerously high indoor temperatures in dwellings and were the primary cause of death during the 2021 heat dome event. This was primarily in low-income areas, areas without greenery/ trees, which cools neighbourhoods, and people who were most at risk tended to be older or dealing with chronic illness. Most units in existing MURBs lack mechanical cooling and passive cooling measures such as blinds and fans are insufficient in mitigating this risk. Combined with high nighttime temperatures, and the fact that buildings retain heat which keeps indoor temperatures high even when outdoor temperatures cool, residents will be exposed to increasing duration of harmful indoor temperatures without the ability to effectively cool their dwelling units.

While heat alerts and warnings may help residents to prepare for heat events, these are insufficient to alleviate the risk to human health without mitigation measures and safe refuge from high daytime and nighttime temperatures. Though municipal cooling shelters, such as those that the city of Port Moody hosts, are important, there are people who will not be able to access them for various reasons.

Income disparities exacerbate lack of appropriate tools and measures that enable the implementation of active cooling such as heat pumps and portable air conditioning units in MURBs. Strata corporations can, through lack of bylaws, or through intentional bylaws, prevent the addition of heat pumps, or air conditioning units; portable air conditioning units, particularly in-window units are often barred due to aesthetic concerns). Without appropriate rebates and incentives for retrofitting of MURBs and rental buildings, residents of these building types are effectively discriminated against due to the dwelling type in which they reside, their economic situation and health status.

According to the BC Human Rights Clinic *“Strata residents, co-op members, and tenants with medical conditions that are impacted by heat have a right to accommodation under the BC Human Rights Code. Essentially, if someone has a disability that will be impacted due to heat, they can ask for accommodation to address that negative impact. Strata councils, co-ops, and landlords must accommodate these requests to the point of undue hardship. A blanket ban on air-conditioners and cooling devices without exceptions likely violates the Code and may be the subject of a human rights complaint.”* It is important also to highlight that not everyone who is more vulnerable to heat is aware that their medical conditions put them at risk, especially for elders who may not be aware that our bodies’ cooling functionality can decline with age and certain medications. Rather than addressing these issues as one-offs, systemic change is needed.

While the 2022 review on heat related deaths outlines actions for new buildings and alterations to existing buildings, it is unclear how these will relate to existing MURBs, SROs, and supportive housing types. Furthermore, the Extreme Heat Death Review Panel Report states that:

*“By summer 2023, the Ministry of Environment and Climate Change Strategy will ensure the CleanBC Better Homes and Home Renovation Rebate Program includes both passive and active cooling measures as eligible for rebates. Rebate priorities should be focused on census areas identified in the lower quintiles of material deprivation index and targeted to low-income households and the least energy efficient residential building stock.”*

However, it is not clear if the Clean BC Better Homes and Home Renovation Rebate Program will extend to multi-unit buildings such as apartments or condominiums, building types that are over-represented in the heat dome deaths are particularly susceptible to overheating and generally house more vulnerable populations with less access to safe alternatives. Further, it is not clear how and when the province will be rolling out the Property Tax Assisted Clean Energy (PACE) program. These types of programs are essential because they limit the need for upfront costs that many lower income individuals would need for large scale retrofits.

Legislation combined with equitable incentives are required to ensure the safety of residents in MURBs, SROs and supportive housing types. As previously outlined, with only operable windows and blinds as a passive cooling measure, residents in these building types are most at risk for overheating, especially those in south and west facing units at high levels. Additionally, residents in these dwelling types are also the most vulnerable due to higher levels of material and social deprivation and chronic conditions.

As a first step, amending the SPA to allow for heat pumps and air conditioning units in individual strata units would assist in ensuring BC residents live in homes that are safe for changing climate conditions. The Province of BC can act to ensure equitable distribution and access to incentives for residents to increase the resiliency of their dwelling unit (in MURBs) through the expansion of Clean BC Better Homes program, as well as the development of the

PACE program, and lobby the federal government to expand the Greener Homes incentives to include individual units contained within MURBs and at the whole building level. These recommendations also align with guidance from our local health authority.

### Other Option(s)

THAT the report dated February 14, 2023 from Councillor Agtarap and Councillor Lubik titled Updating Strata Property Act to Include Allowances for Heat Pumps and Other Mechanical Cooling Systems be received for information.

### Financial Implications

None.

### Council Strategic Plan Objectives

- Climate Change Preparedness
- Community Health
- Reducing Inequities
- Courage to lead

### References

[Practice Advisory - Overheating Considerations for Existing Multi-Unit Residential Buildings, V1.0 \(egbc.ca\)](#)

[Extreme Heat Death Review Panel Report](#)

[Summer Health and Health: Recommended Actions for Owners and Managers of Rental and/or Strata Housing \(Fraserhealth.ca\)](#)

<https://bchrc.net/human-rights-in-heat-waves/>