



## 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: Requirement for Cooling in Rental Units

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#### Purpose

To advocate to the Province of BC through LMLGA to require cooling in rentals.

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#### Recommendation

**THAT the report dated February 14, 2023 from the offices of Councillors Agtarap and Lubik regarding the requirement of cooling for rental units be received for information.**

**AND THAT Council advance the following resolution to LMLGA for the 2023 convention:**

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**WHEREAS climate change is worsening conditions and increasing vulnerabilities in the built environment, and the majority of heat dome deaths were in low-income and multi-unit residential buildings that lacked access to cooling, and;**

**WHEREAS The *Residential Tenancy Act (RTA)* states in general terms that landlords must comply with health, safety, and housing standards required by law, including heat but not cooling;**

**THEREFORE BE IT RESOLVED THAT the Province make the necessary changes to the RTA to require cooling in rental units and buildings to ensure the health and safety of all British Columbians.**

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#### Background

Port Moody has been a leader in policy and advocacy regarding housing as well as climate change, locally, federally and provincially. The issue of dangers posed to residents due to extreme weather is already evident and will escalate in future years. Those who are low income and live in socially and environmentally deprived (low greenery) areas are most at risk; during the 2021 heat dome, most deaths occurring in these areas, with seniors, those living with disabilities and those experiencing mental health challenges being most at risk. In a changing climate, access to in-suite cooling is vital to protecting the health and well-being of British Columbians.

Currently, BC does not require landlords to provide cooling, and similar to the Toronto inspectors measurements, though temperatures inside all locations where people lost their lives is unavailable, the [BC Extreme Health Death Panel](#) review showed temperatures reached and maintained over 35° C and close to 40° C in some areas, not cooling at night.

Cooling is critical to human health and well-being and should be required prior to renting a residential property.

According to a report by the Canadian Environmental Law Association, indoor cooling essential:<sup>1</sup>

*Public cooling centres are not adequate for those with mobility challenges, disabilities, or respiratory problems. Although these public cooling centres are essential for unhoused people or outside workers, they are [often] not adequate for those indoors or those with disabilities. For individuals with mobility and respiratory issues, movement is further impaired by extreme heat. Getting to a public cooling centre is extremely difficult or near impossible. The most vulnerable populations during an extreme heat event, and the majority of the people who died in British Columbia during the extreme heat event in 2021, needed resources within their homes to survive. Similarly, common cooling rooms in resident buildings have been found to be ineffective. Common cooling rooms have been described as “effectively useless” by long-term care advocates as most residents stay in their rooms and staff often do not have the opportunity to bring all residents down to these rooms.*

*Landlords are not currently obligated to cool buildings.*

*Landlords across Canada are obligated to provide a minimum level of heat. For example, the Residential Tenancies Act in Ontario defines heat as a ‘vital service’ that the landlord is obligated to supply and O. Reg. 517/06: Maintenance Standards, section 15 provides details on heating systems within all habitable space in rental units. Air-conditioning or cooling is not similarly defined. As a result, the Residential Tenancies Act does not include similar requirements for cooling.*

*In the Government of British Columbia’s report following the extreme heat event and deaths in the summer of 2021, high indoor temperature was identified to be the primary cause of injury and death. The B.C. Centre for Disease Control found that people were most in danger when indoor temperatures remained above 26°C throughout the event.*

*A study in New York also found that humidity exposure and indoor heat above 26°C increased the proportion of emergency calls due to cardiovascular and respiratory distress. A study by the American Journal of Alzheimer’s Disease & Other Dementias found that the symptoms of dementia were significantly exacerbated when patients were exposed to temperatures above 26°C. In elderly people, chair rise and balance were significantly lower when these individuals were exposed to a temperature of 27°C, demonstrating increased mobility problems. Therefore, it is crucial that indoor temperatures remain under 26°C. However, there is currently no legal standard created to protect the health of vulnerable tenants. When Toronto Public Health inspectors measured indoor temperatures at buildings 2-3 storey they found temperatures ranged from 32-39°C during an extreme heat event.*

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<sup>1</sup> Canadian Environmental Law Association, Recommendations for Municipalities, Focus: [Extreme Heat and Rental Housing](#), CELA Publication No. 1488

## Discussion

The Office of the BC Human Rights Commissioner notes:<sup>2</sup>

*Climate change is an increasing risk to human health. The heat dome that swept across BC in June, 2021 saw temperatures soar to a record-breaking 49.6°C in some parts of the province. A BC Coroners Service report determined that 619 people died during the heat dome. 98% of these deaths occurred indoors.*

*People protected by human rights legislation including the elderly, unhoused, mentally ill, and physically disabled are at increased risk during heatwaves. Governments have an obligation to protect and uphold residents' human rights to life, equality, safety, and the highest possible standard of health. Around the world, governments are facing lawsuits for their failure to protect their citizens' rights to a healthy environment. To meet their human rights obligations, governments must take action to reduce greenhouse gas emissions and address, mitigate, and ultimately reverse the worst effects of human-caused climate change.*

*People with disabilities and the elderly are at particular risk for heat-related illness and death. Social isolation and poverty increase these risks. The BC Centre for Disease Control reported that during BC's heat dome, "most deaths occurred in the community in private residences, and the areas of risk had ... less green space, more people living alone, and lower income levels." The vast majority of those who died during the heat dome lacked access to air conditioners, or even fans in their homes. Access to cooling options, including air conditioners, is essential for these and other vulnerable groups.*

*Unfortunately, projections indicate that BC will experience heat waves more frequently in the future due to climate change. The new BC Heat Alert and Response system will help notify communities of impending heat waves, but has been criticized by disability justice advocates for failing to include a requirement that government provide low-income and vulnerable people with air conditioners, which could be done through existing healthcare programs. People's lack of awareness that a heat wave is coming is less of an issue than their lack of access to cooling devices, which are likely unaffordable to most low-income people, such as those receiving disability assistance.*

As noted above, BC needs to take action to protect low-income residents, including renters. Requiring cooling be provided in all rental units is a critical step we ask the province to take.

## Other Option(s)

THAT the report dated February 14, 2023 from Councillor Samantha Agtarap and Councillor Amy Lubik titled LMLGA Resolution: Requirement for Cooling in Rental Units be received for information.

## Financial Implications

None.

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<sup>2</sup> BC Human Rights Clinic, [Human Rights in Heat Waves](#), June 16, 2022.

## Communications and Civic Engagement Initiatives

None.

## Council Strategic Plan Objectives

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