



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Parking and By-law Services Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 9, 2016
SUBJECT/REPORT NO:	Housekeeping Amendment to the Hamilton Adequate Heat By-Law No. 04-091 (PED16162) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Robert Ustrzycki (905) 546-2424 Ext. 4721 Kim Coombs (905) 546-2424 Ext. 1318
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Hamilton Adequate Heat By-Law No. 04-091 be amended to reduce the time when heating is required for residential rental properties from nine to eight months for the period to commence September 15 to May 15;
- (b) That the draft by-law, attached as Appendix “A” to Report PED16162, which has been prepared in a form satisfactory to the City Solicitor, be enacted.

EXECUTIVE SUMMARY

Councillor Jackson has expressed his continual concerns about climate changes and the effects of the current Adequate Heat By-law for seniors in residential rental properties, and has requested Municipal Law Enforcement (MLE) staff to examine the minimum temperature / date measurements contained in the By-law.

As matter of housekeeping, the analysis undertaken to this Report recommends that the minimum temperature of 20°C be required from September 15 until May 15 of the year following.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial/Staffing/Legal: N/A

HISTORICAL BACKGROUND

The Adequate Heat By-law 04-09 was enacted on April 28, 2004 (Report PD04117) to provide an effective process to require adequate and suitable heat in rental accommodations, and harmonizing the by-laws for the former municipalities.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Public Health Services, Emergency and Community Services, and City Housing Hamilton were consulted in preparation of this Report and agree with the staff recommendation.

Legal Services was consulted in the preparation of the draft amending By-law attached as Appendix "A" to Report PED16162.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City of Hamilton Adequate Heat By-law requires that landlords and property managers in rental residential premises maintain building temperatures at least 20°C to ensure tenant comfort between August 31 and June 1 of the following year (nine months).

Staff review of past weather and climate averages from Environment Canada acknowledged the following effects of climate change:

- comprehensive climate summaries for 2010 recorded the national average temperature for Canada was 3°C above the normal (warmest on record); and,
- average normal monthly temperatures for Hamilton (Station A) from 1981 to 2010 increased by 2°C.

Staff examined by-laws from 26 locations in Ontario, focusing on ten nearby municipalities to determine best practices in other jurisdictions. Although the temperature range and period of time when heat is required varied, the majority of data supports that the minimum temperature currently in place (20°C) as appropriate, but suggests a reduced time frame of eight months might be considered.

MLE records for the past five years (January 2011 to current) logged 1,391 heat enforcement calls for service. Staff analysis of these records determined that the dates of May 15 and September 15, a period of eight months, are better suited for this geographical temperature zone (only one actioned call for service was identified outside the proposed time change).

Any recommended change made to the Adequate Heat By-law will be posted on the City's website, and communicated to internal departments / agencies regulating or administering residential rental facilities.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED16162 – Draft Amendment to the City of Hamilton Adequate Heat By-law 04-091