

REPORT

Planning and Development Department

To: Mayor Johnstone and Members of Council
Date: May 12, 2025

From: Jackie Teed, Director
Planning and Development
File: #2689980

Item #: 2025-137

Subject: **Business Regulations and Licensing (Rental Units) Bylaw Cooling Amendments and Next Steps**

RECOMMENDATION

1. *THAT City of New Westminster Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004, Amendment Bylaw No. 8525, 2025, City of New Westminster Bylaw Notice Enforcement Bylaw No. 7318, 2009, Amendment Bylaw No. 8526, 2025, and City of New Westminster Municipal Ticket Information Bylaw No. 8077, 2019, Amendment Bylaw No. 8527, 2025 each be given first, second, and third readings.*
 2. *THAT an operating budget enhancement for three regular full-time positions to support tenant-related enforcement, support and life-safety work be included for consideration as part of the 2026 Budget process.*
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PURPOSE

This report: 1) presents bylaw amendments necessary to implement a requirement to allow cooling equipment in existing rental buildings, for Council's consideration of first, second, and third readings; and 2) seeks Council endorsement for including the resource enhancement necessary to implement this and other tenant-related enforcement and life-safety work, in the 2026 Budget process for Council's consideration.

SUMMARY

At the January 13, 2025 Regular meeting, the following motion was passed by Council:

BE IT RESOLVED that staff proceed with the work to bring forward the necessary bylaws and/or policies to require cooling in existing rental buildings, for consideration by Council by end of May 2025, as outlined in the Next Steps section of the January 13, 2025 report titled “Follow-up Report on Council Motion: Strategy and Resources to Require Cooling in Existing Rental Residential.

BACKGROUND

Since the 2021 western Canada heat dome and the subsequent trend toward hotter summer temperatures, cooling in rental apartments have become an area of concern. As such, Council requested that cooling requirements be considered and staff, working with legal counsel determined that the most effective path is to amend the City’s Business Regulations and Licensing (Rental Units) Bylaw to address both existing and new buildings.

The work to require habitable temperatures in existing purpose-built rental buildings is multi-phased and, using a streamlined approach, staff have brought forward bylaw amendments (Attachments 1, 2 and 3) for Council consideration that restrict landlords from prohibiting air conditioning and/or heat pumps in rental units, unless an exemption has been granted, along with associated fines for non-compliance.

In addition to the bylaw amendments, a more robust pilot project is simultaneously being done, as directed by Council, through the Vulnerable Building Assessment, which will incorporate broad engagement with interest holders, economic analysis, and a pilot project to trial potential methods for achieving cooling in existing buildings (see Attachment 4 for project overview).

DISCUSSION

Proposed Cooling Requirements

Cooling requirements are a new area that the Ministry of Housing and Municipal Affairs is exploring as the Residential Tenancy Act (the “Act”) currently only covers heating requirements. Therefore, a provision in the Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004 is proposed to addresses cooling in existing rental buildings, by prohibiting a prohibition on tenants using air conditioning units (“AC”) or heat pumps to cool their residential units.

The August 2024 Residential Tenancy Branch (the “Branch”) Air Conditioning Units resource (Attachment 5) and the Residential Tenancy Policy Guideline 8: Unconscionable, Unlawful, and Material Terms resource (Attachment 6) provide the framework for this approach. These resources note that:

- the Act does not have maximum temperatures for rental units and does not require landlords to allow AC in rental units;
- a ban on AC units could be considered unconscionable (which means it is unenforceable) if it grossly impacts the health and quality of life of the tenant;
- if a landlord shows there are safety or building issues around having AC units, a ban may be enforceable.

Therefore, in a residential property where cooling is not provided, and there are no safety or building issues related to use of cooling units, it is reasonable to infer that the landlord should not prevent a tenant from using a portable device designed to cool internal temperature in a rental unit. The Branch encourages landlords to find solutions that consider the health and quality of life for tenants if an AC unit is not a viable option. They have suggested cooling rooms and investments in electrical upgrades to accommodate the use of AC units.

Future Phases of Work

Staff are working on future phases of this regulatory effort which are anticipated to include such reasonable accommodations as may be necessary to support the health and quality of life for tenants. For example, in March 2024 updates to the BC Building Code include a new cooling regulation that requires new buildings to provide one indoor living space, in each dwelling unit, that does not exceed 26 degrees Celsius. Therefore, a related cooling requirement may be added to appropriate City bylaws to require cooling in buildings that are subject to this March 2024 BC Building Code amendment. This is intended to be addressed in a future amendment to the Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004.

Enforcement

Enforcement provisions for the proposed bylaw amendments are proposed to be included in the Bylaw Notice Enforcement Bylaw No. 7318, 2009, Amendment Bylaw No. 8526, 2025 and the Municipal Ticket Information Bylaw No. 8077, 2019, Amendment Bylaw No. 8527, 2025.

NEXT STEPS

Staff continue to work interdepartmentally to prepare recommendations for additional methods to support habitable space in rental buildings and will bring such work forward for Council's consideration at a future meeting. Below is the outline of next steps from the January 13, 2025 Council Report:

1. Research and analysis with external consultants to establish an approach;
2. Write a letter to the Minister of Housing to request clarification and confirmation that the approach would not trigger legal renovations or the Above Guideline Rent Increase permissible by the Province;

3. Develop and bring forward bylaws, policies, and/or new enforcement resources necessary for implementation to Council for consideration of adoption/endorsement; and, **(we are here)**
4. Review outcomes and propose amendments as necessary, based on the recommendations of the Vulnerable Building Assessment project.

SUSTAINABILITY IMPLICATIONS

Municipal rental maintenance bylaws can support sustainability by providing the authority to ensure buildings are well-maintained, which reduces energy consumption, waste, and the need for frequent repairs and replacements, ultimately minimizing environmental impact. These bylaws can also contribute to healthier living environments and the preservation of property, aligning with sustainable development goals.

FINANCIAL IMPLICATIONS

Council's Strategic Priorities Plan includes a focus on prioritizing homes for those with the greatest need. A significant part of this work relates to supporting current tenants in existing rental buildings. This work includes, but is not limited to, such tasks as: enforcement of BC Building Code (particularly life-safety) issues; supportive in-reach to the most vulnerable tenants with intersecting challenges including living in poorly maintained dwellings; research/analysis and enforcement of improper rental building operations; responding to tenant complaints; administering regulations, such as the proposed cooling requirements; annual inspections under the standards of maintenance bylaw.

Currently, the City has three regular full time positions who must cover all property use (unsightly, zoning, building code, etc.) and tenant support, as well as supporting departmental enforcement of a broad range of other City bylaws, and overseeing some directly such as light intrusion, noise, etc. This staffing complement is at the same level as they have been since 2007, despite the city population increasing by about 1/3 in that time. At the same time, multiple crises have impacted the community, including affordable housing, and the three crises of homelessness, substance use, and mental health. This City has been taking on a more proactive role to support the community in this regard, and the scope of work for these staff has increased significantly.

At this time, the current staff complement is unable to consistently undertake the scope of work outlined above, including proactive annual rental building inspections, consistent in-reach with vulnerable tenants, timely research/analysis and advancement of enforcement files. The addition of cooling requirements will further add to this backlog. To proactively advance the work, including the cooling requirements proposed and under development, additional resources will be required.

Staff has identified that three regular full-time positions are needed to support this overall work: two bylaw officers focused on tenant support and life safety, and one outreach worker to provide in-reach support to vulnerable tenants who are at risk of homelessness. Staff recommends these positions be forwarded to the 2026 budget process for Council’s consideration.

INTERDEPARTMENTAL LIAISON

The work to prepare the regulatory approach is interdepartmental and involves senior staff from Planning and Development including Building, Integrated Services, Development Planning, and Social Planning as well as senior staff from Climate Action, Community Services (Licensing), and Fire and Rescue.

OPTIONS

- 1. That City of New Westminster Business Regulations and Licensing (Rental Units) Bylaw No. 6926, 2004, Amendment Bylaw No. 8525, 2025, City of New Westminster Bylaw Notice Enforcement Bylaw No. 7318, 2009, Amendment Bylaw No. 8526, 2025, and City of New Westminster Municipal Ticket Information Bylaw No. 8077, 2019, Amendment Bylaw No. 8527, 2025 each be given first, second, and third readings.
- 2. That an operating budget enhancement for three regular full-time positions to support overall tenant-related enforcement, support and life-safety work be included for consideration as part of the 2026 Budget process.
- 3. That Council provide other direction.

Staff recommend Options 1 and 2.

ATTACHMENTS

- Attachment 1 - Business Regulations and Licensing (Rental Units) Bylaw Amendment No. 8525, 2025.
- Attachment 2 - Bylaw Notice Enforcement Bylaw No. 7318, 2009, Amendment Bylaw No. 8526, 2025
- Attachment 3 - Municipal Ticket Information Bylaw No. 8077, 2019, Amendment Bylaw No. 8527, 2025
- Attachment 4 - Vulnerable Buildings Assessment Project Overview
- Attachment 5 - Rental Tenancy Branch Information Sheet: AC Units
- Attachment 6 - Residential Tenancy Policy Guideline GL08: Unconscionable, Unlawful, and Material Terms

APPROVALS

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