

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

1ST SESSION, 43RD LEGISLATURE, ONTARIO
3 CHARLES III, 2024

Bill 230

**An Act to amend the Residential Tenancies Act, 2006 and the
Technical Standards and Safety Act, 2000 with respect to residential tenancies**

Ms S. Bowman

Private Member's Bill

1st Reading November 27, 2024

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill makes amendments to the *Residential Tenancies Act, 2006*, including the following:

1. A new section 20.1 is added to require a landlord of a residential complex to maintain an indoor temperature of 26 degrees Celsius or less from May 15 to September 15 in the common areas of the residential complex. Under the new section 20.2, local municipalities are required to investigate complaints for failure to comply with section 20.1 and to give work orders to landlords that set out, among other things, the period within which compliance with section 20.1 must be achieved. Local municipalities are given the power to appoint inspectors for the purposes of section 20.2. Consequential amendments are made to section 30 to allow the Landlord and Tenant Board to order an abatement of rent for breaching a work order made under section 20.2 or to order the landlord to perform the work described in the work order.
2. A new section 20.4 is added to require landlords of residential complexes with 100 rental units or more to install a digital visitor parking registration system.
3. Section 21 is amended to require the Board to order, on application by a tenant, an abatement of rent of 20 per cent if a vital service is withheld for more than 24 hours over a three-month period.
4. A new section 24.1 is added to require a landlord of a residential complex to install and maintain a video surveillance system in each building of the residential complex that has 100 rental units or more and to provide rules on the use of the system. Under the new section 24.2, landlords are also required to repair the video surveillance system in case of damages. A new section 24.3 requires a landlord of a residential complex to employ or otherwise engage a security guard for each building that has 100 rental units or more, and describes the duties of a security guard.
5. Section 58 is amended to provide that paragraph 1 of subsection 58 (1), which authorizes a landlord to give a tenant notice of termination of their tenancy if their tenant has persistently failed to pay rent on the date it becomes due and payable, does not apply if some or all of the rent is paid directly to the landlord under section 13 of the *Ontario Disability Support Program Act, 1997* or section 18 of the *Ontario Works Act, 1997*.
6. Section 134 is amended to prohibit a landlord or a person acting on behalf of the landlord to collect or require or attempt to collect from a tenant a fee for the use of visitor parking facilities.
7. A new section 226.6 is added to require every landlord of a residential complex that contains 10 or more rental units or three or more storeys to compile, on March 1 of every year, statistical information in a digital format on the maintenance requests the landlord has received in the preceding 12 months and to upload them on the online portal made available by the Minister under the new section 227.1. A new section 226.7 is added to provide that, in a proceeding before the Board, the information contained in the online portal is deemed to form part of the record if the Board considers the information to be relevant for the application made to the Board.

The Bill also makes amendments to the *Technical Standards and Safety Act, 2000*, including the following:

1. A new section 20.1 is added to require owners of elevators to use a remote electronic monitoring system that registers information on the elevator's operating availability.
2. A new section 20.2 is added to require the owner of an elevator to submit a report to the Technical Standards and Safety Authority (the Corporation) if the elevator is located in a building with one or more rental units and experiences an outage for more than 24 hours. The report must be submitted within seven days after the period of 24 hours has elapsed and the owner must submit a subsequent report to the Corporation no later than seven days after the day the elevator is returned to service. The new section also authorizes a tenant to submit a report to the Corporation and describes the required content of the report.

**An Act to amend the Residential Tenancies Act, 2006 and the
Technical Standards and Safety Act, 2000 with respect to residential tenancies**

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

RESIDENTIAL TENANCIES ACT, 2006

1 (1) The *Residential Tenancies Act, 2006* is amended by adding the following sections:

Landlord's responsibility re indoor temperature

20.1 A landlord of a residential complex is responsible for maintaining an indoor temperature of 26 degrees Celsius or less from May 15 to September 15 in the common areas of the residential complex, including the lobby, any indoor event spaces and any exercise facilities.

Local municipality to receive complaints

20.2 (1) The local municipality in which the residential complex is located shall receive any complaint from a current tenant of a rental unit located in the residential complex respecting the landlord's failure to comply with the landlord's responsibility under section 20.1.

Complaints to be investigated

(2) Upon receiving a complaint under this section, the local municipality shall cause an inspector to make whatever inspection the local municipality considers necessary to determine whether the landlord has complied with the landlord's responsibility under section 20.1.

Inspector's work order

(3) If an inspector is satisfied that the landlord of a residential complex has not complied with the landlord's responsibility under section 20.1, the inspector shall make and give to the landlord a work order that sets out the following information:

1. The municipal address or legal description of the residential complex.
2. Reasonable particulars of the work to be performed.
3. The period within which there must be compliance with the terms of the work order.

Inspectors

20.3 A local municipality shall appoint inspectors for the purposes of section 20.2.

(2) The Act is amended by adding the following section:

Digital registration system for visitor parking

20.4 A landlord of a residential complex with 100 rental units or more that has visitor parking facilities shall ensure that a digital visitor parking registration system is installed and that all parking reservations are recorded in the system, even if the reservations were first requested in paper format.

(3) The Act is amended by adding the following section:

Landlord to provide guide

20.5 (1) A landlord of a residential complex shall, on the first day of the rental period, provide a guide, in paper format, to the tenant that explains the amenities available in the building and how to use them.

Guide update

(2) The landlord shall update the guide every three years.

Yearly newsletter

(3) In addition to the guide described in subsection (1), the landlord shall, at least once a year, provide, in paper format, a newsletter that describes any changes that have taken place in the residential complex.

2 Section 21 of the Act is amended by adding the following subsections:

Rent reduction if vital service withheld

(3) If the reasonable supply of a vital service is withheld for more than 24 hours over a three-month period, the Board shall, on application by a tenant, order an abatement of rent of 20 per cent.

Exception

(4) Any time during which a vital service is withheld due to circumstances beyond the landlord's control shall not be included in the three-month period referred to in subsection (3).

3 (1) The Act is amended by adding the following sections:

Landlord's responsibility re security

24.1 (1) A landlord of a residential complex shall install and maintain a video surveillance system in each building that has 100 rental units or more.

Coverage, use of video surveillance system

(2) The video surveillance system shall cover all interior and exterior common areas of the building described in subsection (1), including in hallways and stairwells, and shall only be used for the following purposes:

- (a) ensuring safety in the building;
- (b) enforcing compliance in visitor parking facilities, if any; and
- (c) any other purpose otherwise permitted by law.

Notices

(3) The landlord shall post notices about the use of video surveillance in legible characters in all interior and exterior common areas, including at the main entrance of the building, so as to be visible and understandable to individuals before they enter the building or the common area.

Same

(4) The notices described in subsection (3) shall also include contact information in case individuals wish to access recorded images related to them.

Information requirement

(5) Where subsection (1) applies, the landlord shall inform every prospective tenant of the use of video surveillance in the building and its purpose before the prospective tenant enters into the tenancy agreement.

Monitoring, collection, etc., of video surveillance footage

(6) All video surveillance footage shall be monitored, collected and stored in accordance with the regulations.

No rent increase by more than guideline

(7) A landlord is prohibited from applying for an order permitting the rent charged to be increased by more than the guideline for any or all rental units in a residential complex under section 126 on the ground that the landlord is required to install or maintain a video surveillance system under subsection (1).

Landlord's responsibility to repair video surveillance system

24.2 (1) If any component of the video surveillance system referred to in section 24.1, including cameras, has been damaged or malfunctions, a landlord shall replace the component within seven days after the damage or malfunction is brought to the attention of the landlord in writing.

Compliance

(2) If, on application by a tenant, the Board determines that subsection (1) has not been complied with, the Board shall make an order for an abatement of rent.

(2) The Act is amended by adding the following section:

Security staff

24.3 (1) A landlord of a residential complex shall employ or otherwise engage a security guard for each building that has 100 rental units or more.

Duties

(2) A security guard employed or otherwise engaged under subsection (1) shall,

- (a) patrol the building to ensure the safety of residents; and
- (b) respond to complaints that are not an emergency, such as noise complaints, smoking in common areas of the building or trespassing.

4 Subsection 29 (1) of the Act is amended by adding the following paragraph:

1.1 An order determining that the landlord has breached a work order made under section 20.2.

5 Section 30 of the Act is amended by adding the following subsection:

Order, comply with indoor temperature requirement

(1.1) If the Board determines in an application under paragraph 1.1 of subsection 29 (1) that a landlord has breached a work order made under section 20.2, the Board may do one or more of the following:

1. Order an abatement of rent in the amount of 1 per cent per day from the first day after the period set out in paragraph 3 of subsection 20.2 (3) ends until the day of the order.
2. Order the landlord to perform the work described in the work order.

6 (1) Subsection 50 (3) of the Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:

(c) be accompanied by the building permit authorizing the repairs or renovations.

(2) Subsection 50 (3.1) of the Act is amended by striking out “clause (3) (b)” and substituting “clauses 3 (b) and (c)”.

7 Section 58 of the Act is amended by adding the following subsection:

Exception

(1.1) Paragraph 1 of subsection (1) does not apply if some or all of the rent is paid directly to the landlord under section 13 of the *Ontario Disability Support Program Act, 1997* or section 18 of the *Ontario Works Act, 1997*.

8 Subsection 59 (1) of the Act is amended by striking out “under a tenancy agreement” in the portion before clause (a) and substituting “under a tenancy agreement equal to at least one rental period”.

9 Section 116 of the Act is amended by adding the following subsection:

No rent increase if application under par. 1 of subs. 29 (1) pending

(5) If, on the day on which an increase in rent pursuant to a notice given under subsection (1) is due to take effect, an application filed under paragraph 1 of subsection 29 (1) is outstanding before the Board, the increase may only take effect once the Board has issued a decision on the application, subject to an order of the Board under paragraph 7 or 8 of subsection 30 (1).

10 Section 123 of the Act is amended by adding the following subsection:

Exception

(3) A landlord shall not increase the rent charged to a tenant under subsection (1) if the tenant has enjoyed or had access to anything referred to in paragraph 1 or 2 of that subsection since the first day of the rental period, even if it was not included in the written tenancy agreement.

11 Paragraph 3 of subsection 126 (1) of the Act is repealed.

12 Section 134 of the Act is amended by adding the following subsection:

Same, visitor parking

(4) No landlord or no other person who acts on behalf of the landlord shall, with respect to any rental unit, collect or require or attempt to collect from a tenant a fee for the use of visitor parking facilities.

13 Section 181 of the Act is amended by adding the following subsection:

No fees re application under s. 57

(2.1) The Board shall not charge a fee for making an application under section 57.

14 The Act is amended by adding the following sections:

Elevators

226.5 If an elevator in a residential complex is out of service for more than 48 hours over a three-month period, the Board shall, on application by a tenant, order an abatement of rent of 5 per cent.

Statistical information re maintenance

226.6 (1) Every landlord of a residential complex that contains 10 or more rental units or three or more storeys shall, on March 1 in every year, compile statistical information in a digital format on the maintenance requests the landlord has received in the preceding 12 months and upload them on the online portal made available by the Minister under section 227.1.

Content of statistical information

(2) The statistical information shall include,

- (a) the nature of each maintenance request and whether it relates to vital services;
- (b) the name of the person who performed the service or maintenance work; and
- (c) the date each request was received and the date it was resolved.

Request resolved

(3) For the purposes of clause (2) (c), a maintenance request is resolved when the landlord has responded to the request in a way that renders the rental unit or residential complex compliant with any applicable municipal property standards by-law or other applicable law.

Evidence that request is resolved

(4) The landlord may publish a picture on the portal as evidence that the request has been resolved, and the tenant may publish a picture and comments on anything related to the request.

No rent increase by more than guideline

(5) If the statistical information shows that less than 90 per cent of the maintenance requests received in the 12 preceding months have been resolved as described in subsection (3), the landlord is prohibited from applying for an order permitting the rent charged to be increased by more than the guideline for any or all rental units in a residential complex under section 126.

Information from online portal in Board proceedings

226.7 In a proceeding before the Board, the information contained in the online portal is deemed to form part of the record if the Board considers the information to be relevant for the application made to the Board.

Minister to make online portal available

227.1 (1) The Minister shall make available an online portal on a Government of Ontario website for the purposes of section 226.6.

Statistical information from municipalities

(2) The Minister shall ensure that any statistical information on the condition of residential complexes that is made available through the registration program of a municipality is also included in the portal.

15 Subsection 241 (1) of the Act is amended by adding the following paragraph:

- 11.1 governing the monitoring, collection and storage of video surveillance storage for the purposes of section 24.1, including,
- i. prescribing circumstances in which a tenant may access video surveillance footage, and
 - ii. prescribing circumstances in which a tenant may keep video surveillance footage;

TECHNICAL STANDARDS AND SAFETY ACT, 2000

16 (1) The *Technical Standards and Safety Act, 2000* is amended by adding the following section:

Remote electronic monitoring

20.1 Every owner of an elevator shall use a remote electronic monitoring system that registers information on the elevator's operating availability.

(2) The Act is amended by adding the following section:

Reporting elevator outages

20.2 (1) If an elevator in a building in which one or more rental units, as defined in the *Residential Tenancies Act, 2006*, are located experiences an outage where the elevator is out of service for more than 24 hours, the owner of the elevator shall submit a report to the Corporation within seven days after the period of 24 hours has elapsed, and shall submit a subsequent report to the Corporation no later than seven days after the day the elevator is returned to service.

Same

(2) A tenant, as defined in the *Residential Tenancies Act, 2006*, of a building described in subsection (1) may submit a report to the Corporation within seven days of the outage.

Content of report

(3) The report referred to in subsection (1) or (2) shall be in the form published by the Corporation and contain the following information:

- 1. The address of the premises where the elevator is installed.
- 2. The number of elevators in the building.

3. The installation number allocated to the elevator.
4. The number of floors which the elevator serves.
5. The date and time that the outage started and ended.
6. The cause of the outage, including any factor that prolonged the elevator being out of service.
7. The components of the elevator that have been repaired or replaced, if any.
8. The year in which the elevator was installed.
9. If a major alteration has been made to the elevator, the date that the elevator was returned to service after undergoing the most recent major alteration.
10. If the elevator's control system has been replaced, the date that the most recent replacement occurred.
11. The intervals at which the elevator undergoes maintenance.
12. The name of the manufacturer of the elevator.
13. The name of the manufacturer of the elevator's control system.
14. The name of the contractor who maintains the elevator.
15. In respect of a contractor who repaired the elevator during the outage:
 - i. The name of the contractor.
 - ii. The date and time that the contractor was first contacted about the outage.
 - iii. The date and time that the contractor first attended the premises after being contacted about the outage.

Publication

- (4) The Corporation shall publish on its website the information referred to in paragraphs 1 to 11 of subsection (3).

Commencement

17 (1) Except as otherwise provided in this section, this Act comes into force on the day it receives Royal Assent.

(2) Subsections 1 (1) and 3 (1) of the Act come into force on the day that is three years after the day this Act receives Royal Assent.

(3) Subsections 1 (2) and 16 (1) of the Act come into force on the day that is 12 months after the day this Act receives Royal Assent.

(4) Section 6 of the Act comes into force on the later of the day section 2 of the Schedule 7 (*Residential Tenancies Act, 2006*) to the *Helping Homebuyers, Protecting Tenants Act, 2023* comes into force and the day this Act receives Royal Assent.

Short title

18 The short title of this Act is the *Housing Equity and Rental Transparency Act, 2024*.