To: Manitoba Eco-Network Inc.

From: Luke Pankratz, Esther Adegbesan – Pro Bono Students Canada

Date: March 31, 2025

Re: Policies and laws to protect residents from unsafe heat temperatures in a warming world

Introduction

Climate change has presented numerous problems to Canadian societies as a result of rising global temperatures. Humans will have to adapt to these changes and seek new and innovative strategies to mitigate the harm caused by climate change. These harms often have the greatest impact on the most marginalized groups of people within society, including low-income people and the elderly.[1] Hotter summer temperatures have been the cause of sickness and death for people living in Canada and across the world. The number of days with temperatures above 25°C in Winnipeg is expected to increase from 57 days to 81-101 days, depending on future carbon emission levels, increasing risk of heat-related illnesses.[2] It is important to ensure people have access to safe and cool conditions in their homes. People living in rental housing are faced with a difficult situation, where many do not have the means to install air conditioning in their rental unit, and many landlords refuse to do so.[3] Government policy could help ensure that rental housing tenants are living in safe and cool conditions during the summer.[4] The same way that Winnipeg by-laws ensure a minimum housing temperature during the winter months, by-laws could be passed to enforce a maximum housing temperature during the summer months.

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[1] Amelia Linnett, Marium Ahmed, and Vaniartha Vaniartha, "Tenant Rights and Extreme Weather Events: An Analysis of Indoor Temperature Requirements in US and Canada Landlord-Tenant Law"(University of British Columbia, 2022) [Linnett].
[2] Prairie Climate Centre, *Manitoba and Climate Change* (climateatlas.ca).
[3] *Ibid.*
[4] *Ibid.*

While air conditioning can be used to ensure temperatures are regulated, there are other methods as well that could act to lower overall temperatures.

Issues

1. With rising temperatures what jurisdictions have implemented policies and laws to protect residents from unsafe heat temperatures?
2. What Green initiatives are available to combat unsafe heat temperatures?
3. What policies and solutions can the City of Winnipeg and the Province of Manitoba adopt to ensure adequate cooling mechanisms for residents?

1. Jurisdictions with law and policies to protect residents from unsafe heat temperatures

Hamilton's Proposed By-law

In the City of Hamilton, Ontario, a by-law was proposed to limit rental housing temperatures to 26°C in the summer months. The by-law would require all rental housing to have air conditioning units installed to ensure these temperatures are maintained.[5] The proposal recognizes the cost barrier facing many people without air conditioning in their housing, stating that 30% of housing does not have air conditioning, with cost being the most significant barrier.[6] Government subsidies are a proposed solution to this problem, as tenants are not the only ones who may be faced with financial barriers, but that some landlords may be unable to afford air conditioning units for all of their rental housing. This is especially true for lower income landlords who are not part of a corporate housing project.[7]

Similar policies were enacted in Montgomery, Maryland, where landlords are required to provide air conditioning for tenants and are required to keep temperatures below 80 degrees Fahrenheit. The landlords are required to both

[5] Advocacy Center for Tenants Ontario et al., *Recommendations for Municipalities Focus: Extreme Heat and Rental Housing in Hamilton,* (Canadian Environmental Law Association, 2023) [Advocacy Center for Tenants Ontario].
[6] Hamilton ACORN, *Full Temperature Control for Tenants: Protecting Tenants from Extreme Heat*, (September 2022). [ACORN].
[7] Gaye Taylor, "Hamilton Plans Heat Bylaw for Rental Housing"(May 30, 2023), online (website): https://www.theenergymix.com/hamilton-plans-canadas-first-heat-bylaw-for-rental-housing/

provide air conditioning, as well as maintain the air conditioning to ensure tenants are not exposed to extreme heat within their home.[8]

The proposal also considers other methods to provide cooling that are both more cost effective and more energy efficient. This includes planting trees to provide shade, increasing urban green spaces to combat urban heat islands, and changing building codes to promote air flow and ventilation. These policies would lower the burden placed on air conditioning and would allow air conditioning to be used as a last resort should temperatures increase drastically.[9]

British Columbia

After a heat wave that killed over 600 people in 2021, the BC Provincial government sent out guidelines to help residents stay cool and safe in the extreme heat.[10] The government advised people to find alternative arrangements if the temperature within their houses reached 30°C. They also advised residents to identify cooling centers such as malls and libraries that could be used to cool down in the summer months when air conditioning is not available.[11] The government advised residents install their own air conditioning units, as well as installing heat insulated curtains to keep heat out and keep cooler air inside. The government also considered other options such as examining housing upgrades to promote more energy efficient housing, which could facilitate cooling inside without the use of air conditioning.[12] While these guidelines are important, they do not provide a concrete policy to help protect residents. While the BC provincial government has not implemented cooling by-laws, numerous localities in the province have considered them.[13]

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[8] ACORN, *supra* note 6.
[9] Advocacy Center for Tenants Ontario, *supra* note 5.
[10] Amelia Linnett, Marium Ahmed, and Vaniartha Vaniartha, "Tenant Rights and Extreme Weather Events: An Analysis of Indoor Temperature Requirements in US and Canada Landlord-Tenant Law"(University of British Columbia, 2022) [Linnett].
[11] BC Housing, "Extreme Heat Information for Tenants", online (website)< https://www.bchousing.org/housing-assistance/tenants-programs-resources/extreme-heat-information-for-tenants
[12] Government of British Columbia, "Be prepared for extreme heat and drought" (June 20, 2024) online (websiste): https://www2.gov.bc.ca/gov/content/safety/emergency-management/preparedbc/know-your-hazards/severe-weather/extreme-heat [Government of BC].
[13] Linnett, *supra* note 1.

New Westminster and other smaller municipalities have proposed by-laws to restrict housing temperatures to a maximum of 26°C, similar to the Hamilton proposal. There has also been a call to include more heat pumps and energy efficient cooling systems including heat curtains and fans. Due to the traditionally mild temperatures in BC, only 33% of houses had air conditioning as of 2019, with many residents using fans as their primary cooling source.[14]

There have been proposals to prevent landlords from prohibiting the installation of air conditioning units by tenants, as well as proposed changes to building codes to ensure all new buildings have at minimum the capacity for air conditioning to be used.[15] Proposals have indicated that government funding is necessary to ensure tenants and landlords are able to install cooling systems without being overburdened by the high costs.[16] Community cooling spaces have also been promoted, ensuring that people have a cool place to go in the summertime if their home is unsuitably hot.[17]

Toronto, Ontario

The City of Toronto has instituted air conditioning by-laws to limit housing temperatures in buildings that already have air conditioning installed.[18] The by-laws dictate that when an air conditioning unit is installed, it is to be turned on between June 2nd and September 14th[19]. These by-laws also dictate that residential temperatures are not to exceed 26°C when there is an air conditioner, and that landlords are required to allow air conditioners to be used when it is installed. While these by-laws help ensure tenants are able to use air conditioning when it is already in the unit, it does not require all residential units to have cooling systems. Residents within the city support temperature by-laws for all rental housing, however many landlords oppose this legislation due to the high costs that will be imposed on them.[20]

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[14] Isaac Phan Nay, "Calls increase for heat limits in B.C. rental housing" (July 6, 2024), online (website) https://www.cbc.ca/news/canada/british-columbia/ecotrust-tenant-retrofits-1.7256117
[15] Linnett, *supra* note 1.
[16] *Ibid.*
[17] *Ibid.*
[18] *Ibid*.
[19] City of Toronto, by-law No 629, *Toronto Municipal Code,* s 38.
[20] Linnett, *supra* note 1.

There have been some considerations in Toronto to improve building codes to ensure all new rental units are built to have air conditioning compatibility. Also, there are proposals to require all rental buildings provide at least one communal cooling space for residents if they do not have air conditioning in their unit.[21]

Montgomery County

In the United States, many jurisdictions have implemented maximum heat guidelines, bills, and regulations to address the risks associated with extreme heat exposure. One example is Montgomery County, which enacted Bill 24-19, titled *Landlord-Tenant Relations—Obligations of Landlord Air-Conditioning*, on March 2, 2020.[22] The bill took effect on June 1, 2020, and mandates that landlords in the county provide and maintain air conditioning in rental properties during specific months—June 1 to September 30.[23] During this period, landlords must ensure that indoor temperatures do not exceed 80 degrees Fahrenheit (26.6 degrees Celsius).[24] This law applies to rental homes, including apartments, townhouses, and condominiums.[25] Importantly, landlords are not only required to supply air conditioning but also to maintain and repair these systems as needed.

City of Tempe

The city of Tempe, Arizona, also introduced legislation to ensure that rental properties remain at appropriate indoor temperatures. Sections 21-34 of The Code of the City of Tempe, Arizona, establishes specific temperature requirements for rental properties. According to sections 21-34, for rental properties to be up to city code, they must include a heating unit and a cooling unit in the home.[26] The cooling unit, if an air conditioning unit, must maintain an indoor temperature of no more than 82 degrees Fahrenheit in all rooms, including bathrooms. Sections 21-34 also specify that if a cooling unit operates through evaporative cooling, it must be capable of

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[21] *Ibid.*
[22] Department of Housing and Community Affairs, *Landlord-Tenant Relations-Obligations of Landlord Air-conditioning* (Montgomery County: Department of Housing and Community Affairs)
[23] *Ibid.*
[24] *Ibid.*
[25] I*bid.*
[26]The City of Tempe, "Thermal Environment" (12 December 2024), online: Thermal Environment | City of Tempe, AZ. [ezproxy.library.und.edu/login?url=https://www.tempe.gov/government/community development/code-compliance-open-m-i-n-d/landlords-and-renters/violations/owner-tenant-building-requirements/thermal-environment]

maintaining a temperature of 88 degrees Fahrenheit.[27] The city code also specifies that the cooling units must be permanently installed in the home.

The Tempe city code also defines a broad range of rental properties that fall under its scope, including mobile homes, single-family homes, and multifamily units.[28] This inclusive approach contrasts with legislation in other jurisdictions, such as Montgomery County, which excludes detached single-family homes and dwellings listed on the National Register of Historic Places.[29] Including a broader range of rental homes that fall under the scope of the city code allows more individuals to benefit from the provisions. Additionally, as discussed, a lack of appropriate indoor temperatures tends to affect low-income and racialized individuals disproportionately. By expanding the scope of the code to include a wide variety of rental properties, it ensures that more residents, particularly low-income individuals who often reside in mobile homes, benefit from these protections.

Paris, France

Paris has undergone numerous projects to protect residents from rising temperatures. One of the key projects is urban cooling islands. These are greenspaces, such as parks, that are built in urban settings to promote cooling.[30] These parks provide shade and water to people in the city, providing a cool space in a city that has seen thousands of deaths as a result of high temperatures.[31] While the cooling islands are an important step, there are still many barriers to protecting tenants in Paris from heat. Paris has strict by-laws that restrict the ability of tenants to install air conditioning units. These by-laws are designed to maintain the character of buildings, and require that tenants receive approval from the city as well as their landlord before they can install units.[32]

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[27] *Ibid.*
[28] *Ibid.*
[29] *Ibid.*
[30] Victoria Masterson, "These 7 cities are tackling heatwaves with innovative solutions" (May 10, 2023), online (website) https://www.weforum.org/stories/2023/05/cities-heatwaves-climate-solutions/ [Masterson].
[31] Yong-Jin Hong et al, "Expanded Orientation of Urban Public Health Policy in the Climate Change Era: Response to and Prevention of Heat Wave in Paris and Seoul" (2022) 51:7 Iranian Journal of Public Health 1461 [Yong-Jin Hong].
[32] Paris Rental, "How to install air conditioning in Paris?" (July 12, 2023) online (website) https://en.parisrental.com/blog/living-better-in-paris/how-to-install-air-conditioning-in-paris

France as a whole has also taken action to address increasing temperatures. The country has begun training healthcare professionals, specifically those working in hospitals and care homes, on how to treat patients dealing with heat illness. Elderly people and sick people are some of the most vulnerable to heat illness, so training healthcare workers in these settings to protect their patients from heat is essential to limiting heat related illness and death.[33]

Dallas, Texas

Dallas, Texas, also implemented regulations to ensure indoor temperatures do not exceed unsafe levels. According to the Dallas City Code, building owners and landlords must provide and maintain cooling units capable of ensuring that indoor temperatures remain 15 degrees cooler than the outside temperature. [34]Additionally, the code specifies that indoor temperature can at no point exceed 85 degrees Fahrenheit.[35] Additionally, to ensure that landlords and building owners comply with the city code, they will have to register their properties and be subject to routine inspections.[36] Once an inspection is complete, the landlord or building owner will receive a code inspection score that they will have to post in a conspicuous place so that it is available to potential renters. [37]

Assistance programs

While cooling systems help individuals maintain comfortable indoor temperatures, many low-income and middle-income households may struggle to afford the resulting increase in energy bills.[38] To address this issue, utility assistance programs should be made available to renters. To combat this, utility assistance programs should be provided for renters. In the US, several states utilize the funds provided by the federal Low Income Home Energy Assistance Program (LIHEAP) to

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[33] Yong-Jin Hong, *supra* note 23.
[34] City of Dallas, "Code Compliance Chapter 27 Housing Standards Manual,"(12 December 2024), online (pdf): Code compliance chapter 27 HOUSING STANDARDS MANUAL [https://ezproxy.library.und.edu/login?url=https://dallascityhall.com/departments/codecompliance/DCH%20documents/docs/Chapter%2027%20Reference%20Manual%20%282%29%20%28003%29.pdf]
[35] *Ibid.*
[36] City of Dallas, "Code Compliance Chapter 27 Housing Standards Manual,"(12 December 2024), online (pdf): Code compliance chapter 27 HOUSING STANDARDS MANUAL [https://ezproxy.library.und.edu/login?url=https://dallascityhall.com/departments/codecompliance/DCH%20documents/docs/Chapter%2027%20Reference%20Manual%20%282%29%20%28003%29.pdf]
[37] *Ibid.*
[38] Cool It, Supra note 20

create utility and energy assistance for homes that fit the eligibility criteria.[39] However, these assistance programs often do not apply to energy bills related to cooling.[40] Assistance programs in these states are restricted to the bills associated with heating.

For example, Washington State is a jurisdiction that utilizes the funds provided by LIHEAP.[41] In 2021, when Washington state experienced a significant heat wave, individuals tried to apply for assistance.[42] However, they were denied because officials stated that the funds were not available for energy bills related to cooling. Similar issues occurred in Massachusetts, where state officials restricted LIHEAP to only heating bills.[43] In Manitoba, the provincial government offers the Rent Assist program to provide low-income renters with funds to help them manage rental costs.[33] The Rent Assist program could be modified to provide assistance to eligible individuals who have difficulty managing bills related to both cooling and heating.

Moreover, some jurisdictions have begun to provide assistance to individuals to assist them to purchase cooling systems.[34] In recognition of the harms related to unsafe indoor heat temperatures, New York City has recently implemented the Cooling Assistance Benefit Program (CABP).[44] The CABP provides up to $800 to $1000 in assistance to low-income households to assist with the purchase and maintenance of cooling units.[45] The CABP offers up to $800 "for a window, portable air conditioner, or fan." [46]CABP offers up to $1000 for wall sleeve units already installed in the unit. The benefit applies to "the cost of the air conditioner or fan; administrative costs; labor; program support; materials; removal of your old unit and minor repairs that are needed to safely install the new unit."[47]

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[39] *Ibid.*
[40] *Ibid.*
[41] *Ibid.*
[42] *Ibid.*
[43] *Ibid.*
[44] *Ibid.*
[45] Access NYC, "Financial help to cover the cost and installation of an air conditioner or fan", online: https://access.nyc.gov/programs/cooling-assistance-benefit/ [https://ezproxy.library.und.edu/login?url=https://access.nyc.gov/programs/cooling-assistance-benefit/]
[46] *Ibid.*
[47] *Ibid.*

2. Green Initiatives to Address Heat concerns

While air conditioning in residential housing is key to protecting tenants, there are many other ways to address rising temperatures as well. Sydney and Seville have both committed to planting millions of trees throughout their city to provide shade to residents.[48] Abu Dabi has developed computer-controlled screens that change position and provide shade to buildings based on the position of the sun, protecting residents from heat within their homes, without reliance on air conditioners.[49]

The city of Rotterdam has begun developing green rooftops, a plan that is believed to reduce overall temperatures by up to 15°C in some scenarios. Madeline is planning to develop green corridors throughout the city to improve shade for pedestrians as they are walking.[50]

Heat Pumps

A common sentiment conveyed by homeowners and landlords of rental properties is that a requirement to install both a heating and cooling system can be overly expensive. Other critics also claim that while increasing global temperatures contribute to the increased need for cooling units such as air conditioners, cooling units themselves contribute to global warming.[51] The most commonly used cooling units, air conditioners, employ hydrofluorocarbon refrigerants, a potent greenhouse gas that contributes to global warming when introduced to the atmosphere.[52] In addition to the greenhouse gases they produce, they also require a significant amount of energy, contributing to global warming. [53] Additionally, the increased demand for air conditioning also causes an increased burden on infrastructure. For

[48] Masterson, *supra* note 22.
[49] *Ibid.*
[50] *Ibid.*
[51] United Nations Environment Program, "A*ir conditioners fuel the climate crisis. Can nature help?*" (30 June 2023), online: https://www.unep.org/news-and-stories/story/air-conditioners-fuel-climate-crisis-can-nature-help [https://ezproxy.library.und.edu/login?url=https://www.unep.org/news-and-stories/story/air-conditioners-fuel-climate-crisis-can-nature-help]
[52] *Ibid.*
[53] *Ibid.*

example, during the extreme heat waves in California in 2020, the use of air conditioners led to the first rolling blackout in nearly 20 years.[54]

To address this issue, some cities, such as New York, have developed initiatives to reduce the number of air conditioning units in the city.[55] While they recognize the need for cooling units, the New York City Housing Authority (NYCHA) hopes to reduce the prevalence of air conditioners by replacing them with green cooling units.[56]

As of 2023, the NYCHA has expressed its aim to install green energy cooling units in 30,000 apartments across the city.[57] A heat pump is one example of a green cooling unit under contemplation by the NYCHA.[58] Heat pumps are a green alternative to air-conditioning units that also function as heating units. Heat pumps function by pulling heat from inside your home and transferring it outdoors in warmer periods.[59] In colder periods, it draws heat from the outdoor air into the home.[60] As heat pumps do not require fossil fuels to operate and they have dual capabilities, they are a more sustainable and potentially cheaper alternative to offer landlords and homeowners in Manitoba. By making Manitobans landlords and homeowners aware of green options like heat pumps, we can alert people to mechanisms that cool their homes and curb the growth of global warming that makes cooling units necessary.

According to a 2020 study, residents dwelling in Toronto, Montreal, and Vancouver neighbourhoods with lower income levels, employment, and educational attainment were less likely to be surrounded by greenery than their more affluent

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[54] Dan Mathis, "*Cool It Now: Renters Deserve a Right to Cooling*" (16 February 2023), online: https://thenext100.org/cool-it-now-renters-deserve-a-right-to-cooling [https://ezproxy.library.und.edu/login?url=https://thenext100.org/cool-it-now-renters-deserve-a-right-to-cooling/] [Cool It]
[55] *Ibid.*
[56] *Ibid.*
[57] *Ibid.*
[58] *Ibid.*
[59] Travis Baugh, "*What Is a Heat Pump And How Does A Heat Pump Work?*" online: https://www.carrier.com/residential/en/ca/products/heat-pumps/what-is-a-heat-pump-how-does-it-work/ [https://ezproxy.library.und.edu/login?url=https://www.carrier.com/residential/en/ca/products/heat-pumps/what-is-a-heat-pump-how-does-it-work/]
[60] *Ibid.*

counterparts in other parts of their cities.[61] Additionally, according to a 2016 study conducted in Toronto, neighbourhoods with a tree canopy encompassing less than 5% of the neighbourhood experienced almost 15 times as many heat-related medical emergencies than neighbourhoods with more than 70% green canopy. Some parts of Montreal have begun converting asphalt and bare fields into communal gardens to address this issue. Îlot Pelletier, is one of these community initiatives. [62]

Leon Wang is a researcher that focuses on the area of unsafe heat temperatures. Leon Wang has stated that he has turned his attention away from reducing indoor temperatures.[63] Instead, he has begun to concentrate on outdoor cooling projects. Wang argues that due to the manner that buildings are constructed, they retain and trap heat.[64] This results in buildings taking an increased amount of time to reach safer heat temperatures than the outside.[65] For this reason, he claims that heat-related fatalities occur indoors in the evenings even though outside temperatures have begun to drop.[66] In summary, researchers, studies and community organizers claim that while jurisdictions should develop initiatives to manage indoor temperatures, they should also formulate green initiatives such as creating more green canopies and areas. [67]Adding more greenery to neighbourhoods reduces the prevalence of medical incidents and the overreliance on air-cooling systems that may contribute to global warming

Window types

According to a study by the National Research Council Canada, the types of windows used in a home can also contribute to unsafe indoor temperatures.[68] According to the report, the windows with lower Solar Heat Gain Coefficient values

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[61] Jaela Bernstien, CBC News: "Cooling Canopy"(July 13, 2022), online: https://newsinteractives.cbc.ca/features/2022/heat-island-solutions/ [https://newsinteractives.cbc.ca/features/2022/heat-island-solutions/]
[62] Ibid.
[63] *Ibid.*
[64] *Ibid.*
[65] *Ibid.*
[66] *Ibid.*
[67] *Ibid.*
[68] Laouadi A., Bartko M., Gaur A., Lacasse M.A., "*Climate Resilience Buildings: Guideline for management of overheating risk in residential buildings*" (National Research Council of Canada, 2016)

resulted in lower indoor temperatures. [69]The reports state that the best windows for limiting unsafe indoor temperatures are green tinted low-e windows.[70] These windows reduced the risk of overheating in homes by 57%.[71] Moreover, the type of blinds in the house also contributes to the risk of overheating. [72]

According to the report, the use of windows that reduce the risk of overheating falls into the category of passive ventilation, which reduces the risk of heat building up in the home. [73]Passive home ventilation allows natural ventilation to occur in the home without the need to open windows and doors to allow heat to manually escape the home.[74] As houses are becoming more air-tight to combat the cold weather, ventilation is crucial to supplying fresh air into the home.[75]

There are also mechanical systems of ventilation that more accurately balance the airflow in the home.[76] One particular system of ventilation that is effective is the energy recovery system. The energy recovery system captures heat and humidity and maintains the air quality and temperature in the home.[77] Energy recovery systems are also cheap to install and work in conjunction with air cooling systems in the home by reducing the amount of air the cooling systems have to cool and. Therefore, the reduction on relance on the cooling systems such as sir conditioners has a corresponding effect of reducing the energy consumption and the utility bills from these cooling systems.[78] The energy recovery systems also engage more ventilation when there are more factors that increase the heating in the home. These include when activities such as cooking are creating increased heat in the *home* and when there are more occupants in the home. [79]

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[69] *Ibid.*
[70] *Ibid.*
[71] *Ibid.*
[72] *Ibid.*
[73] *Ibid.*
[74] Health Canada, "*Ventilation and the indoor environment*" (March 2018), online: https://www.canada.ca/en/health-canada/services/publications/healthy-living/ventilation-indoor-environment.html [https://ezproxy.library.und.edu/login?url=https://www.canada.ca/en/health-canada/services/publications/healthy-living/ventilation-indoor-environment.html]
[75] *Ibid.*
[76] *Ibid.*
[77] *Ibid.*
[78] *Ibid.*
[79] *Ibid.*

3. Possible Solutions in Winnipeg and Manitoba

The *Dwellings and Buildings Regulation* under *The Public Health Act* requires temperatures to be kept at a minimum of 21°C in the daytime and 18.3°C overnight,[80] and that furnaces and heating systems be maintained in good working order.[81] Similar heating requirements are also found in the City of Winnipeg *Neighbourhood Livability By-Law*.[82]

Under *The Residential Tenancies Act* a landlord is required to maintain services in a state of good repair, and in compliance with health, building and maintenance and occupancy standards required by law.[83] Landlords are required to provide heat to tenants under s. 59(1)) of the *Residential Tenancies Act*. Heat is listed in s. 60(1) as a vital service that cannot be withheld by a landlord as are gas, electricity, hot and cold water. [84] Cooling during extreme heat is not expressly listed (although it might meet the definition of "other public service" under that section of the act). Expressly listing cooling during periods of extreme heat would add clarity.

The Residential Tenancies Branch *Policies and Procedures Guidebook* sub-section 4.2 deals with "Heating Equipment and Fireplaces,"[85] but there is no comparable sub-section regarding cooling during times of extreme heat. Given that the Residential Tenancies Branch is currently updating its *Policies and Procedures Guidebook* to deal with recent legislative changes, it would be a good time to also add a section that deals with cooling, as in a warming world there is an ever increasing need to protect tenants from illnesses and challenges caused by extreme heat.[86]

With cost being a significant barrier to the installation of air conditioning, municipal and provincial subsidies may be helpful to ensure that tenants have adequate cooling mechanisms. Encouraging shade with heat insulated curtains, area fans, and other strategies may be helpful, but ensuring that air conditioning is

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[80] MR 322/8 R s. 17(1)
[81] *Ibid., s. 8*
[82] City of Winnipeg, by-law No 1/2008, *The Neighbourhood Livability By-law* (2008) s. 43.
[83] CCSM c. R119, s. 59(1)
[84] *Ibid.* s. 60(1)
[85] Residential Tenancies Branch "Section 4 Maintenance and Repairs" (July 2023) online (website) https://www.gov.mb.ca/cca/rtb/ot/gbook/s4maintenance_heatingequip2.html#:~:text=From%207%3A00%20a.m.%20until,their%20local%20Environmental%20Health%20Office.
[86] *The Residential Tenancies Act*, CCSM 2024 ss26(2).

available to all those who need it is the best way to protect tenants from heat related illnesses in their homes.[87]

Ensuring air conditioning is available may require governments to prevent landlords from banning air conditioning installation in rental units. This type of legislation is far from ideal, as it places the cost burden on tenants. Mandating adequate cooling is the best and most effective way to ensure tenants have comfortable indoor conditions during the summer. However, it is a step in the right direction to ensure tenants are not prevented from installing adequate cooling mechanisms. [88] Efficiency Manitoba currently provides rebates for more energy efficient heating services including the installation of heat pumps and energy efficient windows. These programs provide financial assistance for those who choose a more energy efficient way to provide essential services. A similar program could be enacted to provide rebates for cooling systems, especially energy efficient cooling systems.[89] These programs would reduce the financial strain felt by landlords and tenants when providing cooling mechanisms to rental units.

The amendment should also require that landlords repair and maintain air conditioning units to ensure that they continue to operate as needed. Under Bill 24-19, a landlord is required to respond to a notice regarding an ill-functioning air conditioning unit within 24-48 hours.[90] Similar provisions could be enacted in Manitoba to ensure that landlords not only provide air conditioning units but also maintain them. The amendment should also establish a standard temperature requirement to ensure consistent application across the province. The temperature requirement should reflect the climate and needs of residents in Manitoba. By adopting these measures, Manitoba could better protect tenants from extreme heat and ensure landlords maintain safe and comfortable living conditions.

Manitoba building codes could also adapt to the changing environmental conditions. Ensuring that new rental buildings are equipped with air conditioning will ensure tenants have access to adequate cooling.[91] Other policy changes could require buildings to be built with insulation and cooling in mind to provide a more energy efficient and environmentally friendly. Green roofs and green walls may

[87] Government of BC, *supra* note 8.
[88] Linnett, *supra* note 1.
[89] Efficiency Manitoba, "My Home" online (website) https://efficiencymb.ca/my-home/.
[90] *Supra*, note 22
[91] *Ibid.*

provide more environmentally friendly options for a natural cooling solution in the summer months.[92] Not only are these building code adaptations cost effective options, but they also limit carbon emissions. An emphasis on sustainable building practices to promote comfortable temperatures and take strain off air conditioning would be a more energy efficient option, reserving air conditioning for when temperatures are more extreme.[93]

The province of Manitoba could amend either the *Residential Tenancies Act* and/or the *Dwellings and Buildings Regulation* under *The Public Health Act* to require landlords and building owners to maintain certain indoor temperatures, ensuring tenants are protected from heat and heat related illnesses. The City of Winnipeg could also achieve the same by amending the *Neighbourhood Livability By-Law.* The Hamilton proposal could be adopted in Manitoba, setting a maximum temperature of 26°C in the summer months, requiring that all rental units have air conditioning and adequate cooling insulation.[94] Including adequate cooling mechanisms in legislation could follow a similar framework, by establishing a maximum temperature in the summer months, and requiring cooling mechanisms be supplied to ensure tenants are protected from extreme heat. Alternatively, the amendments could similarly reflect the scale employed by the Dallas city code in that it could mandate that indoor temperatures remain at a specific degree lower than the outside temperature. It could also mandate that indoor temperatures must not exceed certain levels regardless of outside temperature. The amendment could also impose a rating scale and the requirements that landlords make their rating available to ensure that potential renters know if their landlord has violated the regulation in the past. It also allows the province to identify frequent violators and fine or discipline them accordingly to discourage potential other violators and the violators themselves.

The Manitoba Government may consider classifying exposure to extreme temperatures to be a health hazard under the *Public Health Act.*[95] This would require landlords and building companies ensure that internal temperatures do not rise to the level that could pose a threat to health. With heat waves causing thousands of deaths worldwide, it is important to consider the extreme health hazards that come

[92] Masterson, *supra* note 22.
[93] Linnett, *supra* note 1.
[94] Advocacy Center for Tenants Ontario, *supra* note 1.
[95] *Public Health Act,* CCSM 2023 *ss* 24(2).

with extreme heat, especially when a person does not have relief from that heat within their own home, where they may face exposure to heat for long periods of time.

Changes to the *Buildings and Mobile Homes Act* could ensure that cooling is available in buildings, including rental units by changing adapting construction standards to require adequate cooling systems.[96] There is also a possibility of requiring cooling systems be installed for a building to obtain an occupancy permit under section 6(2). These changes would protect tenants and occupants from extreme heat by ensuring cooling is installed in new buildings.[97]

Awareness campaigns

While research and these recommended policies may help address unsafe indoor temperatures, some communities have begun to designate some public officials as Chief heat officers.[98] Chief heat officers are authorities tasked with creating plans to deal with high heat temperature.[99] These Chief heat officers implement and create safeguards for their residents in their communities. These officers also develop heat season campaigns to improve public awareness of the risks of intense heat.[100]They also mobilize the resources available to counteract rising temperatures and hazards.[101] Severe temperatures are a feature of our environment and require the province to take ongoing and flexible action to keep communities safe. Increased awareness could also alert the public to the harms caused by exposure to unsafe heat temperatures.[102] This could lead the public to mobilize and spur greater attempts to implement laws and initiatives meant to keep people safe and homes cooler during months when there is a significant chance of excessive heat.[103]

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[96] *The Building and Mobile Homes Act,* RSM 1987, c B93.
[97] *Ibid.*
[98] Cool it, supra note 20.
[99] *Ibid.*
[100] *Ibid.*
[101] *Ibid.*
[102] *Ibid.*
[103] *Ibid.*

Conclusion

With climate change increasing the frequency of extreme heat and incidents of heat related illness, it is necessary for local governments to take action to protect residents. Many initiatives have been developed to protect tenants from extreme heat in housing units, particularly during the summer months and during periods of extreme heat. Many cities have passed by-laws and developed initiatives to protect residents, including mandating air conditioning with a maximum temperature, developing green spaces and providing shade, and encouraging more energy efficient methods of cooling such as heat insulated curtains and green tinted low-e windows. Building codes may also be adapted to ensure adequate airflow, allow for installation of air conditioning, or outright require air conditioning be installed.

Financial burdens may create a barrier for tenants to access proper cooling mechanisms, putting them at higher risk for heat related illnesses. It is necessary to protect vulnerable people from the risks associated with extreme heat by ensuring financial programs are available, so the cost of cooling does not impede their right to a safe living environment. Government subsidies and rebate programs can ensure these programs are accessible to low-income tenants and landlords who may otherwise not be able to afford proper cooling.

With many cold climate cities already adopting mandatory minimum temperatures for winter months (including Winnipeg), the framework already exists to pass cooling bylaws that provide a mandatory maximum temperature. Many hotter climate cities in the United States have already adopted these ideas, ensuring residents are protected from extreme heat. It is necessary for Winnipeg and Manitoba to adapt to the increasing threat of climate change and pass bylaws protecting residents from hazards associated with extreme heat.