

## COUNCIL MEMBERS' MOTION

*For consideration at the Standing Committee on City Finance and Services meeting on  
November 5, 2025*

### **1. Giving Effect to Cooling Rights in a Climate Emergency Through the Standards of Maintenance By-law**

Submitted by: Councillors Orr and Maloney

#### WHEREAS

1. As a result of climate change, extreme heat events are becoming more commonplace in Vancouver. The BC heat dome between June 25 to July 1, 2021, saw unprecedented high temperatures across the province. By 2050, global climate models project that extreme heat events will be 4 times more frequent<sup>1</sup>;
2. High indoor temperatures and lack of cooling systems in dwellings are a life-threatening hazard. Vancouver Coastal Health notes that high indoor temperatures are the most dangerous aspect of extreme heat events and are life-threatening.<sup>2</sup> A BC Coroner Service report noted that 619 heat-related deaths occurred during the 2021 heat dome, 98% of which occurred indoors and most of which occurred in homes without adequate cooling systems<sup>3</sup>;
3. High indoor temperatures and lack of cooling systems in dwellings are also a human rights and climate justice issue.<sup>4</sup> Heat-related deaths during the 2021 extreme heat event were higher among persons with chronic health conditions or living in socially or materially deprived neighborhoods.<sup>5</sup> Older adults, people who are pregnant, infants and young children, and people with mental illness, other pre-existing health conditions, limited mobility, or who are marginally housed, are at higher risk of experiencing heat-related illness<sup>6</sup>;
4. Requirements for cooling have been implemented in the BC Building Code 2024 for all new builds.<sup>7</sup> No equivalent provision is currently in place for existing housing stock in Vancouver;
5. Vancouver maintains a Standards of Maintenance By-law to ensure properties are maintained in conformity with accepted health, fire, and building

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<sup>1</sup> Vancouver <https://vancouver.ca/files/cov/vancouver-extreme-heat-adaptation-infographic.pdf>.

<sup>2</sup> Vancouver [https://www.vch.ca/en/extreme-heat#health\\_effects\\_of\\_extreme\\_heat](https://www.vch.ca/en/extreme-heat#health_effects_of_extreme_heat).

<sup>3</sup> Vancouver [https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/death-review-panel/extreme\\_heat\\_death\\_review\\_panel\\_report.pdf](https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/death-review-panel/extreme_heat_death_review_panel_report.pdf).

<sup>4</sup> Toronto <https://www.ohrc.on.ca/en/news-center/ohrc-statement-human-rights-extreme-heat-waves-and-air-conditioning>.

<sup>5</sup> Vancouver [https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/death-review-panel/extreme\\_heat\\_death\\_review\\_panel\\_report.pdf](https://www2.gov.bc.ca/assets/gov/birth-adoption-death-marriage-and-divorce/deaths/coroners-service/death-review-panel/extreme_heat_death_review_panel_report.pdf), p. 17.

<sup>6</sup> Vancouver [https://www.vch.ca/en/extreme-heat#health\\_effects\\_of\\_extreme\\_heat](https://www.vch.ca/en/extreme-heat#health_effects_of_extreme_heat).

<sup>7</sup> Vancouver [https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/construction-industry/building-codes-and-standards/bulletins/2024-code/b24-08\\_overheating.pdf](https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/construction-industry/building-codes-and-standards/bulletins/2024-code/b24-08_overheating.pdf).

requirements. Pursuant the Residential Tenancy Act, landlords have an obligation to maintain rental units in compliance with these standards.<sup>8</sup> The By-law contains a requirement that residential accommodations are to have heating systems capable of maintaining a minimum indoor temperature.<sup>9</sup> There is no equivalent provision for cooling systems and maximum temperatures;

6. On November 27, 2024, Council unanimously passed a motion imploring the provincial government to amend the *Vancouver Charter* to specifically enumerate a power to regulate maximum indoor temperatures. In doing so, Council specifically recognized that extreme heat events and climate change pose significant health risks for residents and that a “right to cool” has emerged as essential to housing policy;
7. Municipalities such as Port Moody and New Westminster have given effect to the right to cool by prohibiting landlords from unreasonably impeding a tenant from using cooling systems to cool indoor temperatures.<sup>10</sup> No equivalent prohibition is currently in place for Vancouver landlords;
8. A similar prohibition is feasible in Vancouver. Section 330 of the *Vancouver Charter* authorizes Council to make bylaws to provide for the care, promotion, and protection of the health of the inhabitants of the city<sup>11</sup>; and
9. On May 29, 2025, the province amended the *Vancouver Charter* to confirm that Vancouver has the jurisdiction to regulate in areas concurrently covered by provincial regulatory regimes, such as residential tenancy matters<sup>12</sup>;

THEREFORE BE IT RESOLVED THAT Council direct staff to report back with options and recommendations regarding a by-law that prevents landlords from prohibiting or preventing tenants from using portable cooling devices when no air conditioning is otherwise provided;

FURTHER THAT this report back from staff should include consideration of:

- a) How to regulate strata units;
- b) Enforced tools including municipal ticket information and by-law notices; and
- c) A possible appeal process similar to the one in section 24.1 of the Standards of Maintenance By-law.

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<sup>8</sup> *Residential Tenancy Act*, SBC 2002, c. 78, s. 32.

<sup>9</sup> *Standards of Maintenance By-law No. 5462*, s. 18.1(1).

<sup>10</sup> *Port Moody Standards of Maintenance Bylaw 2024, No. 3467*, s. 7.1; *Business Regulations and Licensing (Rental Units) Bylaw No 6926, 2004*, s. 34(c).

<sup>11</sup> *Vancouver Charter*, SBC 1953, c 55.

<sup>12</sup> See *Vancouver (City) v Pender Lodge Holdings Ltd*, 2024 BCCA 37 at paras 147; *Miscellaneous Statutes Amendment Act, 2025*, cl. 47; *Hansard May 7, 2025*, approx. 4:15pm; and *Hansard May 13, 2025*, approx. 4:55pm.