

Frequently Asked Questions: Window Air Conditioning in Apartment Buildings

Last Updated: July 24, 2020

PURPOSE

This document provides answers to frequently asked questions about the City of Toronto's requirements for window air conditioning in apartment buildings. Concerns about the safety of a window air conditioning unit can be reported to the RentSafeTO: Apartment Building Standards team by calling 311 or emailing 311@toronto.ca.

For more information about the RentSafeTO: Apartment Building Standards program, please visit: toronto.ca/RentSafeTO.

SUMMARY

Note: in this document, landlord refers to the apartment building owner.

City of Toronto bylaws do not prohibit window air conditioning units in apartment buildings. The Property Standards By-law requires landlords to ensure that window air conditioning units are installed and maintained in a safe way. If the City determines that a window air conditioning unit may be unsafe, it may require the landlord to prove that a qualified tradesperson has installed, or confirmed proper installation and maintenance of, the window air conditioning unit.

There are no City bylaw provisions requiring this proof from tenants or allowing landlords to require this proof from tenants. However, the terms of the lease agreement between the landlord (apartment building owner) and tenant may include requirements concerning air conditioning in the rental unit.

FREQUENTLY ASKED QUESTIONS

Q1. Is the tenant or the landlord responsible for making sure that window air conditioning units are installed safely?

A1. Under City bylaws, the landlord must ensure that all supplied facilities (including air conditioning of all types) are constructed, installed, and maintained to function safely and effectively.

It is the responsibility of the landlord, when requested or ordered to by the City, to hire a qualified tradesperson to undertake the work and provide proof of this to the City. There are no City bylaw provisions requiring this proof from tenants, including no City bylaw provisions allowing landlords to require this proof from tenants.

If the lease agreement specifies that the tenant is responsible for the installation and maintenance of the window air conditioning unit, the landlord is responsible for ensuring that tenants comply with this term of their lease agreement. Landlords and tenants may wish to seek legal advice and information on how the [Residential Tenancies Act](#) applies.

Q2. Does a tenant need to hire a qualified tradesperson to install and maintain their window air conditioning unit?

A2. It depends on the lease agreement between the landlord and the tenant.

Under the Property Standards Bylaw, landlords are responsible for ensuring window air conditioning units are installed and maintained to function safely and effectively. To ensure that they meet their obligations under the Property Standards Bylaw, the landlord may hire a qualified tradesperson to install or verify proper installation and maintenance of window air conditioning units in their building. In this case, the City recommends that tenants cooperate with their landlord and provide landlords with access to their rental unit so that the qualified tradesperson hired by the landlord can inspect the window air conditioning unit.

The lease agreement may make it the tenant's responsibility to ensure that the window air conditioning unit is installed and maintained safely. The landlord, and not the City, is responsible for ensuring that tenants comply with the terms of their lease agreement. Lease agreements vary and tenants may wish to seek legal advice and information on how the [Residential Tenancies Act](#) applies; some potential options *may* include:

- Hiring a qualified tradesperson to conduct an inspection and provide proof of safe operation to the landlord and/or the City;
- Replace the window air conditioning unit with a portable air conditioning unit; and/or
- Removing the window air conditioning unit all together.

Q3. Does a landlord need to provide written proof to the City that the window air conditioning unit was installed by a qualified tradesperson? And if so, when?

A3. Only when requested or ordered to do so by the City.

Q4. How will the City enforce this bylaw?

A4. The City may request or order landlords to provide proof that a window air conditioning unit has been installed and maintained to function safely and effectively.

Through inspections, when the City determines that a window air conditioning unit may be unsafe, it may require the landlord to prove that a qualified tradesperson has confirmed that the installation and/or maintenance of the window air conditioning unit has been done a safe manner.

Q5. Can landlords require tenants to provide proof that the window air conditioning unit was installed by a qualified tradesperson?

A5. No, unless the lease agreement requires this. The landlord, and not the City, is responsible for ensuring that tenants comply with the terms of their lease agreement. Landlords and tenants should refer to their lease agreement and may want to seek legal advice and information on how the [Residential Tenancies Act](#) applies.

Q6. What recourse is available to the landlord if the tenant does not comply with a landlord's demand that they use a qualified tradesperson?

A6. Under City bylaws, the landlord is responsible for the safe installation and maintenance of window air conditioning units in the building. There are no City bylaw provisions that allow landlords to require this proof from tenants.

If the lease agreement specifies that the tenant is responsible for the installation and maintenance of the window air conditioner unit, the landlord is responsible for ensuring that tenants comply with this term of their lease agreement. Landlords may want to seek legal advice and information on how the [Residential Tenancies Act](#) applies.

Q7. How is a landlord expected to meet their obligations related to window air conditioning units under the bylaw as it relates to landlords entering units?

A7. Landlords must follow all relevant legislation, including the [Residential Tenancies Act](#), when seeking access to a tenant's unit so that the qualified tradesperson hired by the landlord can install, maintain or inspect the window air conditioning unit.

The City recommends that tenants cooperate with their landlord and provide landlords with access to their rental unit so that the qualified tradesperson hired by the landlord can install, maintain or inspect the window air conditioning unit.

Q8. What specific certification(s) will the City accept if it requires a landlord to prove that they have used a qualified tradesperson?

A8. The landlord must use someone certified under the Ontario College of Trades (OCAT) or an engineer. OCAT members must adhere to provincial regulations, which includes not committing professional misconduct ([O. Reg. 97/13: Professional Misconduct](#)).

Q9. Do landlords have the legal ability to ban window air conditioning units in Toronto?

A9. City bylaws do not prohibit window air conditioning units in apartment buildings.

The terms of a lease agreement between the landlord and tenant may impact the requirements regarding air conditioning in the building. Landlords and tenants should consult their lease agreement and may want to seek legal advice and information on how the [Residential Tenancies Act](#) applies.

Q10. Does it matter whether the window air conditioning units were installed before or after the July 13, 2020 notice was issued?

A10. No.

Q11. Does it matter whether the landlord provided the window air conditioning unit or whether it belongs to the tenant?

A11. No. Ownership of the window air conditioning unit does not matter.

Q12. What should a tenant do if their landlord has told them that they must pay money (such as a fee or a fine) related to the window air conditioning unit?

A12. If a landlord is charging a tenant money (for example: fees or fines), tenants may [contact the Landlord and Tenant Board](#) for more information about their rights.

Q13. What should a tenant do if their landlord has threatened eviction over the use of a window air conditioning unit?

A13. If a tenant is faced with the threat of eviction, or if their housing is at risk, the landlord must:

- Provide a notice terminating the tenancy giving the reasons;
- Apply to the Landlord & Tenant Board for an order to evict them; and
- If there is a hearing, the tenant has the right to attend and present their facts.

Please see the [City's Housing at Risk webpage](#) for more information.

In most cases, the responsibility for ensuring that window air conditioning units are safely installed falls on the landlord and not the tenant (unless the lease agreement states otherwise). The City recommends that tenants cooperate with their landlord and provide landlords with access to their rental unit so that the qualified tradesperson hired by the landlord can install, maintain, or inspect the window air conditioning unit.

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