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Item No. 15.1.7
Halifax Regional Council
January 24, 2023

TO: Mayor Savage and Members of Halifax Regional Council
Original Signed

SUBMITTED BY: _____
Cathie O'Toole, Chief Administrative Officer

DATE: January 20, 2023

SUBJECT: **By-law R-400, Respecting Registration of Residential Rental Properties and Amendments to By-law M-200, Respecting Standards for Residential Occupancies**

ORIGIN

On April 30, 2019 the following motion of Regional Council was put and passed:

THAT Halifax Regional Council direct the Chief Administrative Officer to:

- 1. Draft amendments to By-law M-200, Respecting Standards for Residential Occupancies, that include provisions for mandatory registration of residential rental accommodations following the principles as described in the "Proposed Framework" section of the staff report dated March 21, 2019.*
- 2. The report shall also address concerns outlined in the Investment Property Owners Association of Nova Scotia (IPOANS) email of April 29, 2019, including municipal and property owner financial implications, managing the By-law in relationship to the Tenancy Act especially in terms of cases before Residential Tenancies or Small Claims Court, and the public release of minor landlord Bylaw violations.*
- 3. Release all available By-law M-200 violation records, as available, on HRM's open data website following the requirements as set out in Administrative Order 2011-006-ADM, the Open Data Administrative Order.*

On December 1, 2020 the following motion of Regional Council was put and passed:

THAT Halifax Regional Council requests the pending Rental Bylaw report include options for strong penalties up to and including the maximum statutory amount, and rapid respond to remediate any unit where, in the opinion of the municipality, a landlord has deliberately made a unit uninhabitable and/or non-compliant.

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, R.S.N.S. 2008, c. 39,

Clauses 188(1)(a) and(b):

188(1) The Council may make by-laws, for municipal purposes, respecting
(a) the health, well being, safety and protection of persons;
(b) the safety and protection of property;

188(2) Without restricting the generality of subsection (1) but subject to Part VIII, the Council may, in any by-law

- (a) regulate or prohibit;
- (b) regulate any development, activity, industry, business, animal or thing in different ways, divide each of them into classes and deal with each class in different ways;

Subsection 199(1), Setting out Regional Council's power to create a Minimum Standards By-law;

199 (1) Without limiting the generality of Section 188, the Council may make by-laws

- (a) prescribing minimum standards of sanitation, plumbing, water supply, lighting, wiring, ventilation, heating, access, maintenance, appearance, construction and material for buildings, or parts thereof, occupied for residential purposes, whether the building, or part thereof, is erected, constructed or converted to residential purposes before or after the date of the making of the by-law;
- (b) limiting the number of persons who may reside in a building or part thereof;
- (c) imposing on the owner, tenant or occupant, or any one or more of them, the responsibility for complying with the by-law;
- (d) providing for notice to an owner, occupant or tenant, or any one or more of them, to discontinue the residential use of a building, or part thereof, in contravention of the by-law; and
- (e) prescribing penalties for such residential use after notice to discontinue the use is given.

(7) The standards of a by-law passed pursuant to this Section shall be consistent with the standards prescribed pursuant to the *Building Code Act* and regulations.

Building Code Act, R.S.N.S, c. 46;
Fire Safety Act, 2002, c.6, section 5; and,
Building Code Regulations, N.S. Reg 26/2017

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Adopt By-law R-400 Respecting Registration of Residential Rental Properties, the purpose of which is to establish a municipal residential rental registry, as set out in Attachment A of this report.
2. Adopt By-law M-202, the purpose of which is to amend By-law M-200 Respecting Standards for Residential Occupancies, the purpose of which is to amend certain minimum standards applicable to rental housing, as set out in Attachment C of this report.
3. Direct the Chief Administrative Officer to prepare a staff report, two years following implementation of the registry and the amendments to By-law M-200, on the effectiveness of the registry and the amendments to By-law M-200.

BACKGROUND

Over the past several years, there have been various reports and debates at Council discussing the merits of a municipal registry of residential rental properties (rental registry) in HRM. A rental registry will provide a comprehensive list of rental properties throughout the municipality which will provide a basis for pro-active inspections to ensure all rental units are held to the same minimum occupancy and building and fire safety standards. As discussed in previous reports, a registration system is preferred over a licensing system as it allows the Municipality to create a comprehensive record of all rental properties without significant administrative burden or cost to both the Municipality and rental property owners.

Through the development of a rental registry, all residential rental properties will be required to register with the Municipality. This information will be invaluable and will provide a much clearer picture of the rental landscape in HRM. Currently, the accuracy and detail of building information available is limited. A complete record of rentals combined with public education and a proactive inspection program is expected to provide significant benefit for program administration and for citizens occupying the buildings.

Beyond the benefits noted above, work related to the development of a rental registry has highlighted the need to address gaps in the current minimum standards building inspection program. This includes proactive inspections of fire and life safety elements in smaller residential buildings of 3 units and below. The need for proactive building inspections instead of focusing on complaint driven inspections was also highlighted as well as including preventative measures such as requiring ongoing maintenance plans to help ensure a building does not become uninhabitable due to deferred maintenance. As these gaps will not be fully addressed by the adoption of a rental registry alone, proposed changes to By-law M-200 (Attachments B and C) will complement the rental registry program.

Rental Registry Framework

On April 30th 2019, staff presented a [report](#) to Council that provided the background and rationale for a rental registry program. The report further included the proposed framework as outlined below:

1. Building Registry
 - mandatory registration of all residential rental accommodations.
2. Strategic Inspection and Regulation
 - inspections using evidence-based decision making to target high risk properties
3. Safety Requirements
 - establish safety regulations that are applied based on risk / building classification.
4. Community Integration and Education
 - custom rules applied to buildings, depending on category, to control and improve community integration of By-law M-200, Respecting Standards for Residential Occupancies
 - a program and educational package designed to inform tenants of their rights and responsibilities including their impact on the surrounding community
5. Accountability
 - enhance accountability to property owners through penalties.

The direction provided by Council on April 30, 2019 was for staff to draft amendments to the Standards for Residential Occupancies By-law, M-200, to include provisions for a residential registry. Upon further review, staff are recommending that a separate registry by-law be adopted. Complementary amendments to By-law M-200 have been drafted to accompany the Registry By-law.

COMMUNITY ENGAGEMENT

No additional community engagement was undertaken for the purposes of this report beyond the community and stakeholder engagement undertaken by Stantec and further discussed in the April 30, 2019 report. Additional information concerning feedback from the Investment Property Owners' Association of

Nova Scotia is provided below in the Discussion section of this report.

DISCUSSION

Establishing a rental registry is the foundation of setting the program framework described in the April 30, 2019 report. The following outlines the key components of the registry and next steps for implementation of the program framework.

Requirements Under Proposed By-law R-400

As outlined in Attachment A, the proposed rental registry will require general information regarding the types and location of residential rental properties throughout the municipality. Property owners will be required to submit the following information upon registration through an on-line form:

- address of property;
- contact information of the owner;
- information regarding the property management operator;
- description of the rental property;
- proof of insurance;
- any fee prescribed by Administrative Order 15; and
- any additional information required by the Registrar to assist in registering the rental housing.

Beyond this information, rental property owners will be required to have, and keep current, a Maintenance Plan with respect to the ongoing compliance of the building with By-law M-200 Respecting Standards for Residential Occupancies. Maintenance plans must be made available to the Municipality upon request. Staff advise that this is necessary to fulfill the accountability provision of the framework adopted by Regional Council.

Through the adoption of By-law R-400, all rental housing properties in HRM must be registered. A grace period of approximately 9.5 months (April 1, 2024) will be given to allow property owners to register, however after that time, rental housing that is not registered will be considered in violation and those property owners will be subject to a fine.

Types of Rental Properties

Should Council approve the proposed by-law, all rental housing will be required to be registered. This includes both large and small apartment buildings, income properties, single room occupancies, secondary and backyard suites and short-term rentals. While the province already has a registration requirement for short-term rentals and other tourist accommodations, it is especially important for short-term rentals to register under the rental registry, as many short-term rentals can be easily converted into long-term rentals. While the provincial registry will provide a comprehensive picture of short-term rentals and other types of tourist accommodations throughout the province, by including short-term rentals in the municipal rental registry, the Municipality can ensure these dwelling units are in compliance with minimum occupancy standards. Additionally, the rental registry could include regulations specific to short-term rentals, should such regulations be considered necessary in the future. It is further important to note that, while the provincial registry requires an annual registration, the municipal rental registration would only be required once, unless there are changes to the property ownership or other information required as part of registration.

The registry will not include residential properties that are licensed by the province under the [Homes for Special Care Act](#) as these properties are already subject to provincial legislation and minimum standards. Additionally the by-law will not include property rented as part of a land-leased community (mobile home park) since such properties are regulated under [By-law 29 Halifax County Municipality Mobile Home Park By-law](#) and [City of Dartmouth By-law M-200 Respecting Mobile Homes and Mobile Home Parks](#). In the case of land-leased communities, while land is rented the dwelling is generally under the ownership of the occupant. Dwellings that are rented within a land leased community will still be part of the rental registry.

Compliance and Fines

As emphasized in the December 1, 2020 motion of Regional Council and referenced in the Origin section of this report, an important part in the compliance of by-laws is the inclusion of fines. The proposed rental registry will require fines ranging from \$150 to \$10,000 depending on the type and recurrence of the offence. Staff will work with rental property owners to help bring rental properties in compliance with the new rental registry in an expedient manner and will only issue fines should rental property owners show unwillingness to comply.

Updates to By-law M-200

Attachment B includes updates to Part 4 of the By-law M-200 which outlines minimum requirements for rental properties. The amendments strengthen existing provisions to include more clarity on building maintenance. These provisions will be important in informing the development of property maintenance plans required under By-law R-400 and in allowing Building Officials to enforce additional maintenance requirements when completing inspections under the M-200 By-law.

April 2019 Correspondence from IPOANS

In April of 2019, before Council directed staff to proceed with the proposed framework of the rental registry and amendments to the M-200 By-law, the Investment Property Owners' Association of Nova Scotia (IPOANS) shared concerns with Councillors related to the framework not being aligned with stakeholder feedback, financial implications to the municipality and property owners/renters, how the registry will relate to the *Residential Tenancy Act* and the public release of minor landlord by-law violations.

During the stakeholder feedback sessions, industry stakeholders were not in favour of a mandatory licensing program. While the rental registry will still include a mandatory registration provision, it has been designed to remove some of the aspects that can make a licensing program more onerous. This includes a one-time, simplified registration process versus an annual, more complex registration process and a significant reduction in cost to administer. The rental registry has been designed to limit additional burden for landlords however, the mandatory requirement is an important piece to retain as it helps provide a complete picture of rental properties throughout HRM and ensures they are in compliance with a common minimum standard.

Regarding financial implications, staff recommend not including a fee associated with the rental registry, to reduce additional costs on landlords or transfer of such costs to renters. While there will be costs associated with development of a rental registry and increased inspections, these are costs that should be absorbed through the operating budget as well-maintained rental stock is important to all residents of HRM regardless of whether they be a property owner, landlord or renter. While By-law R-400 provides Council with the option of implementing a fee by Administrative Order, staff are not recommending the adoption of a fee at this time. Please see the Financial Implications section below for further discussion on the financial impact of the development of the rental registry.

Regarding concerns on the implications of jurisdiction, especially in how the registry will relate to the *Residential Tenancy Act*, the provincial Director of Residential Tenancies was a common resource in the creation of the regulations and there remains a clear distinction between each jurisdiction. For example, requirements for tenant notification or the content for a rental agreement would continue to be regulated under the jurisdiction of the *Residential Tenancy Act* where minimum building standards, including building maintenance, are regulated under the M-200 by-law.

Regarding concerns related to the public release of minor by-law violations, staff confirm that minor violations are not shared on open data. Minor items are dealt through an internal process where a "notice" is issued first, giving the landlord the opportunity to bring the issue into compliance without releasing it on the open data. Where a "notice" is not addressed in a timely manner an "order" is issued which is then released to open data. This will help cover situations where the tenant may call HRM first and the landlord is not given an opportunity to resolve the issue on their own.

Next Steps

While the adoption of the By-law R-400 and amendments to By-law M-200 are the first step in the

development of the rental registry, the following outlines next steps to adopt the framework as a whole.

Education Package: -The April 2019 staff report discussed the importance educational material being made to tenants in regards refuse collection, parking and how to be a good neighbour. As part of launching the Rental Registry staff will develop a website that provides educational material for tenants and landlords that can be used as resource for ensuring residents are aware of municipal by-laws related to noise, waste collection and property maintenance and share best practices for being a tenant and a landlord from a municipal perspective. This website will also include a template for the maintenance plan required by the proposed R-400 by-law.

Sharing Rental Registry Information on Open Data: At this point in time staff do not plan to share the full list of rental properties that will make up the rental registry. Regarding, Part 3 of the 2019 Motion of Council, requiring M-200 violations to be released on HRM’s open data website, this work was underway for a period of time but has been suspended while the new electronic permitting system is being implemented. Releasing the M-200 violations data can resume in the coming weeks as the implementation of the new system is nearing completion.

Future Staff Report on Effectiveness of Rental Registry and M-200 Amendments: As with the adoption of any new by-law, staff will be closely monitoring the success of the proposed rental registry and amendments to the M-200 by-law. Due to the significant engagement from the rental sector and community interest, staff plan to return to Council with a follow up report within 2 years after the rental registry is in effect to advise on the effectiveness of the rental registry and identify if any further amendments to the registry, M-200 By-law or internal processes are required.

Conclusion

A rental registry will provide a valuable data source to the municipality regarding the number, location and type of rental properties in HRM. Additionally, the adoption of the rental registry is considered a major milestone in achieving the new framework for this aspect of the building inspection program, which will build upon the existing framework to include more proactive and preventative inspections to all types of rental properties.

FINANCIAL IMPLICATIONS

The full impact of the adoption of the rental registry by-law is difficult to assess, however it is anticipated that the development of the rental registry as well as a focus on proactive building inspections will require the need for additional staff. As such, it is anticipated an additional four Assistant Building Officials would be required to implement the rental registry and proposed amendments to By-law M-200. However, this will be further assessed and may be subject to change depending on the level of building activity in the municipality.

Given the time of the year, and the 9.5-month grace period for registration, four full time positions would not be required until 2024/25. If the new by-law and amendments are adopted, two of the four positions would need to be added to the 2023/24 budget at a cost of approximately \$170,000.

Council may choose to add these two additional staff for the rental registry to the BAL list as part of the 23/24 operating budget which would have direct tax rate implication.

The 4- year estimated financial implications are summarized as follows:

Fiscal Year	2023/24	2024/25	2025/26	2026/27
Capital	\$0	\$0	\$0	\$0
Operating - Compensation	\$170K	\$340K	\$340K	\$340K
Total FTE Required	2	4	4	4
Total	\$170K	\$340K	\$340K	\$340K

Should council choose to move this item to the BAL, a briefing note will accompany the Budget and Business plan. The estimated impact to the average residential tax bill will be approximately \$0.60 on the 2023/24 tax bill.

Additionally, there likely will be some cost associated with sharing the data in HRM's open data portal, which can be absorbed in the Planning & Development operating budget.

RISK CONSIDERATION

There is no significant risk associated with the recommendation in this Report.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ALTERNATIVES

Regional Council may choose to:

1. Modify the proposed By-law R-400 Respecting Registration of Residential Rental Properties and amendments to By-law M-200, Respecting Standards for Residential Occupancies as set out in Attachments A, B and C of this report. If this alternative is chosen, specific direction regarding the requested modifications is required and may require a supplementary staff report incorporating the proposed changes.
2. Refuse to adopt the proposed By-law R-400 Respecting Registration of Residential Rental Properties and amendments to By-law M-200, Respecting Standards for Residential Occupancies. This option is not recommended for the reasons outlined in the report,

ATTACHMENTS

Attachment A – By-law R-400 Respecting Registration of Residential Rental Properties

Attachment B – Proposed amendments to Section 4 of By-law M-200, Respecting Standards for Residential Occupancies

Attachment C – Amending By-law M-202, Respecting Standards for Residential Occupancies

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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Attachment A

HALIFAX REGIONAL MUNICIPALITY BY-LAW R-400 RESPECTING REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES

BE IT ENACTED by the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This By-law may be cited as the “*Registration of Residential Rental Properties By-law*”.

Interpretation

2. In this By-law,

(a) “Chief Administrative Officer” means the Chief Administrative Officer of the Municipality;

(b) “dwelling unit” means a dwelling unit as defined under clause 3(z) of the *Halifax Regional Municipality Charter*;

(c) “Inspector” means a person appointed by the Municipality as a building official or a municipal fire inspector;

(d) “Municipality” means the Halifax Regional Municipality;

(e) “operator” includes a superintendent or property manager of rental housing who may take on some of the roles relating to permitting occupancy, but does not include an owner;

(f) “owner” includes, as it refers to the owner of property:

(i) a part owner, joint owner, tenant in common or joint tenant of the whole or any part of land or a building,

(ii) in the case of the absence or incapacity of the person having title to the land or building, a trustee, an executor, a guardian, an agent, a mortgagee in possession or person having the care or control of the land or building, and

(iii) in the absence of proof to the contrary, the person assessed for the property;

(g) “Registrar” means the person designated by the Chief Administrative Officer to be the Registrar, and includes their designate;

(h) “rent” means money or other value payable in consideration of the right to possess or occupy residential premises;

(i) “rental housing” means a residential property, or a portion of a residential property, occupied by someone other than the owner, for which an occupant pays rent to the Owner and includes a short-term rental; and

(j) “short term rental” means a dwelling unit, or part thereof, that is used mainly for the reception of the traveling or vacationing public and is provided as temporary accommodation for compensation for a period of 28 days or less.

Application

3. (1) Subject to subsection 3(2), this By-law applies to all rental housing in the municipality.

(2) This By-law does not apply to property licensed by the Province of Nova Scotia under the *Homes for Special Care Act*, RSNS 1989, c 203, or owner-occupied dwelling units within a land-leased community.

(3) All rental housing shall be registered in accordance with this By-law on or after April 1, 2024.

General

4. No person shall:

- (a) offer to rent or operate rental housing that is not registered under this By-law;
- (b) hold out unregistered rental housing as being registered under this By-law;
- (c) contravene, or fail to comply with, a requirement of registration under this By-law

Application for Registration

5. (1) An owner of rental housing shall submit an application for registration to the Registrar in a form and manner satisfactory to the Registrar.

(2) An application to register rental housing shall require the following information for each property:

- (a) the rental housing owner’s name and contact information, including a mailing address, email address, and telephone number;
- (b) where the rental housing is managed, in whole or in part, by an operator, the operator’s name and contact information, including a mailing address, email address, and telephone number;
- (c) the address of the rental housing;
- (d) a description of the rental housing;
- (e) proof of insurance for the rental housing;
- (f) any fee prescribed by Administrative Order 15; and
- (g) any additional information required by the Registrar to assist in registering the rental housing.

(3) Council may, by Administrative Order, prescribe one or more fees for registration.

Registration

6. (1) The Registrar may register rental housing if the owner has completed the application form with all required information included.
- (2) An incomplete application for registration is deemed to be refused.
- (3) A registration is not transferable or assignable.
- (4) An owner shall ensure that the information provided under section 5, including mailing address, email address, and phone number of the owner and operator, where applicable, is accurate at all times.
- (5) Any written communication or notification to an owner or operator from the Municipality shall be deemed received by the owner or operator three days after it was sent.

By-Laws of the Municipality

7. Rental housing shall comply with all applicable legislation, by-laws, including land use by-laws, of the Municipality and any applicable development agreement.

Maintenance Plan

8. (1) An owner or operator of rental housing shall have, and keep current, a maintenance plan for rental housing.
- (2) A maintenance plan shall include a list of all of the elements of the rental housing that are regulated by *By-law M-200 Respecting Standards for Residential Occupancies*, including a list of those elements that are scheduled to be repaired or replaced within the next five years and a date indicating when the repair or replacement will be done.
- (3) The Inspector may request a copy of a maintenance plan from an owner or operator of rental housing. The owner or operator shall provide a copy of the maintenance plan to the Inspector within seven (7) days of the request.

Inspections

9. (1) The Inspector may conduct inspections of rental housing to determine compliance with this By-law.
- (2) An inspection conducted under this By-law shall be carried out in accordance with section 367(3) of the *Halifax Regional Municipality Charter*.

Offence and Penalty

10. (1) A person who:
 - (a) violates a provision of this By-law;
 - (b) fails to do anything required by this By-law;
 - (c) permits anything to be done in violation of this By-law; or

(d) obstructs or hinders any person in the performance of their duties under this By-law,

is guilty of an offence.

(2) Every person who commits an offence under this By-law shall be liable, upon summary conviction, to a penalty of not less than:

(a) for the first offence to a penalty of not less than one hundred and fifty dollars (\$150.00) and not more than ten thousand dollars (\$10,000);

(b) for the second offence to a penalty of not less than two hundred and fifty dollars (\$250.00) and not more than ten thousand dollars (\$10,000);

(c) for the third offence or any subsequent offence to a penalty of not less than four hundred and fifty dollars (\$450.00) and not more than ten thousand dollars (\$10,000).

(3) Every day during which an offence pursuant to subsection (1) continues is a separate offence.

Effective Date

13. This By-Law shall be effective on and after June 12, 2023.

Done and passed in Council this ___ day of _____, A.D. 2023

Mayor

Municipal Clerk

I, Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on _____, 2023.

Iain Maclean
Municipal Clerk

Attachment B – Proposed amendments to Section 4 of By-law M-200, Respecting Standards for Residential Occupancies

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW M-200
RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES**

Part 4 RENTAL HOUSING

General Provisions

21. (1) This part shall not relieve any owner of rental housing from compliance with the provisions in Parts 1, 2, 3 and 6 of this By-law or any other applicable legislation.

(2) Repealed.

Life Safety Provisions

22. (1) All doors from dwelling units that lead to common areas shall be solid core or equivalent, and be equipped with self closures, and provided with working locks that are operable from inside without requiring keys or specialized knowledge.

(2) No person shall cook in a sleeping room with a device that uses resistive heating elements or open flame.

(3) Each floor serving a common area shall:

(i) have at minimum a 5 lb ABC type portable fire extinguisher in a conspicuous location that is readily available in the event of a fire, and

(ii) have a fire safety floor plan prominently posted as approved by the Inspector.

(4) Emergency lighting shall be installed in all common areas.

(5) Every fuel-fired appliance used as a central heating source for more than one suite shall be located in a room separated from the remainder of the building by a fire separation.

Guards

22A. (1) Every open side of a stairway or flat roof to which access may be gained through a doorway, terrace, balcony, porch, landing, ramp or stairwell shall have a guard and handrail conforming to the requirements of the current Nova Scotia Building Code.

(2) ~~In the case where G~~guards and handrails are required to be maintained, they shall be maintained to the standard to which they were built in a structurally sound condition so as to be capable of safely sustaining the load to which it may normally be subjected.

Bathrooms

23. Repealed.

Attachment B – Proposed amendments to Section 4 of By-law M-200, Respecting Standards for Residential Occupancies

23A Bathroom plumbing fixtures shall be maintained to ensure that the water in the fixtures flows and drains free from obstruction.

Kitchens

24. (1) When provided, every kitchen shall be equipped with:
- (a) a sink that is equipped with hot and cold running water that flows and drains free from obstruction and is surrounded by surfaces impervious to grease and water;
 - (b) a storage area of not less than 0.23 m³;
 - (c) a counter or work area at least 0.61 metres in width by 1.22 metres in length, exclusive of the sink, and covered with a material that is impervious to water and grease and is easily cleanable; and
 - (d) a space provided for cooking and refrigeration appliances including electrical or gas connections.
- (2) Where cooking facilities have been provided, ensure that all appliances are in a clean and safe working condition.
- (3) When provided, every kitchen, including all cabinetry, fixtures and fittings provided, shall be maintained free from defective and missing components.**

Smoke and Carbon Monoxide Alarms

- 24A. (1) All dwelling units shall be equipped with smoke alarms conforming to this section.
- (2) Subject to subsection (1) buildings equipped a fire alarm system are exempt, provided the system includes heat or smoke detection.
 - (3) Smoke alarms shall be located:
 - (a) on each storey including basements;
 - (b) in each sleeping room; and
 - (c) in a location between the sleeping rooms and the remainder of the building, and if the sleeping rooms are served by a hallway, the smoke alarm shall be located in the hallway.
 - (4) Where more than one smoke alarm is required in a dwelling unit, the smoke alarms shall be interconnected so that the activation of one alarm will cause all alarms within the dwelling unit to sound.
 - (5) Interconnection of smoke alarms may be either wireless or wired.
 - (6) Smoke alarms shall be photoelectric and conform to CAN/ULC-S531.

Attachment B – Proposed amendments to Section 4 of By-law M-200, Respecting Standards for Residential Occupancies

- (7) Smoke alarms shall be installed on or near the ceiling or as required by the manufacturer.
- (8) All residential occupancies shall be equipped with Carbon Monoxide (CO) alarms conforming to this section.
- (9) Where a fuel-burning appliance is installed in a suite of residential occupancy, a CO alarm shall be installed:
 - (a) inside each sleeping room, or
 - (b) outside each bedroom, within 5 m of each sleeping room door, measured following corridors and doorways.
- (10) Where a fuel-burning appliance is installed in a service room that is not in a suite of residential occupancy, a CO alarm shall be installed:
 - (a) either inside each sleeping room, or if outside, within 5 m of each sleeping room door, measured following corridors and doorways, in every suite of residential occupancy that shares a wall or floor/ceiling assembly with the service room, and
 - (b) in the service room.
- (11) For each suite of residential occupancy that shares a wall or floor/ceiling assembly with a storage garage or that is adjacent to an attic or crawl space to which the storage garage is also adjacent, a CO alarm shall be installed:
 - (a) inside each sleeping room, or
 - (b) outside each sleeping room door, within 5 m of each sleeping room door, measured following corridors and doorways.
- (12) All CO alarms required in this section shall conform to CAN/CSA 6.19.

Sleeping Rooms

25. A sleeping room shall:

- (a) have a minimum floor area of 8 m² and a minimum ceiling height of 1.95 metres;
- (b) have a minimum floor area of 5 m² per occupant, where occupied by more than one person;
- (ba) have:
 - (i) a door, window or skylight opening directly to an outside space capable of providing natural ventilation, with the sum of the openings being no less than five (5) percent of the floor area of the sleeping room, or
 - (ii) mechanical ventilation equivalent to (i);

Attachment B – Proposed amendments to Section 4 of By-law M-200, Respecting Standards for Residential Occupancies

(bb) have windows which meet the egress requirements of the Nova Scotia Building Code or be provided with an exterior exit; and

(c) not serve any other uses such as a lobby, hallway, closet, bathroom, laundry room, stairway, kitchen or service room.

Electrical

26. (1) Electrical power shall be normally available at all times in all parts of every occupied building.

(2) Repealed.

(2a) Subject to subsection (1), no person shall cause the electrical power to be disconnected to any occupied area of the building.

(3) In sleeping rooms, bathrooms, laundry rooms or combinations thereof:

(a) where the separation distance between shower, tub, or shower/tub combination and a duplex receptacle is less than 3 metres the receptacle shall be protected by ground fault interruption; and

(b) in no instance shall duplex receptacles be placed any closer than 1 metre to a shower, tub, or shower/tub combination.

Laundry Rooms

26A. (1) All laundry rooms shall include signs indicating that lint traps in laundry equipment shall be cleaned before and after each use of the equipment.

(2) Except where otherwise required by the Building Code, all common laundry rooms not within a dwelling unit shall:

(a) not open into a protected exit, and

(b) be separated from the remainder of the building by a fire separation that need not have a fire-resistance rating.

Windows

27. Repealed.

Windows and Doors

27A. (1) Windows and doors shall be protected from exposure to precipitation with paint, sealer or cladding made of vinyl, aluminum, or a comparable material.

(2) All windows that open shall be equipped with screens.

Additional Provisions

28. Repealed.

Garbage and Maintenance of Common Spaces

Attachment B – Proposed amendments to Section 4 of By-law M-200, Respecting Standards for Residential Occupancies

28A. (1) The owner shall provide receptacles, as required by By-law S-600, the *Solid Waste Resource Collection and Disposal By-law*, to ensure containment of collectible waste to prevent the escape of waste materials into the environment.

(2) Common spaces shall be maintained in a clean and sanitary condition at all times, free of debris, open garbage, clutter, standing water and excessive moisture.

Parking

28B. The owner shall limit front yard vehicle access and parking to the designated parking areas as required by the applicable land-use by-law.

Noise

28C.(1) Upon a tenant's conviction of an offence under By-law N-200, the *Noise By-law*, and by Notice of the Inspector, the owner shall develop a written mitigation plan with the tenant in a format prescribed by the Inspector.

(2) The owner shall provide the mitigation plan to the Inspector within 7 days of the Notice.

Maintenance Provisions

28D. A system of regular maintenance and inspection shall be established as required in the Nova Scotia Fire Code or as listed below, whichever is more stringent.

(1) Ducts serving dryers shall be inspected and cleaned as required, but at a minimum at intervals not greater than 12 months annually.

(2) Smoke alarms shall be inspected, cleaned, and tested at intervals required by the manufacturer but at a minimum at intervals not greater than 12 months.

(3) Every chimney, flue and flue pipe shall be inspected to identify any dangerous condition:

(i) at intervals not greater than 12 months,

(ii) at the time of addition of any connected appliance, and

(iii) after any chimney fire.

(4) Ventilation fans and filters including bathroom exhaust fans, range hood fans, and heat recovery ventilators shall be inspected and cleaned or replaced as required by the manufacturer.

(5) Fuel fired heating equipment shall be inspected and maintained as required by the manufacturer. A record of such maintenance shall be readily available onsite.

(6) Fire extinguishers shall be maintained in good repair and inspected monthly for defects or damage.

Attachment B – Proposed amendments to Section 4 of By-law M-200, Respecting Standards for Residential Occupancies

- (7) Emergency lighting shall be maintained in good repair and tested monthly by creating a simulated power loss.
- (8) All suites of residential occupancy shall be inspected at intervals not greater than 12 months to ensure all smoke alarms and Carbon Monoxide (CO) alarms required to be installed in the suites are installed, and correctly located, in the suites.

Attachment C – Amending By-law M-202 Respecting Standards for Residential Occupancies

**HALIFAX REGIONAL MUNICIPALITY
BY-LAW M-202
RESPECTING STANDARDS FOR RESIDENTIAL OCCUPANCIES**

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-law M-200, the *Standards For Residential Occupancies By-law*, is amended as follows:

1. Subsection 22(1) is amended by:

- (i) striking out the words “and be” after the word “equivalent” and before the word “equipped”;
- (ii) adding the punctuation mark “,” after the word equivalent and before the word equipped; and
- (iii) adding the words “and provided with working locks that are operable from inside without requiring keys or specialized knowledge” after the word “closures” and before the punctuation mark “.” at the end of the clause.

2. Subsection 22A(2) is amended by:

- (i) striking out the words “In the case where” after the number and symbol “(2)” and before the word “guards”;
- (ii) striking out the letter “g” in “guards” and replacing it with the letter “G”;
- (iii) striking out the words and punctuation “are required to be maintained, they” after the word “handrails” and before the word “shall”;
- (iv) striking out the words “to the standard to which they were built” after the words “they shall be maintained” and before the punctuation mark “.” at the end of the clause; and
- (v) adding the words “in a structurally sound condition so as to be capable of safely sustaining the load to which it may normally be subjected” after the words “they shall be maintained” and before the punctuation mark “.” at the end of the clause.

3. Adding the following new section after the repealed section 23 and immediately before the title line “Kitchens”:

23A. Bathroom plumbing fixtures shall be maintained to ensure that the water in the fixtures flows and drains free from obstruction.

4. Subsection 24(1)(a) is amended by adding the words “that flows and drains free from obstruction” after the word “water” and before the words “and is surrounded by”.

5. Adding the following new subsection after subsection 24(2) and immediately before the title line “Smoke and Carbon Monoxide Alarms”:

Attachment C – Amending By-law M-202 Respecting Standards for Residential Occupancies

(3) When provided, every kitchen, including all cabinetry, fixtures and fittings provided, shall be maintained free from defective and missing components.

6. Adding the following new section and subsections after the repealed section 27 and immediately before the title line “Additional Provisions”:

Windows and Doors

27A (1) Windows and doors shall be protected from exposure to precipitation with paint, sealer or cladding made of vinyl, aluminum, or a comparable material.

(2) All windows that open shall be equipped with screens.

7. Subsection 28A is amended by:

- (i) adding the words “and Maintenance of Common Spaces” to the title line immediately after the word “Garbage”;
- (ii) inserting the symbols and number “(1)” after the number and letter “28A” and before the words “The owner”; and
- (iii) adding the following new subsection after the newly added subsection 28A(1) and immediately before the title line “Parking”:

(2) Common spaces shall be maintained in a clean and sanitary condition at all times, free of debris, open garbage, clutter, standing water and excessive moisture.

8. Section 28D is amended by:

- (i) adding the words and punctuation “, but at a minimum at intervals not greater than 12 months” in subsection 28D(1) after the word “required” and before the word “annually”;
- (ii) striking the word “annually” in subsection 28D(1) after the word “months” and before the punctuation “.” at the end of the clause;
- (ii) adding the words “A record of such maintenance shall be readily available onsite.” in subsection 28D(5) after the punctuation “.” at the end of the clause; and
- (iii) adding the following subsections after subsection 28D(5) and immediately before the title line “Part 4A: MINI-SUITES”:

(6) Fire extinguishers shall be maintained in good repair and inspected monthly for defects or damage.

(7) Emergency lighting shall be maintained in good repair and tested monthly by creating a simulated power loss.

Attachment C – Amending By-law M-202 Respecting Standards for Residential Occupancies

(8) All suites of residential occupancy shall be inspected at intervals not greater than 12 months to ensure all smoke alarms and Carbon Monoxide (CO) alarms required to be installed in the suites are installed, and correctly located, in the suites.

Done and passed by Council this day of , 2023.

MAYOR

MUNICIPAL CLERK

I, Iain MacLean, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on , 2023.

Iain Maclean
Municipal Clerk