Town of Channel-Port aux Basques

New Housing Development Adequate Cooling By-laws

These By-laws have been adopted by the Town Council of the **Town of Channel-Port aux Basques** ("**Council**") pursuant to the authority conferred by the section 8(1)(a) of the *Towns and Local Service Districts Act*, SNL 2023 c T-6.2.

TITLE: These by-laws may be cited as the '"Adequate Cooling By-laws"

DEFINITIONS

1. In these By-laws:

"Act" means the *Towns and Local Service Districts Act*, SNL 2023 c T-6.2, as amended from time to time;

"adequate and suitable cooling" means an indoor air temperature that does not exceed 26 degrees Celsius (26°C);

"bedroom" means any room used or intended for use for sleeping purposes;

"By-laws" means these Adequate Cooling By-laws;

"common area" means the principal interior spaces within a shared living arrangement that are accessible to and shared by multiple occupants or residents for general use, which for the purpose of these By-laws, shall be limited to:

(a) common lounges and recreational rooms;
(b) shared kitchens and dining areas;

"Council" means the Town Council of the Town of Channel-Port aux Basques;

"dwelling unit", as defined in the Town's Development Regulations, means one or more habitable rooms operated as a housekeeping unit; used or intended to be used as a domicile/residence by one or more persons as an independent and separate housekeeping establishment; containing cooking, eating, living, sleeping and sanitary facilities;

"Effective Date" means the date these By-laws come into force as specified in Section 5.

"new housing development" means:

(a) new construction of any building with dwelling units or shared living arrangements for which a building permit is issued after the Effective Date of these By-laws;

(b) any building where a dwelling unit or shared living arrangement is created, including but not limited to a change of use of the existing building or through renovation, conversion, or subdivision of the existing building where a building permit is required after the Effective Date of these By-laws;

(c) any addition to an existing building that creates new dwelling units or shared living arrangements and requires a building permit after the Effective Date of these By-laws.

"landlord" includes

(a) an owner and any person for the time being managing or receiving the rent of the dwelling unit or operating the shared living arrangement, land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person;

(b) the heirs, assigns, personal representatives and successors in title of a person referred to in clause (a); and

(c) a person, other than a tenant occupying a rented or leased dwelling unit or shared living arrangement in a residential complex, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a landlord under a tenancy agreement or the *Residential Tenancies Act*, SNL 2018, c R-14.2, including the right to collect rent;

"primary living space" means the occupied, heated area of the dwelling unit that does not include bedrooms, bathrooms, or isolated kitchen/dining rooms (i.e. living room or family room; may include kitchen or dining area in open-concept layouts);

"shared living arrangement" means a building or facility wherein multiple unrelated persons reside and share common living spaces and facilities while occupying private or semi-private sleeping quarters, including but not limited to:

(a) nursing homes and long-term care facilities;

(b) student residences;

(c) retirement homes and assisted living facilities;

(d) supportive housing facilities and emergency housing facilities; and

(e) transient accommodations, including hotels, motels, short-term rental establishments, and similar commercial lodging facilities.

"tenant" includes a person who pays rent in return for the right to occupy a rented or leased dwelling unit and includes the tenant's heirs, assigns and personal representatives, but

"tenant" does not include a person who has the right to occupy a rented or leased dwelling unit by virtue of being:

(a) a co-owner of the residential complex in which the rented or leased dwelling unit is located; or

(b) a shareholder of a corporation that owns the residential complex;

"Town" means the **Town of Channel-Port aux Basques**

ADEQUATE AND SUITABLE COOLING

2. (1) **These By-laws apply only to dwelling units and shared living arrangements in new housing developments as defined in section 1.**

(2) Adequate and suitable cooling shall be provided and maintained **in all new housing developments** so that the room temperature at 1.5 metres above floor level and one metre from exterior walls is a maximum of 26°C:

(a) in **the primary living space and at least one bedroom** for dwelling units;

(b) in **each bedroom and at least one common area** for shared living arrangements.

(3) Subsection (2) does not apply to a rented or leased dwelling unit or shared living arrangement in which the tenant can regulate the temperature and a maximum temperature of 26°C can be maintained. For units where tenants can regulate temperature, landlords must provide mechanisms to ensure tenants can reliably maintain temperatures at or below 26°C.

(4) Subsection (2) does not apply during exceptional circumstances, e.g. a prolonged power outage.

(5) Every **new housing development** shall have cooling equipment capable of maintaining the temperature levels required by subsection (2).

(6) Only cooling equipment approved for use in Canada by a recognized standards testing authority (e.g. Underwriters Laboratories Canada (ULC) and/or Canadian Standards Association (CSA)) shall be provided in a room used or intended for use for sleeping purposes.

APPLICABILITY AND ENFORCEMENT

3. These By-laws are applicable to new housing developments where building permits are issued after the Effective Date of these By-laws.

4. Any proposed new housing development which does not provide adequate and suitable cooling as defined in Section 2 will not be approved by the Town.

5. Existing buildings constructed before the Effective Date of these By-laws are currently exempt from the requirements of these By-laws.

6. These By-laws may be enforced by Council or Council's designate in accordance with the Act.

7. A person shall not interfere with, obstruct, attempt to obstruct, or fail to cooperate with a Council or Council's designate in the exercise of their powers, duties, and functions in respect of these By-Laws.

8. A person shall not knowingly make a false or misleading statement to a Council or Council's designate while they are exercising their powers, duties, and functions in respect of these By-Laws.

9. Where any Person violates this By-Law, Council is vested with the authority to issue Orders pursuant to section 285 of the Act as well as the authority to issue Violation Notices pursuant to section 287 of the Act.

10. In the event of a conflict between a provision of this By-law and a provision of another statute or regulation, the provision affording the higher standard of protection for the health, safety, or welfare of the public shall prevail.

GENERAL

11. In the case of an inconsistency between the provisions of these By-laws and the provisions of the Act, the provisions of the Act shall govern to the extent of such inconsistency.

12. These By-laws were adopted by Council at a meeting held on **July 15th, 2026,** and are effective as of that date (the "**Effective Date**").