

Building Emissions Performance Standards: How to balance housing affordability and sustainability

Briefing for municipal policymakers

2025



Advocacy Centre
for Tenants Ontario

Tenant Duty
Counsel Program

Overview



Many municipalities in Ontario are introducing Building Performance Standards (BPS) to advance climate goals. BPS set required energy and/or emissions targets for buildings and are an approach to create more energy-efficient buildings, more comfortable units, and lower costs for both renters and landlords.

Without measures to protect rental affordability, BPS can inadvertently lead to rent increases and evictions. Landlords may use compliance with BPS as a pretext to request above-guideline rent increases (AGIs) — when landlords are approved to increase rents more than the provincial guideline for rent increases—and renovictions—when a landlord uses a renovation as an opportunity to evict a renter. AGIs and renovictions have been on the rise in recent years and are key contributors to declining rental affordability in Ontario. Because BPS frameworks drive needed investments in cities' more affordable housing stock, measures are needed to address these risks.

Local governments have the policy tools to mitigate these impacts and preserve affordable housing. Municipalities have the jurisdiction to protect housing affordability, demonstrated by policy interventions including multi-tenant housing by-laws and short-term rental by-laws. As cities work to improve buildings' energy efficiency, it is essential that they do not unintentionally displace renters or deepen existing affordability challenges. Municipalities can use the policy levers at their disposal—like retrofit financing or rental renovation licences—to achieve both climate and housing goals for their communities. However, municipalities' ability to adopt BPS may be limited by the Government of Ontario's Protect Ontario by Building Faster and Smarter Act, 2025.¹

This brief provides municipal policymakers with an overview of:

- The general state of rental affordability and BPS in Ontario;
- The role of AGIs and renovictions in Ontario's housing crisis;
- The interconnected dynamics of rental affordability and BPS; and
- Strategies for municipalities to protect rental affordability and security of tenure.

Key Terms Used In This Brief



➤ Above-Guideline Rent Increase (AGI)

When a landlord applies to raise rent more than the provincial guideline of 2.5% per year. With approval by the Landlord and Tenant Board, landlords can increase rent up to an additional 3% per year for three years.

Cases where landlords can apply for AGIs include eligible capital expenditures, an extraordinary increase in municipal taxes, and cost for security services.

➤ Renoviction

When a landlord uses renovations as an opportunity to effectively evict the renter in favour of someone who will pay higher rent.

➤ Building Performance Standards (BPS)

Policies that set specific energy and/or emissions performance levels that buildings must achieve over time.

Rental Housing Affordability in Ontario

A rising number of Ontarians are renters. Across Ontario, almost one-third (31%) of the population is renters. This number has been growing rapidly: renter households grew at more than twice the pace of owner households from 2011 to 2021.²

Renters across Ontario are struggling. Over the past two decades, rental housing affordability has significantly declined. The median rent for a one-bedroom apartment in Ontario has doubled from 2004 (\$771) to 2024 (\$1,541); these increases greatly exceed income growth.⁸ The impacts are felt even more strongly in the Greater Toronto and Hamilton Area, where rents are often above the median.

Renters are more likely to face housing affordability challenges compared to homeowners. Renters typically have lower incomes—the median household income for Ontario renters is a little over half that of homeowners (\$59,700 vs. \$116,300).⁹ Renters are also more likely to be in core housing need (25% of renters vs. 6% of owners),¹⁰ defined as living in a residence that isn't adequate, suitable, or affordable.

The number of affordable rental units in cities is declining. Only 0.4% of affordable rental units (the bottom 25% of rents) in the Greater Toronto Area are vacant.¹¹ Lost affordable units are not being replaced, as most new rental stock added to the market has been higher-priced units that are unaffordable to many renters.¹²

Rental Market Stats At A Glance

Renter population (2021) ³		
Ontario	Toronto CMA	Hamilton CMA
31%	35%	31%
Average rent for a one-bedroom purpose-built apartment (2024) ⁴		
Ontario	Toronto CMA	Hamilton CMA
\$1,541	\$1,715	\$1,413
Median household income – Ontario (2022) ⁵		
Renters	Homeowners	
\$59,700	\$116,300	
Changes in filings – Ontario		
Renovictions ⁶	AGIs ⁷	
+300% (from 2017 to 2022)	+63% (from 2017 to 2024)	

Ontario has legislated rental protections to help preserve and protect affordable units. For rent controlled units (units built before November 15, 2018), landlords can increase existing renters' rent once a year by a maximum percentage set out by the provincial government (capped at 2.5%). *The Residential Tenancies Act* (RTA) also outlines protections against renter evictions. There are only specific circumstances under which a landlord can evict a renter, and landlords are required to compensate renters to evict them for a “no fault” reason.¹³

However, there are loopholes that allow landlords to evade these protections and threaten rental affordability. Two of these loopholes are AGIs—which allow landlords to apply to raise rents more than 2.5%—and vacancy decontrol—which permits landlords to increase rent by any amount when the existing renter moves out of an otherwise rent controlled unit. Vacancy decontrol incentivizes landlords to evict current renters, for reasons including renovations that are said to require a renter to vacate the property.

AGIs and renovations are two key contributors to the loss of affordable housing in Ontario. While there are circumstances that warrant their use, landlords are increasingly using AGIs and renovations in bad faith and there is a risk that BPS will exacerbate this issue further. There is a strong financial incentive for landlords to try to get renters to leave—in Canadian urban centres, when a renter moves out of a unit, the rent increase by an average of 23.5%.¹⁴

Impacts of Building Performance Standards on Rental Affordability

Building Performance Standards (BPS) are policies adopted by provincial or municipal governments that set specific energy and/or emissions performance levels that buildings must achieve over time. BPS can be applied to different building types, such as commercial, institutional, and multi-residential buildings. They are used to encourage energy efficiency and support decarbonization goals in the building sector. Buildings are a major source of emissions and the third-largest emitting sector in Canada after oil and gas and transportation.¹⁵

To achieve BPS, property owners typically have to make capital investments to improve the buildings' energy efficiency in a given timeframe. These renovations can come with benefits for renters (e.g., improved climate control in the unit), landlords (e.g., lower energy and water bills), and the environment (e.g., reduced emissions). But they can also lead to unintended consequences for rental affordability. While energy efficiency upgrades typically have cost savings over time, they have an upfront capital cost.

In Toronto, the cost of retrofitting multi-unit residential buildings has been estimated at between \$265-355 per square metre, depending on building age and intensity of upgrades needed.¹⁶ As BPS drive property owners to make required investments in energy efficiency, they may look for ways to pass the costs onto renters and/or raise rents, including in the form of AGIs and renovictions.¹⁷

Affordable rentals are most likely to be impacted by BPS. Over three-quarters of Ontario's purpose-built rental stock was built before 1980.¹⁸ These older buildings are more likely to be energy inefficient than newer builds. As a result, they may be prime targets for BPS. Older rental buildings are also typically more affordable due to their age and the fact that they are rent controlled. Lower-income renters who have secured affordable units in these buildings may be disproportionately impacted by renovations undergone because of BPS and the resulting AGIs or renovictions. At the same time, affordable buildings may have lower cash flow to allocate to upgrades, which can increase the pressure to pass costs onto renters, while greener building features can drive up the market rate for affordable units as they become more desirable.¹⁹



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of Ontario's purpose-built rental
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Building Performance Standards in Ontario

The City of Toronto is currently developing Building Emissions Performance Standards (BEPS) as part of their net zero strategies.²⁰ A proposed implementation plan and next steps will be presented to City Council in late 2025. Their design principles for BEPS include:²¹

- Equity and affordability considerations
- Broad and inclusive engagement and consultation
- Attainable standards
- Support programs and policies to assist building owners
- Data driven standards

Other municipalities, including Hamilton,²² Mississauga,²³ and Halton Hills,²⁴ have adopted green building standards, but only for new developments. However, municipalities' ability to adopt building performance standards may be limited by the Government of Ontario's *Protect Ontario by Building Faster and Smarter Act, 2025*.

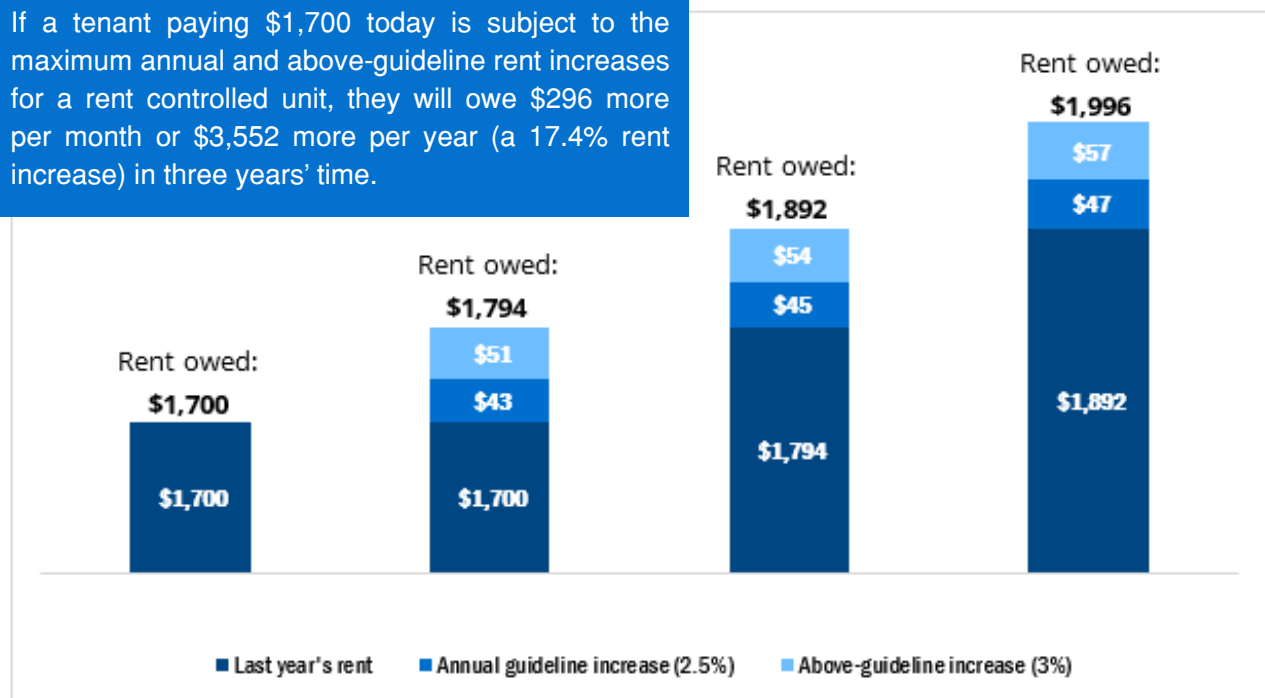
Above-Guideline Rent Increases

What is the impact of an above-guideline rent increase?

A landlord can apply to the LTB for an AGI to cover certain exceptional cost increases. These are cost increases that landlords incur from eligible capital expenditures (e.g., accessibility modifications or environmental conservation), extraordinary increases in municipal taxes or charges, or an increased cost for security services.²⁵

If the province sets the maximum annual increase and a landlord is then granted the maximum AGI, it results in a total rent hike of 5.5% per year (3% AGI, 2.5% provincial guidelines increase) or a 17.4% increase after three years. Renters can dispute the AGI at the LTB, but it is an onerous process that requires demonstrating that the capital investment needs are being misrepresented.

If a tenant paying \$1,700 today is subject to the maximum annual and above-guideline rent increases for a rent controlled unit, they will owe \$296 more per month or \$3,552 more per year (a 17.4% rent increase) in three years' time.



Under the RTA, landlords are responsible for keeping a rental property in a good state of repair. In some cases, landlords neglect their responsibilities until regular maintenance can be classified as capital repairs, so that they can apply for an AGI and pass the costs onto renters.

How common are above-guideline rent increases?

In Ontario, there have been a total of 3851 applications from 2017/18 to 2023/24.²⁶ The number of applications per year have been increasing; in 2023/24, there were 912 applications for an AGI, up 63% from 2017/18.²⁷ These counts do not represent the total number of renters impacted, since a landlord can be approved for an AGI for an entire rental building.

How might BPS result in an AGI?

If a landlord is undertaking renovations to meet a municipalities' BPS, they can pass on that cost to existing renters through an AGI. In a case study of a major property manager in Alberta, energy retrofits installed across buildings (partially funded by federal subsidies) led to 44% of renters receiving a monthly rent increase of \$400-600, and almost 25% receiving a monthly rent increase of \$600 or more.²⁸

Renters should not be the only ones to bear the cost of energy efficient renovations. The benefits of the renovations to the landlord (e.g., increasing building resilience to climate change, reducing the cost of utilities, increasing the value of their asset) and the environment (e.g., reducing emissions) exceed the benefits to current renters.



Renovictions

What is the impact of a renoviction?

In some cases, landlords may claim that vacancy is required to complete a renovation, when in reality, they are looking to find a new renter to charge higher rent. Under the RTA, renters have a right to return to the unit after renovations are complete and pay the same rent, but depending on how long the renovations take, that may not be realistic. There are also cases where landlords may negotiate with renters to formally agree to end the tenancy so that they no longer have the right to return.

How common are renovictions?

Renovictions are becoming increasingly common in Ontario. Over 4,000 N13s (the notice to end a tenancy for renovations) were filed in Ontario between 2017 and August 2023 (with the highest number of filings in Toronto), representing a 300% increase in filings from 2017 to 2022.²⁹ These counts underestimate the true scale as they do not reflect informal renovictions.

How might a BPS result in a renoviction?

Landlords may use BPS upgrade requirements as a reason to evict renters. Rather than pass energy efficiency savings onto existing renters, landlords may see upgrades as a reason or opportunity to rent the unit at a higher cost, especially if upgrades have the potential to drive up demand—and therefore rents—for the building. In addition to renovictions, BPS can also have trickle down effects resulting in more arrears-related evictions, when renters are unable to absorb rent increases associated with energy efficiency upgrades.³⁰



Ontario

4,000+

N13s were filed in between 2017 - 2023

300%

increase in filings from 2017 - 2022

What Can Municipalities Do To Protect Rental Affordability and Security Of Tenure?

1

CONSULTATION

Bring housing stakeholders into the process of developing new environmental building standards, including consultations with renter groups and advocates. This will ensure that their concerns are addressed from the design phase and increase support from all stakeholders for the new standards.

2

PROVIDE FUNDING TO REDUCE THE COSTS OF COMPLIANCE

The renovations required to comply with the new standards may be costly and complex. Older multi-unit residential buildings that may often require the most expensive retrofits are also often where moderately priced rentals are found. It is therefore critical to consider options to alleviate the costs of retrofitting multi-unit residential buildings. Programs should include multiple options for funding including grants, forgivable loans, and low-interest loans.

Municipal governments should provide funding and technical support for retrofits that bring older apartment units in compliance with the new building standards. Municipal grants or forgivable loans for building renovations would decrease the cost to landlords, and therefore limit the case for AGIs that increase rental costs. Many examples of these types of programs already exist and can be assessed to inform new or expanded funding programs.

Toronto Retrofit Financing Programs

The City of Toronto offers several low-cost financing programs for building owners looking to make capital improvements that reduce energy and water consumption or emissions. Property owners pay back the loan through their property tax bill over an agreed term.

- The **High-Rise Retrofit Improvement Support Program** (Hi-RIS) offers low-cost financing for owners of residential 3+ storey apartment buildings built before 1990.
- The **Taking Action on Tower Renewal Program** (TATR) offers loan forgiveness for buildings in Neighbourhood Improvement Areas or low-income neighbourhoods, if energy efficiency upgrades perform as expected after one year.
- The **Energy Retrofit Loan program** offers low-cost borrowing to owners of most building types across the city.



In order to ensure that financial supports are effective in reducing harmful impacts on renters, government funding for building standards retrofits needs to include eviction prevention agreements as well as commitments towards maintaining rental affordability. Property owners who benefit from public funding for renovations cannot claim increased costs at the LTB or evict renters to increase rents in the improved units. The City of Toronto's Hi-RIS program includes the condition that property owners must agree not to apply for any rent increases above the guideline in connection with any improvements funded through the Program.³¹

In addition to financial support, municipal governments can provide technical support and assistance in identifying retrofit financing options available from other levels of government or third parties. For example, Better Buildings Ottawa acts as a resource centre for building owners, providing information on financing options, technical pathways to net zero emissions, and knowledge sharing.³² Vancouver's Rental Apartment Retrofit Accelerator (RARA) provides support in the planning and design of retrofits, as well as assistance in accessing financial supports.³³

3

EVICTION PREVENTION: RENOVICTION BYLAWS

As mentioned above, renovictions have become increasingly common across Ontario. Municipalities can prevent renovictions as part of their responsibility for implementing building regulations during construction, maintenance, and renovations.

An increasing number of Ontario municipalities have already developed or are developing some form of renoviction bylaw that require landlords to have a municipally-issued renovation licence to evict renters. Landlords must meet certain conditions in line with renter rights to receive the licence. In 2024, Hamilton became the first municipality in Ontario to pass a renoviction bylaw. Renoviction bylaws address the problem of increasing renovictions by monitoring whether vacant possession of rental units is effectively required for proposed renovations, and linking these controls to the building permit system. Renoviction bylaws require landlords to obtain a renovation license, including a declaration from a qualified professional such as an architect or engineer that the planned renovations require the renter to move out of the unit. The Hamilton and Toronto bylaws also require landlords to provide compensation or temporary accommodations to renters who are displaced for renovations.

Renoviction by-laws in Ontario municipalities

London and Hamilton have active renoviction by-laws in place, while Toronto's came into effect July 31, 2025.³⁴ In these cities, landlords have to obtain a renovation licence (and pay a fee of \$600+) before they are able to start renovations on a unit that requires a renter to move out.³⁵ To obtain the licence, a qualified professional must sign off that the renter needs to move out for the renovations to be complete.³⁶ In Hamilton and Toronto, landlords must provide compensation to renters including rent-gap payments or a comparable place to live at the same rent.³⁷ Other municipalities are currently exploring adopting a renoviction by-law including Ottawa, Mississauga, Oshawa, Whitby, and Kitchener.³⁸

However, the *Protect Ontario by Building Faster and Smarter Act, 2025* may limit municipalities' authority to implement renoviction by-laws in the provincial government's effort to prevent municipalities from adding unique requirements for construction.³⁹

Renovations to comply with new environmental standards would fall under the same requirements, with landlords having to prove that units need to be empty in order for renovations to take place. This would prevent green retrofits from being used as a tool to evict renters and charge higher rents for vacant units. Properly implemented renovation bylaws would therefore be an important tool in protecting renters from unintended consequences of the new building standards.

4

PRESERVE AFFORDABILITY BY RESTRICTING AGIs

Municipalities cannot directly prevent landlords from applying for an AGI or the LTB from approving it. While LTB decisions are beyond the control of municipalities, local governments should advocate to the provincial government for stricter control over AGIs at the LTB. As a recent CBC article pointed out, the LTB approved 88% of AGI applications in Toronto⁴⁰, raising concerns about whether these applications are thoroughly reviewed. Ensuring stricter control on AGIs would ensure that mostly cosmetic changes cannot be used as a reason for rent increases, thereby preserving affordability in rental units.

Municipalities can provide grants or forgivable loans to landlords who are retrofitting their buildings. The LTB will subtract that amount from the landlord's AGI allowance, removing or weakening their case for raising the rent. Stricter control is needed to prevent landlords for applying for AGIs while receiving grants for the renovations. While the current regulations require landlords to disclose any grants or financial assistance received, stricter enforcement must prevent double dipping.

5

SHARE INFORMATION WITH RENTERS

As part of their efforts to use building permits to prevent evictions, municipalities could set up a system to notify renters when a building permit has been approved. This would give renters advance notice and provide renters with information on the potential impact of building permits on AGIs and renovictions.

About Advocacy Centre for Tenants Ontario

The Advocacy Centre for Tenants Ontario (ACTO) is a specialty community legal clinic, funded by Legal Aid Ontario, with a province-wide mandate. ACTO assists low-income Ontarians through legal advice and representation, law reform, education and training, and community organizing. The clinic also coordinates the Tenant Duty Counsel Program (TDCP) across Ontario, providing free legal information and assistance to self-represented tenants appearing at the Landlord and Tenant Board.

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