

FAQ: Tenant Rights on Access to Cooling

Can a landlord charge extra rent to run an air conditioner?

Yes but ONLY if electricity is included in rent and the lease DOES NOT say that air conditioning is included. The extra rent MUST be based on either:

- The actual cost to the landlord, or
- A “reasonable amount” if the landlord cannot easily show how much it costs to run the air conditioner

If the lease says tenants need the landlord’s permission to use an air conditioner or extra appliance, air conditioning is probably not included in the rent.

Can a landlord remove an air conditioner?

If the landlord owns the air conditioner:

If the tenant owns the air conditioner:

Yes but if they don’t replace it, the tenant can apply to the LTB to:

- Have it replaced, or
- Have their rent permanently reduced

Yes but ONLY with an order from the LTB that says they can. A landlord cannot sell or throw out a tenant’s air conditioner unless they say it’s ok. To avoid problems, tenants should:

- Have their AC professionally installed
- Make sure it does not make too much noise or cause damage

Are there rules about how hot a rental unit can be?

If the landlord owns the air conditioner:

If the tenant owns the air conditioner:

If there is no air conditioning in the unit:

Maybe. Some cities and towns have rules about maximum temperatures in rental units. **ACORN Hamilton has been campaigning for this in Hamilton since 2022.*

No

No, but if the place gets too hot, it might break human rights laws and the law that says rental units must be “fit for habitation.”

Who is responsible for maintaining the air conditioner?

If the landlord owns the air conditioner:

If the tenant owns the air conditioner:

The landlord.

The tenant.

What happens if the lease doesn't mention AC or extra appliances?

The tenant can install AC. Best practice is to inform the landlord and have a professional install it. The cost of using the AC is included in the rent if electricity is included. If electricity is included, the landlord can ask about a rent increase after installing AC, but the tenant can refuse to sign any such agreement.