

Integrated Pest Management in Rental Housing

Summary of Research and Findings

Executive Summary

Pest and vermin control is the most frequent issue with rental housing interiors reported to the City of Ottawa's By-law and Regulatory Services each year. A study conducted in 2019 showed that 23% of service requests related to pests such as cockroaches, bed bugs and ants. A further 9% involved vermin such as rats, mice, squirrels and racoons.¹

As part of its approval of the overall *Report on Rental Accommodations Study and Regulatory Regime (ASC2019-EPS-GEN-0015)* in November 2019, Council directed staff to develop specific pest and vermin control regulations for rental housing.

Following approval of the above noted report, staff reviewed research and policy documents from other government agencies and non-government organizations, as well as the pest control industry. Staff also conducted a review of existing regulations in ten other jurisdictions, including the nine other largest cities in Ontario and the City of Montreal.

Based on this research, staff are recommending that Council introduce regulations requiring Integrated Pest Management (IPM) practices in all rental housing, as set out in the *Rental Housing Property Management By-law and Rental Accommodation Study Update* report.

Integrated Pest Management (IPM) is a multi-step process that includes planning, prevention, monitoring, control and evaluation. In the rental housing context, there are specific roles for both landlords and tenants in effective IPM, as reflected in staff's recommended regulations noted in staff report *Rental Housing Property Management By-law and Rental Accommodation Study Update* and summarized below. These regulations have been designed to align with best practices for IPM and provide increased accountability for both landlords and tenants.

Environmental Scan

What do provincial regulations say about pest control in rental housing?

Before considering specific municipal regulations, it is worth reviewing the *Residential Tenancies Act, 2006* (RTA). This legislation governs landlord and tenant relationships within the Province of Ontario.

While the RTA does not specifically address pest control, it is noted that tenants are responsible "for ordinary cleanliness of the rental unit"² and may be held "responsible for the repair of undue damage to the rental unit or residential complex caused by the wilful or negligent conduct of the tenant, another occupant of the rental unit or a person

permitted in the residential complex by the tenant.”³ Likewise, landlords are responsible for “providing and maintaining a residential complex, including the rental units in it, in a good state of repair and fit for habitation and for complying with health, safety, housing and maintenance standards.”⁴

In addition to the RTA, there are number of additional statues and regulations to be considered in relation to pest control in rental housing. These include:

- *Ontario Human Rights Code* (Rights of tenants)
- *Building Code Act, 1992* (Property standards and maintenance)
- *Provincial Offences Act* (Enforcement and penalties)
- *Pesticides Act* (Use of insecticides)
- *Fish and Wildlife Conservation Act, 1997* (Pests other than insects)

What role does the municipality have in regulating pest control?

Under the *Municipal Act, 2001*, municipalities may pass by-laws to address issues concerning: the economic, social and environmental well-being of the municipality; the health, safety and well-being of persons; and the protection of persons and property; and animals, among others.⁵

Municipalities are also responsible for enforcing the *Building Code Act, 1992*, and may prescribe “standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of such property that does not conform with the standards.”⁶

While the Landlord and Tenant Board (LTB) is responsible for the adjudication of disputes between landlords and tenants, the LTB only considers issues as they relate to the RTA, which does not include the above areas of municipal concern. It is further noted that the LTB does not have an investigation and enforcement mandate.

Thus, while recognizing that the RTA is paramount on matters concerning landlords and tenants, there is a clear role for the municipality to regulate and enforce matters such as pest control in rental housing, including the establishment of specific responsibilities for both tenants and landlords.

How do other jurisdictions address pest control?

A review of pest and vermin control regulations was undertaken as part of an environmental scan that included nine of the 10 largest cities in Ontario. The City of Montreal was also included, given that they share a similar climate to Ottawa.

Among the 10 cities, Windsor is the only jurisdiction that has created obligations for both building owners and occupants respecting pest control:

“Every multiple dwelling property owner, and every occupant in that part of a property that he or she controls, shall maintain the property free from rodents,

vermin, termites, injurious insects and other pests, and from conditions which might encourage infestations by such pests...”

(Windsor, Property Standards By-law 9-2019, Sched. A. sub-s 1.45)

In contrast, Hamilton is the only jurisdiction that places sole responsibility on the owner of the property. The remaining jurisdictions only specify the conditions for the property, not who is responsible for maintaining them.

Another significant element of Windsor’s regulations, shared with Toronto and Montreal, is the requirement that properties be kept free from infestations and “from conditions which might encourage infestations”. None of the other jurisdictions include this added element of prevention, although most by-laws address the condition of cleanliness in different sections of their regulations.

Two elements that are unique to Montreal are the requirement for a follow-up inspection by the pest control professional in the period between 15 and 30 days from the treatment of an infestation, as well as a requirement to submit a declaration of extermination work within five days of an extermination.

Staff also noted a unique element in the regulations implemented by Barrie. Most jurisdictions establish a standard of “free of pests and vermin” whereas Barrie applies a standard of “reasonably free”. This provides for a more nuanced standard. For example, this wording allows the municipality to distinguish between the presence of one bee that flew in through a window, and a hive of bees in a wall or attic.

What is Integrated Pest Management?

Integrated Pest Management (IPM) is a multi-step process that includes planning, prevention, monitoring, control and evaluation. In the rental housing context, there are specific roles for both landlords and tenants in effective IPM, as reflected in staff’s recommended regulations noted in staff report *Rental Housing Property Management By-law and Rental Accommodation Study Update* and summarized below.

According to the United States Environmental Protection Agency:

“IPM is an effective and environmentally sensitive approach to pest management that relies on a combination of common-sense practices. IPM programs use current, comprehensive information on the life cycles of pests and their interaction with the environment. This information, in combination with available pest control methods, is used to manage pest damage by the most economical means, and with the least possible hazard to people, property, and the environment.”⁷

While there is no single template or process for IPM, staff analysis of multiple approaches has identified five common elements, described in the following section.

Figure 1 - Integrated Pest Management (IPM)



Planning

Planning for effective pest management includes more than calling on an exterminator when pests and vermin are already on site. It includes planning the full IPM cycle, such as developing prevention strategies, implementing a monitoring program, and knowing the effective control measures for each pest.

One important element of planning is establishing the action threshold for control measures. The US Environmental Protection Agency defines the action threshold as “the pest population level at which the pest’s presence is a nuisance, health hazard, or economic threat.”⁸ This will depend on the type of pest and its potential for harm, as well as the environment where the pest occurs.

For example, “one fly in a hospital operating room is unacceptable, but one fly in a pet kennel would be acceptable.”⁹ Similarly, one ant in an apartment might trigger monitoring, but one bedbug might trigger control measures.

Prevention

The first element of prevention is controlling the environment to remove conditions that attract pests. This includes preventing access by sealing cracks and holes and maintaining a clean environment that removes food, water and habitat to the fullest extent possible. In order to achieve this in a rental housing context, a team approach is required. These prevention requirements have been included in the proposed regulations set out in the report.

While landlords are responsible for physical repairs and the maintenance of common areas, the cleanliness of individual dwelling units is largely a tenant responsibility. Tenants can also serve as the “eyes and ears” of landlords and should be welcomed to submit reports of pests or conditions that may cause them.

To be effective, prevention requires tenant education. The proposed regulation will require landlords to inform tenants about how to avoid infestations and spot problems that could lead to an infestation. Several resources are available to help landlords promote effective prevention on their properties, such as the Ottawa Public Health Website: <https://www.ottawapublichealth.ca/en/public-health-topics/home-safety.aspx>.

Monitoring

Preventing infestations, or resolving them early, may be more economical and less disruptive than allowing them to flourish. In addition to the prevention measures described above, ongoing monitoring is also recommended as part of the proposed obligations for landlords in the new regulations. This includes proactive inspections of properties and the ability to identify pests or signs of the presence of pests. Understanding the type of pest, and nature of infestation, is critical to identifying the optimal control strategy.¹⁰

Control

IPM programs typically use the most effective, lowest risk options considering the risks to the applicator, building occupants, and environment. A pest control expert should be used to determine the appropriate control measures to be implemented.

Under the proposed regulations, tenants are responsible for following preparatory instructions provided by the landlords, providing access to their unit on treatment and inspection days following receipt of lawful notice by the landlord, and ensuring that post-treatment plans are being followed. While the City does not intervene in the accommodations obligations of landlords pursuant to the *Ontario Human Rights Code*, it is noted that if the tenant has a disability or medical condition that prevents them from undertaking the required preparatory work for pest treatment activities, the landlord may need to offer assistance as required under the *Ontario Human Rights Code*.

Landlords are also responsible for the proper use of pesticides, “including safe handling and application procedures and precautions.”¹¹ This includes ensuring that tenants are made aware of safety precautions due to the use of any chemicals, materials or devices used for pest control, notification of when it is safe to re-enter a treated unit and any required follow-up actions. These requirements are reflected in the proposed regulations through the requirement to provide tenants with a copy of the treatment plan in advance of the treatment occurring.

Evaluation

Evaluation includes post-control inspections to verify the effectiveness of the treatment and determine if additional actions are required. This should also include a review of the established processes to establish any changes required to improve the resolution of future occurrences. Under the proposed regulations, the City would require that landlords re-inspect properties that have been treated within 15 to 30 days following the treatment to determine if it was effective and what additional actions, if any, may be required. This mirrors requirements in the City of Montreal and provides for a minimum period of 15 days that is suitable for all common infestations: bedbugs, cockroaches and ants.

Landlord and Tenant Resources

As staff have reviewed pest control regulations in other jurisdictions, we have also reviewed educational materials the comparator cities provide to support their regulations. These provide examples of how the City of Ottawa can further enable successful pest management through education in support of regulation:

Toronto

- <https://www.toronto.ca/community-people/health-wellness-care/health-programs-advice/bed-bugs/>
- <https://www.toronto.ca/community-people/housing-shelter/rental-housing-standards/apartment-building-standards/rentsafeto-for-tenants/>
- <https://www.toronto.ca/community-people/community-partners/emergency-shelter-operators/references-and-resources/bedbugs-a-handbook-for-shelter-operators/>

Hamilton

- <https://www.hamilton.ca/home-property-and-development/pest-control>
- <https://www.hamilton.ca/home-property-and-development/pest-control/pest-control-landlord-responsibilities>

Kitchener

- Not available

London

- <https://www.healthunit.com/bedbugs>
- <https://www.london.ca/residents/Property-Matters/Lawns-Gardens/Pages/default.aspx>
- <https://www.london.ca/residents/Property-Matters/Lawns-Gardens/Pages/Resources-and-Links.aspx>

Oshawa

- <https://www.oshawa.ca/residents/wildlife.asp>

Windsor

- <https://www.citywindsor.ca/residents/waste-and-recycling/rodents-and-pests/pages/rodents-and-pests.aspx>

St. Catharines–Niagara

- <https://www.stcatharines.ca/en/livein/resources/Urban-Wildlife-Rats-Brochure.pdf>

Barrie

- <https://www.barrie.ca/Living/GarbageAndRecycling/Documents/R-WasteFacts-OrganicsObstacles.pdf#search=pests>

Guelph

- <https://guelph.ca/living/house-and-home/healthy-landscapes/pest-control/>

Montreal

- <https://www.omhm.qc.ca/en/sanitation-and-pest-control>

Conclusion

The presence of pests can have a major impact on the quality of rental housing and the in some cases, the physical and/or mental health of tenants.

It is staff's assessment that an IPM solution provides the best option to reduce the frequency, severity and duration of infestations, particularly in multi-unit residential rental properties.

To apply IPM in the context of rental housing, staff have considered the roles of tenants and landlords regarding each element of IPM: planning, prevention, monitoring, evaluation and control. In addition to recommended regulations promulgated in the *Rental Housing Property Management By-law and Rental Accommodation Study Update* report, staff are also recommending additional support for tenants and landlords through the development of digital resources to be made available on ottawa.ca.

The recommended regulations would align Ottawa more closely with Toronto, Montreal and Windsor in terms of standards and the emphasis on prevention. Similar to Windsor, the recommended regulations include specific obligations for tenants. However, Ottawa's proposed regulations would be unique in requiring all elements of IPM and in establishing specific responsibilities and accountability for landlords and tenants in the proposed *Rental Housing Property Management By-law*.

¹ City of Ottawa, [Property Standards in Rental Housing 2009 – 2018](#), p. 7

² *Residential Tenancies Act, 2006*, S.O. 2006, c. 17, s. 33.

³ *Residential Tenancies Act, 2006*, S.O. 2006, c. 17, s. 34.

⁴ *Residential Tenancies Act, 2006*, S.O. 2006, c. 17, s. 20.

⁵ *Municipal Act, 2001*, S.O. 2001, c. 25, s. 10(2)

⁶ Ontario, *Building Code Act, 1992*, sub-s. 15.1 (3)

⁷ United States Environmental Protection Agency, Integrated Pest Management (IPM) Principles, <https://www.epa.gov/safepestcontrol/integrated-pest-management-ipm-principles>, accessed 24 Jan 2020)

⁸ Ibid

⁹ Polosky, Zane, 21st Century Homestead: Biological Pest Control, Google Books, 2015, p. 53

¹⁰ Surendra K Dara, The New Integrated Pest Management Paradigm for the Modern Age, *Journal of Integrated Pest Management*, Volume 10, Issue 1, 2019, 12, <https://doi.org/10.1093/jipm/pmz010>

¹¹ Health Canada, Responsible Pesticide Use - Help for Landlords and Building Managers, <https://www.canada.ca/en/health-canada/services/consumer-product-safety/reports-publications/pesticides-pest-management/fact-sheets-other-resources/responsible-pesticide-use-help-landlords-building-managers.html>, accessed 20 Apr 2020.