

# **Evaluating the Quality and Effectiveness of Minimum Housing Standards in Nova Scotia**

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## Executive Summary

Across Canada, provincial governments struggle to protect tenant rights at the municipal scale. In Nova Scotia, the provincial government attempts to protect tenant rights through the Residential Tenancies Board. However, tenants with low income and limited education often do not possess the means to follow through with building a case against their landlord or property owner. Likewise, the Residential Tenancies Act does little to protect landlords from bad tenants who damage the landlord's property. A number of municipalities and towns in Nova Scotia have implemented minimum housing standards by-laws in order to compensate for flaws with these provincial protections. Minimum housing standards present a possible solution in that they provide tenants with a much easier process for proceeding with complaints. In addition, these standards often contain an "occupant standards" section as a means of protecting the landlord or property owner from damage caused by tenants. This report summarizes a study on minimum standards in eight jurisdictions in Nova Scotia. The research was conducted in partnership with the South Shore Housing Action Coalition (SSHAC). The primary methods used in this study were a literature review, a by-law review, and interviews with professionals who possess housing expertise. This study found that minimum standards are advantageous, given that they are much more specific to housing maintenance than any existing by-laws or pieces of legislation in Nova Scotia. The main problem with minimum housing standards is that they are often not set up to address any of their unintended consequences. A lack of flexibility in the by-laws means that those in charge of enforcement must demand that all issues with the property be fixed as soon as possible. These issues are exacerbated by the fact that repairs often pile up, as the landlord has not been keeping up the property over time. The local context of the by-law is also very important, as each jurisdiction has its own unique problems and complications associated with enforcement. An understanding of the strengths and challenges of minimum housing standards led to the recommendation that minimum standards should be implemented, with the caveat that greater flexibility needs to be incorporated, and that the local context needs to be evaluated before implementation. The implementation of minimum standards should remain the choice of each independent municipality or local jurisdiction rather than the province, because they possess a better understanding of their local context when making this decision. Housing advocates should work with the province for better housing support services, better financial supports; and easier, less cumbersome grant applications. In addition, advocates should encourage municipalities or towns that do not have minimum standards to strongly consider them. These jurisdictions should evaluate whether or not minimum housing standards would do more harm than good in each of their respective contexts.

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## Introduction

Across Canada, the ability of provincial governments to protect tenant rights has been questioned. At the municipal scale, Canadians experience difficulties with rental housing maintenance that remain undefined in provincial housing policy. A great deal of research has pointed to the fact that provincial governments have an insufficient understanding of housing issues at the municipal scale. Therefore, they are often ineffective in dealing with these sorts of smaller-scale problems (Dalton, 2009). As such, they often resort to using their political ideology or some other decision-making tool when creating housing policy (Bryant, 2004). In Nova Scotia, a number of municipalities and towns have come up with a potential solution to this problem – the implementation of minimum housing standards by-laws. These standards have the potential to better account for local concerns, given that they are managed and enforced at the municipal or local level. However, little is known about the quality and effectiveness of such by-laws.

In this report, I will discuss how I have assessed the quality and the overall effectiveness of eight minimum housing standards by-laws in Nova Scotia. First, I completed a literature review of academic journals, housing needs assessments, and municipal reports in order to identify common challenges and weaknesses that lead to inadequate tenant rights protections. I have broadly synthesized these challenges and weaknesses into ten themes which I have used to evaluate the written quality of minimum housing standards by-laws. I then carried out interviews as a means of identifying the strengths, weaknesses, and areas for improvement of the enforcement of minimum housing standards by-laws. Finally, I synthesized and analyzed all of the information generated from both the evaluation of written quality and the interview process. I used this information to make recommendations on whether minimum housing standards should or should not be implemented and enforced on a larger scale across Nova Scotia.

## Research Context

In many cases it appears that provincial governments are ineffective at addressing local housing-related concerns (Dalton, 2009). It is theorized that this problem is rooted in a disconnect between provincial and local governments (Bryant, 2004). Case after case illustrates how all across Canada, local knowledge and concerns regarding housing are often ignored or misunderstood. For example, in the late 1990s and early 2000s, extensive tenant advocacy for a shift in housing policy fell on the deaf ears of the Ontario government (Bryant, 2004). Using their political ideology as their primary justification, the Conservative government dismissed local concerns (Bryant, 2004). In Nova Scotia, a lack of inclusion of senior citizens in decision-making regarding affordable rental housing resulted in inadequate health and safety provisions (Lake et al., 2016). In the city of Kelowna, Vancouver, research indicated that almost all single mothers are unable to find affordable housing units large enough to accommodate both them and their children (Jones et al., 2015). In the city of Toronto, Ontario, recent immigrants are discriminated against in the housing market, and as a consequence are forced to live in poorly maintained housing (Mensah et al., 2013). Many of them resort to having non-immigrants phone landlords for them in an attempt to avoid discrimination while

searching for apartments (Mensah et al., 2013).

The examples presented in Ontario, Vancouver, and Nova Scotia contribute to the evidence that illustrates a potentially countrywide trend where both disadvantaged groups and local concerns are underrepresented in rental housing policy and law. Overall, this trend results in poor living conditions for tenants. In addition, tenants are usually unable to effectively advocate to the province for their rights. Without the ability to advocate, these disadvantaged individuals receive little recognition from political parties (Dalton, 2009). Furthermore, the absence of provisions mandating professional training for landlords contributes to a trend where landlords use their own interpretations in order to determine what acceptable living conditions might be (Mendez, 2016). This is problematic given that landlords themselves often have varying ideas in terms of what constitutes acceptable living standards. In Vancouver for example, many landlords have resorted to the use of “lay expertise” when leasing apartment spaces. “Lay expertise” is defined as a variable mixture of professional, expert and lay knowledge (Mendez, 2016). The result is a lack of uniformity in terms of what are considered acceptable living standards from landlord to landlord.

A number of municipalities and towns in Nova Scotia have created minimum housing standards by-laws that aim to protect tenant rights and provide more specific housing maintenance measures. The implementation of minimum housing standards presents a possible solution to many of the issues and gaps that have been identified in the literature. This is because these standards could present an element that is lacking in provincial housing policy – a more local context. This exploratory study will determine if minimum housing standards are a potential solution to tenant rights issues related to housing quality in Nova Scotia.

The concerns and issues raised in the literature mirror the concerns shared by those at the South Shore Housing Coalition (SSHAC). SSHAC describes themselves as “a community group that aims to build both awareness and action on the need for affordable housing on the south shore of Nova Scotia” (South Shore Housing Action Coalition, 2018). The literature supports SSHAC’s position: there is a need for a more comprehensive solution to problems surrounding housing standards and tenant rights in Nova Scotia. The problems regarding rental housing and tenant rights are well understood, but potential solutions to these problems are not. Minimum housing standards present a possible solution. This is because local concerns are more likely to be intertwined in local and municipal by-laws and enforcement decisions, rather than in provincial policy and enforcement decisions. For example, a recent study of the gentrification of rental housing in Toronto indicated that locally led policy changes and initiatives could help to reduce displacement and encourage inclusiveness (August, 2018).

## **Literature Review**

The literature included in this review consists of fifteen academic journals and five municipal reports and housing needs assessments. I have chosen academic journals published within the last fifteen years, along with Nova Scotian municipal reports and housing needs assessments published within the last five years. I chose not to restrict academic journals to a Canadian context or to a

particularly tight time frame. I made this decision to expand my search parameters due to the limited amount of information on minimum housing standards currently available in academic journals. I included academic journal articles based on studies in Canada, the United States, the United Kingdom, and New Zealand.

In terms of municipal reports and housing needs assessments, I was able to choose a much tighter time frame and a Nova Scotian context. When looking for relevant municipal reports and housing needs assessments, I attempted to incorporate as many Nova Scotian jurisdictions as possible. I have found municipal reports and housing needs assessments that include information on seven out of the eight jurisdictions included in my study. These seven municipalities and towns are the Halifax Regional Municipality (HRM), the Town of Yarmouth, The Town of Antigonish, the Town of Digby, the Town of Annapolis Royal, the Town of Bridgewater, and the Municipality of the District of West Hants (MDWH). Cape Breton Regional Municipality (CBRM) has no such relevant housing reports or assessments. Other municipalities, districts, regions, and towns included in these municipal reports and housing needs assessments are; the Municipality of the County of Kings (MCK), the District of Chester, the Town of Lunenburg, the Region of Queens, and the Town of Mahone Bay. Incorporating as many jurisdictions as possible into my literature review has given me real insight into issues with housing and tenant rights in the Nova Scotian context.

In completing my reading of academic journals, municipal reports, and housing needs assessments, I have identified ten major themes. Each of these themes were chosen because they are prevalent as major themes in at least two readings. These themes will be used as criteria for the review and analysis of eight minimum housing standards by-laws in Nova Scotia. The 10 themes are listed below:

1. Affordability
2. Housing Supply
3. Landlord and Tenant Power Dynamics
4. Health and Safety
5. Discrimination
6. Inspections
7. Functioning Utilities and Materials
8. Energy Efficiency
9. Knowledge and Education
10. Vacancies and Homelessness

The most prevalent theme amongst all of the readings I have completed is affordability. The struggles of affordability and how they relate to housing standards remain an increasingly pervasive issue in Canada, and in many other different cities and communities worldwide (Bramley, 2011). A lack of affordability means that many households typically end up spending a very high proportion of their income on housing. Small increases in rent prices can therefore be detrimental to the tenant's ability to afford non-housing essentials (Quigley et al. 2004). From the perspective of the landlord, charging the lowest rents is simply not in their best interest given that they too need to make a livable

income. Greater subsidies would be required to bridge financial gaps, and therefore give landlords a good incentive to both provide more affordable housing and maintain existing housing (Tsenkova et al. 2011). What the issues surrounding affordability and housing standards boil down to is a need for the implementation of policies and supports that both incentivize landlords/property owners to improve housing supply, and improve the purchasing power of low-income households (Bramley, 2011). This need is particularly evident in Nova Scotia. In multiple counties, tenants are spending more than 30 percent of their income on housing, including Digby, Shelburne, and Yarmouth (Vacon, 2013).

The discussion surrounding a lack of affordable housing makes for a good segue into the next prevalent theme that I have identified: **housing supply**. An overall lack of housing is a rather consistent issue that can be observed across a number of different markets in cities around the world. The consistent mismatch of demand and supply often results in substantial increases to housing price (August et al. 2018). In many cases landlords can charge more for substandard units, and still expect them to be filled by desperate tenants who have no other option but to rent them (August et al., 2018). With a lack of minimum standards, the tenant renting these units may have no option but to live in conditions that will pose substantial health risks to both them and their families (Teariki, 2017). The problem is further complicated by the fact that it is not just the number of units that is often insufficient, but the types of units as well. Some jurisdictions in Nova Scotia have reported a lack of diversity in their housing supply, a greater variety in unit sizes is needed (West Hants Planning and Development Department, 2018). There is a need to improve overall diversity in our housing supply province-wide so that the needs of different types of tenants can be met (Green et al., 2018). For example, a few students living together will have different needs compared to a small family, or an elderly person living alone.

The third prevalent theme that I have identified is **landlord and tenant power dynamics**. It is rarely the case that a fair balance of power is observed between tenants and landlords. From a tenant's perspective, putting forth a complaint regarding the quality of their dwelling can be a risky endeavor. It is not uncommon that a tenant observes increases in their rent, expensive legal fees, and/or resentment from their landlord as a result of lodging a complaint (Baker et al. 2016). On the flip side, the landlord can be caught in a scenario where their tenants are not willing or able to stay "successfully housed" (Green et al. 2018). This is a prevalent issue in many different municipal contexts in Nova Scotia that can impact a landlord's ability to maintain his or her livelihood. Tenants may find themselves unable to pay rent on time, unable to maintain positive relationships with neighboring tenants, and/or unable to access services to deal with certain issues such as mental health (Green et al., 2018). Without the appropriate supports for both tenants and landlords, the inconsistencies and struggles surrounding these landlord and tenant power dynamics will only persist.

The fourth prevalent theme that I have identified during my readings is **health and safety**. Without any sorts of standards for housing, tenants often experience injuries and illnesses attributed to the poor living conditions of their dwelling (Gillespie-Bennett et al., 2013). Both physical and mental health issues such as breathing problems and increased stress levels can escalate into full-blown respiratory illnesses and psychological distress if conditions cannot be improved (Bachelder et al.,

2016). In addition, the speed with which illness takes hold of tenants is rapidly increased during colder months (Teariki, 2017). This is particularly worrisome for Nova Scotians who are accustomed to a cold and wet climate. In Nova Scotia, poor living conditions that lead to poor tenant health can be observed across a number of different municipal contexts. This is especially true for more vulnerable tenants such as children or seniors, who are more susceptible to illness or injury (Caskey et al., 2016).

A fifth prevalent theme that is very closely related to the health and safety discussion is **functioning utilities and materials**. In order for a dwelling to be habitable, it is completely essential that it be outfitted with the proper utilities and materials (Bennett et al. 2017). These include heating, insulation, ventilation (Bennett et al. 2017), electricity, fuel, and running water (Vacon, 2013). Without the proper utilities and materials; weathering, mold growth, and a number of other respiratory hazards can have a serious impact on the health of those living in the dwelling (Baker et al. 2010). As such, it is important that standards for housing include provisions that mandate the inclusion of these utilities and materials.

The sixth prevalent theme that I have come across while completing my readings is **discrimination**. It is not uncommon for tenants who identify as members of marginalized groups to be treated unfairly by landlords, inspectors, and policy makers. “Racial and ethnic minorities, the poor, LGBTQ individuals, individuals with disabilities, and immigrants” are groups of people who have a higher chance of living in substandard housing due to discrimination (Bachelder et al. 2016). Nova Scotia’s rental market is no exception in regards to this sort of mistreatment. Previously completed housing needs assessments have identified the restriction of discriminatory practices as a necessity. It is theorized that this can be achieved through the implementation of policies and supports such as anti-discrimination policies, education and training programs, and inclusive housing programs (Green et al. 2018).

The seventh prevalent theme that I have identified is **inspections**. There is a need for a sufficient number of properly trained professional inspectors in order to ensure that housing standards can be properly enforced. At the municipal level, by-laws written in order to mitigate substandard housing conditions are of little use without regular inspections (Mulligan, 2009). This need has been identified in a number of Nova Scotian municipal reports and housing needs assessments. Jurisdictions included in these reports and assessments are HRM (Bishop et al. 2015), Yarmouth County (Vacon, 2013), the Town of Annapolis Royal, MCK, MDWH, the Town of Digby, the Town of Shelburne (Green et al. 2018), the Town of Bridgewater, the District of Chester, the Town of Lunenburg, the Town of Mahone Bay, and the Region of Queens (Caskey et al. 2018).

The eighth prevalent theme that I found in my readings is **energy efficiency**. Energy efficiency in regards to rental housing refers to minimizing energy consumption within these rental units. Improvements to energy efficiency have been identified as a core aspect of improving housing standards overall because of the positive impact on “energy price, energy security, air pollution, and climate change” (Gillespie-Bennett et al. 2013). In regards to minimum standards, reducing energy usage improves sustainability given that CO<sub>2</sub> emissions will be lower, and it improves affordability given that either tenants or landlords will be paying less for utilities (Bennett et al. 2016). Proper home

insulation for example is considered to be one of the most effective ways of both saving on heating costs, and reducing carbon emissions (Baker et al. 2010). In Nova Scotia, those working for both not-for-profits and local governments have identified these benefits and have spent considerable time and effort advocating for improvements to energy efficiency in rental housing (Caskey et al. 2018).

The ninth prevalent theme that I discovered while completing my readings is **knowledge and education**. This theme refers to the level of knowledge and education amongst tenants and landlords regarding issues surrounding rental housing maintenance. On the one hand, landlords may have a tendency to rely on a mixture of lay and professional knowledge when learning how to be a landlord (Mendez, 2016). The inevitable result of this is major inconsistencies in the competence of different landlords (Mendez, 2016). In addition, the ability of the landlord to fund repairs may be inhibited by their lack of knowledge regarding the application process for provincial grants (West Hants Planning and Development Department, 2018). On the other hand, tenants themselves may not possess the actual knowledge required to be an adequate tenant. For example, the tenant may not know how to keep their apartment clean. As previously mentioned in the third theme, basic supports and education should be made available to tenants to ensure that they can stay successfully housed (Green et al. 2018). There is a need for local jurisdictions to implement a requirement that ensures that tenants and landlords will be educated in some capacity on how to meet minimum standards. This could be as simple as ensuring that landlords are aware of the existence of a minimum standards by-law within their jurisdiction.

The final prevalent theme that I have identified in my readings is **vacancies and homelessness**. This theme is perhaps one of the most expected or obvious themes given the strong relationships between affordability, housing supply, vacancies, and homelessness. Canadian studies have exhibited how a lack of affordability and low vacancy rates results in tenants losing their apartments and ending up homeless (Revington et al. 2016). Unfortunately in Nova Scotia a similar trend is observed, where low affordability has resulted in increases to homelessness (Caskey et al. 2018). In terms of vacancies however, there is high variance in different parts of the province for different reasons. While lower vacancy rates may be found in the city of Halifax therefore increasing rental prices due to limited availability, higher rates exist outside of the city where more properties are falling into disrepair (Wanzel, 2017). In these rural and suburban areas landlords are losing income due to vacancies, which means they are unable to repair their properties due to lost income, which in turn means they are unable to attract new tenants because their properties are not repaired to an acceptable standard (Wanzel, 2017). Context-specific solutions are required: where additional affordable housing might be provided in areas with low vacancy rates, and additional financial supports might be provided to landlords in areas with high vacancy rates.

## Purpose

The purpose of this exploratory study is to provide SSHAC with an assessment that will indicate the strengths and weaknesses of minimum housing standards by-laws in Nova Scotia. More specifically, the written quality of minimum housing standards, as well as the effectiveness in regards

to the enforcement of these standards will be evaluated. I have used the ten themes that came up frequently in the literature review to evaluate the written quality of minimum housing standards policies. I have identified themes that came up frequently in interviews and in doing so I have determined the strengths and weaknesses associated with the implementation and enforcement of minimum housing standards.

## Objectives

1. To determine the written quality of minimum housing standards by-laws existing in several municipalities in Nova Scotia.
2. To determine the effectiveness of current minimum housing standards, and to understand any challenges and opportunities that are presented during the implementation of these standards.
3. To understand how the Province of Nova Scotia could potentially support municipalities in the effective implementation of minimum housing standards.

## Research Questions and Methods

In total, I have evaluated eight minimum housing standards by-laws. These by-laws come from the Town of Yarmouth, the Halifax Regional Municipality, the Town of Digby, the Town of Bridgewater, the Municipality of the District of West Hants, the Town of Antigonish, the Town of Annapolis Royal, and the Cape Breton Regional Municipality. These eight jurisdictions were chosen because they fall within the borders of eight different counties. By selecting by-laws from eight different counties, I am maximizing the variety of municipal and local contexts in this study, given that each jurisdiction has its own unique issues and challenges. It should be noted that more than eight minimum housing standards by-laws do exist throughout the province of Nova Scotia, but a total of eight by-laws was deemed feasible for this study given time constraints. In this report, I will be illustrating the different ways in which each of these jurisdictions have written and enforced by-laws. I have worked and communicated with the South Shore Housing Action Coalition (SSHAC) throughout this research project.

### Research Question 1

#### ***What is the written quality of minimum housing standards by-laws in Nova Scotia?***

Tenant rights cannot be adequately protected by minimum housing standards if the necessary provisions are absent or ambiguous in the by-law itself. As such, I have determined that the assessment of the written quality of minimum housing standards would be an integral first step in determining whether or not minimum housing standards by-laws can protect tenants.

For the purpose of answering this first question, a by-law review has been conducted. More specifically, by-law ranking has been used in order to determine the strengths and weaknesses of minimum housing standards by-laws. I have used the presence, absence, or ambiguity of certain criteria to indicate the written quality of minimum housing standards by-laws. As previously mentioned, the criteria or categories for ranking by-laws has been developed using the core themes

mentioned in the literature review. This by-law ranking system will use a scale of 0-2: 0 represents absent, 1 represents present but ambiguous, and 2 represents present and unambiguous. For example: on Functioning Utilities and Materials, a complete failure to include this theme in a minimum standards by-law would earn a rank of 0. Mentioning this issue but using ambiguous language such as “shall be kept in a good state of repair” would earn a rank of 1 if “good” is not defined, because “good” is subjective. If the term “good” is concretely defined or a list of what constitutes “good” is included, then a rank of 2 will be given. I came up with this ranking system with assistance from Professor Dave Guyadeen (D. Guyadeen, personal communication, 2018). This system represents a modified version of Professor Guyadeen’s ranking system where he ranks plan success or failure; as 1 or 2 respectively (Guyadeen et al., 2016).

As opposed to totaling up scores, a better answer to this first question will be provided if themes across by-laws are compared. This is because totaling scores does not tell the full story, and it is much more valuable to this study if themes are compared. For example, a by-law that is ranked with five themes valued at 2 and five themes valued at 0 will get the same score as a by-law with ten themes valued at 1. This would result in the same total score, but clearly the by-laws are different from one another in terms of their strengths and weaknesses. Comparing each theme across all by-laws will indicate where the strengths and weaknesses lie in terms of the written quality of minimum housing standards in Nova Scotia.

### Research Question 1 - Findings

Table 1 contains the summary of the completed by-law rankings for this project.

**Table 1**

Minimum Housing Standards By-law Rankings Chart								
	Town of Yarmouth	MDWH	CBRM	Town of Digby	HRM	Town of Bridgewater	Town of Antigonish	Annapolis Royal
Affordability	0	0	0	0	0	1	0	0
Housing Supply	0	0	0	0	0	0	0	0
Landlord and Tenant Power Dynamics	2	2	2	2	1	1	1	2
Health and Safety	2	2	2	2	2	2	2	2
Discrimination	0	0	0	0	0	0	0	0
Inspections	2	1	2	2	2	2	2	2
Functioning Utilities and Materials	2	2	2	1	2	2	2	2
Energy Efficiency	0	0	0	0	0	0	0	0
Knowledge and Education	0	0	0	0	1	1	0	0
Vacancies and Homelessness	0	0	0	0	0	0	0	0

## By-law Ranking Rationale

Tables 2 to 9 contain the rationales for each of the ranks I have given to each by-law.

**Table 2**

### Yarmouth By-Law No. 14 Minimum Housing Standards By-law

<b>Theme and Rank</b>	<b>Rationale</b>
<b>Affordability</b> <b>0 out of 2</b>	There are no provisions in this by-law that indicate affordability as a prevalent theme.
<b>Housing Supply</b> <b>0 out of 2</b>	There are no provisions in this by-law that indicate housing supply as a prevalent theme.
<b>Landlord and Tenant Power Dynamics</b> <b>2 out of 2</b>	The provisions in this by-law indicate that both the owners and the tenants share responsibility for the state of the dwelling. In provision 1 for example, it states “the tenant or occupant of a building shall not act in a manner that prohibits the owner of a building from adhering to the standards as provided in this by-law” (Town of Yarmouth, 2015). This gives the landlord good leverage and provides them with some power over tenants who might damage their property. Likewise, provision 2 states that “the owner of a building shall maintain the building to the standards as provided in this by-law” (Town of Yarmouth, 2015). As such, there is a balance between landlord and tenant; where the landlord shall maintain the property, and the tenant shall be prevented from damaging the property and consequently shall not bring it below standards.
<b>Health and Safety</b> <b>2 out of 2</b>	This by-law includes a number of unambiguous provisions that protect tenants/occupants from health hazards. Provision 13 for example states that accessory buildings shall be kept in “good repair free from health, fire, and accident hazards” (Town of Yarmouth, 2015). This is reasonably unambiguous. It would be far too cumbersome in this case to have a list of every single type of health, fire, and accident hazard. This provision instead indicates that anything that could be a hazard should be prevented.
<b>Discrimination</b> <b>0 out of 2</b>	It may be argued that since this by-law applies to “owners, tenants, occupants” as indicated in provision 4, that all parties are accounted for and share the responsibilities. However, we know that this is not realistic. Visible minorities are still treated unfairly in our society despite laws and policies that are supposed to affect everyone equally (Bachelder et al., 2016). This by-law therefore earns a 0 given that it does not include any provisions that prevent discriminatory practices.

Theme and Rank	Rationale
<b>Inspections</b> <b>2 out of 2</b>	<p>Provisions 6, 7, and 8 clearly highlight the powers and responsibilities of the inspector, and the rights of the occupant/tenant during the inspection process. Unambiguous language is used to elaborate on how an inspection will take place, such as in provision 6 b where it is stated, “Where an inspection is required or conducted pursuant to this by-law: the building official may enter upon land or premises without a warrant for the purposes of an inspection” (Town of Yarmouth, 2015).</p>
<b>Functioning Utilities and Materials</b> <b>2 out of 2</b>	<p>The provisions in this by-law include unambiguous language in regards to the type and quality of utilities and materials required. The utilities, and their levels of function are clearly laid out. For example, in provision 32 where it states “All water pipes, at all times, shall be prevented from freezing” (Town of Yarmouth, 2015). This is an example of the unambiguous language found in the by-law that lays out very clearly the acceptable standards for functioning utilities and materials.</p>
<b>Energy Efficiency</b> <b>0 out of 2</b>	<p>Energy efficiency is not included in any provisions in this by-law. Provisions that apply to energy in this by-law are focused on whether or not utilities are operational and in acceptable condition as previously highlighted. However, provision 42 for example mentions, “regulations established by the Canadian electrical code” (Town of Yarmouth, 2015). It is unclear whether or not this code contains energy efficiency provisions. Nevertheless, provisions on energy efficiency should be included in the by-law itself.</p>
<b>Knowledge and Education</b> <b>0 out of 2</b>	<p>There is nothing in this by-law that refers to the theme of knowledge and education. If landlords and tenants are to improve how they take care of their properties, then they should at least be educated on this by-law’s existence.</p>
<b>Vacancies and Homelessness</b> <b>0 out of 2</b>	<p>There are no provisions regarding vacancies or homelessness as a result of the potential discontinued residential uses that will occur as a result of this by-law. For example, provision 10 b indicates that residential uses may be discontinued if they do not comply with standards (Town of Yarmouth, 2015).</p>

**Table 3****Town of Hantsport By-Law #80 Minimum Housing Standards By-law**

<b>Theme and Rank</b>	<b>Rationale</b>
<b>Affordability</b> <b>0 out of 2</b>	There are no provisions in this by-law that indicate affordability as a prevalent theme.
<b>Housing Supply</b> <b>0 out of 2</b>	There are no provisions in this by-law that indicate affordability as a prevalent theme.
<b>Landlord and Tenant Power Dynamics</b> <b>2 out of 2</b>	There are separate standards set up exclusively for the occupant in the “Occupant Standards” section of this by-law. Likewise, the by-law clearly states what separate responsibilities the owner has (Town of Hantsport, 1980). The differences in responsibilities laid out for the owner versus the occupant are unambiguous and clear. This first appears in provisions 1 and 2 of this by-law. Provision 1 for example states that the owners “shall maintain the property in accordance with section 7, 8 and 9” of this by-law, while provision 2 states that the occupant “shall maintain the property in accordance with section 10” (Town of Hantsport, 1980).
<b>Health and Safety</b> <b>2 out of 2</b>	The theme of health and safety comes up frequently in this by-law. For example, in provision 6(5) under “accessory buildings” it is stated that they shall be kept “free from hazards or conditions which may affect health or cause fire or accidents” (Town of Hantsport, 1980). This provision is reasonably unambiguous, given that it provides a definition for what constitutes a hazard or condition, which is anything that “may” affect health or safety. This leaves no room for doubt; even if there is uncertainty whether or not a hazard will affect health and safety, it must be removed just in case it does.
<b>Discrimination</b> <b>0 out of 2</b>	There are no provisions written in the by-law exclusively included to prevent discrimination.
<b>Inspections</b> <b>1 out 2</b>	While the inspectors’ responsibilities and powers are included in this by-law to some extent, there is ambiguity regarding when or how an inspection will take place. In provision 10 under “Enforcement” for example, it indicates how the inspector will proceed if this by-law has been violated, but how or when the inspections occur is unclear (Town of Hantsport, 1980).
<b>Functioning Utilities and Materials</b> <b>2 out of 2</b>	A number of provisions in this by-law in regards to the theme of Functioning Utilities and Materials include unambiguous language. For example, in provision 15 under “standards for dwellings and dwelling units”, the heating provision clearly states the minimum acceptable temperature of 21 degrees, and that the heating unit will be kept in good enough condition to maintain this temperature (Town of Hantsport, 1980).
<b>Energy Efficiency</b> <b>0 out of 2</b>	There are no provisions in this by-law that indicate anything regarding standards or improvements to energy efficiency.

<b>Theme and Rank</b>	<b>Rationale</b>
<b>Knowledge and Education</b> <b>0 out of 2</b>	There are no provisions in this by-law regarding the theme of knowledge and education.
<b>Vacancies and Homelessness</b> <b>0 out of 2</b>	There are no provisions in this by-law regarding the theme of vacancies or homelessness.

**Table 4****Cape Breton By-Law #M-100 Minimum Standards By-law**

<b>Theme and Rank</b>	<b>Rationale</b>
<b>Affordability</b> <b>0 out of 2</b>	There are no provisions in this by-law regarding the theme of affordability.
<b>Housing Supply</b> <b>0 out of 2</b>	There are no provisions in this by-law regarding the theme of housing supply.
<b>Landlord and Tenant Power Dynamics</b> <b>2 out of 2</b>	In this by-law, duties and associated offenses listed for owners and duties and associated offenses listed for occupants are listed separately. After provision 3, the “Owners standards and responsibilities” are listed, and the “Occupants standards” are listed after provision 29.1 (Cape Breton, 2008). This by-law likewise contains provisions protecting both tenants and landlords from one another. For example, in provision 3.1(3) where it indicates that if the tenant notifies an inspector of a violation, the owner “shall not harass the tenant” as a means of retaliation. The terminology used in these sections is unambiguous and clear (Cape Breton, 2008).
<b>Health and Safety</b> <b>2 out of 2</b>	Terms regarding health and safety hazards pop up in a number of provisions in this by-law. For example, provision 4.1 (b) indicates that the owner shall keep all parts of the building “except those within exclusive possession of the occupant clean and free from objects and conditions, holes, and excavations that are health, fire or accident hazards” (Cape Breton, 2008). This provision is reasonably unambiguous as it indicates that the property shall be hazard free. It would be far too cumbersome to list every single potential type of hazard in the land use by-law.
<b>Discrimination</b> <b>0 out of 2</b>	There are no provisions in this by-law regarding the theme of discrimination.
<b>Inspections</b> <b>2 out of 2</b>	After provision 2 the responsibilities and rights of the building inspector are listed in the provisions below “Inspections and orders of the building inspector” (Cape Breton, 2008). How and when the inspector will carry out the inspection, and what occurs when the inspector finds that the building does not meet the standards is laid out in an unambiguous and clear manner. For example, provision 3.1 (1) states that when a complaint is received, “the building inspector shall inspect the premises with 48 hours, exclusive of Saturdays, Sundays and holidays” (Cape Breton, 2008).
<b>Functioning Utilities and Materials</b> <b>2 out of 2</b>	Unambiguous provisions are included on lighting and ventilation, electrical, smoke alarms, plumbing, drainage, and heating. What is meant by acceptable conditions is laid out very clearly in each of the associated provisions. For example, provision 6 (a) states “smoke alarms or smoke detectors shall be installed between each sleeping area and the remainder of the dwelling unit” (Cape Breton, 2008).

Theme and Rank	Rationale
<b>Energy Efficiency</b> <b>0 out of 2</b>	There are no provisions in this by-law regarding the theme of energy efficiency.
<b>Knowledge and Education</b> <b>0 out of 2</b>	There are no provisions in this by-law regarding the theme of knowledge and education.
<b>Vacancies and Homelessness</b> <b>0 out of 2</b>	Despite the fact that provision 37 under “Penalties” indicates that buildings may wind up being demolished/removed, there are no provisions regarding the theme of vacancies and homelessness (Cape Breton, 2008). Demolition and removal will mean fewer available homes, ultimately increasing the rate of homelessness.

**Table 5****Town of Digby Minimum Rental Housing Rental Units Standards By-law #2015-01**

<b>Theme and Rank</b>	<b>Rationale</b>
<b>Affordability</b> <b>0 out of 2</b>	There are no provisions in this by-law regarding the theme of Affordability.
<b>Housing Supply</b> <b>0 out of 2</b>	There are no provisions in this by-law regarding the theme of Housing Supply.
<b>Landlord and Tenant Power Dynamics</b> <b>2 out of 2</b>	Provisions 1 and 2 of this by-law indicate that standards for owners are separate from standards for occupants. For example, in the “occupant standards” under provision 9(4) it is stated that “Cooking, heating and domestic hot water equipment owned and installed by the occupant shall be maintained in good working order and repair” (Town of Digby, 2015). While the wording in the example I gave may seem ambiguous, the inability to identify exactly what equipment an occupant may bring in makes it very difficult to further define what is required in terms of repairs.
<b>Health and Safety</b> <b>2 out of 2</b>	The theme of health and safety is present in this by-law and the language used in the associated provisions is reasonably unambiguous. For example, provision 6(5) of this by-law states that “Accessory buildings shall be maintained in good repair and free from hazards or conditions which may affect health or cause fire or accidents” (Town of Digby, 2015). Similar to the minimum standards by-law from The Town of Hantsport, the language in this provision dictates that there is no room for doubt. Accessory buildings must be maintained so that all possible hazards to health and safety are prevented.
<b>Discrimination</b> <b>0 out of 2</b>	There is no mention of the word discrimination, nor does the theme of discrimination appear in any other capacity in this by-law.

<b>Theme and Rank</b>	<b>Rationale</b>
<b>Inspections</b> <b>2 out of 2</b>	<p>The duties and responsibilities of the inspector are included in this by-law, as well as the rights of the owner and occupant in regards to inspections. The first part of provision 10(3)(a) for example indicates that the building inspector by-law enforcement officer “may enter upon the property without warrant or other legal process and carry out the work specified in the order” (Town of Digby, 2015). The language in this by-law is unambiguous and clear; it indicates that the owner or occupant will be given the order to meet standards by the inspector, and if they do not meet standards then the inspector has the power to enter the premises and fix the problem themselves.</p>
<b>Functioning Utilities and Materials</b> <b>1 out 2</b>	<p>A large number of provisions in this by-law regarding functional utilities and materials are included in this by-law. However, many of the provisions that this theme would apply to are rather ambiguous. For example, provision 17 states that “the plumbing system shall provide satisfactory hot and cold water supply, drainage, venting and operation of fixtures” (Town of Digby, 2015). The term “satisfactory” could be highly subjective. In addition, under provision 15 it states that the minimum temperature for a dwelling is 12 degrees (Town of Digby, 2015). It is possible that this was a spelling error given that other minimum housing standards stated 21 degrees as the minimum temperature, but regardless this mistake should have been caught and the by-law should have been revised.</p>
<b>Energy Efficiency</b> <b>0 out of 2</b>	<p>There are no provisions in this by-law regarding minimum improvements to, or standards for, energy efficiency.</p>
<b>Knowledge and Education</b> <b>0 out of 2</b>	<p>There is nothing in this by-law regarding any sort of minimum knowledge, education, or understanding on behalf of the owners or occupants.</p>

<b>Theme and Rank</b>	<b>Rationale</b>
<b>Vacancies and Homelessness</b> <b>0 out of 2</b>	There are no provisions in this by-law regarding the theme of vacancies and homelessness.

**Table 6****HRM By-law M-200 Respecting Standards for Residential Occupancies**

<b>Theme and Rank</b>	<b>Rationale</b>
<b>Affordability</b> <b>0 out of 2</b>	There are no provisions in this by-law regarding the theme of affordability.
<b>Housing Supply</b> <b>0 out of 2</b>	The theme of housing supply is not included in the provisions found within this by-law.
<b>Landlord and Tenant Power Dynamics</b> <b>1 out 2</b>	The responsibilities of the owner are laid out in a clear and unambiguous manner in this by-law, but any provisions indicating the responsibilities of the tenant are missing. Provision 4 for example highlights that “the owner of a building shall maintain the building to the standards as provided in this by-law” (Halifax Regional Municipality, 2016). This provision and other associated provisions that list the owner’s responsibilities are unambiguous and clear. However, there are no provisions in this by-law that require the tenant to keep the dwelling they are renting in good condition. This results in an imbalance of power in favor of the tenant, and as such this by-law for given a score of 1 for the theme of landlord and tenant power dynamics.
<b>Health and Safety</b> <b>2 out of 2</b>	The provisions in this by-law indicate a number of health and safety standards. In addition, the language used in these provisions is unambiguous and clear. For example, under “Pest Control and Building Health” in provision 11(1) it is stated that “buildings shall be kept free of rodents and insects at all times” (Halifax Regional Municipality, 2016). The language in this provision leaves no room for doubt.
<b>Discrimination</b> <b>0 out of 2</b>	There are no provisions in this by-law that indicate any provisions regarding discrimination.
<b>Inspections</b> <b>2 out of 2</b>	The provisions in this by-law clearly highlight the powers and duties of the inspector. For example, in provision 11(4) under “Pest Control & Building Health” it states “where an inspector has grounds to believe an unsafe or hazardous condition exists the inspector may order, at the expense of the owner, tests be conducted by qualified professionals”. This provision, like others in the by-law, uses unambiguous language to indicate the inspector’s powers when he or she identifies a violation of this by-law (Halifax Regional Municipality, 2016).

Theme and Rank	Rationale
<b>Functioning Utilities and Materials</b> <b>2 out of 2</b>	<p>Provisions in this by-law regarding functioning utilities and materials are unambiguous and clear. For example, under “Structural Soundness” in provision 8(2), it is indicated that the inspector has the right to demand whatever evidence is necessary in order to determine whether or not “materials, equipment, devices, construction methods, structural assemblies or foundation conditions” are meeting the prescribed requirements. The language in this provision, and in other provisions in this by-law regarding functioning utilities and materials leaves no room for misinterpretation (Halifax Regional Municipality, 2016).</p>
<b>Energy Efficiency</b> <b>0 out of 2</b>	<p>There are no explicit provisions in this by-law that indicate any kind of standards regarding energy efficiency.</p>
<b>Knowledge and Education</b> <b>1 out 2</b>	<p>Under provision 30(1) of this by-law, it is stated that “no person shall operate a rooming, boarding, and lodging house in Municipality which is not validly licensed under this by-law” (Halifax Regional Municipality, 2016). At the very least, this means that all those operating a rooming, boarding, or lodging house are aware of the existence of this by-law as a result of the licensing requirements. As such, the theme of knowledge and education is technically included in this by-law, albeit inadvertently.</p>
<b>Vacancies and Homelessness</b> <b>0 out of 2</b>	<p>There are no provisions in this by-law that dictate any kind of standards or requirements for the prevention of homelessness or the reduction of vacancies.</p>

**Table 7****Town of Bridgewater Chapter 115 Minimum Building Standards By-law**

<b>Theme and Rank</b>	<b>Rationale</b>
<b>Affordability</b> <b>1 out 2</b>	While not addressed in its entirety, the theme of affordability is present in this by-law. For example, under “Enforcement” in provision 28(3) it is stated that “where an owner is unable by reason of age, infirmity or poverty to comply with the terms of this by-law, the town may grant temporary exemptions for successive terms of not more than two years” (Town of Bridgewater, 1976). The language here is unambiguous, and clearly addresses the problem previously highlighted in the literature review where the owner may not be able to afford the immediate repairs required. The reason this by-law is not totally successful in addressing this theme is because affordability in regards to the tenant is not touched upon.
<b>Housing Supply</b> <b>0 out of 2</b>	There are no provisions in this by-law that indicates housing supply as a prevalent theme.
<b>Landlord and Tenant Power Dynamics</b> <b>1 out 2</b>	Similar to HRM’s minimum standards by-law, the provisions in this by-law give a very clear indication of all of the owner’s responsibilities but they do not lay out any responsibilities for the occupant. For example, provision 3 of this by-law indicates that “the owner of a property shall maintain any building on the property to the standards provided in this by-law” (Town of Bridgewater, 1976). The language in this provision and others in this by-law ensures that the owner must maintain their property to an acceptable level. However there are no standards for the occupant, and as such the occupant could damage the property without having to take responsibility for pushing it below minimum standards.
<b>Health and Safety</b> <b>2 out of 2</b>	Health and safety is a prevalent theme in the provisions found within this by-law. The language used in these provisions is reasonably unambiguous and clear. For example, provision 23(1)(b) states that “Every yard shall be kept clean from objects or conditions that may create a health, fire or accident hazard” (Town of Bridgewater, 1976). The language used in this provision ensures that even the possibility of a hazard to health and safety will be prevented.
<b>Discrimination</b> <b>0 out of 2</b>	There are no provisions in this by-law that touch upon the theme of discrimination.

Theme and Rank	Rationale
<b>Inspections</b> <b>2 out of 2</b>	<p>The theme of inspections is prevalent in this by-law and the language used in the associated provisions is unambiguous and clear. For example, provision 6(1)(a) it is stated that “where an inspection is required or conducted pursuant to this by-law: the building official may enter in or upon land or premises at a reasonable time without a warrant” (Town of Bridgewater, 1976). This is one example of how the responsibilities and duties of the inspector are very clearly highlighted in this by-law.</p>
<b>Functioning Utilities and Materials</b> <b>2 out of 2</b>	<p>Functioning Utilities and Materials is a prevalent theme in this by-law. The language used in the associated provisions is unambiguous and clear. For example, Provision 18(1) states that “every building shall be provided with heating facilities for maintaining an indoor ambient temperature of 22 degrees Celsius throughout all occupied areas” (Town of Bridgewater, 1976). This by-law clearly indicates a minimum temperature for dwellings – there is no room for doubt.</p>
<b>Energy Efficiency</b> <b>0 out of 2</b>	<p>There are no provisions in this by-law that indicate any sort of prevalence of the theme of energy efficiency.</p>
<b>Knowledge and Education</b> <b>1 out 2</b>	<p>The theme of knowledge and education is touched upon briefly in this by-law. Provision 28(3) as mentioned previously during the discussion around the affordability theme touches upon not only poverty, but old age and infirmity as well (Town of Bridgewater, 1976). As such, the possibility that a lack of understanding could impact an owner’s ability to comply with minimum housing standards is addressed in this by-law. However, the tenant is not addressed in this provision and as such this theme has not been successfully addressed in its entirety. In addition, there is no clearly defined minimum standard for the owner or tenant’s education and understanding in regards to housing.</p>
<b>Vacancies and Homelessness</b> <b>0 out of 2</b>	<p>While poverty is mentioned in this by-law and it is arguable that poverty is indeed linked to the theme of vacancies and homelessness, the theme itself is not explicitly addressed in this by-law.</p>

**Table 8****Antigonish - A By-law Respecting Minimum Standards for Residential Occupancies**

<b>Theme and Rank</b>	<b>Rationale</b>
<b>Affordability</b> <b>0 out of 2</b>	There are no provisions in this by-law that indicates affordability as a prevalent theme.
<b>Housing Supply</b> <b>0 out of 2</b>	There are no provisions in this by-law that indicates housing supply as a prevalent theme.
<b>Landlord and Tenant Power Dynamics</b> <b>1 out 2</b>	The duties and responsibilities of the owner in regards to how they should maintain their property is laid out very clearly in this by-law. For example in provision 3 this by-law states, “the owner of a building shall maintain the building to the standards as provided in this Bylaw and failure to meet each and every standard shall constitute a separate offence” (Town of Antigonish, 2005). The language used here, and in other provisions of this by-law, is unambiguous - it clearly indicates that the owner is responsible for meeting each of the standards in this by-law. However, there is nothing in this by-law that indicates what the duties and responsibilities of the tenant might be.
<b>Health and Safety</b> <b>2 out of 2</b>	The theme of health and safety is prevalent in this by-law, and provisions associated with this theme are clear and unambiguous. For example, provision 8(1) states, “Fire alarm and detection systems shall be maintained in an operational condition at all time” (Town of Antigonish, 2005). It is clear in this example that fire alarms must be present in every dwelling as a means of ensuring safety.
<b>Discrimination</b> <b>0 out of 2</b>	There are no provisions in this by-law that indicates discrimination as a prevalent theme.
<b>Inspections</b> <b>2 out of 2</b>	Provisions in this by-law regarding inspections are written in an unambiguous and clear manner. For example, provision 6(1)(a) states that “where an inspection is required or conducted pursuant to this By-law: Inspections shall be carried out between the hours of 9 am and 8 pm and shall be preceded by written notice to the occupier at least 24 hours in advance” (Town of Antigonish, 2005). The language in this example clearly indicates the time frame where an inspection will occur.
<b>Functioning Utilities and Materials</b> <b>2 out of 2</b>	Provisions in this by-law regarding functioning utilities and materials are written in an unambiguous and clear manner. For example, provision 9(1) states that “Every part of a building shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any load to which it may normally be subjected” (Town of Antigonish, 2005). The language in this example clearly states that the property must be structurally sound.
<b>Energy Efficiency</b> <b>0 out of 2</b>	There are no provisions in this by-law that indicates energy efficiency as a prevalent theme.

Theme and Rank	Rationale
<b>Knowledge and Education</b> <b>0 out of 2</b>	<p>There are no provisions in this by-law regarding any sort of minimum knowledge, education, or understanding on behalf of the owners or occupants.</p>
<b>Vacancies and Homelessness</b> <b>0 out of 2</b>	<p>None of the provisions in this by-law touch upon the theme of vacancies and homelessness.</p>

**Table 9****Town of Annapolis Royal, Minimum Housing and Maintenance Standards**

<b>Theme and Rank</b>	<b>Rationale</b>
<b>Affordability</b> <b>0 out of 2</b>	There are no provisions in this by-law or the separate amendments regarding the theme of affordability.
<b>Housing Supply</b> <b>0 out of 2</b>	There are no provisions in this by-law or the separate amendments regarding the theme of housing supply.
<b>Landlord and Tenant Power Dynamics</b> <b>2 out of 2</b>	The theme of landlord and tenant power dynamics is prevalent in this by-law. The language used in the relevant provisions is unambiguous and clear. For example, under “Occupant Standards” in this by-law, the second provision states, “All garbage, rubbish and other debris shall be placed in suitable wetproof containers, properly fastened and stored in garbage enclosures provided by the owner. Loose papers shall be bundled and tied so that they can be easily handled and not blow away” (Town of Annapolis Royal, n.d.). The language here leaves no room for doubt; it is clear how an occupant should handle their garbage. In addition, the inclusion of an “Occupant Standards” section indicates that there are separate standards for landlords and tenants. This is important to ensure a fair balance of duties and responsibilities between the owner and occupant.
<b>Health and Safety</b> <b>2 out of 2</b>	The theme of health and safety is prevalent in this by-law, and the wording associated with the relevant provisions is unambiguous and clear. For example, provision 5 under “Standards for buildings” states, “A building shall be kept free of rodents, vermin and insects at all times, and appropriate extermination measures shall be taken as necessary” (Town of Annapolis Royal, n.d.). In this provision, it is clear that all buildings shall be kept free of pests, and the pat regarding the extermination measure sis reasonably unambiguous given that different types of pests require different types of extermination measures.
<b>Discrimination</b> <b>0 out of 2</b>	There are no provisions in this by-law or the separate amendments regarding the theme of discrimination.
<b>Inspections</b> <b>2 out of 2</b>	The provisions in this by-law regarding inspections indicate the powers of the inspector, and how inspections will occur in an unambiguous and clear manner. For example, provision 6(B) in this by-law states “Where an inspection is required or conducted pursuant to this Bylaw: except in an emergency, the building official shall not enter a room or place actually being used as a dwelling without the consent of the occupant, unless the entry is made in daylight hours and written notice of the time of the entry is given to the occupier at least twenty-four hours in advance” (Town of Annapolis Royal, n.d.). This provision clearly highlights the rights of the occupier in the event that an inspection is required.

Theme and Rank	Rationale
<b>Functioning Utilities and Materials</b> <b>2 out of 2</b>	<p>The theme of functioning utilities and materials is prevalent in this by-law. For example under “Building Standards” in provision 15 it states, “Every dwelling or dwelling unit shall be equipped with a suitable heating system capable of maintaining an indoor temperature in accordance with the National Building Code. The heating system shall be maintained in good working condition so as to be capable of heating the dwelling or dwelling unit safely to the required standard” (Town of Annapolis Royal, n.d.). This part of this provision clearly indicates what is acceptable in terms of heating systems for the dwelling.</p>
<b>Energy Efficiency</b> <b>0 out of 2</b>	<p>There are no provisions in this by-law or the separate amendments regarding the theme of energy efficiency.</p>
<b>Knowledge and Education</b> <b>0 out of 2</b>	<p>There are no provisions in this by-law regarding any sort of minimum knowledge, education, or understanding on behalf of the owners or occupants.</p>
<b>Vacancies and Homelessness</b> <b>0 out of 2</b>	<p>There are no provisions in this by-law or the separate amendments regarding the theme of vacancies and homelessness.</p>

## Research Question 2

***What is the effectiveness of minimum housing standards? What challenges and opportunities are presented during the implementation of these standards?***

Written quality alone does not guarantee that a by-law is being implemented effectively. Compared to provincial governments, municipalities and local jurisdictions have fewer resources and powers they can use to strictly enforce or legislate. Given these limitations, it is important to not only evaluate if minimum housing standards by-laws include the necessary themes and explicitly address needs, but to also evaluate whether or not these municipal standards by-laws are effectively enforced within their respective jurisdictions.

### Methods

Interviews were used as the main method of answering this question. Eight interviewees were chosen for an interview – this group was comprised of professional planners, by-law enforcement officers, and professionals working for not-for-profits. The interviewees were recruited for their expertise and/or experience working with the minimum housing standards by-law in their respective jurisdictions. They were not asked for their personal opinions, but instead they were asked for the views of their organizations. With the help of SSHAC I recruited interviewees for this project. I used quota sampling in the selection of interviewees. As has been previously mentioned, eight minimum housing standards by-laws are being evaluated on their written quality. In order to get a sense of how each of these by-laws is seen on the ground, I sought out at least one interviewee from each of these eight jurisdictions. In the end, I was able to secure an interviewee from seven out of the eight jurisdictions. Despite my best efforts, I was unable to secure an interviewee from the Town of Annapolis Royal. In addition, interviewees with expertise in planning at the provincial level were required in order to get an idea of the differences between the local, municipal, and provincial perspectives in regards to the implementation and enforcement of minimum housing standards. This was important given that professionals working at the provincial level are often unfamiliar with what is going on at the municipal level and local levels and vice versa (Dalton, 2009). A semi-structured approach was taken in carrying out interviews. Given that the effectiveness of minimum housing standards by-laws was not well understood, I required some open-endedness in my questions in order to allow for more in-depth explanations by the interviewees.

Interview responses were analyzed and synthesized based on important themes that came up during interviews. Criteria were organized into major themes and sub-themes, and the major arguments or ideas from each subtheme were then synthesized and analyzed. Synthesizing and analyzing interview responses in this way helped me to organize common challenges and opportunities together. I also kept track of how many interviewees spoke of each subtheme as a means of understanding how prevalent each of the subthemes were amongst my interviewees.

## **Research Question 3**

### ***What is the potential role of the province in supporting municipalities in the effective implementation of minimum housing standards?***

In determining the written quality and effectiveness of minimum housing standards by-laws, a number of challenges and opportunities for change were brought up. I was uncertain whether or not municipal and local jurisdictions would have the resources to address these challenges or opportunities. As such, it was important for me to evaluate how the province might aid in the implementation of minimum housing standards by-laws. This was a critical step, given that municipalities and local jurisdictions lack the resources and the ability to develop housing policies compared to the province (R. Thomas, personal communication, 2018). Essentially, I was curious to discover whether or not municipal and local jurisdictions possess the capacity to implement and enforce minimum housing standards effectively on their own.

## **Methods**

Similar to the second research question, this question was answered through the use of interviews. Interviewees were asked open-ended questions around the role of the province in the successful implementation and enforcement of minimum housing standards. Those working at the municipal level were asked about the challenges and opportunities with their municipality's minimum standards by-laws – but they were also asked about how their organization thinks the province might help make improvements. In addition, they were asked about the provincial government's involvement in the implementation of minimum housing standards in their jurisdiction, and how their organizations thinks that the province might provide assistance in order make implementation more effective. Each interviewee that I spoke with had something to say about their respective jurisdiction's ability to implement and enforce minimum housing standards. Generally opinions were split: many interviewees indicated that their enforcement was adequate, but others said it was ineffective. All interviewees identified a number of substantial areas for improvement. In Appendix A, there are two sets of research questions; the second set was used with an interviewee who had indicated beforehand that they had some expertise as a planner at the provincial level.

## **Research Question 2 and 3 - Findings**

I have identified six major themes that came up during the interview process. The major themes I have identified are Housing Conditions, Availability of Resources, Implementation and Enforcement, Landlord and Tenant Power Dynamics, Minimum Standards Usefulness, and the Province's Role. Each subtheme associated with these major themes is indicated in Tables 10 to 15 in this paper. The use of the words "Yes" or "No" in each table indicates whether or not each interviewee discussed each of the subthemes.

## The Interview Process: Major Themes and Subthemes

### 1. Housing Conditions

Four subthemes emerged from the major theme of housing conditions: Health and Safety, Functioning Utilities and Materials, Housing Supply, and Vacancies and Homelessness. Table 10 indicates the proportion of interviewees that discussed each of these subthemes during the interview process. In order to protect their identities, I have chosen to identify each interviewee or pair of interviewees by their job position(s) or some other ambiguous title(s).

These are labeled as acronyms in Tables 2 to 8 in this paper:

- PWNFP (Professional Working for Not-For-Profit)
- PLN1 & BO (Planner1 and Building Official)
- PLN2 & MBPLL (Planner2 and Manager of Building, Planning, and Licensing laws)
- BEO (By-law Enforcement Officer)
- PLN3 (Planner3)
- SMCPD (Supervisor, Municipal Compliance, Planning and Development)
- CBO (Chief Building Official)
- PLN4 (Planner4)

Interviewees	Health and Safety	Functioning Utilities and Materials	Housing Supply	Vacancies and Homelessness
PWNFP	Yes	No	Yes	Yes
PLN1 & BO	Yes	Yes	No	No
PLN2 & MBPLL	Yes	Yes	Yes	Yes
BEO	Yes	Yes	Yes	Yes
PLN3	Yes	Yes	Yes	Yes
SMCPD	Yes	Yes	No	No
CBO	Yes	Yes	No	Yes
PLN4	Yes	Yes	No	Yes

#### Health and Safety Subtheme

Eight out of eight interviewees engaged me in some sort of discussion regarding the subtheme of Health and Safety. Interviewees identified improvements to health and safety as one of the core incentives for the implementation and enforcement of minimum housing standards. One interviewee stated that a minimum standards by-law is integral given that they ensure that tenants “have rights to minimum housing standards so that they can live in safe areas” (PWNFP).

Interviewees identified and described a number of different health and safety hazards that they observed while inspecting properties. They described how their ability to enforce minimum standards gave them the right to demand that the property owner fix any hazards. One interviewee gave an example of a health and safety hazard that they, under the minimum standards by-law, were able to

resolve:

*I went into an apartment that had windowsills painted. Right there it's like you're playing with people's lives, how is this person supposed to lift up the window? It was the type of ones that have the cords on the end and a pulley. They painted right over the pulleys, I told the building owner you can't have that, that's got to come off of there, and sure enough they did go in and go off of my recommendations and everything was good after that. (BEO)*

Interviewees have pointed out that the advantage of having minimum standards when dealing with something as urgent as health and safety is the level of specificity that is included in the by-laws themselves. This specificity gives those in charge of enforcement some leverage over property owners or tenants who might be ignoring the hazardous conditions of their properties. One interviewee highlighted how minimum standards "took some opinion and interpretation out" (CBO) and gave those in charge of enforcement the ability "to charge or to force the property owner to follow the rule" (CBO). The same interviewee then applied this logic to the subtheme of health and safety:

*For example it has to be weather tight, it has to be able to be heated to a certain degree, it has to be free of mold and dirt, all these different things. So it's quite specific, instead of just saying it has to be livable, we kind of go into more details in this document of what we deem reasonable housing to be, or living conditions that the building should be in. (CBO)*

### ***Functioning Utilities and Materials Subtheme***

Seven out of eight interviewees spoke about the subtheme of Functioning Utilities and Materials. This subtheme came up in discussion as another one of the primary issues that is addressed through the use of a minimum standards by-law. Interviewees spoke of important housing components such as structural soundness and the need to have utilities properly installed. One interviewee pointed out how "people are doing their own renovations, they're not going out and getting a proper electrician to do the wiring" (BEO). With the implementation and enforcement of minimum standards, however, what is acceptable in terms of repairs is much clearer. One interviewee put it quite plainly stating, "the minimum standards by-law basically says a property has to meet a certain condition" (CBO). So if a property owner cannot meet this certain condition on their own, they would need to go and get outside help.

A pair of interviewees pointed out however that improvements made through the implementation and enforcement of minimum standards have been rather minimal:

*What has it accomplished - it has stabilized more than it's improved the stock. People that own or rent substandard homes under minimum standards, and minimum housing - they are cognizant that building officials may be showing up, they are not doing major upgrades but now people are maintaining their stock. (PLN2 & MBPLL)*

While it is a bit disheartening that people are doing the bare minimum, it is important to remember that this is the function of the by-law. So long as the standards laid out in the by-law are being followed, and those certain conditions are being met, then technically the property has met the minimum housing standard.

## **Housing Supply Subtheme**

Four out of eight interviewees spoke with me about the subtheme of housing supply. Interviewees highlighted a number of issues with the existing housing stock in their respective jurisdictions. The most prevalent issues had to do with the fact that there often just isn't enough housing to go around, and that the housing options that are available are very old and have not been properly maintained. For example, an interviewee stated that in their jurisdiction, "apartments are falling apart because nothing has been done to them since 1960" (PWNFP). A pair of interviewees indicated that a lack of housing means that tenants have to settle for these old and inadequate housing options. They explained that:

*There are issues with substandard housing where people are still living in them because they have little options. They complain to the landlord or look for other locations but the options aren't there for them. (PLN2 & MBPLL)*

The root of this issue can often be traced back to a community's weak economic base and resulting lack of housing development. A pair of interviewees pointed out that there is "a direct correlation to the relative impoverished condition of a municipality's economic base and the decline in housing stock" (PLN2 & MBPLL). What can actually occur is that the tenant may be asked to vacate the apartment if it does not meet the standard. This is not really a solution to the problem if they have no other rental options to choose from and they wind up homeless. One interviewee put it plainly in regards to substandard housing that "no they are not great, but at least there is a roof over their head" (PWNFP).

## **Vacancies and Homelessness Subtheme**

Six out of eight interviewees discussed the subtheme of vacancies and homelessness. A significant unintended consequence of the implementation and enforcement of minimum housing standards in some jurisdictions is homelessness. One interviewee stated, "it places very vulnerable people at risk for homelessness. It happened here" (PWNFP). The issue seems to be rooted in the cost of reaching the minimum standards, where the landlord or property owner must make repairs but must also recoup the costs by raising the rent. One interviewee explained this:

*If you ask them to fix the place up to a higher standard they'll say sure and then they'll have to evict everyone or raise the rent high enough that they are all going to leave. There's no free rides. (PLN4)*

In some cases tenants are forced to vacate the property by those with the right to enforce the by-law because it does not meet the standards. As a result, the tenant can essentially wind up homeless. An interviewee explained it as "if you give notice to vacate, they end up essentially evicted, and they can't find something for the same price - at 300 dollars for example" (PWNFP). The by-law is supposed to be improving housing conditions, but a lack of tenants is worse for the landlord and the threat of homelessness is worse for the tenant. A big problem is that those in enforcement aren't able to consider the full story when they are enforcing the by-law. A pair of interviewees explained this tricky situation:

*We don't have leeway to say what we do want to repair and what we don't want to repair really, we can't control what we do want implemented and what we don't. (PLN2 & MBPLL)*

## 2. Availability of Resources

Two subthemes emerged from the major theme of Availability of Resources: Landlord and Tenant Affordability and Lack of Government Resources. Table 11 indicates the proportion of interviewees that discussed each of these subthemes during the interview process.

**Table 11**

### **Availability of Resources: Subthemes**

Interviewees	Landlord and Tenant Affordability	Lack of Government Resources
PWNFP	Yes	Yes
PLN1 & BO	No	No
PLN2 & MBPLL	Yes	Yes
BEO	Yes	Yes
PLN3	Yes	No
SMCPD	No	No
CBO	Yes	No
PLN4	Yes	Yes

### **Landlord and Tenant Affordability Subtheme**

Six out of eight interviewees discussed the subtheme of landlord and tenant affordability. Affordability came up a number of times during interviews because the reality of having minimum housing standards in any one community is that it will more often than not result in both the property owner's and the tenant's costs going up. One interviewee summarized the issue, stating, "landlords cannot afford to repair places and also offer affordable housing" (PWFNP). As discussed in the previous theme, the landlord must recoup the costs of fixing up the dwelling, and so the rent is raised in order to achieve this, but then the dwelling becomes unaffordable to the tenant. In some cases, the tenant may not have the rent raised but they might instead have to deal with the repair costs themselves if the landlord is absent. An interviewee described this situation from the tenant's perspective:

*You try to fix it and you lose half your food and you're frustrated. You don't have the money to go out and you know – it shouldn't be, up to them to fix it, it should be the landlord. (BEO)*

It was my understanding that by "lose half your food", the interviewee meant that less money would be available for essentials such as groceries after making repairs (quote omitted).

In some cases, the condition of the housing might mean that fixing it might not even be worth it even if it was affordable for the tenant or landlord to do so. One interviewee explained this:

*The homes aren't worth the money that would have to be spent to fix them. So you've got trailers that probably can't be moved because they will fall apart if they are moved, and they can't be sold. So they are basically worthless apart from the shelter they provide to the person living in the car. (PLN4)*

Again, it seems that where the by-law falls short is where it fails to consider the different contexts and different types of housing. It is important to consider the fact that those who are in need of minimum housing standards are often those people who are lower-income. Affordability is an issue that is top of mind for these tenants - one interviewee describes it:

*That's a real challenge, you know Nova Scotia isn't a rich province, there are a lot of people living below the poverty line, and you know somehow somebody has to cover the cost if we're going to try to bring the standards of housing up. Someone has to cover that cost and it is a very high cost, and who is it that should be covering it? That's a challenge. (PLN4)*

### **Lack of Government Resources Subtheme**

Four out of eight interviewees spoke with me about the subtheme: lack of government resources. The interviewees who discussed this subtheme with me pointed out that the enforcement of minimum housing standards is sometimes inhibited by their local government's lack of resources. A pair of interviewees highlighted this issue, stating, "we have fewer people doing more jobs, so that is the biggest pressure or concern". (PLN2 & MBPLL) The most difficult situations present the biggest challenges for jurisdictions that do not have enough resources allocated to the enforcement of minimum housing standards. For example a jurisdiction's authority can become compromised when legal action is required, and if those being charged under the by-law are aware of this, they may be able to take advantage. One interviewee went into detail about this:

*If you decide you're going to be fairly aggressive about this you're going to go to court, and it takes a huge amount of time to prepare for court. That was really difficult given our lack of staff resources. So we usually tried to talk people into doing the right thing as opposed to going the legal route. (PLN4)*

Whether or not a lack of resources presents a serious problem often depends on the jurisdiction that is enforcing it. Even if by-laws are written the same way across all jurisdictions, the community that the by-law is actually being enforced in can make a big difference. The same interviewee pointed out this issue:

*Smaller communities don't tend to have in-house legal or anything like that, and so those kinds of professional supports that bigger municipalities have, such as the city, you know we just don't have those. So, the cost to the municipality gets substantially higher for every instance you have a legal consultation. It's way more than you'd ever get in fines if fines were levied. (PLN4)*

## **3. Implementation and Enforcement**

Three subthemes emerged from the major theme of implementation and enforcement: challenges to enforcement, navigating landlord and tenant rights, knowledge and education. Table 12 indicates the proportion of interviewees that discussed each of these subthemes during the interview process.

**Table 12****Implementation and Enforcement: Subthemes**

Interviewees	Challenges to Enforcement	Navigating Landlord and Tenant Rights	Knowledge and Education
PWNFP	Yes	Yes	Yes
PLN1 & BO	Yes	No	No
PLN2 & MBPLL	Yes	Yes	No
BEO	Yes	Yes	No
PLN3	Yes	Yes	No
SMCPD	Yes	Yes	Yes
CBO	Yes	Yes	No
PLN4	Yes	Yes	Yes

**Challenges to Enforcement Subtheme**

Each of the eight interviewees that I spoke with discussed the subtheme of Challenges to Enforcement with me during the interview process. Some interviewees cited extreme difficulty with enforcing the by-law within their respective jurisdictions. One pair of interviewees in particular stated, “Some of the stuff in the by-law is almost impossible to enforce” (PLN1 & BO). The same interviewees went on to state, “we would need about 20 inspectors to enforce this” (PLN1 & BO). Other interviewees had a different take, pointing out that enforcement can be effective but there is definitely room for improvement:

*Minimum housing standards definitely have the potential to resolve some of the deplorable conditions that exist but we have a long way to go. (PWNFP)*

A big challenge that a number of interviewees highlighted is the time that the enforcement process can actually take. It is unfortunate because the longer the process takes, the more the issues pile up, and the more vulnerable the people who have put in the complaints become. One interviewee explained that:

*It's just the process, and the process takes time. Unfortunately the longer the time it is, the more affected and worrisome the person who is living in that residence becomes. Then they're phoning me saying, “Did you hear what's going on? Am I going to have to move? Are they going to fix my windows?” (BEO)*

Another interviewee discussed with me how minimum housing standards are not a permanent solution to the bigger problems that lead to substandard housing. They indicated that this will continue to be an ongoing problem that will never be permanently solved. For example the interviewee indicated how “there will always be new landlords getting into the business who aren't aware” (SMCPD). The interviewee then compared the enforcement of minimum standards to the enforcement of speeding tickets, stating, “It's like speeding. Writing speeding tickets doesn't resolve problem, it enforces the problem, that's what this is meant to do” (SMCPD).

A separate pair of interviewees spoke with me about how political issues have been one of the primary reasons that better enforcement measures haven't been implemented. More specifically, they indicated that those most in need of minimum housing standards are not taking the time to advocate

for this need in a democratic manner. As such, the politicians do not view minimum standards as a large enough issue to warrant any major improvements. The pair of interviewees stated:

*The lower economic classes generally have a much lower participation rate in exercising their democratic muscle by voting. The big problem with minimum standards and how they're enforced and the social problems that go hand in hand is that somehow the poor need to become advocates for their own needs - then I think we would see some political change because then it would be seen in the elections. (PLN2 & MBPLL)*

### ***Navigating Landlord and Tenant Rights Subtheme***

Seven out of eight interviewees spoke with me during the interview process about the subtheme: Navigating Landlord and Tenant Rights. Interviewees discussed the difficulties associated with protecting both tenants and landlords without any minimum housing standards in place. Several of them spoke of how without minimum standards, tenants must resort to going through the tenancy board, which offers no clear resolution for the tenant. A pair of interviewees explained the problem associated with this process for tenants:

*You have Residential Tenancies Act administered by a provincial body, but they are dealing with local problems. And if a person living in substandard housing has a problem with the landlord or a problem with condition of their home they call the residential tenancy board - all they get is legal jargon of how to proceed with a case. (PLN2 & MBPLL)*

The advantage of minimum standards in this sort of scenario is that the weight of the issue is given to an official who has the proper level of training and understanding to help the tenant seek real resolution. One interviewee articulated this point, saying, "they take it out of the hands of the tenant. The tenant has a place to call" (PWNFP).

In regards to the landlords, the lack of minimum standards also presents them with a significant disadvantage. An interviewee explained this: "Unfortunately the residential tenancy act is set up to protect tenants, and does little to protect the building owner" (CBO). But with minimum standards, a landlord is better protected from illegitimate accusations. One interviewee described how some tenants behave in a vindictive manner over an unrelated dispute:

*So they make up a big list but luckily when we go, we just look at the building. If you complain about tenant issues that doesn't mean we're going to fix the tenant issues, we decide which ones are real issues. We don't fix issues without proof, of course (SMCPD).*

### ***Knowledge and Education Subtheme***

Three out of eight interviewees discussed the subtheme of Knowledge and Education. These interviewees highlighted how a landlord or tenant's awareness of minimum housing standards can make a big difference in whether or not it can be effectively enforced. One interviewee described this issue:

*It's not only the regulation that causes ineffectiveness; it's the landlord's and tenant's awareness of the program. For instance we can't protect tenants if they don't know about the program and they don't call in, because it is 100 percent complaint-driven. (SMCPD)*

Based on this it appears that the by-law is completely ineffective if the tenant and/or landlord are not somehow already aware of its existence. This problem seems to be further exacerbated by the fact that there is nothing requiring landlords and/or tenants to be informed of the by-law's existence. What this essentially means is that we have a complaint-driven program with no concrete attempt to ensure complaints will reach those in charge of enforcement. An interviewee described the need for improvement:

*More education, I think, would be helpful in helping tenants know that this thing exists and that there is a mechanism for them to pursue improvement in their rental conditions. (PLN4)*

A greater awareness of the existence of minimum standards could not only help improve the enforcement process, but it could also mitigate some of the drawbacks of minimum standards. For example an interviewee speculated that if property owners were aware of minimum standards in the first place, perhaps they would attempt to fix the problem themselves at a cheaper price. This could help prevent the issue with the rent being increased due to repair costs as highlighted in the previous subthemes on affordability. The interviewee stated specifically:

*I would think that many owners are avoiding the possibility of problems coming to the city, and instead they are fixing them before the complaints come in because, I guess, you know I'm sure its cheaper for them to fix it than for us to hire contractors to fix it. (SMCPD)*

#### 4. Landlord and Tenant Power Dynamics

Two subthemes emerged from the major theme of Landlord and Tenant Power Dynamics: Tenant Disadvantages and Landlord Disadvantages. Table 13 indicates the proportion of interviewees that discussed each of these subthemes during the interview process.

**Table 13**

**Landlord and Tenant Power Dynamics: Subthemes**

Interviewees	Tenant Disadvantages	Landlord Disadvantages
PWNFP	Yes	Yes
PLN1 & BO	Yes	No
PLN2 & MBPLL	Yes	Yes
BEO	Yes	Yes
PLN3	Yes	No
SMCPD	Yes	Yes
CBO	Yes	Yes
PLN4	Yes	Yes

##### **Tenant Disadvantages Subtheme**

All eight interviewees discussed the subtheme of Tenant Disadvantages. During these discussions, interviewees highlighted many of the reasons why tenants are in need of minimum standards. Without the adequate help and support for the tenants, it is easy for some landlords and property owners to take advantage of their vulnerable situations. There are many good landlords, but

also just as many bad ones as one interviewee described:

*It's just that a lot of these landlords some are phenomenal, they'll stay on top of the buildings, they'll like to have nice buildings and they'll like to have nice people in there. Yet there's other ones who couldn't care less, they just want the money and they'll do hardly anything they're supposed to do - they are slumlords is what they are. (BEO)*

Some conditions are so bad that they are getting a substantial amount of attention from outside sources. For example as one interviewee noted, "there are a couple of cases that have made the news because of how poorly the accommodations are being maintained by landlords" (PLN3). Interviewees also spoke of some of the disadvantages tenants are faced with even after minimum standards have been implemented. Some tenants have been caught in a situation where landlords have sought revenge against them for calling with a complaint. One interviewee stated, "It can cause tenants to get blacklisted. They will not be able to find places because they are part of this blacklist" (PWNFP). Some groups are particularly vulnerable as well; one interviewee regarded how students are especially fearful of getting blacklisted by landlords. The interviewee explained this type of situation:

*Sometimes they feel that they are afraid to take action because of concern of retribution from their landlord, and if they are serious about their studies the last thing they want to face is insecurity around their housing situation. (PLN4)*

### ***Landlord Disadvantages Subtheme***

Six out of eight interviewees discussed the subtheme of landlord disadvantages with me during the interview process. During discussions surrounding this theme, one interviewee pointed out that "there's lots of bad landlords out there there's no question, but there's just as many bad tenants" (CBO). This is important to keep in mind given that much of the discussion regarding the subthemes in this study thus far has been around how tenants have been disadvantaged. In many situations, there are landlords who are in fact trying to do a good job, but the tenants that live in the property they are renting are not treating it properly. An interviewee described how, "it is hard to maintain a property and sometimes you have tenants who wreck the place" (PWNFP).

Interviewees also highlighted how some tenants use minimum standards as a means of getting revenge on the landlord. More often than not there was some sort of dispute between the tenant and landlord and the tenant is trying to get the landlord in trouble based on this separate dispute. An interviewee explained how this often goes:

*So often they are calling and trying to complain about the landlord and a lot of the time there's not an issue, or it's a minor one that's really nothing to do with situation, they're just trying to piss the landlord off because they got kicked out. That's the far majority of their calls. (CBO)*

Even in some scenarios where the landlord is trying to help fix up the place, the tenant will not allow the landlord to do so and will complain to their local jurisdiction instead. It is impossible to say whether or not this mistrust is well founded in each of these scenarios. However, if the landlord is at least trying to make repairs in order to abide by the by-law and the tenant is not allowing them, then that is a problem.

*We get a lot of situations where the tenant will call and complain but won't allow the owner to come in because they want to, I don't know, have the upper hand. They make it difficult to arrange the owner to allow someone to come in and they don't trust the owner, and they don't trust the owner's contractors. (SMCPD)*

## 5. Minimum Standards Usefulness

Three subthemes emerged from the major theme of Minimum Standards Usefulness: In Favor, Not in Favor, and Suggested Improvements. Table 14 indicates the proportion of interviewees that discussed each of these subthemes during the interview process.

**Table 14**

**Minimum Standards Usefulness: Subthemes**

Interviewees	In Favor	Not in favor	Suggested Improvements
PWNFP	Yes	No	Yes
PLN1 & BO	No	Yes	Yes
PLN2 & MBPLL	No	Yes	Yes
BEO	Yes	No	Yes
PLN3	Yes	No	Yes
SMCPD	Yes	No	Yes
CBO	Yes	No	Yes
PLN4	Yes	No	Yes

### ***In Favor***

Six out of eight interviewees have made statements that they were in favor of keeping the minimum housing standards by-law in their jurisdiction. One interviewee explained that, "Minimum housing standards help, we have advocated that they need to be in place" (PWNFP). Some interviewees went as far as to say that they would advocate for other jurisdictions to have minimum standards as well. One interviewee stated, "I recommend having one for those who don't have one" (CBO). Other interviewees had mixed opinions on whether the by-law is effective overall, but likewise stated that it seems to serve the purpose that it was designed for well. One interviewee pointed out that "effective is kind of a broad word, I believe that it is effective, not everything is perfect" (SMCPD). The same interviewee went on to say "But the protection as far as the minimum standard of the actual building, I would give it a 9 out of 10" (SMCPD). Other interviewees went into greater detail about why they believe that minimum housing standards should be in place. One interviewee highlighted how the specificity in minimum standards is what gives it an advantage over other documents:

*So this document is a very specific document that makes it easier to point out the individual things. So if I go to an apartment and the flooring is partially ripped up, the other documents wouldn't say that there is anything wrong because it's doesn't even deal with that, but this document would say that the flooring has to be in a certain state not to cause tripping hazards, it has to appear in good condition – it's really specific. (CBO)*

### **Not in Favor Subtheme**

In two out of eight interviews, respondents were clear that they don't think minimum standards are very useful within their jurisdictions. The two pairs of interviewees that made this point highlighted that while the intentions of the by-law may have been good, it is not very effective when it is actually enforced. One pair of interviewees spoke of the difficulties with enforcing the by-law:

*I asked for this by-law to be removed, just because the enforcement of it is almost impossible.*

*Well not impossible, it just takes a lot of time and I get more done with the Fire Safety Act a lot faster. (PLN1 & BO)*

The other pair of interviewees that were not in favor of this by-law spoke of how the main issue with it is that it is being used as a tool to resolve unrelated conflicts. They stated that:

*The tenant is in conflict with the landlord and it may not have anything to do with repairs or building deficiencies or the minimum standards by-law. They are looking for us and come in and report to the tenancy board, which we don't mind doing, but most of the time we are getting into conflict that is over rent and other issues. (PLN2 & MBPLL)*

These interviewees did point out however that it is a "good by-law when it is used correctly" (PLN2 & MBPLL). It is unfortunate though that as they had indicated, it is not being used for what it was intended for most of the time.

### **Suggested Improvements Subtheme**

Each of the eight interviewees that I spoke with had suggestions in regards to how minimum standards can be improved. Some interviewees had ideas about supports that need to be provided from outside of their jurisdiction, and others had suggestions regarding how their jurisdiction can self-improve to make minimum standards effective.

In terms of supports, one interviewee spoke of how landlords are in "need of financial supports" and that this could come in the form of "grants or assistance to maintain those units" (PWFNP). Furthermore, they pointed out that currently getting a grant requires the landlord to go through a "cumbersome application process" and that, "Landlords are willing and capable, but they can't do it, never mind those ones on the fringe" (PWFNP). In addition, this interviewee pointed out that tenants are in need of supports as well. In order for tenants to stay "successfully housed" they would need help with "basic cleaning, mental health, and helping to make sure people are taking medications" (PWFNP).

In terms of self-improvements, a couple of interviewees spoke of how allowing a greater mix of different types of housing in the community center could offer a potential remedy. For example, an interviewee pointed out that certain types of housing such as "tiny homes" and other forms of "low-income housing" are often "pushed out to the periphery" (PLN3). This same interviewee commented again on tiny homes stating: "we're readily considering putting one in key areas where they would be supported with amenities, transit, etc" (PLN3). This could very well help with the affordability issue, as being close to transit and the community center might mean that they may not need their own car. As another pair of interviewees stated:

*There are lots of people unemployed and underemployed. They don't put a lot of stock into their homes – they have cars that are more expensive than their homes. (PLN2 & MBPLL)*

Another pair of interviewees highlighted that the root of a lot of the problems with the minimum standards by-law is the lack of flexibility in the enforcement of the by-law. Specifically they stated that there “needs to be some flexibility, no flexibility or common sense is allowed to be used at all” (PLN2 & MBPLL). This issue regarding flexibility is very important to keep in mind given the previous discussions regarding how big of a difference the context can make. Different interviewees cited different issues regarding the subthemes of Landlord and Tenant Affordability or Vacancies and Homelessness for example. With greater flexibility, those in charge of enforcement could potentially choose to allow a tenant to continue living in a substandard home if they are at serious risk of becoming homeless as a result of being forced out.

A separate interviewee pointed out an issue with how landlords or property owners are charged under the by-law. This interviewee pointed out that:

*Some of these landlords and building owners are repeat offenders. To me that's where it should change within the minimum housing standards towards penalizing these guys and saying; well, you were found guilty of this before this time it should be double the fine. (BEO)*

This interviewee suggested that if penalties were increased based on whether or not the interviewee is a repeat offender then perhaps the landlord would curb their negligent habits. Again, the need for flexibility in the by-law comes up here. A lack of flexibility in how fines are administered results in the landlords just taking on the fine as an additional cost and continuing with their negligent behaviour.

Finally, another interviewee had a unique idea for a registry that could resolve many of the issues previously discussed in regards to the enforcement of minimum standards. The interviewee described it as a “new program” that “will create a system where through registration pro-active inspections will be part of an audit” (SMCPD). The interviewee went on to say that “we will have registered every single rental property in the municipality” (SMCPD). The thrust behind this idea is that all tenants could easily find out if a property were registered.

*Owners will want to be on the list. They won't be hiding, because anybody whose looking for a building or a rental will go to this list, or go to the app or the list on the website, to see if you're registered. If you are not registered they are going to think, jeez maybe I shouldn't go there because they are not even registered - they are obviously trying to hide. (SMCPD)*

The interviewee did highlight however that in Toronto they have a similar system but there may be some complications. The interviewee specifically stated, “Most recently they've extended the deadline so they're obviously having problems with people registering” (SMCPD).

## 6. The Province's Role

Two subthemes emerged from the major theme of the Province's Role: Province's Responsibility, and Not the Province's Responsibility. Table 15 indicates the proportion of interviewees that discussed each of these subthemes during the interview process.

**Table 15****The Province's Role: Subthemes**

Interviewees	Province's Responsibility	Not the Province's Responsibility
PWNFP	Yes	No
PLN1 & BO	Yes	No
PLN2 & MBPLL	Yes	No
BEO	Yes	No
PLN3	No	Yes
SMCPD	No	Yes
CBO	No	Yes
PLN4	No	Yes

**Province's Responsibility Subtheme**

Four out of eight of the interviewees indicated that it should be the province's responsibility to offer help and support with minimum housing standards. Interviewees had a number of different ideas regarding how the Province should provide support to each of their jurisdictions in order to improve minimum housing standards. One interviewee indicated that help from the Province with inspections would be very helpful. The interviewee stated:

*I think the Province can provide assistance, and what I was getting back to before when I was talking about yearly inspections. I think there should be an inspection team. By all means. All of these places, all of these apartment houses, B and Bs you name it. They should all be up to standard, up to par. (BEO)*

The interviewee pointed out that without this kind of support there is a tendency for “things get brushed off and swept under the carpet” (BEO).

Interviewees also indicated that the Province could provide other types of supports for landlords and tenants. One interviewee stated, “Housing supports are not available. There is a lack of social security and a lack of ability for property owners to fix up their places” (PWNFP). This interviewee indicated that the province should be providing better supports to people who do not have a good grasp of how to be a good tenant. More specifically the interviewee stated, “guidance and opportunities are needed to help people stay successfully housed” (PWNFP). In addition, this same interviewee stated that the Province should provide, “real investments into helping those in need, such as with big poverty reduction strategies” (PWNFP). In terms of supporting landlords, interviewees indicated to me that grants are technically made available by the province, but they are quite difficult to obtain. A pair of interviewees described this issue:

*Grants are available, but people have already had grants or they don't qualify because their income level is too high for standards, but not high enough to do it on their own and they can't get them. (PLN2 & MBPLL)*

## ***Not the Province's Responsibility Subtheme***

Four out of eight interviewees indicated that it is not the province's responsibility to support the implementation and enforcement of minimum housing standards. These interviewees pointed out that the implementation and enforcement of minimum standards is not something that is an actual part of the province's list of responsibilities. The interviewee stated that, "I don't really think there's necessarily any place for them to provide support" (PLN3). The same interviewee stated how the Province would respond to a need for help with implementation and enforcement:

*Regarding housing standards, nuisance, and things like that, the response would be, well you have the power to do minimum standards, you can adopt that - these are the municipalities that do have minimum standards - you can review them. So it would really be more along the lines of pointing you towards what they can do. (PLN3)*

The interviewee explained further that this is just the nature of the relationship between the province and the municipalities for example:

*The Province really just sets the parameters as in this is how you do it, this is how you adopt it, these are the things you can address, whether you are within your power or not within the provincial power or federal or within reason. (PLN3)*

Based on this interview, it is not the Province ignoring the problem, it is instead just something that the province is not obligated to do amongst their numerous other responsibilities (quote omitted). Despite indicating this, the interviewee did suggest that the province could help by doing some "draft by-laws" since they have "drafted municipal planning strategies, and land-use by-laws" in the past (PLN3).

Another interviewee indicated a similar sort of view of whether or not the Province is obligated to provide support. This interviewee brought up some additional interesting points however regarding the Province's level of capability to help. The interviewee stated:

*They are not broke but they don't have tons of money to give out, and if they started supporting municipalities for one service like this, they would quickly be asked to support them for many other services as well. (PLN4)*

The interviewee did however have some ideas for improvement. First, they suggested that perhaps a change to the statement of provincial interest could help:

*So one of the Statements of Provincial Interests is about housing, and affordability, and a choice of housing, so possibly they could tweak that, to get at the standard that housing was maintained at. (PLN4)*

Second, the interviewee suggested that the province might still be able to create "incentives for non-profits, that would oversee affordable housing" (PLN4).

Some interviewees indicated that their jurisdiction does not need help from the province, further proving just how important context really is when it comes to minimum housing standards. One interviewee stated:

*We don't think that they could. We don't feel that there is a need. We actually feel that our enforcement of the by-law and the changes we are proposing do a better job than the Province currently does with their buildings. (SMCPD)*

The interviewee went further to state, “with municipal government we believe we are closer to the ground and much more accountable through councilors” (SMCPD). Another interviewee made a similar point:

*We have enough resources around us and enough policies in place and enough staff that we're educated enough to do these things, whether it's writing policies or enforcing them. The Province doesn't really do this stuff for us. They are not so much a hands-on group. They are more about setting overall policies of what should be done. (CBO)*

## Discussion

The findings in this study have revealed that there is a diversity of opinions, ideas, and concerns about minimum housing standards by-laws in Nova Scotia. Synthesizing the by-law rankings and interview process has proven to be challenging, but there are some very clear trends that have made themselves apparent through this process.

The first and arguably the most obvious trend is that minimum standards have not for the most part been written and enforced to effectively address their unintended consequences. In the by-law rankings, affordability, housing supply, discrimination, energy efficiency, vacancies and homelessness, and knowledge and education are for the most part absent - earning rankings of 0 with a few rankings of 1. During the interview process (with the exceptions of discrimination and energy efficiency as these were not themes that came up in the interviews), the consequences associated with this issue have been prevalent. Six out of eight of the interviewees pointed to housing affordability as a major problem that is often exacerbated by minimum standards. An inspector will require a landlord to get their property to meet every standard in a minimum standards by-law. However, a landlord that has not been keeping up with repairs over time cannot afford to fix them all at once, and so they must raise the rent to recoup the costs. This in turn leads to vacant units and homeless tenants, given that affordable replacement options are not often available to tenants due to a lack of diverse housing options in the local housing supply. Three out of eight interviewees also spoke of how knowledge and education is a problem given that minimum standards in their jurisdictions are complaint-driven. Without any provisions that require education on housing maintenance or minimum standards fewer complaints are made, which is a problem for a complaint-driven program. In addition, if a property owner were at least aware of the existence of minimum standards, perhaps they would keep their property up over time and prevent repairs from piling up.

The second trend is that despite these flaws with minimum standards, the by-laws do for the most part achieve what they were initially set out to achieve. In terms of the by-law review which evaluated written quality, all by-laws scored 2 on health and safety, and more than half scored 2 on inspections, functioning utilities and materials, and landlord and tenant power dynamics. In terms of the interview process, Interviewees did point out that when it is used properly their by-law does improve health and safety, and utilities and materials, within rental units. As such, the by-law does indeed raise the standard of the home it is being applied to.

Where there is more inconsistency between by-law rankings and interview responses is with inspections and landlord and tenant power dynamics. Many interviewees cited problems with not having enough inspectors, so despite the fact that this theme is written well within the by-law, it is not considered to be effective on the ground. Similarly, more than half of the by-laws are well-written in terms of protecting the rights of both landlords and tenants, but all the interviewees stated that many tenants are still disadvantaged and six stated that many landlords are also still disadvantaged.

The third trend, seen solely in the interviews, is that even though all eight interviewees cited some substantial challenges to enforcement, and all eight interviewees pointed out some major areas for improvement, six out of eight interviewees were still in favor of having a minimum standards by-

law in their jurisdiction. Based on these interviewee responses it seems that despite the many issues and unintended consequences that exist, minimum standards still provide essential protections. Interviewees pointed out that there are no other by-laws or pieces of legislation in existence that are as specific to housing maintenance as minimum standards. They also stated that there is nothing that is as protective of the tenant or the landlord in regards to the maintenance of rental properties. The downside to the specificity in the way the by-laws are written should not be ignored, however. For example, if a landlord has a lot of problems with their property that bring it below standards, the inspector who is following the by-law word for word will have no choice but to get them to try to fix all of the problems all at once. As previously highlighted, this can have negative impacts on affordability that can leave the tenant without a home and the landlord without a tenant. If repairs were to be staggered, for example, minimum standards could be much more affordable. This could be completed in the order of repairs that are most necessary; health and safety issues could be prioritized. For example, if winter is coming and there is a hole in the roof, that should be fixed first, but repairs to the leaky faucet or the re-painting of the property could be delayed.

The fourth and final trend is the role of the Province. Half of the interviewees stated that the province does not have much a role in improving the effectiveness of minimum standards, and the other half thought the opposite. Those who thought the province could help had a number of ideas regarding financial, legal, and personal supports that the province could provide. More specifically, interviewees stated that some tenants need personal supports so that they can be good tenants, that the Province needs to make the grant application process more available and less cumbersome, and that more direct support to enforcement (such as resources or personnel to help with inspections) needs to be provided. Those who disagreed also had some suggestions regarding financial and legal supports. However, they stood firm on their organization's view that it is not the Province's responsibility. These interviewees stated that if you are closer to the problem you possess better knowledge to deal with it, and also implementing minimum standards isn't something that is actually in the province's list of responsibilities to begin with. It is hard to be decisive about whether or not this is the Province's responsibility given the differences in views. However, it would make the most sense to side with those who believe it is not the Province's responsibility. This is because those individuals indicated that they had expertise regarding how planning operates at the Provincial level, and therefore they knew best regarding the Province's obligation to provide help. This does not mean that the Province cannot improve housing supports, for example by improving the grant application process, it just means that it is not the Province's responsibility to implement and enforce minimum standards.

### **Significance/ Anticipated Outcomes/ Impacts**

First, this study will inform by-laws about how to rank the written quality of minimum housing standards by-laws. The common gaps and strengths in terms of the written quality of the policies have been described. This has added new knowledge to local planning practice, since these by-laws have never been ranked in this manner before. This categorical ranking system can be used to

identify where by-laws can be improved. For example, my rankings have pointed out that the by-laws have good provisions for health and safety, but have almost nothing on affordability. Decision makers can use these rankings to justify adjustments to the by-laws to account for this affordability deficit.

There is also potential for this study to improve planning practice. Interviews have indicated how effective minimum housing standards are in practice. This has helped to determine what is needed to see by-laws working on the ground level. If SSHAC is able to use this research in their attempts at advocacy, it may shape how by-laws are written and enforced. Both provincial and municipal planners may seek to utilize minimum housing standards and/or facilitate the implementation of such standards across Nova Scotia municipalities if they believe it will work within their respective jurisdiction.

The results of this study have provided a greater understanding of the strengths and challenges associated with the implementation of minimum housing standards in select jurisdictions in Nova Scotia. Therefore, further study into how to emphasize the strengths and mitigate the issues surrounding minimum housing standards will be encouraged by the results of this study. In this way, my study will add to scholarly literature and contribute to Dalhousie University's goal of creating and disseminating knowledge to a wider community beyond academia.

## **Limitations**

The most prominent limitation of my study lies within my methods of analysis. The use of by-law rankings represents a quantitative approach that is often criticized as simply counting words rather than going into in-depth analysis. However, the use of policy rankings is justified in this study because they are easily understood and interpreted, and allow for easy comparison from by-law to by-law. This becomes especially helpful when making comparison between different minimum housing standards by-laws. The use of the rankings 0, 1, and 2 make it very simple to see that all by-laws excel in terms of health and safety provisions for example.

The sample size of my interviewees was another limitation to my study, given that it was not be representative of every stakeholder's thoughts on minimum housing standards. The interviewee selection process included a quota sampling method. I have targeted interviewees from eight different jurisdictions that have implemented minimum housing standards. While this technique represented differing contexts, it was limited in that I only gathered the perspectives of one organization from each jurisdiction. This single organization's view may not represent the views of every relevant organization from each respective jurisdiction. However, this method of quota sampling is justified because I was able to get the information I needed within the limited time frame that I was provided with. In addition, the fact that I asked interviewees for the views of their organizations and not their personal opinions means that I have accounted for a larger number of people from each jurisdiction. Also, it is worth noting that these jurisdictions are quite small, which means that there were limited people with the expertise required to participate in the interviews.

It is also possible that my interviewee's responses have been skewed by their environment. For example, some of the interviewees may not have a good understanding of how planning works at

the Provincial level. As such, responses may be biased based on their limited level of understanding, such as when they described how the province might help improve upon minimum housing standards. I have attempted to address this limitation by including planners that possess some expertise of how planning works at the provincial level. Two of the interviewees indicated in their responses that they possessed this level of expertise. In addition, a planner is not always allowed to reveal complete information on planning matters to the public. As such, it may have been the case that they had valuable information that they were not permitted to give me. In addition, building official, enforcement officers, and professionals working at not-for-profits may be inclined to respond a certain way based on their job positions. Professionals working for not-for profits, for example, may be inclined to say that housing conditions are unacceptable, given that their workplace may be involved in tenant advocacy. I foresaw these limitations and reduced them by including as much specificity as possible in my question design. Furthermore, I took the time to circle back to questions that had not been answered adequately during the interview process in an attempt to get more complete answers. Finally, I will mention again that while asking questions I asked not for the interviewee's opinion, but for the views of the interviewee's organization.

### **Ethics Review Statement**

Interviewee's identities have remained protected throughout the interviewee process. In this study, they have been identified by code names as opposed to anything that would necessarily give their identities away. Six out of eight Interviewees were recorded with their permission, and they were given the option to opt out of the interview at any time during the interview process. Interview questions were designed so that I was not asking for an interviewee's personal opinion, but instead for the view of their organization. Interview questions can be found in appendix B at the end of this document.

### **Recommendations and Conclusion**

Minimum standards by-laws should be implemented, but with a substantial caveat - given the variety of views on strengths, weaknesses, and areas for improvement. The majority of the results of this study have indicated that without minimum standards there is nothing else as specifically designed to deal with maintenance issues, nor is there anything as protective of the tenant's and landlord's rights in regards to housing maintenance. The major caveat is that before these standards become more widespread, some major research into the context of where they might be applied needs to be completed. This is because the difference in context made a major difference in my interviewee's response. For example, some interviewees stated that poverty in their communities is a huge issue, so implementing standards and raising costs for those individuals already living below the poverty line can do more harm than good. As such, these sorts of separate problems may have to be dealt with first, or the by-laws may have to be adjusted so that they don't cause homelessness in these specific jurisdictions where that is a risk. In addition, flexibility needs to be incorporated during the enforcement process. If there is someone who is trained to make a judgment call regarding

whether or not the property owner can afford repairs, or whether or not complaints are legitimate for example, then this could resolve a lot of the issues brought up with enforcement. As I have mentioned earlier in this report in the Discussion section, it is often the case that issues with a property below the minimum standard have piled up over time. As such, it is a lot to ask of any one property owner to fix all of these issues at once. Staggering repairs, starting with what is most essential, can help property owners with affording repair costs and as a result give them less incentive to raise the rent.

Furthermore, given these SSHAC does not need to advocate to the province to mandate more widespread minimum housing standards. The solution is not to force everyone to implement minimum standards, but to instead get them consider their context and to be proactive. Before minimum standards are implemented, the unintended consequences that may occur need to be understood. If SSHAC were to advocate to the province, they should advocate for better housing support services to help tenants who have mental health issues and to help tenants to learn how to be good tenants. In addition, they could advocate for more widely available, less cumbersome grant applications. Finally, they could advocate for better supports for jurisdictions enforcing minimum housing standards by-laws. Anything that could help increase the number of inspectors for example could go a long way with improving enforcement.

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## Appendix A

### Interview Questions Set 1

1. As you know, the municipality that you (work/operate) in has implemented a minimum housing standards by-law. In the view of your organization, does this by-law protect tenant rights effectively? Please elaborate on why or why not.
2. Since the implementation of the minimum housing standards by-law, does your organization view housing standards in your jurisdiction as having improved, stayed the same, or worsened? Please provide some rationale with your answer.
3. In the view of your organization what problems, issues, or complications did policy makers in your jurisdiction attempt to resolve with the implementation of minimum housing standards? Please be as detailed as you can with your answer.
4. In the view of your organization, which of these problems, issues, or complications have been resolved by the implementation of minimum housing standards, and which have not been resolved? Please provide some rationale with your answer.
5. What is the view of your organization on the enforcement of minimum housing standards within the municipality that you (work/operate) in? Are the current means of enforcement effective? Please elaborate on their strengths and weaknesses.
6. In the view of your organization, what types of issues arise when trying to implement a minimum housing standards by-law within your community? What does your organization see as the core cause of these issues?
7. Has your organization identified any possible solution(s) for more effective implementation of minimum housing standards? If yes, please elaborate on these solution(s).
8. What are the main obstacles to these solution(s) that your organization has identified? Please, in the view of your organization, elaborate on the strengths and weaknesses of each of these solutions.
9. In the view of your organization, would assistance from the provincial government of Nova Scotia be required to effectively implement a minimum housing standards by-law in your jurisdiction? Please elaborate on how your organization thinks that the province could provide assistance.
10. Has your organization sought out assistance from the provincial government in the implementation of minimum housing standards? If not, then please elaborate on why not. If yes, then please elaborate on the type and effectiveness of the assistance that your organization received.

### Interview Questions Set 2

1. In the view of your organization, is the province of Nova Scotia's housing policy effective in the protection of tenant rights? Please elaborate on why and/or why not.
2. What solutions has your organization identified as a means of resolving any of the potential shortcomings of provincial housing policy in the protection of tenant rights? In the view of your organization, have these solutions been effective? Please elaborate on why and/or why not.
3. In the view of your organization, what are some of the primary problems, issues, or

complications with housing policy as they relate to housing standards at the municipal scale? Please be as detailed as you can with your answer.

4. In the view of your organization, which of these problems, issues, or complications have been resolved with the implementation of provincial housing policy, and which have not been resolved? Please provide some rationale with your answer.

5. From the perspective of your organization what would you say the level of awareness is on behalf of the province in regards to these sorts of minimum housing standards and their level of involvement?

6. In the view of your organization, would assistance from the provincial government of Nova Scotia be required to effectively implement minimum housing standards policies at the municipal scale? Please elaborate on how your organization thinks that the province could provide assistance.

7. Has your organization worked with provincial government in the creation and/or implementation of minimum housing standards? If not, then please elaborate on why not. If yes, then please describe your organization's level of involvement and the type of assistance that was provided.