

1.4.1.1.7 No Smoking Policy

1.1 PURPOSE

Due to the irritation and known health risks of exposure to second-hand smoke, increased risk of fire and increased maintenance, cleaning and redecorating costs, all forms of smoking shall be prohibited.

The Corporation is not guaranteeing a smoke free environment. Similarly, Corporation staff are not guarantors of tenants' health or of a smoke free building. However, both will take reasonable steps in response to smoking incidents to enforce the No Smoking Policy.

2.1 DEFINITIONS

- a) 'Corporation' shall mean the Central Elgin Non-Profit Housing Corporation
- b) 'Council' shall mean the Council of the Corporation of the Municipality of Central Elgin
- c) 'Municipality' shall mean the Corporation of the Municipality of Central Elgin
- d) 'Secretary-Treasurer' shall mean the Secretary-Treasurer of the 'Corporation
- e) 'Tenant' shall mean those persons named in the lease
- f) 'Board' shall mean the Board of Directors of the Corporation
- g) 'Residential Unit' shall mean any living accommodation used or intended for use as rented residential premises as per the lease agreement
- h) 'Common Area' shall mean the entry way, corridors, stairwells, common room, laundry room, lawn, walkways, and parking lot
- i) 'Smoking' shall mean inhaling, exhaling, breathing, or using any lighted cigar, cigarette, pipe, vaping tool or anything of any similar kind, unless:
 - i. The use of marijuana/cannabis is authorized for medical purposes, or
 - ii. The use is for traditional aboriginal cultural or spiritual purposes

3.1 POLICY

Effective, October 1, 2020, smoking is prohibited inside all buildings, including private units, balconies, patios and away from any windows, entrances or exits to any building of the Corporation as per provincial policies.

The no-smoking policy will be adopted through attrition, meaning that:

- a) Existing tenants as of the date above will be grandfathered in (exempted) for the length of their tenancy in their current unit, unless they transfer or choose to sign a no-smoking policy lease addendum.
- b) All new tenants, on or after the date above, will sign leases with the no smoking policy included.

Tenants are to promote the No Smoking Policy and alert the Corporation of violations to the policy. Tenants shall inform tenant's guests, invitees, and visitors of the no-smoking policy. Tenants shall promptly give the Corporation a written statement of any incident where smoke is migrating into the tenant's unit from sources outside of the tenant's unit. In the event of tenant complaints, each complaint will be dealt with on a case-by-case basis.

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3.1.1 MEDICAL USE EXEMPTION

The No Smoking Policy does not prohibit the smoking of marijuana or cannabis for medical use for those who are suffering from grave and debilitating illnesses. All tenants falling under this exemption must possess an Authorization to Possess, issued by Health Canada. The Corporation staff should request and keep a copy of the Authorization to Possess in the tenant's file. Marijuana & Cannabis are categorized as controlled substances. It is not legal to grow or possess marijuana or cannabis except with legal permission by Health Canada. All illegal acts are cause for lease termination under the Residential Tenancies Act

3.1.2 MEDICAL USE EXEMPTION

The No Smoking Policy does not prohibit an aboriginal person from smoking or holding lit tobacco if the activity is carried out for traditional aboriginal cultural or spiritual purposes, nor does it prohibit a non-aboriginal person from smoking or holding lit tobacco if the activity is carried out with an aboriginal person for traditional aboriginal cultural or spiritual purposes. The sacred use of tobacco does not include the recreational use of tobacco.

3.1.3 Role of Corporation Staff

- a) When Corporation staff is present at the property, they will regularly monitor compliance of the No Smoking Policy. If a staff member observes a tenant/guest smoking in the building or within the provincially regulated no-smoking distance from the building they will advise the individual of the No Smoking Policy and will request that the tenant/occupant/guest move out of the smoke-free area and away from any windows, entrances or exits to the building.
- b) In the event a tenant/occupant/guest refuses to move or repeatedly smokes in an area designated as no smoking, the staff member will report this to the Corporation.

3.1.4 Tenant Complaints

When Corporation staff receives or observes a violation of the No Smoking Policy, they are to report the incident immediately to the Corporation's Secretary/Treasurer and the following steps will be taken in accordance with the Corporation's **Landlord Tenant Relations**

Policy:

- a) The complainant will be asked to put the concern in writing
- b) The complainant will be met or interviewed by telephone to clarify concerns
- c) The Corporation may visit or interview by telephone neighbouring tenants to verify complaint
- d) The alleged offender will be approached, advised of concerns received, what steps need to be taken to correct the situation, and provided information and contact details for tobacco cessation services available through Public Health
- e) The alleged offender will be sent a follow-up letter outlining the meeting and what action needs to be taken to correct the situation
- f) Should the tenant not comply, a second meeting will take place and, if required, staff may discuss the possibility of looking for supports for this tenant or, in the case of a smoker who appears to experience challenges that complicate his/her ability to comply with the No Smoking Policy a consultation with Public Health will be arranged

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- g) A second follow-up letter will be sent to the tenant advising of the visit and action to take place.
- h) If a third complaint is received and concerns continue, the necessary Residential Tenancies Act (RTA), under reasonable enjoyment, may be served to the tenant
- i) The tenant would then have seven (7) days to conform
- j) Should the tenant not comply, staff will then file with the RTA Board for a hearing
- k) The complainant and neighbouring tenants will be asked to attend the RTA Tenant Board Hearing, if required
- l) At the RTA Tenant Board Hearing, mediation may take place advising the tenant to adhere to their signed lease and the advice given by the RTA Board Mediator
- m) Should the tenant not comply with the mediation, the Corporation will apply for another RTA hearing
- n) The RTA Tenant Board Decision will be final

3.1.5 Staff Complaints

Staff will be advised of the specifics of the No Smoking Policy. Under the Smoke-Free Ontario Act, March 1, 2006 and Ontario Regulations, staff are prohibited from smoking in an enclosed workplace. Additionally, staff are expected to comply with the same rules and regulations the tenant is held to. Any complaints of staff adhering to this policy are to be reported to the Corporation. The staff supervisor will address the non-compliance of the staff person.

3.1.6 Contractor Complaints

Contractors will be advised of the specifics of the No Smoking Policy. Under the Smoke-Free Ontario Act, March 1, 2006 and Ontario Regulations, workers are prohibited from smoking in an enclosed workplace. Additionally, contractors and any persons employed by a contractor are expected to with the same rules and regulations the tenant is held to. Should they not observe the policy, the following steps will be taken by staff:

- The contractor will be reminded verbally of the policy by staff
- The staff person will immediately report the incident to the caretaker
- A warning letter will be sent to the contractor by the Corporation
- Should another infraction take place, a second letter will be sent to the contractor by the Corporation outlining the No Smoking Policy and advising them that their contract may be terminated should the violation continue

3.1.7 Tenant Chargeback

Upon vacating the unit, tenants will be charged for any costs incurred due to smoking related damage to their unit that is beyond the normal cost of unit repair.

3.1.8 Tenant Notification

As of Oct 1, 2020 existing tenants will receive written notice of this policy change and any new tenants will see the policy included in the lease agreement. Tenants are advised of their responsibility to review updated or new policies as provided at the time of lease signing.