

Victoria-Shuter Non-Profit Housing Corporation

POLICY NAME	NO SMOKING POLICY
POLICY NUMBER	2018-001
DATE	November 2018
REFERENCES	<i>Ontario Human Rights Code, 1990 City of Toronto Municipal Code Chapter 709-Smoking Access to Cannabis for Medical Purposes Regulation Smoke-Free Ontario Act 2018 Residential Tenancies Act – Section 62, 63 & 64</i>
SEE ALSO	<i>Human Rights Policy 2012-001</i>

POLICY STATEMENT

1. *Victoria-Shuter Non-Profit Housing Corporation (VSNPHC)* supports an environment that is free of smoke from cigarettes, non-medicinal marijuana, vaping and electronic cigarettes, and is committed to promoting a healthy community with safe living and working environments.
2. Effective January 1, 2019, all new leases (new tenants and transfers) signed with VSNPHC will provide that all buildings and properties be smoke free and will restrict smoking outdoors to a distance of nine (9) metres or more of the windows, doors, and air intakes of any apartment building or townhouse dwelling.

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3. The smoke free policy will apply to the following spaces:

- a. Inside the unit
- b. Balconies & Terraces
- c. 7th Floor Terrace
- d. Courtyard

4. The no smoking provision to be included in all Leases reads as follows:

The Tenant, other occupants of the Leased Premises, persons who are permitted in the Residential Complex by the Tenant, business invitees which include but is not limited to any contractor, tradesperson, agent, household worker, or other person hired by the tenant or resident to provide a service or product shall not smoke in or about the Leased Premises which shall include all exclusive use areas including the balcony, terraces or other areas specified in this Lease as being part of the Leased Premises and within nine (9) metres of all entrances, exits, windows, doors and air intakes of the Residential Complex.

The growing of marijuana plants is prohibited.

5. The no smoking policy will be adopted through attrition. This means that:

- a. Existing tenants will be grandfathered (exempted) for the length of their tenancy in their current unit, unless they transfer or choose to sign a no-smoking policy lease agreement:
and
- b. New tenants will sign leases with the no smoking policy included.

6. Existing tenants will be given an opportunity to sign a new non-smoking policy lease agreement. Tenants are to promote the No Smoking Policy and alert VSNPHC of violations to the policy. Tenants shall inform tenant's guests, business invitees, and visitors of the no-smoking policy. Tenants shall promptly give VSNPHC a written statement of any incident where smoke is migrating into the tenant's unit from sources outside of the tenant's unit.

RATIONALE

7. 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 and the growing of marijuana plants shall be prohibited.

DEFINITIONS AND EXEMPTIONS

8. **SMOKE:** The term "smoke" means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, pipe or other tobacco product, non-medicinal marijuana, or any vaping or e-cigarette device, in any manner or in any form.

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9. The following are exemptions to the No Smoking Policy:

a) Medical Use of Marijuana

VSNPHC's Smoke Free Policy does not prohibit the smoking of marijuana for medical use for those who are suffering from grave and debilitating illnesses. All tenants falling under this exemption must demonstrate that you are in legal possession of cannabis for medical purposes obtained from a licensed producer by showing either the label on the package containing your specific client information or the separate document containing the same information which accompanied your shipment of cannabis. Growing marijuana is prohibited except when registered, as outlined in the Access to Cannabis for Medical Purposes Regulations (ACMPR).

b) Traditional Use of Tobacco

VSNPHC's Smoke Free 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.

10. Notwithstanding the foregoing, in the event of tenant complaints with respect to the exempt uses above, each complaint will be dealt with on a case-by-case basis.

11. VSNPHC adoption of a smoke free policy does not make VSNPHC or its agents and staff the guarantor of tenant's health or of a smoke free unit and building. However, VSNPHC shall take reasonable steps to enforce the no-smoking terms of its leases. VSNPHC is not required to take steps in response to smoking unless VSNPHC is put on notice of the presence of smoking by personal knowledge or written notice by a tenant.

12. VSNPHC specifically disclaims any implied or express warranties that the building or tenants premises will have any higher or improved air quality standards than any other rental properties. VSNPHC cannot and does not warrant that the building or tenants unit will be free from second-hand smoke. VSNPHC's ability to monitor and enforce this Policy is dependent on voluntary compliance by tenants and their guests and invitees. Tenants with respiratory ailments, allergies or any other physical, mental, emotional or psychological conditions relating to smoke are put on notice that VSNPHC does not assume any higher duty of care to enforce this policy than any other landlord obligation under the lease.

PROCEDURE

ROLE OF VSNPHC STAFF

13. VSNPHC staff will regularly monitor compliance of the No-Smoking Policy. If a staff member observes a tenant/guest smoking in the building or within the no-smoking distance of nine (9) meters from the building they will advise the individual of the No Smoking Policy and will request that the tenant/guest move out of the smoke-free area, nine (9) meters or more away from any windows, entrances or exits to the building.

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14. In the event that a tenant/guest refuses to move or repeatedly smokes in an area designated as no smoking, the staff member will report this to the Property Manager. The Property Manager will follow the process outlined for Tenant Complaints.

TENANT COMPLAINTS

15. When VSNPHC staff receives or observes a violation of the Smoke-Free Policy, they are to report the incident immediately to the Property Manager.
16. The following steps will be taken by the Property Manager to ensure compliance of the Policy:
 - a. Ask the complainant to put the concern in writing.
 - b. Meet with or interview the complainant by telephone to clarify concerns.
 - c. Meet with the alleged offender, advise them of concerns received and what steps need to be taken to correct the situation, and provide information and contact details for tobacco cessation services available through Public Health.
 - d. May visit or interview by telephone, neighbour tenants to verify complaint.
 - e. A follow-up letter is to be sent to the tenant outlining the meeting and what action needs to be taken by the tenant 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.
 - 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) Notice of Termination documents (under reasonable enjoyment) may be served to the tenant.

STAFF COMPLAINTS

Staff will be advised of the specifics of the No Smoking Policy. Under the City of Toronto Municipal Code Chapter 709 – Smoking, and the Smoke-Free Ontario Act, 2018, staff are prohibited from smoking in an enclosed workplace. Additionally, staff are expected to comply with the restriction of a distance of nine (9) meters away from any windows, entrances or exits to any building of Victoria-Shuter Non-Profit Housing Corporation (VSNPHC). Any complaints of staff not adhering to this policy are to be reported to the Property Manager. The Property Manager will address the non-compliance of the staff person as per the policies of Victoria-Shuter Non-Profit Housing Corporation.

CONTRACTOR COMPLAINTS

Contractors will be advised of the specifics of the No Smoking Policy. Under the City of Toronto Municipal Code 709-Smoking, Smoke-Free Ontario Act, workers are prohibited from smoking in an enclosed workplace. Additionally contractors and any persons employed by a contractor are expected to comply with the restriction of

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a distance of nine (9) meters away from any windows, entrances or exits of any building of Victoria-Shuter Non-Profit Housing. 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 Property Manager
- A warning letter will be sent to the contractor by the Property Manager.
- Should another infraction take place, a second letter will be sent to the contractor by the Property Manager outlining the No Smoking Policy and advising them that their contract may be terminated should the violation continue.

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. Normal wear and tear to the unit will not be charged back to the tenant.

TENANT NOTIFICATION

An explanation of this policy shall be distributed to all new tenants. Tenants will receive written notice of this policy change. Tenants are advised of their responsibility to review updated or new policies as provided at the time of lease signing. The success of this policy depends upon the thoughtfulness, consideration and cooperation of all tenants.

REVISIONS	DATE	DESCRIPTION OF REVISION

Policy 2018-001 of Victoria-Shuter Non-Profit Housing Corporation passed by the Board of Directors at a duly constituted meeting held on November 13, 2018.