

Operational Policy & Practice

Number: 2014-01

To: All Staff

**Policy Approval
Date:** June 12, 2014

Subject: Smoke-Free Policy for Housing York Inc.

Purpose: The goal of this policy is to achieve smoke-free buildings, supporting the *Housing York Strategic Plan, 2012-2016* objective of sustaining healthy communities.

Achieving a 100 per cent smoke-free building will occur over time as units turn over with new tenants signing leases with no-smoking clauses. Existing tenants will have the option of entering into no-smoking leases.

The effective date of the policy is November 1, 2014.

Tenants with leases signed before November 1, 2014 will continue to be bound by the terms of their existing leases, which do not prohibit smoking in the rented premises. These tenants are “grandfathered” and exempt from the policy until the end of their tenancies in their current unit unless they voluntarily enter into a new lease.

Background: A Smoke-Free policy will achieve many benefits including:

- Improved air quality and reduced exposure to second hand smoke
- Decreased unit turnover costs for non-smoking units
- Decreased fire risk

A smoke-free policy is consistent with the policy direction of *Smoke-Free Ontario Act, 2006*. The legislation prohibits smoking in common areas of multi-residential buildings including foyers, elevators, stairwells, laundry rooms, corridors etc.

Legal Authority: The *Residential Tenancies Act, 2006* (RTA) governs the relationship between landlords and tenants. A lease establishes the roles and responsibilities of the landlord and tenant consistent with the Act. A no-smoking clause within the lease can be legally implemented through the inclusion of a no-smoking policy when a new lease is signed.

Procedure:

Definition of Smoking

Inhaling, exhaling, breathing, burning or carrying a lit or burning cigarette, cigar, tobacco or other similar product whose use generates smoke.

Existing Tenants

Existing tenants who have signed leases prior to November 1, 2014, including occupants, guests, visitors, and business invitees will continue to comply with the terms of their existing lease, which permits smoking within their rental unit. This includes areas such as apartment patios and/or balconies. In townhouse units, this includes front yards and back yards.

In outdoor common areas, tenants are permitted to smoke a minimum of five metres (16 feet) or more away from windows, doors, and vents.

Existing tenants will have the option of signing new leases containing no smoking clauses.

New Tenants

Leases entered into on or after November 1, 2014, will not permit smoking in the rental unit. This means that smoking will not be permitted on apartment balconies and/or patios. For tenants in townhouse units, smoking is prohibited in front and back yards. The policy applies to all household occupants, guests, visitors, and business invitees.

In outdoor common areas, tenants are permitted to smoke a minimum of five metres (16 feet) or more away from windows, doors, or vents.

Transferred Tenants

Tenants with leases prior to November 1, 2014 and who are transferred to another unit for eligibility and/or other legislative reasons (e.g. overhoused), will continue to maintain their "grandfathered" status in their new unit until the end of their tenancy.

Any existing tenant requesting an internal transfer after November 1, 2014 will not retain their "grandfathered" status to smoke in their new unit.

Contractors and Service Personnel

Staff will work with existing contractors to achieve policy compliance. New contracts will include no smoking policy provisions.

Exemptions

To ensure compliance with the Smoke-Free Ontario Act, 2006, there are two exemptions to the no-smoking policy:

- Medical marijuana – tenants having a “Authorization to Possess” issued by Health Canada will be permitted to smoke medical marijuana in their units
- Traditional use of tobacco by aboriginal tenants will be permitted when used for traditional/cultural or spiritual purposes.

Shelters

Shelters owned by Housing York have designated outdoor smoking areas as a client-safety and harm reduction measure. Where feasible, existing smoking shelters will be re-located nine metres away from the main building. Future builds will include designated smoking shelters located nine metres from the main building, where possible. Smoking is not permitted anywhere within the building interior.

Enforcement

Property managers will respond to formal complaints received from tenants. A complaint procedure will be followed. Eviction is a means of last resort for non-compliance; staff and social workers will work with tenants to assist them in understanding and complying with the no smoking policy. Staff will direct tenants to smoking cessation supports and coping programs.