



TITLE

Housing Services Internal Policy, Social Services Department, United Counties of Prescott and Russell, Smoke-Free

Policy NO.:

SL 025

REVISIONS EFFECTIVE DATE:

March 27, 2017

Effective Date:

1er janvier 2024

Applies to:

The policy and procedures contained in this document apply to the following Housing Providers:

- Public Housing



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Purpose of the policy

This policy has been developed in the context of an increasing demand by the Housing Services applicants and tenants for smoke-free housing and increasing awareness of the effects of second-hand smoke (SHS).

Exposure to SHS can lead to a variety of negative health outcomes. There is no safe level of exposure (Guidelines to Article 8 World Health Organization [WHO] Framework Convention on Tobacco Control). Increasingly, smoking has been prohibited in public spaces to limit exposure to SHS by those who choose not to smoke.

Provincially, the *Smoke-Free Ontario Act (SFOA)* prohibits smoking in all enclosed workplaces and public spaces. Consequently, smoking is currently prohibited in all Housing Services vehicles, as well as the hallways, offices, workshops, and common areas of the Housing Services buildings.

Policy statement

The Housing Services support a smoke-free environment and are committed to promoting a healthy community with safe living and working environments.

No tenant, occupant, resident, guest, staff, or business invitee shall smoke on the leased premises, in the Housing Services apartments and buildings, or within nine metres of the building project.

Leased premises include:

1. the inside of the unit.
2. the balcony; and
3. the patio.

The Housing Services building is a structure with a roof and walls owned by the Housing Services, including, but not limited to:

1. any residential premises.
2. offices; and
3. workshops.

Exemptions

1. **Current tenants and their guests:** Tenants who signed a lease prior to the implementation of this policy will be exempt from the policy that applies to smoking in their leased premises, as long as they continue to live in the same unit. Current tenants and occupants, including their guests, may continue to smoke in the leased

premises which include the interior of the rental unit, on their balcony, or on their patio. No current tenant or occupant, including their guests, may smoke within nine metres of the building project.

2. **Medical use of marijuana:** This policy does not prohibit the medical use of marijuana by tenants or occupants who have an “Authorization to Possess Marijuana” from Health Canada and provide such authorization to the Housing Services.
3. **Traditional use of tobacco by Aboriginal and/or non-Aboriginal persons:** This policy does not prohibit Aboriginal and/or non-Aboriginal persons from smoking or holding lighted tobacco, in their leased premises, as long as the activity is carried out for traditional Aboriginal or spiritual purposes.

Policy objectives

The objectives of this policy are to:

- provide a healthier environment for all tenants and staff;
- create smoke-free housing in the Housing Services by reducing and ultimately eliminating exposure to SHS through tenant turnover;
- define areas where smoking is prohibited;
- reduce the risk of fire;
reduce turnover costs.

Policy principles

- To provide a safe and healthy community for tenants and staff;
- To balance the rights of individual tenants to live in an environment free from SHS with the privileges of current tenants who smoke;
- To accommodate tenants with chronic health conditions that are worsened by exposure to SHS.

Application

This policy applies to all Housing Services tenants, occupants, guests, business invitees, and/or Housing Services staff, except as specified in this policy.



Definitions

“Aboriginal persons” are persons defined in the *Constitution Act*, 1982, section 35 (2) to include Indian, Inuit, and Métis people of Canada.

“Business invitee” includes vendors, contractors, or other providers of goods and services to the Housing Services tenants or staff. Community organizations that have a relationship with the Housing Services are also considered business invitees.

“Current tenants” are tenants who signed a lease with the Housing Services prior to the implementation date of this policy (January 1, 2014).

“Guest” is a person who is visiting a tenant for a limited period of time.

“Leased premises” include:

- the inside of the unit;
- the balcony; and
- the patio.

“New tenant” is a person who signed a lease with the Housing Services on or after the effective date of this policy.

“Occupants” are persons who may live in a unit with a tenant and are named as occupants of the premises on the lease but are not leaseholders.

“Housing Services building” is a structure with a roof and walls owned by the Housing Services, including a detached garage, but not limited to any residential premises, offices, and common rooms/areas.

“Smoke/Smoking” means inhaling, exhaling, breathing, burning, or carrying a lit or burning cigarette, cigar, tobacco, or any other similar product whose use generates smoke.

“Tenant” is person who is a signatory to the lease.

Responsibilities

All Housing Services staff must comply with this policy and will:

- assist in implementing this policy through example, that is, by complying with this policy on Housing Services property;
- not smoke in any Housing Services vehicles, workshops, or in any other locations included in this policy.

It is the responsibility of all Housing Services staff involved in renting or lease signing to communicate the no-smoking clauses clearly and effectively to prospective tenants.



The Housing Services staff will work with tenants to resolve smoking-related issues and complaints. Tenants may submit complaints to any Housing Services staff member who will then support the tenant's making complaints by:

- providing simple guidance on submitting a complaint in writing, using a complaint form, by phone, or in person;
- accepting and documenting the complaint and submitting it to the appropriate Housing Services staff member for review;
- directing the tenant to the appropriate Housing Services staff member or external services for assistance or support

Tenant/s to promote the Smoke-Free Policy and to alert the Landlord of any violations.

Tenant/s shall inform guests, invitees, visitors, and business invitees of the *Smoke-Free Policy*. Further, tenant/s shall promptly give the Landlord a written statement of any incident where tobacco smoke is migrating into the tenant's unit from sources outside of the tenant's apartment unit.

It is the responsibility of the **Community Relations Worker** to investigate complaints by tenants, to confirm whether or not the complaint can be substantiated, and to work with the Supervisor and the other Housing Services staff to determine the appropriate course of action.

Management responsibilities

The Housing Services Supervisor will ensure the following:

- That the Housing Services staff be provided with the policy;
- That the policy and its objectives be explained to the Housing Services staff and that the Housing Services staff be adequately prepared regarding communication of the policy to the tenants;
- That the Housing Services staff be clearly instructed to follow this policy as well as legislation prohibiting smoking in the workplace, including Housing Services vehicles and workshops;

That the policy be included in the Housing Services contracts and be explained and adhered to by all business invitees (contractors) working on behalf of the Housing Services.



Clauses to be added to all new leases

Effective January 1, 2014, the Housing Services has implemented a *Smoke-Free Policy* which has resulted in a transition period during which some tenants will be permitted to smoke (*) in their units and on the premises and others will not. No new tenant, guest, business invitee, or visitor shall smoke cigars, cigarettes, or any similar product whose use generates smoke within the building and property. This prohibition includes the leased unit, balcony/patio, as well as anywhere on the property.

I/ We understand that failure to comply with the *Smoke-Free Policy* constitutes a breach of a material term of my tenancy agreement and may be cause for ending my tenancy. This prohibition does not apply to tenants whose tenancies pre-date the implementation of the *Smoke-Free Policy*. Those tenants and their guests, business invitees, or visitors are permitted to smoke cigars, cigarettes, and similar products in their units, on their balcony/patio, as well as elsewhere on the property, except where prohibited by law. In accordance with provincial legislation, smoking is not permitted in elevators or in other common areas within the building.

As a result of this transition period, the smoke may drift from “smoking” into “non-smoking” units. The _____ (Name of Corporation/Building) accepts no responsibility for damages or the disturbance of reasonable enjoyment that may occur as a result of drifting smoke.

(*) For the purpose of this policy, smoking refers to the inhaling, exhaling, or burning of any tobacco or similar product whose use generates smoke.

Legislation

- *Constitution Act, 1982*
- *Smoke free Ontario Act*
- *Residential Tenancies Act, 2006*
- *Ontario Bill of Rights*
- *Guidelines to article 8 world health organization (WHO) framework convention on Tobacco control*

Questions

If you have questions about this document, please contact your Housing Services Manager at the United Counties of Prescott and Russell.



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Department, United Counties of Prescott and Russell,
Smoke-Free

APPROVED BY: Original copy signed by Sylvie Millette

DATE: _____