



Social Services Department Housing Services

Policy Name: Smoke-Free Policy **Policy Catalogue #** HS 2017-PA 18.1

Department: Administration **Approved by:** Committee and Council

Approval Date: June 5, 2019

Signature:

A handwritten signature in black ink, appearing to read "Nigel P. [unclear]".

1.0 PURPOSE

To establish a Smoke-Free Policy for all buildings and properties owned by the County of Wellington, Consolidated Municipal Service Manager (CMSM) and operated by the Housing Services Division, and buildings owned by Wellington Housing Corporation.

2.0 REVISION HISTORY

Wellington County Housing Services - *Smoke Free building Policy for County of Wellington Affordable Housing*, March 1, 2010. (To be replaced with the following Smoke-Free Policy).

3.0 POLICY

The County of Wellington, Housing Services Division, is committed to promoting a healthy community with safe living and working environments.

Due to the irritation and known health risks of exposure to second-hand smoke, increased risk of fire and increased maintenance and cleaning costs, the County of Wellington, Housing Services Division, is implementing a Smoke-Free Policy.

Effective, January 1, 2018, all new leases signed with the County of Wellington, will provide that all buildings and properties be smoke-free and will restrict smoking outdoors to a distance of five (5) metres or more of the windows, doors, and air intakes.

The Smoke-Free Policy will apply to the following:

- a) Inside the unit
- b) Balconies and Patios
- c) Private yards rented with the unit
- d) Other areas specifically included in the lease

Additionally, effective January 1, 2018, smoking is prohibited at all County of Wellington owned outdoor children's playgrounds and all public areas within 5 metres of any point on the perimeter of the playground. A playground may include but without being limited to,

slides, swings, climbing apparatuses, and sandboxes. The prohibition applies in all seasons.

Tenants shall inform tenant's guests, invitees, and visitors of the Smoke-Free Policy.

Tenants are to promote the Smoke-Free Policy and alert the County of Wellington, Housing Services Division, in writing, of violations to the policy.

4.0 DEFINITIONS

"Smoking" shall include inhaling, exhaling or carrying any cigar, cigarette, pipe or other tobacco or cannabis (medical or recreational) and similar product whose use generates smoke or vapour, including the use of e-cigarettes.

"smoke-free area" means area within five (5) metres of entrances and exits of all buildings and properties owned by the County of Wellington, Consolidated Municipal Service Manager (CMSM) and operated by the Housing Services Division, and buildings owned and by Wellington Housing Corporation.

"unit" means the entire leased premises, which includes all exclusive use areas such as the balcony, patio or other areas specified in the lease.

5.0 EXEMPTIONS

The following are exemptions to the Smoke-Free Policy:

a) Existing Tenants

Existing tenants who have signed lease agreements before January 1, 2018, will be 'grandfathered' (exempt) from the Smoke-Free Policy as long as they continue to live in the same unit. If they transfer to another unit, a new lease agreement must be signed and the Smoke-Free Policy will apply, as it does to a new tenant.

Existing tenants may choose to sign a Smoke-Free Policy lease addendum.

b) Medical Use of Marijuana

Smoke Free Policy does not prohibit the smoking of marijuana for medical use. All exemptions will be dealt with on a case by case basis.

Tenants falling under this exemption must demonstrate that they are in possession of cannabis for medical purposes. Staff may also request medical documentation confirming the tenant's need to be accommodated for the use of medical marijuana in the unit; and

c) Traditional Use of Tobacco

The County of Wellington, Housing Services, 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.

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.

7.0 APPLICATION

January 1, 2018, the Smoke-free Policy will be in effect in all County of Wellington, Housing Services Division and Wellington Housing Corporation buildings and properties. All new tenants, as well as current tenants who sign a new lease, on or after January 1, 2018, must follow the Smoke-Free Policy as outlined in the lease agreement they have signed.

When smoking outside, all tenants (including current tenants) and their guests/visitors must be at least five (5) metres away from any entrances or exits to the building.

The County of Wellington, Housing Services Division, adoption of a Smoke-Free Policy does not make the County of Wellington, CMSM, or its agents and staff the guarantor of tenant's health or of a smoke-free unit, building or property. However, the County of Wellington, Housing Services Division, shall take reasonable steps to enforce the Smoke-Free Policy.

The County of Wellington, Housing Services Division, is not required to take steps in response to smoking unless put on notice of the presence of smoking by personal knowledge or written notice by a tenant.

The County of Wellington Housing Services Division specifically disclaims any implied or express warranties that the building or tenant's premises will have any higher or improved air quality standards than any other rental properties.

Tenants with respiratory ailments, allergies or any other physical, mental, emotional or psychological conditions relating to smoke are put on notice that the County of Wellington Housing Services Division, does not assume any higher duty of care to enforce the Smoke-Free Policy than any other landlord obligation under the lease.

8.0 RELEVANT LEGISLATION & POLICY

Residential Tenancies Act, 2006
Housing Services Act, 2011
Smoke-Free Ontario Act
Municipal Smoke-Free Bylaws
Ontario Human Rights Code
Canadian Charter of Rights and Freedoms



Alternative Formats Available Upon Request