



Social Services Department Housing Services

Policy Name: Smoke-Free Policy

Policy Catalogue # HS 2023-PA 18.2

Department: Administration

Approved by: Director of Housing

Approval Date: July 13, 2023

Signature: 

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

Smoke Free Policy, 2019 - HS 2019-PA 18.1

Smoke Free Policy, 2017 - HS 2017-PA 18.0

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.

The Smoke-Free Ontario Act, 2017 (SFOA, 2017) provides that smoking and vaping is not permitted in the indoor common areas of apartment buildings. This includes elevators, stairwells, hallways, parking garages, laundry facilities, lobbies, exercise areas and common rooms. In addition, the SFOA, 2017 restricts the use of vaping products and cannabis anywhere smoking is prohibited.

Effective, January 1, 2018, all forms of smoking are prohibited in County of Wellington owned buildings and buildings owned by Wellington Housing Corporation.

The Smoke-Free policy applies to all leases signed (new tenants and transfers) with the County of Wellington and with Wellington Housing Corporation on or after January 1, 2018.

The Smoke-Free Policy means all forms of smoking is prohibited in the following areas:

- a) Inside the unit
- b) Balconies and Patios
- c) Private yards rented with the unit
- d) Other areas specifically included in the lease
- e) Enclosed common areas including foyers, elevators, stairwells, laundry rooms, corridors, etc

In addition, all forms of smoking outdoors are restricted to a distance of five (5) metres or more from:

- windows, doors, and air intakes
- 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 is not limited to, slides, swings, climbing apparatuses, and sandboxes. The prohibition applies in all seasons.

The Smoke-Free Policy applies to tenants, occupants, guests, visitors, staff, contractors, etc, unless explicitly identified under exemptions in Section 5 of this policy.

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" means smoking (inhaling and exhaling) **or holding lighted tobacco or cannabis** (medical or recreational).

"Vaping" means inhaling or exhaling vapour from an electronic cigarette (e-cigarette) **or holding an activated e-cigarette**, whether or not the vapour contains nicotine.

5.0 Exemptions

The following circumstances outline exemptions to the Smoke-Free Policy.

5.1 Existing Tenants

Existing tenants who have signed lease agreements before January 1, 2018, are exempt from the Smoke-Free Policy as long as they continue to live in the same unit. Existing tenants may choose to sign a Smoke-Free Policy lease addendum when they renew their lease.

If an existing tenant transfers to another unit, a new lease agreement must be signed and the Smoke-Free Policy will apply, as it does to a new tenant.

5.2 Traditional use of Tobacco by Indigenous Persons

The Smoke-Free Policy does not prohibit an Indigenous person from burning tobacco if the activity is carried out for traditional Indigenous cultural or spiritual purposes. Additionally, the Smoke-Free Policy does not prohibit a non-Indigenous person from holding lit tobacco or other medicines if the activity is carried out with an Indigenous person for traditional Indigenous cultural or spiritual purposes. (Ontario Smoke Free Act, 2017 s 19(3)).

The sacred use of tobacco does not include the recreational use of tobacco.

6.0 Accommodations

Medical Use of Cannabis

Tenants seeking an accommodation are required to make a request in writing to their Property Services Officer. The request must include medical document from the appropriate licensed health care provider clearly indicating that smoking cannabis is the only option for treatment, and that their disability requires smoking within the tenant's unit. All requests will be addressed on a case-by-case basis.

7.0 Applications

January 1, 2018, the Smoke-Free Policy came into effect in all County of Wellington, Housing Services Division and Wellington Housing Corporation buildings and properties.

Notwithstanding the circumstances identified in Section 5 of this policy, 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.

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 and Policy

Residential Tenancies Act, 2006

Housing Services Act, 2011

Smoke-Free Ontario Act, O. 2017, S.O. 2017, c. 26, Sched. 3

Smoke-Free Bylaws Ontario



Alternative Formats Available Upon Request