

Smoke-Free Policy

Policy Number: PSHC-002A

Date Approved: June 13, 2018

Date Effective: August 1, 2018

Date Amended: Not Applicable

Procedure Number: PSHC-002B

1. Background

The *Smoke-Free Ontario Act, 2017* (SFOA) prohibits smoking in all enclosed workplaces and public spaces in order to reduce the known health risks of exposure to second and third hand smoke. In accordance with *Municipal By-Law 174-2003 Section 14.1*, individuals are prohibited from smoking within nine (9) metres or thirty (30) feet of the entrance or exit of municipal buildings.

Provincial and municipal regulations do not currently apply to private residences. However, in multi-unit buildings (e.g. apartments, condominiums, and townhouses) smoke can move along air ducts, through cracks in walls and floors, open windows, outdoor patios and balconies, ceiling fixtures, and along plumbing and electrical lines to affect other units and negatively impact the health of all tenants in a building. Smoking indoors also increases the risk of fire and creates added costs related to cleaning and redecorating units previously occupied by smokers.

The purpose of the PSHC's smoke-free policy is to:

- Reduce the negative impact of smoking on community health;
- Improve safety and lower the risk of fire; and

Reduce maintenance and renovation costs related to smoking.

2. Policy

2.1. All forms of smoking are prohibited in and on all PSHC properties including:

- Within nine (9) metres of any apartment building, single-family home, duplex, or townhouse dwelling; and
- The interiors of all rental units, balconies, patios, and common areas.

- 2.2. New tenants to PSHC properties are not allowed to smoke or hold lit tobacco of any kind (cigarettes, pipes, cigars, etc.) in their rental unit or on balconies or patios.
- 2.3. Current tenants who have signed lease agreements before the policy was enacted will be 'grandfathered' (exempt) from this policy *as long as they continue to live in the same unit*. If grandfathered residents transfer to another PSHC unit, a new lease agreement must be signed, and the Smoke-Free Policy will apply in its entirety.
- 2.4. Guests, visitors, contractors, and PSHC staff are prohibited from smoking or holding lit tobacco in or on PSHC properties.
- 2.5. Tenants, guests, and visitors may smoke at outdoor smoking areas designated by the PSHC.
- 2.6. This policy *does not* prohibit an Indigenous person from smoking or holding lit tobacco if the activity is carried out specifically for traditional cultural or spiritual purposes, nor does it prohibit a non-Indigenous person from smoking or holding lit tobacco if the activity is carried out with an Indigenous person for traditional cultural or spiritual purposes. The sacred use of tobacco does not include the recreational use of tobacco.
- 2.7. This policy does not apply to the smoking of cannabis/marijuana. This is addressed in the Cannabis Growth and Usage Policy (PSHC-001).
- 2.8. The PSHC does not guarantee a smoke-free environment. The adoption of this policy does not make the PSHC a guarantor of tenants' health or of a smoke-free unit, building or complex. The PSHC cannot and does not warrant or promise that the rental premises or common areas of its properties will be free from second or third-hand smoke.

3. Definitions

Current Tenant: means a tenant who signed a lease agreement with PSHC prior to August 1, 2018. This also includes other members of the tenant's household.

Indigenous Person: means an individual defined in the Constitution Act, 1982, Section 35(2) to include First Nations, Inuit and Metis people of Canada, and/or an individual who identifies as First Nation, Inuit, Metis or as having Indigenous ancestry.

New Tenant: means a tenant who signs a lease agreement with the PSHC after the implementation date of this policy. This includes other members of the tenant's household.

Second-Hand Smoke: means the smoke non-smokers breathe in.

Smoking: means inhaling, exhaling, breathing, burning, carrying or holding lit tobacco or any other substance, including but not limited to a cigarette, cigar, cigarillo, e-cigarettes/vapour pipes, or any similar tobacco product in any manner or in any form whose use produces smoke.

Third-Hand Smoke: means nicotine and other chemicals that are found on surfaces such as walls, appliances, and cupboards that are left by tobacco smoke. People are exposed to these chemicals by touching contaminated surfaces or breathing in the off-gassing from these surfaces.

4. Legislative Authority

Human Rights Code, R.S.O 1990, c. H. 19

Municipal By-Law 174-2003 Section 14.1

Residential Tenancies Act, 2006, S.O. 2006, c. 17

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

5. Other Relevant Policies

PSHC-001A Cannabis Growth & Usage Policy

PSHC-007A Complaint Resolution Policy

6. Attachments

Procedures for Smoke-Free Policy (PSHC-002B)

No Smoking Addendum

Form 302 – Complaint Form