

CONSERVATION CO-OPERATIVE HOMES INC.

By-Law No. _____

Smoke-Free Building By-Law

BACKGROUND

WHEREAS, it has been determined that second-hand smoke (exhaled smoke and the smoke from idling cigarettes, cigars, joints, pipes or any other lighted smoking equipment), is a health hazard and a *known human carcinogen* (cancer-causing agent).¹

AND WHEREAS, Two-thirds of the smoke produced by tobacco spreads into the ambient air and non-smokers become passive smokers.

AND WHEREAS, second-hand smoke can have an immediate impact on the health of passive smokers: it irritates the eyes, nose and throat; cause headaches, dizziness and nausea; aggravates the symptoms of asthma; reduces the level of protective cholesterol (good cholesterol) in the blood; and increase the risk of respiratory infections such as colds, flu, bronchitis (acute) and pneumonia.²

AND WHEREAS, The U.S. Surgeon General and Health Canada have determined that there is no safe level of exposure to second hand smoke;³

AND WHEREAS Conservation Co-operative Homes Inc. (hereinafter called “the Co-op”) has an environmental mandate that prohibits the use of toxic chemicals within the building and second hand smoke consists of a lethal cocktail of 4,000 chemicals, 40 of which are poisonous including carbon monoxide, formaldehyde, benzene, chromium, nickel, vinyl chloride, and arsenic;⁴

AND WHEREAS it is necessary for the health, safety, welfare and quiet enjoyment of the residents, visitors and employees of the co-op to prohibit smoking and limit the negative health effect of second-hand smoke in accordance with the provisions of this by-law;

AND WHEREAS cigarette production takes a heavy toll on the environment (deforestation, climate change, soil depletion, forest fires and cigarette butt litter);^{5 6}

¹ U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General—Executive Summary*.

U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006
<http://www.surgeongeneral.gov/library/secondhandsmoke/report/executivesummary.pdf>
[hereafter, US Surgeon General’s Report, 2006]

² Lung Association of Quebec <http://www.pq.lung.ca/services/poumon-9/smoke-fumee/>

³ Ibid

⁴ U.S. Surgeon General’s Report, 2006

⁵ Non Smokers’ Rights Association. “The Tobacco Industry’s Negative Impact on the Environment.” June 2010.
www.nsr-aadnf.ca/cms/file/pdf/factsheet.pdf. Accessed December 2011.

⁶ Action on Smoking and Health (UK). “Tobacco and the environment.” August 2009.
www.ash.org.uk/files/documents/ASH_127.pdf. Accessed December 2011.

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AND WHEREAS the Co-op's management and administration incurs additional financial costs pertaining to the maintenance and repair of smokers' units and significant second-hand smoke complaints from members related to health concerns, nuisance factor, reduced quality of life and increased energy costs in removing the smoke;

AND WHEREAS the Province of Ontario⁷ and the Government of Canada have implemented legislation prohibiting smoking in public areas and workplaces, as has the City of Ottawa⁸;

THEREFORE the following by-law is adopted to prohibit smoking in the co-op:

1. DEFINITIONS -- In this by-law:

- **Act** means the *Co-operative Corporations Act* (Ontario) (as amended or replaced).
- **Co-op** means all or part of the residential accommodation operated by Conservation Co-operative Homes Inc., including facilities used for ancillary purposes, located anywhere on the Conservation Co-operative Homes Inc.'s property.
- **Common areas** means all of the Co-op's property except the dwelling units.
- **Dwelling unit** means a part of the housing project designated as a unit for residential purposes and includes the space enclosed by its boundaries, balconies, patios, all structures and fixtures within this space and the exclusive use common areas.
- **Enclosed** means closed in by a roof or ceiling and walls with an appropriate opening or openings for entering and exiting.
- **Evicted** includes the termination of membership and occupancy rights in the Co-op.
- **Smoke or smoking** includes the carrying of a lighted tobacco or other drugs (marijuana, hashish, etc) contained in a cigar, cigarette, joint, pipe, or any other lighted smoking equipment.
- **Smoke-free** means that smoking in any and all areas of the Co-op designated by the terms of this by-law is strictly prohibited;

- ### 2. PURPOSE OF THE BY-LAW --
- The purpose of this by-law is to protect the health, safety, welfare and quiet enjoyment of the residents, visitors and employees of Conservation Co-operative Homes Inc. by designating the entire building and outside anywhere on Co-op grounds to be smoke-free.

⁷ Province of Ontario, <http://www.mhp.gov.on.ca/en/smoke-free/factsheets/multi-unit-residences.asp>

Ontario Agency for Health Protection and Promotion, Smoke Free Ontario Advisory Committee, has recommended that the *Smoke-Free Ontario Act* be amended to eliminate smoking of tobacco products and combustible water-pipe from all non profit buildings in its Report: Evidence to Guide Action: Comprehensive Tobacco Control in Ontario. <http://www.oahpp.ca/services/documents/evidence-to-guide-action/EvidencetoGuideAction-CTCinOntarioSFO-SAC2010E.PDF>

⁸ City of Ottawa, Smoking in public places is regulated under the Smoke-free - Public Place [By-law No. 2001-148](#) - Respecting smoking in public places and the Smoke-free – Workplace [By-law No. 2001-149](#) - Respecting smoking in the workplace. http://www.ottawa.ca/residents/bylaw/common/smoking_en.html

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- 3. PROHIBITION** -- No person shall smoke within a dwelling unit, on the balcony or patio for said unit, in any common areas, on the rooftop terraces or outside on Co-op grounds.
- 4. IMPLEMENTATION OF THE BY-LAW**
Due to the impact of second hand smoke on the health of non-smokers, once this by-law is in effect, it will be strictly implemented and could result in written warnings, notices to appear before the board and eventually, in the case of continued non-compliance, eviction from the co-op.
- 5. THE SMOKE FREE BYLAW - -**
 - Does not prohibit smokers from becoming members of the Co-op;
 - Does not require but instead encourages members to stop smoking; and
 - Does prohibit smoking in and around the Co-op.
- 6. APPLICATION PROCESS FOR NEW MEMBERS** – After this by-law has been adopted and before getting the application package, all potential applicants applying for membership in the Co-op will be advised of the smoke-free building by-law.
- 7. EFFECTIVE DATE** -- A grace period of 2 months from the date of the meeting where the by-law is adopted will apply. After said grace period expires, all members are expected to comply with the by-law.
- 8. RESOURCES TO HELP PEOPLE QUIT SMOKING AND TO FIND ALTERNATIVES - -** Members who wish to stop smoking can ask the Second-Hand Smoke committee for information and health resources for government assisted quit smoking programs. Information on how to obtain nicotine through sources other than cigarettes can be obtained by speaking with your doctor. Information will also be posted on the Committee Boards in the lobby of the Co-op.
- 9. BREACH OF BY-LAW** –A complaint mechanism will be instituted for contravention of the by-law. All member complaints must be in writing and signed by the member. The receipt of three or more written complaints by the Board of Directors and/or Office constitutes a reason for the contravention of this by-law. It also constitutes grounds for asking a member to seek alternative living arrangements to buildings where smoking is not prohibited.
- 10. JOINT LIABILITY** – If there is more than one member occupying a dwelling unit, then each member is responsible for a contravention of any provision of this by-law by any person of his or her household, including other members of the Co-op, all long term and short term guests or sub-occupants, and also including any person he or she, or his or her household, guests, sub-occupants or sub-tenants, invite or allow in or onto the Co-op property. Members may be subject to action by the Board, including eviction from the co-

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op, as a result of any such contravention by any of the persons identified in the preceding sentence of this Section.

11. SEVERABILITY OF SECTIONS -- If any section or sections of this by-law, or parts of it, are found by any court of law or other tribunal with jurisdiction to be illegal, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.

PASSED by the Membership at a General Members' Meeting and sealed with the corporate seal of the Co-operative this ___ day of _____, 20__.

Director, Conservation Co-op

Director, Conservation Co-op

CONFIRMED in accordance with the requirements of the by-laws of the corporation and the *Act* at a general meeting of the members of the Co-operative duly called and held on the ___ day of _____, 20__.

President, Conservation Co-op