

## **BRUCE COUNTY HOUSING CORPORATION**

### **Policy and Procedure Manual**

# **NO SMOKING POLICY**

#### **POLICY**

Effective, April 1, 2011, smoking is prohibited inside all buildings, including private units, balconies, patios and within a distance of five (5) meters away from any windows, entrances or exits to any building of Bruce County Housing Corporation (BCHC).

The no-smoking policy will be adopted through attrition. This means that:

- a) Existing tenants will be grandfathered (exempted) for the length of their tenancy in their current unit, unless they transfer or choose to sign a no-smoking policy lease addendum; and
- b) New tenants will sign leases with the no smoking policy included.

Tenants are to promote the No Smoking Policy and alert BCHC of violations to the policy. Tenants shall inform tenant's guests, invitees, and visitors of the no-smoking policy. Tenants shall promptly give BCHC a written statement of any incident where smoke is migrating into the tenant's unit from sources outside of the tenant's unit.

#### **RATIONALE**

Due to the irritation and known health risks of exposure to second-hand smoke, increased risk of fire and increased maintenance, cleaning and redecorating costs, all forms of smoking shall be prohibited.

#### **DEFINITIONS & EXEMPTIONS**

Smoking: The term "smoking" means inhaling, exhaling, breathing, or carrying any lighted cigar, cigarette, pipe or other tobacco product in any manner or in any form.

The following are exemptions to the No Smoking Policy:

- a) **Medical Use of Marihuana**  
BCHC No Smoking Policy does not prohibit the smoking of marihuana for medical use for those who are suffering from grave and debilitating illnesses. All tenants falling under this exemption must possess an Authorization to Possess, issued by Health Canada. Staff should request and keep a copy of the Authorization to Possess in the tenant's file. Marihuana is categorized as a controlled substance. It is not legal to grow or possess marihuana except with legal permission by Health Canada. All illegal acts are cause for termination under the RTA; and
- b) **Traditional Use of Tobacco**  
BCHC No Smoking 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.

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.

BCHC is not guaranteeing a smoke free environment. Similarly, BCHC staffs are not guarantors of tenants' health or of a smoke free building. However, BCHC and BCHC staff will take reasonable steps in response to smoking incidents to enforce the No Smoking Policy.

## **PROCEDURE**

### **Role of BCHC Staff**

When BCHC staff is present at a BCHC property, they will regularly monitor compliance of the No Smoking Policy. If a staff member observes a tenant/guest smoking in the building or within the no-smoking distance of five (5) meters from the building they will advise the individual of the No Smoking Policy and will request that the tenant/guest move out of the smoke-free area, five (5) meters or more away from any windows, entrances or exits to the building.

In the event that a tenant/guest refuses to move or repeatedly smokes in an area designated as no smoking, the staff member will report this to the Client Manager. The Client Manager will follow the process outlined for Tenant Complaints.

### **Tenant Complaints**

When a BCHC staff receives or observes a violation of the Smoke-Free Policy, they are to report the incident immediately to the Client Manager.

The following steps will be taken by the Client Manager to ensure compliance of the Policy:

- Ask the complainant to put the concern in writing.
- Meet with or interview the complainant by telephone to clarify concerns.
- Meet with the alleged offender, advise them of concerns received and what steps need to be taken to correct the situation, and provide information and contact details for tobacco cessation services available through Public Health.
- May visit or interview by telephone neighbouring tenants to verify complaint.
- A follow-up letter is to be sent to the tenant outlining the meeting and what action needs to be taken by the tenant to correct the situation.
- Should the tenant not comply, a second meeting will take place and, if required, staff may discuss the possibility of looking for supports for this tenant or, in the case of a smoker who appears to experience challenges that complicate his/her ability to comply with the No Smoking Policy a consultation with Public Health.
- A second follow-up letter will be sent to the tenant advising of the visit and action to take place.
- If a third complaint is received and concerns continue, the necessary Residential Tenancy Act (RTA) documents (under reasonable enjoyment) may be served to the tenant.
- The tenant now has seven (7) days to conform as per the notice of termination. Should the tenant not comply, staff will then file with the RTA Board for a hearing.
- Ask the complainant and neighbouring tenants to attend the RTA Tenant Board Hearing, if required.

- At the Tenant Board Hearing, mediation may take place advising the tenant to adhere to their signed lease and the advice given by the RTA Board Mediator.
- Should the tenant not comply with the mediation, BCHC will apply for another RTA hearing.
- Tenant Board Decision will be final.

### **Staff Complaints**

Staff will be advised of the specifics of the No Smoking Policy. Under the Smoke-Free Ontario Act, March 1, 2006 and Ontario Regulation 48/06 staff are prohibited from smoking in an enclosed workplace. Additionally, staff are expected to comply with the restriction of a distance of five (5) meters away from any windows, entrances or exits to any building of Bruce County Housing Corporation (BCHC). Any complaints of staff not adhering to this policy are to be reported to the staff person's immediate supervisor. The supervisor will address the non-compliance of the staff person as per the policies of the County of Bruce.

### **Contractor Complaints**

Contractors will be advised of the specifics of the No Smoking Policy. Under the Smoke-Free Ontario Act, March 1, 2006 and Ontario Regulation 48/06 workers are prohibited from smoking in an enclosed workplace. Additionally contractors and any persons employed by a contractor are expected to comply with the restriction of a distance of five (5) meters away from any windows, entrances or exits to any building of Bruce County. Should they not observe the policy; the following steps will be taken by staff:

- The contractor will be reminded verbally of the policy by staff.
- The staff person will immediately report the incident to the Maintenance Supervisor or Maintenance Manager in the case of capital works contractors.
- A warning letter will be sent to the contractor by the Maintenance Department.
- Should another infraction take place, a second letter will be sent to the contractor by the Maintenance Supervisor or Maintenance Manager outlining the No Smoking Policy and advising them that their contract may be terminated should the violation continue.

### **Tenant Chargeback**

Upon vacating the unit, tenants will be charged for any costs incurred due to smoking related damage to their unit that is beyond the normal cost of unit repair. Normal wear and tear to the unit will not be charged back to the tenant.

### **Tenant Notification**

An explanation of this policy shall be included in the tenant handbook and distributed to all new tenants. Tenants will receive written notice of this policy change. Tenants are advised of their responsibility to review updated or new policies as provided at the time of lease signing. The success of this policy depends upon the thoughtfulness, consideration and cooperation of all tenants.

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