

OTTAWA COMMUNITY HOUSING CORPORATION

REPORT TO THE BOARD OF DIRECTORS

FOR APPROVAL

1. SUBJECT

OCH No-Smoking Policy

2. RECOMMENDATION(S)

That the Board of Directors approve the OCH No-Smoking Policy.


Jo-Anne Poirier
Chief Executive Officer

Contact: Laurene Wagner
613-520-2276

3. BACKGROUND

In December 2011, the Board directed OCH to develop a No-Smoking policy and implementation plan. The serious health hazards of smoking and second-hand smoke are well-known. Second-hand smoke (SHS) travels freely from air vents and balconies to neighbouring units. In addition to receiving requests for no-smoking housing, OCH receives complaints from tenants who inhale SHS in their homes, whose health is adversely affected by SHS and who want to move to, or live in, a smoke-free environment.

Throughout 2012-2013, OCH conducted a comprehensive consultation and awareness program with OCH tenants and staff. As part of this process, OCH surveyed tenants to determine the support for a No-Smoking policy. It also included extensive research, discussions with experts and best practice studies of No-Smoking Policies in other social housing providers.

4. DISCUSSION

In the tenant survey conducted by OCH in the fall of 2012, tenants indicated a strong preference for no-smoking communities. The survey had a response rate of 21% which represents 3,751 households. A summary of responses is included as **Attachment 2**. Sixty-nine per cent of all tenants who answered the survey said they would prefer to live in a smoke-free community while seventy-eight per cent of tenants indicated no one smoked in their home. Further, forty-six per cent reported that someone in their unit was bothered by second-hand smoke from another tenant's unit.

Based on the survey results, it is believed that a majority of tenants support a No-Smoking Policy in their community.

Limiting Exposure to Second-Hand Smoke

Currently, when OCH tenants complain about second-hand smoke in their units, OCH does what it can to limit exposure. This may include caulking around electrical outlets and plumbing fixtures and adding weather stripping to doors. However, exposure to SHS cannot be eliminated.

Precedents

Increasingly, developers, cooperative housing companies, and landlords are designating their multi-unit housing as no-smoking. Currently, there are 70 social housing providers in Ontario that have already implemented No-Smoking policies in their social housing communities (**Attachment 3**). The Region of Waterloo Housing prohibited smoking in its 2,700 social housing units on April 1, 2010. Locally, Centretown Citizens Ottawa Corporation (CCOC) created a no-smoking community at Beaver Barracks, its newest development. OCH has designated Crichton Street and the new units on Carson's Road as no-smoking. There are also numerous other social housing corporations and private landlords who have become smoke-free.

In addition to prohibiting smoking within their residential buildings, landlords have limited smoking in outdoor spaces. In some cases, such as OCH's Crichton St. and Carson's Road and CCOC's Beaver Barracks, smoking is prohibited on the entire property. In other circumstances, landlords have chosen to prohibit smoking within a defined perimeter around their buildings. For example, the Region of Waterloo prohibited smoking within a 5 meter perimeter of the buildings.

Currently, OCH has a policy that prohibits smoking within 9 meters of doors and air intake systems. OCH's Board of Directors approved this policy in 2006 when the *Smoke Free Ontario Act* came into effect. That legislation focused on increasing smoke-free public environments, including hallways, stairwells, elevators and common rooms. In keeping with the spirit of the legislation, OCH also prohibited smoking around doors and air intake systems to limit the amount of smoke entering the common spaces where smoke was prohibited and to provide smoke-free entrances to communities.

Legality

While people are free to smoke, there is no such thing as a 'right' to smoke. While a tenant who smokes chooses to accept the known risks associated with smoking, he or she doesn't have the right to impose those risks on others such as their neighbours.

Landlords have the ability to set policies or restrictions to protect the health and safety of their residents, and to protect their property, as the policy does not conflict with applicable legislation.

There are several pieces of legislation which must be considered in developing a No-Smoking policy. They are as follows:

Human Rights Code

At the Provincial level, the *Human Rights Code* prohibits discrimination on many grounds including disability. To date, nicotine addiction has not been included in any of these protected grounds. In fact, the Human Rights Commission's position is that a landlord's obligation is to accommodate the non-smoker, rather than the smoker.

In relation to a landlord's obligation with respect to smoking in tenant units, the Ontario Human Rights Commission: Policy on Human Rights and Rental Housing, states:

...given the inherent risks associated with smoking, a housing provider may have little or no obligation to accommodate a tenant's need to smoke when to do so would amount to undue hardship, for example, by negatively affecting the health and safety of other tenants.

(Ontario Human Rights Commission: Policy on Human Rights and Rental Housing, Section 6.1).

Housing Services Act

The *Housing Services Act* (HSA) governs many aspects of social housing. It states the specific eligibility requirements for subsidized housing. However, it is silent on the issue of smoking. No-Smoking Policies are consistent with the Act as long as they do not add additional criteria for subsidy and do not refuse to house people who smoke. A No-Smoking Policy will not prevent people who smoke from living in OCH communities. It will prohibit them from smoking in the leased premises and on OCH property governed by the policy.

Residential Tenancies Act

The *Residential Tenancies Act* (RTA) governs the relationship between all landlords and all tenants in Ontario. The key RTA elements to consider when developing a No-Smoking Policy are:

- A landlord cannot force a tenant to sign a new lease with new terms; and,
- A tenant may only be evicted based on one of the grounds listed in the RTA.

A No-Smoking Policy is implemented through a clause in the lease. Therefore, existing tenants who smoke will be 'grandparented'. They will be permitted to continue to smoke on the leased premises for the term of their lease.

A tenant who persists in smoking in or on OCH property, after signing a lease agreeing not to do so, can be evicted for substantial interference with the reasonable enjoyment of the premises by the landlord or another tenant or for causing undue damage to the premises. This is described in more detail in the enforcement section that follows.

Enforcement

OCH has a Board approved policy and established procedures to respond to tenant complaints about their neighbours. This policy and procedure provide a principled approach to responding to tenant complaints of all kinds, including smoking. The objective of the policy is to maintain and support individual tenancies as well as safe and healthy communities.

Except in serious situations affecting the safety of other tenants or repeated disturbances, OCH uses eviction as a last resort. OCH will work with tenants to avoid eviction for smoking. As indicated, the RTA specifies the *only* reasons a landlord may request an eviction. If there is evidence a smoker persists in smoking and disturbing neighbours contrary to their lease agreement, OCH can apply to the Landlord and Tenant Board to terminate the tenancy for "undue damage" or "interfering with the reasonable enjoyment of tenants or the landlord or the lawful right, privilege or interest of the landlord." OCH's goal in making such an application will be to obtain compliance with the Policy through a mediated agreement or a conditional order.

OCH No-Smoking Policy Recommendations

There are many challenges for OCH in developing and implementing a No-Smoking Policy. Approximately, twenty-two per cent of current tenants indicated someone smokes in their home and twenty-nine per cent stated someone smokes on their balcony or in a private yard. OCH does not want to ostracize tenants who smoke or force tenants who currently choose to smoke outdoors to protect other members of the household, to move their smoking back indoors. Additionally, applicants for OCH housing who smoke may have concerns about signing a lease that prohibits smoking. OCH considered the concerns of tenants and applicants who smoke throughout the policy development process.

A variety of policy options were explored during the research and consultation process. In summary, the key OCH No-Smoking Policy elements are:

1. The Policy applies to every person on OCH property including, tenants, occupants, guests, staff and business invitees.
2. Smoking is prohibited on all OCH property with some exemptions for 'grand parented tenants'. Grandparented tenants are tenants who signed a lease prior to the implementation of the Policy and do not have a no-smoking clause in their lease.
3. Every new OCH tenant and every OCH tenant who transfers to a new OCH unit must sign a lease which prohibits smoking in the unit and on any OCH property.
4. Grandparented tenants will be exempt from the No-Smoking Policy in the 'leased premises' as long as they continue to live in the same unit.
5. The 'leased premises' includes the interior of the unit, balconies and front or back yards that are for the exclusive use of the tenant. Grandparented tenants will not be permitted to smoke in OCH common areas, including lawns, gardens, playgrounds, and parking lots, available for the use of all tenants.

Implementation

OCH's implementation goal is to achieve a plan that is feasible and sustainable. The proposed plan has been developed in the context of the introduction of the new IT Project. Between December 2013 and March 2014, all OCH staff will be engaged in intensive training on OCH's new IT systems. This system, which supports OCH tenancy administration and maintenance, is scheduled to be in use by OCH staff on March 17, 2014. Ongoing training will continue after the initial implementation to ensure effective use of the new tools.

The implementation plan will include a communication strategy, staff training and partnerships with on-site support agencies and organizations that provide smoking cessation services. OCH will also work with the Housing Registry to develop a communication plan for existing and future applicants.

Each community must be assessed and prepared. This includes removal of existing signage permitting smoking on property, except within 9 metres of doors and air intake systems and removal of visual cues for smoking such as ashtrays and butt bins. New signage appropriate to the individual community design / layout will be required to communicate effectively on each site.

A spring date has been recommended by our partner, Smoke-Free Housing Ontario, to permit tenants to change their smoking habits. It will give tenants an opportunity to become familiar with, and accustomed to, the Policy during good weather. An implementation date of May 31, 2014 is recommended to coincide with "World No Tobacco Day".

In January 2014, OCH will require all new tenants and tenants who transfer to a new unit to sign a contract agreeing to comply with the No-Smoking Policy effective May 31, 2014.

| No-Smoking Implementation Plan Effective | Date May 31, 2014 |
|---|--------------------------|
| Major Deliverables | Completion Date |
| Final Policy Approval | December 2013 |
| Governance and Implementation Team Confirmed | December 2013 |
| Media Briefed | December 2013 |
| Tenants Advised | December 2013 |
| Critical Partners Advised | January 2014 |
| No-Smoking Contracts Signed | January 2014 |
| Opting-In Process Initiated | January 2014 |
| OCH and Housing Registry Communication Plan | January 2014 |
| Performance Measurement Metrics Established | March 2014 |
| Staff Orientation and Training | April 2014 |
| OCH Partner Orientation | April 2014 |
| Property Preparation / Signage in Place | May 2014 |
| No-Smoking Leases Signed and Policy in Effect | May 31, 2014 |
| Performance Measurement and Evaluation | December 2014 |

5. CONSULTATION

OCH Board of Directors, senior staff, OCH tenants and community partners were consulted in the development of this policy. A dedicated consultation session was held with the Corporate Affairs Committee and the Board of Directors. A Summary of Engagement / Consultation Activities can be found as **Attachment 4**.

This report was received by the Corporate Affairs Committee on November 28, 2013 and feedback from the Committee has been reflected in the policy and this report.

6. FINANCIAL IMPACT

Costs associated with communication, including the required signage, will be covered through current operating budgets. There will likely be modest savings in insurance premiums as the insurance program that is coordinated by the Housing Services Corporation now recognizes the value of this type of policy.



Ven Giannantonio
Director of Finance

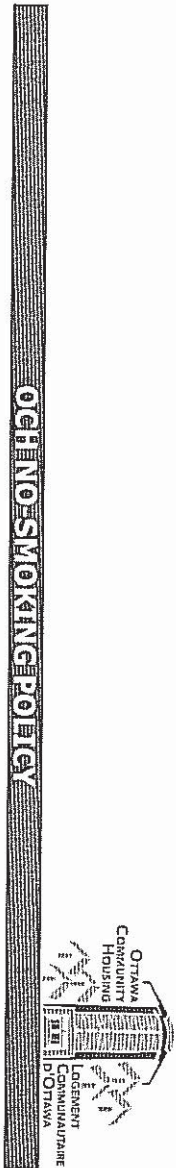
ATTACHMENT(S)

Attachment 1: OCH No-Smoking Policy

Attachment 2: Report OCHC-059/13 No-Smoking Tenant Survey Results

Attachment 3: List of Ontario Social Housing Providers with No-Smoking Policies

Attachment 4: OCH No-Smoking Consultation and Engagement Summary



OCH NO-SMOKING POLICY

Introduction

This policy has been developed in the context of an increasing demand by OCH applicants and tenants for smoke-free housing and increasing awareness of the effects of second-hand-smoke (SHS).

Exposure to SHS can lead to a variety of negative health outcomes. There is no safe level of exposure (Guidelines to Article 8 World Health Organization (WHO) Framework Convention on Tobacco Control). Increasingly, smoking has been prohibited in public spaces to limit exposure to SHS by those who choose not to smoke.

Provincially, the Smoke-Free Ontario Act (SFOA) prohibits smoking in all enclosed workplaces and public spaces. This means that smoking is currently prohibited in all OCH vehicles and hallways, workshops and common areas of OCH buildings. In 2006, in keeping with the spirit of the SFOA, OCH's Board of Directors prohibited smoking within 9 meters of all doors and air intake systems in all OCH communities.

Knowing that smoking is a subject which can provoke passionate responses from smokers and non-smokers alike, OCH conducted an extensive consultation process prior to drafting the current policy.

Policy Statement

OCH supports a smoke-free environment and is committed to promoting a healthy community with safe living and working environments.

No tenant, occupant, resident, guest, staff, or business invitee shall smoke on the leased premises, in any OCH building or any OCH property.

Leased premises include:

- 1. inside the unit
- 2. balconies
- 3. patios
- 4. private yards rented with the unit
- 5. other areas specifically Included in the lease

OCH building is a structure with a roof and walls owned by OCH, including, but not limited to:

- 1. any residential premises
- 2. offices
- 3. workshops
- 4. community houses

OCH NO-SMOKING POLICY

OCH property is outdoor common spaces owned by OCH including, but not limited to:

1. playgrounds or surfaces
2. parking lots
3. parks
4. lawns
5. gardens
6. flowerbeds

Exemptions

Current tenants and their guests

Tenants who signed a lease prior to implementation of this policy will be exempt from the policy that applies to smoking in their leased premises, as long as they continue to live in the same unit and they do not sign a new lease. Current tenants and occupants, including their guests, may continue to smoke in the leased premises which include the interior of the rental unit, on their balconies and in private yards. No current tenant or occupant, including their guests, may smoke in any outdoor common spaces owned by OCH including playgrounds or surfaces, parking lots, parks, lawns, gardens and flowerbeds.

If a current tenant transfers to another unit, the tenant must sign a new lease and comply with the OCH No-Smoking policy as a new tenant within the leased premises.

Medical Use of Marijuana

This policy does not prohibit the medical use of marijuana by tenants or occupants who have an 'Authorization to Possess Marijuana' from Health Canada and provide such authorization to OCH.

Traditional Use of Tobacco by Aboriginal Persons

This policy does not prohibit an Aboriginal person from smoking or holding lighted tobacco, if the activity is carried out for traditional aboriginal or spiritual purposes.

This policy does not prohibit a non-Aboriginal person from smoking or holding lighted tobacco, if the activity is carried out with an Aboriginal person and for traditional Aboriginal or spiritual purposes.

OGH NO-SMOKING POLICY

POLICY OBJECTIVES

The objectives of this policy are to:

- Provide a healthier environment for all tenants and staff
- Create smoke-free housing in OCH communities by reducing and ultimately eliminating exposure to second-hand smoke through tenant turnover
- Define areas where smoking is prohibited
- Reduce risk of fire
- Reduce turnover costs

POLICY PRINCIPLES

- Provide safe and healthy communities for tenants and staff
- Balance the rights of individual tenants to live in an environment free from second-hand smoke with the privileges of current tenants who smoke
- Accommodate tenants with chronic health conditions that are worsened by exposure to second-hand smoke

APPLICATION

This policy applies to all OCH tenants, occupants, guests, business invitees and/or OCH staff, except as specified in this policy.

DEFINITIONS

Aboriginal person is a person defined in the Constitution Act, 1982, section 35 (2) to include Indian, Inuit and Métis people of Canada.

Business invitee includes vendors, contractors or other providers of goods and services to OCH tenants or OCH. Community organizations that have a relationship with OCH are also considered business invitees.

Current tenants are tenants who signed a lease with OCH prior to the implementation date of this policy.

Guest is a person who is visiting a tenant for a limited period of time.

Leased premises includes:

- ◊ the unit
- ◊ all balconies
- ◊ patios
- ◊ private yards
- ◊ other areas specifically included in the lease

NO SMOKING POLICY

New tenant is a person who signed a lease with OCH on or after the effective date of this policy.

Occupants are persons who may live in a unit with a tenant, and are named as occupants of the premises on the lease but are not leaseholders, such as a tenant's minor children or additions to the household.

OCH building is a structure with a roof and walls owned by OCH, including but not limited to any residential premises, offices, workshops and community houses.

OCH property includes outdoor common spaces owned by OCH including playgrounds or surfaces, parking lots, parks, lawns, gardens and flowerbeds.

Smoke / Smoking means inhaling, exhaling, breathing, burning or carrying a lit or burning cigarette, cigar, tobacco or other similar product whose use generates smoke.

Tenant is person who is a signatory to the lease.

RESPONSIBILITIES

All OCH employees must comply with this policy.

All OCH staff will:

- Assist in implementing this policy through example, that is, by complying with this policy in OCH communities and on OCH property
- Not smoke in any OCH vehicles, workshops or in any other places included in this policy

It is the responsibility of all OCH staff involved in renting or lease signing to communicate the no-smoking clauses clearly and effectively to prospective tenants.

OCH staff will work with tenants to resolve smoking-related complaints. Tenants may submit complaints to any OCH staff. OCH employees will support tenants making complaints by:

- Providing simple guidance on submitting a complaint in writing, using a complaint form, by phone or in person
- Accepting and documenting the complaint and submitting it to the appropriate OCH staff for review
- Referring the tenant to the appropriate OCH staff or external services for assistance or support
- Accepting and documenting the complaint and submitting it to the appropriate OCH staff for review

OTHER NO-SMOKING POLICY

It is the responsibility of **Community Safety Services Staff** and **Tenant Community Workers** (TCW) to investigate complaints by tenants, and to confirm whether or not the complaint can be substantiated and work with other OCH staff to determine the appropriate course of action.

Management Responsibilities:

OCH Managers will ensure the following:

- That employees are provided the policy
- That the policy and its objectives are explained to staff and that staff are adequately prepared regarding communicating the policy to tenants
- That staff are clearly instructed to follow this policy as well as legislation prohibiting smoking in the workplace, including OCH vehicles and workshops
- That the policy is included in OCH contracts and is explained and adhered to by all business invitees (contractors) working on behalf of OCH

RELATED OCH POLICIES AND PROCEDURES

- Tenant Neighbour Complaints Policy
- Tenant Neighbour Complaints Procedure
- Tenant Eviction for Cause Policy
- Tenant Eviction for Cause Procedure
- Tenant Guest Policy
- Tenant Guest Procedure
- Conflict of Interest Policy

OTHER SUPPORTING REFERENCES

- Constitution Act, 1982
- Smoke Free Ontario Act
- Residential Tenancies Act, 2006
- Human Rights Code
- Guidelines to Article 8 World Health Organization (WHO) Framework Convention on Tobacco Control
- City of Ottawa By-Laws
- OCH Board Report No. OCHC-039/06

SPONSOR

Laurene Wagner, Executive Director Tenant Services

OTTAWA NO-SMOKING POLICY

QUESTIONS/CONTACT:

Tenant Service Directors
Tenant Service Managers
Community Development Managers
Manager, Community Safety Services
Policy and Programs Officer

Review Date: Two years after implementation.

Report No.: OCHC-059/13

Meeting Date: June 13, 2013

OTTAWA COMMUNITY HOUSING CORPORATION

**REPORT TO THE BOARD OF DIRECTORS
FOR INFORMATION**

1. SUBJECT

No-Smoking Tenant Survey Results

2. RECOMMENDATION(S)

That the Board of Directors receive this report for information.



Jo-Anne Poirier
Chief Executive Officer

Contact: Laurene Wagner
613-520-2276
Kelly Hastings
613-520-2287

3. BACKGROUND

In December 2011, the Board directed OCH to begin the process of developing a No-Smoking policy and implementation plan. Throughout 2012, OCH undertook its most comprehensive tenant consultation to date, culminating in a direct survey of all tenant households. The purpose of this report is to share the results of the survey and identify next steps in the policy development and implementation plan.

4. INFORMATION

The OCH No-Smoking Tenant Survey was developed based on surveys used by other housing providers and in consultation with TAG, tenant focus groups, Ottawa Public Health, the Non-Smokers Rights Association, and the Canadian Mental Health Association.

In late 2012, OCH mailed the survey, with a self-addressed stamped envelope to every tenant household. In addition to English and French, the survey was translated into Arabic, Simplified and Traditional Chinese, Somali and Spanish.

The survey results (**Attachment 1**) have been tabulated in cooperation with Ottawa Public Health, and will inform the development and implementation of a No-Smoking policy and implementation plan.

Survey Result Highlights:

- OCH received 3,751 responses – a response rate of 21 per cent.

Support for a Policy Restricting Smoking

- 69% of all tenants who answered the survey said they would prefer to live in a smoke-free community
- 64% would support a ban on smoking inside the home
- 63% would support a ban on smoking in outside common areas
- 60% would support a smoking ban on balconies
- 58% would support a policy that bans smoking on all OCH front and backyards

Rate of Smoking in OCH Homes

- 78% of tenants indicated no one smokes in their home
- 29% of tenants said someone smokes on their balcony or in their yard

Effects of Second-Hand Smoke

- 46% said someone in their unit is bothered by second-hand smoke from another unit
- 45% said that someone has a health condition made worse by second-hand smoke

Further analysis of the more detailed results will guide the development of priorities, policy and implementation. A Steering Committee including partners will provide input and direction for this work. The following chart provides a roadmap for next steps in this project.

| Next Steps | |
|---------------------------|-------------|
| Action | Timeline |
| 1. Sharing Survey Results | Spring 2013 |
| - Board of Directors | |
| - Staff | |
| - Partners | |
| - Tenants | |

| | |
|---|--------------------|
| <p>2. Education and Awareness:</p> <ul style="list-style-type: none"> - Joint District Based Committee (DBC) - Service Excellence Week - Fire Safety Week - Newsletter Insert - Monitoring media articles and policy development and implementation by other landlords | <p>Ongoing</p> |
| <p>3. Draft Policy and Implementation Plan</p> <ul style="list-style-type: none"> - Develop Draft Policy with Steering Committee - Consult with Tenants, Partners, Staff | <p>Fall 2013</p> |
| <p>4. Proposed Policy and Implementation Plan to Board of Directors</p> | <p>End of 2013</p> |
| <p>5. Initial Stages of Implementation</p> | <p>Early 2014</p> |

5. CONSULTATION


The Tenant Advisory Group, tenant focus groups, Ottawa Public Health, the Non-Smokers Rights Association, the Canadian Mental Health Association and Senior Management were consulted during the development of the survey.

OCH community partners played a pivotal role in implementing the survey. Community Houses and partners with resource space in OCH communities, Aging in Place, Ottawa Salus, Options Bytown and John Howard Society, advertised the survey in their resource centres through posters provided by OCH. Additionally, OCH community partners assisted tenants in completing and submitting the survey to OCH.

This report was received by the Corporate Affairs Committee on May 23, 2013.

6. FINANCIAL IMPACT

The cost of printing, mailing and receiving the surveys was approximately \$13,160.00. Costs associated with this project are included within existing operating budgets in Organizational Effectiveness, and in the Tenant Service Cost Center.



Ven Giannantonio
 Director of Finance

Report No.: OCHG-059/13

Meeting Date: June 13, 2013

ATTACHMENT(S)

Attachment 1: OCH No-Smoking Survey Results

Attachment 2: OCH No-Smoking Survey Results (PowerPoint Presentation)

OCH No-Smoking Survey Results

OCH received 3,751 completed surveys. This means 21% of all households answered the survey.

Table 1 shows the percentage of people from each building type (townhouses, senior apartments and non-senior apartments) who answered the survey.

Table 1: Response Rate by Housing Type

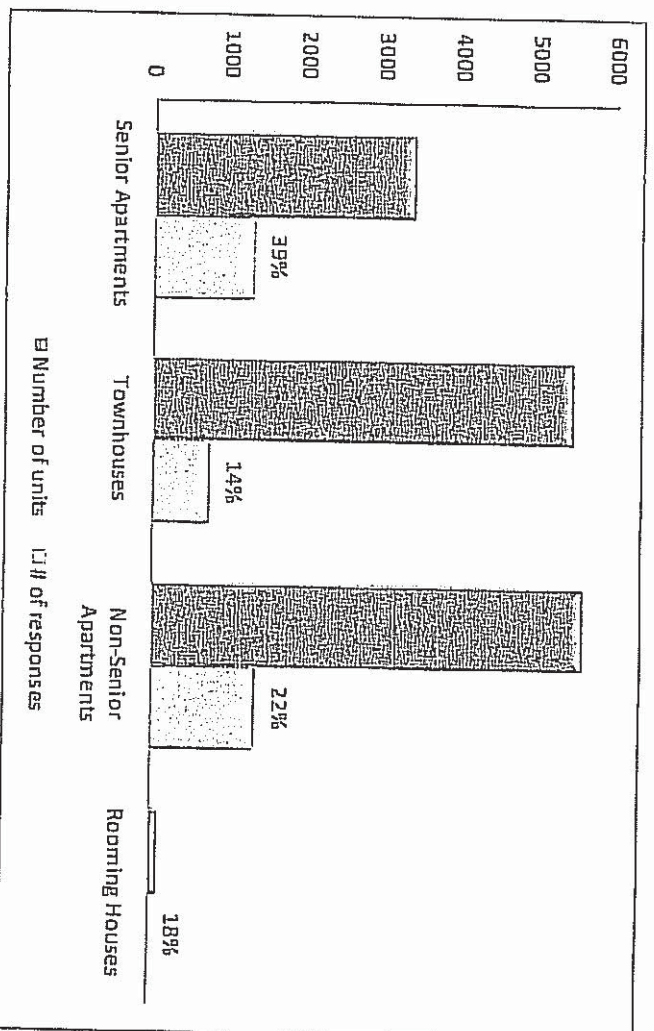


Table 2 lists all the survey questions and the percentage (%) of people who gave each answer. Percentage (%) is the number of people who chose that answer out of every 100. For example, 18% means 18 out of every 100 people chose that answer. N/A means that the question was not applicable to the responder.

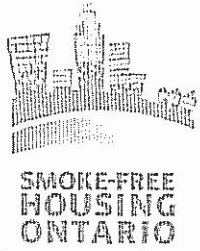
Table 2: Response to Survey Questions

| Question | Response |
|---|------------------------------|
| 1. Would you prefer to live in a no-smoking community? | Yes 69% No 31% |
| 2. Do you support a policy that bans smoking in all OCH homes? | Yes 64% No 36% |
| 3. Do you support a policy that bans smoking on all OCH balconies? | Yes 60% No 40% |
| 4. Do you support a policy that bans smoking on all OCH front and backyards? | Yes 58% No 42% |
| 5. Do you support a policy that bans smoking on all OCH outdoor common areas? | Yes 63% No 37% |
| 6. Do you support a policy that bans all new tenants from smoking on OCH property? | Yes 60% No 40% |
| 7. Do you or does anyone else smoke in your home? | Yes 22% No 78% |
| 8. Do you or does anyone else smoke on your balcony or in your yard? | Yes 29% No 71% |
| 9. Are you or anyone living with you bothered by second-hand smoke from other units? | Yes 46% No 54% |
| 10. Do you or anyone living with you have a health condition that can be made worse by second-hand smoke such as asthma, lung or heart disease, allergies, or cancer? | Yes 45% No 55% |
| 11. If you smoke, are you interested in quitting? | Yes 12% No 23% N/A 65% |
| 12. Would you like more information about quitting? | Yes 9% No 32% N/A 61% |
| 13. Are you interested in joining a quit smoking group? | Yes 6% No 34% N/A 60% |

The following is a breakdown of the percentage of different housing types, and their support for various no-smoking policies options:

Table 3: Support for Smoke Free Policy Options by Housing Type

| | Prefer to live in a no-smoking community | Support a ban on smoking in homes | Support a ban on balcony | Support a ban on front and back yards | Support a ban outdoors | Policy banning all new tenants from smoking inside their unit |
|-----------------------|--|-----------------------------------|--------------------------|---------------------------------------|------------------------|---|
| Senior Apartments | 71% | 67% | 64% | 62% | 64% | 64% |
| Townhouses | 69% | 65% | 62% | 58% | 65% | 59% |
| Non-Senior Apartments | 63% | 58% | 54% | 53% | 58% | 55% |
| Rooming Houses | 59% | 59% | 56% | 48% | 52% | 52% |



Ontario Community/Social Housing Providers with No-smoking Policies

| Name of Organization | Name of Building | City | Phone | # Units | # Smoke-Free Units | Policy Date |
|--|---------------------------|---------------------------|--------------------|---------|--------------------|-------------|
| 1 Ontario Finnish Resthome Association | 2 buildings | Sault Ste. Marie | 705.945.9987 X206 | 253 | 229 | 31-May-13 |
| 2 Iroquois Falls Seniors Apartment Corp. | 11 buildings | Cochrane etc. | | 200 | | 01-Apr-13 |
| 3 City of Timmins Non-Profit Housing Corp. | 2 buildings | Timmins | | 93 | | 01-Apr-13 |
| 4 Cochrane District Social Services Administration Board | various | Timmins & South Porcupine | | 395 | | 01-Apr-13 |
| 5 Peterborough Housing Corporation | Bradburn House | Peterborough | | 18 | 18 | 18-Jan-13 |
| 6 St. Joseph's Care Group | Sister Leila Greco Apts. | Thunder Bay | 807.768.4400 | 132 | 132 | 02-Jan-13 |
| 7 Otonabee Municipal Non-Profit Housing Corporation | Monaghan Court | Keene | 705.295.4900 | 19 | 19 | 01-Jan-13 |
| 8 United Counties of Leeds & Grenville | entire portfolio | various | 800.770.2170 | 667 | | 01-Sep-12 |
| 9 Gananoque Housing Inc. | Stocking Hill Apts. | Gananoque | 613.382.7148 | 52 | 47 | 01-Sep-12 |
| 10 Barrie Municipal Non-Profit Housing Corporation | entire portfolio | Barrie | 705.727.1101 X 226 | 953 | 668 | 01-Jul-12 |
| 11 Ottawa Community Housing Corporation | 245 Crichton St. | Ottawa | 613.731.7223 | 6 | 6 | 01-Jun-12 |
| 12 MennoHomes Inc. | Rockway Gardens Village | Kitchener | 519.578.5546 | 50 | 42 | 01-Apr-12 |
| 13 Cambridge Kiwanis Non-Profit Housing Corp. | Cambridge Kiwanis Village | Cambridge | 519.650.5437 | 258 | 47 | 01-Apr-12 |

| | Name of Organization | Name of Building | City | Phone | # Units | # Smoke-Free Units | Policy Date |
|----|--|-----------------------------------|---------------|-------------------|---------|--------------------|-------------|
| 14 | Walden Municipal Non-Profit Housing | | Lively | 705.692.4960 | 30 | 27 | 01-Jan-12 |
| 15 | Kirkland Lake Non-Profit Housing Corp. | various | Kirkland Lake | 705.568.6688 | 85 | | 01-Jan-12 |
| 16 | Hellenic Community of KW Suburbs Housing | Hellenic Place | Kitchener | 519.893.4778 | 91 | 81 | 31-Oct-11 |
| 17 | Municipality of Chatham-Kent Social Housing Division | Riverview Terrace | Chatham | 519.756.4141 | 27 | 27 | 05-Oct-11 |
| 18 | Hesperus Fellowship Community | 2 bldgs - Hesperus Village I & II | Thornhill | 905.764.0840 X241 | 80 | 80 | 01-Oct-11 |
| 19 | Durham Regional Local Housing Corporation | Lakeview Harbourside | Oshawa | 1.800.372.1102 | 12 | 12 | 01-Jul-11 |
| 20 | Suomi Koti of Thunder Bay Inc. | Suomi Koti | Thunder Bay | 807.474.9122 | 60 | 52 | 01-Jul-11 |
| 21 | Aldersgate Homes Inc. | Aldersgate Village | Belleville | 613.962.1192 | 87 | 81 | 01-Jun-11 |
| 22 | Community Care Village Housing | | Lindsay | 705.324.1600 | 70 | 70 | 01-May-11 |
| 23 | Royal Canadian Legion Zone K1 Veterans Homes Inc. | Zone K1 Veterans Building | Haileybury | 705.672.2557 | 25 | 25 | 13-Apr-11 |
| 24 | Bruce County Housing Corporation | entire portfolio | numerous | 519.396.3450 | 633 | 154 | 01-Apr-11 |
| 25 | Cambridge Non-Profit Housing Corporation | Fern Meadows | Cambridge | 519.622.5535 | 61 | 61 | 01-Apr-11 |
| 26 | Newo Holdings | My Owen Place | Waterloo | 519.893.5040 | 49 | 49 | 01-Mar-11 |
| 27 | Homegrown Homes | entire portfolio | Peterborough | 705.748.4534 | | 9 | 01-Jan-11 |
| 28 | Richview Baptist Foundation | | Etobicoke | 416.247.5316 | 323 | 309 | 01-Jan-11 |
| 29 | Belleville Emmanuel Residences | Emmanuel Residences | Belleville | 613.969.8475 | 55 | 51 | 01-Jan-11 |
| 30 | Centretown Citizens Ottawa Corporation | Beaver Barracks | Ottawa | 613.234.4065 | 254 | 254 | 01-Dec-10 |

| Name of Organization | Name of Building | City | Phone | # Units | # Smoke-Free Units | Policy Date |
|--|--|---------------------|---------------------|---------|--------------------|-------------|
| 31 St. Barnabas Housing | Hillmar Apartments | Peterborough | 705.743.1544 | 43 | | 01-Oct-10 |
| 32 Otonabee Non-Profit Housing Corp. | Otonabee Non-Profit Housing | Keene | 705.295.4900 | 21 | | 01-Oct-10 |
| 33 Kinsmen Garden Court of Peterborough | Kinsmen Garden Court | Peterborough | 705.742.8366 | 66 | | 01-Oct-10 |
| 34 YWCA of Peterborough, Victoria and Haliburton | Centennial Crescent | Peterborough | 705.743.3526 | 40 | | 01-Oct-10 |
| 35 East Markham Non-Profit Homes | Tony Wong Place | Markham | 905.940.8909 | 120 | 120 | 01-Jun-10 |
| 36 Region of Waterloo Community Housing Inc. | Kingscourt Place, Erb Court, Cushman Court | Kitchener- Waterloo | 519.575.4801 X1215 | 132 | | 01-Apr-10 |
| 37 Region of Waterloo Community Housing Inc. | entire portfolio | Kitchener-Waterloo | 519.575.4801 X1215 | 2723 | 273 | 01-Apr-10 |
| 38 Simcoe County Housing Corporation | 33 Brooks St. | Barrie | 705.725.7215 | 53 | | 01-Apr-10 |
| 39 Maryland Place Inc. | Maryland Place | Peterborough | 705.743.8660 | 23 | | 01-Apr-10 |
| 40 St. Giles Senior Citizens Residence | St. Giles Senior Citizens Residence | Peterborough | 705.743.8660 | 48 | | 01-Apr-10 |
| 41 Millbrook Non-Profit Housing | | Millbrook | 705.932.3066 | 39 | | 01-Apr-10 |
| 42 County of Wellington Housing Services | Fergusson Place | Fergus | 519.824.7822 x 4040 | 55 | 55 | 01-Mar-10 |
| 43 Guelph Independent Living | Willow Place | Guelph | 519.837.0800 | 83 | | 01-Mar-10 |
| 44 Region of Waterloo Community Housing Inc. | Sunnyside Supportive Housing and Seniors Wellness Centre | Kitchener | 519.575.4801 X1215 | 30 | 30 | 02-Feb-10 |
| 45 Rougebank Foundation | Thomson Court | Markham | 905.294.9830 | 118 | 102 | 01-Feb-10 |
| 46 Owen Sound Municipal Non-profit Housing Corporation | | Owen Sound | 519.376.0573 | 26 | 26 | 01-Jan-10 |
| 47 Christian Senior Citizens Home of Chatham | South Chatham Village Apartments | Chatham | 519.352.0053 | 67 | | 01-Jan-10 |

| Name of Organization | Name of Building | City | Phone | # Units | # Smoke-Free Units | Policy Date |
|---|---------------------------------|----------------|---------------------|---------|--------------------|-------------|
| 48 Spruce Lodge Non-Profit Housing Corporation | Woodland Towers | Stratford | 519.271.4090 X2236 | 198 | 194 | 01-Jan-10 |
| 49 FAILA Non-Profit Housing Corporation | FAILA Apartments | Fenelon Falls | 705.887.9604 | 50 | 47 | 01-Sep-09 |
| 50 Haliburton Community Housing Corporation | Echo Hills & Parklane | Haliburton | 705.457.3973 or 919 | 95 | | 01-Jun-09 |
| 51 St. Paul's United Church | St. Paul's Place | Thunder Bay | 807.346.4282 | 30 | | 01-Feb-09 |
| 52 Artscape Non-Profit Homes Inc. | Artscape Wychwood Barns | Toronto | 416.392.1038 X39 | 26 | 26 | 20-Nov-08 |
| 53 Collier Place Inc. | Collier Place Seniors Residence | Barrie | 705.726.1517 | 156 | | 11-Nov-08 |
| 54 R. Paul Martin Construction Co. Ltd. | West Side Stories | Kingston | 613.548.7136 | 118 | 118 | 01-Jul-08 |
| 55 Ritz Lutheran Villa | Ritz Lutheran Villa | Mitchell | 519.348.8612 X223 | 25 | 25 | 01-Feb-08 |
| 56 Sudbury Finnish Rest Home Society, Inc. | Finlandia Village | Sudbury | 705.524.3137 | 175 | 8 | 01-Jan-08 |
| 57 Huron County | Highland Apartments | South Brussels | 519.887.9267 | 20 | 20 | 31-Dec-06 |
| 58 Newtonbrook United Church and Taiwanese United Church Non-Profit Homes Corporation | Lester B. Pearson Place | Toronto | 416.491.4346 | 53 | 53 | 01-Jul-06 |
| 59 Ontario East Triangle Court | | Frankford | | | | |
| 60 Huron County | Heartland Apartments | Clinton | | | | |
| 61 Ukrainian Catholic Church of Thunder Bay | Holy Cross Villa | Thunder Bay | 807.346.4282 | 30 | | |
| 62 Marmora District Housing Commission | | Marmora | 613.472.5390 | | | |
| 63 York River Heights Senior Citizens | | Bancroft | 613.332.2420 | | | |
| 64 Goodwill Industries Niagara | | St. Catharines | 905.685.8777 | 25 | 25 | |

| Name of Organization | Name of Building | City | Phone | # Units | # Smoke-Free Units | Policy Date |
|---|-----------------------|--------------|--------------------|---------|--------------------|-------------|
| 65 Barrhaven Non-Profit Housing Inc. | Steepleview Crossing | Ottawa | 613.823.6230 | 7 | 7 | |
| 66 Independence Centre and Network | Haig Apartments | Sudbury | 705.673.0655 | 20 | | |
| 67 R.J. Brooks Living Centre | | Bancroft | 613.322.4228 | | | |
| 68 County of Lambton - Housing Services Dept. | Maxwell Park Place | Sarnia | 519.344.2062 X2041 | 57 | 57 | |
| 69 Mount Albert United Church Senior Citizens' Foundation | Royal Oak Court Manor | Mount Albert | 905.473.2567 | 82 | 30 | |
| 70 Lakehead Christian Senior Citizen Apts | Good Shepherd Village | Thunder Bay | 807.767.0151 | | | |

OCH No-Smoking Consultation and Engagement Summary

| Group | Consultation | Date |
|---|---|---|
| OCH Tenants | Tenant Advisory Group (TAG) | Jan 2012 August 2012 |
| | District Based Committees (DBC's) | March 2012 September 2012 June 2013 |
| | Focus Groups | Fall 2012 |
| | Tenant Survey | Fall 2012 |
| | OCH Tenant Quarterly | Fall 2012 Summer 2013 Fall 2013 |
| OCH Staff | TV Screen Presentation during Service Excellence Week | May 2013 |
| | OCH Health and Safety Week Meetings | Spring 2012 |
| | Lunch and Learns | Spring 2012 |
| | Senior Management | On-going |
| | Draft Policy Review | Summer 2013 |
| | <ul style="list-style-type: none"> o Tenant Service Centre Management and Tenant Community Workers – Tenant Support o Community Development Management and Tenant Community Workers – Community Support o Community Safety Services Management and Community Safety Services Staff o OCH Solicitors | |
| | OCH Fire Safety Committee (includes Ottawa Fire Services) | May 2013 |
| | OCH Partner's Forum | Fall 2013 |
| | <ul style="list-style-type: none"> o 116 representatives of 56 service providers | Jan 2012 |
| | OCH No-Smoking Policy Development Workgroup* | June 2013 Summer 2013 |
| Other Housing Providers | Centretown Citizens Ottawa Corporation | On-going |
| | Toronto Community Housing, Windsor Region of Waterloo | Summer 2013 |
| | 14 Ontario Housing Providers with more than 100 smoke-free units | On-going |
| Partners Playing a Lead Role in Supporting OCH | Ottawa Public Health | Summer 2013 |
| | Smoke-Free Housing Ontario | |

Members of the **OCH No-Smoking Policy Development Workgroup**: Ottawa Public Health, Smoke Free Ontario, Canadian Mental Health Association, Aging in Place, Ottawa Heart Institute, Coalition of Community Health and Resource Centres, Coalition of Community Houses.

OTTAWA COMMUNITY HOUSING CORPORATION

REPORT TO THE BOARD OF DIRECTORS

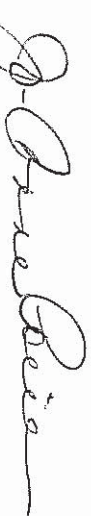
FOR APPROVAL

1. SUBJECT

Updated Tenancy Lease

2. RECOMMENDATION(S)

That the Board of Directors receive the updated lease for information and approve the requirement of tenant insurance as a term of the lease agreement.



Jo-Anne Poirier
Chief Executive Officer

Contact: Laurene Wagner
613-520-2276
Denise Dupuy
613-729-3136 ext. 6223

3. BACKGROUND

All tenants are required to sign a lease prior to moving into an OCH housing unit. The lease identifies the rights and responsibilities and the legally contracted obligations of both landlord and tenant. The current OCH lease originates from 2002. More recently, in 2012, a no-smoking lease addendum was included for new communities such as Crichton and Carson's Road (**Attachment 1**).

4. DISCUSSION

Through the business transformation projects that were undertaken over the past year, the tenancy lease agreement was identified for review. The lease has been updated and includes proposed policy changes enforcing no-smoking on OCH property and tenant insurance requirements. The lease has also been reformatted to improve understanding through the use of graphics and plain language. Lease production will be software generated and implementation will coincide with the implementation of the IT project.

Tenant Insurance

Currently, while tenants are advised that they should obtain insurance, it is not expressly identified as a condition of the lease agreement and therefore enforcement processes are not in place. A tenant insurance package is available through SOHO, an affordable insurance package specifically tailored to social housing tenants. While the tenant insurance package is actively promoted, many tenants are without insurance coverage. The data available at the time of writing this report indicates that fewer than 2,000 households have reported having tenant insurance. From our fire experience history over the past couple of years (167 fires from 2006 to 2012), 30 tenants or 18% carried insurance at the time of the fire.

The OCH insurance coverage provides a reduction in premiums where tenant insurance is a requirement. A further savings is available where there is an established process in place to ensure coverage is maintained throughout a tenancy.

The requirement for tenant insurance as stipulated in the updated lease will apply to new tenancies with the introduction of the lease in March 2014. As well, this requirement will apply to tenants who transfer within OCH.

Changes to the Lease Agreement

A clearer and more accessible document: Updating the lease provided an opportunity to simplify language and to use visual graphic aids to help make the lease more accessible.

No-Smoking Policy clause: The updated lease now includes a clause for tenants to agree and contract not to smoke in their homes (including balconies) and on OCH property in general. This clause is based on the current OCH No-Smoking Lease Addendum and the proposed No-Smoking Policy and reads as follows:

"You agree not to smoke or let any other person smoke in your unit, on the balcony, yard, in common areas of the building or anywhere on OCH property. 'Smoke' means inhaling, exhaling, breathing or carrying a lit or burning cigarette, cigar, tobacco, or other similar product whose use generates smoke."

Tenant Insurance and Liability Coverage

The updated lease formalizes the insurance requirement and obliges tenants to demonstrate proof of insurance prior to lease signing and move-in. The lease also stipulates that tenants must maintain insurance coverage throughout their tenancy and that they will be required to provide yearly confirmation. The new tenant insurance clauses read as follows:

- a. *You are required to purchase tenant insurance, including comprehensive personal liability coverage and to maintain that insurance throughout your tenancy. OCH is not liable for any claim that is or could have been covered by your insurance.*
- b. *OCH is not responsible for any damage to your property or to the property of other occupants or guests, in your unit, or elsewhere in the building, subject only to OCH's obligations at law.*
- c. *OCH is not responsible for any injury to you or other persons, or for any damages sustained by you or other persons anywhere on the premises, subject only to OCH's obligations at law.*
- d. *OCH is not responsible if you or other persons are hurt or any damage is caused because of an act or negligence of another tenant, household member, their guests or their pets, subject only to OCH's obligations at law.*

General Housekeeping Items

Other changes to the lease include clarification related to accessing tenant homes; defining privacy; and, expectations for tenants to report maintenance requirements and safety concerns. These changes clarify OCH's expectations and provide improved messaging.

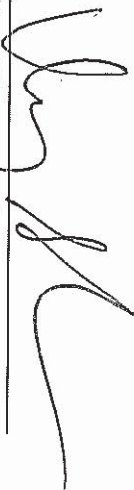
5. CONSULTATION

The changes were made after a review of leases from other providers including Centretown Citizens Ottawa Corporation (CCOC) and a review of OCH's No-Smoking Policy in consultation with the Corporate Affairs Committee. Education and awareness with tenants at District Based Committee meetings, the Tenant Forum and through various fire prevention events have promoted the value of carrying tenant insurance. The changes were also discussed with the Tenant Advisory Group at its November 12th meeting and District Based Committee meetings this fall will provide a presentation on tenant insurance.

This report was received by the Corporate Affairs Committee on November 28, 2013.

6. FINANCIAL IMPACT

There is no significant cost related to the implementation of the updated lease. There will likely be a modest reduction in insurance premiums as a result of the No-Smoking Policy and the requirement for mandatory tenant insurance. The value of these practices has been recognized by the Housing Services Corporation and the program insurer. There will be a positive longer term impact on our loss history as OCH is able to recover some restoration costs from the tenants' insurers and the incidence of smoking related property damage is reduced.



Ven Giannantonio
Director of Finance

ATTACHMENT(S)

Attachment 1: OCH No-Smoking Addendum

OCH No-Smoking Addendum

For: **(insert address)**

Between:

Ottawa Community Housing (OCH)

Landlord

And

(Insert Tenant Name(s)) (Tenant(s))

Tenant(s)

Insert Tenancy Start Date: (insert date)

Effective Date of Agreement: (insert date)

The landlord and tenant(s) agree to work together to create and maintain a no-smoking environment in this building. The Landlord and Tenant(s) agree to the following terms and

conditions:

1. 'Smoking' means inhaling, exhaling, breathing, carrying a lit or burning illegal substance, tobacco or other similar product, whose use generates smoke.
2. The term 'business invitee' includes but is not limited to any contractor, tradesperson, agent, household worker, or other person hired by the tenant or resident to provide a service or product.
3. Smoking is prohibited inside the entire building, including individual rental units, all common areas and on the entire residential property.

4. Tenants, members of the tenant's household, visitors, guests and business invitees shall not smoke anywhere in the unit rented by the tenant, or the building in which the tenant(s)'s unit is located or in any of the common areas or adjoining grounds of the building or other parts of the rental community.
5. The tenant(s) shall cooperate with the landlord in maintaining a no-smoking building by
 - a. informing all household members, guests, invitees, visitors and business invitees of the no-smoking agreement;
 - b. ensuring that household members, guests, invitees, visitors and business invitees do not smoke anywhere in the building or on the residential property;
 - c. advising the landlord of smoke migrating into the tenant's unit from sources outside the tenant's unit; and,
 - d. providing the landlord with the details and if necessary, testimony, the landlord requires to take appropriate action in response to smoking on the premises.
6. The Tenants acknowledge that breaches of this agreement by the tenant(s), household members, guests, invitees, visitors and/or business invitees may result in the Landlord applying for termination of the tenancy.
7. The tenant(s) acknowledge(s) that the no-smoking addendum does not make the landlord or any of its agents the guarantor of tenant(s)' health or of a smoke-free unit and building or complex. However, the landlord shall take reasonable steps to enforce the no-smoking terms of this agreement. The landlord is not required to take steps in response to smoking on the premises unless the landlord is put on notice of the

presence of smoke via agent, personal knowledge, and/or written or electronic notice by a tenant and receives sufficient details to take steps.

8. The Landlord specifically disclaims any implied or express warranties that the building, common areas of tenant's premises will have any higher or improved air quality standards than any other rental property. The landlord cannot and does not warrant or promise that the rental premises or common areas will be free from second-hand smoke. The tenant acknowledges that the landlord's ability to police, monitor, or enforce compliance with this policy is dependent in significant part on voluntary compliance by the tenant and the tenant's guests and other occupants of the complex. Tenant's with respiratory ailments, allergies, or any other physical, mental, emotional or psychological conditions relating to smoke are put on notice that the landlord does not assume any higher duty of care to enforce this policy than any other landlord obligation under the lease.

Dated:

Tenant

Tenant