SMOKE FREE PROCEDURE FOR WATERLOO REGION HOUSING AND REGION OF WATERLOO COMMUNITY HOUSING INC STAFF

OPERATING PRINCIPLES:

Regional Council (Report PH 09-46/P-09-073) and the ROWCHI Board of Directors (ROWCHI 09-009) have approved a Smoke- Free Policy for Waterloo Region Housing (WRH) and ROWCHI units, respectively.

Effective April 1, 2010, all new leases (new tenants and transfers) signed with WRH/ROWCHI will provide that all buildings and properties be 100 per cent smoke free and will restrict smoking outdoors to a distance of five metres or more away from any windows, entrances or exits to the building/unit. The no-smoking provision reads as follows:

"The Tenant, all other occupants of the Leased Premises, the Tenant's Guests and business invitees shall not smoke or hold lit tobacco or similar product in the Leased Premises, including the balcony, patio or other areas specifically included in this Lease. Smoking is only permitted outdoors at a distance of not less than five metres away from windows, entrances or exits to the Residential Complex."

The proposed procedures below outline standards to ensure smoke-free regionally owned housing facilities.

PROCEDURES:

"No-Smoking" Areas

All Regionally owned housing buildings and properties have been designated as "smoke -free" and require that smoking only be allowed outdoors to a distance of five metres or more away from any windows, entrances or exits to the building/unit.

All no-smoking areas will be clearly signed, areas marked and ash trays provided.

Role of WRH Staff

Where WRH staff is present at a WRH/ROWCHI community housing site, they will regularly monitor the smoke-free areas in and around the buildings/units. If a staff member observes a tenant/guest smoking in a smoke-free area, they will request that the tenant/guest move out of the smoke-free area, five metres or more away from any windows, entrances or exits to the building/unit.

In the event that a tenant/guest refuses to move or repeatedly smokes in an area designated as smoke-free, the staff member will follow up with the tenant and advise them of the Smoke-Free Policy and of the violation of their signed lease. Should they cease to cooperate; staff will follow the same process used when a complaint is received (see Tenant Complaint process below). WRH staff is responsible for ensuring compliance with the Smoke-Free Policy.

Tenant Complaints

When a WRH staff member receives or observes a violation of the Smoke-Free Policy, they are to report the incident immediately to the Coordinator, Tenant Services and take the following steps to ensure compliance of the Policy:

- Ask the complainant to place the concern in writing.
- Advise Coordinator, Tenant Services to record complaint information.
- Property Manager (PM) and/or Community Relations Worker (CRW) visit the complainant to clarify concerns.
- PM and/or CRW to contact and/or visit the alleged offender, advise them of the concerns received and what steps need to be taken to correct the situation, and provide information and contact details for tobacco cessation services (e.g. self-help materials, cessation group or clinic) available through Public Health.
- PM and/or CRW may visit neighbouring tenants to verify complaint.
- A follow-up letter is to be sent to the tenant outlining the visit and what action needs to be taken by the tenant to correct the situation.
- Should the tenant not comply, a second visit 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 smoke-free policy [e.g., physical or mental health challenges, cognitive delays] 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. Should the tenant not agree with the requirements, the tenant will have an opportunity to request an Internal Review.
- In order for an Internal Review to take place, the tenant is to request a review in writing and submit it to the Coordinator, Tenant Services. An independent review would then be held by members of the Waterloo Region Housing Operational Advisory Committee for both WRH and ROWCHI to ensure that legislation, regulations and policy are followed. The decision of the committee would be final.
- Should a third complaint be 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.
- Staff will then 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, WRH will then apply for another RTA hearing.
- Complainant and neighboring tenants will be asked to attend the Tenant Board hearing.
- Tenant Board decision will be final.

Contractor Complaints

Contractors have been advised of the Smoke-Free Policy. Should they not observe the policy, the following steps would be taken by staff:

- The contractor will be reminded verbally of the policy by staff.
- A warning letter will be sent to the contractor by the Coordinator, Tenant Services.
- Should another infraction take place, a second letter will be sent to the contractor by Corporate Services outlining the Smoke-Free Policy and advising them that their contract may be terminated should the violation continue.

EXEMPTIONS:

The following are exemptions to the Smoke-Free Policy:

a) Medical Use of Marihuana

The Region's Smoke-Free 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. For clarity, 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

The Smoke-Free 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.

For clarity, the sacred use of tobacco does not include the recreational use of tobacco.

Notwithstanding the foregoing, 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.