

**Lambton County Social Services Division
Housing Services Department
Policy and Procedure Manual**

SUBJECT: Smoke-Free Policy		INDEX NO.: 2.023
EFFECTIVE: 01/01/10	APPROVED:	REVISED:

Policy:

Upon County Council smoke free designation of a property managed by the Housing Services Department, smoking is prohibited inside the building, including private units and on the residential property.

Tenants moving into a smoke free designated location will acknowledge that the premises has been designated as smoke-free and will sign a lease indicating the premises is smoke-free.

Tenant, members of the tenant's household, visitors, guests and business invitees shall not smoke anywhere in the unit rented by tenant, or the building where the tenant's dwelling is located or in any of the common areas or adjoining grounds of such building or other parts of the rental community, except if a designated smoking area(s) has been established.

Procedure:

County Council approval is required to designate a property as 'smoke-free'. A list of smoke-free designated units is found on Appendix "A".

If the property being designated as smoke-free is new construction, each tenant will acknowledge the Smoke-Free designation, as per Smoke-Free Policy acknowledgement, Form 3.025.

The tenant will sign a lease containing the "Smoke-Free designation", Form 3.004 Smoke-Free.

All designated smoke free buildings and properties will be clearly signed and if there is a designated smoking area on the premises it will be identified on the signage.

If the property being designated as smoke free is an existing building effective the date provided in the designation, all new leases (new tenants and transfers and relocations)

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signed with the County of Lambton will contain the smoke free clause and the tenant will acknowledge the smoke free policy.

Role of Housing Services staff

Where County of Lambton staff is present at a Housing Services Department smoke-free designated housing site, they will regularly monitor the site in and around the building/property. If a staff member observes a tenant/guest smoking in a smoke-free designated area, they will request that the tenant/guest cease.

In the event that a tenant/guest refuses to cease smoking or repeatedly smokes in an area designated as smoke-free, the staff member will follow up with the tenant to 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). Housing Services Department staff are responsible for ensuring compliance with the Smoke-Free Policy.

Tenant Complaints

When a Housing Services Department staff member receives or observes a violation of the Smoke-Free Policy, they are to report the incident immediately to the Client Services Assistant or designate and take the following steps to ensure compliance of the Policy:

- Ask the complainant to place the concern in writing
- Advise the Client Services Assistant to record the complaint information in Yardi memo field and forward the complaint to Supervisor, Client Services
- Supervisor, Client Services and/or Community Support Worker visit the complainant to clarify concerns
- Supervisor, Client Services and/or Community Support Work may visit neighbouring tenants to verify complaint
- Supervisor, Client Services and/or Community Support Worker visit the alleged offender, advise them of the concerns received and what steps need to be taken to correct the situation

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- 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
- 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 as per Internal Review Policy, Index 2.002.
- 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

Contractor Complaints

Contractors will be 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 Supervisor, Property Services
- Should another infraction take place, a second letter will be sent to the contractor by Procurement and Purchasing staff outlining the Smoke Free Policy and advising them that their contract may be terminated or no further work issued should the violation continue.

Exemptions

The following are exemptions to the Smoke-Free Policy:

- a) Medical Use of Marihuana

The County of Lambton 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

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Possess, issued by Health Canada. Staff should request and keep a copy of the Authorization to Possess in the tenant's file.

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.

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Appendix "A"

The following is a list of designated Smoke-Free residential buildings and/or properties owned by the County of Lambton and managed by the Housing Services Department:

Name & Address	Date Council Approval Received	Designated Area
Maxwell Park Place 993 Maxwell Street Sarnia	November 4, 2009	Building and Property Smoke-Free