



<b>Policy and Procedures Housing Services</b>		
Subject: Smoke Free Northumberland County Social Housing Corporation Units		
Approved by: Northumberland County Council		
Policy: 2013-17PM	Reference:	
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		April 17/2013

### **Purpose/Overview**

Second and third hand smoke contains a toxic mix of more than 4,000 chemicals and 50 known carcinogens. Prolonged exposure is a significant cause of preventable death. It is estimated that each year in Canada 1,100 non-smokers die of exposure to second hand smoke<sup>1</sup>.

Tobacco smoke can move along air ducts, through cracks in the walls and floors. Objects like furniture, carpets and drapes, open windows, outdoor patios and balconies, ceiling fixtures, and smoke moves along plumbing and electrical lines to affect other units. It typically costs 2-3 times more to turn over a unit where heavy smoking has occurred than a non-smoking unit. Smokers' materials (cigarettes, cigars, pipes) remain the number one source of fatal residential fires in Ontario. A smoke-free policy reduces not only the impact on tenant health, but also the risk of fires, burn marks in carpets and countertops, and reduces costs related to frequent repainting and general maintenance.

### **Policy**

Due to the known health risks of exposure to second and third hand smoke, increased risk of fire and additional maintenance costs, cleaning and redecorating costs; all forms of smoking is prohibited by tenants, members of the tenants household, visitors, guests, contractors, and business invitees inside of private units designated as smoke-free, on a balcony or patio, and within **5 metres** of the windows, doors, and air intakes of any single, duplex or townhouse dwelling and within **9 metres** of any apartment building. Smoking is also prohibited in all enclosed public spaces such as building common areas, as per the *Smoke-Free Ontario Act*.

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<sup>1</sup> Makomaski Illing, E.M. & Kaiserman, M.J. "Mortality attributable to tobacco use in Canada and its regions, 1998" *Canadian Journal of Public Health* 2004; 95 (1):38-44.



**Definitions:**

*NCHC:* Northumberland County Housing Corporation

*Smoke Free Unit:* The tenant, all other occupants of the leased premises, the Tenants 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 the Lease Agreement.

*Business Invitee:* Shall include but is not limited to any contractor, tradesperson, agent, household worker, or other person hired by NCHC , tenant, or resident to provide a service or product.

*Smoking:* inhaling, exhaling, breathing, or carrying any lit cigar, cigarette, or other tobacco product in any manner or in any form.

*Medical Use of Marijuana:* is categorized as a controlled substance. It is not legal to grow or possess marijuana except with legal permission by Health Canada.

*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.

**Criteria:**

1. All new Lease Agreements signed will be effective on June 1/2013 or “New leases signed” include current tenants that complete an internal transfer within the public housing portfolio that are effective on or after June 1 /2013.
2. Tenants who have signed a Lease Agreement that is effective on or prior to June 1/2013 who remain in the same unit and add an adult household member to the Lease Agreement on or after June 1/2013 will not be required to sign the Smoke-Free Lease Agreement.
3. NCHC does not guarantee a smoke-free environment. The adoption of a smoke-free policy does not make NCHC the guarantor of tenant’s health or of a smoke-free unit, building or complex. However, NCHC will take reasonable steps to enforce the smoke-free terms of its Lease Agreements.

4. Exemption to the Smoke-Free Policy: The Medical Use of Marijuana.  
NCHC does not prohibit the smoking of marijuana for medicinal use by those who have a prescription. All tenants falling under this exemption must possess an Authorization to Possess, issued by Health Canada. A copy of the Authorization to Possess will be copied for the tenant file.
5. In the event of a tenant complaint with respect to the medical use of marijuana, each complaint will be dealt with case by case.

### **Smoking Complaints Procedure:**

1. Employees of NCHC who observe a tenant, contractor, or relative, guest or business invitee of a tenant smoking within a designated smoke-free area will politely request that they smoke outside of the buildings designated smoke-free zone and remind them of the smoke-free policy.
2. Should a tenant, contractor, or relative, guest or business invitee of a tenant repeatedly smoke in an area designated as smoke-free, the staff member will advise the tenant of the smoke-free policy and the violation of their signed Lease Agreement. Should they cease to co-operate, staff will follow the same process used when a complaint is received.
3. The *Alternate Dispute Resolution 2008-11PM* will be referenced when investigating and addressing complaints regarding smoking in a designated smoke-free unit/building.
4. Smoking Complaints:
  - a. Complaints regarding smoking originating from either a designated non-smoking area outdoors or a smoke-free unit must be made in writing by the complainant and forwarded to the Case Worker.
  - b. Complaints regarding a tenant's relative, guest, or business-invitee smoking in a non-smoking area or unit will be addressed with the applicable tenant by the Case Worker.
  - c. Documentation in the tenant file for which the complaint pertains is essential. Documentation for all steps taken will include: the date, time and any pertinent information relating to all complaints, conversations, and any supports offered/refused or put into place.
5. First Complaint:
  - a. The Case Worker will discuss the complaint with the applicable tenant for which the smoking complaint refers. A discussion will take place on what steps need to be taken to correct the situation, and any applicable supports needed to be put in place for the tenant as per the Alternate Dispute Resolution including Information and contact details for tobacco cessation services available through public health will be provided to the tenant.



- b. As a part of the complaint investigation, the Case Worker may contact neighbours and the complainant to verify the information of the complaint.
  - c. A follow-up letter will be sent to the tenant outlining the visit and discussion (see Appendix A – Tenant Complaint Follow up Letter)
6. Second Complaint:
- a. Upon a second smoking complaint, a second visit will take place to the applicable tenant, and, if required, the Case Worker will discuss the possibility of looking for additional supports for this tenant. For instance, in the case of a smoker who appears to experience challenges that complicate his/her ability to comply with the smoke-free policy (i.e. physical or mental challenges), a consultation with the Haliburton, Kawartha, PineRidge District Health Unit Tobacco Program Coordinator and/or other appropriate agencies may be needed. Reference the *Alternate Dispute Resolution* for eviction prevention strategies and tools.
  - b. A follow-up letter will be sent to the tenant to advise of the visit and action to take place (see Appendix A – Tenant Complaint Follow-up Letter).
7. Subsequent Complaints:
- a. Should subsequent complaints be received and concerns continue; the Case Worker will discuss with the Program Manager if a N5 or N7 “*Notice to Terminate Early*” should be served to the tenant.
8. The Landlord Tenant Board Hearing:
- a. The Case Worker will request the complainant and neighbouring tenants to attend the Landlord and Tenant Board Hearing, if required.
  - b. Log books detailing the dates and times that second-hand smoke infiltrated another apartment, in addition to testimony from third parties confirming the smell of second-hand smoke and its impact on health and well-being may also be presented at the hearing.

**Appendices:**

A-Tenant Complaint Follow up Letter