

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. 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 private yards. No current tenant or occupant, including their guests, may smoke on 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.

OCH 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 SHS

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

OCH 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

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

OCH NO-SMOKING POLICY

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



OCH 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.