



Crescent Village Housing Corporation.



138 Yorkland Street, ♦ Unit 62, ♦ Richmond Hill, Ontario, L4S 1J1. Phone (905) 770-3578 ♦ Fax (905) 770-3396

POLICY NAME: SMOKE FREE CRESCENT VILLAGE POLICY

POLICY NUMBER: 27

DATE DEVELOPED: NOVEMBER 2018

Crescent Village Housing Corporation (CVHC) is committed to promoting a healthy community with safe living and working environments.

Due to the irritation and known health risks of exposure to second-hand smoke, increased risk of fire and increased maintenance and cleaning costs, the Town of Richmond Hill, Housing Services Division, is implementing a Smoke-Free Policy.

Effective, January 1, 2019, all new leases signed with the CVHC, will provide that all buildings and properties be smoke-free and will restrict smoking outdoors to a distance of five (5) meters or more of the windows, doors, and air intakes.

The Smoke-Free Policy will apply to the following:

- a) Inside the unit
- b) Balconies and Patios
- c) Private yards rented with the unit
- d) Other areas specifically included in the lease

Additionally, effective January 1, 2019, tobacco and cannabis smoking is strictly prohibited at all CVHC owned outdoor children's playgrounds and all public areas within 5 meters of any point on the perimeter of the playground. A playground may include but without being limited to, slides, swings, climbing apparatuses etc. The prohibition applies in all seasons.

REMINDER

No Smoking on Common Element Areas

Tobacco smoking and smoking cannabis is STRICTLY prohibited in all of the common element areas including balconies, patios and terraces.

Production of cannabis is STRICTLY prohibited in all units and common element areas including balconies, patios and terraces.

Tenants shall inform tenant's guests, invitees, and visitors of the Smoke-Free Policy.

Tenants are to promote the Smoke-Free Policy and alert the CVHC, in writing, of violations to the policy.

"Smoking" shall include inhaling, exhaling or carrying any cigar, cigarette, pipe or other tobacco or non-medical marijuana and similar product whose use generates smoke or vapor, including the use of e-cigarettes.

“smoke-free area” means area within five (5) meters of the windows, doors, and air intakes of all buildings and properties operated by CVHC.

“unit” means the entire leased premises, which includes all exclusive use areas such as the balcony, patio or other areas specified in the lease.

The following are exemptions to the Smoke-Free Policy:

a) Existing Tenants

Existing tenants who have signed lease agreements before January 1, 2019, will be ‘grandfathered’ (exempt) from the Smoke-Free Policy as long as they continue to live in the same unit. If they transfer to another unit, a new lease agreement must be signed and the Smoke-Free Policy will apply, as it does to a new tenant.

Existing tenants may choose to sign a Smoke-Free Policy lease addendum.

b) Medical Use of Marijuana

Smoke Free Policy does not prohibit the smoking of marijuana for medical use for those who are suffering from grave and debilitating illnesses. All exemptions will be dealt with on a case by case basis.

Tenants falling under this exemption must demonstrate that they are in legal possession of cannabis for medical purposes obtained from a licensed producer by showing either the label on the package containing specific client information or the separate document containing the same information, which accompanied the shipment of cannabis. Staff may also request medical documentation confirming the tenant’s need to be accommodated for the use of medical marijuana in the unit.

Marijuana is categorized as a controlled substance. It is not legal to grow or possess marijuana except with legal permission as outlined in the Access to Cannabis for Medical Purposes Regulations (ACMPR). All illegal acts are cause for termination under the RTA; and

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.

APPLICATION

January 1, 2019, the Smoke-free Policy will be in effect in all CVHC properties. All new tenants, as well as current tenants who sign a new lease, on or after January 1, 2019, must follow the Smoke-Free Policy as outlined in the lease agreement they have signed.

When smoking outside, all tenants (including current tenants) and their guests/visitors must be at least five (5) meters away from any windows, entrances or exits to the building.

CVHC, adoption of a Smoke-Free Policy does not make CVHC, or its agents and staff the guarantor of tenant’s health or of a smoke-free unit, building or property. However, CVHC, shall take reasonable steps to enforce the Smoke-Free Policy.

CVHC, is not required to take steps in response to smoking unless put on notice of the presence of smoking by personal knowledge or written notice by a tenant.

CVHC specifically disclaims any implied or express warranties that the building or tenant’s premises will have any higher or improved air quality standards than any other rental properties.

Tenants with respiratory ailments, allergies or any other physical, mental, emotional or psychological conditions relating to smoke are put on notice that the Services Division, does not assume any higher duty of care to enforce the Smoke-Free Policy than any other landlord obligation under the lease.

RELEVANT LEGISLATION & POLICY

Residential Tenancies Act, 2006

Housing Services Act, 2011

Smoke-Free Ontario Act

Municipal Smoke-Free Bylaws

Ontario Human Rights Code

Canadian Charter of Rights and Freedoms