



Smoke Free Policy

Policy Number: 2.1

Date Revised: September 16, 2016

References:

Residential Tenancies Act, 2006

Smoke Free Ontario Act, 2006

Kitchener Smoking Bylaw, 1988

POLICY STATEMENT

Purpose

The purpose of this policy is to adhere to non-smoking legislation first adopted by the City of Kitchener in November 1988 that prohibited smoking in all city-owned properties. Furthermore, Kitchener Housing Inc. is committed to implementing the Ministry of Health and Long-term Cares Smoke-free Ontario Act (2006) which bans smoking in all common areas of multi-unit dwellings. In addition to both regional by-laws and provincial legislation, Kitchener Housing Inc. (KHI) and Kitchener Non Profit Property Management Inc. (KNPPMI) have created a smoke-free policy to further protect the health of tenants and the public by minimizing exposure to second hand smoke in our properties by following the rules and regulations as outlined in this Smoke-free Policy. All tenants are encouraged to review and understand the complete Smoke Free Policy.

Scope

Effective April 1, 2012, Kitchener Housing Inc. (KHI) and Kitchener Non Profit Property Management Inc. (KNPPMI) implemented a smoke free policy which includes a provision in every new lease signed requiring that the unit and any any portions of the leased premise are smoke-free. This policy applies to all new tenants and current tenants who transfer to another unit on or after April 1, 2012 as outlined in the lease agreement. Furthermore, this policy applies to all other occupants of the Lease Premises, the tenant's guests and business invitees.

POLICY AND PRINCIPALS

New tenants, transfers and their guests/visitors are not allowed to smoke or hold lit tobacco of any kind (cigarettes, pipes, cigars, etc.) anywhere in or on any part of their Leased Premises. This can include a balcony, patio or any other area included in the lease agreement. Current tenants who have signed lease agreements before April 1, 2012 will be "grandparented" (exempted) from the section of the Policy that applies to smoking indoors as long as they continue to live in the same unit. This means they can continue to smoke in their rental unit, on balconies and patios. If they transfer to another unit however, that is owned by KHI or KNPPMI; the Smoke Free Policy will apply in its entirety as it does to a new tenant.

Smoking or holding lit tobacco is prohibited outdoors to a distance of five meters (16 ft.) or more away from the following areas of KHI properties:

- any windows (on the main level),
- all common entrances or exits to the buildings (apartment buildings) or indoor areas
- all parks, playgrounds and greenspaces

KHI will make the smoke-free areas visible by:

- painting a line on the ground (paving, sidewalks, etc.) which will indicate the smoke-free perimeter at the main entrances and exits, and/or
- post appropriate signs to show the smoke-free perimeter and locations.

25 Joseph Street and 35 David Street Properties

The entire property located at 25 Joseph Street and 35 David Street are deemed non-smoking properties. Smoking is prohibited in all units, common areas and all outdoor space. A butt receptacle will be placed at the rear of the property at 25 Joseph Street. Only those tenants who are "grandparented" will be allowed to smoke in their leased premises.

Voluntary Smoke-free Lease Signing

If a KHI or KNPPMI tenant would like to have their grand-parented lease/unit designated as a smoke-free unit under this policy, staff should follow the process for signing a smoke-free lease addendum outlined in the procedures document for the Smoke-free Policy.

Exceptions to the Smoke Free Policy

The policy applies to all tenants, guests and visitors unless the individual falls into one of the following circumstances:

1. Medicinal marijuana users
 - a. The Smoke Free Policy does not prohibit the smoking of marijuana for medicinal use for those who are suffering from grave and debilitating illnesses. Tenants who fall under this exemption must have and are able to produce a label on the container of dried marijuana that identifies them as the client, the licensed producer's name and contact information, and information specific to the dried marijuana shipped. The licensed producer is also required to include similar information on a separate document with the shipment of dried marijuana. These documents demonstrate proof of authorized possession for KHI and for law enforcement <http://hc-sc.gc.ca/dhp-mps/marihuana/info/licencedproducer-producteurautorise/access-usage-eng.php>. A copy of the shipment label and documentation from the licensed producer be given to KHI / KNPPMI staff annually and will be kept in the tenant's file.

2. Individuals who practice the traditional use of tobacco
 - a. The Smoke Free Policy does not prohibit an Aboriginal person from smoking or holding lit tobacco in their unit, 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. The sacred use of tobacco does not include the recreational use of tobacco. Tenant (s) must provide documentation to support Aboriginal status and a written statement clarifying their intended use to KHI to be kept on file.

Complaints

Tenants who wish to complain about an individual or household that is violating the Smoke Free Policy must submit their complaint, in writing, to Kitchener Housing Inc. The name of the person who is submitting the complaint must be included in the letter – the complaint cannot be made anonymously. Staff from Kitchener Housing Inc. or Kitchener Non-Profit Property Management Inc. will follow up on complaints per standard operating procedure.

Current tenants who are “grandparented” (exempt) from this Smoke Free Policy are reminded that they must follow the Policy when smoking outdoors off of their leased premise and that other tenants still have the right to complain about them should their smoking in their leased premise substantially interfere with the reasonable enjoyment of the residential complex by their neighbours or landlord.