

CAMBRIDGE KIWANIS HOUSING

Smoke Free Policy

Policy name	Smoke Free Policy
Policy number	4.3
Date	February 16, 2012
Date reviewed or revised	September 19, 2019
References	<i>Human Rights Code</i>
Also see	<i>Tenant Complaint Form</i>

Policy Statement

The health of tenants, staff and service personnel is very important to the Cambridge Kiwanis Village Non-Profit Housing Corporation, and we would like to do our part in protecting people from exposure to second-hand smoke. Therefore, CKV implemented a Smoke-Free Policy across the portfolio in 2012.

Definitions

Smoking: includes inhaling, exhaling, breathing or carrying of a lighted cigar, cigarette, pipe, other tobacco product, cannabis, any vaping or e-cigarette device, or any other lighted substance or lighted smoking equipment.

Vaping: includes the inhaling, exhaling, burning or ordinary use of any electrical or mechanical device to produce vapor or any other device that produces vapor for the primary purpose of inhaling.

Business Invitee: includes but is not limited to any contractor, agent, household worker, or other person hired by the housing provider, tenant or resident to provide a service or product to the housing provider, tenant or resident.

Portfolio: any Cambridge Kiwanis Village owned property, including the Unit, Residential Complex, common areas, and parking lots.

Policy

Due to the irritation and known health risks of exposure to second-hand smoke, increased risk of fire, and increased maintenance costs, all forms of smoking are prohibited. This means that

- No tenant, resident, guest, business invitee or visitor shall smoke cigarettes, cigars or any similar product whose use generates smoke within the building, except those used for spiritual traditions ex. smudging ceremonies.
- The prohibition includes all residential units within the building, all balconies and patios, enclosed common areas, as well as outside and the entrances/exits of the building. If smoking outside, you must be at least 5 meters away of doorways, operable windows and air intakes.

A. Current Tenants

Tenants with lease agreements effective before April 1, 2012, will be 'grandfathered' (exempt) 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 current tenants transfer to another unit within the Cambridge Kiwanis Village portfolio, a new lease agreement must be signed, and the *Smoke-Free Policy* will apply in its entirety.

B. Exemption

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. The sacred use of tobacco does not include the recreational use of tobacco.

C. Complaints

Tenants who wish submit a complaint about an individual or household that is violating the *Smoke-Free Policy* must submit their complaint, in writing, using a *Tenant Complaint Form* to their Superintendent. The Manager-Tenant Services will follow up on any and all complaints received in writing.

Current tenants who are 'grandfathered' (exempt) from this *Smoke-Free Policy* must follow the Policy when smoking outdoors. Other tenants still have the right to submit a complaint regarding their smoking violation should they substantially interfere with the reasonable enjoyment of the residential complex by their neighbours.

D. Our Responsibility

Cambridge Kiwanis Village will promote the *Smoke-Free Policy*. No-smoking signs at entrances and exits, common areas, hallways, and in conspicuous places adjoining the grounds of the Residential Complex will be posted. Cambridge Kiwanis Village cannot guarantee a smoke-free environment. You acknowledge that the adoption of this policy does not make CKV or any of its managing agents the guarantor of tenants' health or of a smoke-free unit and Residential Complex. However, CKV will take reasonable steps to enforce the no-smoking terms of the lease. CKV is not required to take steps in response to smoking unless Staff is notified via writing using the *Tenant Complaint Form* (complaint steps are listed above under 'Complaints').

As the Landlord, CKV specifically disclaims any implied or express warranties that the building, common areas or the Unit will have any higher or improved air quality standards than any other rental property. CKV cannot and does not warrant or promise that rental premises or common areas will be free from second-hand smoke. CKV's ability to police, monitor or enforce compliance with this Policy is dependent in significant part on voluntary compliance of tenants, tenants' guests, and any other occupants of the Residential Complex. Tenants with respiratory ailments, allergies, or any other physical, mental, emotional or psychological conditions relating

to smoke are put on notice that Cambridge Kiwanis Village does not assume any higher duty of care to enforce this Policy than any other Landlord obligation under the lease.

Policy and the Human Rights Code

Cambridge Kiwanis Village complies with the Ontario Human Rights Code (the Code), and this Policy is to be applied in a manner that is consistent with the requirements of the Code. This means that there may be circumstances where an exemption to this Policy is required to accommodate the human rights of an individual or individuals.

Where an individual wishes to seek an exemption to this Policy for a reason related to their human rights under the Code, they will have to make a request for the exemption in writing to the Manager- Tenant Services or their designate. Such requests will be dealt with on a case by case basis and exemptions may have to account for the rights of other individual(s) under the Code.