

POLICY AND PROCEDURES MANUAL	SMOKE-FREE POLICY		
	POLICY NO. 2.47	EFFECTIVE May 26, 2015	AMENDMENT NO. 1

1. Introduction

This policy has been developed in the context of an increasing demand by Capital Region Housing Corporation (CRHC) 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 BC Tobacco Control Act was amended in 2008 to introduce a province-wide ban on smoking in public places, including these areas of apartments and condos:

- Common areas of apartment buildings, condominiums and dormitories, including elevators, hallways, parking garages, party or entertainment rooms, laundry facilities, lobbies; and
- Within 3 metres (buffer zones) of public entranceways to apartment buildings, open windows and air intakes.

Many municipalities have restricted tobacco use in public places that exceed the BC regulations. On September 10, 2014, the Capital Regional District (CRD) introduced the Clean Air Bylaw No. 3962, increasing the scope of the ban on tobacco smoking within the Capital Regional District. This Bylaw makes all parks, playgrounds, playing fields, public squares and bus stops smoke-free and extends the smoke-free buffer zone outside of doorways, windows and air intakes from three metres to seven metres.

(<https://www.crd.bc.ca/project/proposed-clean-air-bylaw>)

Knowing that smoking is a subject which can provoke passionate responses from smokers and non-smokers alike, CRHC conducted an extensive consultation process prior to drafting the current policy.

2. Policy Statement

Capital Region Housing Corporation (CRHC) supports a smoke-free environment and is committed to promoting a healthy community with safe living and working environments.

- A. No tenant, occupant, resident, guest, staff, or business invitee shall smoke on the premises, or in the CRHC property listed in Appendix A.

These premises include:

1. inside the unit
2. balconies
3. patios
4. private yards rented with the unit
5. other areas specifically included in the Tenancy Agreement

CRHC building is a structure with a roof and walls owned by CRHC, including, but not limited to:

1. any residential premises
2. offices
3. workshops
4. parking garages
5. Stairwells
6. Indoor and outdoor Common areas

3. Exemptions

Current tenants and their guests

Tenants who signed a Tenancy Agreement prior to implementation of this policy will be exempt from the policy that applies to smoking on the 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 unit which includes the interior of the rental unit, on their balconies and private yards.

No current tenant or occupant, including their guests, shall smoke in the indoor or outdoor common areas of the CRHC smoke-free properties.

If a current tenant transfers to another unit, the tenant must sign a new Tenancy Agreement and comply with the CRHC Smoke Free policy as a new tenant within the unit.

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 CRHC.

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.

4. Policy Objectives

The objectives of this policy are to:

- Provide a healthier environment for all tenants and staff
- Create smoke-free housing in CRHC 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

5. 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

6. Applications

This policy applies to all CRHC tenants, occupants, guests, business invitees and/or CRHC staff, except as specified in this policy.

7. 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 CRHC tenants or CRHC. Community organizations that have a relationship with CRHC are also considered business invitees.

Current tenants are tenants who signed a Tenancy Agreement with CRHC prior to the implementation date of this policy.

Guest is a person who is visiting a tenant for a limited period of time.

Premises includes the

- unit
- all balconies, patios
- private yards

New tenant is a person who signed a Tenancy Agreement with CRHC 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 Tenancy Agreement but who is not a signatory to the Tenancy Agreement, such as a tenant's minor children or additions to the household.

CRHC building is a structure with a roof and walls owned by CRHC, including but not limited to any residential premises, offices, and workshops.

CRHC property includes outdoor common spaces owned by CRHC 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 Tenancy Agreement.

8. Responsibilities

All CRHC employees must comply with this policy. CRHC staff will:

- Assist in implementing this policy through example, that is, by complying with this policy in CRHC communities and on CRHC property
- Not smoke in any CRHC vehicles, workshops or in any other places included in this policy

It is the responsibility of all CRHC staff involved in renting or signing of Tenancy Agreements to communicate the smoke-free clauses clearly and effectively to prospective tenants.

CRHC staff will work with tenants to resolve smoking-related complaints. Tenants may submit to CRHC staff as per the Complaints and Disputes section of the *CRHC Tenant Handbook* (p.12). CRHC 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 CRHC staff for review
- Referring the tenant to the appropriate CRHC staff or external services for assistance or support

It is the responsibility of *the Caretakers and the Property Manager- Tenant Relations* to investigate complaints by tenants, and to confirm whether or not the complaint can be substantiated and work with other CRHC staff to determine the appropriate course of action.

9. Related CRHC Policies and Procedures

- CRHC Tenant Handbook

10. Other Supporting References

- Constitution Act, 1982
- BC Tobacco Control Act Residential Tenancies Act, 2006
- Human Rights Code
- Guidelines to Article 8 World Health Organization (WHO) Framework Convention on Tobacco Control
- CRD Clean Air Bylaw No. 3962

Review Date: Two years after implementation.

Appendix A.

Properties transitioning to smoke-free (have grandfathered tenants):

Castanea, The Birches, Firgrove, Springtide, Parry Place, Leblond Place apartments

Amberlea, Arbutus View, Beechwood Park, The Brambles, Camosun Place, Campus View, Colquitz Green, Greenlea, Grey Oak Square, Harbour Lane, Kings Place, Leblond Place townhouses, Michigan Place, Oakwinds, Olympic View, Pinehurst, Portage Place, The Terraces, Tillicum Station, Viewmont, Village on the Green

Smoke-free properties:

Parry Place, Millstream Ridge, Vergo,