

**ROYAL CITY HOUSING  
CO-OPERATIVE INC.**

**A BY-LAW TO PROTECT HEALTH,  
SAFETY AND WELFARE AT THE CO-OP BY  
DESIGNATING THE CO-OP AS  
SMOKE-FREE**

**By-law No. 2018-01**

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**SMOKE-FREE BY-LAW**

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**MODEL FOR ONTARIO CO-OPS**

Passed by the Board of Directors on 12 September, 2018

Confirmed by the members on 24 October 2018

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# **Article 1: About this By-Law**

## **1.1 Purpose of this By-law**

This By-law states rules and procedures to protect the health, safety, and welfare of members, their households, co-op staff and visitors by designating the co-op to be smoke-free.

## **1.2 Priority of this By-law**

This By-law governs over the Occupancy By-law. The Human Rights By-law governs over this By-law if the co-op has a Human Rights By-law.

## **1.3 Special Meanings**

### **(a) Smoking**

Smoking includes carrying, inhaling or exhaling lit tobacco, cannabis or other products that generate smoke. It also includes having those things while they are lit whether or not they are being carried, inhaled or exhaled.

### **(b) Traditional Indigenous uses**

Smoking does not include using tobacco for traditional Indigenous cultural and spiritual purposes (excluding recreational use).

### **(c) Vaporizing**

Smoking does not include vaporizing tobacco or cannabis\* if the vaporizing device is designed not to emit second-hand smoke and is in good working order.

\* - Conditional on the passing of the Cannabis Act, 2017 into law.

# **Article 2: Smoke-Free**

## **2.1 Prohibition**

Co-op members must not smoke in their units or on co-op property.

## **2.2 Vaporizing**

Co-op members must not vaporize tobacco, cannabis or other drugs in the interior of the co-op property except within units.

## **2.3 Acts of Others**

Members must make sure that no member of their household or anyone permitted on co-op property by the co-op member or another member of their households smokes in a unit or on co-op property.

## **2.4 Staff and Visitors**

The board of directors will arrange for staff and visitors to follow the same rules for smoking that apply to members.

## **Article 3: Designated Smoking Areas**

### **3.1 Designated Smoking Areas**

#### **(a) Board motion**

The board of directors may pass a motion to designate one or more specific outdoor areas of the co-op as a “Designated Smoking Area”. The board should make sure that all Designated Smoking Areas are

- at least 9 meters away from building entrances
- at least 9 meters away from balconies, windows, play areas, members’ yards and gardens
- away from garbage bins and garden supply storage areas
- accessible to users of mobility assistance devices.

#### **(b) Closer Designated Smoking Areas**

If necessary, the board may decide that Designated Smoking Areas may be closer than 9 meters from building entrances balconies, windows and play areas. The board will consider the interests of the members who will be most affected by the location.

#### **(c) Clean-up**

The board will arrange for receptacles to dispose of used smoking materials in or near Designated Smoking Areas. Users of those Areas are responsible for using the receptacles.

### **3.2 Use of Designated Smoking Areas**

Despite Article 2 (Smoke-Free), smoking is permitted within Designated Smoking Areas if the co-op has any.

## **Article 4: Application of By-law**

### **4.1 Grounds for Eviction**

Breaking of any provision of this By-law can be grounds for eviction under the Occupancy By-law.

### **4.2 Exemptions**

#### **(a) Exceptions**

The board of directors may make special exceptions to this By-law on a case-by-case basis for members who have to smoke cannabis for medical reasons, human rights reasons or for other special circumstances. Any exception has to be stated in a motion of the board recorded in the confidential minutes. The motion should state any limits to the length of the exception, location, timing and anything else. The member who

receives the exception should sign a copy of the motion or an Agreement to confirm the decision.

**(b) Legacy Status**

Co-op members and members of their households who smoke tobacco when this By-law is confirmed can apply for “legacy” status. Despite Article 2 (Smoke-Free), persons with legacy status can smoke tobacco, but only on their balconies in the case of the upper level apartment units, or on their front porches, in the case of the ground level apartments and townhouse units.

**(i) Registering for legacy status**

Any existing member can register for legacy status by filling out a form to be provided by the co-op and delivered to the co-op office within five days of receipt.

**(ii) Only existing members**

Legacy status is only available to existing members and their households. No one else can have legacy status.

**(iii) Consideration for others**

Persons with legacy status must have consideration for their neighbours and do their best to avoid exposing them to second-hand smoke. The board will consider complaints about abuses and may cancel a member’s legacy status after a board meeting where the member is given an opportunity to be heard. Persons approved for legacy status must have a fire-secure receptacle to dispose of used smoking materials, such as the Butt-Out container. Ashtrays, food or coffee cans are not suitable.

**(iv) Internal move procedure for exempted households**

A current in-suite smoking-free exemption is non-transferable to a new unit unless the member household is required to move as a result of government legislation.

**4.2 Limits of the By-law**

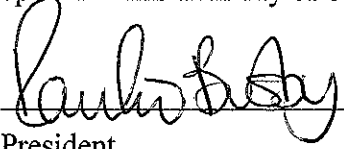
The By-law only relates to smoking at the co-op. It does not require members to stop smoking. It does not prohibit smokers from becoming members of the Co-op.

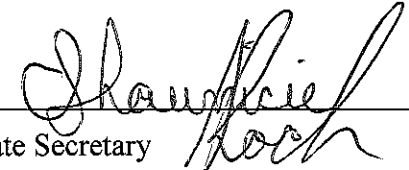
**4.3 Starting Date for this By-law**

This By-law will go into effect on the date when it is confirmed by the membership.

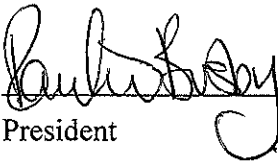
ROYAL CITY HOUSING CO-OPERATIVE

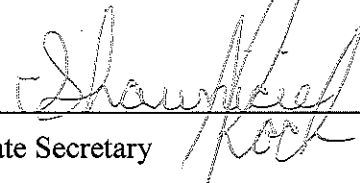
PASSED by the Board of Directors and sealed with the corporate seal of the Co-operative this 12th day of September, 2018.

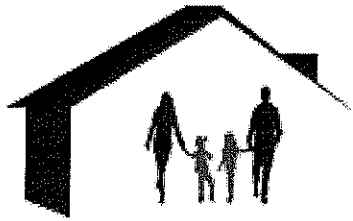
  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Corporate Secretary

CONFIRMED in accordance with the requirements of the by-laws of the corporation and the Act at a general meeting of the members of the Co-operative duly called and held on the 24th day of October, 2018.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Corporate Secretary



# ROYAL CITY HOUSING CO-OPERATIVE

## Registration Form for Legacy Status under Smoke Free Bylaw No 2018-01

This form was issued to (member name) \_\_\_\_\_ Unit \_\_\_\_\_

On (date) \_\_\_\_\_ and must be returned to the Co-op office within five (5) days on \_\_\_\_\_

This is to register for Legacy Status under the Smoke Free Bylaw No. 2018-01, Section 4.2 Exemptions, (b) Legacy Status which states the following:

### **4.2 Exemptions**

#### *(b) Legacy Status*

*Co-op members and members of their households who smoke tobacco when this By-law is confirmed can apply for "legacy" status. Despite Article 2 (Smoke-Free), persons with legacy status can smoke tobacco, but only on their balconies in the case of the upper level apartment units, or on their front porches, in the case of the ground level apartments and townhouse units.*

#### *(i) Registering for legacy status*

*Any existing member can register for legacy status by filling out a form to be provided by the co-op and delivered to the co-op office within five days of receipt.*

#### *(ii) Only existing members*

*Legacy status is only available to existing members and their households. No one else can have legacy status.*

#### *(iii) Consideration for others*

*Persons with legacy status must have consideration for their neighbours and do their best to avoid exposing them to second-hand smoke. The board will consider complaints about abuses and may cancel a member's legacy status after a board meeting where the member is given an opportunity to be heard. Persons approved for legacy status must have a fire-secure receptacle to dispose of used smoking materials, such as the Butt-Out container. Ashtrays, food or coffee cans are not suitable.*

#### *(iv) Internal move procedure for exempted households*

*A current in-suite smoking-free exemption is non-transferable to a new unit unless the member household is required to move as a result of government legislation.*

Signed by Member: \_\_\_\_\_ Date: \_\_\_\_\_

Date returned to Office \_\_\_\_\_ Date Board Notified \_\_\_\_\_