

Royal City Housing Co-operative

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

By-law No. 14

SMOKE-FREE BY-LAW

MODEL FOR ONTARIO CO-OPS

Passed by the Board of Directors on May 22, 2024

Confirmed by the members on November 26, 2024

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) Smoke-Free Ontario Act

Words with special meanings or definitions in the Smoke-Free Ontario Act will have the same meaning in this By-law.

(b) Smoking

Smoking includes

- smoking or holding lighted tobacco, cannabis or other products that generate smoke
- having those things while they are lit or in use whether or not they are being carried, inhaled or exhaled.

(c) Vaping

Vaping includes using an electronic cigarette or other vaporizing device for tobacco or cannabis to be inhaled by the user of the device

(d) Traditional Indigenous uses

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

(e) Medical Use of Marijuana

Smoking/vaping does not include the medical use of marijuana. However, exceptions will only be granted on a case by case basis. Members/households may be required to provide medical documentation to verify the use of marijuana within a unit.

Article 2: Smoke-Free

2.1 Prohibition

Co-op members must not smoke or vape in their units. Co-op members must not smoke or vape in common areas or other parts of co-op property.

2.2 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 household smokes or vapes in a unit or on co-op property.

2.3 Staff and Visitors

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

2.4 Growing Cannabis Prohibited and Restrictions

Growing cannabis is prohibited in common areas and/or other parts of the co-op property. Growing cannabis is prohibited within a unit, however an exemption may be provided based on medical need. Members/households may be required to provide medical documentation to verify need.

All exemptions are subject to board review and approval. An inspection of growth set up is required, to ensure no damages/potential damages to the unit.

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

Members will ensure that they are safely and properly disposing of smoking materials regardless of whether the co-op provides receptacles. Member will not leave smoking materials on the ground or cause litter in any way. Members will provide their own sealable and fire-resistant cigarette butt receptacle when one is not provided by the co-op.

3.2 Use of Designated Smoking Areas

Despite Article 2 (Smoke-Free), smoking and vaping are 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 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.

4.3 Limits of the By-law

This By-law only relates to smoking and vaping at the co-op. It does not require current members to stop smoking or vaping. It does not prohibit smokers or vapers, currently living on the property, from becoming members of the Co-op.

4.4 Starting Date for this By-law

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

4.5 Legacy Status

Co-op members and members of their household who smoke or vape when this bylaw is confirmed, can apply for Legacy Status within the co-op. Despite Article 2 (Smoke-Free), persons with Legacy status will be permitted to smoke or vape on their balcony, or front porch.

(a) **Registering for Legacy Status**

Any existing member of the co-op can register for Legacy Status within their unit, by signing and returning a form provided by the co-op. Status will not be granted until the form has been received and approved.

(b) **Only Existing Members**

Legacy Status is only available to existing members and their households as situated on or before October 24, 2018 (per the previous Smoking Bylaw) and is non-transferrable. Members/households who transferred units or join the co-op after this date will not be eligible for Legacy Status.

(c) **Limitations**

Guests of a household with Legacy Status are not covered under the status, and are only permitted to smoke in designated smoking areas.

Members, with or without Legacy Status, are not covered under another household's status and therefore cannot congregate on a porch/balcony and smoke. Members can smoke only in designated smoking areas, or on their own porch/balcony if Legacy Status was granted.

(d) **Consideration for Others**

Persons with Legacy Status must have consideration for their neighbours, and must take all reasonable measures to ensure that the smoke and smell from their smoking or vaping does not reach any other unit. A member's Legacy Status can be cancelled by the board of directors for seriously infringing on the reasonable right to enjoyment of other members.

(e) **Proper Disposal**

Members are required to ensure their smoking materials are safely and properly disposed of. Smoking materials, and used smoking materials, cannot be left outside where they could be knocked, blown away, or otherwise cause a mess on co-op property.