



October 1, 2017

Standard Lease Template Consultations  
Residential Tenancies Unit  
Market Housing Branch  
Ministry of Housing  
777 Bay Street, 14th Floor  
Toronto, ON M5G 2E5

**Re: Standard Lease Template Consultations**

I am writing on behalf of the members of the Ottawa Council on Smoking or Health (OCSH) regarding the consultations on the Standard Lease Template (Proposal #: 17-MHO006). We wish to respond to Section D (Rights, responsibilities and prohibited conditions) regarding “*reasonable enjoyment and its application to various issues (e.g. noise, smoking, etc.)*.”

The OCSH is a volunteer organization that was established in 1978. Our goals are to: create a social environment where non-smoking is the norm; to assist in establishing smoke-free environments; to prevent youth from starting to smoke; to encourage smokers to quit; and to advocate for better smoking cessation resources.

It is critical that the Standard Lease Template include a no-smoking clause that covers all weeds, substances and combustible products (e.g., tobacco, cannabis, shisha). **Residents of multi-unit housing urgently need legal protection from second-hand smoke, second-hand vapour, and particulate matter from combustible products that are lit and heated. This includes tobacco products, heat-not-burn tobacco products,<sup>1</sup> marijuana, medical marijuana, tobacco and herbal water pipes, herbal cigarettes, and electronic cigarettes.**

Involuntary exposure to second-hand smoke is a wide-spread public health problem in our community and across the province. When smoking takes place in multi-unit housing, it can affect all residents. Since 90% of Ontario residents support smoke-free multi-unit housing,<sup>2</sup> it is incumbent upon the Ministry of Housing to legally protect the hundreds of thousands of Ontario residents living in multi-unit housing. **Shared air is shared air, regardless of whether it is in a public place, a workplace, or multi-unit housing.**

Ontario families should have the right to safe housing that does not include someone else's smoke. Second-hand smoke is extremely toxic and causes cancer, heart disease, and lung disease (e.g., asthma, COPD).

The OCSH receives ongoing complaints from individuals who are exposed to the toxins in second-hand tobacco smoke, and more recently to the toxins in second-hand cannabis smoke. For example, the OCSH recently received a complaint from a 33-year-old woman who had suffered an ischemic stroke. She has no alternative but to breathe in second-hand smoke coming from her neighbours across the hall in her apartment building.

**The OCSH is extremely concerned that exposure to second-hand tobacco and cannabis smoke will escalate after the federal government legalizes cannabis on July 1, 2018. The federal government is considering allowing "individuals to cultivate up to 4 legal cannabis plants per residence anywhere on their property."<sup>3</sup> The Ministry of Housing must act now to protect all Ontario residents living in multi-unit housing.**

The use of "*reasonable enjoyment*" to enforce smoke-free clauses needs clarity. Smoke-free leases are legal and have been enforced by the Landlord and Tenant Board. However, some property managers are unclear about this and are reluctant to include restrictions on smoking in their leases. The Standard Lease Template is an excellent opportunity to clear this up and to give landlords and tenants the opportunity to go 100% smoke-free.

Based on the number of complaints that the OCSH receives on a regular basis from tenants who are affected by second-hand smoke in their apartments, the OCSH is very concerned about what would happen if the Ministry of Housing does not include wording in the Standard Lease Template that specifies the application of "*reasonable enjoyment*" to smoking and vaping. If smoking is not included in the Standard Lease Template, then landlords who have started adding smoke-free clauses may feel pressure to stop including it for new tenants. Also, landlords who are thinking about going smoke-free may not do it at all out of fear that they would be violating provincial law.

We strongly urge the Ministry of Housing to include a no-smoking and no-vaping clause in the Standard Lease Template. Hundreds of thousands of Ontario tenants desperately need legal protection from second-hand smoke in their apartment and condominium units.

Thank you for considering our comments.

Sincerely,

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## REFERENCES

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- <sup>1</sup> Chaiton M, Schwart R. Heat-Not-Burn Tobacco Products: Claims and Science. Ontario Tobacco Research Unit. November 2016. <http://otru.org/heat-not-burn-tobacco-products-claims-and-science/>
- <sup>2</sup> Ontario Tobacco Research Unit. Smoke-Free Ontario Strategy Monitoring Report: Protection. Chapter 5-17. (CAMH Monitor data; data not shown.)  
[http://otru.org/wp-content/uploads/2016/02/OTRU\\_2015\\_SMR\\_Protection.pdf](http://otru.org/wp-content/uploads/2016/02/OTRU_2015_SMR_Protection.pdf)
- <sup>3</sup> Government of Canada. Introduction of the Cannabis Act: Questions and Answers. Accessed July 26, 2017.  
<https://www.canada.ca/en/services/health/campaigns/introduction-cannabis-act-questions-answers.html#a4>