



## COUNCIL AGENDA REPORT

**TO:** Mayor Furniss and Members of Council  
**MEETING DATE:** November 16, 2018  
**SUBJECT:** Bill 36 - Cannabis Statute Law Amendment Act, 2018

**RECOMMENDATION:** For information only.

<b><u>APPROVALS:</u></b>	Date	Signature
Submitted by: Steve McDonald, CAO	<u>November 16, 2018</u>	<u>Original signed by S. McDonald</u>

**ORIGIN:** The Federal Cannabis Act and the Ontario Cannabis Act came into force on October 17th, 2018.

In Ontario, a minimum age of 19 years has been established to purchase Cannabis. Ontario is moving forward with a private retail model with the Ontario Cannabis Store acting as the wholesaler for the private retailers.

**DISCUSSION:** The Alcohol and Gaming Commission of Ontario (AGCO) has been established as the provincial regulator. The AGCO's current mandate includes licensing, regulation and compliance in the alcohol, gaming and horse racing industries.

The retail sale of cannabis requires that cannabis products not be visible or sold to youth and must be sold from behind the Counter. The maximum purchase limit is 30 grams of dried cannabis. This is in conformity with the public possession limit as established by the Federal Government. Retailers must participate in a national cannabis tracking system.

Municipalities can generally regulate both business and land use under the Municipal Act, 2001, and the Planning Act. In Ontario, however those powers have been somewhat limited by the Cannabis Licence Act, 2018, in respect of business licensing and land use controls related to retail stores.

The Cannabis License Act, 2018 specifically provides that municipalities do not have the authority to create licensing regimes in respect of the sale of cannabis. The system for regulating business licenses for the sale of cannabis falls entirely within provincial jurisdiction

Currently, retail storefronts are not permitted in Ontario. All sales are currently online sales from Ontario Cannabis Retail Corporation website only.

The first retail stores are to be operational April 1, 2019. Private sector retail stores are to be licensed by the AGCO. Municipalities do not have the authority to regulate the location of retail stores. Lower-tier municipalities have a one-time opportunity to prohibit cannabis retail stores from being located in the municipality. This one-time opportunity is referred to as an “Opt-out” and must be passed by Council resolution by January 22, 2019. If a municipality has opted out, then the AGCO must automatically refuse any applications for a proposed cannabis retail store in the municipality. A municipality that has opted out may later lift its prohibition on cannabis retail stores by “opting-in”, but once a municipality has chosen to “opt-in” this decision cannot be reversed.

There is no cap on the number of storefronts to be permitted in a municipality, and it is unclear to what extent cannabis retail stores will be required to comply with municipal zoning regulations (use, density, built form, etc.) for site approval.

The Province has established a public notification process if a request to open a store is made. The public notice process would notify the local municipality and the general public as to the proposed location, providing a 15-day comment period. The AGCO Registrar would consider any comments raised through this process when making its final decision.

Municipalities are not able to designate cannabis retail as a separate land use from retail generally or create a cannabis retail-licensing regime within their jurisdiction. From a zoning perspective, the municipality may only be able to regulate through the Zoning By-law the location of cannabis production facilities.

Minimum separation distances from schools and “any other prescribed land uses” will be prescribed by provincial regulation, which has not yet been released.

Cannabis production facilities are licensed by Health Canada in accordance with the federal Cannabis Act and regulations. Before submitting an application to the federal government, applicants must provide written notice to the local government in the area in which the proposed production facility is located.

A municipality may regulate cannabis production facilities through its zoning by-law. In respect of cannabis production facilities, municipalities may pass zoning by-laws:

- Permitting production facilities in some zones and not others
- Establishing maximum or minimum GFA or coverage
- Imposing setbacks from sensitive uses or zones
- Setting certain standards for loading, storage and parking on site
- Requiring owners to demonstrate compliance with regulatory requirements

Municipalities may also regulate cannabis production facilities through the site plan control process under s. 41 of the Planning Act.

(Production facilities must comply with Federal regulations regarding required security, including requirements for physical barriers to prevent unauthorized access)

### Places of Use

The Smoke Free Ontario Act (SFOA) was proclaimed into force on October 17, 2018. Among other things, it prohibits smoking or vaping in prohibited places, as defined, and sets out employer and proprietor obligations regarding these prohibitions. Important to note is that, as amended by Bill 36, the Cannabis Statute Law Amendment Act, 2018, the SFOA now permits the consumption of medical and recreational cannabis in locations where smoking tobacco is permitted under the SFOA including many public outdoor spaces, like sidewalks and parks. This is subject to any restrictions placed on consumption by municipalities. Attached is a list of locations where smoking or vaping is banned in Ontario.

### Decisions to be Made

1. Does the municipality wish to “Opt out” of allowing retail stores in Muskoka Lakes? (Council resolution required by January 22, 2019)
2. Does the municipality wish to regulate the location of cannabis production facilities through the zoning by-law?
3. Does the municipality wish to place further restrictions on the consumption of cannabis within the Township?

### **FINANCIAL:**

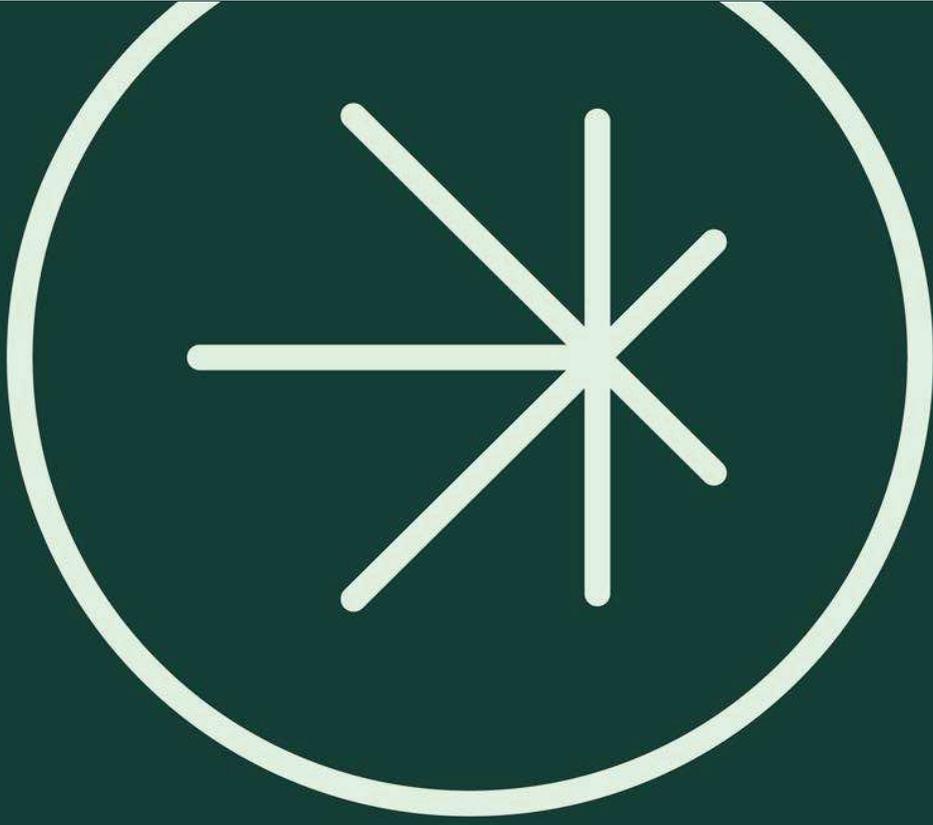
The Province will be establishing a \$40 million dollar fund spread out over two-years to assist municipalities with the costs of recreational cannabis legalization. Each municipality will receive a minimum of \$10,000 in total.

### **Attachments:**

- Moving Forward with Cannabis Retailing, Technical Briefing
- Ontario’s Updated Cannabis Framework: What’s New with Bill 36?
- Where you can’t smoke or vape in Ontario



Report from the CAO Re: Bill 36, the Ontario Cannabis Statute Law Amendm...



# Moving Forward with Cannabis Retailing

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Technical Briefing  
September 27, 2018

# Enabling Private Retail

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- The government is introducing legislation which, if enacted, would create a tightly regulated licensing model and regulatory framework for private retail of cannabis in Ontario
- The design of the model was informed by engagement with municipalities, Indigenous leadership, and key public safety, industry, and health stakeholders
- In this new model:
  - Private retailers would be licensed by the Alcohol and Gaming Commission of Ontario (AGCO)
  - The Ontario Cannabis Retail Corporation (OCRC) would be the exclusive wholesaler and online retailer of cannabis in the province
  - Municipalities would be able to pass a council resolution by January 22, 2019 to opt-out of retail stores
  - First Nation communities would be able to opt-out of cannabis deliveries and retail stores
- The province will provide \$40 million over two years to help municipalities with the costs of recreational cannabis legalization
- Proposed legislation, if enacted, would support this direction with the intent of enabling the AGCO to begin to accept applications in December 2018



# Provincial Regulator

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- The government is introducing legislation which, if enacted, would enable the implementation of a tightly regulated licensing and regulatory framework for private storefront cannabis retailing in Ontario and establish the AGCO as the provincial regulator for cannabis storefronts
- AGCO currently licenses, regulates and ensures compliance in the alcohol, gaming and horse racing industries in Ontario, and as such offers considerable experience and expertise as a regulator of controlled substances
- If the legislation were passed, AGCO, as the independent provincial regulator, would oversee the private channel and ensure the province's objectives related to cannabis retailing, protecting youth and combatting the illegal market are met
- If the proposed legislation is enacted, AGCO would:
  1. Issue a Retail Operator Licence after investigation (i.e. due diligence) into the business
  2. Issue a Retail Store Authorization to a licensed Retail Operator for the operation of a specified retail store after a local public notice process (administered by the AGCO), and upon confirmation of meeting certain requirements (e.g. safety and security plans in place)
  3. Issue certain individuals a Cannabis Retail Manager Licence
  4. Conduct compliance and audit processes, including store inspection prior to opening



# Licensing Parameters

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## Licensing Eligibility

- The proposed legislation, if enacted, would establish due diligence requirements and specific eligibility criteria for the issuance of licenses and store authorizations, including financial responsibility and conduct based on the principles of integrity and public interest.
- If legislation is passed, persons operating in contravention of provincial and federal Cannabis legislation would not be eligible to operate a cannabis retail store
- The proposed licensing framework would:
  - Not cap the total number of licenses or authorizations
  - Enable ownership concentration limits for private retailers to be established by regulation in advance of December 2018 following appropriate consultation
  - Prohibit the sale or transfer of licences
  - Permit licensed producers to operate a single store at a single production facility in Ontario, per company, including all affiliates
  - Require authorized retailers to display the cannabis retailer seal and create new offences for false representations as an authorized cannabis retailer.

## Store Operating Parameters & Distance Buffers

- Additional store operating parameters (e.g. store format, security requirements, staff training requirements) would be established by regulation or by AGCO Registrar's standards and requirements subject to additional consultation and before the AGCO begins accepting applications in December 2018
- A distance buffer between private cannabis retail stores and schools would be set through regulation in advance of December 2018 following further consultation with municipalities and key stakeholders



# Municipalities

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- It is proposed that local municipalities would be provided with the opportunity to opt-out of cannabis retail stores in their communities by January 22, 2019
  - Municipalities that opt-out of cannabis retail stores could allow them in the future, but municipalities that do not opt-out of stores by January 22nd, cannot opt-out of them at a later date
- In municipalities that have not opted-out of stores, if a request for a store location authorization request is received, the AGCO would initiate a public notice process in which the affected municipality and the public would have an opportunity to identify any comments within a 15-day period
  - AGCO Registrar would consider any comments raised through this process when making its final decision to grant an authorization for that location
  - MAG will continue to consult with municipalities on the implementation of this process
- Municipalities would not be able to designate cannabis retail as a separate land use from retail generally or create a cannabis retail licensing regime within their jurisdiction



# Municipal Funding

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- The province will provide \$40 million over two years to help municipalities with the implementation costs of recreational cannabis legalization, with each municipality receiving at least \$10,000 in total
- As soon as possible this year, the province would make the first payment to all municipalities on a per household basis, with at least \$5,000 provided to each municipality
- The province would then distribute a second payment following the proposed deadline for municipalities to opt-out, which would be January 22, 2019
  - Municipalities that have not opted-out as of that date would receive funding on a per household basis
  - This funding would support initial costs related to hosting retail storefronts
  - Municipalities that have opted-out would receive only a second \$5,000 each
- The province is considering setting aside a certain portion of the municipal funding in each of 2018-19 and 2019-20 for unforeseen circumstances, and priority would be given to municipalities that have not opted-out
- Finally, if Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, the province will provide 50% of the surplus only to municipalities that have not opted-out as of January 22, 2019



# First Nations

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## On Reserve Delivery Prohibition

- Proposed amendments would require that OCRC implement a prohibition of on-reserve delivery when requested by a First Nation community through a band council resolution

## Retail Store Opt-out & Approval

- First Nations would be able to opt out of private cannabis retail stores by way of band council resolution
  - A First Nation community's ability to prohibit stores on reserve would not be time-limited to accommodate for First Nation election cycles and ongoing community engagement
- A band council resolution would be required to approve a store on reserve before the AGCO issues a retail store authorization

## Agreement with Council of the Band

- The Attorney General would be able to enter into agreements with First Nation communities on a wide scope of legislative components (e.g. minimum age, retail, etc.)



# Places of Use

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- Smoking of cannabis (medical and recreational) would be prohibited in the same places where the smoking of tobacco is prohibited (e.g. enclosed public places, enclosed workplaces, and other specified places)
  - The vaping of cannabis would be captured by existing provisions in the *Smoke-Free Ontario Act, 2017* (not yet in force) that will regulate the use of an electronic cigarette
- All methods of consuming cannabis (e.g. smoking, vaping, ingestion) would be prohibited in vehicles and boats that are being driven or under a person's care or control, subject to certain exceptions that would be prescribed by regulation (e.g. use of medical cannabis edibles by a passenger who is a medical cannabis user)
- Generally speaking, municipalities could pass by-laws further restricting the use of cannabis
- The government's commitment to review rules regarding vapour products prior to implementation of the Act are also included in the bill
  - Rules for the display and promotion of vapour products would be separate from the display and promotion rules for tobacco products and tobacco product accessories:
    - Any seller of vapour products could display and promote products subject to restrictions outlined in the federal *Tobacco and Vaping Product Act*. There would be no additional provincial restrictions
    - Specialty vape stores would be permitted to let customers sample vapour products within the store, subject to certain conditions



# Ontario Cannabis Retail Corporation

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- On October 17<sup>th</sup>, the OCRC will be the exclusive online retailer for legal cannabis in Ontario
  - Consumers 19 and older will be able to purchase cannabis via OCRC's online retail platform
  - Online sales would be implemented in a socially responsible manner, including secure home delivery with age verification at the customer's door, and no packages left unattended at the door
- The OCRC would also be the exclusive wholesaler to future private retail stores
- Proposed changes to the governance structure of the OCRC would result in the agency's board reporting directly to the Minister of Finance rather than operating as a subsidiary of the LCBO
  - This change would better support the mandate of OCRC as Ontario's online retailer and cannabis wholesaler



# Next Steps

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- If legislation is enacted, regulations would be developed to enable the AGCO to accept applications in December 2018
- Municipalities would have the opportunity to opt out of retail stores by January 22, 2019
- The government will continue to consult on further details to enable private retail stores by April 1, 2019



## Ontario's Updated Cannabis Framework: What's New with Bill 36?

### Schedule 1: Amendments to the *Cannabis Control Act, 2018* (Previously the *Cannabis Act, 2017*)

- Authorizing Licensed Private Retailers: Section 7 (1) of Bill 36 amends Section 6 (1) of the Act to allow 'authorized cannabis retailers' to legally sell cannabis.
- Prohibition against Unlicensed Sale of Cannabis: Section 7 (2) of Bill 36 amends Section 6 (2) of the Act to prohibit distribution by anyone other than an authorized cannabis retailer and its employees.
- Prohibition Against False Representation: Section 8 (1) of Bill 36 prohibits persons other than an authorized cannabis retailer from using the cannabis retail seal or otherwise representing themselves as an authorized retailer.
- Prohibition Against Illegal Online Purchasing: Section 10 (2) of Bill 36 prohibits consumers from purchasing cannabis online except from the Ontario Cannabis Retail Corporation.
- Designating Powers of Enforcement to Bylaw Officers: Section 21(1) of Bill 36 indicates that the Minister can designate in writing any power exercised by a police officer under the Act (except for arrests) to any person or class of persons. The Minister can also issue restrictions in the written designation.
- Power to Infer that a Substance is Cannabis during Prosecutions: Section 25.1 of Bill 36 enables a court to infer that a substance is cannabis in the absence of evidence to the contrary. Section 28 also enables the Minister to issue regulations providing for how elements of an offence under the Act can be proved (i.e. assumptions or inferences that can be made in the absence of evidence to the contrary).

### Schedule 2: Introduction of the *Cannabis Licence Act, 2018*

- Alcohol and Gaming Commission of Ontario named as the licensor, registrar and regulator of private cannabis retail.
- Prohibition Against Cannabis Retail in Opt-Out Municipalities: Section 4(2)(a) of the Act prohibits retail store authorization in a municipality that has opted-out of retail.
- Rules for Opting-Out: Under Section 41(1), municipal governments have until January 22<sup>nd</sup> to opt out of private retailers via resolution. According to Section 41(5), municipal governments are required to send notice to the Registrar if they pass a resolution to prohibit cannabis retail locally. The process for sending notice is to be prescribed in regulation. Under Section 41(2), opting-out will immediately cancel any outstanding applications for a licence in the municipality.
- Rules for Opting Back In: Under Section 41(3), municipal governments can opt back in by passing a resolution to lift a cannabis prohibition implemented before January 22<sup>nd</sup>, 2018. Section 41(4) stipulates that any resolution passed to lift a prohibition is final and may not be reversed. A municipality is required to send notice to the Registrar if it opts back in (Section 41(5)).
- Restrictions on Municipal By-law Making Authority: Section 42(1) of the Act denies municipal governments the authority to pass a business licensing by-law respecting the sale of cannabis or the governance of retail stores. Section 42(2) of the Act denies municipal governments the authority to pass a by-law under the *Planning Act* that has the effect of distinguishing where cannabis can or cannot be sold. Under section 42(3), any existing by-law passed by a municipality to regulate cannabis retail location is deemed to be of no effect.

- Rules Around 15 Day Public Notification: Section 4(7) of the Act requires that the Registrar give public notice of an application for a retail store authorization by displaying the notice on the location and by posting a notice on the Commission’s website.
- Municipal Role in the Public Notification Process: Section 4(9) states that the public notification process shall include a request from the Registrar to the municipality, or both municipalities in a two-tiered structure, for a written submission as to “whether the issuance of the retail store authorization is in the public interest, having regard to the needs and wishes of residents.” The municipality must respond within 15 days if it wishes to comment.
- Retail Store Authorization Eligibility: Section 4(6) of the Act sets out the eligibility requirements for an applicant to obtain retail store authorization. Criteria 5 states that a location is not eligible if the proposed store “is not in the public interest, having regard to the needs and wishes of the residents of a municipality.”
- Single Store Allowance for Licensed Production Sites: Section 4(4) restricts a licensed producer so that it can only hold one retail store authorization for a site located on or within the site set out in the production license.
- Designation of Inspectors: Section 27(1) authorizes the Registrar to designate persons employed by the Commission or other persons as inspectors for the purpose of ensuring compliance with the Act. It is unclear if bylaw officers can/will be designated inspectors.
- Designation of Investigators: Section 29 (1) authorizes the Registrar to appoint any person to be an investigator to determine if there is a contravention or failure to comply with the Act. Subsection (2) names police officers and “individual who exercise the powers of a police officer” as investigators by default. It is unclear if bylaw officers can/will be designated investigators.
- Proof of Appointment as an Investigator: Upon request, anyone acting as an investigator must produce identification to confirm authorization to act as an investigator.
- License Appeal Tribunal named as the body to review decisions made under the *Cannabis Licence Act*. It is unclear how the appeal process will work.

**Schedule 3: Amendments to the *Ontario Cannabis Retail Corporation Act, 2017***

- Online Recreational Cannabis Sales: named the exclusive right of the Ontario Cannabis Retail Corporation (OCRC) in Section 2(1) of the Act.
- Corporation to Function as the Exclusive Wholesaler: Section 2(1)(b) stipulates that the OCRC has the exclusive right to sell recreational cannabis in Ontario to the holders of retail operator licenses and retail store authorization.

**Schedule 4: Amendments to the *Smoke Free Ontario Act, 2017***

- Aligning Cannabis Places of Use Rules with Tobacco: the definitions of ‘medical cannabis’ and ‘medical cannabis user’ are repealed and replaced by the definition of ‘cannabis’ under the federal *Cannabis Act*. All references to medicinal cannabis are removed and replaced with references to ‘cannabis.’ The effect of this change is to align the rules around tobacco consumption with those regulating cannabis places of use. Public Health Enforcement will be responsible for enforcing cannabis places of use rules given their existing role in enforcing Smoke Free Ontario.

# Where you can't smoke or vape in Ontario

Learn where smoking tobacco or cannabis or vaping anything (e.g. with an e-cigarette) is banned in Ontario.

## On this page

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2. [Restaurant and bar patios](#)
3. [Vehicles and boats](#)
4. [Child care facilities and related places](#)
5. [Schools](#)
6. [Playgrounds and publicly owned sports areas](#)
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14. [Multi-unit residences](#)
15. [Hotels, motels and inns](#)

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## Definitions of “smoking” and “vaping”

Under the *Smoke-Free Ontario Act, 2017*, you cannot smoke or vape in any [enclosed workplace](#), any [enclosed public place](#) and other places designated as smoke-free and vape-free on this page.

If you smoke or vape where it is not allowed, you may be charged with an offence and subject to a fine (\$1,000 for a first offence, \$5,000 for any further offence) if convicted.

For the purposes of this page:

- “smoking” means smoking (inhaling and exhaling) **or holding lighted tobacco or cannabis** (medical or recreational)
- “vaping” means inhaling or exhaling vapour from an electronic cigarette (e-cigarette) **or holding an activated e-cigarette**, whether or not the vapour contains nicotine

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## Restaurant and bar patios

You cannot smoke or vape on a **patio** of any **bar** or **restaurant**, including the public areas **within 9 metres** of the patio.

The **only exception** is any branch of the Royal Canadian Legion or veterans' organization that established an uncovered patio **before November 18, 2013**. There, you:

- **can** smoke tobacco and vape
- **cannot** smoke cannabis or vape cannabis or a controlled substance

[Restaurant and bar owners, get the signs you need to post](#)

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## Vehicles and boats

Drivers and their passengers cannot smoke tobacco or vape anything in a car or other motor vehicle if anyone inside is age **15 years or younger**.

**No one** in a motor vehicle (including motorized snow vehicles such as snowmobiles) or boat that is being driven, or is at risk of being put into motion, can consume cannabis in any manner (smoking, vaping, eating). There are exceptions, including for:

- a passenger who is a medical cannabis user and consumes medical cannabis without smoking or vaping (edible medical cannabis is okay)
  - certain residential vehicles and boats, specifically a:
    - motor vehicle that has permanent sleeping accommodations and permanent cooking facilities, is parked somewhere that is not a highway, road or driveway, and is being used as a residence
  - a boat that has permanent sleeping accommodations and permanent cooking and sanitary facilities (other than a boat used to carry passengers for hire), is anchored or secured to a dock or land, and is being used as a residence
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## Child care facilities and related places

You cannot smoke or vape in the entire premise of any child care centre or place that provides an early years program or service.

Places providing **home child care** must be smoke-free and vape-free **at all times, even if children are not present**. This includes any outdoor spaces that children use.

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## Schools

You cannot smoke or vape in any public or private school's:

- indoor space
  - outdoor grounds, including playgrounds and sports fields
  - public areas within 20 metres of the school’s grounds
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## Playgrounds and publicly owned sports areas

You cannot smoke or vape on children’s playgrounds or public areas within 20 metres of children’s playgrounds.

You also cannot smoke or vape on publicly owned sporting areas, their fan/viewing areas, and public areas within 20 metres of these places.

“Publicly owned” means that the sporting area is owned by a municipality, the province or a post-secondary education institution. Golf courses are excluded from this restriction.

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## Reserved outdoor seating venues

You cannot smoke or vape in the reserved seating area of outdoor sports arenas or entertainment venues. The legislation does not address general admission areas.

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## Community recreational facilities

You cannot smoke or vape on the outdoor grounds of a community recreational facility and any public areas within 20 metres of its grounds.

A community recreational facility is an enclosed public place or enclosed workplace that offers athletic and recreational programs to the local community and is owned or operated by:

- a not-for-profit corporation
  - an organization registered as a charity
  - the province
  - a municipality
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## Enclosed workplaces

You cannot smoke or vape in an enclosed workplace, **even when the workplace is closed.**

An enclosed workplace means any part of a building, structure or vehicle with a roof that an employee works in or visits, even during off-hours, including:

- an office building

- a trailer office on a construction site
- a delivery truck

An employer may not fire, threaten to fire, discipline, suspend, penalize, intimidate or coerce an employee who follows the [\*Smoke-Free Ontario Act, 2017\*](#).

If your employer does any of this, you can complain to the Ontario Labour Relations Board by calling toll-free: [1-877-339-3335](tel:1-877-339-3335).

[Business owners, get the signs you need to post](#)

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## Enclosed public places

You cannot smoke or vape in an enclosed public place.

An enclosed public place means any part of a building, structure or vehicle that is covered by a roof and where the public is invited or has access. It doesn't matter if there is a fee to get in or not.

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## Government office buildings

You cannot smoke or vape on the outdoor grounds of [specific office buildings](#) owned by the province.

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## Sheltered areas

You cannot smoke or vape in an outdoor shelter that has more than two walls and a roof if the public or employees are invited to use it (for example, a bus shelter).

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## Where health or long-term care services are provided

### Hospitals and other health care facilities

You cannot smoke or vape within 9 metres of any entrance or exit of a public or private hospital, psychiatric facility, long-term care home or independent health facility.

You cannot smoke or vape on any **outdoor hospital grounds or psychiatric facility grounds**.

### Exemption: Traditional or cultural smoking

If you are an Indigenous person and live in a hospital, psychiatric facility, long-term care home, home for special care, community home for opportunity, or independent health facility, you may request an indoor area to use tobacco for **traditional Indigenous cultural or spiritual purposes**. This area must be **separate from any controlled area**.

## Where home health care workers work

A home health care worker is a person who provides health care services in private homes that are provided or arranged by either:

- a [Local Health Integration Network](#)
- an entity that is funded by the Ministry of Health and Long-Term Care or a Local Health Integration Network

Home health care workers have the right to:

- ask someone not to smoke or vape around them when they are working
- leave the home if the person smokes or vapes anyway, as long as leaving will not put anyone's health in immediate serious danger

If you are a home health care worker and need to leave the home, you must:

- tell your employer within 30 minutes, or as soon as reasonably possible:
  - that you have left
  - if someone is with the client who can take care of them
  - if the client needs care within the next 24 hours
  - the client's situation when you left
  - if there are any unusual circumstances and, if so, what they are
- follow any guidelines from your employer that aim to ensure that the client is kept safe and has a reasonable level of care

## Residential care facilities

You cannot smoke or vape in enclosed workplaces, including:

- residential care facilities, including:
  - long-term care homes
  - retirement homes that provide care
  - provincially funded supportive housing residences
- certain veterans' facilities
- certain psychiatric facilities
- residential hospices

Some of these facilities may choose to construct and operate a [controlled area](#) for residents to smoke or vape.

Special notes for residential hospices:

- tobacco cannot be smoked in your controlled area
- owners can [download and print the signs they need to post](#)

A [controlled area](#) must be approved by and registered with the Ministry of Health and Long-Term Care. If you are interested in constructing a controlled area in your facility, please submit a letter of intent to [SFOApplications@ontario.ca](mailto:SFOApplications@ontario.ca).

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## Multi-unit residences

### Common indoor areas

You cannot smoke or vape in **any common indoor areas** of condos, apartment buildings or college and university residences. Examples of indoor common areas include:

- elevators
- stairwells
- hallways
- parking garages
- laundry facilities
- lobbies
- exercise areas
- party or entertainment rooms

### Second-hand smoke or vapour in rental units

Unless you have signed an agreement or lease or are in a condominium with bylaws that say otherwise, you are allowed to smoke or vape in your private home.

If you live in a building where smoking is allowed, and second-hand smoke or vapour from another unit is interfering with the reasonable enjoyment of your home, speak to your landlord. They may be able to fix the problem with a simple conversation or repair to your unit.

If your landlord does not resolve the issue, [contact the Landlord and Tenant Board](#). You will be asked to show how the other tenant's smoking or vaping is interfering with your reasonable enjoyment. Each application is determined by the Board on a case-by-case basis.

### Landlords

Under the [Residential Tenancies Act, 2006](#) a landlord may apply to evict a tenant if their smoking:

- interferes with the reasonable enjoyment of other tenants
- seriously impairs safety

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## Hotels, motels and inns

The only places you can smoke or vape in hotels, motels and inns is in fully enclosed guest rooms that the management has designated for smoking and/or vaping. Only registered guests and their invited guests can smoke or vape in these rooms.

Smoking or vaping is not allowed on or around [playgrounds](#) at hotels, motels and inns.