

NO SMOKING BY-LAW

BIRCHWOOD MEADOW HOUSING CO-OPERATIVE INC.

BY-LAW NO. 12

NO SMOKING BY-LAW

Confirmed by 2/3 votes of the Members held on May 22, 2013

ARTICLE 1

1.01

PROHIBITION

- a) It has been decided that due to the irritation and known health risks of exposure to second-hand tobacco smoke, increased risk of fire and increased maintenance and cleaning costs, all forms of smoking are prohibited on the property of Birchwood Meadow Housing Co-Operative Inc. including all common areas and all apartments. This also includes a 25' no smoking zone from any door or window opening.
- b) This by-law refers to environmental tobacco smoke (exhaled tobacco smoke and the tobacco smoke from idling cigarettes, cigars, pipes or any other lighted smoking equipment) and also from Cannabis (marijuana).
- c) It is desirable for the health, safety and welfare of the residents (Members), visitors, guests, employee(s) and contractors of Birchwood Meadow Housing Co-Operative Inc. to prohibit smoking and limit the effect of second-hand smoke, in accordance with the provisions of this by-law.

1.02

DEFINITIONS - In This By-Law

- a) "Smoking": Smoking shall include the inhaling, exhaling, burning or carrying of lighted tobacco or cannabis (marijuana).
- b) "Act": Is the Co-operative Corporations Act of Ontario (as amended or replaced).
- c) "Apartment": Means a part of the housing development designated as a "unit" for residential purposes and includes the space enclosed by its boundaries including the balcony.

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- d) "Evicted and Eviction": Includes the termination of membership and occupancy rights of an apartment belonging to Birchwood Meadow Housing Co-Operative Incorporated.
- e) A "business invitee" shall include but is not limited to any contractor tradesperson, agent, household worker, or other person hired by the Member or the Co-operative to provide a service or product.

1.03

PURPOSE OF THE BY-LAW

The purpose of this by-law is to promote the health, safety, and welfare of all Members, visitors, employee(s), and business invitees of Birchwood Meadow Housing Co-operative Inc. by declaring the entire building a smoke free area. In addition, there will be a 25ft no smoking zone from any door or window of the building.

1.04

BREACH OF BY-LAW

A contravention of any provision of this by-law is a ground for eviction of a Member using the procedures as specified in By-Law #6 (The Occupancy By-Law) Article 9 – The Co-op Evicts a Member.

1.05

JOINT AND SEVERAL LIABILITY

If there is more than one member occupying an apartment unit, then each Member is responsible for a contravention of any provision of this by-law by any Member of his or her household, including other Members of Birchwood Meadow Housing Co-Operative, guests or sub-occupants, and also includes any person he or she, or his or her household, guests, sub-occupants, invite or allow onto the property know as 1380 Ogilvie Road. Members may be evicted as a result of any such contravention by any of the persons identified in the preceding sentence.

1.06

SEVERABILITY OF SECTIONS

If any section or sections of this by-law, or parts of it, are found by any court of law or other tribunal with jurisdiction to be illegal, such section or sections or parts thereof shall be deemed to be severable and all other sections or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.