

To:	Warden Halliday and Members of Grey County Council
Committee Date:	November 8, 2018
Subject / Report No:	HDR-CW-20-18
Title:	Cannabis Cultivation Policy Social Housing
Prepared by:	Anne Marie Shaw, Director of Housing
Reviewed by:	Kim Wingrove, CAO
Lower Tier(s) Affected:	
Status:	Recommendation adopted by the Committee as presented as per Resolution CW266-18; Endorsed by County Council on November 22, 2018 as per Resolution CC110-18.

Recommendation

1. That report HDR-CW-20-18 be received and that the Cannabis Cultivation Policy MS-HOU-007 prohibiting cannabis cultivation in County owned social housing units be approved.

Executive Summary

With the legalization of recreational cannabis on October 17th, 2018 staff recommend prohibiting cannabis growth in County owned housing units to proactively address potential issues. The policy will work in conjunction with Grey County Housing's smoke free policy to continue to provide reasonable enjoyment for all tenants. The policy will take effect immediately and will be communicated out to tenants through an information campaign.

Background and Discussion

In April 2014 Grey County enacted a smoke free policy for all Grey County Housing units. Tenants moving in after April 2014 could not smoke in their units and current tenants were grandfathered in and could continue to smoke in their units. The current smoke free policy addresses cannabis as the policy notes tobacco and any other smoke producing substance. With the legalization of recreational cannabis on October 17, 2018 staff recommend prohibiting cannabis growth in County owned housing units to proactively address potential issues. The policy will work in conjunction with Grey County Housing's smoke free policy to continue to provide reasonable enjoyment for all tenants.

Bill C-45 the federal Cannabis Act permits the cultivation of up to four cannabis plants per household. A landlord must ensure that the health and safety of other residents and the physical integrity of the property are not at risk by cannabis growth in a rental unit. Cannabis growth can

cause excess humidity that can lead to mold, excess electrical consumption, security issues, impact the reasonable enjoyment of other tenants and may impact insurance coverage.

In Ontario, a landlord may prohibit cannabis growing in apartment units through the terms of their lease, subject to the requirements of the Ontario Human Rights Code. An individual with a prescription for medical cannabis is not automatically entitled to grow cannabis in their rental unit. Grey County Housing will work with the individual for an appropriate accommodation if necessary.

Implementation Plan

The lease for Grey County Housing units will be amended to include a clause prohibiting the cultivation of cannabis in units, on balconies, in common areas and anywhere on County owned housing premises, effective immediately. This prohibition will be for all current and future tenants of Grey County Housing. Each tenant will receive a copy of the revised appendix B to the lease, a letter of explanation and staff will be on site for questions. Staff will work with tenants to ensure a smooth implementation of the policy.

Enforcement

Growing cannabis in a County owned unit will be a violation to the lease. Staff will work with the tenant so they are no longer in violation of their lease. If the tenant does not comply or there is a second violation an application will be made to the Landlord Tribunal Board. Staff will make every effort to work with tenants to avoid eviction including mediation.

Legal and Legislated Requirements

Grey County Smoke Free Policy
Bill C-45 Federal Cannabis Act

Financial and Resource Implications

Implementation of the cannabis cultivation policy will be undertaken with existing resources.

Relevant Consultation

- Internal: Legal
- External: Ontario Non Profit Housing Association, St. Thomas

Appendices and Attachments

Cannabis Cultivation Policy

Cannabis Cultivation Policy

Approved by: County Council

Date Approved:

Last Revision Date:

Replaces: N/A

Scheduled for Review by: 2023

Policy Number: MS-HOU-007

Section: Municipal Services

Sub Section: Housing

References and Related Documents

Grey County Smoke Free Policy

Bill C-45 Federal Cannabis Act

Policy Statement

This policy will prohibit the cultivation of cannabis in County owned housing units.

Purpose

Grey County Housing is committed to the safety of its tenants and staff and the protection of its assets and property. The legalization of recreational cannabis through Bill C-45 the Federal Cannabis Act permits the cultivation of up to four cannabis plants per household. Grey County is prohibiting cannabis cultivation in County owned housing units to proactively address potential issues. The policy will work in conjunction with Grey County Housing's Smoke Free policy to continue to provide reasonable enjoyment for all tenants.

Background

Bill C-45 the federal Cannabis Act permits the cultivation of up to four cannabis plants per household. A landlord must ensure that the health and safety of other residents and the physical integrity of the property are not at risk by cannabis growth in a rental unit. Cannabis growth can cause excess humidity that can lead to mold, excess electrical consumption, security issues, impact the reasonable enjoyment of other tenants and may impact insurance coverage.

Application of Policy

In Ontario, a landlord may prohibit cannabis cultivation in apartment units through the terms of their lease, subject to the requirements of the Ontario Human Rights Code. An individual with a

prescription for medical cannabis is not automatically entitled to grow cannabis in their rental unit. Grey County would work with the individual for an appropriate accommodation if necessary.

Lease Agreements

The lease for Grey County Housing units shall be amended to include a clause prohibiting the cultivation of cannabis in units, on balconies, in common areas and anywhere on County owned housing premises, effective immediately.

Clause 21 of the lease agreement permits the County to revise or add rules and regulations at any time to Schedule "B". The rules and regulations of the current lease agreement between Grey County Housing and Tenants has been revised to include a rule prohibiting the cultivation of cannabis, applicable to all tenants current and future. A tenant can contact Tenant Services if the tenant has reason to believe they may qualify for an exemption from the prohibition on growing cannabis in a Grey County owned housing facility for personal medical purposes.

Communications

The prohibition of growing cannabis will be communicated to tenants by individual notices sent to all tenants, newsletter and communications with staff in the buildings and at the office.

Enforcement

Growing cannabis in a County owned unit will be a violation of the lease. Housing staff will use appropriate measures to ensure compliance such as the tenant will be sent written reminders of the policy and meet with Tenant Services staff to resolve the issue. If the tenant does not comply or there is a second violation an application will be made to the Landlord Tribunal Board. Staff will make every effort to work with tenants to avoid eviction including formal mediation.