

Ministry of Health



Smoke-Free Ontario Act, 2017

How the Act Affects: Multi-Unit Dwellings

The Basics

The *Smoke-Free Ontario Act, 2017* prohibits the smoking of tobacco, the use of electronic cigarettes (e-cigarettes) to vape any substance, and the smoking of cannabis (medical and recreational) in enclosed workplaces and enclosed public places, as well as other designated places in Ontario, to protect workers and the public from second-hand smoke and vapour.

Smoking refers to the smoking or holding of lighted tobacco or cannabis (medical or recreational).

Vaping refers to inhaling or exhaling vapour from an electronic cigarette or holding an activated electronic cigarette, whether or not the vapour contains nicotine.

Multi-Unit Dwellings: Condominiums, Apartment Buildings and College and University Campuses

Smoking and vaping is not permitted in the indoor common areas of condominiums, apartment buildings, and college and university residences. This includes elevators, stairwells, hallways, parking garages, laundry facilities, lobbies, exercise areas and party or entertainment rooms.

Note: Additional restrictions on smoking and vaping may exist in condominium bylaws, lease agreements, and the policies of universities and colleges.

Responsibilities of Proprietors

The *Smoke-Free Ontario Act, 2017* (SFOA, 2017) requires that proprietors of condominiums, apartment buildings and college and university residences make sure that smoking and vaping laws are followed. A proprietor includes the owner, operator or person in charge of the place.

Every proprietor must:

- Give notice to the residents and visitors that smoking and vaping is prohibited in the indoor common areas of the building.
- Post “No Smoking” and “No Vaping” signs, or a dual “No Smoking and No Vaping” sign at entrances, exits and washrooms of the indoor common areas, in appropriate locations and in sufficient numbers, to ensure that residents and visitors are aware that smoking and vaping is not allowed.
- Ensure that no ashtrays or similar items remain in the indoor common areas.
- Ensure that persons do not smoke or vape in the indoor common areas.
- Ensure that someone who refuses to comply with Ontario's smoking and vaping laws does not remain in the indoor common area.

Enforcement

Local public health units will carry out inspections and respond to complaints regarding smoking and vaping in the indoor common areas of apartments, condominiums and university and college residences.

Penalties

An individual who violates the prohibition on smoking and vaping in the indoor common areas of a condominium, apartment building or university or college residence may be charged and if convicted, may face a maximum fine of \$1,000 (for a first offence) or \$5,000 (for any further offence).

A proprietor of a condominium, apartment building or university or college residence that fails to fulfill their responsibility under the law may be charged and if convicted, may face a maximum fine:

Signage responsibilities

- For individuals: \$2,000 (for a first offence); \$5,000 (for a second offence); \$10,000 (for a third offence); \$50,000 (four or more offences).
- For corporations: \$5,000 (for a first offence); \$10,000 (for a second offence); \$25,000 (for a third offence); \$75,000 (four or more offences).

Other responsibilities

- For individuals: \$1,000 (for a first offence) ; \$5,000 (two or more offences).
- For corporations: \$100,000 (for a first offence) ; \$300,000 (two or more offences).

This fact sheet is intended as a quick reference only and should not be considered to be legal advice. For more information, please contact your local Public Health Unit.

You may also obtain information by calling toll-free:

- **INFOline** 1-866-532-3161
- **TTY** 1-800-387-5559

Hours of operation: Monday to Friday, 8:30 a.m. - 5:00 p.m. (Eastern Standard Time)

For specific information on smoking and vaping laws in multi-unit residences, contact your local Public Health Unit. To find the public health unit serving your region, please visit their website at:

<http://www.health.gov.on.ca/en/common/system/services/phu/locations.aspx>.

For more information on the Smoke-Free Ontario Act, 2017, please visit the Ontario Ministry of Health website: ontario.ca/smokefree.