

## Preparing for Marijuana Legalization



In July 2018, recreational marijuana will become legal. In Ontario this will mean that individuals aged 19 and over will be able to:

- Purchase marijuana legally from government-operated storefronts
- Grow up to four plants to a height of one metre or less
- Consume it on private property and in private residences.

Many of us in the sector are nervous about what's going to happen. In this article, I'd like to bring you up to speed on some of the issues, let you know about what some providers and Service Managers are doing to prepare and to offer my own take on the matter.

### Key issues:

For providers, the issues relating to the cultivation and use of marijuana in social housing fall into three broad categories:

- **Community impacts:** managing the smell of smoke and plants; protecting the rights of those who are entitled to reasonable enjoyment of their home or are underage; rules for common areas where tobacco smoking is currently permitted; handling behavioural issues and illegal sales
- **Property damage:** damage to units due to smoke residue, growing practices or impaired behaviour; handling indoor pollutants such as pollen and resin resulting from cultivation
- **Costs and liability:** increased cleaning labour/costs for unit turnovers and electricity costs in buildings where the landlord pays for utilities; costs associated with filtering out smells; determining who's responsible for property damage or personal injury resulting from cultivation or consumption

### What's Been Happening

There's been quite a bit of sector activity on this issue. Earlier in 2017, HSC staff along with **Diana Balneaves** (Manager of Operations, Housing Services, York Region) and **Mary Lynn Cousins Brame** (CEO, Kingston Frontenac Housing) participated in a roundtable discussion hosted by the Ministry of Community Safety and Correctional Services on issues involving the home cultivation of cannabis in social housing.

In June, the **Cooperative Housing Federation of Canada** hosted a session with **Lauren Blumas**, from the law firm Iller Campbell, and **Andrew Noble**, from the Smoking and Health Action Foundation. [Their presentation](#) focused on how adopting a smoke-free policy mitigates the biggest issues associated with legalization; but also offers legal analysis and some tips ahead of legalization.

**CityHousing Hamilton** is also looking at banning smoking altogether in buildings. In addition, it's [examining "odour mitigation" techniques](#).

**Deborah Filice**, CEO of **Haldimand Norfolk Housing**, [writes on LinkedIn](#) that "as landlords, we should have the right to 'say' whether our tenants can grow and use cannabis on or in our properties." Similarly, the Canadian Federation of Apartment Associations is [calling on senior levels of government](#) for the ability to prohibit marijuana smoking in private sector rental units – even if residents are in mid-lease – and cultivation. Though in a [recent CBC article](#), the Association president, acknowledged that he's open to the idea of having a dedicated marijuana lounges in larger buildings, "if landlords could then ban smoking in rental units."

Later this month, **Shelley Upton**, the Manager of Housing Programs at **Niagara Regional Housing**, is leading a session for housing providers and board members on the impacts cannabis legalization – focusing on balancing "people's pot rights with people's rights to be free from substantial interference with reasonable enjoyment of their units." I will also be speaking at this session from an insurance perspective. **HSC is currently organizing a SHARE session in the Spring on marijuana legalization.**

The Province is also still working out the finer details of implementing cannabis legalization. It is [accepting comments until March 5](#) on where people should be permitted to consume cannabis. Its [proposed 'place of use' regulations](#) also note specific residences where there would be conditions around its use – including long-term care homes, retirement homes, supportive housing and special care homes.

In addition, under the section dedicated to multi-unit dwellings, the proposed regulations state that the Province is considering “options for where people can consume cannabis without significantly increasing exposure to second-hand smoke and vapour” including “permitting licensed and regulated cannabis consumption lounges” and “permitting owners and operators of multi-unit dwellings to designate outdoor areas” for cannabis use. Decisions on these items will likely inform the building policies providers adopt.

#### What's Next?

### Further reading:

- [Recreational marijuana – coming to a unit near you](#) – Blog by Lauren Blumas, Iler Campbell
- [“Smoking and Your Co-Op”](#) – CHF Canada 2017 AGM presentation
- [Pot smell fears prompt CityHousing Hamilton to look at a smoking ban](#) – CBC News
- [Condo corporations need to prepare plans to deal with marijuana use before it becomes a problem](#) – Toronto Star
- [Cannabis in Rental Sector](#) – Blog by Deborah Filice, Haldimand Norfolk Housing Corporation
- [Canadian Federation of Apartment Associations submission on marijuana legalization and regulation](#) – CFAA website

HSC has encouraged providers to go smoke-free as a practical measure for managing risk – since it helps reduce fire risk and property damage. Implementing a smoke-free policy ahead of legalization – and letting residents know that it [applies to all kinds of smoke](#) – is a good idea. In addition, tracking odour complaints and looking out for plants during unit inspections may also be worthwhile – if only to determine whether there’s a significant change pre- and post-legislation, given the likelihood of evolving place-of-use regulations.

Because cannabis has been in a legal grey area now for many years, a seismic shift is unlikely in July – those who use it are likely already consuming it in their units. With its legalization, we may see even fewer illegal grow-ops than previously due to the emergence of higher quality, legal competition.

That said, we will be monitoring claims and sharing risk management best practices as they develop. We’re also getting clarification from insurers on our [Common Room Insurance for Events](#) (since there are currently separate rates for events with or without alcohol). On the question of insurance costs and renewals – we are expecting insurers will be taking a wait and see approach, adjusting their coverages and risk management incentives as legalization unfolds.

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