



City of North Bay Report to Council

Report No: CORP-2021-121

Date: October 13, 2021

Originator: Ron Melnyk

Business Unit:

Department:

Corporate Services

Legal Department

Subject: Amendment to the Smoking By-Law No.2012-97

Closed Session: yes ☐ no ☒

Recommendation

That a Council Resolution be passed to amend the Smoking By-law No. 2012-97 to allow smoking within the secure gated courtyard located at the property owned by the North Bay Regional Health Centre and municipally known as 120 King Street West.

Background

All properties owned by the North Bay Regional Health Centre (NBRHC), including its King Street Campus at 120 King Street West, were listed as Smoke-Free in the Smoking By-law when passed in 2012. This was done at the request of the NBRHC. The City has received a new request from the NBRHC to allow for smoking to take place in the secure gated courtyard at 120 King Street. This site houses the NBRHC Safe Beds and Community Withdrawal Management Services programs. Mrs. Ann Loyst, Vice-President - Mental Health & Addictions has explained that:

"As patients of these services are voluntary, attempts to restrict smoking have been problematic. Due to the nature of the programs, all patients require thorough searches of their person and belongings upon admission. The staffing model does not allow for these searches to be conducted each time the patient returns from a smoke break, which requires that they leave the property in accordance with the by-law No. 2012-97. Although all relevant patients are offered nicotine replacement therapy (NRT), attempts to limit or eliminate smoking privileges have resulted in escalating patient behaviors and unplanned discharges. Furthermore, allowing patients to leave the facility for smoking privileges has contributed to incidents where contraband has been brought into the facility, placing staff and patients at risk. There have also

been medical incidents in the off-property smoking area, which is distant from the team station and challenging to monitor.

Within the 120 King Street facility is a gated outdoor courtyard, accessed through an inpatient common area and within full view of the team station, occupied by crisis workers, nurses and protective services staff. It is our request that by-law No.2012-97 be amended to allow for the smoking of tobacco in this outdoor courtyard. Such a change would allow our patients a safe, accessible area to utilize smoking privileges without leaving the confines of the facility, thereby reducing their access to contraband and allowing the care team to respond quickly should an incident occur.”

Mrs. Lyost further notes that she has had the support of Dr. Chirico, Medical Officer of Health, to work through their challenges over the past year. They have concluded that an exemption to the smoke-free court yard is the safest for all.

Financial/Legal Implications

There are no financial or legal implications related to this amendment. NBRHC staff would be fully responsible for dealing with any issues relating to smoking within the secure gated courtyard. Smoking at this location is not prohibited by the Smoke-Free Ontario Act according the NBRHC management through consultation with Dr. Jim Chirico – Medical Officer of Health/Executive Officer, North Bay-Parry Sound District Health Unit, and is only currently prohibited as per the Smoking By-law 2012-97.

Corporate Strategic Plan

- | | |
|---|--|
| <input type="checkbox"/> Natural North and Near | <input type="checkbox"/> Economic Prosperity |
| <input type="checkbox"/> Affordable Balanced Growth | <input type="checkbox"/> Spirited Safe Community |
| <input checked="" type="checkbox"/> Responsible and Responsive Government | |

Specific Objectives

This amendment is in response to the request made by the NBRHC and will allow the facility to improve the success and quality of care for their inpatients.

Options Analysis

Option 1: That a resolution be passed to accept the amendment to the Smoking By-law No. 2012-97 to allow smoking within the secure gated courtyard located at the property owned by the North Bay Regional Health Centre and municipally known as 120 King Street West.

Option 2: Take no action and uphold the current Smoking By-law No. 2012-97.

Recommended Option

Option 1 is the recommended option. This amendment will allow for the NBRHC to operate their facility in a way that will increase inpatient success and recovery.

Respectfully submitted,

Name: Ron Melnyk

Title: By-Law Enforcement Coordinator

I concur with this report and recommendation

Name: Peter E.G. Leckie, B.A. (Hons.), LL.B.

Title: City Solicitor

Name: David Euler, P.Eng., PMP

Title: Chief Administrative Officer

Personnel designated for continuance:

Ron Melnyk

By-Law Enforcement Coordinator