

Drifting Second-hand Smoke in Multi-unit Dwellings

What is second-hand smoke and how dangerous is it?

Second-hand smoke is a mix of smoke from the burning end of a lit cigarette, pipe or cigar plus smoke blown into the air by the person smoking.

Second-hand smoke is poisonous and has over 4000 chemicals, including 50 that can cause cancer. Breathing second-hand smoke can be more dangerous than inhaling smoke through a cigarette. It has twice as much nicotine and tar as the smoke that people smoking inhale and five times more carbon monoxide; a deadly gas that starves your body of oxygen.

For more information on second-hand smoke, see BC HealthFile [#30a The Harmful Effects of Second-hand Smoke](#).

How does second-hand smoke drift from one home to another?

Second-hand smoke can drift into your home from other homes through cracks in walls, light fixtures, bathroom fans, doorways, shared ventilation systems, and from balcony and patio areas. Once the smoke enters your home, many of the toxic chemicals stay in the air and cling to walls, drapes, carpets, furniture and clothes.

If I rent my apartment, what are my rights if unwanted smoke enters my home?

If you live in a rental building that allows smoking in the units, and smoke is entering your home, there are no clearly defined laws that will protect you from the dangers of

second-hand smoke. Under the BC *Residential Tenancy Act*, tenants have the right to 'quiet enjoyment' of their home. This includes the right to be free from being disturbed by other tenants. While the Act does not mention second-hand smoke, you may be able to prove that the drifting smoke is harming your health and well being, and therefore the loss of 'quiet enjoyment' of your home.

Landlords in BC have the right to ban smoking in all or part of a building, including indoor units and outdoor patios and balconies. While they cannot change current tenancy agreements, landlords can include a non-smoking clause in new agreements. As well, as tenants who smoke move out, these units can then be rented as smoke-free units.

If I own my condominium, what are my rights if unwanted smoke enters my home?

Condominium owners must follow the *Strata Property Act* and the Standard Bylaws of the Act. Your strata group can adopt a non-smoking bylaw that limits or restricts smoking in strata lots, or in common areas. If there is no bylaw, the *Strata Property Act* includes clauses that ban owners/residents from causing a 'nuisance or hazard' to another resident, or acting in a way that interferes with the rights of other residents to enjoy their property.

Attend your next strata meeting to talk about having a smoke-free bylaw. For help, contact the Condominium Home Owners Association and refer to Bulletin #400-018 *Bylaws, Strata Lots, Smoking and Second-hand Smoke*.

What steps can I take to solve this problem?

1. Talk to your neighbour about the drifting smoke and try to work out a solution. Your neighbour may not be aware that the smoke is a problem.
2. If the problem does not stop, send a letter to your landlord/strata group about the problem and ask for help to resolve it.
3. Keep a record of the dates and times that the smoke was a problem, as well as your efforts to solve the problem.
4. Talk to other neighbours and seek their support. You are likely not the only person with unwanted smoke.

What can my landlord do to help solve the problem?

1. Landlords in rental properties must act on all reasonable complaints from tenants. If the landlord fails to act, there may be grounds for a breach of 'quiet enjoyment', if there is proof that the landlord was aware of the problem and failed to take steps to address it.
2. Make repairs or changes to the building such as sealing cracks, weather stripping doors, and upgrading ventilation systems.
3. If the problem does not stop, the landlord can consider evicting the tenant(s) who smoke if their smoking is seriously harming the health, well being and enjoyment of other tenants.
4. Your landlord can think about making part or all of the building smoke-free.

What other options are there if the problem continues?

If you have done all you can to solve the problem, yet the smoke still affects the health and well being of you and your family, you can apply for a hearing at the Residential Tenancy Office.

Think about moving out if the problem does not stop and the smoke is making you or family members ill. If you choose to move to another building, be sure that the entire building is smoke-free, including indoor units and outdoor balconies and patios.

For more information or help

- **The Residential Tenancy Office** - Call 604-660-1020 in Vancouver or toll-free 1-800-665-8779 outside Vancouver.
- **The Tenants Rights Action Coalition (TRAC)** - Call 604-255-0546 in Vancouver or toll-free 1-800-665-1185 outside Vancouver.
- **The Condominium Home Owners' Association of BC** - Call 604-584-2462 in Vancouver or toll-free 1-877-353-2462 outside Vancouver.
- **Related Links and Resources:**
www.go-smoke-free.ca
www.cleanaircoalitionbc.com
www.smoke-free.ca
www.nsra-adnf.ca

For more BC HealthFile topics visit www.bchealthguide.org/healthfiles/index.stm, or visit your local public health unit.

Call the BC NurseLine to speak to a registered nurse, available 24-hours every day:

- In Greater Vancouver, call 604-215-4700
- In BC, call toll-free 1-866-215-4700
- Deaf and hearing-impaired, call 1-866-889-4700
- Pharmacist available 5pm to 9am every day
- Translation services in over 130 languages upon request.

Visit BC HealthGuide OnLine – a world of health information you can trust at www.bchealthguide.org