

July 3, 2018

To: Ministers Spencer Chandra Herbert, Adam Olsen and Ronna-Rae Leonard  
Rental Housing Task Force

From: Submission by the BC Lung Association, the Heart and Stroke Foundation (BC & Yukon) and the Canadian Cancer Society (BC & Yukon), which make up the Clean Air Coalition of BC.

Dear Ministers:

### **Introduction**

On behalf of the Coalition, we are pleased to submit our recommendations to the BC Rental Housing Task Force. For over a decade our organizations have worked to address the extreme shortage of 100% smoke-free homes in multi-unit housing across BC. Over this time, we have received complaints on a regular basis from British Columbians desperate to escape second-hand smoke infiltrating their homes from neighbouring units in multi-unit housing. While BC laws protect us at work and in public places, as well as residential indoor common areas and entranceways, they do not protect us inside our private homes, patios or balconies in multi-unit housing.

Multi-Unit housing includes:

- Multi-story apartment buildings and condominiums
- Houses partitioned into separate apartments
- Duplexes
- Row houses
- Semi-detached houses

With BC experiencing the highest level of new multi-unit housing and rental building construction in years, and the upcoming legalization of recreational cannabis, second-hand smoke issues will not abate. Over the last decade, we have spearheaded a number of initiatives to address the escalating problem of second-hand smoke in multi-unit housing. Despite this, we continue to tackle constant calls and emails from individuals and families suffering from exposure to unwanted smoke at home – on average 30 requests per month. We are also seeing a significant increase in requests for help from landlords and strata corporations eager to find out how to convert their buildings to smoke-free status.

Almost half of BC's population live in physically connected households and second-hand smoke grievances are a key source of tenant complaints. Under current regulations, smoking complaints are not easy to resolve and new smoke-free policies in rental buildings must be phased in as existing tenants who smoke leave the building. With low vacancy rates, it can take years to address problems and convert buildings to smoke-free status. For those living in social housing and unable to pay market rent, many simply cannot escape the smoke, even when their health is severely compromised. Even for those who can afford to move, smoke-free multi-unit housing options are scarce in BC.

In support of Smoke-Free Multi-Unit Housing Month in June 2018 and proclaimed by the government of BC, we commissioned a survey of over 800 BC residents living in rentals and condos across BC. Results from our survey show that the majority of residents who live in apartments, condominiums and other multi-unit complexes support government measures to increase BC's limited stock of 100% smoke-free multi-unit housing. Alarmingly, half of the residents surveyed have been exposed to second-hand smoke, with about 9 in 10 considering it harmful. (See Appendix 1: Insights West survey results). These results, coupled with complaints that we receive on a daily basis, highlight the importance of government action and support. This is especially true, as the voluntary approach to increasing the supply of smoke-free multi-unit housing options has resulted in a patchwork of smoke-free buildings.

### **Clarification**

Smoke-free housing is not about denying occupancy to anyone who smokes, evicting smokers from their homes, or forcing smokers to quit. The issue is not about the people who smoke, but the smoke itself - and protecting residents from involuntary exposure to this known health hazard.

Further, it should be clarified that people are addicted to the nicotine in cigarettes, and there are other means of nicotine delivery that are safe and free for BC residents, such as nicotine patches and gum. We are aware of housing providers who have accommodated residents who smoke by designating outdoor smoking spaces, away from windows, doors and airways.

Those who smoke have other choices regarding how they access their nicotine, but those exposed to smoke don't have other choices about where to breathe.

### **Recommendations**

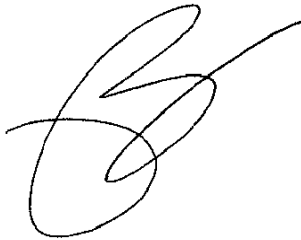
To effectively protect individuals and families from exposure to second-hand smoke, reduce the risk of fires, reduce overall maintenance and cleaning costs, and ensure all residents are equally protected, we recommend the following: (See Appendix II: *The Case for Smoke-Free Multi-Unit Housing* for more detail on these recommendations.)

1. **Develop smoking status disclosure laws** requiring landlords and strata corporations to disclose to prospective tenants and buyers the smoking status of the building, and where the smoking units are in the building so they can be forewarned. Partner with the Real Estate Board to ensure the policy is included in disclosures at point of purchase/sale. This is important to heighten awareness of both landlords and tenants as to smoking prevalence in their buildings; and help ensure renters and buyers with health issues can make informed decisions.

2. **Amend the *Residential Tenancy Act*** to permit landlords of existing residential buildings to create a non-smoking policy that applies to the residential premises. All existing tenants would be permitted a six-month written notice prior to the non-smoking policy coming into effect. It is important to reiterate that smokers are not precluded from living in smoke-free multi-unit housing, as long as they adhere to the smoke-free policy.
3. **Adopt smoke-free policies for all BC Housing properties** and consider seeking public and stakeholder consultations to address concerns and challenges that arise. It should be noted that the Saskatchewan Government, through its agency Saskatchewan Housing Corporation, announced that **all social housing in the province will be 100% smoke-free as of August 1, 2018.**
4. **Amend the *Strata Property Act*** to add a restrictive covenant requiring all new strata developments be non-smoking by default unless the Strata Council votes to allow smoking.

Thank you for the opportunity to participate in this process to help improve protection, security and fairness in the rental housing sector.

Sincerely,



Jack Boomer  
Director, Clean Air Coalition of BC

Cc:

Adrienne Bakker, CEO, BC & Yukon Heart & Stroke

Chris Lam, President & CEO, BC Lung Association

Andrea Seale, Executive Director, Canadian Cancer Society, BC and Yukon

Attachments:

Appendix 1: Insights West Survey results

Appendix 11: *The Case for Smoke-Free Multi-Unit Housing*