

Condo Smarts

Headline: Non Smoking Buildings
Topic: Smoking
Publication date: Jan 15, 2012
Publication: The Province
Written by: Tony Gioventu

Dear Condo Smarts: We have been looking for a condo in a non smoking building in the Vancouver area for 3 months with little success. My wife has a serious smoke allergy, and while the current building we live prohibits smoking only in common areas, we are still exposed to the smoke from people smoking in their strata lots. Is it possible that what we are looking for does not exist? Are strata corporations permitted to have bylaws that prohibit smoking anywhere on the property including their own strata lots?

Jeremy & Gail, Vancouver

Dear Jeremy & Gail: Your question is perfectly timed. National Non Smoking weeks is January 15-21. There are many multi family properties who have adopted bylaws that prohibit smoking in their community, including the residences. Often times the prohibition is adopted because of an older building where the design and structure of the building easily permits contamination of another strata lot. Poor ventilation, indoor fans that share the same exhaust vents, and lack of barriers between strata lots often results in a chronic complaint between neighbours who smoke and who do not smoke. Bylaws that have an effect on lifestyle of owners within strata lots are permitted; however, there may be special accommodation under the BC Human Rights Code for people with addictions or special conditions, such as a person who is granted a license to grow marijuana for medical purposes. When you are looking at a condo purchase, it is always recommended that you have a set of the strata corporation bylaws printed from the Land Title Registry and review the bylaws specifically for owner use and restrictions before you buy. The most common and frequently overlooked lifestyle bylaws relate to age, pet, rental, and smoking restrictions within strata lots.

If you are looking for a building that prohibits smoking, the Heart & Stroke Foundation of BC has a registry open to the public where strata corporations have registered their property identifying it as a non smoking property
"http://www.smokefreehousingbc.ca/strata/registry_fm.php". Strata corporations can also register their

property as a non smoking building. The registry provides information on a building's smoke-free status, but it doesn't keep track of vacancies or real estate listings at any particular location. The most common smoking complaints that most strata councils deal with are associated with second hand smoke, and that is often related to people smoking on their balconies and smoke entering other strata lots through open windows and vents. We often forget that passive air vents on the exterior are located near our balconies. A 2008 BC resident's survey reflects the conditions most strata councils have to deal with. While adopting a non smoking bylaw seems like an easy solution, it still places a significant burden on the strata council to enforce the bylaws. Enforcement beyond imposing fines is often a significant financial barrier for many strata corporations so the bylaws frequently go unenforced. Survey highlights: Only 9% of condo owners smoke, which is significantly lower than the provincial smoking rate of 15%. There is a clear market demand for smoke-free housing. The majority of condo owners (71%) would prefer to live in a building that is 100% smoke-free. The majority of households with smokers are already taking action to protect their families by banning smoking inside, or restricting to outside balconies. Of condo households with smokers, 84% do not allow residents or guests to smoke inside the home or on the property. Over one-third of condominium and apartment dwellers are exposed to unwanted second-hand smoke from their neighbours; Of those condo owners exposed, the majority don't complain (84%). Over two-thirds of those exposed to second-hand smoke from elsewhere in their building say it bothers them. The most common sources of second-hand smoke are from neighbouring units and outside balconies.

**For more information on CHOA resources and benefits visit www.choa.bc.ca
or contact the office at 1-877-353-2462 or email office@choa.bc.ca.**

No part of this publication may be reproduced without the prior written permission of CHOA

This publication contains general information only and is not intended as legal advice. Use of this publication is at your own risk. CHOA will not be liable to you or any other person for any loss or damage arising from, connected with or relating to the use of this publication or any information contained herein by you or any other person.