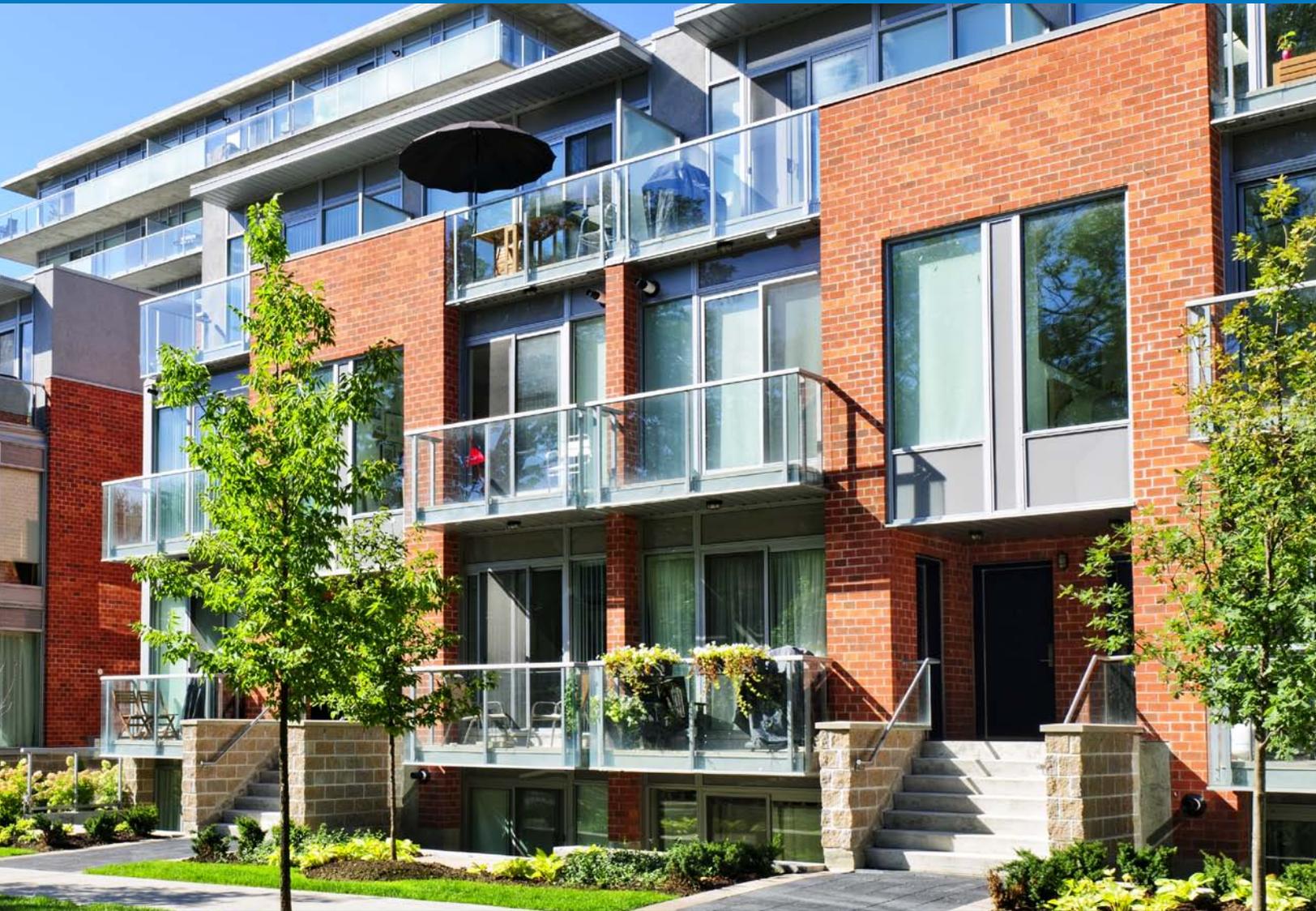




SMOKE-FREE MULTI-UNIT RENTAL PROPERTIES



Canadian
Cancer
Society

A how-to guidebook on
policy development

smokefreehousingab.ca



This is one in a collection of four guidebooks on smoke-free policy development for multi-unit housing in Alberta.

These guidebooks were created by the Canadian Cancer Society as part of its mission to eradicate cancer and enhance the quality of life of people living with cancer.

This project was made possible through the support and funding provided by Alberta Health Services' Tobacco Reduction Program community grants.



Canadian
Cancer
Society



Alberta Health
Services

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Purpose of this guidebook

This guidebook is intended as a resource for owners, landlords and property managers of multi-unit rental properties who are considering implementing a smoke-free multi-unit housing policy. It is part of a series of four guidebooks providing smoke-free housing information, tips and tools tailored to different sectors of the multi-unit housing market.

The other guidebooks are:

- ❖ Smoke-Free Multi-Unit Condominiums
- ❖ Smoke-Free Multi-Unit Cooperatives
- ❖ Smoke-Free Multi-Unit Public, Non-Profit and Seniors' Housing

Developing a smoke-free policy for your multi-unit rental property could save you, as a property manager, money and time, and it may be easier than you think. It is legal to designate your building(s) as smoke-free, including individual units, balconies and the entire property.

This how-to guide will provide information, tools and advice to help you plan, develop, implement and enforce a smoke-free policy that will work for you and your tenants.

Today, more than 80 per cent of Albertans are non-smokers and laws exist to protect Albertans from exposure to second-hand smoke in most public places and workplaces. However, many people are still involuntarily exposed to tobacco smoke inside their own homes due to the migration of second-hand smoke from neighbouring units. More than one-third of all residents of multi-unit housing in Alberta report they have experienced second-hand smoke infiltrating their unit in the last six months. As Alberta's non-smoking population grows, so too will the demand for smoke-free multi-unit housing.

You may attempt to reduce second-hand smoke migration between units through mitigation efforts such as weatherstripping around doors and windows; however, the only way to eliminate the problem completely is to develop a smoke-free policy. Remember, a smoke-free policy does not prevent smokers from smoking – it just indicates where they can smoke. A successfully implemented smoke-free policy should save you time and money, and decrease your legal liability while improving the health and quality of life of all your tenants.





Understanding nicotine addiction

It is important to have a basic understanding of the power of nicotine addiction before you consider developing a smoke-free policy.

A smoke-free policy is not meant to ostracize current smokers. Smoking can be a very powerful addiction. Many smokers may want to quit, but their addiction to nicotine is so strong that they are scared to try. Or maybe they have tried to quit in the past, but the withdrawal symptoms were too much to handle.

Once a smoker is addicted, the cravings can be extremely difficult to overcome. When smokers don't smoke, their body can experience a variety of withdrawal symptoms, some of which can be overwhelming.

Don't be fooled into thinking that a person who quits might just be a little cranky or moody when they can't have a cigarette. They are trying to get a very powerful drug out of their system and their entire body will want to fight this change. Try to be considerate of these challenges when engaging residents who currently smoke.

What you need to know about nicotine:

- ❖ Nicotine is the addictive ingredient in cigarettes.
- ❖ It only takes seven seconds for a 'hit' of nicotine to reach the brain.
- ❖ Nicotine reaches your brain faster than almost any other drug, which is one of the reasons why it is so addictive.
- ❖ Studies have found that nicotine is just as addictive as cocaine.

When you go smoke-free in your rental properties, there are benefits for everyone, including owners, managers, tenants (both smokers and non-smokers), maintenance workers and other staff.

This guide outlines effective ways to communicate with stakeholders throughout the process of policy development and implementation. As you go through this process, be sure to highlight the benefits that will influence each of your stakeholders the most.

EVERYBODY WINS





Owners, landlords and property managers...



...protect investment

Smoking indoors leaves toxic residue on walls, ceilings, flooring and furniture that can be next to impossible to remove. Neglected cigarette butts can ruin property with burn marks or catch fire, severely damaging or entirely destroying property. In Alberta in 2014 and 2015, fires caused by smoking resulted in more than \$50 million in property loss.¹ A smoke-free policy is a smart way to protect your investment and maintain the value of your property.



...save money

Implementing a smoke-free policy will reduce cleaning and maintenance costs. Insurance costs may also be reduced as you decrease the fire risk in your building.



...save time

Implementing a smoke-free policy can significantly reduce the time it takes to maintain and turn over units. Also, you will spend less time mitigating complaints and working to ensure that smoke isn't seeping from one unit to another.



...increase marketability

Albertans would rather live in smoke-free housing. 72 per cent of Albertans who currently live in multi-unit housing would choose to live in a smoke-free building.² A smoke-free policy can be marketed as an effective way to attract new tenants.



...decrease liability

Second-hand smoke exposure is a serious and legitimate health concern. Not only are smoke-free policies legal, they uphold a housing provider's duty to protect the health and well being of their residents.

Cases already exist in Canada where residents are taking property managers to court for neglecting to effectively mitigate second-hand smoke exposure in multi-unit housing. In certain circumstances, the legal precedent for such cases is growing.

Tenants...



...improve health and quality of life

Second-hand tobacco smoke causes premature death and disease in adults and children. Those exposed to second-hand tobacco smoke for long periods of time are more likely to develop and die from heart disease, respiratory diseases and lung cancer. Every year in Canada, it is estimated that second-hand smoke causes 800 deaths in non-smokers.³ Smokers and non-smokers alike will reap the health benefits of a smoke-free policy. Air quality will improve, and tenants will no longer be exposed to the toxic chemicals found in second-hand smoke.



...save money

The costs of turning over a smoked-in unit are often passed along – at least in part – to the outgoing tenant. A smoke-free policy would help tenants avoid those costs. Other tenants frustrated by smoke exposure could avoid costly, ineffective solutions like air-purification systems. Property owners may even choose to pass along cost savings in the form of rent reductions to build support for the implementation of a smoke-free policy.



...avoid deadly fires

Fires caused by smoking indoors are statistically more fatal than any other type of household fire. In Alberta in 2014, fires caused by smoking resulted in seven deaths.¹ A smoke-free policy not only protects tenants' cherished possessions from the risk of fire, but it may also save lives.



...make quitting easier

The vast majority of current smokers want to quit. A smoke-free policy can make attempts to quit easier, especially if property managers choose to provide support by partnering with local public health agencies to promote cessation services and resources.

Staff and workers...



...enjoy a safer, healthier work environment

The vast majority of Albertans are protected by law from second-hand smoke exposure at work. Maintenance workers and other staff in residential buildings deserve the same protection. A smoke-free policy provides healthier work environments free from harmful tobacco-smoke exposure.



...eliminate ambiguity when addressing smoking issues

Conflict situations and safety issues related to smoking can be difficult for staff to resolve in the absence of a formal policy. The implementation of a smoke-free policy can help reduce these issues and provide staff with the tools and knowledge to enforce rules in a clear and consistent way.



DOLLARS AND CENTS





How a smoke-free policy affects your bottom line

Smoke-free buildings save you money. Property managers throughout the province have provided feedback on the costs related to turning over units that have been smoked in. Their estimates are based on the costs to turn over an unfurnished, two-bedroom, 1,000 sq. ft. unit that has carpeting and laminate flooring. On average, they indicate that a unit with a lingering odor of cigarette smoke would cost in excess of **10 times** more to turn over than an average smoke-free unit.

Turnover costs depend on a number of factors, including the size of a unit, the materials used to build or furnish a unit, the intensity of indoor smoking and the length of time that smoking has occurred. In extreme cases, costs can escalate, requiring the replacement of drywall and insulation or even the replacement of sinks, tubs, ceiling fans and major appliances. This can result in months of labour and, consequently, months of forfeited rent.


tip

A smoke-free policy has the potential to prevent fires, which are not only costly, but also devastating. Landlords who implement a smoke-free policy not only reduce the risk of fire, but may also be eligible for reduced insurance premiums.

Table 1: Money spent cleaning and repairing units with cigarette-smoke damage

	Smoke-free	Minor smoke damage	Severe smoke damage
Floors	\$0-300	\$350-2,500	\$1,000-4,000
Walls	\$0-200	\$300-2,500	\$1,600-4,000
Ceiling	\$0	\$150-1,000	\$600-1,500
Ventilation system	\$0	\$0-250	\$200-350
Other	\$0-100	\$0-500	\$1,000-\$5,000
Total costs	\$200-300	\$1,450-5,750	\$3,250-14,850
Time spent readying the unit	Maximum one week	Up to one month	Up to three months

Feedback from four different property-management companies in four different Albertan cities, summer 2015.

The infographic features four stylized buildings of different colors and heights, each representing a different benefit of smoke-free housing. From left to right: a pink house, a tall orange apartment building, a green townhouse, and a blue house. Each building is positioned above a colored rectangular box containing text and an icon.

increase
resale value

80% of Realtors believe that smoking in the home reduces resale value.⁴



sell more
easily

Most Realtors agree that smoked-in homes are also harder to sell.^{4,5}



save more
money

Smoked-in rental units can be 10 times more expensive to turn over.



avoid
costly fires

In 2014 and 2015 in Alberta, fires caused by smoking resulted in more than \$50 million in property damage.¹

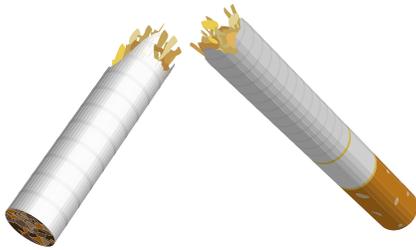




What residents in Alberta are saying...²

72%

of Albertans would choose to live in a **smoke-free building**.



46%

of residents who self identify as **daily smokers** would rather live in a smoke-free building.

37%

of residents live in buildings that have a **smoke-free policy**.





31%

of residents are **extremely concerned** about present or potential future exposure to **second-hand cannabis smoke** in their homes.

39%

of residents reported being **exposed to second-hand smoke** entering their home from a neighbouring unit in the last six months.



What Alberta tenants want

Seven out of 10 Albertans who currently live in multi-unit housing would choose to live in a smoke-free building.² That is a significant majority of your potential market.

Alberta's young-adult residents report the strongest desire for smoke-free housing. 18 to 34 year olds desire smoke-free housing because they have grown up in a society where exposure to second-hand tobacco smoke is not a social norm. Many don't remember a time when being exposed to smoke in restaurants and bars was common. Fewer and fewer of them are choosing to start smoking to begin with.

As tobacco legislation continues to shape our social reality, and the dangers of smoking become better known, demand for smoke-free housing is only going to continue to increase. This is especially true in the context of cannabis legalization. Over half of Albertans living in multi-unit housing are at least somewhat concerned about current or future exposure to second-hand tobacco or cannabis smoke in their homes. However, while demand is high, the availability of smoke-free multi-unit housing in Alberta is limited.

It is also important to understand that there are many Alberta renters who smoke, but they don't necessarily smoke in their homes. Many make a deliberate decision to keep their property smoke-free in order to protect either their belongings or their loved ones. You may be surprised how many would choose to live in a smoke-free home when presented with the option.

A smoke-free policy is not a no-smoker policy and should never be portrayed as such. In the section **Getting it Done: A Step-by-Step Policy-Development Guide**, you will find information about the best ways to communicate with smoking members throughout the process of making your building smoke-free.



Uncertainty about the legality of a smoke-free policy is a common concern for many housing providers when first considering going smoke-free. Federal, provincial and municipal lawmakers all have legislative control over housing and smoking issues, making the legal landscape broad and understandably daunting.

What is clear, in all relevant legislation at every level of governance, is that a landlord has a legal ability to prohibit smoking anywhere on their property. In Alberta, the law is less restrictive than in many other provinces when it comes to imposing new policies after a tenancy agreement has been signed. While Alberta-specific case law is limited, court rulings on these matters throughout Canada set a strong precedent in support of smoke-free multi-unit housing policies.



THE LAW AND SMOKE-FREE HOUSING





Common legal questions

1. Is a smoke-free policy legal?

Yes. It is perfectly legal for landlords to make their buildings smoke-free. Landlords have the right to designate all or part of a building as smoke-free, including individual units, balconies and the entire property. Landlords can include smoking clauses in new and renewing tenancy agreements, or add an addendum to current tenancy agreements if agreed upon by the tenant. Even in cases where tenants don't sign an addendum to their tenancy agreements, there may be potential to implement and enforce a policy (see questions 3 and 5).

2. Are there any existing smoke-free laws in Alberta that would already apply to rental properties?

Yes. The Alberta Tobacco and Smoking Reduction Act prohibits smoking in any structure or other enclosed common area of a multi-unit residential facility to which members of the public have access. This includes common patios, pools, other recreation areas, and enclosed parking garages.

The Act also prohibits smoking within five metres of a doorway, air intake or window that can be opened. Some municipalities have established larger smoke-free buffer zones around windows and doorways, and also include buffer zones around public parks and trails.

It is the responsibility of the landlord/property managers to enforce laws affecting their property. When implementing a smoke-free policy, be sure that any designated smoking areas do not infringe upon spaces designated as smoke-free under provincial or municipal law.

3. Do I have to exempt (grandfather in) existing tenants who smoke?

No; however, the right to enact a smoke-free policy without exempting existing tenants has never been tested in Alberta courts.

Some provinces in Canada set out an explicit process for a landlord to introduce new rules, requiring existing tenants to be given a minimum amount of notice of or exemption from any rules not originally signed into their tenancy agreement.

A smoke-free policy in those provinces would therefore have to be phased in. Alberta law does not set out any such process, meaning Alberta landlords can only change terms of a lease when it is renewed or by signing an amendment with the tenant.

However, the law also requires Alberta landlords to fulfill certain covenants and allows them to impose rules where reasonably necessary to fulfill these covenants. These covenants include ensuring that the premises meet at least the minimum standards prescribed for housing premises under the Public Health Act and Regulations. Those minimum standards include preventing “any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the suppression of disease.”

Thus, while the law does not specifically require the exemption of tenants who smoke, it allows for landlords to prohibit smoking in individual units if a case can be made that second-hand smoke has the potential to cause injury to the landlord or other tenants. There are several examples in Canadian case law where second-hand smoke has been deemed to cause injury.

Again, this argument has yet to be tested in Alberta courts.

4. How can a landlord prohibit a tenant from smoking in their unit if their tenancy agreement does *not* include a smoke-free clause?

Smoke-free clauses can be added to a tenancy agreement at the point of renewal, or prior to renewal if the tenant agrees to sign an addendum. If the tenant does not agree to sign an addendum, and their tenancy is not up for renewal in the near future, a landlord could simply notify the tenant of the policy and hold them accountable to abide by it.

In the latter situation, good communication and documentation will be essential. A landlord would likely need to demonstrate that smoking infractions are ongoing and causing a hazard to others in the building in order to successfully enforce the policy before the Residential Tenancy Dispute Resolution Service or the courts.

5. If smoking is legal, how can landlords ban smoking in private residences?

Landlords have the ability to set policies to protect the health and safety of their residents, and protect their property, as

Isn't smoke mitigation enough?

Air filters, purifiers and ventilation systems cannot eliminate second-hand smoke. They may remove some of the smoke and larger particles from the air, but they will not remove the smaller particles or gases found in second-hand smoke.

The American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE), the world's leading association of heating and air conditioning engineers whose indoor air-quality standards are followed internationally, indicates that there is no acceptable ventilation system that can protect individuals exposed to second-hand smoke.

In 2005, James Repace, an internationally recognized second-hand smoke physicist, conducted a review for ASHRAE on controlling tobacco smoke. He concluded that "ventilation technology cannot possibly achieve acceptable indoor air quality in the presence of smoking, leaving smoking bans as the only alternative."



long as the policy does not conflict with federal or provincial laws. Adopting a smoke-free policy is similar to adopting other policies, such as a no-pets or no-barbecues policy.

6. Can a landlord evict for cause if a tenant breaches a smoke-free policy?

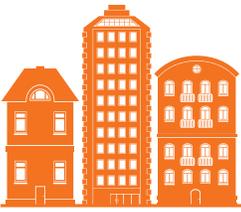
Yes, but not typically after only one offence. In Alberta, a landlord can only evict a tenant in the case of a substantial breach of the tenant's obligations under the Residential Tenancies Act. A substantial breach, however, can also be a series of breaches of your residential tenancy agreement or lease that, when taken together, are substantial. Therefore, if your smoke-free policy is written into your tenancy agreement, and a tenant repeatedly ignores it or breaches that policy, there are grounds for eviction.

If your smoke-free policy is not written into your tenancy agreement, there would still be grounds for eviction if a tenant's smoking constitutes a substantial breach to one of the following tenant obligations:

- ❖ not to interfere significantly with the rights of the landlord or other tenants
- ❖ not to do anything at the rented property that would put anyone in danger
- ❖ not to do significant damage at the property or allow anyone else to do such damage
- ❖ to keep the property in a reasonable, clean condition

7. Is smoking a disability that landlords with a smoke-free policy would have to accommodate under the Canadian Charter of Rights and Freedoms or the Alberta Human Rights Act?

This issue has been considered numerous times throughout the years, and Canadian courts have consistently ruled – with one exception – that addiction to nicotine is **not** a disability. The one exception was a British Columbia labour-arbitration decision in an employment context. Cominco had banned smoking on the plant site, and while the labour-arbitration board found that heavily addicted smokers were disabled, it also recognized that the employer's smoke-free policy was reasonable and adopted to protect staff from a known hazard. The matter was referred back to the parties to resolve how to accommodate the heavily addicted smokers. Cominco's smoking ban remains in effect today.



In a residential situation, even if people who smoke were found to be a protected group on the basis of their addiction, they would be under duty to co-operate with alternative solutions for their addiction that do not expose neighbours and bystanders to second-hand smoke. This could include smoking outside or obtaining nicotine through alternative means that do not emit second-hand smoke, such as nicotine gum, nicotine lozenges or nicotine inhalers.

There is no legal precedent to repeal a smoke-free policy to accommodate a resident with a nicotine addiction.

8. Do people with a medical prescription for cannabis use have the right to smoke in their units?

Having an illness that allows for a cannabis prescription does not permit residents to obstruct a smoke free policy or to regularly expose other residents to secondhand smoke. That said, housing providers should acknowledge the illness and seek a solution to accommodate such residents without conceding existing policies or the health of other residents. This is important because it is the compassionate thing to do, and because their illness could be seen as a disability which must be reasonably accommodated under human rights legislation.

Possible actions towards accommodation include:

- ❖ Requesting the resident try smoke-free forms of cannabis use if using indoors. The resident may find equal relief from using cannabis in other forms (such as vaping, edibles, tinctures, beverages, oils, and pills.) which do not emit smoke.
- ❖ Ensuring there aren't any avoidable barriers preventing the resident from smoking outdoors.
- ❖ If available, offering to move the resident to another suite with easier access to outdoor spaces where they can smoke.

Accommodation should take into consideration advice from the prescribing physician.

9. What is a landlord's role/responsibility in protecting residents from second-hand smoke?

Landlords are obligated under the Residential Tenancies Act to ensure the premises meet at least the minimum standards prescribed for housing premises under the Public Health Act and Regulations. This includes a regulation that "no person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the suppression of disease."

Second-hand tobacco smoke is a major, preventable contributor to acute and chronic adverse health outcomes. There is no safe level of exposure to second-hand tobacco smoke. Second-hand smoke has more than 50 cancer-causing chemicals and has been identified as a toxic air contaminant that is classified as a known carcinogen. In several Canadian court cases, second-hand smoke has been found to cause injury. Thus, landlords have a significant obligation to protect tenants from second-hand smoke exposure.

10. Is it legal to smoke cannabis in multi-unit housing in Alberta?

Yes, as of October 17, 2018 it is legal to smoke cannabis inside individual suites within multi-unit housing in Alberta. The only places cannabis smoking is not permitted is anywhere that tobacco smoking is prohibited under law, including indoor common spaces (such as lobbies, elevators and hallways) and within 5 meters of any public doorway or air intake.

That said, landlords, property managers and condo boards have the authority to include cannabis smoking in their own smoke-free policies. If you already have a smoke-free policy, it is likely already inclusive of cannabis, but you will want to check the wording to be sure.



This step-by-step portion of the guidebook is meant to make the actual work of developing and implementing a smoke-free policy as easy as possible.

Be sure to read through all the steps before starting.

GETTING IT DONE

A STEP-BY-STEP POLICY DEVELOPMENT GUIDE



New or newly transitioning housing

The steps for new or otherwise vacant buildings will be similar to those with existing tenants, but simpler in many ways. While you won't have current tenants to consult or consider in your policy development, you may still have staff or other stakeholders who would be beneficial to engage. They will be much more likely to give buy in and be supportive with enforcement if you have included them in the process. In such a situation, read through each step and glean the content that is relevant to you.

The fastest and easiest way to implement a smoke-free policy is to start with an empty building, either when a building is first developed or repurposed for residential use. Plan from the onset to keep the building smoke-free and target a robust market of tenants seeking smoke-free housing.

Since your tenants will have sought out your smoke-free units, or at the very least will have knowingly entered into the smoke-free lease, enforcement should be straightforward. The easiest policy to enforce, and the most attractive policy for tenants seeking smoke-free housing, is one that encompasses the entire property, including individual units, patios, balconies and all property grounds.

Don't forget to promote the fact that your building is smoke-free:

- ❖ List the smoke-free policy as a feature of your building in all marketing.
- ❖ Mention the policy in your application form.
- ❖ Post smoke-free signage at all entryways and on the doors to each unit.



Step 1: Assessing your situation

It is difficult to make the proper decisions without good data. The purpose of this step is to gather data so you can make informed decisions regarding smoke-free policy development. Properly assessing your situation, by determining the extent of the problem and determining factors that may help or hinder your smoke-free policy implementation, will help you come to a solution. First, you will need to determine that there is concern regarding second-hand smoke migration and involuntary exposure within your building. Then, you will need to understand what residents think about their building becoming smoke-free and their readiness to accept policy change. This will help you in developing both a policy and implementation plan that will be supported by and meet the needs of most residents.

Property managers or landlords of medium or large buildings may want to strike a committee to assess the issue.

Questions for committees to consider:

1. How does a smoke-free policy align with our organizational goals and values?
2. What is our long-term vision in developing a smoke-free policy?
3. Where and how are residents currently being exposed to second-hand smoke?
4. How are we currently tracking and managing complaints about smoking? What does that data tell us?
5. How much demand is there for smoke-free housing among residents? How much opposition?
6. What are the potential costs or cost savings of implementing a smoke-free policy?

Building support over time will result in the best outcome. This may require data collection through a survey or multiple one-on-one conversations. If you do not have a good understanding of the opinions of residents, it might be worthwhile to conduct



Sending out a survey will likely evoke a reaction from those who would be strongly supportive of or opposed to any type of smoking restriction. Anticipate reactions and be prepared with your response. You may want to let them know that you value their input and provide some information on your rationale for looking into the issue.

Encourage greater participation in your survey by offering an incentive such as a draw for a prize for all those who participate.

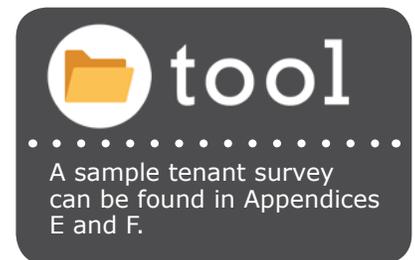


a survey to gather more insight. If you are interested in piloting a smoke-free policy in one or two buildings, a survey can tell you which buildings may be the easiest ones to start with. Surveys can also serve the dual purpose of alerting residents about potential changes while demonstrating respect for their input at an early stage in the decision-making process. Be sure to read **Step 2: Engaging tenants, staff and other relevant stakeholders** before planning any data collection that involves reaching out to tenants or other stakeholders.

Information to collect in a tenant survey:

- ❖ The number of tenants who currently smoke
- ❖ Where smoking is currently taking place on the property
- ❖ How often current residents are involuntarily exposed to second-hand smoke
- ❖ Where involuntary second-hand smoke exposure seems to be coming from
- ❖ The level of resident support for a smoke-free policy
- ❖ Which type of policy residents would support (e.g., including individual units, balconies or all grounds with a designated smoking area)

During this assessment phase, book a meeting with your insurance company. Find out if they would offer you any discount on your property insurance if you implemented a smoke-free policy. Estimate how much money you would save in the long term both on insurance and on turnover costs by going smoke-free. Consider whether or not you would be interested in translating any of those cost savings into incentives for current tenants to fast track the process of signing new rental agreements. Options could include offering a month of free rent or offering a rent reduction.





Stakeholder engagement for rental properties

Landlords of rental properties may gain useful information about ways to establish a smoke-free policy by engaging stakeholders. By talking with your tenants, you could gain voluntary support for your smoke-free policy, reduce the risk of conflict down the road and help speed up implementation.

Property managers, staff, and service personnel and companies will likely have insights to share about damage caused by smoking and the resulting maintenance and repair requirements and costs.

Stakeholder engagement could also help you learn more about the marketability of your smoke-free property.



Step 2: Engaging tenants, staff and other relevant stakeholders

Ask, involve and engage the people who will be affected by a smoke-free policy.

Stakeholder engagement is the process by which an organization involves people who may be affected by the decisions it makes or who can influence the implementation of its decisions. Involving your stakeholders is extremely important to achieving a smoke-free policy in your building. When people are informed and give suggestions about a smoke-free policy, they are more likely to understand, accept and support it. Your stakeholders are any individuals who are affected by the smoke-free policy or who can affect it.

Stakeholders include owners, landlords, tenants, property managers, staff, visitors, and service personnel and companies.

Stakeholder engagement planning process

1. Identify stakeholders

Think about anyone who may be affected by, influence or make decisions about a smoke-free policy. Some of your stakeholders will be more directly affected by a smoke-free policy, such as the tenants, individuals and companies responsible for property, service and financial decisions about the building. You may wish to talk with them.

2. Analyze stakeholders

Following suggestions in **Step 1: Assessing your situation**, find out what your stakeholders currently experience in terms of smoking in rental buildings and what they think about going smoke-free. Use methods such as surveys and meetings to gather and analyze information. A sample of a resident survey is included in the appendices.

If you wish to hold a meeting with your stakeholders to discuss a smoke-free policy and find out their opinions, a sample invitation and agenda for a meeting are provided in the appendices. Also, look on our website,



tip

Stakeholder engagement is about talking with and listening to the people who would be affected by a smoke-free policy in your facility. Going smoke-free will be much easier when people feel included. This is especially true when going smoke-free may be contentious.



tip

During a **stakeholder analysis**, identify and be prepared to address common misunderstandings. A smoke-free policy is not a no-smoker policy. A smoke-free policy doesn't disqualify people who smoke from renting a unit; it simply states where smoking is and is not allowed. If this is not well understood, be sure to include clear messaging when communicating.

smokefreehousingab.ca.

3. Communicate with stakeholders

Keep stakeholders informed throughout the move to a smoke-free policy. Tell them what you are going to do, and how and when you are going to do it. During implementation of the smoke-free policy, continue to communicate progress, successes and concerns as well as how they are being addressed. Look for a sample notification letter in the appendices.

4. Engage stakeholders

Many ways exist to engage your stakeholders. The following Continuum of Stakeholder Engagement will help you decide upon and carry out an engagement plan of action. Engagement methods are available on our website.



Continuum of Stakeholder Engagement⁶



Communicate throughout the process and in every phase.



INFORM

- ❖ Factual and easy-to-understand information is the most important aspect of each phase. Start with the **Inform** stage and communicate information throughout the process.
- ❖ Use clear, concise and factual information in all your engagement methods.
- ❖ Clear up misunderstandings from the onset. A smoke-free policy is not a no-smoker policy. The policy dictates where people can and cannot smoke, not whether or not they are permitted to smoke. Make sure all stakeholders understand the concept of a smoke-free policy before attempting to gain their support.



CONSULT

- ❖ Provide information and ideas about a smoke-free policy and ask the stakeholders what they think about it. Seek their opinions and suggestions.
- ❖ Communicate clearly about how you will use the input and suggestions from stakeholders. Tell them how you will make decisions about going smoke-free and the rationale for the decisions.



INVOLVE

- ❖ Invite input and ideas from stakeholders to help develop options and potential solutions. Involve stakeholders as early on as possible in the process. For example, they could help you identify other stakeholders and determine what information you need to communicate to them.
- ❖ In the **Involve** stage, the stakeholders are part of developing solutions – going beyond commenting on plans or solutions that you are proposing to helping you decide.
- ❖ Ultimately you will still make the decisions using some or all of the stakeholders' ideas and input.
- ❖ Establishing and working with an advisory committee of stakeholders is an excellent technique at this stage.



COLLABORATE

- ❖ The **Collaborate** stage is about partnering and sharing decisions with stakeholders, and inviting them to be involved in the decision-making process.
- ❖ Stakeholders work together with you, as the landlord, to define the scope of the decision to be made, develop options and assess those options against agreed criteria in an attempt to arrive at consensus.
- ❖ The **Collaborate** phase is very beneficial when you think the implementation of a smoke-free policy may be highly complex or controversial, or both.
- ❖ Establishing and working with an advisory committee of stakeholders is an excellent technique at this stage.



Step 3: Drafting your smoke-free policy

Hopefully step 1 has given you a clear indication of why you want to implement a smoke-free policy and how your tenants feel about it. As you begin developing the policy itself, you will have to decide who will be bound under the policy, where the policy will be in force, what the policy will prohibit and when it will come into effect.

To whom will your smoke-free policy apply?

A smoke-free policy should always apply to residents, managers, caretakers, staff and service personnel working in the smoke-free building. Visitors and guests would also be expected to comply. The policy should indicate that tenants are responsible for advising their visitors and guests about where they can and cannot smoke.

New tenants can easily be bound under a smoke-free policy through a clause in the tenancy agreement that they would sign. When it comes to transitioning current tenants, your plan will likely depend on a number of factors, including the speed at which you want to achieve smoke-free status, the number of tenants currently smoking inside their units, the level of support for the policy, your ability to negotiate options with current tenants and the type of tenancy agreements that they currently fall under.

If you know that there are tenants currently smoking in areas that you intend to make smoke-free, you may want to negotiate an agreeable situation with them.

While smoke-free policies are legal, property managers have a duty (under Human Rights Law) to accommodate the disabilities and religious practices of their residents. This can be a confusing point with smoking policies particularly when it comes to the medicinal use of cannabis and the ceremonial use of tobacco by indigenous residence. The duty to accommodate does not negate the legality of a smoke-free policy, it demands that individuals are respectfully engaged. The needs of residents using medicinal cannabis or of those engaged in traditional tobacco ceremonies do not trump the needs of other residents to be free from exposure to harmful secondhand smoke. The





Ceremonial use of tobacco and smoke-free housing policies

The ceremonial use of tobacco is not exempt from smoke-free policies in multi-unit housing unless explicitly stated. However, under human rights legislation all Albertans are under a duty to accommodate the religious beliefs and practices of others. The duty to accommodate goes both ways, as such any resident(s) using tobacco for ceremonial purposes should ensure they are not causing other residents undo harm. Tips for supporting ceremonial use of tobacco include:

1. Engaging the resident(s) to understand their ceremonial use of tobacco.
2. Learning the duration and frequency of intended ceremonial tobacco use.
3. Finding ways to accommodate ceremonial tobacco use that does not expose other residents to secondhand smoke exposure. For example, if possible recommend outdoor use and remove any barriers that might inhibit the ceremony from taking place outdoors.
4. If the ceremonial use of tobacco is to be used indoors, establish a communication system to inform other residents about the ceremonial use of tobacco in order to avoid complaints and bridge any religious or cultural misunderstandings.

Indigenous people have been using traditional or sacred tobacco for thousands of years. Traditional or sacred tobacco differs from commercial tobacco in that it is used in a variety of ways including ceremonial or sacred rituals for healing and purifying and in social customs where it is given or exchanged as a sign of respect. Traditional or sacred tobacco is grown and dried without additives. For more information on traditional tobacco please visit tobaccowise.com.



key to accommodation is compassion, good communication, and creative thinking about how to meet everyone's needs. Allowances for the use of combustible products indoors should not be a default solution. Discuss specific situations with a lawyer if you have concerns about your ability to accommodate someone's disability or religious practice while developing or upholding a smoke-free policy.

Things to consider when engaging residents who currently smoke

- ❖ Do you know for certain that tenants who currently smoke would oppose a smoke-free policy?
 - ❖ Some smokers welcome a smoke-free policy either because they already choose to only smoke outside or they see it as an incentive to cut back on smoking and improve their quality of life. Don't assume they will fight a policy without having a conversation about it.
- ❖ Could you agree on a designated outdoor smoking area? How could you make that space more comfortable or easier for users to access?
- ❖ Could you agree on a phased-in approach, such as an exemption period that lasts one or two years?
- ❖ Would they be interested in moving to another unit in a different building where smoking is still allowed? Maybe you can offer to pay a moving company to help with the transition.
- ❖ Will you be saving money on expenses or insurance by implementing a smoke-free policy? Maybe you want to share those cost savings with your tenants as an incentive to support the policy.
- ❖ Could you partner with local public health agencies to provide services and support to residents who are trying to quit smoking?

If you or your tenants are uninterested in negotiating, and your tenants are on fixed-term agreements, you have the option to simply amend the new contract that they would sign to renew their tenancy at the end of their lease. If tenants are on periodic leases, you may never get them to sign a policy; however, within Alberta's legal landscape, a strong case can be made for

the viability of a smoke-free policy, whether or not it is written into a tenant's signed lease. A landlord or property manager could potentially enforce their smoke-free policy even if it isn't included in some tenancy agreements (see the common legal questions section in **The Law and Smoke-Free Housing** for more information). However, doing so has yet to be tested in an Alberta court.

Exempting existing tenants

An alternate approach would be to exempt existing tenants indefinitely. While incorporating an exemption clause into your smoke-free policy may be the least confrontational approach, it's not always the easiest approach to implement. Exemption clauses create a lengthy limbo period when new tenants are subject to the policy while still not reaping the benefits of a smoke-free environment (because exempted tenants are still exposing them to second-hand smoke). This can make it harder to attract new tenants who are truly seeking smoke-free housing. Landlords and property managers will still have to spend time and money addressing complaints, and deal with clean-up costs at the end of the exemption period or tenancy.

Where will your smoke-free policy apply?

A smoke-free policy can apply to a number of different spaces on a residential property, including inside individual units, on patios, balconies and in outdoor recreational spaces. Some smoke-free policies designate one or two specific outdoor spaces where smoking is allowed, or they may require people to leave property grounds altogether before lighting up.

When determining which areas will be encompassed by your smoke-free policy, consider the size of your property and the way it is used. If you have logged resident complaints about second-hand smoke exposure, consider the spaces that would need to be addressed in order to mitigate those issues. If at all possible, keep designated smoking areas away from recreational spaces that are meant for all residents to enjoy.

It is also important when developing a smoke-free policy to ensure it aligns with the requirements of current tobacco-control legislation. The Alberta Tobacco and Smoking Reduction Act prohibits smoking in any structure or other enclosed common area of a multi-unit residential facility to which members of the public have access, including common patios, pools, other recreation areas and enclosed parking garages. The Act also prohibits smoking within five meters of a doorway, air intake or



tip

If designated smoking areas are included in your smoke-free policy, have signage indicating that the area is a smoking area and have a clearly marked ashtray to safely dispose of butts in order to discourage litter and avoid fires. Conversely, remove any ashtrays currently located in spaces where smoking is banned to minimize confusion.



window that can be opened. Designated smoking areas should not infringe upon spaces designated as smoke-free by law.

What will be regulated as part of your smoke-free policy?

Carefully consider and include a clear definition of what will be regulated in your smoke-free policy. Some housing providers have expressed serious issues arising from residents using a range of smoking products, including herbal cigarettes, cannabis, pipes and waterpipes. Unclear definitions may not fully cover the scope of products causing concern.

The comprehensive definition provided here should cover any loopholes or unforeseen issues of second-hand smoke exposure. This definition would not prohibit the use of electronic cigarettes as they do not involve burning or the emission of smoke. If you want your smoke-free policy to have a different scope, you may want to have a lawyer draft a definition that will suit your needs.

When will your smoke-free policy take effect?

Timing is critical to the successful implementation of a smoke-free policy. Start engaging residents early in the process of developing your policy and give them ample time to adjust before your policy comes into effect. You may choose to implement your policy in phases, starting with individual units and progressively incorporating outdoor spaces. Whatever your plan, be sure to clearly communicate your timelines with all stakeholders who will be affected.

Step 4: Implementing your smoke-free policy

A smoke-free policy should be added as a new clause in your tenancy agreement for all new and renewing tenants, and should also be presented as an addendum for existing tenants to sign. Consider asking your tenants to initial the smoke-free clause when they sign the agreement. If you have to enforce your policy, this measure will make it hard for them to claim they were not aware of the policy.



Sample definition:
'Smoke' or 'Smoking' means to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking implement designed to burn tobacco or any other weed or substance for the purpose of inhaling or tasting of its emissions.



Choosing an implementation date in the spring or summer gives residents some time to adjust to smoking outside while the weather is favourable.



Cannabis and electronic cigarettes

Exposure to cannabis smoke can be a hot-button issue in multi-unit housing.

Regardless of whether cannabis is being smoked legally or illegally, the second-hand smoke emitted is still a health hazard and consideration for other residents is still important. A medical prescription to use cannabis does not give a person the right to smoke anywhere they choose. The user must abide by the rules of a smoke-free policy. By developing a smoke-free policy that is inclusive of products like cannabis, housing providers can eliminate any confusion on this issue.

Electronic Smoking Devices (ESDs; e.g., e-cigarettes or vaporizers) are relatively new products in Canada. Currently, there is limited data on the health effects of their emissions, especially in the case of second-hand exposure. What is emitted from an ESD is not smoke and is currently understood to be significantly less harmful than tobacco smoke.

If a housing provider wants to ban the use of ESDs on their property, they should consult with a lawyer to draft an effective policy and definition. Some ESDs may gain approval by Health Canada as regulated smoking-cessation devices in the future. Consider exempting any products that are government approved and regulated for use as cessation tools. You may also want to consider exempting the use of ESD for other medical conditions such as a medical prescription to vape cannabis. This would be a decent way to accommodate individuals with serious illnesses without exposing other residents to secondhand smoke. For more information on electronic smoking devices, please feel free to contact the Canadian Cancer Society or another health authority.



Aim to get the policy signed by as many tenants in the building as possible. If you are planning to enforce the policy as a matter of covenant, even with those tenants who have not signed a new tenancy agreement (see question 3 in **The Law and Smoke-Free Housing**), be sure to notify those who have not signed the policy that they are still bound by it, and that you will be actively enforcing it.

If your policy will be implemented in phases, clearly communicate the timelines and ultimate scope of the policy to current and prospective tenants. If your policy includes an exemption clause, inform prospective residents that:

1. there are tenants who have been exempted from the policy and are permitted to smoke in the building, and you can't guarantee a 100 per cent smoke-free environment until the transition is complete. Be sure to explain why an exemption of certain tenants was chosen.
2. while smoking is permitted in exempted units, complaints of second-hand smoke will still be addressed if it is found that a significant amount of smoke is infiltrating their homes. If there are significant complaints, you will likely have to implement mitigation efforts.

Support for smokers

Demonstrating support for tenants who smoke can build a considerable amount of goodwill when implementing a smoke-free policy. While the purpose of going smoke-free is primarily to protect property and residents, there may be people who would like information about quitting, or who will want to cut back on the amount they smoke in order to make compliance with the policy easier.

There may be an opportunity to partner with a local public health organization to provide cessation resources and services. Contact Alberta Health Services to find out about cessation resources in your community and then post information in common areas, such as a laundry room. Let all your residents know that there is support available to help them quit or cut back if any of them are interested.

Visit albertaquits.ca for links to cessation tools and resources.



A sample letter that notifies tenants about the new policy can be found in Appendix D.



Spread the word about your smoke-free policy anywhere you currently list information about your properties.

Update:

- your application form
- your website
- your portfolio in third party directories
- other marketing and advertising materials

Signs

Develop and post signs about your smoke-free policy. Signage will serve as a reminder for tenants, and indicate to guests and service people that the building and/or area is smoke-free. Signs should be posted at all public entrances to the smoke-free buildings, and can also be posted at elevators, on unit doors, in common areas and throughout the grounds to clearly indicate

where smoking is and isn't allowed.



Step 5: Enforcing your smoke-free policy

Steps taken to engage stakeholders and communicate your smoke-free policy will go a long way in facilitating policy enforcement and compliance. In all likelihood, your tenants will be the biggest advocates of your policy and will readily let you know when someone is not following the rules. Most people comply with smoke-free policies when they are clearly and effectively communicated. Still, you should be prepared and know ahead of time how you will respond to any problems.

Your enforcement plan will likely depend on your tenants and their behaviour, whether or not there is damage to the unit, and the extent of second-hand smoke exposure to other tenants. You always have the choice to take a soft or hard approach with smoking violations. Regardless, a smoke-free policy needs clear and committed consequences (e.g., warnings and penalties) for non-compliance.

Steps to take if there is evidence that a violation has occurred

1. Talk to the tenant and try to achieve a verbal agreement regarding compliance. Review and explain the smoke-free policy with the tenant.
2. If an agreement is reached, it can be helpful to put it in writing for future reference. Have the tenant sign a copy of the dated letter from the landlord to the tenant, confirming the discussion and the tenant's agreement to abide by the smoke-free policy.





3. If the smoking continues, issue a caution notice advising the tenant that:
 - ❖ they have breached the terms of the smoke-free policy (explain how);
 - ❖ they are requested to smoke only where permitted under the policy (give options); and,
 - ❖ ongoing failure to comply with the policy could result in the tenancy ending (eviction).
4. Be sure to document any and all violations, and, if possible, get witnesses who would be able and willing to testify to incidents of smoking by the tenant if necessary.
5. Conduct regular inspections.
6. Actively address complaints of second-hand smoke exposure.

If a tenant commits a series of breaches of the smoke-free policy, a landlord has grounds to end the tenancy. As with any termination of a tenancy, if the tenant disputes the termination, it may need to be resolved through the Residential Tenancy Dispute Resolution Service. This process will be easier for the landlord if the smoke-free policy is included in the tenant's lease.

Issues while transitioning to smoke-free status

If your building is converting to smoke-free status either through a phased-in approach or due to exempted tenants, it will continue to be important to address complaints of second-hand smoke migrating in smoke-free units from spaces where smoking is still allowed. If applicable, clarify with staff that while exempted or phased-in tenants may be allowed to smoke in their units, complaints of second-hand smoke must still be addressed and documented. If it is significantly bothering other tenants, the second-hand smoke can constitute a nuisance which would need to be addressed.



tip

If a current tenant on a periodic lease refuses to sign an amendment to their tenancy agreement, there may be legal grounds to hold them to your smoke-free policy. A strong argument can be made that the RTA must permit a landlord to impose rules where reasonably necessary to fulfill their covenants. This includes the ability to prohibit smoking in individual units if a case can be made that second-hand smoke may become injurious or dangerous to public health. This argument, however, has yet to be tested in Alberta courts. For more information, see question 3 in **The Law and Smoke-Free Housing**.



“

We have had a no-smoking policy in all the units we manage for the past two years. All our landlords appreciate this clause in their leases and that we as their managers enforce it. They also appreciate the clear, unbiased position this policy has set. It is not only the health hazard but also the negative odor associated with smoking that many of our clients want to avoid, particularly the landlords as smoked-in units typically need to have carpets deodorized and walls painted to eliminate the effects of smoking.

We have had no negative outcomes, and our policy has **not** affected our ability to rent units. In fact, all tenants who do smoke respect the request and only smoke outside. They are also required to maintain a safe cigarette-butt container and keep the exterior grounds clean. The end result is that we have cleaner and better-maintained rental units because of this policy and its acceptance in the market.”

~Don Walker CCIM ALC, Broker, Kayvee Real Estate & Property Management Inc., Medicine Hat, 2016





Our collective efforts will ensure Albertans are further protected from the dangers of second-hand tobacco smoke.

Our provincial and municipal governments have made tremendous strides in protecting Albertans from the dangers of second-hand tobacco smoke.

As a multi-unit housing stakeholder, you can also play an important role in ensuring that Albertans have access to safe air in their homes while at the same time protecting property and improving the quality of life for all residents.

The trend for smoke-free multi-unit housing in Alberta will very likely increase, as it has in other markets.

By providing the best practices in this document, we hope to ensure multi-unit housing providers feel confident in successfully implementing a smoke-free policy.



References

- ¹ Office of the Fire Commissioner, 2015. Fire Commissioners Annual Statistical Report 2013-14 ([http://www.ofc.alberta.ca/documents/2013-2014_Annual_Report_Data_Amended_\(2\).pdf](http://www.ofc.alberta.ca/documents/2013-2014_Annual_Report_Data_Amended_(2).pdf)). Accessed February 2016.
- ² Leger Group. Smoke-free Multi-Unit Housing Public Opinion Surveys. Commissioned by the Canadian Cancer Society, Alberta/NWT Division. 2018. Data were collected between September 16 and October 1, 2015 and between March 15th and March 23rd, 2018. Both included 1,000 Albertans age 18+ living in multi-unit housing. As they were non-random internet surveys, a margin of error is not reported. Had these data been collected using a probability sample, the margin of error would be ± 3.1 percentage points, 19 times out of 20. The data are weighted by age, gender and region to be representative of the population of Albertans living in multi-unit housing based on the most recent estimates available from Statistics Canada.
- ³ Government of Canada. Dangers of second-hand smoke. (<http://healthycanadians.gc.ca/healthy-living-vie-saine/tobacco-tabac/avoid-second-hand-smoke-eviter-fumee-secondaire/second-hand-smoke-fumee-secondaire/dangers-eng.php>). Accessed August 2016.
- ⁴ Smoke-Free Housing Ontario. Leger group (2013) Smoking and resale value survey. (<http://smokefreehousingon.ca/wp-content/uploads/2014/10/business-case-for-sf-housing-2014.pdf>) Accessed February 2016.
- ⁵ The Lung Association. Leger group (2015) independent survey of 200 Realtors® in British Columbia. (<http://blog.lung.ca/2015/05/smoking-in-the-home-can-lower-resale-value-and-make-it-more-difficult-to-sell/>) Accessed February 2016. In Ontario, 85 per cent of Realtors agreed and in BC 77 per cent of Realtors agreed.
- ⁶ Adapted from IAP2 Public Participation Spectrum; International Association for Public Participation Federation (IAP2) <http://www.iap2.org/>.

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Appendix A: Sample smoke-free policy for inclusion in a lease

The following sample smoke-free policy can either be used as a lease addendum or can be included in a new lease. Landlords or property managers should consult with their own legal counsel before finalizing addenda and/or changes to their leases.

SHORT-FORM SMOKE-FREE POLICY CLAUSE TO INSERT INTO A LEASE

- *X(a) The tenant shall not, and shall not permit anyone to, smoke tobacco, cannabis or any other weed or substance in any indoor part of the premises, the common areas or the property of which they form a part.*
- *X(b) Contravening clause X(a) shall be considered a substantial breach of this agreement.*

Remove the word “indoor” if you want your policy to cover balconies and outdoor areas as well.

If you want to cover balconies but allow for designated outdoor smoking areas, use the following:

- *X(a) The tenant shall not, and shall not permit anyone to, smoke tobacco, cannabis or any other weed or substance in any part of the premises, the common areas or the property of which they form a part, except in an outdoor smoking area designated as such by the landlord.*
- *X(b) Contravening clause X(a) shall be considered a substantial breach of this agreement.*

SAMPLE SMOKE-FREE POLICY LEASE ADDENDUM

This policy contains the following additional terms, conditions and rules, which are hereby incorporated into the lease.

1. Purpose of smoke-free policy

Due to the irritation and known health risks of exposure to second-hand smoke, increased risk of fire, and increased maintenance, cleaning and recovery costs, and whereby landlords in Alberta are required by law not to permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the suppression of disease, all forms of smoking shall be prohibited.

2. Definition of smoking

The term “to smoke” or “smoking” means to inhale, exhale, burn or have control over a lighted cigarette, cigar, pipe, hookah pipe or other lighted smoking implement designed to burn tobacco or any other weed or substance for the purpose of inhaling or tasting of its emission.

3. Definition of business invitee

The term “business invitee” shall include, but is not limited to, any contractor, tradesperson, agent, household worker, or other person hired by the tenant or resident to provide a service or product.

4. Smoke-free policy

Effective <start date of policy>, smoking is prohibited inside the building, including private units and on the residential property. Tenant agrees and acknowledges that the premises to be occupied by tenant and members of tenant’s household have been designated as smoke-free. Tenant, members of tenant’s household, visitors, guests and business invitees shall not smoke anywhere in the unit rented by tenant, the building where tenant’s dwelling is located or in any of the common areas or adjoining grounds of such building or other parts of the rental community, except for the designated smoking area(s) noted below:

<for example, outdoor designated smoking area located outside the west door of the building, but not within XX metres of the doorway.>

<optional> The smoke-free policy will be adopted through attrition. This means that:

- a. existing tenants will be exempted (grandfathered in) for the length of their tenancies, unless they choose to sign a smoke-free policy lease addendum; and,
- b. new tenants will sign leases with the smoke-free policy included.

5. Tenant to promote smoke-free policy and to alert landlord of violations

Tenant shall inform tenant’s guests, invitees, visitors and business invitees of the smoke-free policy. Further, tenant shall promptly give landlord a written statement of any incident where tobacco smoke is migrating into the tenant’s unit from sources outside of tenant’s apartment unit.

6. Landlord to promote smoke-free policy

Landlord shall post no-smoking signs at entrances, exits, common areas, hallways and in conspicuous places adjoining the grounds of the apartment complex.

7. Landlord not a guarantor of smoke-free environment

Tenant acknowledges that landlord’s adoption of a smoke-free policy does not make the landlord or any of its managing agents the guarantor of tenant’s health or of a smoke-free unit and building or complex. However, landlord shall take reasonable steps to enforce the smoke-free terms of its leases. Landlord is not required to take steps in response to smoking unless landlord is put on notice of the presence of cigarette smoke, via agent, personal knowledge, and/or written or electronic notice by a tenant.



8. Other tenants are third-party beneficiaries of tenant’s agreement

Tenant agrees that the other tenants at the complex are the third-party beneficiaries of tenant’s smoke-free policy agreement with landlord. Tenant acknowledges that tenant’s obligations and commitments in regard to this policy are made to, and may be enforced by, the other tenants in the complex as well as to the landlord.

9. Disclaimer by landlord

Landlord specifically disclaims any implied or express warranties that the building, common areas or tenant’s premises will have any higher or improved air-quality standards than any other rental property. Landlord cannot and does not warranty or promise that the rental premises or common areas will be free from second-hand smoke. Tenant acknowledges that landlord’s ability to monitor or enforce compliance with this policy is dependent in significant part on voluntary compliance by tenant and tenant’s guests, and other occupants of the complex. Tenants with respiratory ailments, allergies, or any other physical, mental, emotional, or psychological conditions relating to smoke are put on notice that landlord does not assume any higher duty of care to enforce this policy than any other landlord obligation under the lease.

Appendix B: Sample invitation letter for a meeting about a smoke-free policy

<Name>
<Address>
<Date>

RE: notice to all residents residing at <insert building name and address>

Dear <Name>,

We, the <landlord and/or property management company>, invite you to an <information meeting or information and input meeting> about the idea of adopting a smoke-free policy for our building.

The purpose of the meeting is to:

- share information about the concerns of residents regarding second-hand smoke infiltrating their homes from neighbouring units (internal and external) and common areas such as the parking garage and hallways; and,
- gain your opinions and thoughts about the idea of adopting a smoke-free policy for our building.

This is **not** a decision meeting; it is a time to provide information and start to get your input. We have not made any decisions about a smoke-free policy and we consider this a first step to involve all residents in the discussion.

The meeting will be held on <date> from <start time> to <end time> at <location>. The agenda will be:

1. Welcome and overview of the meeting
2. Introductions by all participants
3. Information about smoke-free policies in multi-unit housing
4. Information about applicable Alberta legislation
5. Discussion:
 - a. What do you like about the idea of a smoke-free policy in our building?
 - b. What do you dislike about the idea of a smoke-free policy in our building?
 - c. What other information do you need?
 - d. What next steps do you suggest?

Please plan to attend and talk with your neighbours about this topic. RSVP by <date> to <contact>.

Sincerely,
<landlord, and/or property management company>



Appendix C: Sample agenda and discussion process for an initial meeting about a smoke-free policy

This sample agenda and discussion process is for a 1.5 to 2-hour meeting. Adjust as you see appropriate for residents in your building. It is a good practice to ask people to give their opinions about a smoke-free policy in their building at this meeting. While it is very important to provide and explain information, residents will want the opportunity to share what they think.

Tips

- *It is very helpful if you distribute information sheets about a smoke-free policy door to door, or make them available in a common area, **before** the meeting.*
- *Use name tags for each person.*
- *Provide light refreshments such as water, tea, coffee, and cookies or a vegetable tray. Food is a good way to set a friendly and welcoming atmosphere.*
- *Have a volunteer record the main points from the discussion, ideally on a laptop.*

1. Welcome and overview of the meeting (estimate five minutes)

The hosts welcome everyone to the meeting. Introduce yourselves and your roles.

- Explain the purpose of the meeting. (e.g., We are starting to think about establishing a smoke-free policy for our building. We want to provide you with information and want your initial input about the idea. We also want your suggestions on the next steps.)
- Explain the logistics of the meeting (e.g.; the start and end time, the agenda, how questions and ideas will be recorded).

2. Introductions by all participants (estimate five minutes)

Always have each person introduce themselves. This makes the participants feel included, helps them to feel comfortable speaking and allows everyone to hear each other's name. Even if most participants appear to know each other, it is useful to have this short introduction.

Ask each person to say:

- Name
- Unit
- Years lived in the building
- One thing they like about living in the building (*this question helps everyone to start on a positive note by thinking about why they like their home*)

3. Information about smoke-free policies in multi-unit housing (estimate five minutes)

Explain why you called the meeting (e.g.; complaints have been received about second-hand smoke, you have been approached by a tenant group, damages and costs from smoking are occurring and are a concern, you are concerned about providing a safe and healthy space for all tenants).

Provide information about smoke-free policies in multi-unit housing. Use the Canadian Cancer Society-resource guide section **Everybody Wins**.

4. Information about applicable Alberta legislation (estimate five to 10 minutes)

Use the Canadian Cancer Society-resource guide section **The Law and Smoke-Free Housing**.

5. Questions and answers

Encourage participants to ask questions during the information presentations or ask them to write down their questions and answer them after the presentations.

6. Optional input discussion (estimate 30 to 45 minutes)

Occasionally, you will hold a meeting only to provide information. Therefore, you may not hold a discussion time, but rather close the meeting after the *Questions and Answers* time. If you decide to hold an information-only meeting, be sure to tell participants what the next steps are and when they will have a chance to give ideas about going smoke-free.

If you decide to also include a discussion time in your meeting, here are various ideas for discussion processes. Adjust based on the reason you called the meeting, the number of participants, the general feel in the room about smoking or non-smoking, etc.

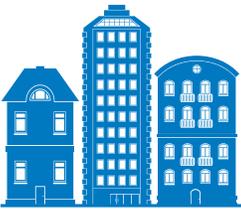
Trio talk:

Ask participants to form trios (groups of three) and talk for five minutes about:

- What is your experience with smoking in our building? Positive aspects? Negative aspects?

Have a five to 10-minute report-back session by asking each trio (or at least half of the trios) to say in two sentences what they discussed. Record.

Have a 20-minute large-group discussion session and ask participants to give their input about each of the preceding questions. Record.



Pair-and-share talk:

Ask participants to work with one other person and talk for five to 10 minutes about:

- What do you like about the idea of a smoke-free policy in our building?
- What do you dislike about the idea of a smoke-free policy in our building?
- What other information do you need?
- What next steps do you suggest?

Have a 20-minute large-group discussion session and ask participants to give their input about each of the preceding questions. Record.

Pros-and-cons gallery-walking activity:

Put large flip-chart paper on the wall or on tables in three separate locations (stations). Provide small felt markers or pens at each station.

Name the stations:

- Pros (positive aspects) about going smoke-free in our building
- Cons (negative aspects) about going smoke-free in our building
- What else do I need to know?

Ask participants to walk from station to station for about 10 to 15 minutes and write their comments.

Then, divide participants into three groups and ask them each to go to one station, read the information and summarize it.

Have a 15-minute large-group discussion session and ask each group to tell their summary of the written information. Record.

Take the flip charts and use the information for future meetings and information and input sessions.

7. What's next and closing

- As the host, thank everyone for participating.
- Explain how you plan to use the information and what you plan to do next.
- Explain how residents will be engaged.

Appendix D: Sample tenant notification letter

<Name>
<Address>
<Date>

RE: notice to all residents residing at <insert building name and address>

Dear <Name>,

In the interest of the health of tenants and staff, as well as the quality of indoor air and enjoyment of the premises, <name of landlord/property manager> is pleased to inform you that effective <implementation date>, a smoke-free policy will apply to all units in this building <or state specific floor/wing> as well as <insert other areas where smoking will be prohibited (e.g.; units, outside balconies and patios, entire outside property)>. <State if and where designated smoking areas are located>. <If phasing-in the policy, describe that process>.

This policy has been developed through a process of consultation with tenants and staff. We took a variety of viewpoints into consideration and are confident that the final result strikes the right balance to address concerns and meet tenants' needs. Thank you for your participation throughout this process.

Our company is obligated under the Residential Tenancies Act to ensure our properties meet at least the minimum standards prescribed for housing premises under the Public Health Act, including a regulation not to permit "any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the suppression of disease." As a progressive management company, we recognize that society is moving in the direction of protecting people from the known hazards of exposure to second-hand smoke. In line with the policies enacted by our local and provincial governments to protect the public from second-hand smoke, creating smoke-free buildings will provide a healthy and safe environment for all our tenants, staff and service personnel.

Our smoke-free policy will provide added benefits that include:

- improved and safer air quality for all residents;
- reduced risk of fires;
- reduced maintenance, cleaning and recovery costs/time; and,
- reduced complaints of migrating second-hand smoke.

This policy will apply to all new and existing tenants. New and renewing tenants will be required to sign tenancy agreements that include a smoke-free clause. Should you apply for another unit in the same building or other properties owned by our company with a smoke-free policy, you would be required to sign a new tenancy agreement that will include the smoke-free clause. As a current tenant, if you would like to sign an addendum to your tenancy agreement that contains the new smoke-free policy, we would be very pleased to make this happen. Those on periodic or long-term leases will also be expected to comply with the policy as of <implementation date>. Repeated failure to comply may be seen as a breach of your obligations as a tenant to:



- not interfere significantly with the rights of the landlord or other tenants; or,
- not do anything at the rented property that would put anyone in danger, the result of which may lead to management taking steps to terminate your tenancy.

All complaints regarding second-hand smoke will be investigated and addressed. Please feel free to contact [<name of property manager, phone number>](#) if you have any questions. We will be happy to discuss the smoke-free policy and assist you in any way possible.

Sincerely,
[<name of property management company>](#)

[\[Attach a copy of the policy\]](#)

Appendix E: Sample tenant survey

The purpose of this anonymous survey is to assess the level of interest among tenants in having the choice to live in a smoke-free environment. Any future smoke-free policy that might be adopted would not result in tenants being evicted for being smokers, would not force anyone to quit smoking and would not prevent smokers from renting accommodation.

Please check the answer that best describes you and your situation.

1. Do you or anyone else in your household smoke cigarettes, cannabis, cigars or a pipe/waterpipe?

- Yes, regularly (daily or weekly)
- Yes, occasionally (less than weekly)
- No

If yes, do you or any household members smoke indoors?

- Yes
- No

2. Which of the following statements best describes the rules about smoking inside your home:

- Smoking is **not allowed anywhere** in my home or on the balcony/porch/patio
- Smoking is **only allowed outside** on the balcony/porch/patio
- Smoking is **allowed only in certain rooms** inside my home
- Smoking is **allowed anywhere** inside my home
- Other (specify) _____

3. How often have you smelled tobacco smoke in your home that comes from another unit or from outside?

- Never
- Occasionally
- Very often
- Always

If you smell smoke in your home, has the smoke impacted your health (i.e.; does it give you headaches, make your eyes water or burn, make you cough, or make you feel ill in any way)?

- Yes
- No



If you smell smoke in your home, where does it most often come from?

- From someone smoking outside on a neighbouring balcony/porch/patio
- From someone smoking inside a neighbouring unit
- From someone smoking outside on the building property
- From some other location (specify) _____

If you smell smoke, have you ever complained to your landlord about it?

- Yes
- No
- Other (specify) _____

4. Does anyone living in your unit suffer from chronic illnesses, such as asthma, chronic bronchitis, chronic obstructive pulmonary disease (COPD), heart disease, diabetes, arthritis or cancer?

- Yes
- No
- Maybe
- Don't know

5. Are any of the members who currently live in your unit:

- children younger than the age of 12?
- seniors older than the age of 65?

6. Do you think second-hand smoke is harmful to people's health?

- Yes
- No
- Don't know

7. Would you be interested in living in a building where all smoking was completely banned, including inside private units, on patios, balconies and on all property grounds?

- Yes
- No
- Don't know

If no, which spaces would you like to see included in a ban (check all that apply)?

- Inside private units
- On patios
- On porches
- On balconies
- On outdoor property ground
- All of the above but only related to certain floors or wings of the building
- I don't want to see smoking banned anywhere.
- Other (specify) _____

Please note: In compliance with Alberta laws, smoking is currently not allowed in the common areas of our building, including hallways and elevators. The law also prohibits smoking in any enclosed common patios, pools, other recreation areas and enclosed parking garages. There are five metre smoke-free buffers around doorways, air intakes or public windows that can be opened. These areas will remain smoke-free by law regardless of the outcome of this survey.

8. If we were to designate smoke-free wings, floors or buildings in your facility that would encompass individual units, balconies, porches, and/or patios, would you be interested in:

- moving to the smoke-free area?
- moving away from the smoke-free area?
- Unsure/depends (specify) _____

9. Are you opposed to or supportive of adopting some form of smoke-free policy for our building?

- Strongly supportive
- Supportive
- Opposed
- Strongly opposed
- Other (specify) _____

Comments:

Optional: Floor number _____ Unit number _____

THANK YOU FOR COMPLETING THIS SURVEY – WE VALUE YOUR INPUT.



Appendix F: Sample tenant-survey cover letter

<Name>
<Address>
<Date>

RE: survey of residents residing at <insert building name and address>

Dear <Name>,

We are currently considering converting some <or all> of our buildings to smoke-free status. We want to reassure existing tenants that your views on the topic are important to us and will help us as we make this decision. The enclosed survey is meant as a first step in seeking your input. Please note that any potential smoke-free policy would not result in tenants being evicted for being smokers, would not force anyone to quit smoking and would not prevent smokers from renting accommodation.

We want to offer quality rental accommodations to our tenants, and since 84 per cent of Albertans are non-smokers, we believe that Albertans want more options for smoke-free living. We also believe that this policy will provide added benefits that include:

- improved and safer air quality for all residents;
- reduced risk of fires;
- reduced maintenance, cleaning and recovery costs/time; and,
- reduced complaints of migrating second-hand smoke.

We are seeking input from our tenants to identify:

- the extent of the problem of second-hand smoke migration between units;
- the extent of support or opposition for a smoke-free policy; and,
- the areas that should be included in a potential smoke-free policy.

We are very interested in your input, and those who complete the survey and return it to the office by <deadline> will be entered in a draw to win <a \$100 gift certificate or a \$100 credit toward your rent>. The survey should only take about three minutes of your time.

Sincerely,

<Property manager and/or landlord>

Appendix G: Sample issue-tracking log

This form can be used by landlords, property managers or tenants to document when smoke enters someone’s home from a neighbouring unit. The person documenting efforts to address this issue should include everything done or communicated to resolve the problem, including talking to neighbours or the landlord. This information will be useful to prove how serious the problem is and how often the smoke enters the affected home.

Be sure to include dates and names of all people who are communicated with, and be sure to keep copies of all correspondence.

When documenting each incident, please be sure to answer the following questions:

1. Where is the smoke coming from and how is it entering your home? Include dates and times.
2. How is the smoke affecting the health of you or your family?
3. How is the smoke interfering with the use and enjoyment of your home?
4. What steps have you taken to rectify the problem? (communications or steps taken to seal off your apartment)
5. What happened after each resolution attempt?

Date	Time	Notes
e.g.; August 2, 2013	10 a.m.	Smoke entering my bedroom window from neighbour’s balcony. Started wheezing and coughing. Spoke to smoker. Smoker said she always smoked outside – but this is where smoke is coming from.



Appendix H: Sample caution notice to tenants

To tenant: _____
Suite address: _____
Date(s) of occurrence(s): _____

Incident: _____

Please be advised that the incident(s) reported constitute(s) a breach of your tenancy agreement and may become a substantial breach if the activity continues. Grounds under which your tenancy could be ended are indicated below.

Grounds for termination under the Residential Tenancies Agreement, section 26(1)(c):

1. A breach of a tenant covenant specified in section 21 of the Residential Tenancies Act:
 - that the tenant will not in any significant manner interfere with the rights of either the landlord or other tenants in the premises, the common areas or the property of which they form a part;
 - that the tenant will not endanger persons or property in the premises, the common areas or the property of which they form a part;
 - that the tenant will not do or permit significant damage to the premises, the common areas or the property of which they form a part;
2. A series of breaches of a smoke-free policy in your residential tenancy agreement, the cumulative effect of which is substantial.

We are requesting you take immediate steps to permanently correct this situation by doing the following:

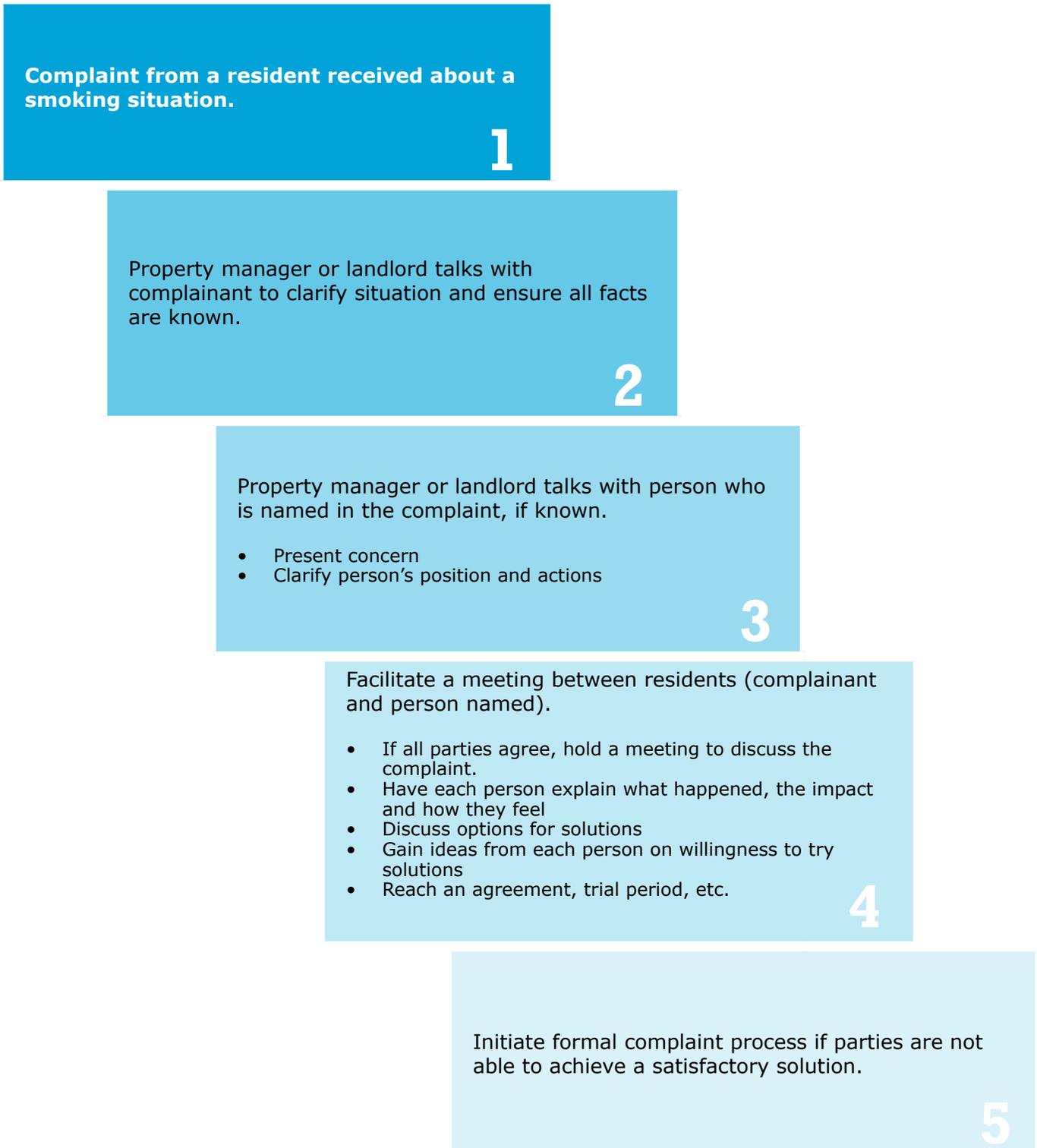
<Sample corrective actions depending on your smoke-free policy>

- Cease smoking any combustible materials anywhere on the residential property, including inside your rental unit, in accordance with your tenancy agreement <or facility policy>.
- Cease smoking any combustible materials anywhere on the residential property, in accordance with your tenancy agreement <or facility policy>, except in the following designated areas: <state rental unit yes or no, plus define area, such as "patio outside parking area">.
- Arrange to smoke combustible materials in an area of the residential property that will ensure second-hand smoke does not enter any other rental units.

Please be advised that should there be any further incident or circumstances warranting termination of tenancy, we will have no alternative but to issue such notice. We look forward to your co-operation in this matter.

Yours truly,
<Property manager and/or landlord>

Appendix I: Flowchart of a complaint process





Appendix J: Sample signage

**Welcome to our
smoke-free building**

Thank you for not smoking in common areas, in individual units, on balconies or patios, or within 5 metres of any door, window or air intake.

smokefreehousingab.ca



Canadian
Cancer
Society

