

Sample complaint letter

This sample letter is designed for tenants and condo or co-op residents who are being involuntarily exposed to second-hand smoke infiltrating their homes from a neighbouring unit. If smoking is permitted in your building, residents are allowed to smoke, but they do not have an unfettered right to smoke. If a neighbour's smoke is infiltrating your unit on a frequent and ongoing basis, harming your health or otherwise causing a nuisance, your property manager has a responsibility to remedy the situation.

It is imperative that you document the extent, frequency and impact of the smoke entering your home, as well as all communications and actions related to the problem. Retain a copy of each letter you send to your property manager.

Visit smokefreehousingab.ca for more information.

Steps	Example
1. Describe the source and extent of the second-hand smoke problem.	
<p>If this is your first letter, start on a positive note. Property managers get lots of complaints, so start by explaining why you like your unit or the building. Describe how often the smoke is coming in, where it comes from and be sure to emphasize that it is more than a temporary discomfort or inconvenience.</p> <p>Identify:</p> <ul style="list-style-type: none"> • when the problem first started; • how the smoke is entering your unit (e.g., through open patio doors); • from where the smoke is coming (e.g., neighbour's balcony or inside the unit); • how often the smoke enters your unit on a daily or weekly basis – list the dates, times and frequency of occurrences; and, • how much smoke is entering your unit – does the smoke stay in one area or does it permeate other areas of your home? 	<p>Dear <property manager/landlord/board of directors> ,</p> <p>RE: unlivable conditions due to second-hand smoke</p> <p>I am a resident at <address>. I like living here and, until now, I have enjoyed my residency. <If you don't want to move, emphasize that here>.</p> <p>Unfortunately, I am currently faced with second-hand smoke coming into my unit from the neighbouring unit at <enter the unit number if you know from where the smoke is coming>. The smoke comes in through the closet in my daughter's bedroom, and also seems to be coming in through the gaps around the plumbing under the bathroom cupboard. It is definitely worse in the evenings and weekends when our neighbour is home. It happens every single day without fail.</p> <p>(See attached log with the times and dates the smoke has entered my home)</p>

Steps	Example
2. Describe how the second-hand smoke has impacted your health.	
<p>Identify:</p> <ul style="list-style-type: none"> • Symptoms or illnesses caused by the smoke, including asthma attacks, headaches, burning and watery eyes, sore throats, bronchitis, ear infections, heart problems, to name just a few. • Is smoke worsening a pre-existing health problem such as asthma, allergies, heart disease, high blood pressure, fibromyalgia, or cancer? • Do you fear for the health of your infant? Babies who are exposed to second-hand smoke have a higher risk of dying from Sudden Infant Death Syndrome (SIDS). 	<p>I am very concerned about my daughter’s health. She has asthma and I have noticed she is coughing more and needs to use her inhaler at night, something she didn’t previously need to do. I am enclosing a letter from our family doctor stating that my daughter should not be exposed to second-hand smoke and that she could suffer a serious asthmatic attack.</p> <p>Also, because of the extent of the smoke, I suffer from frequent headaches. I have never suffered from headaches in the past, and don’t get them when I am away from my apartment, so it is clearly linked to the smoke.</p>
3. Describe how the smoke has denied you full use and enjoyment of your home.	
<p>Identify:</p> <ul style="list-style-type: none"> • Has parts, or all, of your home become uninhabitable at times? • Are you forced to stay out of certain rooms because of the smoke? • Are you unable to open your windows or balcony door? • Are you unable to use your balcony? • Are you unable to use your fans or heating system? • Have you been forced to leave your home on certain days or at specific times to avoid the smoke? • Are friends and family unable to visit you because of the smoke? <p>This is especially important for tenants if you apply to the Residential Tenancy Dispute Resolution Service for a dispute resolution hearing.</p>	<p>Because the smoke infiltration is significant in my daughter’s bedroom, she now sleeps in my room on a cot. We keep her bedroom door closed all the time, so unfortunately we don’t have use of this room anymore, despite paying for a two-bedroom apartment.</p> <p>We also are forced to keep our windows open day and night to try to air out the unit, but now that the weather is getting colder, we won’t be able to keep the windows open as often.</p> <p>Further, we can’t afford the extra heating costs of having to keep the windows open in the winter. We are very fearful that with the coming cold months, the problem will worsen.</p>

Steps	Example
4. Describe the steps you have taken to resolve the problem yourself.	
<p>Cases of dispute resolution are generally looked upon more favourably if you can show that you have taken steps to address the problem on your own first.</p>	<p>I have tried using duct tape to block the cracks and seal the gaps around the pipes in the bathroom, but it hasn't stopped the smoke from entering our home. As indicated above, we keep our daughter's bedroom door closed all the time, and keep our windows open day and night to try to air out the unit.</p> <p>We also tried to politely talk to our neighbour about the problem, but he only got mad and said that he could do what ever he wanted in his own home.</p>
5. Collect and attach supporting evidence.	
<ul style="list-style-type: none"> • Did your property manager misrepresent the property with assurances that the building was smoke-free? • Do you have any witnesses to vouch for you? • Obtain written proof from neighbours, friends and family concerning the extent and frequency of smoke entering your home. The more people who can verify your complaint, the stronger your case. • Obtain a letter from your physician to verify that the smoke is making you or your family members sick, or aggravating an existing condition or illness. 	<p>Please find the attached documents that support my claim of a loss of reasonable enjoyment.</p>
6. Provide information about the dangers of second-hand smoke. (Optional)	
<p>For more information on the dangers of second-hand smoke, go to the US Surgeon General's Report at: surgeongeneral.gov/library/secondhandsmoke/</p>	<p>Second-hand smoke is a serious health hazard that can lead to disease and premature death in children and non-smoking adults. There is no safe level of exposure; even brief exposure can be harmful to people's health. Second-hand smoke:</p> <ul style="list-style-type: none"> • is poisonous, and exposes residents and families to more than 4,000 chemicals; • contains more than 50 chemicals that cause cancer in humans; and, • is a class A cancer causing substance ranked with the most deadly substances, including benzene, chromium, cadmium, and arsenic.

Steps	Example
7. Make your request.	
<p>If the building is a smoke-free building, ask for the smoking policy to be enforced. If smoking is permitted in the building, some sample requests include:</p> <ul style="list-style-type: none"> • the adoption of a smoke-free policy applicable to all tenants (for rentals) or new bylaw applicable to all residents (for condos and co-ops); • that your unit (and that of the smoker) be sealed to minimize air transfer – this may help a bit, but realistically won't permanently stop the problem; • that your property manager/landlord/board of directors talk to the resident who smokes to negotiate a solution, like smoking outside – if this does not stop the smoke transfer, request that the property manager/landlord/board of directors take steps up to and including evicting the smoking resident (if they are a tenant); • that you be moved to another unit in the same building, or another building (if applicable); or, • for tenants, that you be freed from a fixed term lease without penalty – you could also ask that your landlord pay for your expenses. 	<p>The situation has become utterly intolerable and I need your help. Given the seriousness and urgency of the situation, I am asking that you talk to my neighbour and ask him to either stop smoking completely within his unit, or only smoke on the balcony at the north-east corner. We can see if this would stop the smoke from entering our unit.</p> <p>However, if this does not solve the problem or my neighbour does not want to try a compromise solution, then I would ask that you consider evicting him for causing a condition that is or may become injurious or dangerous to the public health. I promise that I will support your actions, and that, if my neighbour should dispute the eviction, I will be prepared to go to the Residential Tenancy Dispute Resolution Service hearing.</p>
8. Ask for a response by a specific date.	
<p>If your property manager does not respond by the date you request, you may choose to</p> <ul style="list-style-type: none"> • apply for a hearing at the Residential Tenancy Dispute Resolution Service (tenants); • champion a bylaw resolution at your next AGM (condo/co-op members); or • consider moving to protect your health. 	<p>I would appreciate a written response to my letter within two weeks so that I can move forward on this issue knowing your position.</p> <p>Thanks very much for your assistance on this important matter.</p> <p>Sincerely,</p>
9. Deliver the letter.	
<p>Post or hand deliver the letter, and keep a copy for yourself.</p> <p>Consider copying your letter to government officials and health-related agencies.</p>	<p>Copied:</p> <ul style="list-style-type: none"> • Government officials (MLA or City Councillor) • Ministry of Health • Ministry of Seniors • Campaign For a Smoke Free Alberta