

Tips for taking action when exposed to a neighbour's smoking

If you are being exposed to second-hand smoke that is seeping into your home from neighbouring units, you are not alone.

More than one-third of Albertans living in multi-unit housing have experienced second-hand smoke infiltrating their homes from neighbouring units. Unfortunately, most people do not register formal complaints because they believe nothing can be done. As a result, many feel the only remedy is to move. However, moving is not the only option. There are steps that can be taken to help protect residents from exposure to second-hand smoke.

This is a general resource meant to support tenants, condo unit owners and co-op members in moving forward with options and measures to help reduce or eliminate involuntary exposure to second-hand smoke in multi-unit housing. Please note that not every tip will apply to all situations.

1. Document everything

Regardless of what you do to resolve the issue or how far you take it, it will be useful to record where, when and how often you notice second-hand smoke infiltrating your unit. If you are committed to moving forward with engaging your landlord, property manager, or condo board, or advocating for a smoke-free building to address your concerns (or, for tenants, potentially appealing to the Residential Tenancy Dispute Resolution Service), you will need to make a convincing case that your exposure to second-hand smoke is significant and ongoing.

Detailed documentation will be crucial. It will also be important to document all communications on the matter with your landlord, property manager, or management board, and with any other residents involved. If you take action to block second-hand smoke from entering your unit, keep track of what measures you take and the costs you incur. The Smoke-Free Housing Alberta website, smokefreehousingab.ca, has numerous tools to help you, including a sample log to track smoke exposure.

Document the impact on the use and enjoyment of your home

- Has smoke exposure resulted in a reduction in the value of your home?
- Have parts of or your entire 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 because of the smoke?
- Are you unable to use your balcony because of the smoke?
- 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 with health conditions unable to visit you because of the smoke seeping into your unit?

Document the health impacts on you and your family

- Document symptoms or illnesses caused by the smoke infiltrating your home. Symptoms may include asthma attacks, headaches, burning and watery eyes, sore throats, bronchitis, ear infections, or heart problems, to name just a few.
- Indicate if the smoke is worsening a pre-existing health problem such as asthma, allergies, heart disease, high blood pressure, fibromyalgia or cancer.
- Indicate whether the smoke seeping into your home is causing anxiety or fear due to the potential or actual health impacts on you or your family members.
- Indicate if you have a newborn in the family. Babies who are exposed to second-hand smoke have a higher risk of dying from Sudden Infant Death Syndrome (SIDS).

It would be helpful to get a letter from your doctor confirming any of these impacts. The Smoke-Free Housing Alberta website has a sample letter that you can provide your doctor for reference. Please note that your doctor may charge a fee for this request.

Collect other supporting evidence:

- Did your property manager misrepresent the living agreement with assurances that the building was smoke-free? Do you have any witnesses to verify this discussion? Do you have a copy of the advertisement?
- Obtain written proof from neighbours, friends and family concerning the amount and frequency of smoke entering your home. The more people who can verify your complaint, the stronger your case.

2. Attempt to minimize the problem

It is important you take all reasonable steps available to reduce the amount of smoke entering your unit. This could include such actions as attempting to seal up cracks and gaps where the smoke is coming in, speaking to or negotiating with the smoking neighbour, or talking to your property manager. This may be all that is needed to solve your problem. If it doesn't, and you still do not want to or cannot move, it will be important to demonstrate that you have attempted to minimize the problem through the means available to you before negotiating further actions or taking legal recourse.

Talk to your neighbours

- If you feel comfortable, consider talking to your smoking neighbour. They might not realize that the smoke is a problem for you. Try to focus on solutions by asking the neighbour to smoke outside, smoke in another area, close doors or windows, or seal the source of the smoke.
- Seek support from other neighbours in the building. They might be experiencing the same problem, and may be willing to talk to the board or property manager with you.
- Consider starting a petition that the building be designated as smoke-free. While the second-hand smoke may not personally affect others, your neighbours may be sympathetic and lend their support. There may also be benefits for them in the form of reduced home insurance costs or increased marketability of their units. There are sample petitions available in the *Tools and Resources* section of our website, smokefreehousingab.ca.

Seal your unit to reduce air transfer

- Use caulk or spray-in foam around plumbing, electrical outlets, phone jacks, fixtures, cracks and gaps.
- Close windows and doors.
- Weather-strip doors and windows where possible.
- Cover or block heating/cooling grilles.

3. Negotiate solutions

Whether you are a tenant, the owner of a unit or a member of a cooperative, you have opportunities to try to negotiate a solution with your board, property manager and other residents.

Notify your board or property manager

If your efforts to reduce the second-hand smoke are unsuccessful, write a letter of complaint to your property manager or other authority requesting that the problem be resolved. Explain the extent, frequency and impact of the problem, and identify what steps you have taken to resolve the problem to date. The Smoke-Free Housing Alberta website, smokefreehousingab.ca, provides a sample letter of complaint. This would be a good time to include all your supportive evidence, and, if exposure to second-hand smoke is exasperating an existing health condition, include a note from your doctor if you have obtained one. You may also want to send a joint letter if other residents are experiencing the same concerns. You can refer your board or property manager to the Smoke-Free Housing Alberta website. The housing provider FAQs provide information about their responsibility to address complaints of second-hand smoke, as well as suggested steps to rectify the problem.

Work with your board or property manager to negotiate solutions

It is always a good idea to indicate what you would like to happen to solve the problem. You may have an idea that the board or property manager has not considered, so offer some suggestions. Ask them to consider potential solutions such as:

Conducting repairs to the unit to seal off the smoke

- Install door sweeps and weather stripping around windows. Fill or patch cracks in walls and ceilings.
- Insulate the air spaces around plumbing pipes.
- Insulate and place covers over electrical outlets.

Inspecting the ventilation system to ensure it is functioning properly

- Clean, change or install new filters in the ventilation system.
- Add more fresh air intake into the ventilation system.
- Restrict the amount of air exhausted through the ventilation system from units where there is smoking.

Working with the smoking resident to negotiate a solution

- Request that the smoking resident stops smoking in specified areas where the smoke can enter your unit, only smokes during specified times of the day, or only smokes in designated outside areas.
- Move the smoking resident to another unit in the building or another building owned by the same housing provider.

Ensuring current policies are actively enforced

- If there is sufficient evidence that second-hand smoke is significantly interfering with the quality of life of other residents, this can be considered a breach of quiet enjoyment and should be managed in a consistent manner relative to other policy breaches such as excessive noise.
- Ask your board or property manager what their procedures are for dealing with residents who contravene contracts/policies and ensure those procedures are being followed.

Moving you to another unit or building

- If applicable, ask your board or property manager to move you to another unit in the building—at no cost to you—with no adjacent smoking neighbours.
- If they own or manage multiple buildings, ask to be moved to another building with assurances that adjacent units are non-smoking.

Talking to your board or property manager about adopting a smoke-free policy

Smoke-free policies are legal and have many benefits for owners, managers and residents, including less damage to units, cheaper turnover costs, lower risk of fires, and fewer complaints about second-hand smoke. You can refer your board or property manager to the Smoke Free Housing Alberta website, smokefreehousingab.ca, where there are step-by-step guides, tools, and resources to help in the development of smoke-free policies for a variety of housing types.

4. Advocating for smoke-free policy

If talking to your board or property manager is not enough to motivate them to look into a smoke free policy, consider starting a petition that the building be designated as smoke-free. You can also offer to help organize a resident survey about views related to smoking in the building. Survey results may help them realize that a policy would be easier to implement than they think. There are sample petitions and surveys available in the *Tools and Resources* section of our website. When building a case for a smoke-free policy, feel free to contact us to request a letter of support from the Canadian Cancer Society.

5. Last resort remedies

If negotiations and advocacy aren't getting you anywhere and you are still being chronically exposed to second-hand smoke, alternative options include taking legal action or moving. We recommend consulting with a lawyer if considering legal recourse. For more information on the law related to second-hand smoke exposure in the home, see the residents FAQ section on our website, smokefreehousingab.ca.