

Decision on human-rights complaint regarding smoking in non-profit housing stalled

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Smoke-free-housing advocate Rose Marie Borutski feels frustrated.

Her situation hasn't changed since she and other tenants in a publicly subsidized housing facility in Surrey filed a human-rights complaint more than two years ago.

They alleged that they have been discriminated against because their housing provider has failed to address their concerns—as seniors and people with disabilities—about being exposed to secondhand smoke from their neighbours.

"I'm still in the same place," Borutski told the Georgia Straight in a phone interview from her apartment at Kiwanis Park Place.

The 58-year-old resident said she continues to breathe secondhand smoke, and she has no idea how or when the complaint before the B.C. Human Rights Tribunal will be resolved.

Crescent Housing Society, which operates Kiwanis Park Place, declined the Straight's request for comment.

"People living in nonprofit housing say that they feel stuck because they don't have the money to move, and there's nowhere better to move because other landlords are not moving on this as well," Borutski said.

Crescent Housing Society rejected a settlement agreement that was drafted after a meeting between the parties on August 18 of this year.

The proposed agreement provided several measures that would transform the 257-unit housing facility into a smoke-free place.

According to the document, tenants who are smokers would still be able to light up inside their suites.

However, all units vacated in the future would be classified as smoke-free.

The housing provider would also implement a new policy banning smoking in all indoor and outdoor common areas, including the rooftop and courtyards.

To monitor compliance, Crescent Housing Society would install cigarette-smoke detectors in elevators, hallways, and stairwells.

It would also add 22 more security cameras, according to the proposed agreement.

In addition, the operator of Kiwanis Park Place would study the feasibility of moving smokers to a separate area.

Units with smokers would be provided with air purifiers.

But according to an October 20, 2010, letter by the law firm representing Crescent Housing Society, the board of the housing provider found these terms "too far-reaching and not realistically achievable".

The nonprofit offered its version of a settlement agreement, which included a no-smoking condition for new tenants.

The document likewise stated that efforts would be made to create a nonsmoking floor for the complainants to occupy.

According to Borutski, the parties aren't any closer to coming to an agreement.

"We've been sitting in the water since August," she said.

Sharon Hammond is aware of the dispute at Kiwanis Park Place.

Hammond is the former coordinator of a project by the Heart and Stroke Foundation of B.C. and Yukon called Smoke-Free Housing B.C.

Government funding for the program ended last summer, but the foundation maintains a website to guide landlords, tenants, and strata corporations.

“Landlords can legally make a no-smoking policy just like they can make a no-pets policy,” Hammond told the Straight in a phone interview.

“It can’t be retroactive.

They have to grandfather existing residents.

But all future tenancies, they can put a clause in there that says ‘no smoking.’

It’s not discriminatory; it’s perfectly legal.”

An information paper put together by the Heart and Stroke Foundation indicates that multi-unit dwellings constitute almost 40 percent of all residences in the province.

The document also notes that a provincial B.C. Stats survey from February 2008 showed 34 percent of multi-unit-dwelling households in B.C. reported exposure to secondhand smoke from neighbouring units and balconies.

“This means that over 200,000 B.C. families living in multi-unit dwellings are exposed to second-hand smoke while they are inside their own homes,” the paper states.

The survey also found that a majority of residents exposed to secondhand smoke do not complain to their landlords or property managers.

However, 69 percent of respondents support the conversion of apartments and condos to smokefree buildings.

“People are willing to pay more money for smoke-free housing,” Hammond noted. “There is demand out there.”

At Kiwanis Park Place, Borutski explained that her apartment is located on a wing that has 12 units, five of which are occupied by smokers.

“Wherever air goes, smoke goes,” she said.

Borutski recalled that when she moved to her unit in July 2007, her lungs were healthy.

Now she’s short of breath at times because she has asthma, a condition she blames on exposure to her neighbours’ secondhand smoke.