

Where there's smoke, there's furor

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Langley Times: With three different Langley condo owners sending in complaints to the B.C. Human Rights Tribunal and more believed to be on the way, many “silent sufferers” are saying enough is enough from their smoking neighbours.

Pamela and Gord Weitzel have sent a complaint to the B.C. Human Rights Tribunal.

Weitzel served as an RCMP officer for 29 years, but retired early when he was struck with severe health issues. In 2003, he bought a ground level condo, where he had hoped to spend his days in peace. He made sure none of his neighbours smoked before he bought.

His disorder is exacerbated by second hand smoke. He updated his condo to accommodate his scooter and walker, adding expensive grab bars and ramps.

Two years ago, he married his wife, who has MS and was wheelchair bound at the time.

By then, a heavy smoker had moved in next door and their nightmare began. The Weitzels share a common hallway and wall with the chain smoker. The neighbour rarely opens a window, and the fumes seep into the Weitzels’ unit.

The smell of smoke permeates their clothing during the winter months. The common hallway is unusable for the newlyweds because of the heavy smoke smell that gets trapped in there. They now use the sliding door as their main entrance.

Weitzel sealed all the cracks and openings around plugs and plumbing and has four air purifiers going at all times.

The smell is so bad they had to stay in a hotel last fall for three days just to get some relief.

Weitzel now has a chronic cough. Pamela is allergic to smoke.

It’s not just easy to move because the retrofitting they did was expensive and isn’t always the easiest selling feature in a slower market.

“We are the silent sufferers,” said Weitzel.

“This is supposed to be our sanctuary. Because we are disabled we don’t go out very much. This is anything but a sanctuary.”

“Living with MS, every day is a challenge. I don’t need this extra challenge,” said Pamela. Both their doctors have written letters confirming that the second-hand smoke is impacting their health.

They've pleaded with their smoking neighbour.

"But he just doesn't care," said Weitzel.

Strata is sympathetic but they say they have "no power to do anything." They tried to get a new bylaw passed banning smoking and it was "overwhelmingly turned down."

Weitzel is hoping the tribunal decision will be force the strata to modify his neighbour's unit so that no external smoke or fumes can enter into his unit.

He also wants the province to recognize the equal rights of non-smokers to be free of smoke instead of the current situation where smokers have all the rights.

Since Weitzel's letter was printed in the Langley Times two weeks ago, the media has been reporting on this across the country. The topic featured on radio talk shows and in columns, all advocating for change.

The province has outlawed smoking near doorways and in vehicles that have children in it, but have stayed out of people's homes, so far.

Housing minister Rich Coleman said no constituents have brought this concern to his attention, but the topic is a tricky one from his perspective.

"A condo is private property. It's an interesting slope because it's a bit slippery as to what people are allowed to do in their own residences," said Coleman. While he believes people have the right to do what they want in their own home, including smoke, he said he was aware several Langley residents have brought this complaint to the Tribunal.

"Now that it's been brought to my attention, we will look into it," promised Coleman. The province is in charge of the B.C. Strata Act.

Wednesday was the kind of day when windows and patio doors should be open wide to enjoy the fresh air. Not for Melanie and Matthew McDaniel, whose windows were shut tight in their Langley condo, as her smoking neighbours two patios below puff on cigarettes.

The McDaniels are allergic to smoke. They also have a toddler who "deserves to breathe smoke-free air."

"We have more rights at work than we do in our own home," said Melanie on Wednesday.

Her first complaint to her strata council in 2009 resulted in the couple being told to buy an air conditioner and close their windows. They did.

“All we want is a home that is free of smoke,” she said. They have explained to their heavy smoking neighbours the health concerns they have, but so far, smokers’ rights trump non-smokers.

They are currently putting together a complaint to be sent into the B.C. Human Rights Tribunal. They are also looking into other avenues to fight for smoke-free patios in their building including resurrecting a fairly successful petition to ban smoking on patios.

Another Langley condo owner, Wendy Hollbrook, asked Township council for help as she keeps all her windows shut this summer to keep her home smoke-free for her 18-month-old baby.

Councillor Kim Richter asked staff to look into whether the Township could help address this growing concern. A motion was passed unanimously in July for staff to look into it.

One Langley couple with health problems has won their battle with their smoking neighbour after being the first to have their complaint accepted by the Tribunal last year. After taking their case to the Tribunal, they managed to reach an agreement with their neighbour through the hard work of their strata president who used a part of the Strata Act any council can use under the nuisance and hazard bylaw.

“Smoking is a nuisance and a hazard to our health,” said the man, who doesn’t want his name used anymore, after becoming the poster-child for being the first to publicly challenge his smoking neighbours.

His neighbour had to buy three air purifiers and has to smoke into them. If he chooses not to, he can be fined under the bylaw, he said. But he has complied.

“I think we are happy on both ends, our neighbour and us. We can open windows again” he said. Prior to that he had even sealed up the fireplace so no air could filter in.

The Tribunal agreed to hear the couple’s case, which their strata asked to have dismissed.

“Our president and her husband were heavy smokers,” he said. But then a new president was voted in. They have since dropped the case with the Tribunal.

But since his story has been out, he’s had calls at least once a week from people asking for guidance.

“It would be nice if there was a change provincially for the rights of non-smokers, who are the majority,” he said.