

NEWS RELEASE - July 19, 2010 Surrey BC by Rose Marie Borutski

## **BC HUMAN RIGHTS TRIBUNAL TO DECIDE ON DISCRIMINATION ISSUES RELATED TO SMOKE-FREE HOUSING, WITH PROVINCE WIDE IMPLICATIONS**

August 16 through 27, 2010, the BC Human Rights Tribunal will hear evidence on one of the largest cases before them - the matter of drifting second-hand smoke in affordable or subsidized housing. The decision will have province wide impact on housing providers.

While the spotlight shines currently from multiple tenants of Crescent Housing Society operating Kiwanis Park Place in Surrey BC, all multi-unit dwellings (MUDs) struggle with the ubiquity of drifting second-hand smoke for non-smokers.

For example, Kiwanis Park Place house 257 seniors and/or persons with disability. The BC Housing Registry shows that the housing zone Kiwanis Park Place exists in, provides 2513 units in 48 complexes. BC Housing covers twelve zones, and reports their service base to be *ninety thousand people*. Ninety thousand represents only a portion of people in non-profits, only those receiving rent subsidy - in one province, British Columbia. The health hazard of drifting second-hand smoke explodes into critical mass when considering all MUDs provincially and nationally.

Associations like BC Clean-Air Coalition and Smoke-Free Housing BC cite 40-60% of this housing base are smokers. Averaging, 50% of smoker tenants contaminate the lives of 50% or forty-five thousand non-smoking tenants, something that is not allowed in the workplace. Smoke-Free Housing BC advises that some landlords received the message about going smoke-free. Of landlords making the transition to smoke-free accommodation, 60% of units are reportedly smoke-free. This translates into 40% of units house smokers. Averaging, 50% of smoker tenants contaminate the lives of 50% non-smoking tenants. This Human Rights Complaint aims to swing the spotlight where it belongs: housing providers and governments. While drifting second-hand smoke is a subsidized housing problem, it is not a non-smoker's problem to "*suck up,*" "*live with,*" and "*cope as best we can.*"

Compare 40-50% smokers to 16.4% smokers in the general population of British Columbia (BC). BC boasts some of the strongest workplace and tobacco control legislation of any province or territory with the lowest smoking rate in Canada. Indeed, for a decade BC has taken pride in having the lowest smoking rate of any Canadian province and the second in North America - except in non-profits and affordable housing, and despite knowing about the extent of the problem.

Vancouver, Surrey and White Rock envision smoke-free beaches and parks. Critics believe smoke-free beaches and parks unreasonable, unrealistic, and grandstanding by politicians. We want politicians to come grandstand for Kiwanis Park Place and all 48 complexes in Surrey-White Rock. "Come on down!"

Smoking, drifting second-hand smoke, and third-hand smoke are acknowledged health hazards and economic burden to society internationally. When affordable housing enters into the equation, housing matters along with personal privacy matters trumps health

matters. A societal state of affairs has been developed that those placed in governmental authority seemingly can do nothing about. Research reveals that even when landlords know they have the authority to implement smoke-free housing, landlords cite they follow current legislation and await legislative changes. The Human Rights Tribunal will need to untangle these elements giving weight to health hazards and creating standards.

Almost three years ago when the issue of drifting second-hand smoke came into awareness for tenants of Kiwanis Park Place, the standard thinking was to be separating smokers from non-smokers. New smoke-free rental agreements expected to attract non-smokers over smokers, and required that new tenants sign leases adhering to no smoking in the non-smoking unit or on the balcony. Existing smoker tenants received exemption. This kind of grandfathering policy has failed to help landlord's make the transition to smoke-free housing and has hampered enforcement attempts.

However, some landlords both in Canada and the United States have established a new standard and new expectations among tenants. Properties are designated smoke-free. "Town-hall meetings" inform the residents of the fundamental changes happening. Existing tenants are allowed a one year exemption to get the help they need to quit smoking. Landlords are working in partnership with health authorities through smoking cessation programs to help tenants access the programs they need.

Over three years, expectations and stakes have risen for all parties involved with the issues for smoke-free housing. This Human Rights Complaint should finally garner enough public attention and dialogue to provide protection for non-smoking seniors and persons-with-disabilities forced to live in subsidized housing.

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