
Vancouver renter choked up and smoked out by her chain-smoking neighbours

Kathryn Tanaka loves her apartment, but she's not so happy about her chain-smoking neighbours.

"They work from home and smoke all day and night. Their balcony is directly below mine and every time they smoke (roughly every 15-20 minutes), the smoke wafts into my apartment. There've been times when I've come home from work to find my entire apartment reeking of smoke and I'm left to frantically air my place out before they start smoking again," said Tanaka. "Not only that, I have asthma and smoking makes it difficult for me to breathe."

Tanaka sent a complaint letter to her landlord, who tried to provide helpful suggestions, but said while building rules prohibit tenants from smoking in their suites, they are not prohibited from smoking on their balconies.

"My landlord suggested I keep my balcony door shut at all times," said Tanaka. "So I keep my balcony door closed all fall and winter, but in the spring and summer I need fresh air. My suite faces directly south and I cook if I don't open my windows."

Her building manager sympathizes, and even tried to speak with the tenants causing the problem.

"How would you like it if someone came into your living room every day, several times a day, and blew off a huge fart?" said Tanaka recounting what her building manager told her neighbours in an effort to get them to understand. He asked they please consider the impact of their behaviour on fellow tenants and be courteous.

"He told me they said they would try and go outside of the building to smoke but nothing has changed. They continue to smoke on their balcony all the time," said Tanaka. "I don't want to move. I've lived in this building for over 15 years, but I don't know if I have any more options. I'm at my wits end."

"It bewilders me there are laws prohibiting people from smoking within 6 meters (or so) from any public entrance, but it's okay to smoke directly under someone's balcony knowing the smoke is infiltrating where they live?," added Tanaka. "That just doesn't make any sense. The laws need to change."

Health advocates including the BC Lung Association and the Heart and Stroke Foundation are just as keen to move the issue forward and help increase smoke-free housing options, particularly given the number of complaints they receive weekly from residents who feel helpless about the smoke entering their homes from neighbouring units.

“We regularly receive calls from tenants who are desperate to stop the smoke from entering their homes, as they often can’t get their landlords to take action to resolve the problem,” says Sharon Hammond, Manager of www.smokefreehousingbc.ca a valuable resource for residents on how to take action to deal with the problem of second-hand smoke in MUDS.

“We want landlords to know that they have a duty to address complaints of second-hand smoke when it can be shown that it is a frequent, excessive and on-going problem. This “home is my castle” belief has resulted in hesitancy among landlords to address this issue, despite the fact that second-hand smoke can constitute a breach of quiet enjoyment, similar to other breaches such as loud music.”

Tanaka’s situation isn’t an isolated incident in BC. A survey commissioned by Angus Reid in 2013 of residents living in MUDS, found that 50% of residents had experienced second-hand smoke entering their homes from neighbouring units and balconies. This is significant given that approximately two million British Columbians live in apartment buildings, condominiums, townhomes and duplexes – the fastest growing segment of the BC housing market.

According to Hammond, when people reside in communal settings there are many restrictions on behaviour when it affects the health and safety of others in the building. Smoking tobacco is legal, however when it leaves the confines of the home, and enters the home of other tenants, it can constitute an unreasonable disturbance and should be addressed accordingly by landlords.

“While a tenant that smokes chooses to accept the risks associated with smoking, he/she doesn’t have the right to require that others in the building share in those risks. Landlords should be responding to complaints of second-hand smoke as they would any other complaint of disturbance or interference.”

Hammond is baffled why more landlords have not made their buildings entirely smoke-free. “It’s legal to adopt a no-smoking policy that bans smoking inside individual units, on outside balconies and the entire property. Given the shortage of smoke-free housing options, despite the fact that BC has the lowest smoking rate in the country, a smoke-free building would offer a marketing advantage for landlords that choose to go smoke-free. It seems like a no-brainer.”

For tips, tools, and easy-to-follow info on how to address second-hand smoke, visit: www.smokefreehousingbc.ca.

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