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## Landlords

### Smoke-Free Policy Implementation for EXISTING Buildings

If you are the owner or property manager of one or more existing residential buildings and want to convert them to smoke-free status, this section will provide you with some useful tips on how to make it happen. Remember that existing tenants must be 'grandfathered'. You will need to 'phase-in' the no-smoking policy as existing tenants vacate the premises, and make all future tenancies smoke-free.

#### Here are 4 steps to go smoke-free:

##### Step 1: Develop your policy

- Decide whether to designate one or all of your buildings as smoke-free. If you have several buildings, and want to pilot one or a few, consider conducting a *tenant survey* to gauge support and identify buildings with the fewest number of smokers. See the website for a sample tenant survey in Tools & Resources section.
- Determine the type of no-smoking policy you want to adopt:
  - 100% ban on smoking inside units, on outside patios and balconies and the entire property.
  - Ban smoking inside units only (Although smoking on balconies is the most common way that smoke is transferred between units).
  - Ban smoking inside units and on outside balconies but designate an outdoor smoking area on the property, away from doorways, windows and balconies.
- A sample no-smoking clause to include in new tenancy agreements:

*"It is a material term of this tenancy agreement that smoking of any combustible material in the rental unit or on the residential property is prohibited."*

- Visit our website for a sample *No-Smoking Policy Addendum* in the Tools & Resources section, and then tailor it to fit your specific needs.

##### Step 2: Implement your policy

- Choose an effective date to implement the policy and inform staff. View our sample *resident manager notification*.
- Send a letter to existing tenants to explain the policy and reassure them that they will be exempted from the policy. View our sample *tenant notification letter* in the website Tools & Resources.
- Amend your tenancy agreements for all new tenancies:
  - Include your no-smoking policy in all new tenancy agreements and application forms. Ask your tenants to initial the no-smoking clause when they sign the Agreement.
  - If necessary, add an Addendum to the tenancy agreement listing all the terms of the policy and ensure both landlord and tenant sign it. View our sample *No-smoking Policy Addendum* in Tools & Resources section.
  - Include a clause that the building is transitioning to smoke-free status and that until the transition has been completed, smoking will still be allowed in the 'grandfathered' units of the building.
- Consider offering incentives for residents to move into one of your other buildings if appropriate. For example, if only two tenants in Building 'A' smoke, offer to pay for their moving expenses to move to Building 'B', so that Building 'A' can become 100% smoke-free.

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### Step 3: Promote your policy

- Post “no-smoking” signage in appropriate locations on the property. Download official no-smoking signage at [www.bc.lung.ca](http://www.bc.lung.ca).
- Advertise your smoke-free units in directories or websites where your building is listed.
- Register your smoke-free building on the Smoke-Free Housing Registry on our website.
- Communicate to new tenants that you are transitioning to a smoke-free building before they sign the tenancy agreement, and ensure they understand:
  - There are still grandfathered tenants that smoke in the building and you can’t guarantee a 100% smoke-free environment until the transition is complete.
  - That while smoking is permitted in grandfathered units, complaints of second-hand smoke will still be addressed if it is found that significant smoke is infiltrating their homes.  
For more information, visit the website under Legal Information: Quiet Enjoyment: *Tips for addressing complaints of second-hand smoke*.

### Step 4: Enforce your policy

Use the same warning/enforcement methods for the no-smoking policy that you use for any other violation of a material term of a tenancy agreement:

- If there is evidence that a violation has occurred, issue a *Tenant Caution Notice* (See sample in Tools & Resources section) advising the tenant that:
  - They have breached a material term of the tenancy agreement (give specific examples of the breach);
  - Make a specific statement regarding the compliance required, such as “cease smoking anywhere on the residential property” or “confine your smoking to the designated area of the property”; and
  - Clearly state that failure to comply could result in the tenancy ending (eviction).
- Document all violations and conversations with the tenant.
- Try to get witnesses who agree to testify to incidents of smoking by the tenant.
- If the tenant fails to comply with the Caution Notice, serve a one month ‘*Notice to End Tenancy for Cause*’ using the appropriate Residential Tenancy Branch form.
- If the tenant disputes the Notice to End Tenancy, you must provide evidence to prove the reasons for ending the tenancy.

Remember, lack of enforcement with one resident may hamper enforcement with other residents. Prompt, consistent action will send a clear message to all tenants that smoking is not allowed. Visit our enforcement section under the How-To Guide for more information.

**Note:** Where complaints involve smoke migrating from 'grandfathered' units where smoking is permitted into non-smoking units, visit the Legal section on Quiet Enjoyment: *Tips for addressing complaints of second-hand smoke*.