



## Apply to the BC Human Rights Tribunal

If you are a tenant in a rental complex suffering from unwanted second-hand smoke, you may have grounds to claim your condition as a disability under the [Human Rights Code](#). The Human Rights Code does not define physical disability, but traditionally Tribunals have given a broad interpretation of “disability”.

A tenant who suffers from a disability that is exacerbated by second-hand smoke, such as asthma or allergies, could take the position that the landlord has a responsibility to limit or ban smoking in order to accommodate the tenant’s disability. You may consider applying to the [BC Human Rights Tribunal](#) if you think that you are being discriminated against regarding a service customarily available to the public or with respect to tenancy, or both, contrary to sections 8 and 10 of the Human Rights Code.

To date, there have been a number of BC residents with various disabilities who have applied to the Tribunal claiming discrimination for failure of the landlord to eliminate the smoke or provide her with smoke-free housing. We are also aware of a group of tenants in a public housing complex who applied to the Tribunal as a group seeking accommodation from the landlord to provide them with smoke-free housing. For more information on cases that have gone before the Tribunal, check out the blog at: <http://canadianpushforsmokefreehousing.blogspot.ca/>

Be aware that if you choose this route, it can be a long and time-consuming journey. You can apply for legal representation, but there is no guarantee that you will be provided with free representation. View the Tools & Resources section of our website for a list of organizations that may assist you if you are considering this route.

For further information, see our legal opinion on the website.

**For more info visit [www.smokefreehousingbc.ca](http://www.smokefreehousingbc.ca)**