
TENANTS

How to Negotiate Solutions of Migrating Second-Hand Smoke

As a tenant, you have the option of trying to negotiate a smoke-free solution with your landlord. Below is information on notifying your landlord, working with them to find a solution and discussing the adoption of a no-smoking policy.

Notify your landlord

- Write a letter to your landlord requesting that the problem be resolved if your efforts to reduce the smoke are unsuccessful.
- Explain the extent, frequency and impact of the problem. Identify what steps you have taken to resolve the problem to date.
- Include any supporting evidence such as a letter from your physician concerning the impact on your health or letters from friends and neighbours to verify your claims.
- Indicate your willingness to negotiate a resolution, and propose some potential solutions.
- Ask for a response by a specific date.
- Consider sending a group letter if there are others in the building experiencing the same problem.
- Refer your landlord to this website. The landlord section provides information about the landlord's responsibility to address complaints of second-hand smoke, as well as suggested steps to rectify the problem.

Work with your landlord to negotiate solutions

It is always a good idea to indicate what you would like to happen to solve the problem. You may have an idea that the landlord has not considered, so offer some suggestions. Ask your landlord to consider potential solutions such as:

Conducting repairs to the unit to seal off the smoke

- Install door sweeps and weather stripping around windows. Fill or patch cracks in walls and ceilings.
- Insulate the air spaces around plumbing pipes.
- Insulate and place covers over electrical outlets.

Inspecting the ventilation system for proper function

- Clean, change or install new filters in the ventilation system.
- Add more fresh air intake into the ventilation system.
- Restrict the amount of air exhausted through the ventilation system from units where there is smoking.

Working with the smoking tenant to negotiate a solution

- Request that the smoking tenant stop smoking in specified areas where the smoke can enter your unit; only smoke during specified times of the day; or only smoke in designated outside areas.
- Move the smoking tenant to another unit in the building or another building owned by the landlord.

Evicting the smoking tenant if a reasonable solution cannot be reached

- If there is sufficient evidence that second-hand smoke is significantly interfering with the quiet enjoyment of other tenants, this can be considered a breach of quiet enjoyment and evicting the smoking tenant for cause may be warranted. (See the Legal Opinion on the website)
- If your landlord evicts the smoking tenant, be prepared to support the landlord at the Residential Tenancy Branch if the tenant disputes the eviction notice.

Moving you to another unit or building

- If applicable, ask your landlord to move you to another unit in the building – at no cost to you – with no adjacent smoking neighbours.
- If the landlord owns multiple buildings, ask to be moved to another building with assurances that adjacent units are non-smoking.

Talk to your landlord about converting to a no-smoking building

- Suggest that your landlord consider adopting a no-smoking policy. No-smoking policies are legal and have many benefits for landlords and tenants, including: less damage to units, cheaper turnover costs, lower risk of fires, and fewer complaints about second-hand smoke.
- Refer your landlord to this website. The landlord section includes steps on how to go smoke-free, as well as legal information and market research.

Advocate for more smoke-free options in the multi-housing sector

- Contact provincial politicians about strengthening the policy guidelines to include second-hand smoke as an example of what is considered a breach of quiet enjoyment.
- Lobby city council for a resolution to reduce exposure to second-hand smoke in multi-unit dwellings. See success stories.
- Talk to future landlords about the need for more smoke-free accommodations. Landlords need to know there is strong demand for smoke-free housing.
- Write letters to the editor to raise awareness about the lack of smoke-free accommodations in BC.

If your landlord refuses to act or you are not satisfied with the solutions offered, check out the **last resort remedies** section on the website.