

Quick Guide to Handling Condo Resident Enquiries

1. Recommend that the resident write a letter of complaint to the Board of Directors directly. Refer the resident to the sample complaint letter on the Smoke-Free Housing Ontario website:

Refer the resident to the relevant to:

<http://smokefreehousingon.ca/condominiums/tools-resources/>

2. Advise the resident to try to block the smoke entering their unit, or advise them to request that the property manager do it. The corridor ventilation system (if one exists) should also be checked.

Refer the resident to the resource from the Canada Mortgage and Housing Corporation that provides information and suggestions for reducing “odour transfer problems,” including second-hand smoke (SHS):

<http://smokefreehousingon.ca/landlords/why-go-smoke-free/air-transfer-in-buildings/>

3. Suggest that the resident request a letter from their doctor to support their case that they need to avoid exposure to SHS (but note that some doctors charge for this service). If the complainant has a health condition that is made worse by exposure to SHS, this should be emphasized.

Refer the resident to the sample physician letter: <http://smokefreehousingon.ca/condominiums/tools-resources/>

4. Recommend that the resident document everything, including all phone conversations and messages, emails, face-to-face conversations, the date, time, and location of SHS intrusions and their health effects, the ways the smoke is preventing them from reasonably enjoying their unit, doctor/hospital visits, increased need for medications, etc.

Refer the resident to the sample log for recording pertinent information to support their case:

<http://smokefreehousingon.ca/condominiums/tools-resources/>

5. If all options to physically block the smoke from entering the unit have been tried and the ventilation system has been investigated, or if the smoke is originating outside and coming in through open windows or doors, recommend that the resident request a meeting with the Board of Directors to discuss the problem.

Most condominium have general nuisance bylaws to ensure that residents have quiet or reasonable enjoyment of their units. Complainants should do their homework and read up on any relevant corporate bylaws or rules that could be invoked. Legislation states that condominium corporations have a responsibility to enforce their own bylaws and rules.

However, note that what constitutes a nuisance is generally up to the discretion of the Board of Directors.

Condominium owners should also note that section 117 of the *Condominium Act, 1998*, “Dangerous activities,” is a potentially useful clause that should be explored in the context of seeking relief from exposure to SHS from neighbouring units.

6. Inform the complainant who has a bona fide health condition that is being made worse by exposure to SHS, such as asthma, allergies, COPD, etc., that they might qualify for protection from discrimination under the *Human Rights Code*.

Suggest that the owner contact the Ontario Human Rights Legal Support Centre:

<http://www.hrlsc.on.ca/en/welcome>

Inform the resident that the Smoke-Free Housing Ontario website has more information on human rights:

<http://smokefreehousingon.ca/condominiums/taking-action/file-a-human-rights-complaint/>

7. Be aware that condominium and housing co-op corporations can legally adopt no-smoking policies that prohibit smoking on some or all of their property, including inside private units. Note that Smoke-Free Housing Ontario has lots of resources for condo owners who wish to get involved in policy development for their buildings, at: <http://smokefreehousingon.ca/condominiums/>
8. Inform condominium owners that if their board of directors is unwilling to entertain the idea of a no-smoking policy, or is otherwise uncooperative, owners can requisition (call) a meeting themselves with the written support of eligible owners of 15% of the units. They can even vote on bylaws and rules at such a meeting, provided they follow the letter of the law (sections 46 - 53 of the *Condominium Act, 1998*).

Refer the resident to the relevant “Condominiums” section of the Smoke-Free Housing Ontario website for all of this information and more: www.smokefreehousingon.ca.