

Quick Guide to Handling Tenant Enquiries

1. Recommend that the tenant write a letter of complaint to the landlord directly:
<http://smokefreehousingon.ca/tenants/tools-resources/tools/>
2. Advise that the tenant try to block the smoke from entering their unit, or advise them to request that the landlord do it. The corridor ventilation system (if one exists) should also be checked.

Refer the tenant to two resources on the Smoke-Free Housing Ontario website:

- For information and suggestions on reducing second-hand smoke (SHS) infiltration:
<http://smokefreehousingon.ca/tenants/taking-action/minimize-the-problem/>
- For information and suggestions on reducing “odour transfer problems,” including SHS, from the Canada Mortgage and Housing Corporation: <http://smokefreehousingon.ca/landlords/why-go-smoke-free/air-transfer-in-buildings/>

3. Suggest that the tenant 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 tenant to sample physician letter: <http://smokefreehousingon.ca/tenants/tools-resources/tools/>

4. Recommend that the tenant 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 tenant to sample log for recording pertinent information to support their case:

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

5. If the tenant feels either that the landlord has not responded reasonably to their complaint(s) or that any actions taken have not solved the problem, they have a decision to make — whether to stay or to move out.

<i>Staying</i>	<i>Moving out</i>
<p>If the tenant chooses to continue trying to work with the landlord to find a suitable solution, advise the tenant of their options:</p> <ul style="list-style-type: none"> • Negotiating agreement from tenant/landlord for a change in behaviour; • Improving ventilation, including positive pressurization of their unit; • Transferring to another unit; or • In the case of having a bona fide health condition, making suggestions regarding reasonable accommodation. <p>If the tenant feels the landlord has not responded reasonably, they can file a T2 form (Application About Tenant Rights) at the Landlord and Tenant Board (LTB), citing “breach of reasonable enjoyment.” Note that tenant applications to the LTB about breach of reasonable enjoyment are posted online, and tenants can read them before filing their own applications:</p> <p>http://smokefreehousingon.ca/tenants/laws-legal-issues/case-law-summaries/tenant-applications/</p> <p>If the LTB application is dismissed and the tenant has a health condition made worse by exposure, they can consider pursuing a human rights complaint at the Human Rights Tribunal.</p> <p>For more information about human rights, recommend that the tenant contact the Ontario Human Rights Legal Support Centre: http://www.hrlsc.on.ca/en/welcome</p>	<p>Advise the tenant to request, in writing, to break their lease without penalty (see sample letter above).</p> <ul style="list-style-type: none"> • If the landlord agrees, the tenant is released. • If the landlord disagrees, the tenant will need to file a T2 form (Application About Tenant Rights) at the LTB, requesting that the tenancy be terminated because of “interference with reasonable enjoyment.” <p>Note that all LTB application forms, along with instructions, are available online: http://www.sjto.gov.on.ca/ltb/</p> <p>Inform tenants that when searching for a new apartment online, to check our smoke-free housing directory</p> <p>Craigslist allows people to search for apartments that are non-smoking.</p> <p>Also some websites, like Kijiji, allow users to refine their searches using terms like “no smoking” or “smoke-free.”</p> <p>Caution tenants that it’s buyer beware: even if a landlord has a no-smoking policy in place, it doesn’t guarantee a smoke-free environment (since tenants who smoked when the policy was implemented are usually grandfathered).</p> <p>Tenants should ask lots of questions before signing a new lease.</p>

6. Smoke-Free Housing Ontario has a resource for tenants called “When Neighbours Smoke: A Tenant’s Guide.”

Note that the guide includes a flow chart that can help tenants through their options:
<http://smokefreehousingon.ca/tenants/tools-resources/tools/>

7. All this information and more can be found at <http://smokefreehousingon.ca/tenants/>