

Vancouver Sun – February 3, 2009

**Second- hand smoke raises residents' ire
SURREY Kiwanis Park Place faces human rights complaint**

Thirteen residents of Surrey's Kiwanis Park Place in Crescent Beach have filed a human rights complaint, alleging they are being discriminated against by being exposed to second-hand smoke from other tenants.

The residents are suing the Kiwanis Club of White Rock along with the Crescent Housing Society — which operates the 257-suite building — as well as BC Housing and provincial government ministries.

BC Housing and the other parties named in the BC Human Rights Tribunal suit are seeking to have it dismissed.

The complaint, if upheld, would have significant ramifications for BC Housing and other agencies that operate low-cost or publicly subsidized housing complexes where smokers and nonsmokers are mixed. Both sides will attend a resolution meeting in March to see if the issue can be solved without a formal hearing.

Rose Marie Borutski and 12 other residents claimed their health is being affected by the amount of second-hand smoke that filters into their apartments.

"I've developed asthma since I moved in here 18 months ago and was forced to assimilate with smokers," Borutski said Friday.

"I now use an inhaler to help me breathe. I need to take it each morning and at night before I sleep. Smoke drifts in from people smoking in the suites below, from people smoking outside, it comes in through the ventilation system. Everywhere we turn there's smoke," she said.

Borutski said she has developed a smoker's cough.

The complainants allege discrimination based on physical disability due to being exposed to second-hand smoke in their subsidized residence, contrary to sections of the Human Rights Code.

Borutski said there were more non-smokers in the complex than smokers and the issue could be solved by segregating the groups, giving each their own part of the building. But Janet Furcht, manager of the non-profit Crescent Housing Society, said while that would be a solution, the society couldn't force tenants to move against their will.

The society didn't have enough money to do extensive renovations to the building or pay the cost of moving tenants, she said.

"It wouldn't work unless everyone was willing to relocate at their own expense," she said.

Furcht said that last August, the society introduced a nonsmoking policy for new tenants that prevents smoking in suites or on balconies.

Smokers have to leave the building and must stay 2.5 metres from doors or windows, she said.

But existing tenants who have been smoking in their apartments for years were not affected, she said, as there was no prohibition against smoking when they signed their leases.

Borutski admitted the issue has caused a lot of ill feelings in the complex between smokers and non-smokers.

"You can just imagine the tension in here."