

Quick Guide to Handling Co-op Resident Enquiries

1. Recommend that the resident write a letter of complaint to the Board of Directors directly.

Refer the resident to the relevant sample complaint letter at: <http://smokefreehousingon.ca/housing-co-ops/tools-resources/tools/>

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/housing-co-ops/tools-resources/tools/>

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/housing-co-ops/tools-resources/tools/>

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.

Many housing co-operative corporations 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 housing co-op corporations have a responsibility to enforce their own bylaws. However, note that what constitutes a nuisance is generally up to the discretion of the Board of Directors.

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 resident 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/housing-co-ops/taking-action/file-a-human-rights-complaint/>

Be aware that housing co-op 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 and co-op residents who wish to get involved in policy development for their buildings at:

<http://smokefreehousingon.ca/housing-co-ops/>

7. Inform co-op members 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 members of 5% of the units. (Sections 79 - 84 of the *Cooperative Corporations Act*).
8. Refer the resident to the relevant to: <http://smokefreehousingon.ca/housing-co-ops/> for more information