

# No Smoking Policies

## Multi-Unit Dwellings (MUDs)




**Breathe Easy**  
Smoke-Free Apartments,  
Condos and Townhomes

**Call our No-smoke team**

- Residential Tenancies Act, 2006
- Condominium Act, 1998
- [www.tenants.ca](http://www.tenants.ca)
- The Ontario Landlord and Tenant Board at 1-800-325-3224 or [www.ltbb.gov.on.ca](http://www.ltbb.gov.on.ca)
- Smoke-Free Housing Ordinance [www.mhsd.ca/health/legislation](http://www.mhsd.ca/health/legislation)

**Address:**  
This is a summary of the smoke-free policy. It is not intended to be a legal document. For more information, please contact the smoke-free team at 1-800-431-1234.


**Smoke-Free Policy:**  
This policy is intended to provide a safe and healthy living environment for all residents. It is a condition of tenancy for all units in this building.

**Information for Landlords**

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# Going smoke-free makes financial cents!

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- Decrease your costs; increase your profits!
  - Increase the supply of smoke-free housing; currently, not meeting demand
  - Offer a healthy lifestyle building
  - Recognize that healthier people = property proud, respect others = increased property value

Are you in for the long term/short term investment?

# Fact...

- 84% of Durham residents don't smoke and the majority of tenants want smoke-free housing  
= ~546,000 non-smokers in Durham

Which market do you want to attract?



or



# Fact

- Over 4 million MUD residents in ON  
– approx. 37% of the population  
(condos, rentals, co-ops)

(Ipsos Reid Survey, 2010)

- Durham Survey, 2011:  
62% support banning smoking in MUDs

(RRFSS – Rapid Risk Factor Surveillance System, age 18 yrs and over)



# Why smoke-free?

Given the choice between two identical buildings...



**80%** would select the building which prohibited smoking everywhere

(Ipsos Reid Survey, 2010)

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# How much does it cost you to have a smoker?

- Turn-over rates can be anywhere between \$550-\$1500 a month with lost income for one unit (based on one unit with smoking)
- Vacancy rates
- Amount of rent that could be charged
- Staff time required
- Clean up/ replacement costs

# What a Smoker Costs?

| Item  | No Smoking in the Unit                | Heavy Smoking in the Unit  |
|---|---------------------------------------|--|
| Walls & Ceilings:<br>Preparation and painting | Primer and paint: \$300-\$450         | Sanding and cleaning to remove tar and nicotine, stain killer primer, extra paint: \$500 - \$900 |
| Carpet (may not be applicable)                | Shampooing/steam cleaning: 0 - \$100  | Shampooing/steam cleaning or removal and replacement: \$100 - \$700                              |
| Cleaning                                      | \$250                                 | \$350 - \$500  |
| Bathroom and kitchen                          | Included in cleaning fee quoted above | Could be included in above fee, or could involve removal and replacement: \$15,000 - \$18,000    |
| <b>Total</b>                                  | <b>\$550 - \$800</b>                  | <b>\$950 - \$2,100</b><br>and could go as high as approximately \$20,000                         |

(Non-Smokers' Rights Association/Smoking and Health Action Foundation, March 2008)

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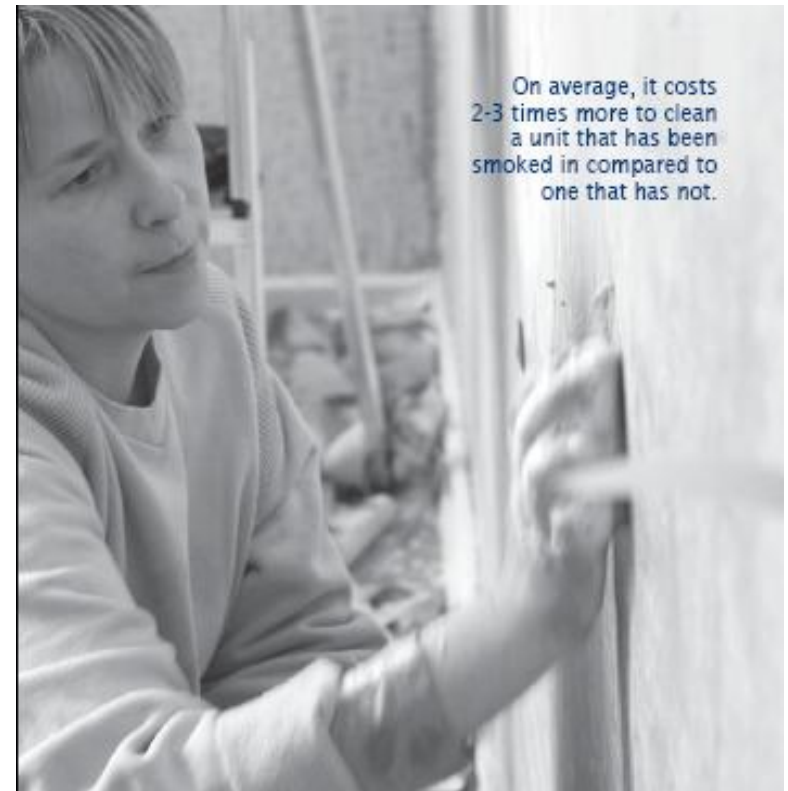


# Costs

- Market demand (80% preference)



- Less cleaning
- Less maintenance
- Less painting





# Costs

- Cigarettes are the #1 ignition source of fatal residential fires
- No smoking policies may decrease insurance premiums



# Costs

A smoking ban lowers the risk of fire:

- Fire damage can take units off the market for months
- Water and smoke damage to adjoining units can take them off the market for months as well



# Costs

- Property damage (burns in countertops, carpets, flooring)
- Smell of SHS impregnates laminates, carpets...almost impossible to remove
- Smoke residue (tar) on walls, ceilings, appliances



# Costs

- Smoke-free spaces cost less to clean
- Tobacco smoke/nicotine leaves a yellow coating on walls
- Permeates the premises, carpets, drapes, paint
- ~\$5,000/unit!!!



# Smoke-free Policy

- Does NOT prohibit smokers from renting accommodations
- Does NOT evict current tenants who smoke
- Does NOT force tenants to quit smoking
- Does NOT force landlords to provide non-smoking accommodations
- Is NOT a law



# Legal? YES!

## No-smoking policy legal opinions

*“Landlords have the right to impose additional obligations or restrictions on tenants beyond the standard lease agreement, as long as these requirements do not conflict with the RTA, Code or any other federal law.”*

- Recent Landlord and Tenant Board decisions confirm legality



# Enforceable? YES!

- Vast majority of tenants will simply follow the rules
- No-smoking policies are mostly complaint-driven
- Remember, social norms are changing



# Smokers

- In absence of a no-smoking policy, smokers have the right to smoke in their own homes
- But only if SHS is not bothering anyone
- Freedom to smoke does not equal an absolute right to smoke
- Smokers are not a protected class nor recognized as having a disability under the Canadian Charter of Rights and Freedoms





# Smokers

- A smoke-free housing policy is not a smoker-free policy that prevents smokers from renting accommodation
- Just as smokers are asked to step outside public places and workplaces for a cigarette, a smoke-free housing policy requires them to do the same
- Smokers can live in smoke-free multi-unit dwellings as long as they follow the rules like everyone else

# Non-smokers

- Reasonable enjoyment of unit/property (tenants and landlords)
- Human rights issue — for people with disabilities like asthma there is weight to their argument of discrimination
- Landlords have a responsibility to protect tenants from substantial interference with their “quiet enjoyment” of the premises



# Tax incentives!

- Incentives such as tax deductions, credits, deferrals or exemptions could help stimulate the supply of smoke-free housing
- TSAG recommends offering a provincial tax credit to developers of new affordable housing who commit to designating smoke-free buildings



# Marketing your property!

- Online apartment searches using [www.kijiji.ca](http://www.kijiji.ca) suggest approx. 10%-15% of units posted advertise as being non-smoking
- Current smoking rate in Ontario is 15%; clearly, the supply of smoke-free housing is not in sync with demographics (supply is not meeting demand)
- See NSRA's list of SF Housing

# No Safe Ventilation!

**The American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE)** sets standards for ventilation rates in North America. ASHRAE maintains that there is **NO** acceptable ventilation process for **secondhand smoke**

- Consider also the effects on appliances, fridge stoves!



# Second-hand smoke

- Toxic 7000 chemicals – 69 cause cancer
- <30 minutes = eye, nose, throat irritation; blood vessels constrict; increase BP, making heart work harder
- Long-term = nasal sinus cancer, breast cancer, SIDS, low birth weight, ear infections, asthma and bronchitis in children
- 3000 deaths/year in Ontario



# Third-hand smoke

- Newer term, basically, second-hand smoke that persists for weeks, months, years
- Settles on surfaces (carpets, curtains, furnishings) and in dust and then off-gases
- This has triggered many hotels and car rental companies to go smoke-free
- Consider young children and pets





# For more information...



Durham.ca

smokefreehousingon.ca



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# Questions?

Thank you!

