

# Developing smoke-free condos

## A Guide for New Builds



The Metropolitan (2002) by Domicile, Ottawa, Ontario



## Going smoke-free brings benefits to both developers and residents.

Establishing a smoke-free policy for new condominiums creates a healthy environment for residents, a safer building and adds value to the property. Although it is possible for a building to adopt a smoke-free policy later on, it is easier and better to do it from the beginning of occupancy.

A smoke-free building means that, at a minimum, smoking is not allowed within any part of the building, including the units and balconies. This is a policy that goes above and beyond what is required by *Smoke-free Ontario Act's* rules.



### Buyers prefer smoke-free

For prospective buyers, a smoke-free policy is a value-added proposition. A new home is not a small investment, especially in markets such as Toronto. A smoke-free policy signals to buyers that both their health and their investment will be protected.

Just as consumer demand for lower levels of toxicity in paint, carpets, and finishes is on the rise, the demand for smoke-free options is also growing. Market research demonstrates strong support for smoke-free policies. Given a choice, 80 percent of Ontarians would choose a smoke-free building, according to a study conducted by research firm Ipsos. Also, keep in mind that 81.9% of Ontarians over 12 are non-smokers. (Canadian Community Health Survey). Also, a cross-province survey reported by the Ontario Tobacco Research Unit found that nine out of ten Ontario adults believe that smoking should not be allowed inside multi-unit housing, including apartments with shared ventilation.



Some builders are already responding to this trend. For instance, Domicile, an Ottawa based builder, had this to say: "It's simply the right thing to do and, from what our buyers have said on our last two projects, they unanimously embrace this feature."

### Protects the value of the property and reduces costs

Industry experts know that units exposed to smoke are harder to sell. It affects the value due to the smell, residual tar stains, and the concerns about health effects. A survey of real estate professionals by Ipsos found that smoking negatively affected the resale value of properties by up to 29 percent.

Smoking leaves behind a residue called thirdhand smoke. In buildings where there is smoking, the residue attaches itself to fixtures, especially softer ones such as walls and carpets. The toxic substance off-gasses for days, weeks or months and poses a threat to residents' health as well as to the value of the property. Cleaning a unit that's been exposed to smoke is costly. Remember, this affects not just the smoker's unit but also other units sharing the same ventilation system. These costs vary but can easily add up to be more than \$3000 per unit, according to a 2009 study conducted by Smoke-Free Housing New England. By going smoke-free, residents and investors can avoid these problems.

**Smoke in buildings does not stay put. Air transfer is a complex process, with multiple factors involved, such as differences in air pressure. Smoke can travel through the following:**

- Ducts, pipes, electrical outlets
- Cable or phone jacks
- Dropped ceilings
- Windows, doors, walls, floors
- Exhaust fans, recessed lighting

### **Ventilation does not resolve the smoking problem**

According to the American Society of Heating, Refrigerating and Air-Conditioning Engineers "the only means of effectively eliminating the health risk associated with indoor exposure is to ban smoking activity."

On a practical level, the housing industry has found that without a smoke-free policy, trying to prevent second-hand smoke seeping to other units is a frustrating experience. In some cases, this has resulted in property managers recommending that the entire building go smoke-free. For example, according to Collingwood Property Manager, Brian Schryver, "After spending thousands of dollars trying to prevent second-hand smoke from infiltrating units, it became apparent the only and best solution was to make the 90-unit condominium a smoke-free facility."



**"Everyone - no matter where they live - deserves a chance to grow up in a healthy, smoke-free home"**

**US Surgeon General,  
Dr. Vivek H. Murthy**

## Fire safety

Removing the hazard of smoking lowers the risk of fire. According to fire loss statistics for 2009–2013 from the Ontario office of the Fire Marshal and Emergency Management, “cigarettes, pipes, and cigars ranked as the number one ignition source for residential fire fatalities, and one in four home fire fatalities are caused by smoking articles.”

Alex Freeman, Fire Prevention Officer of the Markham Fire and Emergency Services, also points out that “careless use of smoking materials is a leading cause of fire and fire-related injuries in the home. Creating smoke-free housing removes one of the leading fire hazards affecting our community.”

## Healthier environment

Establishing a smoke-free policy for new condominiums is an effective way of creating a healthy environment for the occupants.

Second-hand smoke is responsible for many illnesses, including some types of cancer and lung diseases such as asthma. In addition, cardiovascular and other health conditions can worsen with exposure to smoke.

Smoke is extremely toxic. In fact, when the US Surgeon General weighed the best available science, he concluded that there is no safe level of exposure. Regarding second-hand smoke in multi-unit housing, here's what current US Surgeon General, Dr. Vivek H. Murthy had to say: “Everyone - no matter where they live - deserves a chance to grow up in a healthy, smoke-free home”



Alex Freeman, Fire Prevention Officer,  
Markham Fire and Emergency Services



**“It's simply the right thing to do and, from what our buyers have said on our last two projects, they unanimously embrace this feature.”**

**Domicile (Ottawa)**



## What are the steps to making a condo smoke-free?

### 1) Write the declaration to include a smoke-free clause

Decide what you would like the smoke-free policy to cover. Condominium declarations vary, so it is important to clearly stipulate which areas will be designated as smoke-free. Examples include the following:

- Private units only
- Private units, including balconies or patios
- Within a certain distance (e.g., 9 m) from doorways and air intakes
- Outdoor common areas, such as patios, swimming pools and gardens
- The entire property



Developers also have the choice of providing a designated outdoor smoking area if the size of the property allows. Ideally, such an area would have a roof, somewhere to sit and somewhere to dispose of cigarette butts safely and would be situated well away from outdoor common areas such as pathways and patios. In choosing the appropriate policy for your complex, it is important to keep in mind its nature and layout. At a minimum, we suggest that no smoking be allowed within the units, including the balconies.

Such a policy will ensure that all purchasers know that the building is smoke-free and will enable the corporation to enforce it once it is turned over.

### 2) Prepare wording

These types of policies are becoming more common but the devil is in the details. You and your lawyer will make sure the final language does what you intend.

According to legal experts and court and tribunal decisions, it is clear that condominium declarations can contain a smoke-free clause. Keep in mind the following:



- According to the Ministry of Housing, “Landlords and condominium corporations can ban smoking in new rental agreements or leases and bylaws.”
- An addiction to nicotine can be satisfied in other ways besides smoking, for example, the nicotine patch.
- A smoke-free policy does not mean smokers cannot live in a building. It does however, mean they cannot smoke within the building or in designated outside areas (e.g., entrance ways).

### 3) Communicate

A strong communication plan can help you to market your smoke-free policy. It is recommended that the plan includes the following:

- Highlight the intention to make the building smoke-free, including a sign by the model suite in advertising and promotional materials. Don't forget to include the website.
- Train sales and other staff on the benefits of smoke-free housing.
- Provide building signage, for example, "Welcome to our smoke-free building."

### 4) Enforcement

Condominiums with smoke-free policies need to set up procedures for managing violations. Often these are similar or the same as those used for resolving other disagreements. That said, those who have such policies find a high rate of compliance. We suggest that a clear and consistent enforcement model be instituted. Here are a few tips.

**Act promptly:** If the property manager becomes aware that people may be violating the policy, it is best to take action quickly. In many cases, this may be a simple reminder posted on a notice board explaining that there have been reports of violations of the policy. It is also helpful to explain that the policy is for the health and safety of all residents.

**Be fair, firm and consistent:** If contacting someone who is violating the policy becomes necessary, it is a good idea to have a system of enforcement determined in advance. A gradual, progressive approach often works best. For example, you may do the following:



**Document:** As with violations of all rules, it is critical to document the situation. This should include who complained about smoking, when they observed the smoking, and what actions were taken.

- Send a friendly written reminder clarifying the no-smoking policy on first reported breach of the policy
- Send a warning letter for the second breach (and x additional breaches) of the policy
- Hold one or more meetings with the resident violating the policy to discuss the problem and to explore possible solutions. Follow up with a letter clearly summarizing the content of the meeting.
- Discuss possible accommodations. For example, team up with your local public health unit to provide smoking cessation information and support.
- In the rare instances when formal action is needed from the board, it is best to consult with your legal advisors.



Adapted from resource created by Peterborough County-City Health Unit

## Quick Questions

### Is the policy discriminatory?

No. Smoke-free policies do not violate Ontario law. Remember, the policy covers the activity of smoking, not smokers.

This means that a smoker may purchase or rent a unit, but he or she is not allowed to smoke within the unit. Instead, they must smoke outside in designated areas, much as they do in other public spaces where smoking is not permitted.



### Will this affect tenants who rent units?

Yes. All tenants must abide by the rules and regulations of the condominium.

### Have other condos gone smoke-free?

Yes. Here are a few examples:

- Applewood Landmark, Mississauga
- Auburn Village Gardens, Peterborough
- Collingwood Galleries, Collingwood
- Walnut Grove Condo, Barrie
- Domicile, Ottawa
- Drumkerry by the Falls, Bracebridge

**Smoke-free Housing Ontario is a continuing project of the Smoking & Health Action Foundation supported by the Ontario Ministry of Health and Long-Term Care.**

**For more information about smoke-free housing**

**[www.smokefreehousingon.ca](http://www.smokefreehousingon.ca)  
or contact your local public health unit.**



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