

Quick Guide to Handling Landlord Enquiries

1. Recommend that the landlord keep detailed notes regarding tenant complaints about second-hand smoke (SHS) infiltration, ideally, using a standard form for recording complaints. Also recommend that the landlord require tenant complaints be in writing in order to create a paper trail.

Sample landlord log:

<https://smokefreehousingon.ca/tools-resources/rentals/>

2. Advise the landlord to try sealing the complainant's unit to block the smoke from entering their apartment. Ideally, the landlord should also seal the smoker's unit. If applicable, the corridor ventilation system should also be checked.
For information and suggestions on reducing "odour transfer problems," including SHS, refer landlords to the resource from the Canada Mortgage and Housing Corporation: <https://www.agency.coop/media/747/download>
3. Suggest that the landlord approach the tenant who smokes to discuss the complaints being received about SHS and to explore possible solutions. For example, the tenant might be receptive to smoking outdoors away from doorways, operable windows and air intakes.
4. Suggest that the landlord write a general letter to all tenants, discussing the importance of being a good neighbour and maintaining clean indoor air for everyone's health and well-being.
5. Confirm that the landlord has Smoke-Free Ontario signage posted in the common areas of the building, and that they, along with the property manager and other staff, are aware of their responsibilities under the [Smoke-Free Ontario Act \(SFOA\)](#).
6. Inform the landlord that they have the option of filing an N5 form (*Notice to Terminate a Tenancy Early*) with the Landlord and Tenant Board (LTB). The N5 is essentially a warning if the tenant, the tenant's guest or another occupant of the rental unit:
(1) "Willfully or negligently damaged the rental unit or the residential complex," or

(2) “Substantially interfered with the reasonable enjoyment of the residential complex by the landlord or another tenant, or substantially interfered with another lawful right, privilege or interest of the landlord or another tenant.”

Note that landlords have been successful at the LTB arguing that SHS either damaged the unit or interfered with a tenant’s or the landlord’s right to reasonable enjoyment; however, there are no guarantees.

Inform the landlord that detailed information about completing and filing LTB forms is available from Smoke-Free Housing Ontario:

<https://smokefreehousingon.ca/taking-action/rentals/apply-to-the-landlord-tenant-board/>

and that the forms, along with instructions, are available from the LTB online:

<https://tribunalsontario.ca/ltb/forms/>

7. Recommend that the landlord read through the relevant cases (e.g . landlords who did not have a no-smoking policy in place when they filed an application) before they file their own N5 application; this can help them avoid potential pitfalls and learn from other landlords’ similar experiences.

Case law from the LTB is available online: <https://www.canlii.org/en/on/onltb/>

8. Advise the landlord that they have the right to adopt no-smoking policies that prohibit smoking on some or all of their property, including *inside* private units.

Inform the landlord that Smoke-Free Housing Ontario has resources for landlords, including detailed information about no-smoking policies and ways to adopt and enforce them at:

<http://smokefreehousingon.ca>

9. Refer the landlord to the “Landlords” tab on www.smokefreehousingon.ca for more information.