



HOW TO MAKE AN EXISTING CO-OP SMOKE-FREE

How to make an existing co-operative housing smoke-free

- Under the Nova Scotia *Residential Tenancies Act*, a smoke-free rule is considered a landlord rule change.
- Filing a special resolution with the province's Co-operatives Branch, which manages the *Co-operative Associations Act of Nova Scotia*, is **not** required to make changes to landlords rules.
- As a first step, seek your co-operative board's support to survey members to assess their support for making the units, decks, patios and/or entire property smoke-free.
- If the majority of members support the proposed policy, specify the areas to be smoke-free based on their level of support from the survey. Additional areas can be added in future.
- Under the *Residential Tenancies Act*, landlords must give tenants four months' written notice before their anniversary date of any rule change. Each rule applies to all members, so the smoke-free rule must go into effect on the same date for all co-op members.
- If the co-op has a common anniversary date, four months' written notice to each member before that anniversary date is required. The process of going smoke-free could take 4-16 months depending on each member's anniversary date, if there is no common anniversary date.
- For new members, the smoke-free rule should be included in the lease with the date it is effective.
- The *Co-operative Associations Act* does not require co-ops to change their by-laws with respect to smoke-free rules.

What to do if members continue to smoke

- Once the no-smoking rule has been implemented and is applicable to all members, and a member knowingly and repeatedly smokes or allows smoking after warnings from the board, can be excluded from co-op membership by the board according to Section 29(2) of the Co-operative Associations Act. The member has one month to appeal.
- If the member appeals, the board must call a members' meeting, at which time the member can make their case. Members can overturn the board's decision.
- Once a member is excluded from the co-op, the board can file an application with the Residential Tenancies Program for a hearing to evict the member from the co-op.

Keys to success

- Build on the member survey results. Make changes as members are ready.
- Post “welcome to this smoke-free space” signs on entrance doors.
- Include a no-smoking clause in the co-op lease to be signed by all members.
- Promote your smoke-free building/property status when advertising co-op membership.