



CONDOMINIUM CORPORATIONS HOW-TO GUIDE: Strategies to address second-hand smoke with a smoke-free provision

Steps that condominium owners, with a smoke-free provision in the Declaration and By-laws, can take include:

1. Do the Groundwork

If you are a condominium owner suffering from second-hand smoke exposure in your home, you may want to collect information about the source, extent, frequency and impact of the problem before approaching your smoking neighbour or condominium Board of Directors. Taking an informal approach at the beginning may result in a satisfactory resolution to the problem, and may be less expensive and time consuming than initiating more formal measures.

- Identify how the smoke is entering your unit i.e. through your bedroom window; when you turn on your bathroom or kitchen fan, from the electrical outlets, from plumbing pipes.
- Determine where the smoke is coming from i.e. neighbour's balcony, neighbour's inside unit, outside smoking area or some other source.
- Identify how often the smoke enters your unit on a daily or weekly basis? Do you smell the smoke all the time, at certain times of the day – list the dates, times and frequency of occurrences.
- Identify when the problem started? Did you start smelling the smoke as soon as you moved into your unit? Did you notice the smoke when a new resident moved in?

2. Notify the Condominium Corporation

- If your efforts have failed to mitigate the problem, write a letter to your condominium corporation to request that they take action to rectify the problem.
- Provide them with your documented evidence of the source of the smoke, the frequency of the occurrence, its duration, the impact on your health, and the impact on the occupancy of your unit.
- Include any supporting evidence such as a doctor's letter concerning the impact on your health or letters from friends and neighbours to verify your claims.
- Identify what steps you have taken to resolve the problem to date.

- Consider sending a group letter if there are others in the building experiencing the same problem.

Your Board of Directors may use the information you provide in a letter to the person occupying the unit where the smoke is coming from.

Note: Keep all records of correspondence with the Board of Directors concerning this issue. If the corporation fails to take action to address this issue, you will need evidence that they knew about the bylaw violation, were warned that it was a significant interference, and refused to take steps to address the problem.

3. Last Resort Remedies

Condominium corporations have a duty to enforce the Declaration and Bylaws, including enacting by law enforcement proceedings up to and including seeking relief in Court if necessary.

If your condominium corporation refuses to act you can go through the Arbitration Process or Condominium Dispute Resolution Process. For information on the Arbitration and Condominium Dispute Resolution Process under the Condominium Act please see [Condominium Act](#).

Before initiating formal procedures, including initiating a lawsuit, it is recommended that you seek legal advice.