



A LANDLORD'S HOW-TO GUIDE SMOKE-FREE POLICY

FOR NEW BUILDINGS

Establishing a no-smoking policy for a new apartment building or complex is easy to do and makes good business sense.

You won't have any trouble attracting tenants due to high **demand** for smoke-free housing, and you'll avoid the problems, costs, and fire risks of maintaining buildings where smoking is allowed.

Furthermore, you'll have fewer problems enforcing a no-smoking policy as your tenants are aware your building is smoke-free from the outset.

Below is a list of easy-to-follow steps you need to consider to go smoke-free:

1. Develop Your Policy

Since this is a new building, you are not bound by any previous policies or tenancy agreements. Most attractive to non-smoking tenants, and easiest to enforce, is to make your entire property smoke-free, including inside rental units, on patios and balconies, and the grounds up to the property line.

Here is sample language that can be included in the lease:

"It is a material term of this tenancy agreement that smoking of any combustible material is prohibited in the rental units, on the patios and balconies, and on the grounds up to the property line."

2. Implement Your Policy

- a. Incorporate the no-smoking policy into all tenancy agreements.
- b. Add an **addendum** to the tenancy agreement listing all the terms of the no-smoking policy and ensure both landlord and tenant sign it. (Landlords and tenants can agree to and include additional terms in a tenancy agreement, such as whether smoking is permitted on the premises).

3. Promote Your Policy

- a. Post “no-smoking” signage in appropriate locations on the property.
- b. Advertise your smoke-free units in directories or websites where your building is listed. Going smoke-free is a marketing advantage.
- c. Register your building on our online [Smoke-Free Housing Registry](#).

4. Enforce Your Policy

If a tenancy agreement includes a no-smoking clause, such clauses have been accepted as a material term of the tenancy agreement, giving the landlord the right to end the tenancy for continued violation. Use the same warning/enforcement methods for the no-smoking policy that you use for any other violation of a material term of a tenancy agreement.

Here are some steps for enforcing a no-smoking policy included in a tenancy agreement:

- a. If there is evidence that a tenant is smoking in violation of the no-smoking policy, issue a letter advising the tenant that:
 - i. They have breached a material term of the tenancy agreement (give specific examples of the breach).
 - ii. Make a specific statement regarding the compliance required, such as “stop smoking anywhere on the residential property” or “confine your smoking to the designated area of the property”.
 - iii. Clearly state that failure to comply could result in the tenancy ending.
- b. Be sure to document any and all violations, and if possible, get witnesses who would be able to testify to incidents of smoking by tenant.
- c. If the tenant fails to comply with the letter, you can file an Application to the Director of the Residential Tenancies Program to seek eviction of the tenant.