



COMMON QUESTIONS FOR TENANTS

How dangerous is second-hand smoke?

Exposure to second-hand smoke (SHS) is more than a nuisance. Each year in Canada, breathing second-hand smoke causes more than 1000 deaths in non-smokers from lung cancer and heart disease, and keeps thousands more from leading normal, healthy lives.

SHS is a known health hazard that causes lung cancer, cardiovascular disease, sudden infant death syndrome, respiratory infection, and numerous other health problems. There is no safe level of exposure to second-hand smoke, and even brief exposure can be harmful to people's health.

Second-hand smoke:

- Is poisonous, and exposes families to over 4,000 chemicals, 70 of which are known to cause cancer
- Contains higher concentrations of many of the toxins found in cigarette smoke
- Increases a non-smoker's risk of developing heart disease by 25%-30% and lung cancer by 20%-30%
- Causes acute respiratory problems, and can trigger asthma attacks in adults and children
- Prolonged and repeated exposure to second-hand smoke can cause lung cancer, heart disease, and acute respiratory effects
- Breathing second-hand smoke for even a short time can have immediate adverse effects
- Exposure for as little as 8 to 20 minutes causes physical reactions linked to heart and stroke disease
- Persons with asthma or other respiratory conditions are at especially high risk for being affected by SHS, and should take special precautions to avoid it
- Brief exposure to SHS can trigger an asthma attack in children with asthma
- Children exposed to second-hand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma
- A smoke-free environment is the only way to fully protect non-smokers from the dangers of second-hand smoke

*Sources: [Health Canada](#) and the [US Surgeon General Report](#)

How does second-hand smoke spread between units in a building?

Two-thirds of the smoke from a burning cigarette is not inhaled by the person smoking, and enters the surrounding area. The way smoke moves throughout a building is unpredictable and it knows no boundaries. The gases in cigarette smoke expand to fill spaces around pipes and electrical outlets and between walls and floors or ceilings. Research conducted in Minnesota apartment buildings found that while generally, smoke travels into the units above, it can also move into units on the same floor or even into units below.

Are there provincial or municipal smoke-free laws that apply to apartment buildings?

In most jurisdictions across Canada, including Nova Scotia, smoking is banned in all indoor public places and workplaces, including restaurants and bars. While there are no provincial laws that regulate smoking in private residences, the provincial *Smoke-Free Places Act* bans smoking in common areas of multi-unit dwellings such as corridors, lobbies, stairwells, elevators, escalators, eating areas, and restrooms.

Note: This legislation does not apply to private suites or balconies in apartments or condominiums. It specifically avoids any attempt to regulate smoking in private residences.

Further, municipal governments have the authority to ban or restrict smoking in public places within their geographic limits, and can create smoking bylaws that exceed provincial laws. At the current time, no municipalities in Nova Scotia have legislation related to smoking in residential dwellings.

If residents are smoking in common areas, what can I do?

Make your landlord aware of the problem, including the day and time the smoking occurred. Owners and managers of apartment buildings have a legal responsibility to prevent people from smoking in common areas of apartment buildings under the *Smoke-Free Places Act*. They are not held responsible if it can be demonstrated that they have taken reasonable steps to prevent smoking from occurring in areas where it is prohibited by law.

Some tips for ensuring smoke-free areas include:

- Notifying residents of the smoke-free areas
- Posting signs
- Removing ashtrays from areas in which smoking is banned
- Reminding people to smoke at least 4 meters from the buildings

Do tenants who smoke have unrestricted rights to smoke in their units, even if it bothers other tenants?

There is no right to smoke guaranteed in law. However, Residential Tenancies officers in Nova Scotia have generally found that, in the absence of a no-smoking clause in the tenancy agreement, tenants have the right to smoke in their units.

It should be stressed that these rights are not absolute, and are limited by any interference these rights may cause neighbouring tenants. While a tenant that smokes chooses to accept the risks associated with smoking, he/she doesn't have the right to require that others in the building share in those risks.

If there is evidence that second-hand smoke is seeping into your home from a neighbouring unit or balcony on a frequent and on-going basis, and substantially interfering with your use and enjoyment of your home, then your landlord has a responsibility to take steps to address the problem.

If my neighbour's smoke is infiltrating my unit or balcony, what can I do?

It is important to talk with your landlord about the problem of second-hand smoke. However, it is equally important to try to minimize the problem yourself by taking steps such as talking to the smoking tenant, sealing the source of the smoke, and working with your landlord to negotiate a solution.

If all your efforts fail to minimize the smoke, and your landlord has not taken reasonable steps to resolve the problem, you can apply to the Residential Tenancies Program for an order requiring the landlord to remedy the situation and/or compensate you for the interference you have experienced. There is no guarantee that you will be successful. (See the How-to Guide for further information)

What is the landlord's responsibility to address complaints of second-hand smoke, even if smoking is allowed in the building?

Under the *Residential Tenancies Act*, all tenants are entitled to expect that other tenants will not interfere with their occupancy. The landlord is responsible for ensuring that problems are addressed.

If smoke from a neighbouring unit is seeping into your home, and is significantly impacting your health or how you are able to enjoy or use your unit, this may be considered interference with your occupancy. Addressing the issue of second-hand smoke is similar to addressing the issue of loud music. Playing music is allowed in private units, yet when it's played too loud and interferes with other tenants, landlords have a responsibility to take reasonable steps to stop this intrusion.

Can a landlord legally adopt a no-smoking policy in private units and balconies?

Yes. It is legal for landlords to adopt a no-smoking policy for new buildings, to introduce no-smoking policies in existing buildings and advertise the smoke-free building status to the public.

Landlords can ban smoking in rental units, including on outdoor balconies, decks or any areas of the residential property.

A no-smoking policy is no different than a policy that prohibits pets, barbeques or loud noise. Yet many landlords are unaware of this important fact.

A landlord can establish reasonable rules that apply to residential premises. A written copy of these rules must be provided to a tenant before executing a lease.

A rule is reasonable if it:

- Promotes a fair distribution of services and facilities
- Promotes the safety, comfort or welfare of persons working or residing in the premises
- Protects the landlord's property from abuse
- A rule must be reasonably related to the purpose for which it was intended and it must apply to all tenants fairly.

An increasing number of landlords in Nova Scotia are creating rules that prohibit smoking in residential buildings. If a landlord wants to introduce a new no-smoking rule within an existing building, all tenants must be given at least four months written notice before the anniversary date of their lease before the new rule can come into effect.

Can air filters or ventilation clear the air of the toxins in secondhand smoke?

Air filters, purifiers and ventilation systems cannot eliminate second-hand smoke. Some of the smoke and larger particles from the air may be removed, but they will not remove the smaller particles or gases found in second-hand smoke.

The American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE), the world's leading association on indoor air quality standards, considers that there is no acceptable ventilation system that can protect individuals exposed to secondhand smoke. ASHRAE states, "Currently, the only way to effectively eliminate health risks associated with indoor exposure is to ban smoking activity."

James Repace, an internationally recognized second-hand smoke physicist, conducted a review for ASHRAE on controlling tobacco smoke. He concluded that, “ventilation technology cannot possibly achieve acceptable indoor air quality in the presence of smoking, leaving smoking bans as the only alternative.”

Are there smoke-free rental buildings in NS?

Yes, but there is a shortage of 100% smoke-free residential buildings for Nova Scotians that want and need to live smoke-free. Tenants are encouraged to tell landlords that they would prefer a smoke-free building where smoking is banned in all units and on outdoor balconies, decks and patios. If landlords don't know that there is demand for smoke-free housing, there will continue to be a lack of smoke-free options for apartment and condo dwellers in Nova Scotia.

For a listing of smoke-free buildings in Nova Scotia, check our [smoke-free housing registry](#). This is a new directory, so listings may be limited until more landlords hear about our website and register their smoke-free buildings.

How do I ensure that my next rental building is 100% smoke-free?

If you want to live in a 100% smoke-free building, ensure that there is a “no-smoking” clause written into your tenancy agreement (or an attached Addendum) that states the entire building is smoke-free, including the private units, and outdoor balconies, decks and patios.

When talking to potential landlords, here are some questions to ask about the no-smoking policy:

- How would the landlord respond if you made a complaint about second-hand smoke seeping into your unit?
- Does the landlord consistently enforce no-smoking policy violations in the building?
- Is there a designated smoking area on the outside property? If so, is it far enough away to ensure that smoke cannot travel into private units or balconies.
- Did the previous tenant smoke in the unit you are considering? If so, what steps were taken to remove the odour and residue from walls, carpets and drapery? Is there support for tenants who want to stop smoking?

Is there support for tenants who want to stop smoking?

There are many resources available in Nova Scotia to help people who are interested in stopping smoking.

Nova Scotians can access FREE stop smoking services, including group programs led by their district health authority Addiction Services staff, or phone support from a trained Quit Coach by calling 811.

Nova Scotians can also access an online interactive service, available 24 hours a day, 7 days a week, [Tobacco-Free Nova Scotia](#), which offers tips, tools and support to help you stop smoking.