



LAWS AND LEGAL ISSUES FOR TENANTS

Various laws impact the landlord and tenant relationship in Nova Scotia. This section provides a brief description of the laws and policies that regulate smoking in apartments in Nova Scotia.

Nova Scotia [Residential Tenancies Act](#)

Residential tenancy relationships in Nova Scotia are governed by the *Residential Tenancies Act*. The *Act* does not contain any specific provisions relating to smoking or second-hand smoke. However, the *Act* does allow a landlord to include a no-smoking clause in all building tenancy agreements to ban smoking in all units, balconies and the entire residential property. It is perfectly legal.

If a tenancy agreement does not include a no-smoking clause, tenants are allowed to smoke in their units. However, tenants do not have unfettered rights to smoke. The *Residential Tenancies Act* requires that tenants shall conduct themselves in such a manner as not to interfere with the possession or occupancy of other tenants or the landlord. A landlord is required to take reasonable steps necessary to address interference by a tenant with another tenant's possession or occupancy. Since secondhand smoke can interfere with a tenant's possession or occupancy, landlords are required to take reasonable steps to resolve the interference when a tenant complains about it. See [Interference with Occupancy](#). What are considered reasonable steps will vary with the facts of each situation.

Provincial Smoke-Free Legislation

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 control smoking in private residences or multi-unit dwellings, the Nova Scotia [Smoke-Free Places Act](#) bans smoking in common areas of multi-unit dwellings such as corridors, lobbies, stairwells, elevators, escalators, eating areas, and restrooms.

Enforcement of Smoke-Free Legislation

Owners and managers of apartment buildings have a legal responsibility to prevent people from smoking in common areas or entranceways 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 away from the building

The *Smoke-Free Places Act* does not apply to the private dwelling units but does apply to areas that are common to all tenants, workers and guests of the building.

If the landlord is not able to enforce the legislation, they could contact 1 800 565-3611 and ask for the tobacco control inspector for their area.

Municipal Smoke-Free Bylaws

Municipal governments have the authority to ban or restrict smoking in public places within their geographic limits and to create smoking bylaws that exceed provincial smoke-free regulations.

Municipalities in Nova Scotia could pass bylaws regulating smoking in apartments, though none have done so to date. The city of St. John's, Newfoundland and Labrador adopted no-smoking rules for its non-profit housing sector. The rules mean that tenants who sign tenancy agreements with the city from now on will have to agree not to smoke inside their units.