

CHOA Smoking Condo Smarts

From: Maxwell, David OHCS:EX
Sent: Thursday, September 6, 2012 3:52 PM
To: Maxwell, David OHCS:EX
Subject: CHOA Smoking Condo Smarts

Condo Smarts

Headline: Deal with smoking before it becomes a nuisance
Topic: Smoking
Publication date: May 27, 2012
Publication: The Province
Written by: Tony Gioventu

Regards

David Maxwell
Senior Policy Analyst, Housing Policy Branch, Office of Housing and Construction
Standards
Government of British Columbia, Victoria, BC
Telephone: 250-356-1792

Visit BC's Strata Property Act web page

If you have received this communication in error please be so kind as to notify me by e-mail or telephone.

RE link to BC website on smoke-free housing including a subsite for stratas
From: Maxwell, David OHCS:EX
Sent: Friday, September 7, 2012 9:19 AM
To: Barlee, Veronica OHCS:EX
Subject: RE: link to BC website on smoke-free housing including a subsite for stratas

Thanks Veronica, your timing is perfect as I am just now drafting a letter on smoking in stratas.

Cheers
David Maxwell
250-356-1792

Visit BC's Strata Property Act web page

From: Barlee, Veronica OHCS:EX
Sent: Thursday, September 6, 2012 5:24 PM
To: Page, Doug OHCS:EX; Maxwell, David OHCS:EX; Ko, Juliana B OHCS:EX; Crane, Bob OHCS:EX
Subject: link to BC website on smoke-free housing including a subsite for stratas

Hello,
An interesting website (stuffed with information) on smoke-free housing including an extensive subsite for stratas.

<http://www.smokefreehousingbc.ca/strata/address.html>

best regards
Veronica Barlee
MBA | Senior Policy Advisor | Housing Policy Branch | Office of Housing and Construction Standards
Ministry of Energy, Mines & Natural Gas (and Minister Responsible for Housing) | Government of British Columbia
Phone: 250.387.8843 Fax: 250.356.8182
Location: 5th floor, 614 Humboldt St, Victoria BC Canada | Mailing address: PO Box 9844 Stn Prov Govt, Victoria BC V8W 9T2

Smoking

From: Maxwell, David OHCS:EX
Sent: Tuesday, September 11, 2012 1:41 PM
To: 'Ian MacLellan'
Subject: Smoking

Hi Ian:

Sorry I missed your call. You are correct, smoking is an ongoing issue here. Below is the body of a recent letter I drafted on the issue in response to the need for stronger language in our Strata Property Act. The web site in the last paragraph really captures the current state of affairs in BC. Give me a call if you need more.

"While I understand your concerns, I am confident that strata residents and councils have the tools needed to address issues related to smoking. The Strata Property Act provides for strata corporations to make decisions based on democratic principles and to pass their own bylaws (within certain parameters) to provide for the control, management, maintenance, use and enjoyment of the strata lots, common property and common assets of the strata corporation. These include the ability to adopt by a $\frac{3}{4}$ vote a non-smoking bylaw that bans smoking on the interior common property, on limited common property and inside strata lots. Additionally, non-smoking bylaws may be adopted by the owner/developer prior to the sale of any strata lots.

Bylaw 3(1) in the Schedule of Standard Bylaws to the Strata Property Act, that most stratas in British Columbia have kept or modified slightly, prohibits an owner, tenant, occupant or visitor from causing a nuisance or hazard to another person. This bylaw can be used to deal with a wide variety of situations. For example, loud noise, smoking or bad odours may all fall under this bylaw. Furthermore section 26 of the Strata Property Act requires that a Council enforce the bylaws. Where someone causes a nuisance, Council must enforce the bylaws by taking steps to deal with the nuisance. It is not simply an issue between neighbours.

You may be interested to know that the British Columbia Supreme Court case of Raith v. Coles, [1984] B.C.J. No. 772 (Q.L.), confirmed that no matter what bylaws are in place, the common law of nuisance allows a strata resident bothered by smoke to take another strata resident of the complex to court to request an order that the smoking cease.

Please be assured that the issue of smoking is one that we monitor and you may find the following link to a site designed to assist stratas with smoking issues of interest: <http://www.smokefreehousingbc.ca/strata/index.html> "

Regards

David Maxwell

Senior Policy Analyst, Housing Policy Branch, Office of Housing and Construction Standards Government of British Columbia, Victoria, BC
Telephone: 250-356-1792

RE Smoking

From: Maxwell, David OHCS:EX
Sent: Tuesday, September 11, 2012 2:01 PM
To: 'Ian MacLellan'
Subject: RE: Smoking

Yes, in the residential unit.

s.22

s.22

Cheers
David Maxwell
250-356-1792

Visit BC's Strata Property Act web page

-----Original Message-----

From: Ian MacLellan [mailto:IMMACLEL@gov.ns.ca]
Sent: Tuesday, September 11, 2012 1:59 PM
To: Maxwell, David OHCS:EX
Subject: Re: Smoking

Hi David: thanks for the prompt response. s.22 I may take you
up on your phone call offer tomorrow but for now I have a quick
question....when your letter mentions "inside strata lots," does that mean
inside residential units themselves?

Ian

-----Original Message-----

From: "Maxwell, David OHCS:EX" <David.Maxwell@gov.bc.ca>
To: MacLellan, Ian <IMMACLEL@gov.ns.ca>

Sent: 9/11/2012 5:41:15 PM
Subject: Smoking

Hi Ian:

Sorry I missed your call. You are correct, smoking is an ongoing issue here.
Below is the body of a recent letter I drafted on the issue in response to the
need for stronger language in our Strata Property Act. The web site in the
last paragraph really captures the current state of affairs in BC. Give me a
call if you need more.

"While I understand your concerns, I am confident that strata residents and
councils have the tools needed to address issues related to smoking. The
Strata Property Act provides for strata corporations to make decisions based
on democratic principles and to pass their own bylaws (within certain
parameters) to provide for the control, management, maintenance, use and
enjoyment of the strata lots, common property and common assets of the strata
corporation. These include the ability to adopt by a ¾ vote a non-smoking
bylaw that bans smoking on the interior common property, on limited common
property and inside strata lots. Additionally, non-smoking bylaws may be
adopted by the owner/developer prior to the sale of any strata lots.

Bylaw 3(1) in the Schedule of Standard Bylaws to the Strata Property Act, that
most stratas in British Columbia have kept or modified slightly, prohibits an
owner, tenant, occupant or visitor from causing a nuisance or hazard to
another person. This bylaw can be used to deal with a wide variety of
situations. For example, loud noise, smoking or bad odours may all fall under
this bylaw. Furthermore section 26 of the Strata Property Act requires that a
Council enforce the bylaws. Where someone causes a nuisance, Council must
enforce the bylaws by taking steps to deal with the nuisance. It is not simply
an issue between neighbours.

RE Smoking

You may be interested to know that the British Columbia Supreme Court case of Raith v. Coles, [1984] B.C.J. No. 772 (Q.L.), confirmed that no matter what bylaws are in place, the common law of nuisance allows a strata resident bothered by smoke to take another strata resident of the complex to court to request an order that the smoking cease.

Please be assured that the issue of smoking is one that we monitor and you may find the following link to a site designed to assist stratas with smoking issues of interest: <http://www.smokefreehousingbc.ca/strata/index.html> "

Regards

David Maxwell

Senior Policy Analyst, Housing Policy Branch, Office of Housing and Construction Standards Government of British Columbia, Victoria, BC
Telephone: 250-356-1792

RE QUESTIONS 15997 - s.22

From: Maxwell, David OHCS:EX
Sent: Thursday, November 29, 2012 11:35 AM
To: Woodley, Catherine OHCS:EX
Subject: RE: QUESTIONS: 15997 - s.22

Catherine: I have fixed the problem with this letter.

Cheers
David Maxwell
250-356-1792

Visit BC's Strata Property Act web page

From: Woodley, Catherine OHCS:EX
Sent: Thursday, November 29, 2012 10:09 AM
To: Maxwell, David OHCS:EX
Subject: FW: QUESTIONS: 15997 - s.22

David, see Keri's note

From: OHCS Correspondence Unit OHCS:EX
Sent: Thursday, November 29, 2012 10:05 AM
To: Woodley, Catherine OHCS:EX
Subject: QUESTIONS: 15997 - s.22

Hi Catherine - please see comment attached

FW QUESTIONS 15997 - s.22

From: Maxwell, David OHCS:EX
Sent: Thursday, November 29, 2012 11:36 AM
To: Woodley, Catherine OHCS:EX
Subject: FW: QUESTIONS: 15997 - s.22
Attachments: 15997 - s.22 .docx

Catherine: I have fixed the problem with this letter.

Cheers
David Maxwell
250-356-1792

Visit BC's Strata Property Act web page

From: Woodley, Catherine OHCS:EX
Sent: Thursday, November 29, 2012 10:09 AM
To: Maxwell, David OHCS:EX
Subject: FW: QUESTIONS: 15997 - s.22

David, see Keri's note

From: OHCS Correspondence Unit OHCS:EX
Sent: Thursday, November 29, 2012 10:05 AM
To: Woodley, Catherine OHCS:EX
Subject: QUESTIONS: 15997 - s.22

Hi Catherine - please see comment attached

HP TRIM EGM DOCUMENT D53454912A 15997 s.22 dmm
From: Maxwell, David OHCS:EX
Sent: Friday, November 30, 2012 7:37 AM
To: Woodley, Catherine OHCS:EX
Cc: OHCS Correspondence Unit OHCS:EX
Subject: HP TRIM EGM DOCUMENT : D53454912A : 15997 s.22 dmm
Attachments: 15997 s.22 dmm.DOCX; 15997 s.22 dmm.tr5

Hello Catherine: attached is the version in TRIM that has always had the change Keri has suggested. I think the confusion came when I was unable to access TRIM after the upgrade and put the finished letter in our 'G' drive. Hope this clarifies this ongoing mystery.

-----< HP TRIM Record Information >-----

Record Number : D53454912A
Title : 15997 s.22 dmm

Regards
David Maxwell
Telephone: 250-356-1792

closing sentence...

From: Moran, Jennifer OHCS:EX
Sent: Friday, November 30, 2012 2:58 PM
To: Maxwell, David OHCS:EX
Cc: Steves, Gregory OHCS:EX; Vincent, Keri L OHCS:EX
Subject: closing sentence...
Attachments: 15997 - s.22 pdf - Adobe Reader.pdf

Hi David, can you advise if the closing sentence is a standard one. Please see jeff's note on the attached and advise.

Thanks.

Jennifer

FW Cliff 15997 and 16151

From: Woodley, Catherine OHCS:EX
Sent: Friday, December 21, 2012 9:05 AM
To: Maxwell, David OHCS:EX
Subject: FW: Cliff 15997 and 16151

David...see below

From: OHCS Correspondence Unit OHCS:EX
Sent: Thursday, December 20, 2012 3:24 PM
To: Woodley, Catherine OHCS:EX
Subject: RE: Cliff 15997 and 16151

ADM approved version of 15997 is uploaded into Cliff. This was just sent to the MO this week for approval.

From: Woodley, Catherine OHCS:EX
Sent: Tuesday, December 18, 2012 2:41 PM
To: OHCS Correspondence Unit OHCS:EX
Subject: Cliff 15997 and 16151

.....Are from a letter writing campaign. I noted that 15997 is still at the ADMO. Can you please check that Keri? Was it just not closed? It is the same letter and David wants to be clear of the language.

Catherine Woodley
Office Manager
Housing Policy Branch
Office of Housing and Construction Standards
Ministry of Energy, Mines and Natural Gas
and Minister Responsible for Housing
Phone: 250.387.6467 Fax: 250.356. 8182
Location: 5th floor, 614 Humboldt St, Victoria BC Canada | Mailing address: PO Box 9844 Stn Prov Govt, Victoria BC V8W 9T2

RE Cliff 15997 and 16151

From: Maxwell, David OHCS:EX
Sent: Monday, January 14, 2013 9:57 AM
To: Woodley, Catherine OHCS:EX
Subject: RE: Cliff 15997 and 16151

Catherine:

Concerning Cliff 16151; please let me know when Cliff 15997 is signed buy the Minister.

Cheers
David Maxwell
Phone: 250-356-1792 Cell: s.17

Visit BC's Strata Property Act web page

From: Woodley, Catherine OHCS:EX
Sent: Friday, December 21, 2012 9:05 AM
To: Maxwell, David OHCS:EX
Subject: FW: Cliff 15997 and 16151

David...see below

From: OHCS Correspondence Unit OHCS:EX
Sent: Thursday, December 20, 2012 3:24 PM
To: Woodley, Catherine OHCS:EX
Subject: RE: Cliff 15997 and 16151

ADM approved version of 15997 is uploaded into Cliff. This was just sent to the MO this week for approval.

From: Woodley, Catherine OHCS:EX
Sent: Tuesday, December 18, 2012 2:41 PM
To: OHCS Correspondence Unit OHCS:EX
Subject: Cliff 15997 and 16151

.....Are from a letter writing campaign. I noted that 15997 is still at the ADMO. Can you please check that Keri? Was it just not closed? It is the same letter and David wants to be clear of the language.

Catherine Woodley
Office Manager
Housing Policy Branch
Office of Housing and Construction Standards
Ministry of Energy, Mines and Natural Gas
and Minister Responsible for Housing
Phone: 250.387.6467 Fax: 250.356. 8182
Location: 5th floor, 614 Humboldt St, Victoria BC Canada | Mailing address: PO Box 9844 Stn Prov Govt, Victoria BC V8W 9T2

TRIM FW Cliff 15997 and 16151

From: Woodley, Catherine OHCS:EX
Sent: Tuesday, January 15, 2013 9:33 AM
To: Maxwell, David OHCS:EX
Subject: TRIM: FW: Cliff 15997 and 16151

HP TRIM Record Number: D11611513A

See below David

From: OHCS Correspondence Unit OHCS:EX
Sent: Tuesday, January 15, 2013 9:31 AM
To: Woodley, Catherine OHCS:EX
Subject: RE: Cliff 15997 and 16151

It's still in the MO waiting approval.

From: Woodley, Catherine OHCS:EX
Sent: Monday, January 14, 2013 10:00 AM
To: OHCS Correspondence Unit OHCS:EX
Subject: FW: Cliff 15997 and 16151

Hi Keri

16151 is ready to go, but it seem to be a letter writing campaign. David is awaiting the final sign off of 15997, before we move forward. Can you check where it is in the system at the MO? Thanks

From: Maxwell, David OHCS:EX
Sent: Monday, January 14, 2013 9:57 AM
To: Woodley, Catherine OHCS:EX
Subject: RE: Cliff 15997 and 16151

Catherine:

Concerning Cliff 16151; please let me know when Cliff 15997 is signed buy the Minister.

Cheers
David Maxwell
Phone: 250-356-1792 Cell: s.17

Visit BC's Strata Property Act web page

From: Woodley, Catherine OHCS:EX
Sent: Friday, December 21, 2012 9:05 AM
To: Maxwell, David OHCS:EX
Subject: FW: Cliff 15997 and 16151

David...see below

From: OHCS Correspondence Unit OHCS:EX
Sent: Thursday, December 20, 2012 3:24 PM
To: Woodley, Catherine OHCS:EX
Subject: RE: Cliff 15997 and 16151

ADM approved version of 15997 is uploaded into Cliff. This was just sent to the MO this week for approval.

From: Woodley, Catherine OHCS:EX
Sent: Tuesday, December 18, 2012 2:41 PM

Page 1

TRIM FW Cliff 15997 and 16151

To: OHCS Correspondence Unit OHCS:EX
Subject: Cliff 15997 and 16151

.....Are from a letter writing campaign. I noted that 15997 is still at the
ADMO. Can you please check
that Keri? Was it just not closed? It is the same letter and David wants to be
clear of the language.

Catherine Woodley
Office Manager
Housing Policy Branch
Office of Housing and Construction Standards
Ministry of Energy, Mines and Natural Gas
and Minister Responsible for Housing
Phone: 250.387.6467 Fax: 250.356. 8182
Location: 5th floor, 614 Humboldt St, Victoria BC Canada | Mailing address: PO Box
9844 Stn Prov Govt,
Victoria BC V8W 9T2

FW FOI Request HOU-2013-00003 Due Feb 5 2013

From: Crane, Bob OHCS:EX
Sent: Thursday, January 24, 2013 2:23 PM
To: Woodley, Catherine OHCS:EX
Cc: Maxwell, David OHCS:EX
Subject: FW: FOI Request HOU-2013-00003 Due: Feb 5, 2013

Catherine, could you please send me the incoming and draft response for Cliff 16151?
Thanks.

Bob Crane
Senior Policy Analyst
Housing Policy Branch
Office of Housing and Construction Standards
PO Box 9844 Stn Prov Govt, Victoria BC V8W 9T2
Phone: 778-679-9657 *NEW*
Bob.Crane@gov.bc.ca

From: IAO Resource Team SSBC:EX
Sent: Thursday, January 24, 2013 2:21 PM
To: Crane, Bob OHCS:EX
Subject: RE: FOI Request HOU-2013-00003 Due: Feb 5, 2013

Hi Bob,

The letter states "All records of every type and kind" so it's safe to assume the drafts would be responsive.

Eric Shiplack
Information Access Analyst
Resource Team, Information Access Operations
Logistics and Business Services, Shared Services BC
Ministry of Citizens' Services and Open Government

eric.shiplack@gov.bc.ca
250 356-9155

From: Crane, Bob OHCS:EX
Sent: Thursday, January 24, 2013 1:27 PM
To: Shiplack, Eric CITZ:EX
Subject: FW: TRIM: FOI Request HOU-2013-00003 Due: Feb 5, 2013
Importance: High

Hi, Eric. We have a Minister's letter on this subject that has been drafted but not signed by the Minister yet. Do we include the draft in our documents? I'm assuming we include the incoming letter.

Bob Crane
Senior Policy Analyst
Housing Policy Branch
Office of Housing and Construction Standards
PO Box 9844 Stn Prov Govt, Victoria BC V8W 9T2
Phone: 778-679-9657 *NEW*
Bob.Crane@gov.bc.ca

From: Woodley, Catherine OHCS:EX
Sent: Wednesday, January 23, 2013 10:21 AM
To: Crane, Bob OHCS:EX; Maxwell, David OHCS:EX
Subject: FW: TRIM: FOI Request HOU-2013-00003 Due: Feb 5, 2013
Importance: High

FW FOI Request HOU-2013-00003 Due Feb 5 2013

Bob and David

Do we have files?

From: Moran, Jennifer OHCS:EX
Sent: Wednesday, January 23, 2013 10:00 AM
To: Beattie, Michelle OHCS:EX; Woodley, Catherine OHCS:EX
Subject: FW: TRIM: FOI Request HOU-2013-00003 Due: Feb 5, 2013
Importance: High

FYI<>

From: Lalonde, Jan EMNG:EX
Sent: Wednesday, January 23, 2013 9:41 AM
To: Moran, Jennifer OHCS:EX
Subject: FW: TRIM: FOI Request HOU-2013-00003 Due: Feb 5, 2013
Importance: High

Hi Jennifer,

Please note, the applicant has changed the wording of the request:

All records of every type and kind relating to second hand smoke and smoke-free housing. Timeframe is December 2012 to [January 21, 2013].

Thanks,
Jan

From: IAO Resource Team SSBC:EX
Sent: Wednesday, January 23, 2013 9:25 AM
To: Lalonde, Jan EMNG:EX
Cc: Cho, Gayle EMNG:EX
Subject: RE: TRIM: FOI Request HOU-2013-00003 Due: Feb 5, 2013
Importance: High

Jan,

Please NOTE --- The applicant has changed the wording of the request slightly to now read:

All records of every type and kind relating to second hand smoke and smoke-free housing. Timeframe is December 2012 to [January 21, 2013].

Please inform the appropriate program areas.

Thanks!

Eric Shiplack
Information Access Analyst
Resource Team, Information Access Operations
Logistics and Business Services, Shared Services BC
Ministry of Citizens' Services and Open Government

eric.shiplack@gov.bc.ca
250 356-9155

From: IAO Resource Team SSBC:EX
Sent: Tuesday, January 22, 2013 1:53 PM
To: Lalonde, Jan EMNG:EX
Cc: Cho, Gayle EMNG:EX

Page 2

FW FOI Request HOU-2013-00003 Due Feb 5 2013
Subject: TRIM: FOI Request HOU-2013-00003 Due: Feb 5, 2013

New FOI Request Received

Your Ministry has received a formal request made under the Freedom of Information and Protection of Privacy Act (FOIPPA). The request is for:

All records of every type and kind relating to second hand smoke (tobacco and drugs [marijuana]) and smoke-free housing. Timeframe is December 1, 2012 to [January 18, 2013.]

List all the other public bodies that this request has been sent to and/or IAO has opened with and/or transferred to:

HTH-2012-00155 (Same Applicant, Same Subject)

HTH-2013-00016 (Same Request)

HOU-2012-00033 (Same Applicant, Same Subject)

What Do You Need to Do?

Please complete the attached Call for Records form.

? If search and retrieval time is anticipated to exceed 3 hours and/or the total volume of records

exceeds 200 pages, complete only sections 1 & 2 of the Call for Records form as we may be in a

position to issue a fee estimate.

? Return the form to IAO by January 28, 2013, or ASAP so that the file can be placed on hold).

? Please await further instruction from IAO as the records will not be required until the fee

estimate process has been completed. Once fees have been paid or waived, IAO will contact

you to continue the call for records process.

? If no fees apply then complete the attached Call for Records form and return it to IAO by

February 5, 2013.

? Send records via email in PDF format. Before you turn emails into PDFs, ensure that you have

included all attachments. If email is not possible, please put the records on the File Share and

notify IAO that the records are available.

Reminder

You should be aware that FOIPPA obligates us to assist the applicant and to respond without delay,

openly, accurately, and completely. In the event that your Ministry must defend the adequacy of its

search to the Information and Privacy Commissioner at Inquiry, those involved in searching for records

may be required to sign affidavits confirming they have conducted an adequate search for relevant

records.

It should also be noted that there is an FOI reminder process. If IAO does not hear back from you

within the designated time period, IAO is required to raise an alert with you or your executive.

Questions and Concerns

Please do not hesitate to contact IAO to discuss:

* whether the records may be routinely releasable;

* whether the information is being prepared for public release or is already publicly available;

* ways in which an applicant may want to narrow/focus their request to reduce potential fees;

and/or

FW FOI Request HOU-2013-00003 Due Feb 5 2013
* any other questions or concerns relating to this request.

Thank you for your assistance,

Eric Shiplack
Information Access Analyst
Resource Team, Information Access Operations
Logistics and Business Services, Shared Services BC
Ministry of Citizens' Services and Open Government

eric.shiplack@gov.bc.ca
250 356-9155

TRIM FW 15997 Response

From: Woodley, Catherine OHCS:EX
Sent: Friday, February 1, 2013 9:35 AM
To: Maxwell, David OHCS:EX
Cc: OHCS Correspondence Unit OHCS:EX
Subject: TRIM: FW: 15997 Response

HP TRIM Record Number: D11612113A

David the official response you requested

From: OHCS Correspondence Unit OHCS:EX
Sent: Friday, February 1, 2013 9:13 AM
To: Woodley, Catherine OHCS:EX
Subject: FW: 15997 Response

FYI

From: Minister, EMH EMH:EX
Sent: Thursday, January 31, 2013 11:18 AM
To: s.22
Subject: 15997 Response

Email: s.22

Dear s.22

Thank you for your email of September 13, 2012 regarding second hand smoke in multi unit buildings governed by the Strata Property Act. I apologize for the delay in my reply.

While I understand your concerns, I am confident that strata residents and councils have the tools needed to address issues related to smoking. The Strata Property Act provides for strata corporations to make decisions based on democratic principles and to pass their own bylaws (within certain parameters) to provide for the control, management, maintenance, use and enjoyment of the strata lots, common property and common assets of the strata corporation. These include the ability to adopt by a three quarter vote a non-smoking bylaw that bans smoking on the interior common property, on limited common property and inside strata lots. Additionally, non-smoking bylaws may be adopted by the owner developer prior to the sale of any strata lots.

Bylaw 3(1) in the Schedule of Standard Bylaws to the Strata Property Act, which most stratas in

British Columbia have kept or modified slightly, prohibits an owner, tenant, occupant or visitor from causing a nuisance or hazard to another person. This bylaw can be used to deal with a wide variety of situations. For example, loud noise, smoking or bad odours may all fall under this bylaw. Furthermore, section 26 of the Strata Property Act requires that a council enforce the bylaws. Where someone causes a nuisance, council must enforce the bylaws by taking steps to deal with the nuisance. It is not simply an issue between neighbours.

TRIM FW 15997 Response

You may be interested to know that the British Columbia Supreme Court case of Raith v. Coles, confirmed that no matter what bylaws are in place, the common law of nuisance allows a strata resident bothered by smoke to take another strata resident of the complex to court to request an order that the smoking cease.

You may find the following link to a site designed to assist stratas with smoking issues of interest: <http://www.smokefreehousingbc.ca/strata/index.html>.

Thank you, again, for writing.

Sincerely yours,

Rich Coleman
Minister Responsible for Housing and Deputy Premier

FW 15997 Response

From: Page, Doug OHCS:EX
Sent: Friday, February 1, 2013 2:50 PM
To: Maxwell, David OHCS:EX
Subject: FW: 15997 Response
Attachments: 16151 s.22 dmm.tr5

Approved. Can you forward me the incoming as well—I'll send both electronically to Greg for approval.

FYI, Catherine says we should not put the incoming letters in TRIM—they'll live in Cliff.

From: Maxwell, David OHCS:EX
Sent: Friday, February 1, 2013 11:37 AM
To: Page, Doug OHCS:EX
Subject: 15997 Response

Below is the confirmation we were waiting for on our response to strata smoking letters (s.22 CLIFF 15997). The attached draft matches the earlier response.

Cheers
David Maxwell
Phone: 778-679-9654

Visit BC's Strata Property Act web page

From: Woodley, Catherine OHCS:EX
Sent: Friday, February 1, 2013 9:35 AM
To: Maxwell, David OHCS:EX
Cc: OHCS Correspondence Unit OHCS:EX
Subject: FW: 15997 Response

David the official response you requested

From: OHCS Correspondence Unit OHCS:EX
Sent: Friday, February 1, 2013 9:13 AM
To: Woodley, Catherine OHCS:EX
Subject: FW: 15997 Response

FYI

From: Minister, EMH EMH:EX
Sent: Thursday, January 31, 2013 11:18 AM
To: s.22
Subject: 15997 Response

Email: s.22

Dear s.22

Thank you for your email of September 13, 2012 regarding second hand smoke in multi unit buildings governed by the Strata Property Act. I apologize for the delay in my reply.

While I understand your concerns, I am confident that strata residents and councils have the tools needed to address issues related to smoking. The Strata Property Act provides for strata corporations to make decisions based on democratic principles and to pass their own bylaws

Fwd FOI Request HOU-2013-00008 Due March 5 2013
From: Steves, Gregory OHCS:EX
Sent: Tuesday, February 19, 2013 3:24 PM
To: Crane, Bob OHCS:EX; Moran, Jennifer OHCS:EX
Cc: Woodley, Catherine OHCS:EX
Subject: Fwd: FOI Request HOU-2013-00008 Due: March 5, 2013
Attachments: Integrated Call For Records form.pdf; ATT00001.htm; Intake - Attachment.pdf; ATT00002.htm

FYI, looks like this foi is coming our way...

Sent from my iPad

Begin forwarded message:
From: "Moran, Jennifer OHCS:EX" <Jennifer.L.Moran@gov.bc.ca>
To: "Steves, Gregory OHCS:EX" <Gregory.Steves@gov.bc.ca>
Subject: FW: FOI Request HOU-2013-00008 Due: March 5, 2013
Pls advise. Call me if you'd like to discuss or need more info. 250-356-2115.

This is time sensitive.

From: Lalonde, Jan EMNG:EX
Sent: Tuesday, February 19, 2013 2:48 PM
To: Moran, Jennifer OHCS:EX
Subject: FW: FOI Request HOU-2013-00008 Due: March 5, 2013

Hi Jennifer,

Do you think I should be sending this request out to DM's office, MIN's office and/or correspondence unit?

Or is this in its entirety a HOU issue?

Sorry for the questions?

Thanks,
jan

From: IAO Resource Team SSBC:EX
Sent: Tuesday, February 19, 2013 10:39 AM
To: Lalonde, Jan EMNG:EX
Cc: Cho, Gayle EMNG:EX
Subject: FOI Request HOU-2013-00008 Due: March 5, 2013

New FOI Request Received

Your Ministry has received a formal request made under the Freedom of Information and Protection of Privacy Act (FOIPPA). The request is for:
All records of every type and kind relating to a form letter as shown on page 9 of the response package for HOU-2012-00050, the emails, advice notes, briefings on how this form letter was drafted, how it should be worded, when it was first used, the choices made and decisions made on the particular presentation of this form letter.
What Do You Need to Do?
Please complete the attached call for records form.
? If search and retrieval time is anticipated to exceed 3 hours and/or the total volume of records exceeds 200 pages, complete only sections 1 & 2 of the call for records form as we may be in a position to issue a fee estimate.
? Return the form to IAO by February 25, 2013, or ASAP so that the file can be

FW 15997 Response

(within certain parameters) to provide for the control, management, maintenance, use and enjoyment of the strata lots, common property and common assets of the strata corporation. These include the ability to adopt by a three quarter vote a non-smoking bylaw that bans smoking on the interior common property, on limited common property and inside strata lots. Additionally, non-smoking bylaws may be adopted by the owner developer prior to the sale of any strata lots.

Bylaw 3(1) in the Schedule of Standard Bylaws to the Strata Property Act, which most stratas in

British Columbia have kept or modified slightly, prohibits an owner, tenant, occupant or visitor from causing a nuisance or hazard to another person. This bylaw can be used to deal with a wide variety of situations. For example, loud noise, smoking or bad odours may all fall under this bylaw. Furthermore, section 26 of the Strata Property Act requires that a council enforce the bylaws. Where someone causes a nuisance, council must enforce the bylaws by taking steps to deal with the nuisance. It is not simply an issue between neighbours.

You may be interested to know that the British Columbia Supreme Court case of Raith v. Coles, confirmed that no matter what bylaws are in place, the common law of nuisance allows a strata resident bothered by smoke to take another strata resident of the complex to court to request an order that the smoking cease.

You may find the following link to a site designed to assist stratas with smoking issues of interest: <http://www.smokefreehousingbc.ca/strata/index.html>.

Thank you, again, for writing.

Sincerely yours,

Rich Coleman
Minister Responsible for Housing and Deputy Premier

placed on hold).

? Please await further instruction from IAO as the records will not be required

until the fee estimate process has been completed. Once fees have been paid or waived, IAO will contact you to continue the call for records process.

? If no fees apply then complete the attached Call for Records form and return it to IAO by March 5, 2013.

? Send records via email in PDF format. Before you turn emails into PDFs, ensure

that you have included all attachments. If email is not possible, please put the records on the File Share and notify IAO that the records are available.

Reminder

You should be aware that FOIPPA obligates us to assist the applicant and to respond without delay, openly, accurately, and completely. In the event that your Ministry

must defend the adequacy of its search to the Information and Privacy Commissioner at Inquiry, those involved in searching for records may be required to sign affidavits

confirming they have conducted an adequate search for relevant records.

It should also be noted that there is an FOI reminder process. If IAO does not hear

back from you within the designated time period, IAO is required to raise an alert with

you or your executive.

Questions and Concerns

Please do not hesitate to contact IAO to discuss:

* whether the records may be routinely releasable;

* whether the information is being prepared for public release or is already publicly available;

* ways in which an applicant may want to narrow/focus their request to reduce

potential fees; and/or

* any other questions or concerns relating to this request.

Thank you for your assistance,

Debra Graves
Information Access Operations
Resource Unit

EMAIL RESPONSE



Drafted by:
Approved by:
CLIFF No.:

David Maxwell
Greg Steves, ED, HPB
15997

s.22
Email: s.22

Dear s.22

Thank you for your email of September 13, 2012 regarding second hand smoke in multi unit buildings governed by the *Strata Property Act*.

Pretty sure I have signed this off already
I had the last sentence changed to avoid confusion
around the term monitor
If this in fact a different letter please ensure it
Concludes the same as previous and communicate
change to housing policy for go forward

While I understand your concerns, I am confident that strata residents and councils have the tools needed to address issues related to smoking. The *Strata Property Act* provides for strata corporations to make decisions based on democratic principles and to pass their own bylaws (within certain parameters) to provide for the control, management, maintenance, use and enjoyment of the strata lots, common property and common assets of the strata corporation. These include the ability to adopt by a three quarter vote a non-smoking bylaw that bans smoking on the interior common property, on limited common property and inside strata lots. Additionally, non-smoking bylaws may be adopted by the owner developer prior to the sale of any strata lots.

Bylaw 3(1) in the Schedule of Standard Bylaws to the *Strata Property Act*, which most stratas in British Columbia have kept or modified slightly, prohibits an owner, tenant, occupant or visitor from causing a nuisance or hazard to another person. This bylaw can be used to deal with a wide variety of situations. For example, loud noise, smoking or bad odours may all fall under this bylaw. Furthermore, section 26 of the *Strata Property Act* requires that a council enforce the bylaws. Where someone causes a nuisance, council must enforce the bylaws by taking steps to deal with the nuisance. It is not simply an issue between neighbours.

You may be interested to know that the British Columbia Supreme Court case of *Raith v. Coles*, [1984] B.C.J. No. 772 (Q.L.), confirmed that no matter what bylaws are in place, the common law of nuisance allows a strata resident bothered by smoke to take another strata resident of the complex to court to request an order that the smoking cease.

You may find the following link to a site designed to assist stratas with smoking issues of interest: <http://www.smokefreehousingbc.ca/strata/index.html>.

Please be assured that the issue of smoking is one that we monitor.

Sincerely yours,

Rich Coleman
Minister Responsible for Housing
and Deputy Premier

EMAIL RESPONSE

Drafted by:
Approved by:
CLIFF No :

David Maxwell
Greg Steves, ED, HPB
15997

s.22
Email s.22

Dear s.22

Thank you for your email of September 13, 2012 regarding second hand smoke in multi unit buildings governed by the *Strata Property Act*.

While I understand your concerns, I am confident that strata residents and councils have the tools needed to address issues related to smoking. The *Strata Property Act* provides for strata corporations to make decisions based on democratic principles and to pass their own bylaws (within certain parameters) to provide for the control, management, maintenance, use and enjoyment of the strata lots, common property and common assets of the strata corporation. These include the ability to adopt by a three quarter vote a non-smoking bylaw that bans smoking on the interior common property, on limited common property and inside strata lots. Additionally, non-smoking bylaws may be adopted by the owner developer prior to the sale of any strata lots.

Bylaw 3(1) in the Schedule of Standard Bylaws to the *Strata Property Act*, ~~states~~ that most stratas in British Columbia have kept or modified slightly, prohibits an owner, tenant, occupant or visitor from causing a nuisance or hazard to another person. This bylaw can be used to deal with a wide variety of situations. For example, loud noise, smoking or bad odours may all fall under this bylaw. Furthermore, section 26 of the *Strata Property Act* requires that a council enforce the bylaws. Where someone causes a nuisance, council must enforce the bylaws by taking steps to deal with the nuisance. It is not simply an issue between neighbours.

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Please be assured that the issue of smoking is one that we monitor.

Sincerely yours,

Rich Coleman

Comment [k1]: This sentence does not make sense.

Comment [dmm2]: I agree, somehow the word 'states' got left in the sentence.

Minister Responsible for Housing
and Deputy Premier

Drafted by:
Approved by:
CLIFF No.:

David Maxwell
Greg Steves, ED, HPB
16151

s.22
Email s.22

Dear s.22

Thank you for your email of October 23, 2012 regarding second hand smoke in multi unit buildings governed by the *Strata Property Act*. I am pleased to respond.

While I understand your concerns, I am confident that strata residents and councils have the tools needed to address issues related to smoking. The *Strata Property Act* provides for strata corporations to make decisions based on democratic principles and to pass their own bylaws (within certain parameters) to provide for the control, management, maintenance, use and enjoyment of the strata lots, common property and common assets of the strata corporation. These include the ability to adopt by a $\frac{3}{4}$ vote a non-smoking bylaw that bans smoking on the interior common property, on limited common property and inside strata lots. Additionally, non-smoking bylaws may be adopted by the owner developer prior to the sale of any strata lots.

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Please be assured that the issue of smoking is one that we monitor.

Sincerely yours,

Rich Coleman
Minister Responsible for Housing
and Deputy Premier

Drafted by:
Approved by:
CLIFF No.:

David Maxwell
Greg Steves, ED, HPB
16151

s.22

Email

s.22

Dear s.22

Thank you for your email of October 23, 2012 regarding second hand smoke in multi unit buildings governed by the *Strata Property Act*. I apologize for the delay in my reply.

While I understand your concerns, I am confident that strata residents and councils have the tools needed to address issues related to smoking. The *Strata Property Act* provides for strata corporations to make decisions based on democratic principles and to pass their own bylaws (within certain parameters) to provide for the control, management, maintenance, use and enjoyment of the strata lots, common property and common assets of the strata corporation. These include the ability to adopt by a three quarter vote a non-smoking bylaw that bans smoking on the interior common property, on limited common property and inside strata lots. Additionally, non-smoking bylaws may be adopted by the owner developer prior to the sale of any strata lots.

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