



CITY OF BURNABY
OFFICE OF THE MAYOR
DEREK R. CORRIGAN
MAYOR

2011 February 22

The Honourable Gordon Campbell
Premier of British Columbia
PO BOX 9041 STN PROV GOVT
Victoria, BC V8W 9E1

Dear Premier Campbell,

SUBJECT: NON-SMOKING BYLAWS - INTRODUCING UNIFORM STANDARD REGULATIONS

Burnaby City Council, at the Open Council meeting held on 2011 February 21, received and adopted the enclosed report responding to a letter from a local resident requesting a broader smoking ban, especially outside the malls.

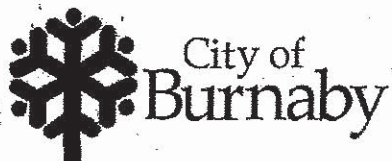
Council reviewed smoking bylaws from a number of local governments and noted there is no consistency in buffer zones where smoking is prohibited outside building entrances, including malls. Council also noted the Fraser Health Authority is recommending the Smoking Bylaw be amended to make outdoor patio restaurants and bars smoke free, extend the buffer zone around the entrances of public buildings from 3 m to 7.5 m and prohibit smoking on playing fields, playgrounds and other public places where people sit or stand in close proximity.

Given the inconsistencies in buffer zone requirements among municipalities and the position put forward by the Fraser Health Authority, Council requests your government review the various non-smoking bylaws with the purpose of introducing uniform standard regulations province wide.

Your consideration of our request is both important and appreciated.

Yours truly,


Derek R. Corrigan,
MAYOR



Meeting 2011 February 21

COUNCIL REPORT

ENVIRONMENT COMMITTEE

*HIS WORSHIP, THE MAYOR
AND COUNCILLORS*

**SUBJECT: CORRESPONDENCE FROM MR. PORTER - BANNING SMOKING AT
MALLS**

RECOMMENDATIONS:

1. THAT Council write to the Province of BC asking that they review the various non-smoking bylaws with the purpose of introducing uniform standard regulations province wide.
2. THAT a copy of this report be sent to all Burnaby MLA's, UBCM, Fraser Health Authority, Lower Mainland municipalities and Mr. Porter.

REPORT

The Environment Committee, at its meeting held on 2011 February 15, received and adopted the attached report responding to a letter from Mr. Doug Porter requesting a broader smoking ban. The current Smoking Regulation Bylaw, enforced by the Fraser Health Authority on behalf of the City, prohibits smoking in a mall. However, the bylaw does not prohibit smoking outside the mall.

The Committee noted the Fraser Health Authority supports amending the Smoking Bylaw to make outdoor patio restaurant and bars smoke free, extend the buffer zone to 7.5 metres and prohibit smoking on playgrounds and other public spaces. The Committee also reviewed Smoking Bylaws from a number of local governments. Based on the information collected, it is important to note that there is no consistency in buffer zones where smoking is prohibited outside building entrances, including malls. Given the inconsistencies in buffer zone requirements and the position put forward by the Fraser Health Authority, the Committee

Copied to:	City Manager Director Engineering Director Planning & Building Director Parks, Recr. & Cult. Services
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To: His Worship, the Mayor and Councillors
From: Environment Committee
Re: Correspondence from Mr. Porter - Banning Smoking
at Malls
2011 February 21..... Page 2

recommended that Council write to the Province of B.C. asking that they review the various non-smoking bylaws with the purpose of introducing uniform standard regulations province wide. Arising from further discussion, the Committee requested that copies of this report also be forwarded to UBCM and Lower Mainland municipalities.

Respectfully submitted,

Councillor D. Johnston
Chair

Councillor S. Dhaliwal
Vice Chair

Councillor A. Kang
Member

TO: CHAIR AND MEMBERS
ENVIRONMENT COMMITTEE

DATE: 2011 February 15

FROM: DIRECTOR ENGINEERING

FILE: 33200 02
Reference: Air Quality Control

SUBJECT: CORRESPONDENCE FROM MR. PORTER - BANNING SMOKING AT
MALLS

PURPOSE: To respond to a letter dated 2010 December 28 to Council requesting a broader
smoking ban.

RECOMMENDATION:

1. **THAT** The Committee recommend to Council that:
 - a) Council write to the Province of BC asking that they review the various non-smoking bylaws with the purpose of introducing uniform standard regulations province wide; and
 - b) A copy of this report be sent to all Burnaby MLA's, Fraser Health Authority and Mr. Porter.

REPORT

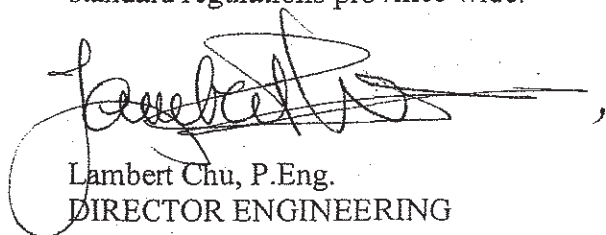
Included in the 2011 February 15 Environment Committee Agenda is correspondence from Mr. Porter which has been referred by Council to the Committee for consideration. The correspondence dated 2010 December 29 is seeking Council to consider changing the smoking bylaw to ban smoking in malls including sidewalks, walkways, promenades, decks, seating areas, bike racks, outdoor and indoor parking areas (see Attachment #1). The current Smoking Regulation Bylaw enforced by the Fraser Health Authority on behalf of the City prohibits smoking in a mall. However, the bylaw does not prohibit smoking outside the mall. The B.C. Tobacco Control Act and Regulation prohibits smoking within 3 metres outside building entrances, open windows and air intakes.

Mr. Porter's letter was forwarded to Fraser Health Authority. As noted in the response from Mr. Gordon Stewart, Fraser Health Authority (see Attachment #2), the Health Authority is recommending amending the Smoking Bylaw to make outdoor patio restaurant and bars smoke free, extending the buffer zone around the entrances to public buildings from 3 metres to 7.5 metres and prohibit smoking on play grounds and other public places where people sit or stand in close proximity.

To: Environment Committee
From: Director Engineering
Re: CORRESPONDENCE FROM MR. PORTER -
BANNING SMOKING AT MALLS
2011 February 15..... Page 2

Staff have reviewed Smoking Bylaws from a number of local governments. Based on the information collected (see Attachment #3), it is noted that there is no consistency in buffer zones where smoking is prohibited outside building entrances, including malls. Staff have also contacted Guildford Mall Management and have been informed that they only apply a 7.5 metre buffer zone in front of entrances where smoking is prohibited instead of 15 metres as stated in the correspondence from Mr. Porter.

Given the inconsistencies in buffer zone requirements and the position put forward by the Fraser Health Authority, staff recommend that the Committee recommend to Council that the Province be requested to review the various non-smoking bylaws with the purpose of introducing uniform standard regulations province wide.



Lambert Chu, P.Eng.
DIRECTOR ENGINEERING

DD:br
Attachments

Copied to: City Manager
Director Planning and Building
Director Parks, Recreation & Cultural Services

Gillies, Shari

CLERK'S FILE: 42000-01

From: Doug Porter [dsporter@telus.net]
 Sent: Wednesday, December 29, 2010 1:36 PM
 To: Gillies, Shari
 Subject: Please Ban Smoking at the Mall

NOTE: The correspondence is forwarded to the regulatory agency, Fraser Health Authority, to determine if the proposed extension to 3.0 meter smoke free buffer zones or complete ban identified in the correspondence is scientifically supportable and if so, require changes to the Tobacco Control Act and respond appropriately to the writer.

Tue 28 Dec 2010

Mayor and Council
 Corporation of the District of Burnaby
 4949 Canada Way
 Burnaby BC V5G 1M2

Three metres distance from building entrances often places smokers right beside bike racks where I inhale their smoke while loading my bike and preparing to ride. Frequently, smokers lean on or sit on the bike racks while smoking. Personal health is one reason why I ride and it is ironic that to use my bike for shopping errands places me directly in the path of an extremely hazardous substance.

Walking northbound on the side walk adjacent to Zellers in Metrotown, from Central Boulevard to the mall entrance, I encounter several clusters of people smoking.

There is sometimes tobacco smoke in the underground parkade.

In her report *How Tobacco Smoke Causes Disease* released earlier this month, the US Surgeon General, Regina Benjamin, re-iterates "...there is no safe level of exposure to cigarette smoke" including "brief exposures to second hand smoke."

<http://www.surgeongeneral.gov/library/tobaccosmoke/report/index.html>

My experience of the three metre rule is that it is completely ineffective. It is difficult to avoid smoke if only 3 metres from someone who is smoking. Especially in a somewhat confined area such as outside the mall entrance at Real Canadian Super Store in Metrotown. And, during a North wind, smoke from this area blows into the mall when someone enters or exits. Even if there happens to be no smoke within 3 metres of the entrance, one can usually not make it to the "smoke free zone" from the parking lot or bike rack without passing through a cloud of smoke.

Although not adequate, the 15 metre rule at Guilford Mall is better. Vancouver has banned outdoor smoking at public beaches. Burnaby can do more.

I would like to see smoking completely banned from all mall property - including sidewalks, walkways, promenades, decks, seating areas, bike racks, outdoor and indoor parking areas.

Will council consider changing the smoking bylaw to ban smoking at malls and other shopping areas?

Doug Porter
 3782 Thurston Street
 Burnaby BC V5H 1H7
 604-434-7850

COPY: CITY MANAGER
 DIR. ENGINEERING
 ASST. DIR. ENG.
 ENV. PROTECTION

12/29/2010

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fraserhealth

Better health.
Best in health care.

RECEIVED IN
ENGINEERING DEPT.
FILE

JAN 25 2011

Refer To	Noted
DD LSC	DD

January 24, 2011

Dipak Dattani
Assistant Director Engineering Environmental Protection
Engineering Department
City of Burnaby
4949 Canada Way
Burnaby, B.C. V5G 1M2

Dear Mr. Dattani,

Re: Correspondence from Mr. Doug Porter

This letter is to respond to concerns raised by Mr. Porter regarding secondhand smoke. In 2008 Fraser Health recommended that municipalities amend their smoking bylaws to promote a healthier environment. Letters to Mayor Corrigan and Council from Dr. Nadine Loewen, Burnaby Medical Health Officer, specified that the municipality should make outdoor patio restaurant and bars smoke-free, extend the buffer zone around the entrances of public buildings from 3m to 7.5m and prohibit smoking on playing fields, playgrounds and other public places where people sit or stand in close proximity. These recommendations were based on the Smoking Regulation Task Force Report from the Lower Mainland Local Government Association (LMLGA) and standards from Leadership in Energy and Environmental Design (LEED) Building Guidelines.

Tobacco use remains the single most preventable cause of disease and death in Canada. It kills 6,000 British Columbians each year, causes 30 per cent of cancer deaths and 85 per cent of lung cancers. Further, approximately 140 British Columbians die from second-hand smoke each year. A comprehensive scientific report of The U.S. Surgeon General 2006 concludes that there is no risk-free level of exposure to second-hand smoke and that even brief exposure can cause immediate harm.

Whereas there is a strong health argument for banning smoking in enclosed areas, some argue that the health debate is less clear when it comes to open, outdoor areas. However, communities have chosen to ban smoking outdoors due to a number of other compelling reasons. These include, controlling litter and environmental pollution, decreasing fire risk, de-normalization of smoking, role modeling, reducing smoking prevalence rates and the inherent cost savings.

Page 1 of 2

Fraser Health Authority
Health Protection

#300 - 4946 Canada Way
Burnaby BC
V5G 4H7 Canada

Tel (604) 918-7683
Fax (604) 918-7520
www.fraserhealth.ca

Legislation is the number one factor influencing smoking prevalence rates. Research indicates that reducing the places where people can smoke makes it more likely they will quit. Communities where fewer people smoke have numerous positive health, social, environmental and financial benefits and will ease the burden on our health care system.

Over the course of the past few years many municipalities have amended their smoking bylaws, select examples include:

The City of Port Moody Smoking Regulation Bylaw 2773, 2008, prohibits smoking in any outdoor public place, defined as "any outdoor children's playground playing field, sport venue, stadium, sports facility, beach, or park including but not limited to walking trails, and areas where people wait to board public transportation".

The Resort Municipality of Whistler Smoking Regulation Bylaw No. 1884, 2008 prohibits smoking on or within 25 meters of "(a) an outdoor venue" (defined as a place that is not fully or substantially enclosed and is used for the assembly of persons for purposes such as worship, entertainment, recreation or business or amusement") "(b) a play ground, (c) a playing field (d) a place at which a sporting event is occurring".

In light of the danger of exposure to second-hand smoke, and the overwhelming burden of tobacco use upon society, the Fraser Health office of Health Protection recommends that the City of Burnaby takes a leadership role and adopts a more stringent smoking by-law as per the recommendations of our Medical Health Officer. In doing so, the City illustrates a commitment to the health, well-being, safety and protection of the individuals and community it represents.

Yours Truly

FRASER HEALTH AUTHORITY



Gordon Stewart CPHI(C)
Manager, Environmental Health Services

GS/sp

c.c. Dr. Nadine Loewen, Medical Health Officer
Dr. Victoria Lee, Medical Health Officer

Smoking Bylaw Summary for Select Authorities in BC

Authority	Bylaw	Enacted	Smoking Bylaw Restriction	Distance	Measure	Fine	Comment
Richmond	Public Health Protection bylaw No. 6889	2000	In a building	NA	NA	\$10,000 max. each day of violation	Enforced by the Environmental Health section of Richmond Health Services (Vancouver Coastal Health Authority)
			In a vehicle for hire (except rental)	NA	NA		
			In a vehicle when occupant under the age of 19 is inside	NA	NA		
			Enclosed or partially enclosed shelter where persons wait to board a vehicle for hire or public transit	3 m	NA		
			Sign post or sign indicating where persons wait to board a vehicle for hire or public transit	6 m	NA		
			Opening into any building including any door, or window that opens or any air intake	6 m	On the ground from a point directly below any point of opening		
			Customer service area	6 m	Of the perimeter		
			Outdoor sport facility or playground	25 m	On or within		
			Operator permitting smoking	NA	NA	\$250	
			Operator of city facility permitting smoking	NA	NA	\$250	
	Smoking Control & Regulation	2008	Failure of operator to post smoking prohibition signage	NA	NA	\$100	Municipal Ticket Information Authorization Bylaw No. 7321
			Deficient smoking prohibition signage	NA	NA	\$100	
			Smoking where prohibited - First offence	NA	NA	\$150	
			Smoking where prohibited - Second offence	NA	NA	\$500	
			Smoking where prohibited - Third or subsequent offence	NA	NA	\$1,000	
			Permitting or allowing smoking	NA	NA	\$1,000	
			Failure to post smoking sign	NA	NA	\$1,000	
			Deficient no smoking sign	NA	NA	\$1,000	
			Person removing or destroying required sign	NA	NA	\$200	
			Park	NA	NA	\$250.00 to \$2,000.00 for each offence	
Vancouver Board of Parks & Recreation	Park Board Smoking Regulation Bylaw	2010	Seawall or beach in a park	NA	NA	\$500.00 minimum	
			Building in a park (except caretaker residence)	NA	NA	\$500.00 minimum	
			Customer service area in a park	NA	NA	\$500.00 minimum	
			Vehicle for hire in a park	NA	NA	\$500.00 minimum	
			Public transit in a park	NA	NA	\$500.00 minimum	
			Enclosed or partially enclosed shelter in a park where people wait to board a vehicle for hire or public transit	NA	NA	\$250.00 to \$2,000.00 for each offence	
			In a building	NA	NA		
			In a vehicle for hire (except rental)	NA	NA		
			Public transit including school bus, passenger bus, ferry or rapid transit	NA	NA		
			Enclosed or partially enclosed shelter where people wait to board a vehicle for hire or public transit	NA	NA		
Vancouver	Health Bylaw No. 9535	2007	Opening into any building including any door or window that opens or any air intake	6 m	On the ground from a point directly below any point of opening into a building	\$250.00-\$2,000.00 each Offence of a continuing nature against the bylaw is liable to a fine not exceeding \$50.00 for each day the offence continues	Fine exception: a person who fails to comply, or suffers or allows any other person to fail to comply, with an order, direction, or notice given under any provision of this bylaw is liable for fines of \$500.00 for each offence.
			In a customer service area	NA	NA		
			Adjacent to a customer service area	6 m	Of the perimeter		
				NA	NA		
				6 m	Of the perimeter		

Smoking Bylaw Summary for Select Authorities in BC

Authority	Bylaw	Enacted	Smoking Bylaw Restriction	Distance	Measure	Fine	Comment
Port Moody	Bylaw No. 2773	2008	In a building	NA	NA	Not exceeding \$5,000.00 and/or 3 month (max) imprisonment (each day separate offence)	Offences for which tickets can be issued and fines imposed are prescribed in Municipal Ticket Information Utilization Bylaw
			In a vehicle for hire (except rental)	NA	NA		
			On public transit including a school bus, passenger bus, ferry or rapid transit	NA	NA		
			Entryway, window, air intake	7.5 m	NA		
			In a customer service area	NA	NA		
			Adjacent to a customer service area	7.5 m	Of the perimeter		
			In any outdoor public place	NA	NA		
			Smoking where prohibited	NA	NA		
			Failure of a responsible person to prohibit smoking	NA	NA		
			Failure to post sign	NA	NA		
Port Moody	Fire Protection & Emergency Response Bylaw No. 2835	2010	Smoking in banned areas due to hazardous fire conditions	NA	NA	\$500.00 \$500.00 \$250.00 \$100.00 \$1,000.00 \$250.00 \$100.00	Municipal Ticket Information Utilization Bylaw
			Smoking in fireworks storage area	NA	NA		
			Smoking in retail area	NA	NA		
			Fail to post No Smoking signs	NA	NA		
	Fireworks Bylaw No. 2070	1991	Common public area	NA	NA		
			Taxi cab, limousine or vehicle for hire (except with consent of all of the passengers and driver)	NA	NA		
			Public transportation facility or vehicle, including school bus, public bus, West Coast Express, transit shelter or waiting room relating to any form of transportation	NA	NA		
			Any part of a commercial establishment	NA	NA		
			Any place of employment	NA	NA		
			Place of public assembly	NA	NA		
			Any personal services establishment	NA	NA		
			In a mall	NA	NA		
			Hotel or motel room designated by the proprietor as non-smoking	NA	NA		
			Building or vehicle owned or operated by the City of Port Coquitlam	NA	NA		
Port Coquitlam	Smoking Control Bylaw No. 3361	2002	Health care facility	NA	NA	\$2,000.000 maximum (separate offence for each day)	Smoking is permitted on a patio, provided the proprietor of the patio restricts access to person 19 years of age or older
			Any service line	NA	NA		
			Service counter	NA	NA		
			In a restaurant	NA	NA		
			In a gaming facility	NA	NA		
			Smoke where prohibited	NA	NA		
			Permit smoking where prohibited	NA	NA		
			Permit person under 19 years of age in a designated smoking area	NA	NA		
			Failure to post sign as required	NA	NA		
			Fail to post adequate no smoking signs	NA	NA		
Port Coquitlam	Fire & Emergency Services Bylaw No. 3562	2006				\$75.00 (\$50.00 if paid w/ 30 days) \$150.00 (\$100.00 if paid w/ 30 days) \$150.00 (\$100.00 if paid w/ 30 days) \$150.00 (\$100.00 if paid w/ 30 days) \$150.00 (\$100.00 if paid w/ 30 days)	Ticket Information Bylaw (No. 2743)

Smoking Bylaw Summary for Select Authorities in BC

Authority	Bylaw	Enacted	Smoking Bylaw Restriction	Distance	Measure	Fine	Comment
New Westminster	Smoking Control Bylaw No. 6263	1995	Service line	NA	NA	\$2,000 maximum (each day of violation is a separate offence)	
			Public transportation facility or vehicle, including school bus, public bus, Sky Train, transit shelter or waiting room relating to any form of transportation	NA	NA		
			Elevator, escalator or inside stairway	NA	NA		
			Restroom generally used by and open to the public	NA	NA		
			Any retail premises	NA	NA		
			Taxicab	NA	NA		
			Personal services establishment	NA	NA		
			Place of public assembly	NA	NA		
			Office workplace	NA	NA		
			Common hallway, passageway, lobby, laundry room or exercise room in a multi-residential premises	NA	NA		
Coquitlam	Smoking Control Bylaw No. 4125	2010	In a restaurant	NA	NA	\$10,000 maximum, each day is considered a separate offence	
			In a bowling alley	NA	NA		
			In a billiard hall	NA	NA		
			In a building	NA	NA		
			In a vehicle for hire	NA	NA		
			In a public transportation facility or vehicle, including school bus, public bus, sky train, West Coast Express, transit shelter or waiting area	NA	NA		
			In any park	NA	NA		
			In any place of employment	NA	NA		
			In any Place of Public Assembly	NA	NA		
			In any City owned or operated vehicle	NA	NA		
North Vancouver (City)	Smoking Control Bylaw No. 3037	1996	In a customer service area, except where the CSA caters exclusively to persons 16 years or older	NA	NA	\$10,000 maximum and/or imprisonment for up to 6 months	Ticket Information Utilization Bylaw No. 6300
			Smoking where unauthorized	NA	NA		
			Designated non-smoking area violation	NA	NA		
			Signage violation	NA	NA		
			No person may smoke w/ a space except private residence, hotel/motel, private passenger motor vehicle, space not open to the public; outdoor customer service area, designated smoking room in a liquor outlet	NA	NA		
			Smoking where prohibited	NA	NA		
			Failure to post	NA	NA		
			Defacing/concealing sign	NA	NA		
			Permitting smoking where prohibited	NA	NA		
			Interference with entry to Enforcement Officer	NA	NA		
North Vancouver (City)	Smoking Regulation Bylaw No. 8032	2009	Smoking w/ or around a bus shelter	7.5 m	NA	\$50	
			Removing, altering, concealing, defacing or destroying a sign	NA	NA	\$100	

Smoking Bylaw Summary for Select Authorities in BC

Authority	Bylaw	Enacted	Smoking Bylaw Restriction	Distance	Measure	Fine	Comment
North Vancouver (District)	Smoking Regulation Bylaw No. 7792	2010	In a building	NA	NA	\$10,000 maximum (each day is a separate offence)	A person may smoke in or within 6 m of a transit shelter or transit stop if no other persons are present
			In a vehicle for hire	NA	NA		
			In any public transit vehicle, including school bus, passenger bus, water taxi or ferry	NA	NA		
			Building, transit stop or transit shelter where people wait to board a vehicle for hire	6 m	NA		
			Outdoor customer service area	6 m	In or within the perimeter		
			Opening into any building including any door or window that opens or any air intake	6 m	On the ground from the point directly below		
			Children's play equipment or playground, playing field (if others are present), swimming beach, food concession, picnic area or skateboard park in a park	6 m	In or within		
			Any part of a park or other municipal property that is used for any public event or activity authorized by issuance of a permit	6 m	In or within		
			Grounds of any municipal building used for public recreation	6 m	In or within		
			Lynn Valley Village or Maplewood farm	6 m	In or within		
Abbotsford	Smoking Regulation Bylaw No. 1694-2007	2007	Smoking where prohibited	NA	NA	\$25	Ticketing bylaw
			Smoking where prohibited in a park	NA	NA	\$25	
			Smoking where prohibited - subsequent offence	NA	NA	\$125	
			Smoking where prohibited in a park - subsequent offence	NA	NA	\$125	
			Responsible person allowing smoking where prohibited	NA	NA	\$200	
			Responsible person fail to display sign	NA	NA	\$200	
			Person remove or deface sign	NA	NA	\$100	
			Obstruction	NA	NA	\$200	
			Inside a Public Building	NA	NA	\$50	
			Entrance to a Public Building or of any air intake vent or operable window for a Public Building	7 m	Within	\$50	
Prince George	Fire Services Bylaw No. 1513-2006	2006	Smoke in outdoor public space when not allowed	NA	NA	\$60	Offence Act or Municipal Ticket Information Bylaw
			Smoking where prohibited	NA	NA	\$200	
			No person shall smoke in a workplace	NA	NA	\$500 maximum	
			No person shall smoke in a business place	NA	NA	\$500 maximum	
			No person shall smoke in a place of public assembly	NA	NA	\$500 maximum	
			No person shall smoke in a public place	NA	NA	\$500 maximum	
			No person shall smoke in a taxi cab	NA	NA	\$500 maximum	
			Allows smoking	NA	NA	\$500.00	
			Smoking in taxi	NA	NA	\$150.00	
			Fail to comply with smoking requirements	NA	NA	\$500.00	
Victoria	Dance Club Bylaw Vehicle for Hire Bylaw Dance (All-Night Event) Bylaw	1986	No person shall smoke in a workplace	NA	NA	\$500 maximum	Municipal Ticket Information Bylaw
			No person shall smoke in a business place	NA	NA	\$500 maximum	
			No person shall smoke in a place of public assembly	NA	NA	\$500 maximum	
			No person shall smoke in a public place	NA	NA	\$500 maximum	
			No person shall smoke in a taxi cab	NA	NA	\$500 maximum	
			Allows smoking	NA	NA	\$500.00	
			Smoking in taxi	NA	NA	\$150.00	
			Fail to comply with smoking requirements	NA	NA	\$500.00	
			No person shall smoke in a workplace	NA	NA	\$500 maximum	
			No person shall smoke in a business place	NA	NA	\$500 maximum	

Smoking Bylaw Summary for Select Authorities in BC

Authority	Bylaw	Enacted	Smoking Bylaw Restriction	Distance	Measure	Fine	Comment
Capital Regional District	Clean Air Bylaw No. 2401	1996	No person shall carry or have in his possession a burning cigarette or cigar or a pipe containing burning tobacco, or burn tobacco in any other manner in any school yard or inside any part of a building, structure or vehicle or passenger conveyance, except in a private residence or a private vehicle	NA	NA	Offence Act	
			Smoke where prohibited	NA	NA		Municipal Ticket Information for Enforcement of Municipal Bylaws
			In a building	NA	NA		Except a dwelling unit, sleeping unit, hotel or motel room or enclosed premises
			In a vehicle for hire	NA	NA		
			On public transit, including a school bus, passenger bus, ferry or rapid transit	NA	NA		
			In an enclosed or partially enclosed shelter where people wait to board a vehicle for hire or public transit	NA	NA		
			In a vehicle when any other occupant of the vehicle is under the age of 19 year of age	NA	NA		
			Any opening into any building, including any door or window that opens or any air intake	7.5 m	On the ground from a point directly below any point of any opening into any building		
			In a customer service area	7.5 m	In or within the perimeter	\$500.00	
			Smoke where prohibited	NA	NA	\$750.00	
Surrey	Bylaw No. 16694 Surrey Public Health Smoking Protection Bylaw	2008	Sign not displayed	NA	NA	\$300.00	
			Sign requirements not met	NA	NA	\$200.00	
			Remove/alter/conceal/deface/destroy sign	NA	NA	\$400.00	
			In any common public area	NA	NA		Municipal Ticket Information for Enforcement of Municipal Bylaws
			In a taxi cab, limousine or vehicle for hire	NA	NA		
			In a school bus, public bus or other form of public transportation	NA	NA		
			In any part of a commercial establishment except as otherwise permitted in this bylaw	NA	NA		
			In a restaurant	NA	NA		
			In any place of employment	NA	NA		
			In any place of public assembly	NA	NA		
Delta	Delta Smoking Regulation Bylaw No. 5891	2001	In a mall	NA	NA		
			In a casino or liquor outlet	NA	NA		
			In any hotel or motel rooms designated as non-smoking by the management of the hotel or motel	NA	NA		

Smoking Bylaw Summary for Select Authorities in BC

Authority	Bylaw	Enacted	Smoking Bylaw Restriction	Distance	Measure	Fine	Comment
Maple Ridge	Maple Ridge Smoking Regulation Bylaw No. 5495	1987	In any common public area	NA	NA		
			In a taxi cab, limousine or vehicle for hire without the consent of all passengers and the driver	NA	NA		
			In a public transportation facility or vehicle, including but not limited to a school bus, a public bus, the "West Coast Express", a transit shelter or waiting room relating to any form of transportation	NA	NA		
			In any part of a commercial establishment except as otherwise permitted in this bylaw	NA	NA		
			In any place of employment	NA	NA		
			In any place of public assembly except as otherwise permitted in this by-law	NA	NA		
			In a mall	NA	NA		
			In any hotel or motel rooms designated as non-smoking	NA	NA		
			In any District owned or operated buildings or vehicles except as otherwise set out in Appendix A of this by-law	NA	NA		
			In any health care facility except as otherwise permitted in this by-law	NA	NA		
			In any service line	NA	NA		
			At any service counter	NA	NA		
			In a restaurant, except in a patio or in a Smoking Room	NA	NA		
			In a liquor outlet, except in a patio or in a Smoking Room	NA	NA		
			Smoking prohibition	NA	NA	\$50.00	
	Maple Ridge Ticket Information System Utilization Bylaw No. 4432	1990	Permitting smoking	NA	NA	\$100.00	
			Signs not posted	NA	NA	\$100.00	
			Signs fail to conform with requirements	NA	NA	\$100.00	
			Inadequate sealing	NA	NA	\$100.00	
			Failure to provide smoking area location as required	NA	NA	\$100.00	

Smoking Bylaw Summary for Select Authorities in BC

Authority	Bylaw	Enacted	Smoking Bylaw Restriction	Distance	Measure	Fine	Comment
Burnaby	Burnaby Smoking Regulation Bylaw	1996	In a restaurant except in a smoking room	NA	NA	\$2,000 maximum	Casino, bingo hall, liquor licence establishment or other commercial establishment where minors are prohibited by law may designate an area within the premises as a designated smoking area
			In a mall	NA	NA		
			In any part of a building that is generally open to and accessible by the public or generally available for common use by the occupants including, but not limited to, hallways, foyers, stairways, elevators, escalators, laundry rooms, washrooms and amenity areas	NA	NA		
			In a taxi cab or limousine except with the consent of all passengers and the driver	NA	NA		
			In a school bus, public bus or other form of public transportation	NA	NA		
			In a hotel or motel room designated by the proprietor as non-smoking	NA	NA		
			In a place of public assembly except in a smoking room	NA	NA		
			In any part of a commercial establishment except as permitted by section 6 or in a smoking room	NA	NA		
			In any place of employment not referred to in this section, except in a smoking room	NA	NA		



March 31, 2011

His Worship Derek Corrigan
Mayor, City of Burnaby
4949 Canada Way
Burnaby, BC V5G 1M2

Dear Mayor Corrigan:

Thank you for your letter regarding non-smoking by-laws. I appreciate receiving your overview of how things currently stand and have shared your comments with the Minister of Health, the Honourable Michael de Jong. Please be assured that they will be included in related discussions.

Sincerely,

Christy Clark
Premier

pc: Honourable Michael de Jong

0000-10
s.22(1)

The Honourable Christy Clark
Premier of British Columbia
Box 9041
Station PROV GOVT
Victoria BC V8W 9E1

Dear Christy Clark:

I am writing to you to make smoking a illegal in British Columbia. I think that smoking should be illegal because it can cause lung cancer and many other illnesses. for a example, there are illnesses linked to first hand smoking ,second hand smoking and third hand smoking.

Did you know that if smoking doesn't become illegal before 2030 8.3 million humans will be killed according to the World Health Organization. They also say that every 6.5 seconds a current or a former smoker will die so if you calculate it every minute 11 people will die. Also, over 443,000 Americans (over 18 percent of all deaths) die because of smoking each year. Secondhand smoke kills about 50,000 of them and thats just America. What about China [the most populated country]? Well I know that thats 2,000 a DAY and 1.2 a year just from smoking in China.

And to make it worse Tobacco use will kill 1 billion people in the 21st century if current smoking laws continue. Finally 33 percent to 50 percent of all smokers are killed by their habit.

Sincerely,

s.22(1)

April 12, 2011

s.22(1)

Dear

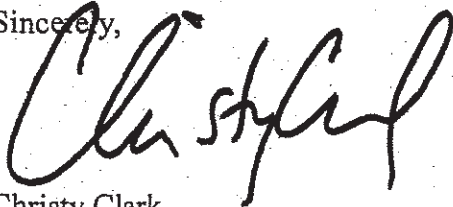
Thank you for your letter regarding cigarette smoking. I note that you would like to see a ban on all cigarette smoking in British Columbia.

It is good to see someone of your generation take on the fight against the smoking of tobacco. It was not such a long time ago that smoking was quite acceptable in society—before people began to understand how injurious it is to their own health and to the health of those around them. As we have all learned more about the dangers of smoking, there is less tolerance for it. You may find the information on government's tobacco control web page encouraging in terms of learning about the things we are doing to help people quit and protect others from second-hand smoke:

<http://www.health.gov.bc.ca/tobacco/index.html>

Thank you again for writing ^{s.22(1)} It is always good to hear from students, I wish you all the best with your schoolwork.

Sincerely,



Christy Clark
Premier

s.22(1)

s.22(1)

From: [mailto: |
Sent: Monday, August 22, 2011 1:17 PM
To: OfficeofthePremier, Office PREM:EX
Cc: Lekstrom.MLA, Blair LASS:EX; Bond.MLA, Shirley LASS:EX; deJong.MLA, Mike LASS:EX; Farnworth.MLA, Mike LASS:EX; Dix.MLA, Adrian LASS:EX
Subject: BC Ferries Smoking Policy

Dear Sir,

You cannot smoke on public most transportation in Canada.

You cannot smoke on a 14 hour flight around the world.

But your government allows smoking on 2 hour BC ferry trips.

Young children have to mix with smokers on the decks of the ferries to and from Vancouver Island.

BC Ferries inform me they are complying with the Law. Therefore the Law is wrong and it is up to your government to fix it.

Children should not be exposed to second hand smoke on BC ferries.

Regards

s.22(1)

From: OfficeofthePremier, Office PREM:EX
Sent: Tuesday, August 23, 2011 10:51 AM
To:
Cc: Transportation, Minister TRAN:EX
Subject: RE: BC Ferries Smoking Policy

Thank you for your email regarding smoking aboard BC Ferries' vessels on longer trips.

This is just a note to let you know that the Hon. Blair Lekstrom, Minister of Transportation and Infrastructure will ensure that you are sent a response specific to your comments on this matter.

Again, thank you for taking the time to write.

From: [mailto: |
Sent: Thursday, June 9, 2011 9:01 PM
To: OfficeofthePremier, Office PREM:EX
Subject: Question Regarding - Bill 10 - 2007 - Banning Smoking in Public Places

Bill 10 - 2007 - ...BANNING TOBACCO AND SMOKING IN PUBLIC
PLACES...AMENDMENT ACT, 2007
Section 3 - Sub-section 2.3 No smoking in or near certain places

Can we get this updated to include public streets in front of office buildings and other retail fronts, such as downtown by public sidewalks? It's so hard for those with Asthma or other health issues when people walk and smoke on the streets.

I work downtown where I have no choice but to walk along the street in order to get to work and there is not a day where I can't avoid it, I have asthma and now pregnant and so afraid as it is affecting my health. I can't afford to quit my job as it can't be avoided anywhere really. I believe I speak for the general public that does not smoke and who has or will develop health issues due to these people who have no consideration for those who have to walk behind them... I try so hard to run in front of these people in order to avoid the smoke stacks that follow them. In most instances, the area that I am in, they smoke drugs as well. Please please vouch for us. This is a dream of mine to help our planet.

Please let me know what needs to be done in order to save millions of people from lung disease and other related illnesses - greatly appreciated.

(1) Subject to subsection (2), a person must not smoke tobacco, or hold lighted tobacco,
(a) in any building, structure, vehicle or any other place that is fully or substantially enclosed and
(i) is a place to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry,
(ii) is a workplace, or
(iii) is a prescribed place, or
(b) within a prescribed distance from a doorway, window or air intake of a place described in paragraph (a).

Public Citizen who cares for our community Health

From: OfficeofthePremier, Office PREM:EX

Sent: Monday, July 4, 2011 3:31 PM

To:

Cc: Health, HLTH HLTH:EX

Subject: RE: Question Regarding - Bill 10 - 2007 - Banning Smoking in Public Places

Thank you for your email. These are exciting times for British Columbia as we change the way government works and focus on reconnecting with the public. I am encouraging a two-way dialogue between British Columbians and government, and I do appreciate that you have written to express your views on BC's Tobacco Control Act.

Public input is playing an important role in our efforts to improve the health of individuals and families across the province. In that light, I have shared a copy of your correspondence with the Minister of Health, the Honourable Michael de Jong. Minister de Jong and his staff will include your personal feedback in their related discussions.

Thank you for sending in your comments. It was good to hear from you.

pc: Honourable Michael de Jong

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

s.22(1)

From [mailto: |
Sent: Wednesday, March 2, 2011 5:24 PM
To: OfficeofthePremier, Office PREM:EX
Subject: Smoke-free housing needed for B.C. residents

Dear Premier Christy Clark,

Please find attached a letter outlining the concerns of many British Columbians regarding the issue of drifting second-hand smoke in multi-unit dwellings. I know I speak for many British Columbians who are affected by drifting second-hand smoke, as I have personally spoken to many of them myself. We are asking the Provincial government to expand on the excellent work it has done to protect British Columbians from second-hand smoke in public places and expand the legislation to include smoking bans in multi-unit dwellings where many British Columbians are deprived of their health and ability to enjoy their homes due to drifting second-hand smoke.

Sincerely,

s.22(1)

To: B.C. Premier Christy Clark
From: s.22(1)

Re: *By-Laws to protect residents from Drifting Second-Hand Smoke*

Date: March 2, 2011

Dear Mrs. Premier,

I am contacting you as a concerned citizen regarding the issue of drifting second-hand smoke in multi-unit dwellings. I and a number of fellow British Columbians have serious concerns regarding the effects of drifting second-hand smoke on our health and well-being. We are asking for your help in enacting legislation that will protect the health of the large number of British Columbians who do not smoke but are exposed to drifting second-hand smoke in multi-unit dwellings.

There are several reasons why this is a timely topic for investigation and action:

Firstly the health hazards associated with smoking and second hand smoke are indisputable. Health Canada, Canadian Cancer Society, BC Ministry of Health Services, Heart and Stroke Foundation of BC, and The Lung Association of BC are among the many organizations that cite research that smoking and second-hand smoke are serious public health issues. As each notes lung cancer is the leading cause of deaths for men and women in Canada. And as the Canadian Cancer Society clearly states, "No amount of second-hand smoke is safe". This proclamation shouldn't surprise anyone. For over a decade, the health hazards associated with smoking have been widely disseminated and those arguments that questioned the validity of the health concerns, discredited.

Secondly the Provincial government's recent 'anti-smoking' legislation now prohibits smoking within:

- 3 metres of public or workplace doorways, opening windows, or air intakes (i.e. a "buffer zone") and.
- Common areas of apartment buildings, condominiums and dormitories will be smoke-free.

The problem is that this legislation is not advanced or specific enough to protect tenants and condo owners in their own homes, as it does not specify smoking restrictions with specific language pertaining to multi-unit rental and private residences.

Thirdly, in Canada's Charter of Rights and Freedoms there is 'no right' to smoke enshrined in Canadian law. The Charter does, however, protect the rights of non-smokers to breathe clean air and the rights of children to be raised in a smoke-free environment.

In a small handful of cases, Canadian courts have been sympathetic to the plight of non-smokers unwillingly exposed to drifting SHS in their own homes. Cases have been won on the premise of nuisance, as well as a breach of the covenant of quiet or peaceful enjoyment.

Fourthly within current Strata Act Bylaws, Section 3: Use of Property states that:

(1) An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that:

- (a) causes a nuisance or hazard to another person,

(c) unreasonably interferes with the right of other persons to use and enjoy the common property, common assets or another strata lot

However, there is no specific reference to smoking in this regard, and strata councils are resistant to impose restrictions on smoking, even though the health and well-being of numerous residents is severely compromised.

Secondhand smoke is, as the courts have acknowledged, considered a nuisance. In *Raith v. Coles*, 1984, County Court of Westminster, British Columbia, a 'nuisance' case involving drifting cigar smoke from one condominium unit to another was brought in front of the courts. The judge granted an injunction to prevent the smoke from continuing to bother the plaintiffs. In the ruling the judge said:

"This is not a simple dislike of the smell – there is concern based on medical grounds. While the individual must be expected to put up with some inconvenience in today's world there comes a point where the perpetrator of a problem must curtail his actions when they become demonstrably harmful to others... There are many things a person may not do in his house or castle – in the case of these Respondents, one of these things now is that he may not allow there to be emitted or discharged a noxious substance, in this case, cigar smoke and odour, from his premises..."

The Strata Act does empower condominium strata councils to determine the degree, if any, they wish to restrict smoking beyond federal and provincial regulations, yet many strata councils are resistant to such restrictions, and even though 85% of BC residents are non-smokers, winning a ¾ vote to change strata by-laws is a long uphill battle for concerned residents since those who smoke will obviously vote against it, and those who aren't affected or who are uninformed are often apathetic and don't vote. As a result, many residents continue to suffer the negative effects of second-hand smoke with little help from outside agencies or government, aside from the few who have decided to take legal action (which many people cannot afford – nor is this a desirable process for any neighbour to have to go through).

In short, it appears that if residents in multi-unit dwellings are to be protected from the harmful effects of drifting second-hand smoke, this protection will need to come from the government. As a group of concerned citizens, we are asking for your help in making the necessary changes to our Provincial by-laws, to the Strata Act, or whatever changes need to occur so those of us who choose a healthy lifestyle are not deprived of our health, well-being or ability to enjoy our homes.

Sincerely,

s.22(1)

on behalf of a number of concerned British Columbians

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

From: OfficeofthePremier, Office PREM:EX

Sent: Tuesday, March 8, 2011 3:55 PM

To:

Subject: FW: Smoke-free housing needed for B.C. residents

Thank you for your email to Premier-designate Clark regarding the effects of drifting second-hand smoke and anti-smoking legislation in British Columbia. We will bring this information to her attention at our earliest opportunity.

Again, thank you for sending in your comments.