

Crane, Bob OHCS:EX

From: Gene Chin s.22
Sent: Friday, April 1, 2011 9:49 AM
To: Gene Chin
Subject: Implementing a No-smoking Policy in Non-Profit Housing - March 21 & 23 teleconference notes
Attachments: 110321 and 110323 non profit teleconference notes FINAL.pdf

Hello All:

Please find attached the summary notes from the March 21 and March 23 teleconferences hosted by the Heart and Stroke Foundation of BC & Yukon (HSFBCY) on Implementing a No-Smoking Policy in Non-Profit Housing. Information from Sharon Hammond's PowerPoint presentation is not reiterated in the attached notes.

I hope you found the teleconferences useful and that it has spurred you to want to implement a no-smoking policy if you have not already done so. On behalf of the HSFBCY, I want to thank:

- Sharon Hammond of Context Research, Ulryke Weissgerber of Metro Vancouver Housing and Erin Smandych of BC Housing in providing their time and expertise in this issue
- the BC Non-Profit Housing Association for advertising the teleconferences
- the BC Healthy Living Alliance for their funding
- the Tobacco Control Programme of Health Canada for providing the teleconference line for the meetings

Please don't hesitate to contact me if you require any additional information on this issue.

Sincerely,
Gene Chin

(Mr.) Gene Chin

Provincial Coordinator

Clean Air Coalition of B.C.

A coalition of the Heart and Stroke Foundation of BC & Yukon and the BC Lung Association

telephone/fax: 604-685-7036

email: s.22



www.cleanaircoalitionbc.com

Smoke-Free Teleconference 11 03 23

Metro Ten

50 bldgs, 11 muns

4 atts

Survey - ID clusters w/in bldgs

Meeting - intention to go ahead

SHS - put in notice, ask for consideration
Landlord can't demand not smoking
Tenant can't take to dispute res

Offered internal moves

New bldg would start as smoke-free

BCH

People asking for smoke-free units

Survey - w/ bldgs have greatest degree of support

Created addendum to tenancy agt

When offer smoke-free agt, many back out

Portfolio mgrs asked to ID additional bldgs

Went out to sm policy guidelines to
include SHS as an example of a
back of quiet enjoyment

Erin - don't want to erect to street

Hilroy

Crane, Bob OHCS:EX

From: Maxwell, David OHCS:EX
Sent: Tuesday, December 20, 2011 12:43 PM
To: 'Danielle Scott'
Cc: Crane, Bob OHCS:EX
Subject: RE: Smoking

Hello Danielle:

Thank you for this information summarizing the work BC Housing has been doing concerning the demand for smoke free housing. I see this information as a good start on the commitment made to work together on this issue.

Based on the information you have provided it seems that the need for smoke free housing is very low. Are you able to determine if the 0.4% are clustered in any one geographic area?

I am interested to know if you have any information about the total number of non-smoking buildings (including the number of units involved) that are available in BC.

In addition to the questions you have included on the Housing Registry I am interested to know if you have developed any policy or taken any other actions on the issue of smoking.

Regards

David Maxwell

Senior Policy Analyst, Housing Policy Branch, Office of Housing and Construction Standards
Ministry of Energy and Mines, 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 delete both the message and any attachments from your system and notify me by e-mail or telephone.

From: Danielle Scott [<mailto:dscott@bchousing.org>]

Sent: Friday, November 25, 2011 9:41 AM

To: Maxwell, David MEM:EX

Subject: Smoking

Hi David,

I hope you are doing well.

I thought I'd forward an update on the information we gather from the application form that relates to smoking.

Here are some stats as of Nov. 24, 2011:

- 91.2% of applicants on The Housing Registry answered the question on the application form: "Do you or anyone in your household smoke in your home?"
- Of those people who answered the question, 84.2% said 'No'.
- 100% of applicants on The Housing Registry answered the question on the application form: "Please describe any special requirements or features that you may need in your housing related to your mobility or health condition."

- Of those people, 0.4% indicated a need for a non-smoking building

Please feel free to call with any questions.

Best regards,
Danielle

Danielle Scott | Manager, Branch Administration
Operations
BC Housing
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For more heart and
stroke information:
www.heartandstroke.bc.ca
1.888.HSF.INFO
(1.888.473.4636)

Business number
11881 8343 RR0001

Implementing a No-Smoking Policy in Non-Profit Housing

March 21 2011 @ 10:30

and

March 23 2011 @ 14:00

Teleconference Summary Notes

The Heart and Stroke Foundation of BC & Yukon, with funding from the BC Healthy Living Alliance, is conducting a project aimed to gather knowledge on no-smoking policies in non-profit housing in BC, and to encourage, through information dissemination, implementation of no-smoking policies in non-profit housing in BC. Part of that information dissemination was through two teleconferences held on March 21 2011 @ 10:30 and March 23 2011 @ 14:00.

Speakers:

Sharon Hammond, Senior Consultant, Context Research
E shammond@contextresearch.ca
T 604.732.1859

Ulryke Weissgerber, Tenant Programs & Services Supervisor, Metro Vancouver Housing Corporation
E ulryke.weissgerber@metrovancover.org
T 604.451.6141

(March 23 only) Erin Smandych, Manager of Applicant Services, BC Housing
E esmandych@bchousing.org
T 604.439.4735

Number of Attendees

March 21 2011: 13

March 23 2011: 22

Presentation by Sharon Hammond

E shammond@contextresearch.ca
T 604.732.1859

Sharon made a presentation on the rationale for, benefits of and steps required to develop and implement a no-smoking policy. An electronic copy of the presentation was made available to all teleconference participants. Further in depth information, resources and tools can be found on the smoke-free housing website at:
www.smokefreehousingbc.ca

*For more information about smoke-free housing issues,
go to www.smokefreehousingbc.ca*

Presentation by Ulryke Weissgerber

E ulryke.weissgerber@metrovanancouver.org

T 604.451.6141

Metro Vancouver Housing implemented a no-smoking policy at four residential sites in the Metro region. All of these sites are still in transition, and thus there are no sites that are as yet 100% smoke-free. However, we are well on our way.

The process Metro Vancouver Housing went through to implement their no-smoking policies:

- Surveyed existing tenants to determine support for living in a smoke-free building, as well as their smoking behaviours, including whether they allow smoking inside their homes or whether they allow smoking by others in their unit
- Searched for natural clusters of “non-smoking behaviours” as the places to implement a no-smoking policy
- Held meetings with tenants to inform them of the new no-smoking policy (i.e. it was not a meeting to vote on policy, but to seek their input and address concerns)
- Included a no-smoking clause in all new tenancy agreements and informed any new tenants of the policy and that the building was in transition and not 100% smoke-free
- Allowed existing tenants the choice to move to another unit within the Metro Vancouver Housing portfolio of buildings (although no offers for this option have been accepted to date)

Practical issues:

- Question the results of some of the surveys - i.e. some residents indicated that they didn't smoke, but allowed visitors to smoke inside their units. It's possible that some may actually smoke, but didn't want to admit this as smoking is often viewed in a negative light
- There is a need for 100% smoke-free buildings as some tenants have profound health issues that are exacerbated by exposure to unwanted second hand smoke, but complexes that are in transition cannot be marketed as being smoke-free and the buildings may take years to become smoke-free as tenant turnover can be very low
- Issues of second-hand smoke, regardless if there is a no-smoking policy, need to be addressed if there are complaints by tenants

Presentation by Erin Smandych (March 23 only)

E esmandych@bchousing.org

T 604.439.4735

- BC Housing collects information from applicants for social housing units in order to determine the demand for smoke-free buildings.
- The Housing Registry Application Form asks applicants if “you or anyone in their household smoke in their home?”
- As of June 24, 2010, 82.2% of applicants on the Housing Registry responded “No” to the question, “Do you or anyone in your household smoke in your home?”



*For more information about smoke-free housing issues, go to
www.smokefreehousingbc.ca*

Implementing No-Smoking Policies in Non-Profit Housing
March 21 and March 23 2011 Teleconference Notes

Page 2

- In late 2009, a survey was conducted in six buildings in the Vancouver Coastal Region to determine tenant support for smoke-free housing. Results indicated high support at the Comox Street townhouses and Maclean Park Extension tower sites in Vancouver.
- On May 1, 2010, three sites went smoke-free:
 - Comox Street townhouses in Vancouver
 - Maclean Park Extension tower in Vancouver
 - Mountain View Manor in Keremeos
- Current tenants who smoke at these locations are grandfathered and will be allowed to continue to do so in their homes and on their balconies.
- New tenants moving in after May 1, 2010, will sign addendums to their residential tenancy agreements acknowledging that they are moving into a unit in which smoking is not permitted.
- Open houses were held at both the Comox Street townhouses and Maclean Park Extension locations to inform tenants about the change.
- BC Housing has installed signage by the front entrance, elevators and laundry rooms providing information that the building is converting to smoke free.
- The policy change is in response to requests from tenants, applicants and medical health officers for smoke-free buildings.
- As tenants turn over, the buildings will eventually become completely smoke free.
- BC Housing has experienced some challenges with filling vacancies as some applicants who answered no to the smoking question on the application form are unwilling to enter into the smoke free addendum when they realize that they will be putting their tenancy at risk if they are unable to comply. BC Housing will be reviewing the wording on the application form and also looking at different ways of communicating to applicants so that they understand the purpose of the question and what smoke free housing means.
- BC Housing will evaluate the steps taken at these sites and intends to expand the program to sites across the province in the coming years.

Q&A (March 21)

Q: (for Ulyrke) Were there any enforcement concerns where residents have signed a no-smoking tenancy agreement?

A: No enforcement issues have arisen. If there is an issue of someone breaching their tenancy agreement by smoking, this is a breach of a material term of their tenancy agreement, and we would enforce accordingly and as we would for any breach of the terms of their tenancy.

Regarding complaints of second-hand smoke where smoking is allowed, we will take steps to resolve the issue by sending a letter to the smoking resident advising that they have received a complaint and that they are impacting the quiet enjoyment of other residents. We ask that they adjust their smoking behaviour accordingly – but we are reluctant to take more strict enforcement steps (ie last resort eviction) because unless we have a really strong case, we do not trust that we could be successful at arbitration. Plus, decisions at the Residential Tenancy Branch are not



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Implementing No-Smoking Policies in Non-Profit Housing
March 21 and March 23 2011 Teleconference Notes

Page 3

precedent setting, and in these cases we would like to be more confident of a win at arbitration, as a loss could set back the process and embolden the offending resident.

Q: (for Ulryke) Our focus is on landlords taking the lead and bringing about a transition to smoke-free housing. We get a lot of queries from tenants who wish to bring about change. What steps might be taken to bring about smoke-free housing?

A: Having a smoke-free property from day 1 is the best approach to take if possible. Landlords have an obligation to address concerns of their tenants. (the question was fully answered in Sharon's PowerPoint presentation which followed)

Q: (for Sharon) What about the issue of residents who have Health Canada approval to smoke marijuana for medicinal reasons?

A: In cases where the resident has not signed a no-smoking agreement, if the marijuana smoke is not bothering the other residents, this would likely not be an issue.

However, if a housing provider decides to adopt a no-smoking policy, it's important to decide if you want to exempt "medical marijuana" from your policy. You may decide that you do not want to exempt 'medical marijuana' from the policy, and if this is the case, you are within your legal rights to require that all new residents comply with the no-smoking policy, especially if the policy stipulates what is recommended by the Smoke-Free Housing Initiative and the Rental Owners & Managers Society of BC:

"It is a material term of this tenancy agreement that smoking of any combustible material in the rental unit or on the residential property is prohibited."

If you choose to exempt 'medical marijuana' from your no-smoking policy, it is best to have a plan developed to address their marijuana use if it negatively affects other residents in the building. If the marijuana use is found to be unreasonably disturbing other residents, a housing provider should respond in the same way you would respond to any other breach of quiet enjoyment. Just because they are allowed to smoke it – doesn't mean they have unfettered freedom if it unreasonably disturbs other residents.

The Region of Waterloo's No –Smoking Policy allows exemptions for medical use of marijuana, but this is a decision not recommended by the Smoke-Free Housing Initiative. Medical marijuana can be smoked outdoors or consumed in other ways, such as marijuana cookies for example.

Q&A (March 23)

Q: (for Erin) Vancouver Coastal Health has received complaints from tenants regarding unwanted second hand smoke. Who should they contact regarding their complaint and/or the request for smoke free housing? Would a letter of support from VCH help?



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Implementing No-Smoking Policies in Non-Profit Housing
March 21 and March 23 2011 Teleconference Notes

Page 4

- A: The complaints should be directed to the portfolio manager for the housing provider. If you find that there are numerous complaints coming from one building, it would be useful to send a letter from the VCH to highlight this issue. BC Housing will be conducting surveys of additional developments in the next year in order to make decisions about future appropriate sites for designating as no-smoking buildings.
- Q: (for Erin) You mentioned that there has been some issue with residents who have indicated on their application forms that they don't allow smoking inside their units, and then have chosen not to consent to signing the no-smoking tenancy agreements. In these cases where the units have taken longer to fill due to this issue, could the vacancies also be the result of those that need to live in smoke-free environments and are looking for a 100% smoke-free building?
- A: The experience at BC Housing is that it has mostly been those who have previously stated that they did not smoke – when in fact they likely do – maybe because they thought this is what BC Housing wanted to hear. We may decide to revisit this question on our application form for this reason.
- Q: (for Sharon) Regarding addressing complaints of second-hand smoke where smoking is allowed in the unit, you mentioned that people in public housing have few options to move, so what is the option for housing providers if the smoking resident doesn't comply – to evict them, possibly leading to homelessness?
- A: Ulyke mentioned that Metro Vancouver would first try to transfer this smoking resident to another building where this might not be such a problem.

Sharon added that evictions would be a last resort option, after working with the residents to negotiate a solution.

While there wasn't time for further discussion of this issue on the call, it should be noted that in cases where it can be determined that the smoke is significantly bothering another resident on a regular and ongoing basis, landlords have a responsibility to act – regardless of whether the offending resident is living in private or public housing. People living in public housing do not have unfettered freedom. If someone plays loud music on a regular and ongoing basis and disturbs other residents, and refuses to resolve the issue, it's likely they would be evicted as a last resort. The same approach should be applied to complaints of extreme smoke infiltration.



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Implementing No-Smoking Policies in Non-Profit Housing
March 21 and March 23 2011 Teleconference Notes

Page 5

Smoke-free Sites

- BC Housing collects information from applicants for social housing units in order to determine the demand for smoke-free buildings.
- The Housing Registry Application Form asks applicants if they or household members smoke.
- As of June 24, 2010, 82.2% of applicants on the Housing Registry responded “No” to the question, “Do you or anyone in your household smoke in your home?”
- In late 2009, a survey was conducted in six buildings in the Vancouver Coastal Region to determine tenant support for smoke-free housing. Results indicated high support at the Comox Street townhouses and Maclean Park Extension tower sites in Vancouver.
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- Current tenants who smoke at these locations will be allowed to continue to do so in their homes and on their balconies.
- New tenants moving in after May 1, 2010 will not.
- New tenants will sign addendums to their residential tenancy agreements acknowledging that they are moving into a unit in which smoking is not permitted.
- Open houses were held at both the Comox Street townhouses and Maclean Park Extension locations to inform tenants about the change.
- The policy change is in response to requests from tenants, applicants and medical health officers for smoke-free buildings.
- As tenants turn over, the buildings will eventually become completely smoke free.
- BC Housing will evaluate the steps taken at these sites and intends to expand the program to sites across the province in the coming years.
- These three locations will join Libby Lodge, an assisted living site in West Vancouver which will become part of BC Housing’s directly managed portfolio in 2010/11, to be smoke-free buildings.