

951058

**MINISTRY OF HEALTH  
INFORMATION BRIEFING NOTE**

**PREPARED FOR:** Honourable Dr. Margaret MacDiarmid, Minister of Health -  
**FOR INFORMATION**

**TITLE:** Smoke-Free Multi-Unit Dwellings

**PURPOSE:** Advise the minister of initiatives undertaken by BC Lung Association and Heart and Stroke Foundation that support smoke-free housing

**BACKGROUND:**

Fifteen percent of all British Columbians; 18% of multi-unit dwelling residents; and 9% of condominium owners use tobacco; but 26% of non-smoking residents of multi-unit dwellings are involuntarily exposed to second hand smoke in their homes. Tobacco use in multi-unit dwellings affects a huge number of British Columbians. An estimated two million British Columbians reside in multi-unit dwellings, including duplexes, townhouses and apartments (Heart and Stroke Foundation/BC Lung Association Position Paper). Over 80% of British Columbians are non-smokers. Additionally, there is no safe level of exposure to second-hand smoke (which has a greater impact on small children because of their developing, smaller bodies). A number of local governments have taken measures to increase smoke-free protection beyond that provided by the *Tobacco Control Act*, for example, with larger buffer zones, by banning smoking on hospitality patios or by banned smoking on sports fields or parks. However the issue of second hand smoke exposure and multi-unit dwellings is a difficult one to address.

One of the successful projects initiated by the BC Healthy Living Alliance (with funding from the Ministry of Health) was a resource for multi-unit dwelling tenants, managers/owners and stratas: [www.smokefreehousingbc.ca](http://www.smokefreehousingbc.ca) (now operated by the Heart and Stroke Foundation). At this site, information is provided on how to promote and increase smoke-free housing options. The Ministry receives many requests for assistance from non-smokers for greater smoke-free protection in their multi-unit homes.

S13

**Canitz, Shelley L HLTH:EX**

---

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Monday, November 19, 2012 1:26 PM  
**To:** 'Sandra.Duncan@gov.yk.ca'  
**Subject:** FW: Would you pls send me info

I though you mentioned at TCLC that you have SF housing policies in YK - if so, would you send them?

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

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Wednesday, October 10, 2012 11:06 AM  
**To:** 'Sandra.Duncan@gov.yk.ca'  
**Subject:** Would you pls send me info

On the SF housing policy in YK?

Thanks

Page 4 redacted for the following reason:

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Not Responsive

**Hooton, Raylene HLTH:EX**

---

**From:** Population and Public Health HLTH:EX  
**Sent:** Wednesday, November 7, 2012 9:36 AM  
**To:** S22  
**Subject:** FW: regulation enforcement

**EMAIL RESPONSE**

947415

S22

Thank you for your email dated October 12, 2012, regarding enforcement of the three metre smoke-free buffer zone under the tobacco legislation. The Honourable Dr. Margaret MacDiarmid, Minister of Health, has shared your email with me and I am happy to respond on her behalf.

Under the *Tobacco Control Act*, a smoke-free three metre “buffer zone” is created around doorways, open windows, and air intakes of indoor public and work places. This provincial baseline protects against smoke entering the building and protects people as they enter or exit the building. Complaints about violations of the *Tobacco Control Act* should be directed to the appropriate health authority. Information on making a complaint to your local health authority can be found at:

<http://www.health.gov.bc.ca/tobacco/pdf/tecontacts.pdf>. Enforcement staff use a progressive enforcement model wherever possible, which focuses on educating owners and managers about their responsibilities under the tobacco legislation, encouraging compliance with the requirements and using penalties only as a last resort.

We appreciate your support for smoke-free measures. Thank you for advising us of the issues and your concerns.

Yours truly,

Laurie Woodland

-----  
**From:** S22  
**Sent:** Friday, October 12, 2012 1:17:33 AM  
**To:** Minister, HLTH HLTH:EX  
**Subject:** regulation enforcement  
**Auto forwarded by a Rule**

I see that workplaces are not allowed to have people smoking within three meters close to windows or doorways. A methadone clinic has clients that smoke from 1 to 2 packs per day on average. In the methadone clinic I am concerned about staff are heavily exposed to smoke coming in the building on busy days when there are 2 doctors onsite. I do not know how to see that this stops. I know complaints were made to supervisors, directors, managers by some staff. How can it be enforced without penalty to the staff.?

S22

## **Canitz, Shelley L HLTH:EX**

---

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Wednesday, November 14, 2012 9:53 AM  
**To:** Parasram, Karen HLTH:EX  
**Subject:** FW: may we meet to discuss these recommendations re: smoking in multi=unit dwellings?

FYI

---

**From:** Crane, Bob OHCS:EX  
**Sent:** Wednesday, November 14, 2012 9:53 AM  
**To:** Canitz, Shelley L HLTH:EX  
**Subject:** RE: may we meet to discuss these recommendations re: smoking in multi=unit dwellings?

Thanks, Shelley. I had to make it 3-4 pm to get a meeting room but everyone's calendar still looks good.

### **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: 250-356-7958** Fax: 250-356-8182  
[Bob.Crane@gov.bc.ca](mailto:Bob.Crane@gov.bc.ca)

---

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Wednesday, November 14, 2012 9:16 AM  
**To:** Crane, Bob OHCS:EX  
**Subject:** RE: may we meet to discuss these recommendations re: smoking in multi=unit dwellings?

Thanks, Bob – thanks for contacting RTB too - I was going to contact them separately and now it can all be handled together – much appreciated.

That time works for me – would you also include Karen Parasram of our office as an attendee?

Many thanks  
Shelley

---

**From:** Crane, Bob OHCS:EX  
**Sent:** Tuesday, November 13, 2012 4:11 PM  
**To:** Canitz, Shelley L HLTH:EX  
**Subject:** FW: may we meet to discuss these recommendations re: smoking in multi=unit dwellings?

Hi, Shelley. Roger asked me to set up a meeting to discuss these recommendations. The Residential Tenancy Branch would also be attending, as some of the recommendations relate to their legislation and mandate. It looks all of us would be free after 2 pm on Monday, Nov. 19. Would 2:30-3:30 work for you?

### **Bob Crane**

Senior Policy Analyst  
Housing Policy Branch  
Office of Housing and Construction Standards  
PO Box 9844 Stn Prov Govt, Victoria BC V8W 9T2

---

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Thursday, November 8, 2012 12:39 PM  
**To:** Lam, Roger OHCS:EX  
**Subject:** may we meet to discuss these recommendations re: smoking in multi=unit dwellings?

Hello, Roger – our ministry recently received this policy document and I'd like to walk through the ones that fall within housing policy. Would you have a time next week we could meet to discuss?

Many thanks

Shelley

Shelley Canitz  
Director, Tobacco Control Program  
Chronic Disease/Injury Prevention and the Built Environment | Population and Public Health | Ministry of Health  
250 952-2304

Join the Healthy Families BC community... <http://www.health.gov.bc.ca/prevention/>

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Director, Tobacco Control Program  
Chronic Disease/Injury Prevention and the Built Environment | Population and Public Health | Ministry of Health  
250 952-2304

Page 10 redacted for the following reason:

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Not Responsive

## **Canitz, Shelley L HLTH:EX**

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**From:** Crane, Bob OHCS:EX  
**Sent:** Tuesday, November 13, 2012 4:11 PM  
**To:** Canitz, Shelley L HLTH:EX  
**Subject:** FW: may we meet to discuss these recommendations re: smoking in multi=unit dwellings?  
**Attachments:** PS Smoke-Free MUDs.pdf

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Director, Tobacco Control Program  
Chronic Disease/Injury Prevention and the Built Environment | Population and Public Health | Ministry of Health  
250 952-2304

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## Canitz, Shelley L HLTH:EX

---

**From:** Parasram, Karen HLTH:EX  
**Sent:** Friday, November 9, 2012 11:58 AM  
**To:** Canitz, Shelley L HLTH:EX  
**Subject:** RE: can you send me an e-version of your S17 overview?

I sent up the info note to you already. I might be missing some stuff. I only had a hard copy and I couldn't find it. It may be of help if we have to do revisions.

---

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Friday, November 9, 2012 11:33 AM  
**To:** Parasram, Karen HLTH:EX  
**Subject:** FW: can you send me an e-version of your S17 overview?

Too late?

---

**From:** Jack Boomer [<mailto:>] S22  
**Sent:** Thursday, November 8, 2012 6:34 PM  
**To:** Canitz, Shelley L HLTH:EX  
**Subject:** RE: can you send me an e-version of your S17 overview?

Thanks.

Jack Boomer  
Email  
Phone S22  
Cell:

---

**From:** Canitz, Shelley L HLTH:EX [<mailto:Shelley.Canitz@gov.bc.ca>]  
**Sent:** November-08-12 5:20 PM  
**To:** 'Jack Boomer'  
**Subject:** can you send me an e-version of your S17 overview?

thanks

## Canitz, Shelley L HLTH:EX

---

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Friday, November 9, 2012 11:33 AM  
**To:** Parasram, Karen HLTH:EX  
**Subject:** FW: can you send me an e-version of your S17 overview?  
**Attachments:** 120928 Smoke-Free Housing Plan.doc

Too late?

---

**From:** Jack Boomer [[mailto:](#)] S22  
**Sent:** Thursday, November 8, 2012 6:34 PM  
**To:** Canitz, Shelley L HLTH:EX  
**Subject:** RE: can you send me an e-version of your S17 overview?

Thanks.

Jack Boomer  
Email  
Phone: S22  
Cell:

---

**From:** Canitz, Shelley L HLTH:EX [<mailto:Shelley.Canitz@gov.bc.ca>]  
**Sent:** November-08-12 5:20 PM  
**To:** 'Jack Boomer'  
**Subject:** can you send me an e-version of your S17 overview?

thanks

Pages 14 through 17 redacted for the following reasons:

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S13, S17

S13, S17

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**From:** Manning, John HLTH:EX  
**Sent:** Wednesday, November 7, 2012 7:26 PM  
**To:** Paton, Arlene HLTH:EX  
**Cc:** Casanova, Tamara HLTH:EX; Foran, Grace E HLTH:EX; Coburn, Lindsay HLTH:EX  
**Subject:** FW: Tobacco Report Card

Hi Arlene,

Here is a note I received earlier in the week.

Interesting to see how similar these proposals are to what we discussed today.

Sending this your way as FYI only – no specific follow up required.

Thanks,

John

**John Manning** | Ministerial Assistant  
Office of the Honourable Margaret MacDiarmid  
Minister of Health  
Province of British Columbia  
T: 250.953.3547 | F: 250.356.9587

---

**From:** Mark Collison [<mailto:MCollison@hsf.bc.ca>]  
**Sent:** Monday, October 29, 2012 4:01 PM  
**To:** Manning, John HLTH:EX  
**Subject:** Tobacco Report Card

Hi John,

Nice to chat with you briefly today.

Here is our tobacco report card that we issued in May. It outlines where we think there needs to be either policy or program interventions to strengthen tobacco control in the Province.

I have also included our position statement on smoke-free housing which also lists a number of provincial policy recommendations.

I will shoot you off a note about the S17 on Wednesday.

Regards,

Mark

**Mark Collison**, MPA  
Director, Advocacy & Stakeholder Relations | BC & Yukon  
Heart and Stroke Foundation  
T Victoria Office: 250.592.8040 | Vancouver Office 604.737.3422 | E [mcollison@hsf.bc.ca](mailto:mcollison@hsf.bc.ca)

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## Canitz, Shelley L HLTH:EX

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**From:** Woodland, Laurie HLTH:EX  
**Sent:** Thursday, November 8, 2012 9:25 AM  
**To:** Paton, Arlene HLTH:EX; Canitz, Shelley L HLTH:EX  
**Subject:** RE: Tobacco Report Card

As for the MUDS – it must be brand new as they didn't give it to the Minister a few weeks ago when Diego and Scott met with her. Shelley – can you follow up with Mark/Scott/Jack etc and see when and where this was distributed - I am a bit surprised/concerned that we didn't know about it. thx

Laurie Woodland  
Executive Director  
Chronic Disease/Injury Prevention and Built Environment  
Ministry of Health  
1515 Blanshard St, 4-2  
Victoria BC V8W 3C8

Phone: 250 952-2847 Fax: 250 952-1570  
Email: [Laurie.Woodland@gov.bc.ca](mailto:Laurie.Woodland@gov.bc.ca)



---

**From:** Paton, Arlene HLTH:EX  
**Sent:** Thursday, November 8, 2012 8:55 AM  
**To:** Woodland, Laurie HLTH:EX; Canitz, Shelley L HLTH:EX  
**Subject:** FW: Tobacco Report Card

You have probably already seen these?

Regards,

Arlene Paton  
Assistant Deputy Minister  
Population and Public Health  
Ministry of Health  
Tel: 250-952-1731

---

**From:** Manning, John HLTH:EX  
**Sent:** Wednesday, November 7, 2012 7:26 PM  
**To:** Paton, Arlene HLTH:EX  
**Cc:** Casanova, Tamara HLTH:EX; Foran, Grace E HLTH:EX; Coburn, Lindsay HLTH:EX  
**Subject:** FW: Tobacco Report Card

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John

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T: 250.953.3547 | F: 250.356.9587

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Regards,

Mark

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Director, Advocacy & Stakeholder Relations | BC & Yukon  
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## Canitz, Shelley L HLTH:EX

---

**From:** Mark Collison [MCollison@hsf.bc.ca]  
**Sent:** Thursday, November 8, 2012 2:25 PM  
**To:** Canitz, Shelley L HLTH:EX; 'mcdonald@bc.lung.ca'  
**Cc:** 'Jack Boomer'  
**Subject:** RE: copy of the MUD psotion statement  
**Attachments:** PS Smoke-Free MUDs.pdf

Shelley,

By all means you should have received one and am surprised to hear that you had not. After all, you (and others in your area) are the some of the folks we developed it for! I can't explain it, but do apologize!

Here it is in electronic hard copy. We are pleased to hear that you find it useful. I know it went to your DM and the Minister (de Jong at the time) as I seem to recall Scott bumping into Graham Whitmarsh and him expressing an interest in this policy area. Smoke-free housing remains a priority for the Clean Air Coalition and we really hope to get some traction on this issue this coming year.

Regards,

Mark

---

**From:** Canitz, Shelley L HLTH:EX [<mailto:Shelley.Canitz@gov.bc.ca>]  
**Sent:** Thursday, November 08, 2012 2:15 PM  
**To:** Mark Collison; 'mcdonald@bc.lung.ca'  
**Cc:** 'Jack Boomer'  
**Subject:** copy of the MUD psotion statement

Dear Scott, Mark and Jack – I've just seen the copy of the joint MUD position statement given to the Minister's office – had I seen a copy before? I've searched through my emails and can't see it – had you sent it?

I was surprised to find it was released in May! It's a good overview – where has it been distributed? Any feedback or response?

Thanks  
Shelley

Shelley Canitz  
Director, Tobacco Control Program  
Chronic Disease/Injury Prevention and the Built Environment | Population and Public Health | Ministry of Health  
250 952-2304

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TOBACCO CONTROL REPORT CARD

# HOW DOES BC COMPARE TO THE REST OF CANADA?

MAY 2012



# EXECUTIVE SUMMARY

**Tobacco use remains the #1 preventable cause of death and the negative health impacts due to second-hand smoke exposure are irrefutable.**

Measures to reduce smoking, and minimize exposure to second-hand smoke, are vital to public health.

On the issue of tobacco control, the BC government has exhibited remarkable leadership – most recently through subsidization of proven quit medications.

Overall however, we – the BC Lung Association and the Heart and Stroke Foundation (B.C. & Yukon) – believe the public is ready and the Province is capable of achieving more.

Thirty years of anti-tobacco advocacy combined with effective tobacco control has shifted public thinking.

Today less than fifteen percent of British Columbians smoke, social norms have changed and British Columbians feel it is a right to breathe clean air.

With our encouragement, paired with clear evidence of majority public support, our aim is to ignite decisive action on every available tobacco use deterrent.

To help the government focus in on areas we believe to be of greatest importance, we have chosen to assess BC's progress on tobacco control in seven key areas and to issue a report card.

The report card provides a summary of progress made, identifies best practices, and compares our achievements with those of other Canadian jurisdictions.

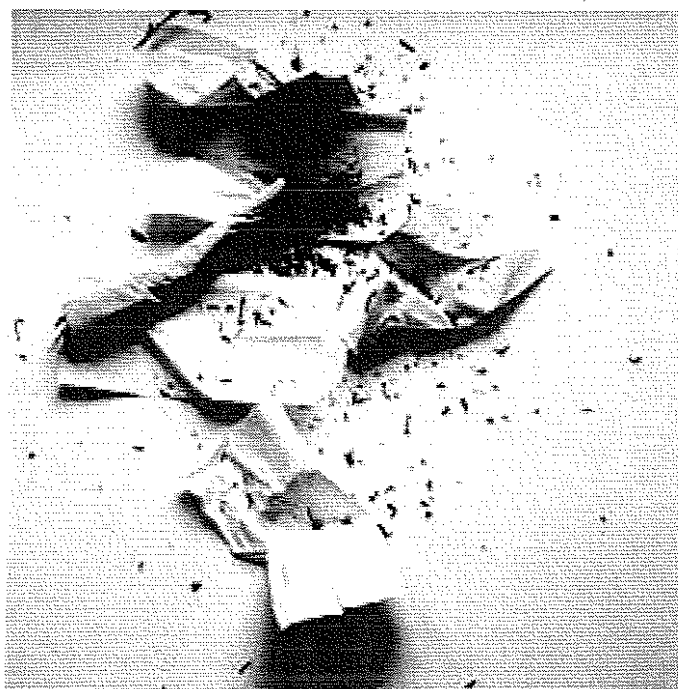
*Thirty years of anti-tobacco advocacy combined with effective tobacco control has shifted public thinking.*

Overall, we've awarded the Province a C+, but we believe grade A is in sight.

Like any effective measurement tool, the report card acknowledges success and frames areas in need of attention.

Our objective? The Province's commitment to a more aggressive tobacco control strategy worthy of the Premier's Healthy Families agenda.

Cigarette smoking cost the BC economy a reported \$2.4 billion annually including health, productivity, and other expenses.



And while BC has the lowest tobacco use rate in the country at 14.3 percent, its 550,000 tobacco users constitute the fourth largest population of tobacco users nation-wide.

British Columbians are ready for greater government action. A March 2012 survey conducted by the Mustel Group confirms clear public support exists for province-wide tobacco control laws and policies that:

- 1 *Ban smoking in outdoor public places including customer service patios in restaurants and bars; within 7.5 metres of customer service patios and entrances to public buildings; and at public events, such as parades, and outdoor seating areas of sporting and entertainment venues*
- 2 *Ban tobacco sales in pharmacies and stores that contain a pharmacy*
- 3 *Increase availability of smoke-free housing options in multi-unit dwellings; and provide effective tools for landlords to enforce smoke-free regulations*

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# INTRODUCTION

In order to provide an assessment of Province of British Columbia's tobacco control efforts, the Heart and Stroke Foundation (B.C. & Yukon) and the BC Lung Association have created a report card.

The report card grades the government's performance on tobacco control in seven key areas.

Grades are determined by comparing BC progress to best practices in tobacco control as well as to progress made in other Canadian jurisdictions.

The tobacco control areas addressed are:

- *Tobacco use rates*
- *Tobacco tax rates*
- *The sale of tobacco in pharmacies*
- *Smoking bans in outdoor public places*
- *Smoking in a motor vehicle when a minor is present*
- *Subsidized nicotine replacement therapies (NRT) and cessation medications*
- *Smoke-free multi-unit dwellings*

For each tobacco control area assessed, the following information is provided:

- 1 *A summary the Province's work on key tobacco control issues*
- 2 *The gold standard (where applicable) for each issue addressed*
- 3 *A comparison on BC's progress relative to other provinces and territories in Canada*

# BC TOBACCO CONTROL REPORT CARD 2012

Topic	Grade	Comments
Tobacco Use Rates	A-	<b>Keep up the good work!</b> Just remember that while BC has the lowest per capita rate, more than 550,000 British Columbians continue to smoke.
Tobacco Tax Rates	C	<b>Can do better.</b> Increasing tobacco taxes results in even more people quitting. It works. That said BC's tax rate compared with other provinces is average.
Sale of Tobacco in Pharmacies	F	<b>A failing grade!</b> If Bill 17 passes in Manitoba, BC will have the infamous distinction of being the last province to permit the selling of tobacco products in pharmacies.  We suggest corrective action as soon as possible.
Smoking in Outdoor Public Places	C+	<b>Some good progress.</b> More work is required. BC is rapidly turning into a patchwork of varying municipal regulations and bylaws. These are confusing and difficult to enforce, especially where there are differing outdoor public places bylaws in neighbouring municipalities. Provincial leadership is recommended to create consistency and continuity.
Smoking in a Motor Vehicle When a Minor is Present	B	<b>Good effort, but improvement required.</b> Youth are protected from second-hand tobacco smoke in motor vehicles to age 16. We believe this is inadequate and should be changed to age 19, the age of majority in BC.
Subsidized NRT and Cessation Pharmacotherapies	A	<b>Excellent work!</b> BC is a true leader in this important area. We look forward to seeing a rigorous evaluation of this program to assess results and contribute to world class best practices! Kudos.
Smoke-Free Multi-Unit Dwellings	C-	<b>Focused improvements required.</b> There is an incredible shortage of smoke-free housing options in BC. People who have health issues related to exposure to tobacco smoke are extremely vulnerable, especially in public housing. Government leadership is required to improve this situation.
OVERALL GRADE	C+	While BC has made some progress in tobacco control, there is still much work to be done. BC's tobacco control efforts are average compared to other provinces. BC has a long way to go to become a tobacco-free province. BC's tobacco control efforts are average compared to other provinces. BC has a long way to go to become a tobacco-free province.

# CONCLUSIONS

The Province has demonstrated impressive tobacco control leadership in a number of areas, but continues to drag its feet in others.

By shying away from full-scale commitment, BC receives average marks for its overall efforts to reduce tobacco use.

We urge the Province to replace its fragmented approach to tobacco control with a full-scale commitment; a commitment to a more aggressive and fully funded tobacco control strategy worthy of the Premier's Healthy Families agenda.

As part of this strategy, we suggest all proven measures to reduce tobacco use be implemented without delay including:

- *The ban of tobacco sales in pharmacies, and stores which contain pharmacies*
- *A province-wide ban on tobacco use in outdoor public places (restaurant/bar customer service patios, public parks and beaches, parades and outdoor sporting and entertainment venues)*
- *Regulation and policies to increase smoke-free housing options and provide landlord with effective enforcement tools*

The public supports decisive action on tobacco use.

The Province has an opportunity to become a national and global champion and to arrest the #1 preventable cause of death.

We cheer on the Province's aspirations to create the healthiest province in Canada, and wish to facilitate their success.



## APPENDIX A

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### HOW DOES BC TOBACCO CONTROL COMPARE?

- The gold standard (where applicable) for each tobacco control issue graded
- A summary of BC's progress on the issue
- How BC's progress compares to other Canadian provinces & territories



# APPENDIX A

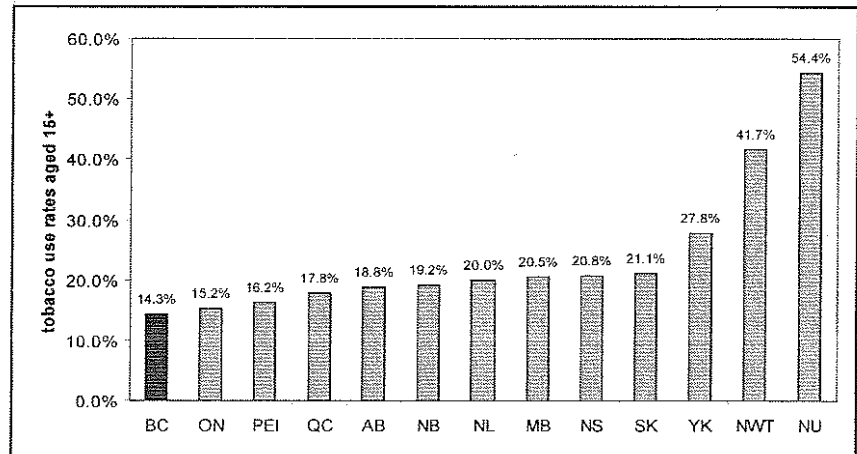
## TOBACCO USE RATES: GRADE A-

### How does BC compare?

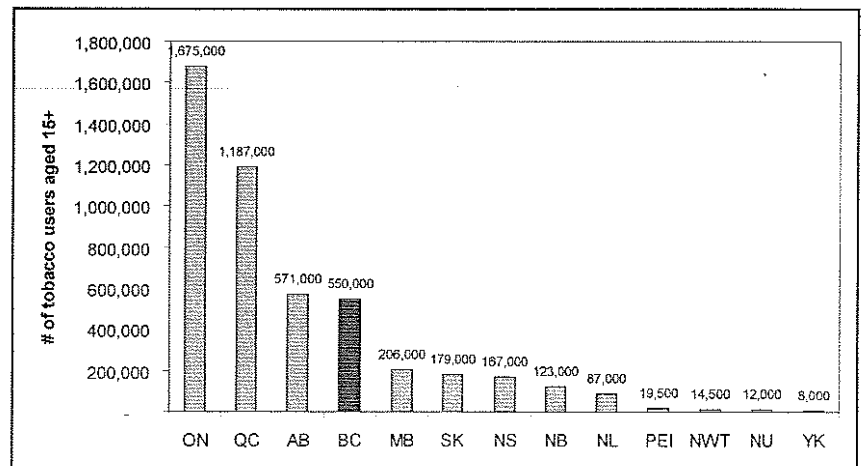
BC may have the lowest smoking rate in the country, but 550,000 people aged 15+ still use tobacco in BC, the fourth highest population of tobacco users in Canada.

Tobacco use rates are the result of many factors. Amongst these factors are no-smoking policies and regulations by all levels of authority.

### Tobacco Use Rates, 2010<sup>1</sup>



### Total Number of Tobacco Users Aged 15+, 2010



<sup>1</sup> Canadian Tobacco Use Monitoring Survey (CTUMS) 2010 for provincial rates. In the absence of such rates for the territories, the territorial rates are obtained from Canadian Community Health Survey 2010, which are generally 2 to 3 percentage points higher than CTUMS.

# APPENDIX A

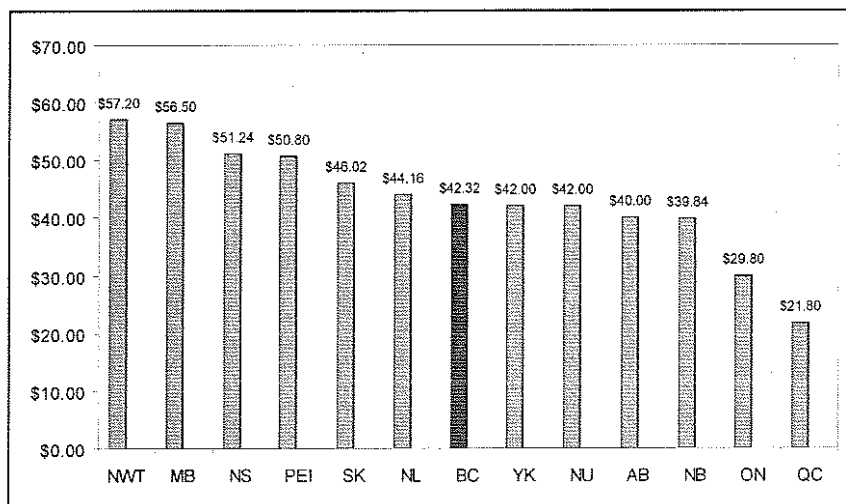
## TOBACCO TAXES: GRADE C

### How does BC compare?

Tobacco taxes work. They are proven to reduce smoking rates, especially among young people who are more price sensitive.

Note: The rates listed below are effective May 1, 2012, but do not include taxes on other tobacco products, such as loose leaf tobacco, which have different rates applied.

### Tobacco Taxes Per Carton of 200 Cigarettes<sup>2</sup>



<sup>2</sup> The rates listed include both direct tobacco tax rates and other provincial taxes placed on tobacco where applicable. The combination of such rates takes place in the following jurisdictions: the rate in MB is comprised of \$50.00 in tobacco taxes and \$6.50 in other provincial taxes; the rate in NS is comprised of \$43.04 in tobacco taxes and \$8.20 in other provincial taxes; the rate in SK is comprised of \$42.00 in tobacco taxes and \$4.02 in other provincial taxes; the rate in NL is comprised of \$38.00 in tobacco taxes and \$6.16 in other provincial taxes; the rate in BC is comprised of \$37.00 in tobacco taxes and \$5.32 in other provincial taxes; the rate in NB is comprised of \$34.00 in tobacco taxes and \$5.84 in other provincial taxes; the rate in ON is comprised of \$24.70 in tobacco taxes and \$5.10 in other provincial taxes.

# APPENDIX A

## TOBACCO SALES IN PHARMACIES: GRADE F

Selling tobacco products in pharmacies and stores containing pharmacies is contrary to the view that pharmacies are businesses designed to support and promote health.

### The Gold Standard in tobacco control

Implementation of provincial/territorial legislation to ban the sale of tobacco products from pharmacies and stores that contain pharmacies.

### Summary of BC's progress

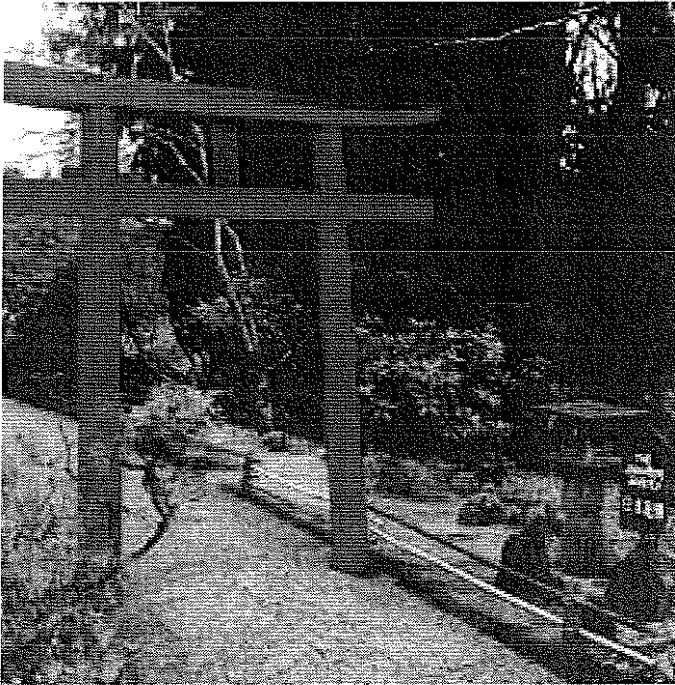
No legislation exists. Individual pharmacies can implement their own policies regarding the sale of tobacco products.

**Note:** Tobacco cannot be dealt, sold, offered for sale or distributed on land, a building or structure used primarily for the purposes of a hospital or other health care services.

Description	
AB	No sales allowed in pharmacies (covered under Tobacco Reduction Act).
NB	No sales allowed in pharmacies (covered under Tobacco Sales Act).
NL	No sales allowed in pharmacies (covered under Tobacco Control Act).
NS	No sales allowed in pharmacies (covered under Tobacco Access Act).
NU	No sales allowed in pharmacies (covered under Tobacco Control Act).
ON	No sales allowed in pharmacies (covered under Smoke Free Ontario Act).
NWT	No sales allowed in pharmacies (covered under Tobacco Control Act).
PEI	No sales allowed in pharmacies (covered under Tobacco Sales and Access Act).
QC	No sales allowed in pharmacies (covered under Tobacco Act).
SK	No sales allowed in pharmacies (covered under Tobacco Control Act).
MB	Bill 17 would ban tobacco sales in pharmacies. First reading passed in MB legislature – May 1/12
BC	No legislation
YK	No legislation

# APPENDIX A

## SMOKING IN OUTDOOR PUBLIC PLACES: **GRADE C+**



To protect the public from unwanted second-hand smoke and its adverse health risks, it is imperative to ban smoking in places where the smoke can make its way into an adjacent enclosed structure, where people congregate (such as customer service patios), and where children have access (such as parks and playgrounds).

### **The Gold Standard in tobacco control**

Implementation of legislation that would ban smoking:

- *On customer service patios*
- *In parks, playgrounds and on beaches*
- *On the grounds of all health care facilities*
- *On K-12 school grounds, and day care grounds*
- *In all transit and vehicle for hire shelters regardless of configuration, and at all transit and vehicle for hire stops*
- *At public events where people congregate in close proximity, such as parades, sporting and entertainment events*
- *At least within 7.5 metres of all the above and from public buildings*

The US Surgeon General confirms there is no safe level of exposure to second-hand tobacco smoke, including in outdoor places. James Repace, a leading researcher on smoke in outdoor settings, has concluded that the fine particulate matter in second-hand tobacco smoke does not generally dissipate until 7.5 metres from the source in outdoor settings.

### **Summary of BC's progress**

The existing provincial legislation bans smoking in only a handful of outdoor public places. These include:

- *3 metres from doors, windows and air intakes of public buildings*
- *In enclosed and semi-enclosed transit shelters*
- *On K-12 school grounds*

# APPENDIX A

## SMOKING IN OUTDOOR PUBLIC PLACES: CONTINUED

### How does BC compare?

Thirty-one municipalities in BC have implemented their own smoke-free bylaws. Most of these bylaws are related to tobacco use on customer service patios of restaurants and bars, and/or in parks, on playgrounds and on beaches. Grouse Mountain in North Vancouver has also implemented a 100% smoke-free policy. This leaves 120 municipalities without such a bylaw.<sup>3</sup>

Prov.	Description <sup>4</sup>
PEI	The <i>Smoke-Free Places Act</i> bans smoking: <ul style="list-style-type: none"> <li>① on customer service patios that serve food or drinks</li> <li>② on hospital grounds</li> <li>③ on public school grounds, and day care grounds</li> <li>▪ (other information) in all workplaces, including construction sites. It allows for the provision for designated smoking areas outside in certain circumstances.</li> </ul>
NS	The <i>Smoke-Free Places Act</i> bans smoking: <ul style="list-style-type: none"> <li>① on customer service patios that serve food or drinks</li> <li>② on public school grounds</li> <li>▪ within 4 metres to doors, windows and air intakes of public buildings</li> </ul>
YK	The <i>Smoke-Free Places Act</i> bans smoking: <ul style="list-style-type: none"> <li>① on customer service patios that serve food or drinks</li> <li>▪ within 5 metres to zone to doors, windows and air intakes of public buildings</li> </ul>
NL	The <i>Smoke-Free Environment Act</i> bans smoking: <ul style="list-style-type: none"> <li>① on customer service patios that serve food or drinks</li> <li>② in all transit and vehicle for hire shelters</li> </ul>
NB	The <i>Smoke-Free Places Act</i> bans smoking: <ul style="list-style-type: none"> <li>① on customer service patios that serve food or drinks only if the space is 70% enclosed (by a combination of walls and a roof)</li> <li>② on school grounds</li> </ul>
AB	The <i>Tobacco Reduction Act</i> bans smoking: <ul style="list-style-type: none"> <li>▪ within 5 metres to doors, windows and air intakes of public buildings and indoor workplaces</li> </ul>
QC	<i>Loi sur le tabac</i> bans smoking: <ul style="list-style-type: none"> <li>① on primary and secondary school properties</li> <li>② in transit shelters</li> <li>▪ within 9 metres to educational or health buildings</li> <li>▪ (other information) in public tents</li> </ul>
BC	See above.
MB	The <i>Non-Smokers Health Protection Act</i> bans smoking: <ul style="list-style-type: none"> <li>① in transit shelters</li> <li>▪ (other information) in pedestrian tunnels and enclosed pedestrian walkways</li> </ul>
NU	The <i>Tobacco Control Act</i> bans smoking: <ul style="list-style-type: none"> <li>▪ within 3 metres of entrances and exits to public buildings</li> <li>▪ within 15 metres to entrances and exits of schools</li> </ul>
ON	The <i>Smoke-Free Ontario Act</i> bans smoking: <ul style="list-style-type: none"> <li>② on school grounds</li> </ul>
SK	The <i>Tobacco Control Act</i> bans smoking: <ul style="list-style-type: none"> <li>② on school grounds</li> </ul>

<sup>3</sup> The Capital Regional District, whose Clean Air Bylaw restricts smoking on customer service patios, is counted as one municipality, although its regulation covers every municipality within its jurisdiction.

<sup>4</sup> Most jurisdictions have municipalities that have implemented some sort of outdoor public places bylaw.

# APPENDIX A

## SMOKING IN A MOTOR VEHICLE WHEN A MINOR IS PRESENT: **GRADE B**



Second-hand smoke in enclosed spaces is even more hazardous since the smoke has nowhere to go and the toxic chemicals are more concentrated. Even when the windows are rolled down, the airstream will often blow the smoke back into the vehicle where children and infants are seated. Children are especially vulnerable to second-hand smoke because their respiratory systems are not yet fully developed.

### The Gold Standard in Tobacco Control

Implementation of legislation that bans smoking in vehicles where a minor (anyone under the age of 19) is present.

### Summary of BC's Progress

The Motor Vehicle Act bans smoking in a motor vehicle when a person under the age of 16 is present. Two municipalities – Richmond and Surrey – have implemented bylaws banning smoking in a motor vehicle when a person under the age of 19 is present.

### How does BC compare?

Prov.	Description <sup>5</sup>
NS	The <i>Smoke Free Places Act</i> bans smoking in motor vehicles when a person under the age of 19 is present.
PEI	The <i>Smoke Free Places Act</i> bans smoking in motor vehicles when a person under the age of 19 is present.
YK	The <i>Smoke Free Places Act</i> bans smoking in a motor vehicle when a person under the age of 18 is present.
AB	Bill 203 passed in March 2012 banning smoking in a motor vehicle when a person under the age of 19 is present. The expected effective date is January 1, 2013.
BC	See above
MB	The <i>Highway Traffic Act</i> bans smoking in a motor vehicle when a person under the age of 16 is present.
NB	The <i>Smoke Free Places Act</i> bans smoking in a motor vehicle when a person under the age of 16 is present.
NL	The <i>Smoke Free Environment Act</i> bans smoking in a motor vehicle when a person under the age of 16 is present.
ON	The <i>Smoke Free Ontario Act</i> bans smoking in a motor vehicle when a person under the age of 16 is present.
SK	The <i>Tobacco Control Act</i> bans smoking in a motor vehicle when a person under the age of 16 is present.
NU	No legislation.
NWT	No legislation.
QC	No legislation.

<sup>5</sup> The description does not include other smoking in vehicle bans, such as smoking on public transit, smoking in work vehicles and smoking in vehicles for hire, which are in place in most Canadian jurisdictions.

# APPENDIX A

## SUBSIDIZED NRT AND/OR PHARMACOTHERAPIES: **GRADE A**

NRT (nicotine replacement therapies) such as nicotine gum, nicotine patches, nicotine lozenges and nicotine inhalers and prescription drugs such as Champix (varenicline) and Zyban (bupropion) are proven tobacco cessation aids known to increase quit success.

### The Gold Standard in Tobacco Control

The provision of a 100% subsidized course of NRT, and coverage of approved prescription cessation pharmacotherapies (varenicline, bupropion) under the provincial drug plan for any resident who wants to quit.

### Summary of BC's Progress

British Columbians have the choice of either nicotine gum or patches to help quit tobacco with a free supply for up to 12 weeks, or obtaining coverage of prescribed smoking cessation drugs through PharmaCare.

### How does BC compare?

We applaud progress made, but recommend the province implement a more stringent evaluation of the program, which at this time only includes tracking the number of calls for registration into the program. Evaluation should include follow-ups to ascertain quit rates, reasons for quit success and failures.

Prov.	Description
BC	See above.
NWT	NRT is available to all and smoking cessation prescription drugs are covered under NWT health care benefits.
QC	The patch, nicotine gum and lozenges, and Zyban and Champix are covered under the provincial drug plan.
ON	Through the Ontario Drug Benefit (ODB) Program more than 300,000 smokers in Ontario benefit from 12 weeks of reimbursement of Champix or Zyban. NRT is also provided free of charge to smokers through Family Health Teams, Community Health Centres, and via addiction treatment centres.
SK	Provincial formulary listing added Champix and Zyban for coverage for 12 weeks of treatment per person, during a one-year period.
MB	Champix is covered through the Manitoba Drug Formulary for 12 weeks of treatment per person, during a one-year period.
AB	Champix is listed on the Alberta Health and Wellness Drug Benefit List as a restricted benefit for certain government sponsored health plans. Zyban is also provided free to anyone on income support.
YK	Zyban is covered for seniors on Pharmacare. Aboriginal people may be covered for both NRT and Zyban. Persons on social assistance may be covered for NRT and Zyban.
NS	One course of NRT is available to the public in conjunction with Addiction Prevention and Treatment Services tobacco intervention programs. Some districts also provide subsidized Champix.
NB	No subsidization.
NL	No subsidization.
NU	No subsidization.
PEI	No subsidization.

# APPENDIX A

## SMOKE-FREE MULTI-UNIT DWELLINGS: GRADE C



Most jurisdictions in Canada provide people with extensive protections from second-hand smoke where they work, eat and play. However many people are still being exposed to unwanted second-hand smoke where they live, especially in multi-unit dwellings (MUDs) such as apartment buildings, condominium complexes and townhouses.

Second hand smoke can travel from unit to unit through windows, doors, cracks in door and window framing, electrical outlets, and air vents among other conduits. And contrary to popular belief, air filters, purifiers and ventilation systems cannot eliminate second-hand smoke. Furthermore, smoke from people smoking outside does not always stay outside, but finds its way back into through doors, windows and air intakes.

### The Gold Standard in Tobacco Control

To ensure the availability of smoke-free MUDs more accurately reflects the proportion of the population that does not smoke and would like to live in a smoke-free environment, a province or territory should:

Have a policy that all new social housing complexes, market rental apartment buildings and condominiums be designated as smoke-free, unless it goes through a tenant- or owner-approved process to designate it as smoking. Other measures include:

- *Entrenching second-hand tobacco smoke as a breach of quiet enjoyment, and entrench it as a nuisance similar to loud music and pets*
- *Passing regulations requiring landlords to have a written smoking policy and disclose said policy to current and future tenants and tenancy applicants*

In addition, Provincially managed social housing organizations should:

- *Develop a strategy for addressing complaints of second-hand smoke where smoke transfer is found to be consistent and excessive*
- *Assist vulnerable tobacco-addicted persons with mental illness or physical disabilities tenants regarding cessation products and service options, and recognize there is a small number of persons for whom smoking permission may be required.*

# APPENDIX A

## SMOKE-FREE MULTI-UNIT DWELLINGS: CONTINUED

### Summary of BC's Progress

There is no legislation that directly addresses smoking in multi-unit dwellings. The Residential Tenancy Act and the Strata Property Act are both silent on smoking issues. As such it is legal to make both a residential rental building and a residential strata complex smoke-free.

Conversely, the silence on tobacco issues in these two Acts means people living in housing situations covered under the Acts are not provided direct protection from unwanted second-hand smoke. The Tobacco Control Act does ban smoking in common areas, such as elevators, hallways, parking garages, party rooms, laundry, exercise and lobby areas.

The common law of quiet enjoyment – the right for one to live in "peace" in their own residence – is applicable, but it is a weak law when dealing with unwanted second-hand smoke. Section 3.1 of the Strata Property Act deals with the issue of nuisance (which unwanted second hand smoke can be construed as). This may be a more effective channel for addressing unwanted second-hand smoke, depending upon the view of the strata council involved.

### How does BC compare?

Beyond work done by non-government organizations, such as our Smoke-Free Housing BC initiative - [www.smokefreehousingbc.ca](http://www.smokefreehousingbc.ca), the first website of its kind in Canada - there is no government mechanism to promote and increase smoke-free multi-unit housing.

Prov.	Description
BC	See above.
MB	The <i>Non-Smokers Health Protection Act</i> bans smoking in indoor common areas of multi-unit residential buildings.
NL	The <i>Smoke-Free Environment Act</i> bans smoking in indoor common areas of multi-unit residential buildings.
NS	The <i>Smoke-Free Places Act</i> bans smoking in indoor common areas of multi-unit residential buildings.
NU	The <i>Tobacco Control Act</i> bans smoking in indoor common areas of multi-unit residential buildings.
ON	The <i>Smoke-Free Ontario Act</i> bans smoking in indoor common areas of condominiums and apartment buildings.
SK	The <i>Tobacco Control Act</i> bans smoking in indoor common areas of multi-unit residential buildings.
YK	The <i>Smoke-Free Places Act</i> bans smoking in indoor common areas of multi-unit residential buildings.
QC	<i>Loi sur le tabac</i> bans smoking in indoor common areas of residential buildings with six or more units.
AB	Except in cases where residences are used for work purposes, there is no legislation prohibiting smoking in residential buildings.
NB	No legislation prohibiting smoking in residential buildings.
NWT	No legislation prohibiting smoking in residential buildings.
PEI	No legislation prohibiting smoking in residential buildings.

## APPENDIX B



THE  LUNG ASSOCIATION™  
British Columbia

In January 2008, we launched the **Imagine! A Smoke-Free BC** campaign.

The campaign established a framework and network to address, inspire, and achieve momentum towards eliminating tobacco use in BC.

At its centre was a list of principles, which, if achieved, would lead to a smoke-free BC.

Together we periodically review and revise these principles to reflect changing circumstances. Each year we prioritize which areas need attention.

Our current tobacco control priorities are to:

- 1 Prohibit tobacco sales in pharmacies.
- 2 Advocate for 100% smoke-free public places (including outdoor patios, parks & beaches).
- 3 Increase smoke-free multi-unit housing options (e.g. apartments & condominiums)
- 4 Support measures to reform the sale of tobacco products, make it more difficult especially for youth to purchase it, and ultimately denormalize its sale.
- 5 Classify movies with tobacco imagery 18A (adult), and make movies with tobacco imagery ineligible for provincial film subsidies.

**Note:** The exceptions are movies that depict historical figures related to the tobacco use or that show unambiguous depictions of the dire health consequences associated with tobacco use.

Remaining principles we wish to address currently include:

- 6 Increase tobacco taxes, a proven tobacco prevention and reduction strategy.
- 7 Fund tobacco control programs using monies from tobacco litigation court judgments or settlements.

## TOBACCO CONTROL: OUR PRIORITIES

- 8 Increase prevention and cessation efforts to support individuals within groups where smoking rates are very high, including individuals with mental health and addictions issues and Aboriginal peoples. Note: These efforts would still respect the traditional use of tobacco products by Aboriginal people.
- 9 Encourage, through education, no smoking in homes when children are present.
- 10 Implement ongoing mass media campaigns to counter tobacco company marketing and promotional activities, including those related to spit tobacco.



## APPENDIX C

### ACRONYMS USED IN THIS REPORT

<b>AB</b>	Alberta
<b>BC</b>	British Columbia
<b>CTUMS</b>	Canadian Tobacco Use Monitoring Survey
<b>K-12</b>	kindergarten to grade 12
<b>MB</b>	Manitoba
<b>MUD</b>	multi-unit dwelling
<b>NB</b>	New Brunswick
<b>NL</b>	Newfoundland & Labrador
<b>NRT</b>	nicotine replacement therapy
<b>NS</b>	Nova Scotia
<b>NU</b>	Nunavut
<b>NWT</b>	Northwest Territories
<b>ON</b>	Ontario
<b>PEI</b>	Prince Edward Island
<b>QC</b>	Québec
<b>SK</b>	Saskatchewan
<b>US</b>	United States
<b>YK</b>	Yukon



## Canitz, Shelley L HLTH:EX

---

**From:** Lam, Roger OHCS:EX  
**Sent:** Thursday, November 8, 2012 1:04 PM  
**To:** Canitz, Shelley L HLTH:EX  
**Subject:** RE: may we meet to discuss these recommendations re: smoking in multi=unit dwellings?  
**Categories:** Tobacco

Hi Shelley,

I certainly have time to meet next week and talk about this policy. I am relatively new to this position and I would like to connect and possibly bring one of the analysts who have been involved with this issue over the past few years.

S22

Roger

---

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Thursday, November 8, 2012 12:39 PM  
**To:** Lam, Roger OHCS:EX  
**Subject:** may we meet to discuss these recommendations re: smoking in multi=unit dwellings?

Hello, Roger – our ministry recently received this policy document and I'd like to walk through the ones that fall within housing policy. Would you have a time next week we could meet to discuss?

Many thanks

Shelley

Shelley Canitz  
Director, Tobacco Control Program  
Chronic Disease/Injury Prevention and the Built Environment | Population and Public Health | Ministry of Health  
250 952-2304

Join the Healthy Families BC community... <http://www.health.gov.bc.ca/prevention/>

## Canitz, Shelley L HLTH:EX

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**From:** Parasram, Karen HLTH:EX  
**Sent:** Thursday, November 8, 2012 12:21 PM  
**To:** Hooton, Raylene HLTH:EX; Canitz, Shelley L HLTH:EX  
**Subject:** RE: 951058 - Information BN on SF MUD dwellings for the minister

Shelley can you send me Lung's proposal?

Thanks

---

**From:** Hooton, Raylene HLTH:EX  
**Sent:** Thursday, November 8, 2012 12:16 PM  
**To:** Canitz, Shelley L HLTH:EX  
**Cc:** Parasram, Karen HLTH:EX  
**Subject:** RE: 951058 - Information BN on SF MUD dwellings for the minister

I will set it for Wed. Nov. 14<sup>th</sup> then.

---

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Thursday, November 8, 2012 12:15 PM  
**To:** Hooton, Raylene HLTH:EX  
**Cc:** Parasram, Karen HLTH:EX  
**Subject:** RE: 951058 - Information BN on SF MUD dwellings for the minister

Can we get it to ADMO by next Wednesday?

---

**From:** Hooton, Raylene HLTH:EX  
**Sent:** Thursday, November 8, 2012 12:12 PM  
**To:** Canitz, Shelley L HLTH:EX  
**Cc:** Parasram, Karen HLTH:EX  
**Subject:** RE: 951058 - Information BN on SF MUD dwellings for the minister

Okay, creating new Cliff log (951058 )and taking Karen the folder. She is going to amalgamate two previous BN's into one new one.

What is the urgency of this BN? What due date do you want to shoot for?

Thx.

---

**From:** Hooton, Raylene HLTH:EX  
**Sent:** Thursday, November 8, 2012 11:52 AM  
**To:** Canitz, Shelley L HLTH:EX  
**Subject:** RE: please do an information BN on SF MUD dwellings for the minister

Karen just informed me that I am ignoring this email as she has found an existing BN, correct?

---

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Thursday, November 8, 2012 11:20 AM  
**To:** Parasram, Karen HLTH:EX  
**Cc:** Hooton, Raylene HLTH:EX  
**Subject:** please do an information BN on SF MUD dwellings for the minister

We may have a previous BN with info – update it with what is proposed by the new funding

Raylene – please start a new CLIFF for this – if you can track down any previous BN on this in CLIFF, please let Karen know

## **Canitz, Shelley L HLTH:EX**

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**From:** Parasram, Karen HLTH:EX  
**Sent:** Thursday, November 8, 2012 11:42 AM  
**To:** Canitz, Shelley L HLTH:EX  
**Subject:** RE: please do an information BN on SF MUD dwellings for the minister

Can you send me a copy of the proposal from Lung?

Thanks

---

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Thursday, November 8, 2012 11:20 AM  
**To:** Parasram, Karen HLTH:EX  
**Cc:** Hooton, Raylene HLTH:EX  
**Subject:** please do an information BN on SF MUD dwellings for the minister

We may have a previous BN with info – update it with what is proposed by the new funding

Raylene – please start a new CLIFF for this – if you can track down any previous BN on this in CLIFF, please let Karen know

## **Canitz, Shelley L HLTH:EX**

---

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Thursday, November 8, 2012 9:07 AM  
**To:** Parasram, Karen HLTH:EX  
**Subject:** heart and stroke position on MUD  
**Attachments:** PS Smoke-Free MUDs

# Position Statement

## SMOKE-FREE HOUSING IN MULTI-UNIT DWELLINGS IN BC

### ISSUE

- Many British Columbians living in multi-unit dwellings (MUDs) including apartments, townhouses and condominiums are involuntarily exposed to a dangerous health hazard in their homes – second-hand tobacco smoke.
- This **Position Statement** sets out the facts on second-hand smoke in the home and presents a series of actions and recommendations to various parties to address the very large deficit in available smoke-free multi-unit housing in BC.

### KEY FACTS

#### MUDS RESIDENTS EXPOSED TO A DANGEROUS HEALTH HAZARD – SECOND-HAND SMOKE

- Tobacco use is a major cause of death and illness in British Columbia. Over 6,000 people die each year in BC from tobacco related causes.<sup>1</sup> In the range of 10% of these deaths are caused by second-hand smoke (SHS).<sup>2</sup>
- Fifteen percent of all British Columbians; 18% of MUDs residents; and 9% of condominium owners use tobacco;<sup>3</sup> but 26% of non-smoking residents of MUDs are involuntarily exposed to SHS in their homes.<sup>4</sup>
- Tobacco use in MUDs affects a huge number of British Columbians. An estimated 2 million British Columbians reside in MUDs, including duplexes, townhouses and apartments.<sup>5</sup>
- The scientific evidence is clear: there is no safe level of exposure to SHS. SHS can cause cancer, heart disease and respiratory illness. Children are particularly vulnerable to developing asthma, ear infections, bronchitis and pneumonia. Babies exposed to SHS are at greater risk for Sudden Infant Death Syndrome.<sup>6</sup>
- Young people living in an apartment where no one smokes have been found to have significantly higher levels of biologically measurable smoke exposure (cotinine levels) than young people living in a detached home where no one smokes.<sup>7</sup>
- To protect yourself from the effects of SHS, the Ministry of Health's HealthLink BC recommends that you make your home smoke-free.<sup>8</sup> But residents of MUDs are very often not able to make their homes smoke-free.
- Tobacco smoke cannot be contained in a smoker's unit in MUDs. No known ventilation system can completely remove the threat of SHS from another unit.<sup>9</sup>
- The lack of protection against SHS in the homes of many British Columbians contrasts dramatically with the protections now provided in virtually all workplaces and public places including many outdoor public venues and spaces such as parks, beaches, outdoor stadiums, bus stops and outdoor entrance ways.

The Heart and Stroke Foundation and the BC Lung Association have been working together for more than a decade, through the Clean Air Coalition of BC, to reduce the harm caused by tobacco and SHS.

With the support of national and provincial level funding the Heart and Stroke Foundation has implemented a number of pilot projects to raise public awareness and engage key stakeholders in the MUDs sector.

## Position Statement

### SMOKE-FREE HOUSING IN MULTI-UNIT DWELLINGS IN BC

#### MUDS RESIDENTS VERY CONCERNED ABOUT SECOND-HAND SMOKE IN THEIR HOMES

- BC residents of MUDs are concerned about SHS:
  - ✦ 67% of renters and 84% of MUDs owners do not allow smoking in their homes; and,
  - ✦ 55% of renters and 71% of owners would prefer buildings where smoking is banned everywhere.<sup>10</sup>
- Over two thirds of MUDs residents exposed to SHS say that it bothers them. One in ten MUDs renters have moved and one in five indicate they are likely to move because of SHS infiltration.<sup>11</sup>
- Since 2008, seven official complaints respecting SHS have been filed in BC with the Human Rights Tribunal.<sup>12</sup>

#### SHORTAGE OF SMOKE-FREE OPTIONS FOR MUDS' RESIDENTS

- While MUDs are the fastest growing segment of the housing market in Canada,<sup>13</sup> market research, stakeholder consultations, and anecdotal evidence from residents confirm that there is a significant shortage of smoke-free housing options for British Columbians.<sup>14</sup>
- For example, of the 710 family housing units listed on BC Housing's website in February 2012 only 14 were listed as smoke-free.<sup>15</sup>
- SHS in MUDs is a particularly severe problem for residents of social housing units. Many residents are especially vulnerable to SHS including children, seniors, and persons with chronic health conditions such as asthma and heart disease that are worsened by exposure to SHS.<sup>16</sup>

#### A PATCHWORK OF SMOKE-FREE POLICIES FAILS TO MEET THE NEEDS OF MUDS RESIDENTS

- There is a patchwork of smoke-free policies for all types of residential buildings in BC. Few ban smoking in the entire building.
- Yet while 82% of apartment building owners and strata residents/owners/agents see a market demand for smoke-free buildings, only about 15% plan to implement smoke-free policies in the future.

#### BANNING SMOKING IN MUDS IS LEGAL

- Banning smoking in MUDs is legal. Two legal opinions commissioned by the Smoke-Free Housing Initiative found that:

- ✦ Landlords can ban smoking in private rental units (including balconies) and the entire property.

The policy must "grandfather" existing tenants. But as these tenants leave, the no-smoking policy applies to new tenants.<sup>17</sup>

- ✦ Strata corporations can adopt non-smoking bylaws that ban smoking in strata lots (i.e., individual units or apartments) interior common property, and on patios and balconies.<sup>18</sup>

The bylaws would generally apply to all residents of the complex unless a "grandfather" clause is included.<sup>17</sup>

#### BANNING SMOKING IN MUDS IS FINANCIALLY VIABLE

- Surveys in BC consistently show strong public demand for smoke-free housing. The most recent survey in March 2012 found over 78% of respondents support the goal of increasing the number of smoke-free MUDs.<sup>20</sup>
- No-smoking policies reduce clean-up costs for refitting smokers' apartments. The cost of painting, clean up, and carpet cleaning for a non-smoking unit ranges from \$250 to \$1,120, compared to a cost of \$1,025 to \$3,400 for smoking units.<sup>21</sup>
- No-smoking policies reduce fire risks.<sup>22</sup> Tobacco use is the number one known cause of fire-related fatalities in Canada.<sup>23</sup> (See recent article on six separate apartment fires in Edmonton, caused by improperly discarded cigarettes and causing an estimated \$131,000 in property damage.)<sup>24</sup>

#### IMPLEMENTING SMOKE-FREE POLICIES IN MUDS IS EASY AND EFFECTIVE

- Transitioning to smoke-free MUDs is reported by property managers and owners to be easy; and enforcement is not reported to be a problem. Smoke-free MUDs are as self-enforcing as smoke-free workplaces and public places. A clear smoking policy can help to resolve disputes between smokers and non-smokers.<sup>25</sup>

## Position Statement

### RECOMMENDATIONS

#### PROVINCIAL GOVERNMENT

It is recommended that the Government of British Columbia take the following steps. These steps are no/low cost and relatively easy to implement.

1. Develop a smoke-free housing policy for BC Housing that addresses the huge deficit in smoke-free housing by requiring all new social housing complexes to be designated as smoke-free. This will help to protect residents of social housing, including many residents with acute and chronic conditions that are particularly vulnerable to SHS.
2. Recognizing that there is a very small number of tobacco addicted vulnerable persons with mental illness or physical disabilities for whom smoking permissible housing may be required, BC Housing should:
  - a. grandfather existing units with resident smokers;
  - b. develop a strategy for addressing complaints of SHS where the smoke transfer is found to be excessive and consistent;
  - c. educate tenants about free nicotine patches/gum or subsidized pharmacotherapy to help them quit smoking; and ...
  - d. assist tobacco addicted residents to access QuitNow Services
3. Amend the Strata Property Act to make all new condominiums non-smoking unless the Strata Council votes to allow smoking.
4. Amend the Residential Tenancy Act Policy Guidelines to include SHS as an example of breach of Quiet Enjoyment (see BACKGROUND), similar to existing protections against loud music and pets.
5. Include information on the legality and benefits of smoke-free housing in the Permits applications for new MUDs.
6. Pass legislation requiring landlords to have a written smoking policy and disclose the policy to all current and future tenants and applicants for tenancy. The policy must indicate whether smoking is permitted on the premises and if so, in what locations.
7. Amend the Residential Tenancy Branch tenancy lease (including the lease posted on their website) to include a box to indicate smoking or non-smoking units.
8. Encourage municipalities to adopt smoke-free housing options and policies by providing information and education to municipalities, housing authorities, building and apartment managers, owners and renters respecting the legality and financial viability of smoke-free policies.

#### MUNICIPAL GOVERNMENTS

It is recommended that municipal governments:

1. Following the lead of local authorities in Ontario and Newfoundland and Labrador, develop a non-smoking policy for social housing that includes:
  - Prohibiting smoking in newly acquired multi-unit buildings.
  - Prohibiting smoking in existing MUDs units (owned, managed or funded by municipal governments) as they turn over. (Since existing tenants must be 'grandfathered', the housing provider will have to 'phase-in' the no-smoking policy as existing tenants vacate the premises, and make all future tenancies smoke-free.)
  - Disclosing to prospective tenants where the smoking units are located in the building so renters can be forewarned.
  - Supporting residents who want to quit by making them aware of the QuitNow Program and of PharmaCare assistance with smoking cessation medications, including free nicotine patches or gum.
2. Develop policy to assist social housing providers in addressing tenants, complaints respecting SHS. The policy (which could be included in the providers' contracts) should include education for social housing providers respecting their legal authority to adopt non-smoking policies to protect tenants from SHS.
3. Develop by-laws requiring new residential MUDs to be smoke-free.
4. Adopt tax and fee incentives to support the adoption of smoke-free policies in MUDs.

#### CONCERNED STAKEHOLDERS, ASSOCIATIONS, BUILDING MANAGERS, OWNERS, RESIDENTS AND TENANTS

It is recommended that all concerned stakeholders:

1. Write to the provincial government and their municipal government calling on them to take steps to make more smoke-free housing available in BC, including those recommendations noted above.
2. Adopt smoke-free by-laws and policies for their buildings, including building owners and Strata Councils.
3. Disclose to new and existing tenants the smoke-free policies and location of non-smoking units for their apartments; and, adopt smoke-free policies, grandfathering existing tenants.
4. Develop a strategy for addressing complaints of SHS (see Smoke-Free Housing BC website on how to address complaints of SHS for owners and strata councils).

It is recommended that residential MUDs complex managers (apartment building landlords and owners, and strata corporation councils):

1. Publicize their smoking policies and smoke-free status through such vehicles as the smoke-free housing registry – see [http://www.smokefreehousingbc.ca/landlords/registry\\_form.php](http://www.smokefreehousingbc.ca/landlords/registry_form.php).

# Position Statement

## BACKGROUND

- The Heart and Stroke Foundation and the BC Lung Association have been working together for more than a decade, through the Clean Air Coalition of BC, to reduce the harm caused by tobacco and SHS.
- With the support of national and provincial level funding the Heart and Stroke Foundation has implemented a number of pilot projects to raise public awareness and engage key stakeholders in the MUDs sector.
- In 2007, the Heart and Stroke Foundation was chosen to lead a two-year Smoke-Free Housing in Multi-Unit Dwellings Initiative, one of five initiatives that made up the Tobacco Reduction Strategy funded by the BC Healthy Living Alliance and supported by ActNow BC. One key result of this initiative was the development of Canada's first comprehensive website on SHS in MUDs: [www.smokefreehousingbc.ca](http://www.smokefreehousingbc.ca).
- The Residential Tenancy Act (section 28) stipulates that tenants are entitled to "quiet enjoyment" of their property, which includes the right to be free from unreasonable disturbances by other tenants.<sup>28</sup> The Policy Guidelines for the Act could be amended to include SHS. This would give landlords and building managers a tool for possible eviction should a building resident continue to ignore the non-smoking policy provisions.

## REFERENCES

1. BC Vital Statistics reports for the latest three years available show smoking attributable deaths of 6135, 6367 and 6089. See Selected Vital Statistics and Health Status Indicators, 2009, 2008, and 2007.
2. See Center for Disease Control, MMWR Weekly, November 14, 2008, "Smoking Attributable Mortality, Years of Potential Life Lost, and Productivity Losses, United States, 2000-2004." <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5745a3.htm#tab> The US Surgeon General Report (see note 6) cites a similar number of deaths from SHS. The Ontario Tobacco Research Unit in a 2001 report estimated between 1100 and 7800 deaths per year from SHS. However, Roberta Ferrence, Director of the Unit suggested (personal communication) that US estimates "may be much better. See "Protection from second-hand tobacco smoke in Ontario: a review of evidence regarding best practices," May 2001 [http://www.otru.org/pdf/special/special\\_ets\\_eng.pdf](http://www.otru.org/pdf/special/special_ets_eng.pdf). In January 2006, the California Environmental Protection Agency's Air Resources Board declared second-hand smoke to be a Toxic Air Contaminant (TAC). This is a serious designation that is reserved only for those air pollutants which may cause or contribute to an increase in deaths or serious illness, or which may pose a present or potential hazard to human health. Second-hand smoke now joins benzene, arsenic and diesel exhaust on the TAC list.
3. Health Canada, CTUMS 2009. [http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/stat/\\_ctums-esutc\\_2009/ann-histo-eng.php#tab4](http://www.hc-sc.gc.ca/hc-ps/tobac-tabac/research-recherche/stat/_ctums-esutc_2009/ann-histo-eng.php#tab4). Context Research Ltd. Residents in "Multi-Unit Dwellings Survey", BC Stats, March 2008, see <http://www.smokefreehousingbc.ca/pdf/BC%20Stats%20Residents%20in%20MDUs%20Survey.pdf>
4. BC Stats, March 2008 op. cit.
5. BC Stats advised that the latest figure for BC residents of MUDs is 1,719,505 from the 2006 Census. It is estimated that by 2012 this number is at least 2 million. Source: BC Stats personal communication, March 21, 2012. Forty-eight percent of dwellings in BC are MUDs according to Canada Mortgage and Housing Corporation, 2008, "Canadian Housing Observer," using data for 2006.
6. US Surgeon General, "The Health Consequences of Involuntary Exposure to Tobacco Smoke" Department of Health and Human Services, 2006. <http://www.surgeongeneral.gov/library/secondhandsmoke/report/fullreport.pdf>
7. "Preventing Tobacco Use Among Youth and Young Adults: A Report of the US Surgeon General," US Department of Health and Human Services, 2012. See <http://www.surgeongeneral.gov/library/preventing-youth-tobacco-use/full-report.pdf>
8. See <http://www.healthlinkbc.ca/healthfiles/hfile30a.stm#E46E294>
9. The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the pre-eminent body responsible for setting ventilation standards for buildings has concluded that ventilation technology cannot remove the health risks from exposure to SHS. ASHRAE states, "Currently, the only way to effectively eliminate health risks associated with indoor exposure is to ban smoking activity." See ASHRAE Position Document on Environmental Tobacco Smoke, "October 22, 2010. Also see Ontario Tobacco Research Unit 2001 report, op. cit.
10. BC Stats, March 2008, op. cit.
11. BC Stats, 2008, op. cit. The findings of this survey compare closely with a Decima Research survey of Canadians living in MUDs conducted for Health Canada. The February/March 2008 survey found 36% of residents have experienced smoke seeping into their homes and 85% would prefer to live in a building where smoking was prohibited or allowed only in designated areas.
12. See <http://www.bchrt.gov.bc.ca/>
13. Canada Mortgage and Housing Corporation, cited in Ontario Tobacco-Free Network, "Highlights of IPSO Reid Research on Drifting Smoke in Multi-Unit Dwellings" 2007. <http://www.newswire.ca/fr/story/52799/ontario-majority-wants-smoke-free-apartments>
14. Clean Air Coalition, Smoke-Free Housing Initiative. Heart and Stroke Foundation of BC & Yukon, "Smoke-Free Housing in Multi-Unit Dwellings, Addressing an Emerging Public Health Crisis," March 15, 2011. See also, "Survey of Apartment Owners, Property Managers and Strata Corporations/Agents," Heart and Stroke Foundation of BC the Yukon, <http://www.smokefreehousingbc.ca/pdf/Landlord%20Survey.pdf>
15. See [http://www.bchousing.org/Options/Subsidized\\_Housing/Listings](http://www.bchousing.org/Options/Subsidized_Housing/Listings)
16. A 2006 Ontario Tobacco Network survey found that 16% of all MUDs units affected by SHS included someone in their household suffering from smoking-related illness or conditions worsened by SHS. See, Ontario Tobacco-Free Network, "Highlights of IPSO Reid Research on Drifting Smoke in Multi-Unit Dwellings."
17. See Smoke-Free Housing BC website <http://www.smokefreehousingbc.ca/landlords/laws.html>
18. See Smoke-Free Housing BC website, <http://www.smokefreehousingbc.ca/strata/legal-opinion.html> Residents in strata housing can also use the common law provision respecting "nuisance" to take action against another strata resident whose smoking is unreasonably interfering with their enjoyment of the premises. See <http://www.smokefreehousingbc.ca/strata/laws-in-bc.html>
19. There are some complexities with renters in strata complexes. See Smoke-Free Housing BC website.
20. Survey conducted for the Heart and Stroke Foundation by Mustel Group. See also "Survey of Apartment Owners," op. cit. and BC Stats, March 2008 op. cit.
21. See Smoke-Free Housing BC website, <http://www.smokefreehousingbc.ca/pdf/Table%20of%20Costs.pdf>
22. See "Survey of Apartment Owners," op. cit.
23. See <http://www.hc-sc.gc.ca/sr-sr/activ/protection/fire-feu-eng.php>
24. See [http://edmonton.ctv.ca/servlet/an/local/CTVNews/20110512/edm\\_fireservices\\_110512/20110512/](http://edmonton.ctv.ca/servlet/an/local/CTVNews/20110512/edm_fireservices_110512/20110512/)
25. See Smoke-Free Housing BC website.
26. BC municipalities can look to steps taken in Ontario and Newfoundland and Labrador. The Region of Waterloo in Ontario adopted a policy making all regionally-owned and operated community housing units 100% smoke-free. Thirty other Ontario social housing providers have adopted smoke-free policies. St. John's was the first municipality in Canada to adopt a smoke free policy for all its (124) non-profit housing complexes. See Heart and Stroke Foundation of BC & Yukon, March 15, 2011, op. cit.
27. See for example, <http://www.smokefreehousingbc.ca/landlords/policy-enforcement.html>
28. See Smoke-Free Housing BC website, <http://www.smokefreehousingbc.ca/landlords/quiet.html>

## Scalzo, Lee G HLTH:EX

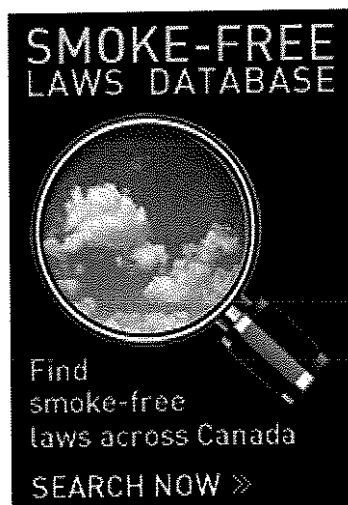
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**From:** Parasram, Karen HLTH:EX  
**Sent:** Wednesday, October 31, 2012 11:53 AM  
**To:** Scalzo, Lee G HLTH:EX  
**Subject:** FW: NSRA launches new smoke-free bylaw database

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**From:** Rob Cunningham [mailto:rcunning@cancer.ca]  
**Sent:** Wednesday, October 31, 2012 11:48 AM  
**To:** Rob Cunningham  
**Subject:** NSRA launches new smoke-free bylaw database

Below is an announcement this month from the Non-Smokers' Rights Association/Smoking and Health Action Foundation regarding a new smoke-free bylaw database.



The Non-Smokers' Rights Association/Smoking and Health Action Foundation is pleased to announce the launch of a new resource related to second-hand smoke (SHS), developed with support from the Ontario Ministry of Health and Long-Term Care.

We have created a searchable, online database to track all Canadian provincial/territorial smoke-free laws and bylaws that exceed the *Smoke-Free Ontario Act*. You can find the Smoke-Free Laws Database at <http://www.nsra-adnf.ca/cms/smoke-free-laws-database.html>.

The new database is useful to public health staff, community advocates, representatives of NGOs concerned with health issues, municipal and provincial politicians and their staff, municipal lawyers, researchers, the media, and the general public.

The database allows for both simple and advanced search options—to identify laws in specific jurisdictions, laws passed during specific time periods, or laws that prohibit smoking in specific places, like patios or beaches. Laws will be tracked as they are amended or repealed and replaced, and policy analysis will be provided to help with interpretation. Moving forward, “leading edge” bylaws will be identified and explained, allowing users to see how protection from SHS is advancing in Canada.

The database is current to October 2012 with 205 entries, and we will update it on a regular basis.

I will continue to take the lead on this project so if you have any questions or comments, feel free to contact me.

If you find that a bylaw isn't listed in the database, please let me know. We also have an online Smoke-Free Bylaw Report Form to submit information on new or developing bylaws and legislation.

Thank you to all those in tobacco control and municipalities who have been involved in the many aspects of developing this database. Special thanks go to Janice Forsythe for her role in developing the database and researching the bylaws.

We look forward to your feedback on this exciting new initiative and will do our best to improve the database over time to meet your ongoing information needs.

*Pippa Beck*

Policy Analyst

Non-Smokers' Rights Association

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[www.smokefreehousingon.ca](http://www.smokefreehousingon.ca)

Follow us on Twitter @nsra\_adnf

## Canitz, Shelley L HLTH:EX

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**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Wednesday, October 24, 2012 2:10 PM  
**To:** Yu, Winnie HLTH:EX  
**Cc:** Parasram, Karen HLTH:EX  
**Subject:** RE: does the HFBC Communities materials include references to increased smoke-free housing in communities?

I think it should be, particularly for those communities active in housing – would be so great to get it included at the beginning of project. Karen can work on language when you need it

Thanks  
Shelley

---

**From:** Yu, Winnie HLTH:EX  
**Sent:** Wednesday, October 24, 2012 12:33 PM  
**To:** Canitz, Shelley L HLTH:EX  
**Cc:** Parasram, Karen HLTH:EX  
**Subject:** RE: does the HFBC Communities materials include references to increased smoke-free housing in communities?

Not at this time, but in the future we could include it in healthy communities materials as a potential action that local governments can take on as health promoters in their community.

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**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Wednesday, October 24, 2012 10:58 AM  
**To:** Yu, Winnie HLTH:EX  
**Cc:** Parasram, Karen HLTH:EX  
**Subject:** does the HFBC Communities materials include references to increased smoke-free housing in communities?

Winnie – I know it references outdoor public spaces – for those local governments involved in housing, does it reference smoke-free housing?

Shelley Canitz  
Director, Tobacco Control Program  
Chronic Disease/Injury Prevention and the Built Environment | Population and Public Health | Ministry of Health  
250 952-2304

Join the Healthy Families BC community... <http://www.health.gov.bc.ca/prevention/>

✓

**MINISTRY OF HEALTH  
INFORMATION BRIEFING NOTE**

**Cliff #946671**

**PREPARED FOR:** Honourable Dr. Margaret MacDiarmid, Minister of Health  
**- FOR INFORMATION**

**TITLE:** Options for Decreasing Tobacco Use Rates in British Columbia

**PURPOSE:** To provide options to decrease tobacco use rates in British Columbia.

**BACKGROUND:**

The Tobacco Control Strategy aims to reduce the death, disease and disability caused by tobacco through three approaches:

- a) stopping youth and young adults from starting smoking;
- b) helping smokers to quit; and
- c) protecting people from exposure to second hand smoke.

While BC's smoking rate is the lowest in Canada (see Appendix A), we have the third-largest number of smokers.

Information on existing programs is in the attached fact sheet (see Appendix B).

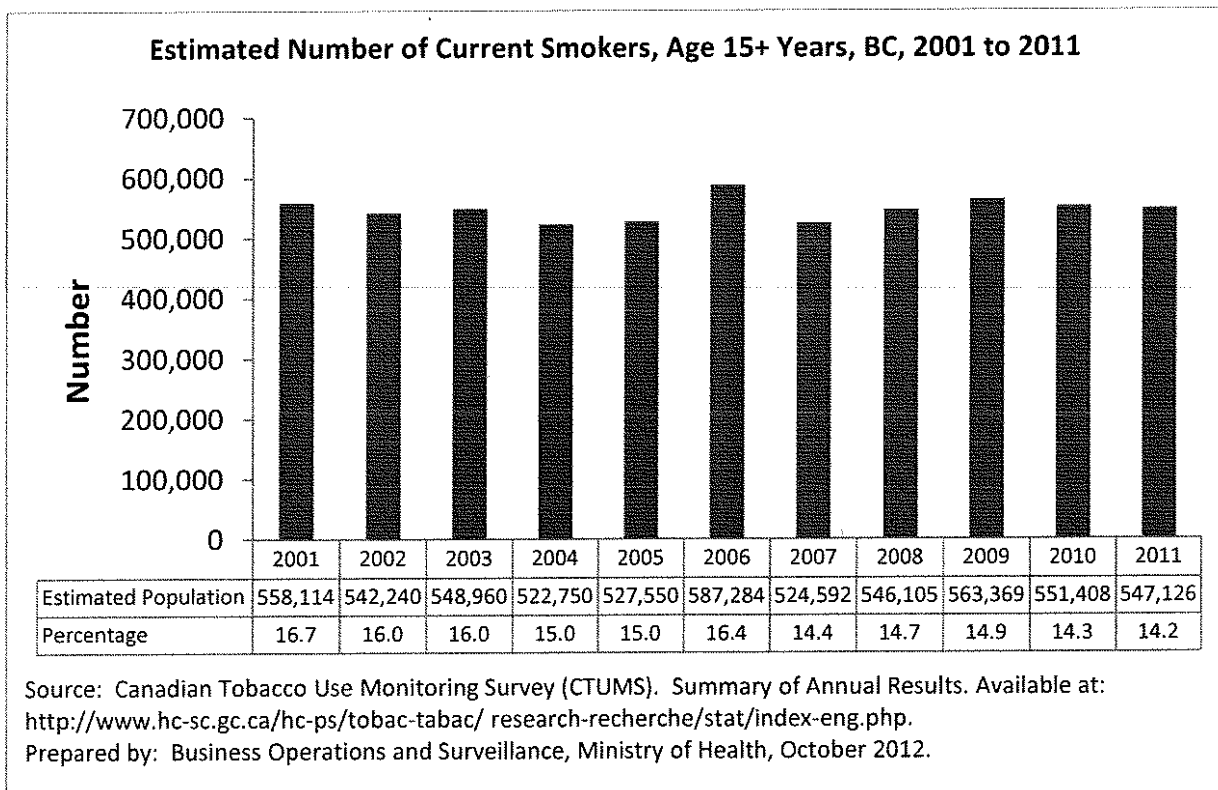
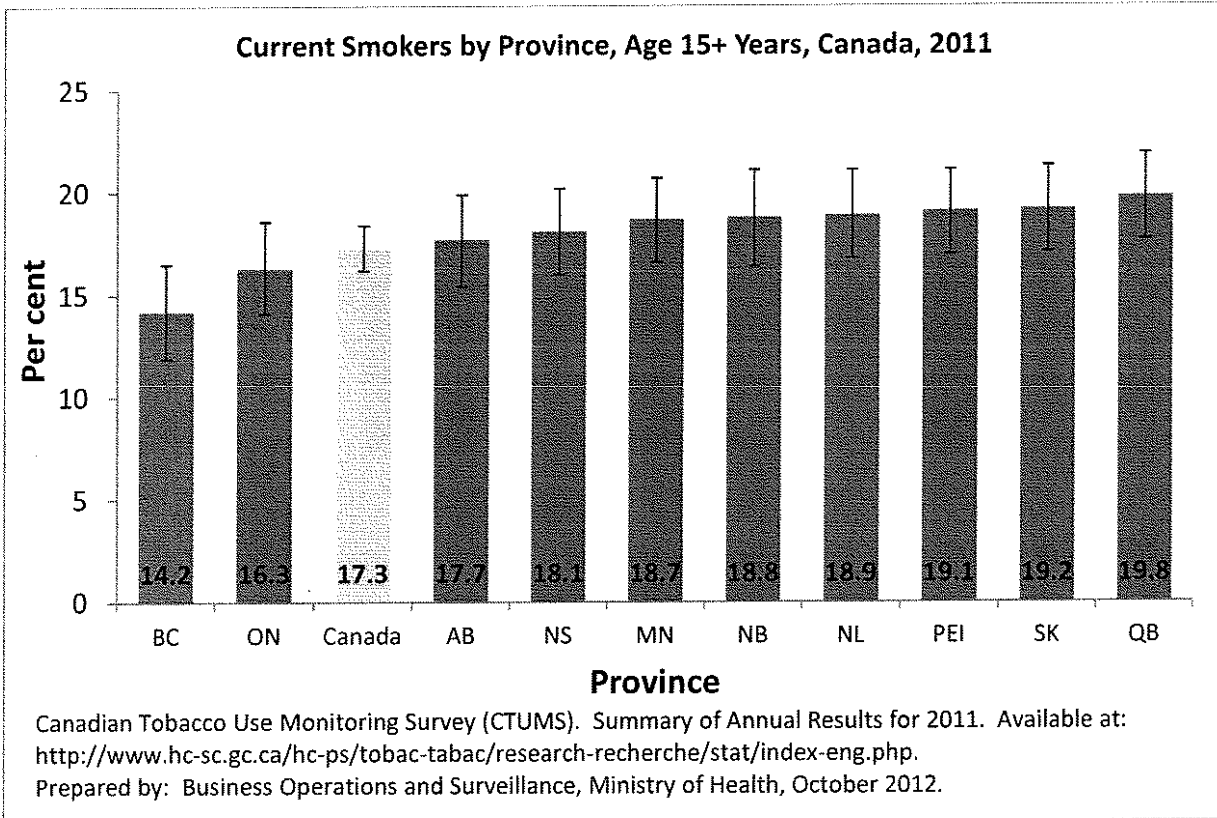
**DISCUSSION:**

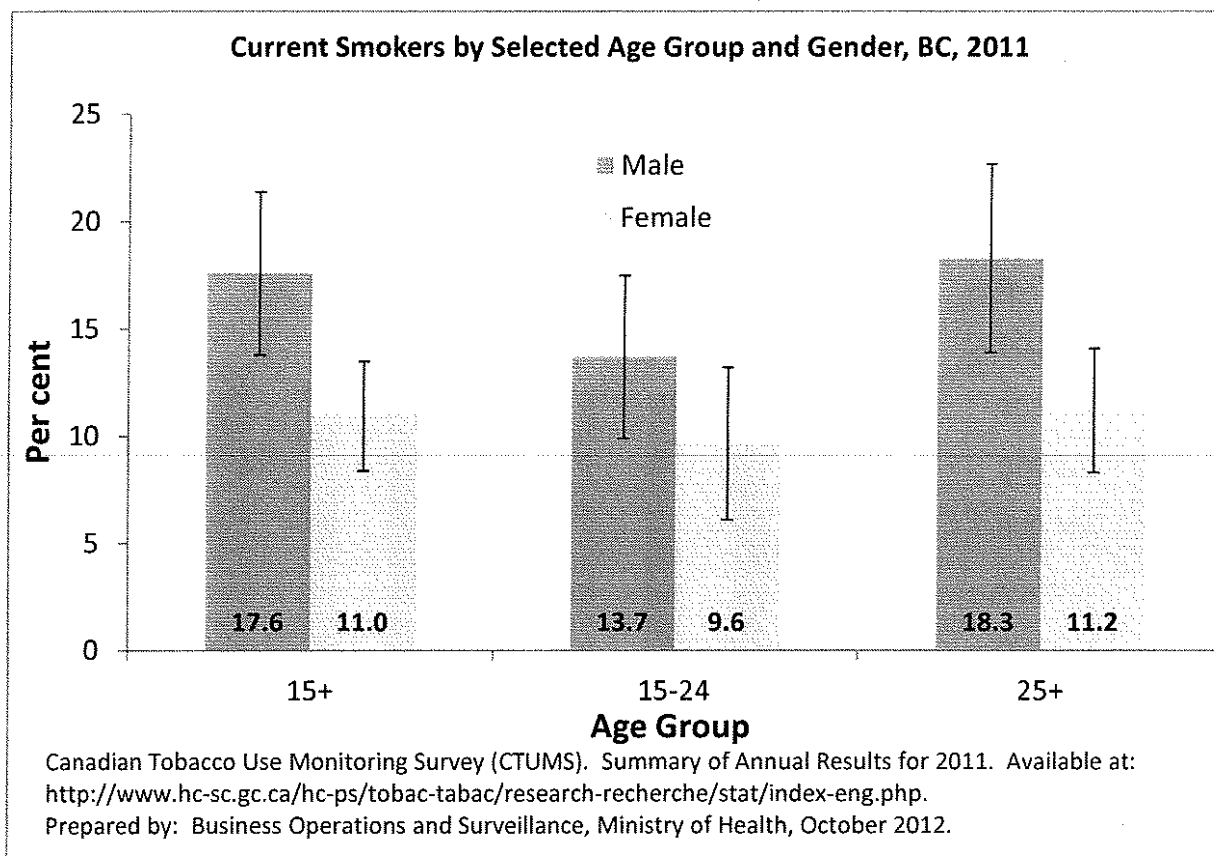
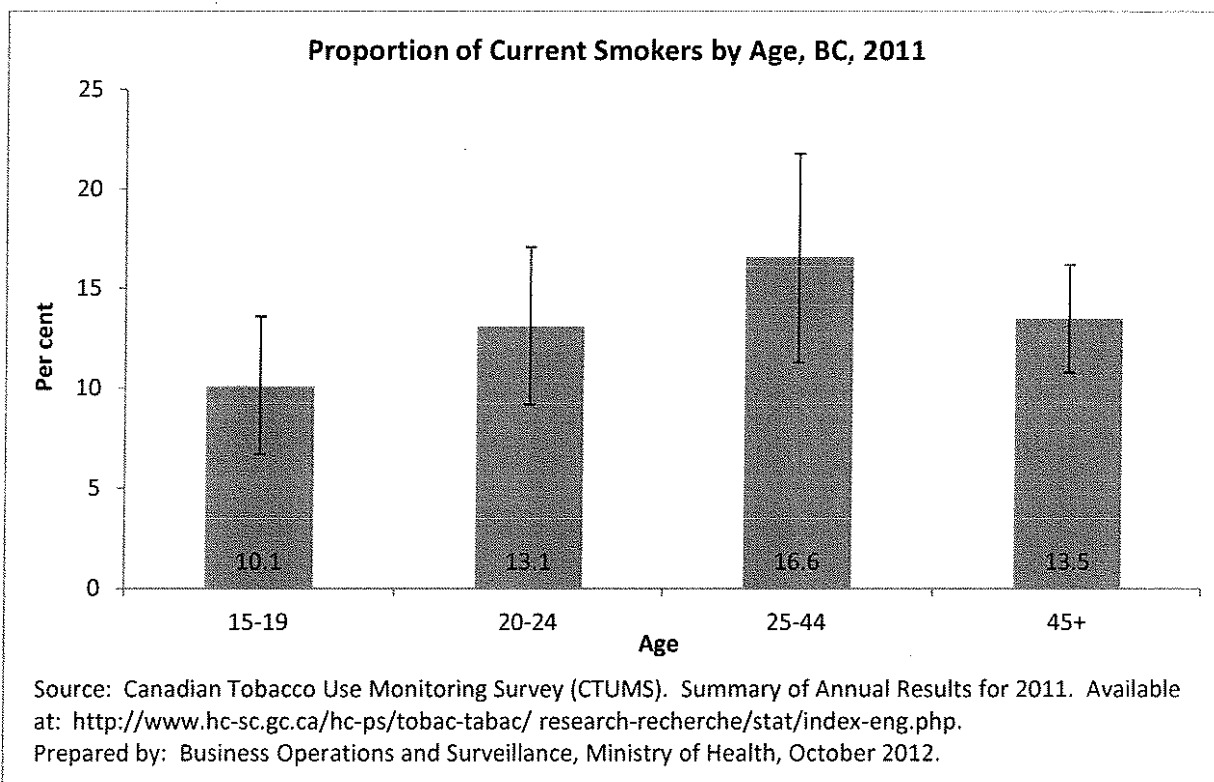
S13, S17

S13, S17

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**Program ADM/Division:** Arlene Paton, ADM, Population and Public Health  
**Telephone:** 250-952-1731  
**Program Contact (for content):** Shelley Canitz  
**Drafter:** Shelley Canitz  
**Date:** October 18, 2012  
**File Name with Path:** Y:\CDIPBE\HL\_CD prevention\Briefing Notes - 280-20\2012 - Briefing Notes\Tobacco\946671 - Ministers briefing re Tobacco Options to drive down smoking rates.docx





## Overview of existing tobacco programs

The Ministry of Health's Tobacco Control Strategy aims to reduce the death, disease and disability caused by tobacco by:

- a) stopping youth and young adults from starting smoking;
- b) helping smokers to quit; and
- c) protecting people from exposure to second hand smoke.

An overarching principle is to hold the tobacco industry accountable for the impacts its wrongful actions have had on the health and health care costs of British Columbians.

### Stopping youth and young adults from starting to use tobacco

- \$1 million/year to health authorities to support tobacco control efforts at the local level.
- *Tobacco Control Act* (the Act) – prohibits the sale of tobacco to anyone under 19 years of age, restricts retail tobacco displays/promotions where youth have access and bans tobacco use on all public/private schools (with exceptions for the ceremonial use of tobacco in an Aboriginal cultural activity). Health authorities enforce the Act (with \$675,000 in annual funding from the Ministry of Health).

### Encouraging and assisting tobacco users to quit their use of tobacco products

- BC Smoking Cessation Program: smokers can either get a free 12 week/calendar year supply of nicotine gum/patches or those on Fair Pharmacare can get a prescription for Zyban or Champix (subject to deductibles). With the first year, about 150,000 smokers received medication and over 11,000 have joined QuitNow Services.<sup>1</sup>
- QuitNow Services, now available through 811, offers phone, web and text support to help smokers quit (through BC Lung, with a \$2.1 million grant from the Ministry).
- Prescription for Health – family physicians can help at-risk populations (e.g. smokers).
- National 1-800 – a federal/provincial/territorial partnership - Health Canada requires all cigarette/cigarillo packages to have a national 1-800 quitline/URL. Users will be routed to their home jurisdiction for cessation counselling. Health Canada is providing funds to all jurisdictions to both offset increased use rates (BC's share is almost \$1 million over four years) and evaluate the program).
- Public Service Agency's Quitting Time – public servants can receive QuitNow Services counselling and \$300 for cessation medication from Pacific Blue Cross.

### Protecting people from exposure to second-hand smoke

- The Act bans smoking in all indoor public and work spaces and within a three metre buffer zone of most public/ workplace doors, open windows and air intakes.
- Smoke-free health authority premises policies – all health authorities have policies to encourage smoke-free hospital grounds.
- Government supports municipal/regional tobacco control bylaws, including smoking restrictions in outdoor areas. Communities can expand the level of bylaw protection as their community's support increases (many communities have buffer zones larger than those set by the Act or have banned smoking on playgrounds).
- Children in care– their homes and vehicles must be smoke-free at all times.
- The Motor Vehicle Act bans smoking in cars with children under 16 (fine: \$109).
- WorkSafe BC environmental tobacco regulation limits second-hand smoke at work.

<sup>1</sup> <http://www.newsroom.gov.bc.ca/2012/10/celebrating-the-anniversary-of-the-smoking-cessation-program.html>

- Residential Care Regulation – bans staff smoking onsite/when supervising those in care.
- BC Housing has 4 sites that are currently smoke-free or moving to smoke-free as tenants leave:
  - Comox Street townhouses (Vancouver)
  - Maclean Park Extension tower (Vancouver)
  - Mountain View Manor (Keremeos)
  - Evergreen Terrace (Victoria)

BC Housing intends to evaluate the programs at the smoke-free sites and expand these programs to sites across BC.

### **Tobacco Health Care Costs Recovery Litigation**

British Columbia was the first province to pursue litigation against the three major Canadian tobacco companies and their foreign affiliates. The Province is seeking recovery of health-care costs resulting from what B.C. alleges is the wrongful conduct of these parties in the manufacture, promotion and sale of tobacco products over many decades. All provinces have enacted legislation similar to BC's and all Provinces, except Nova Scotia, have launched health care cost recovery actions.

BC is proceeding with preparing its case for trial and in March 2012, BC, New Brunswick, Nova Scotia, Saskatchewan, Manitoba and Prince Edward Island announced they had joined together to hire two law firms (Bennett Jones and Siskinds) on a contingency fee basis to pursue the individual claims of all of these provinces. Given the many common elements of the claims, combining forces with other provinces and co-ordinating legal resources will expedite getting these cases to trial.

### **KEY FACTS**

- BC has the lowest provincial smoking rate (14.2 percent); national rate is 17 percent. However, due to population size, BC has the third largest number of smokers in Canada (see attached chart). 2 percent of children in BC aged 0-17 are regularly exposed to environmental tobacco smoke (lowest rate in Canada); national average is 5 percent.<sup>2</sup>
- Tobacco-related illness is the leading cause of preventable death in BC: over 6,000 deaths each year, including over 100 non-smokers who die from diseases caused by second-hand smoke. Smoking kills more people in BC than all other drugs, motor vehicle collisions, murder, suicide and HIV/AIDS combined.
- Estimate of the cost of tobacco to BC: \$2.3 billion, including \$605 million for direct health care costs.<sup>3</sup>

### **REGIONAL FACTS – Canadian Community Health Survey 2011**

- Regional smoking rates vary from 12.9 percent in the Vancouver Coastal Health Authority (VCHA) to 24.5 percent in the Northern Health Authority (NHA). Because of the population size, the health authority with the highest smoking rate (NHA) has the smallest number of smokers while the health authority with the lowest smoking rate (VCHA) has the second-largest number of smokers. Fraser Health Authority has the highest number of smokers in BC

<sup>2</sup> Canadian Tobacco use Monitoring Survey (CTUMS) Annual 2011, Health Canada

<sup>3</sup> The Costs of Substance Abuse in Canada 2002, Canadian Centre on Substance Abuse 2006.

**Parasram, Karen HLTH:EX**

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**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Wednesday, October 17, 2012 4:19 PM  
**To:** Parasram, Karen HLTH:EX  
**Subject:** San Rafael Smoking Ban: California City Bars Smoking In Duplexes, Condominiums And Other Multi-Family Homes

<http://www.huffingtonpost.com/2012/10/16/san-rafael-smoking-ban n 1968990.html>

Pages 61 through 69 redacted for the following reasons:

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S14

## Scalzo, Lee G HLTH:EX

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**From:** Tobacco Info, HLTH HLTH:EX  
**Sent:** Tuesday, October 16, 2012 3:44 PM  
**To:** Parasram, Karen HLTH:EX  
**Subject:** FW: BC Ferries

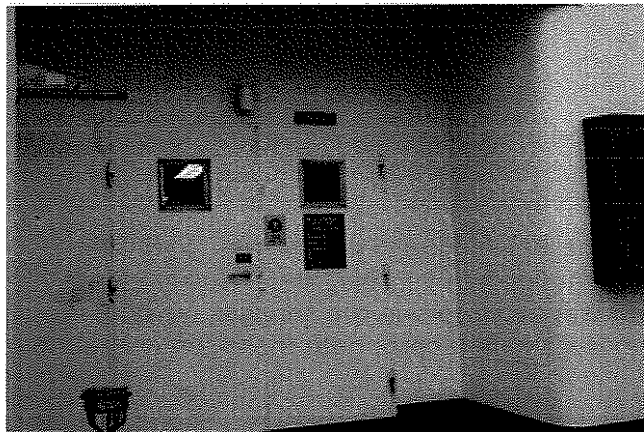
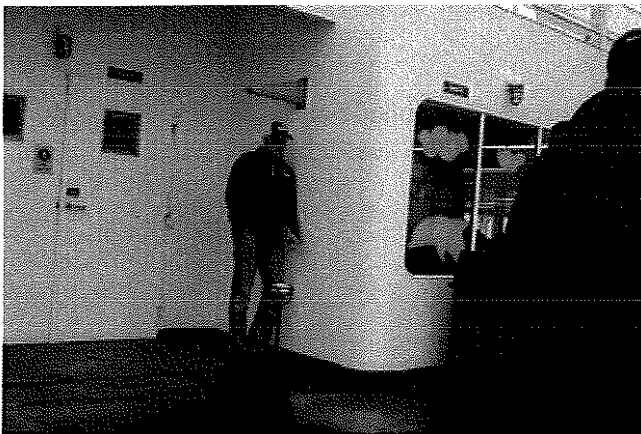
fyi

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**From:** S22  
**Sent:** Monday, October 15, 2012 9:56 PM  
**To:** Customer Relations  
**Cc:** Coell,MLA, Murray LASS:EX; Minister, HLTH HLTH:EX; Tobacco Info, HLTH HLTH:EX  
**Subject:** Re: BC Ferries

Erica,

I was on a Spirit class ferry out of Tsawwassen that departed at 3:00 pm today. The doorways at midship on each side had ashtrays and there was not one No Smoking sign to be seen. There was a constant stream of smokers standing in these doorways (contrary to provincial regulations) from the time we departed until our docking at Swartz.



Taken today, although they could have been taken three years ago, as BC Ferries has FAILED to enforce

a simple bylaw or to even make a reasonable effort. Do you see any signs as required? There are large visible signs on the Queen of Nanaimo, which does not have this issue, but not on the Spirits which obviously have an ongoing problem.



Three ashtrays and two smokers at a midship in the doorway on the Spirit. BC Ferries is NOT in compliance with Provincial Legislation or local by-laws and has not been for years in this regard. Your "reasonable steps to enforce our designated smoking areas, including posting signage" are a joke. Is this because BC Ferry management is incapable of enforcing a simply bylaw or so arrogant that those responsible feel that they are above the law?

Who monitors the outside decks on the Spirits? I rarely see any personnel step outside and if they do, they avoid this section of the ship and refuse to deal with the smokers and the health hazard their smoke creates as it drifts into the ship and the upstairs passenger lounge.

S22

On 2012-10-01, at 12:17 PM, Customer Relations wrote:

Dear S22

Thank you for taking the time to share your comments regarding Washington State Ferries, and their practices regarding reservation fees and providing completely smoke-free vessels. We certainly value feedback from our passengers, and we are always looking for ways to improve the services we offer. I have recorded your comments on both of these issues for review by the appropriate management teams.

First, please allow me to apologize that your enjoyment of our vessels has been impacted by second hand smoke. BC Ferries has continually adapted and modified our smoking policies to ensure we are in compliance with Provincial Legislation and local by-laws. If these laws or by-laws change, BC Ferries will make any changes needed to ensure our continued compliance. With regard to the enforcement, we are obligated to take all reasonable steps to enforce our designated smoking areas, including posting signage, making announcements advising of designated smoking areas and their location and directing smokers to

designated smoking areas. Smokers who disregard no-smoking requirements are in contravention of our Conditions of Carriage, and can be sanctioned under those same conditions. Our conditions of carriage are available here: [http://www.bcferries.com/files/PDFs/Conditions\\_of\\_Carriage.pdf](http://www.bcferries.com/files/PDFs/Conditions_of_Carriage.pdf)

All of this being said, we recognize that our passengers attitudes toward smoking are changing and we are recording and monitoring all the customer feedback we receive on this issue. I have logged your comments as part of this ongoing review. Given that our smoking policies are guided by legislation, I would also encourage you to share this feedback with your local MLA. You may also want to share your feedback with the Ministry for Transportation and Infrastructure.

BC Ferries is always ready to look at new improvements and the reservations system is no exception. In fact, we are in the process of reviewing our reservation system based on recommendations from the BC Ferry Commission. The Commission is independent of BC Ferry Services Inc, and regulates our fares, service levels and other aspects of our operation. The commission's website contains a great deal of information, including the current Coastal Ferry Services Contract which governs how we conduct our business. You can provide your feedback on this, or any other issue, to the Commission via the website: <http://www.bcferrycommission.com/>

I hope this information is helpful to you. Please contact me at the number listed below if I can be of further assistance.

Thank you again for taking the time to write to us.

Best Regards,

Erica Swain  
Advisor, Customer Relations | Customer Care  
British Columbia Ferry Services Inc.  
Suite 500-1321 Blanshard Street | Victoria, BC | V8W 0B7  
T: (250) 978-2022 | F: (250) 978-1240  
<image003.jpg> <image004.jpg>

**Notice:**

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## Scalzo, Lee G HLTH:EX

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**From:** Parasram, Karen HLTH:EX  
**Sent:** Wednesday, October 10, 2012 9:27 AM  
**To:** Scalzo, Lee G HLTH:EX  
**Subject:** Youth Prevention rev01  
**Attachments:** Youth Prevention rev01.docx

# Youth Tobacco Prevention

---

## *Legislative Protection*

*Tobacco Control Act* and *Tobacco Control Regulation* offer the following protection specifically for youth:

- The *Act* bans the sale of tobacco to minors. A minor is defined as a person who is under 19 years of age.
- The *Act* also prohibits the display or advertisement of tobacco products in retail businesses to which a minor has access.
- Tobacco use of any kind, including smoking, is banned on all public and private K-12 school grounds.
- A contravention of these provisions can result in a ticket/administrative hearing for the person contravening the *Act*. There were 434 tickets issued for the 2011 year.

The *Motor Vehicle Act* bans smoking:

- In motor vehicles when youth under 16 years of age are present.
- There is a \$109 fine for smoking with children in vehicles. There were 126 tickets issued for 2011 under this provision.

Legislative protection for the public including youth:

- Smoking is not permitted in any fully or substantially enclosed public place or workplace.
- Smoking is not permitted within 3 metres of most public or workplace doorways, open windows, or air intakes (i.e. a “buffer zone”).
- Common areas of apartment buildings, condominiums and dormitories are smoke-free, as they are considered public or work places.
- Substantially enclosed transit shelters are smoke-free.

## *School Resources*

- iMinds is a health education resource for grades 6-10 that aims to help students maximise their drug literacy – the knowledge and skills they need to survive and thrive in a world where drug use is common <http://carbc.ca/HelpingSchools/ToolsResources/iMinds.aspx>
- Kick the Nic is a youth tobacco cessation program that helps young people understand tobacco addiction. It is a 10 week group program <http://healthyschoolsbc.ca/program/270/kick-the-nic>
- Tobacco-free schools, a MOH website, explains the tobacco laws to school stakeholders. Resources include questions and answers, signage, sample letter to parents and students, and a sample newsletter article <http://www.health.gov.bc.ca/tobacco/schools.html>

Page 75 redacted for the following reason:

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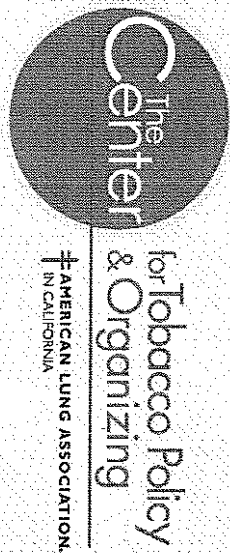
S13

## **Parasram, Karen HLTH:EX**

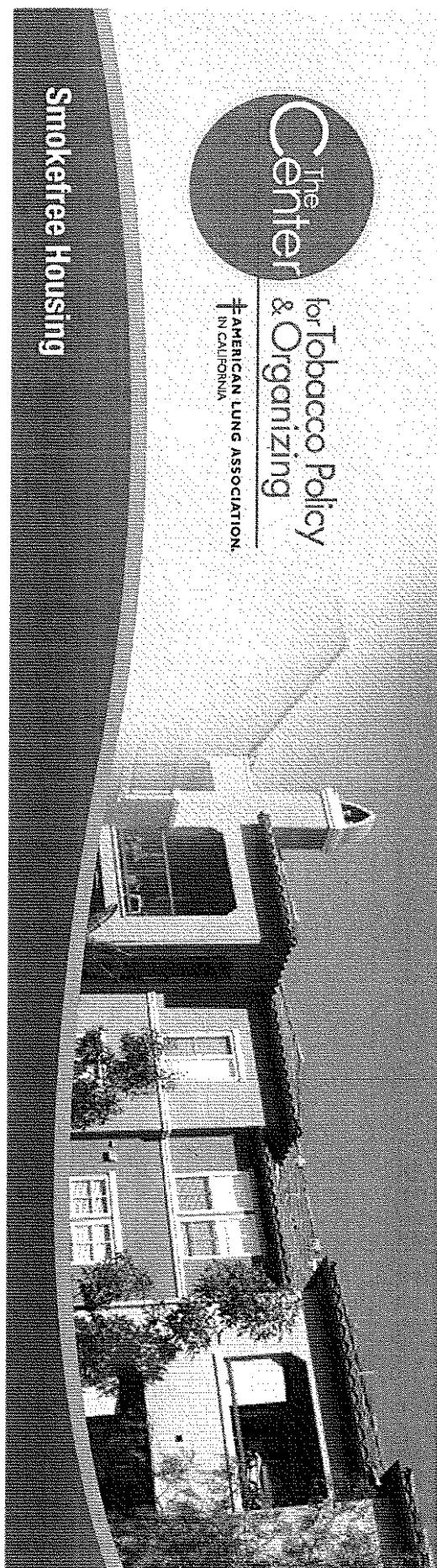
---

**From:** Malafry, Robin HLTH:EX  
**Sent:** Wednesday, October 10, 2012 12:35 PM  
**To:** Parasram, Karen HLTH:EX  
**Subject:** How California cities handle smoking violations in MUDs  
**Attachments:** 2. Comparison of Nonsmoking Housing Units Ordinances November 2011 (update).pdf

Here's the article that mentions how the cities handle violations. It's with our library reference material.



## Smokefree Housing



# Comparison of Nonsmoking Housing Units Ordinances November 2011

Cities and counties in California have led the way on many secondhand smoke issues throughout the years by passing groundbreaking local ordinances to restrict smoking in certain areas. On the issue of smokefree housing, California's communities are once again paving the way. Secondhand smoke exposure in multi-unit housing is a serious health threat because secondhand smoke drifts into housing units from other units, balconies, patios and common areas. The most effective way to address this problem is to pass a policy that restricts smoking within units, which includes balconies and patios, in multi-unit housing.

There are now 23 jurisdictions in California that have adopted an ordinance that prohibits smoking within a certain percentage of units in multi-unit housing. The table on the following pages lists questions about policy and enforcement provisions of smokefree housing ordinances and provides the answers for each of the 23 jurisdictions. This table makes it easier to learn more about and understand in detail these ordinances, as well as providing some guidance on the types of issues that need to be addressed by other communities working on a smokefree housing ordinance. The 23 cities and counties are listed in reverse chronological order on the following three pages.

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More information about all of these policies can be found in the Center's Matrix of Local Smokefree Housing Policies, which contains the full details on all of the policy and enforcement provisions in each smokefree housing ordinance. These documents and other smokefree housing documents are all available on the Center's website, [www.Center4TobaccoPolicy.org/localpolicies-smokefreehousing](http://www.Center4TobaccoPolicy.org/localpolicies-smokefreehousing).

The Center for Tobacco Policy & Organizing • American Lung Association in California  
1029 J Street, Suite 450 • Sacramento, CA 95814 • Phone: (916) 554-5364 • Fax: (916) 442-8585 • [www.Center4TobaccoPolicy.org](http://www.Center4TobaccoPolicy.org)

# BREAKDOWN OF NONSMOKING HOUSING UNITS ORDINANCES (policies adopted from November 2010 to the present)

POLICY PROVISIONS							ENFORCEMENT PROVISIONS				
Date Passed/ Population	What percentage of units is required to be designated as nonsmoking?	When do the nonsmoking units restrictions go into effect?	Are current tenants who smoke grandfathered in, that is, allowed to smoke in their current unit past the implementation date?	Do the nonsmoking unit requirements apply to condominiums?	What is the minimum size multi-unit housing that is required to have nonsmoking units?	Is secondhand smoke declared a nuisance?	All landlords are able to evict for violations of a local law. Does this ordinance contain any additional eviction provisions?	Can a tenant enforce the nonsmoking lease provisions against a violating tenant?	Is there a private enforcement provision that allows the public to enforce the nonsmoking law against violating parties?	How are violations of the ordinance punishable by the city/county?	
ALAMEDA  November 2011/ 74,081	100%	14 months for existing, new when completed	No	Yes	2 units	No	No	Yes	Yes	Infraction with fines starting at \$100	
BALDWIN PARK  November 2011/ 75,664	100%, up to 20% of existing units may be designated as smoking units	3 years for existing, 6 months for new	No	Yes	2 units	Yes	No	Yes	Yes	Infraction with fines starting at \$500	
COMPTON  October 2011/ 96,925	100%	14 months for existing, new when completed	No	Yes	3 units	No	No	Yes	Yes	Infraction with a fine of \$100	
SONOMA COUNTY  September 2011/ 146,238	100%	14 months for existing units; 6 months for new	No	Yes	2 units	No	No	No	No	Infraction with fines starting at \$100 and subject to civil action	
TIBURON  July 2011/ 9,031	100%	35 months for existing, new when completed	No	No	4 units	No	No	Yes	Yes	Infraction with a fine up to \$100	
PASADENA  July 2011/ 138,915	100%	18 months for existing units; new when completed	No	Yes	2 units	No	No	No	No	In accordance with the citation schedule in the municipal code	
FAIRFAX  May 2011/ 7,497	75%	14 months	No	Yes	4 units	Yes	No	Yes	Yes	In accordance with the town code; a written warning must be provided before a civil penalty is assessed	
LARKSPUR  April 2011/ 12,014	100%, up to 20% of existing units may be designated as smoking units	13 months for existing, new when completed	No	Yes	2 units	Yes	No	Yes	Yes	Infraction with a fine of \$100 and subject to civil enforcement	
UNION CITY  November 2010/ 69,850	100%	14 months for existing, new when completed	No	No	2 units	Yes	No	Yes	Yes	Infraction with a fine of \$100 and subject to civil action by the city	

# BREAKDOWN OF NONSMOKING HOUSING UNITS ORDINANCES (policies adopted from July 2009 to November 2010)

POLICY PROVISIONS										ENFORCEMENT PROVISIONS			
Date Passed/ Population	What percentage of units is required to be designated as nonsmoking?	When do the nonsmoking units restrictions go into effect?	Are current tenants who smoke grandfathered in, that is, allowed to smoke in their current unit past the implementation date?	Do the nonsmoking unit requirements apply to condominiums?	What is the minimum size multi-unit housing that is required to have nonsmoking units?	Is secondhand smoke declared a nuisance?	All landlords are able to evict for violations of a local law. Does this ordinance contain any additional eviction provisions?	Can a tenant enforce the nonsmoking lease provisions against a violating tenant?	Is there a private enforcement provision that allows the public to enforce the nonsmoking law against violating parties?	How are violations of the ordinance punishable by the city/county?			
SANTA CLARA COUNTY November 2010/ 85,669	100%	14 months for existing, new when completed	No	Yes	2 units	No	No	Yes	No	Infraction with fines starting at \$100 and subject to civil action by the county			
CONTRA COSTA COUNTY October 2010/ 161,143	100% new	All new multi-unit housing that receives building permit after Jan. 1, 2011	N/A	Yes	4 units	No	Yes	No	No	Any means allowed by the municipal code			
SEBASTOPOL August 2010/ 7,423	100%	14 months	No	Yes	2 units	Yes	No	Yes	Yes	Infraction with a fine of \$100			
SOUTH PASADENA August 2010/ 25,692	100%, up to 20% of existing units may be designated as smoking units	3 years	No	Yes	2 units	Yes	No	Yes	Yes	Infraction with a fine of \$100			
PALO ALTO April 2010/ 18,460	100% new	Immediately	N/A	Yes	2 units	No	No	No	No	Infraction with fines starting at \$100			
PLEASANT HILL April 2010/ 33,279	50% existing, 100% new	5 years from January 2011 when nonsmoking unit designations begin	No	No	4 units	Yes	No	No	No	Any means allowed by the municipal code			
RICHMOND July 2009/ 104,220	100%	17 months for existing, new units when completed	No	Yes	2 units	No	No	Yes	Yes	\$100 fine			

# BREAKDOWN OF NONSMOKING HOUSING UNITS ORDINANCES (policies adopted prior to July 2009)

POLICY PROVISIONS										ENFORCEMENT PROVISIONS									
	Date Passed/ Population	What percentage of units is required to be designated as nonsmoking?	When do the nonsmoking units restrictions go into effect?	Are current tenants who smoke grandfathered in, that is, allowed to smoke in their current unit past the implementation date?	Do the nonsmoking unit requirements apply to condominiums?	What is the minimum size multi-unit housing that is required to have nonsmoking units?	Is secondhand smoke declared a nuisance?	All landlords are able to evict for violations of a local law. Does this ordinance contain any additional eviction provisions?	Can a tenant enforce the lease provisions against a violating tenant?	Is there a private enforcement provision that allows the public to enforce the nonsmoking law against violating parties?	How are violations of the ordinance punishable by the city/county?								
ROHNERT PARK	April 2009/ 41,194	50% existing, 75% new	25 months for existing; new when completed	Yes	Yes	2 units	No	No	No	Yes	Infraction								
DUBLIN	December 2008 (updated July 2011)/ 46,743	75%	25 months	No	No	16 units	Yes	No	Yes	Yes	Infraction / fines starting at \$100								
LOMA LINDA	June 2008/ 23,395	70%	3 1/2 years	Yes	No	2 units	Yes	Yes	Yes	No	Infraction								
NOVATO	April 2008/ 52,311	50% existing, 75% new	90 days	Yes	Yes	10 units	Yes, in a place of human habitation	No	Yes	Yes	Infraction with fines starting at \$100; a warning letter must be provided before civil penalties are assessed								
CALABASAS	January 2008/ 23,134	80%	4 years	Yes	No	2 units	Yes	Yes	Yes	Yes	Misdemeanor or infraction and subject to civil action by the city								
BELMONT	October 2007/ 26,031	100%	14 months	No	Yes	2 units that share a common floor and/or ceiling	Yes	No	Yes	No	Infraction subject to a \$100 penalty and civil action by the city								
TEMECULA	May 2007/ 101,657	25%	5 years, up to 8 years with extensions	Yes	No	10 units	No	No	No	No	All penalties outlined in the municipal code and subject to civil action by the city								

## **Canitz, Shelley L HLTH:EX**

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**From:** Dempster, Marcia JAG:EX  
**Sent:** Friday, October 5, 2012 12:44 PM  
**To:** Canitz, Shelley L HLTH:EX  
**Cc:** Kraitberg, Sharna JAG:EX; Soloway, Laurie J JAG:EX  
**Subject:** RE: Two Matters

Thanks so much, Shelley.

---

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Friday, October 5, 2012 12:41 PM  
**To:** Dempster, Marcia JAG:EX  
**Cc:** Kraitberg, Sharna JAG:EX; Soloway, Laurie J JAG:EX  
**Subject:** RE: Two Matters

Yes

---

**From:** Dempster, Marcia JAG:EX  
**Sent:** Friday, October 5, 2012 12:31 PM  
**To:** Canitz, Shelley L HLTH:EX  
**Cc:** Kraitberg, Sharna JAG:EX; Soloway, Laurie J JAG:EX  
**Subject:** RE: Two Matters

Shelley,

Laurie's back-up, Sharna Kraitberg, is tied up in all-day meetings and not able to look at this until Wednesday. Will that be okay?

Marcia

---

**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Thursday, October 4, 2012 4:37 PM  
**To:** Dempster, Marcia JAG:EX  
**Cc:** Kraitberg, Sharna JAG:EX; Soloway, Laurie J JAG:EX  
**Subject:** RE: Two Matters

The S22 is urgent, so if that could be addressed soon, it would be greatly appreciated.

Thank you

---

**From:** Dempster, Marcia JAG:EX  
**Sent:** Thursday, October 4, 2012 4:03 PM  
**To:** Canitz, Shelley L HLTH:EX  
**Cc:** Kraitberg, Sharna JAG:EX; Soloway, Laurie J JAG:EX  
**Subject:** Two Matters

Shelley,

S22

S14

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---

**Marcia Dempster**

**Assistant to Laurie Soloway, Brian Etheridge, Mary Falconer & Fiona Gow**  
**Health & Social Services Group, Legal Services Branch, Ministry of Justice**  
PO Box 9280 Stn Prov Govt, 4th Fl., 1001 Douglas Street, Victoria BC V8W 9J7  
Tel: (250) 356-8448 / Fax: (250) 356-8992

Please take a moment to look at our website: [L@w Matters](#)

## Canitz, Shelley L HLTH:EX

---

**From:** Dempster, Marcia JAG:EX  
**Sent:** Friday, October 5, 2012 12:31 PM  
**To:** Canitz, Shelley L HLTH:EX  
**Cc:** Kraitberg, Sharna JAG:EX; Soloway, Laurie J JAG:EX  
**Subject:** RE: Two Matters

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Marcia

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**To:** Dempster, Marcia JAG:EX  
**Cc:** Kraitberg, Sharna JAG:EX; Soloway, Laurie J JAG:EX  
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**Sent:** Thursday, October 4, 2012 4:03 PM  
**To:** Canitz, Shelley L HLTH:EX  
**Cc:** Kraitberg, Sharna JAG:EX; Soloway, Laurie J JAG:EX  
**Subject:** Two Matters

Shelley,

S22

S14

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Marcia Dempster  
Assistant to Laurie Soloway, Brian Etheridge, Mary Falconer & Fiona Gow  
Health & Social Services Group, Legal Services Branch, Ministry of Justice  
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Pages 84 through 97 redacted for the following reasons:

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S14

**Parasram, Karen HLTH:EX**

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**From:** Canitz, Shelley L HLTH:EX  
**Sent:** Thursday, October 4, 2012 5:05 PM  
**To:** Nisbet, Corinna HLTH:EX  
**Cc:** Parasram, Karen HLTH:EX  
**Subject:** 930653 - email (tax increase-MUDS-pension)  
**Attachments:** 930653 - email S22 (tax increase-MUDS-pension).docx

Can you find the incoming email from S22 on this? Please give a copy to Karen and me

Karen – please note the suggestions and see if they should be added to our suggestions for MUD changes

## EMAIL RESPONSE

930653

S22

Thank you for your email dated May 25, 2012, to the Honourable Michael De Jong, QC, Minister of Health in which you advocate for 1) a cigarette tax increase with the revenue specifically applied to tobacco control initiatives, 2) a requirement that multi-unit dwellings disclose their smoking policies and the status of units at the time of purchase or rental and 3) divesting the BCIMC's \$346 million of tobacco shares.

I appreciate the opportunity to respond. Please contact Shelley Canitz, Director, Tobacco Control Program at (250) 952-2304 or email her at [Shelley.Canitz@gov.bc.ca](mailto:Shelley.Canitz@gov.bc.ca) to schedule a teleconference or to discuss the possibility of an in person meeting with Shelley.

Thank you for raising your concerns on issues affecting tobacco control initiatives.

Yours truly,

Laurie Woodland  
Executive Director  
Chronic Disease, Injury Prevention and Built Environment

S22

## Smokefree Housing

# Comparison of Nonsmoking Housing Units Ordinances November 2011

Cities and counties in California have led the way on many secondhand smoke issues throughout the years by passing groundbreaking local ordinances to restrict smoking in certain areas. On the issue of smokefree housing, California's communities are once again paving the way. Secondhand smoke exposure in multi-unit housing is a serious health threat because secondhand smoke drifts into housing units from other units, balconies, patios and common areas. The most effective way to address this problem is to pass a policy that restricts smoking within units, which includes balconies and patios, in multi-unit housing.

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# BREAKDOWN OF NONSMOKING HOUSING UNITS ORDINANCES (policies adopted from November 2010 to the present)

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SONOMA COUNTY	September 2011/ 146,238	100%	14 months for existing units; 6 months for new	No	Yes	2 units	No	No	No	No	Infraction with fines starting at \$100 and subject to civil action
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UNION CITY	November 2010/ 69,850	100%	14 months for existing, new when completed	No	No	2 units	Yes	No	Yes	Yes	Infraction with a fine of \$100 and subject to civil action by the city

# BREAKDOWN OF NONSMOKING HOUSING UNITS ORDINANCES (policies adopted from July 2009 to November 2010)

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CONTRA COSTA COUNTY October 2010/ 161,143	100% new	All new multi-unit housing that receives building permit after Jan. 1, 2011	N/A	Yes	4 units	No	Yes	No	No	Any means allowed by the municipal code
SEBASTOPOL August 2010/ 7,423	100%	14 months	No	Yes	2 units	Yes	No	Yes	Yes	Infraction with a fine of \$100
SOUTH PASADENA August 2010/ 25,692	100%, up to 20% of existing units may be designated as smoking units	3 years	No	Yes	2 units	Yes	No	Yes	Yes	Infraction with a fine of \$100
PINOLE April 2010/ 18,460	100% new	Immediately	N/A	Yes	2 units	No	No	No	No	Infraction with fines starting at \$100
PLEASANT HILL April 2010/ 33,279	50% existing, 100% new	5 years from January 2011 when nonsmoking unit designations begin	No	No	4 units	Yes	No	No	No	Any means allowed by the municipal code
RICHMOND July 2009/ 104,220	100%	17 months for existing; new units when completed	No	Yes	2 units	No	No	Yes	Yes	\$100 fine

# BREAKDOWN OF NONSMOKING HOUSING UNITS ORDINANCES (policies adopted prior to July 2009)

	POLICY PROVISIONS					ENFORCEMENT PROVISIONS					
	Date Passed/ Population	What percentage of units is required to be designated as nonsmoking?	When do the nonsmoking units restrictions go into effect?	Are current tenants who smoke grandfathered in that is, allowed to smoke in their current unit past the implementation date?	Do the nonsmoking unit requirements apply to condominiums?	What is the minimum size multi-unit housing that is required to have nonsmoking units?	Is secondhand smoke declared a nuisance?	All landlords are able to evict for violations of a local law. Does this ordinance contain any additional eviction provisions?	Can a tenant enforce the nonsmoking lease provisions against a violating tenant?	Is there a private enforcement provision that allows the public to enforce the nonsmoking law against violating parties?	How are violations of the ordinance punishable by the city/county?
ROHNERT PARK	April 2009/ 41,194	50% existing, 75% new	25 months for existing, new when completed	Yes	Yes	2 units	No	No	No	Yes	Infraction
DUBLIN	December 2008 (updated July 2011)/ 46,743	75%	25 months	No	No	16 units	Yes	No	Yes	Yes	Infraction / fines starting at \$100
LOMA LINDA	June 2008/ 23,395	70%	3 1/2 years	Yes	No	2 units	Yes	Yes	Yes	No	Infraction
NOVATO	April 2008/ 52,311	50% existing, 75% new	90 days	Yes	Yes	10 units	Yes, in a place of human habitation	No	Yes	Yes	Infraction with fines starting at \$100; a warning letter must be provided before civil penalties are assessed
CALABASAS	January 2008/ 23,134	80%	4 years	Yes	No	2 units	Yes	Yes	Yes	Yes	Misdemeanor or infraction and subject to civil action by the city
BELMONT	October 2007/ 26,031	100%	14 months	No	Yes	2 units that share a common floor and/or ceiling	Yes	No	Yes	No	Infraction subject to a \$100 penalty and civil action by the city
EMERCUCLA	May 2007/ 101,657	25%	5 years, up to 8 years with extensions	Yes	No	10 units	No	No	No	No	All penalties outlined in the municipal code and subject to civil action by the city

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# Tobacco and Multi-Unit Dwellings

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S13, S17

## *Public Housing- BC Housing Sites and Movement toward Smoke-Free Housing*

BC Housing has 4 sites that are currently smoke-free:

- Comox Street townhouses (Vancouver)
- Maclean Park Extension tower (Vancouver)
- Mountain View Manor (Keremeos)
- Evergreen Terrace (Victoria)

BC Housing undertook a survey in 2009 to determine whether there was a high tenant support for smoke-free housing. The result was a choice of 2 sites to go smoke-free; Keremeos and Vancouver. BC Housing intends to evaluate the programs at the smoke-free sites and expand these programs to sites across BC.

## *Financial and Social Costs of Second-Hand Smoke - Background*

In 2007, a report by the U.S. Surgeon General indicated the home is becoming the predominant location for exposure of children and adults to second-hand smoke.<sup>1</sup> People living in multi-unit dwellings (MUDs) are at high risk as smoke can drift from other units, balconies, patios, and common areas, which are hard or impossible to control.

## *Financial Costs*

### *Owners*

- Fires started from smoking materials caused an average of \$44.7 million in property damages per year in Canada, resulting from 3,200 fires.<sup>2</sup>
- Separating smokers from non-smokers, cleaning the air, and ventilating buildings cannot eliminate exposure of non-smokers to second-hand smoke.<sup>3</sup>
- Current heating, ventilating, and air conditioning systems alone cannot control exposure to second-hand smoke, but are known to increase exposure by distributing smoke throughout a building.<sup>4</sup>

### *Rental*

- Thirty-four percent of apartment and condominium owners (200,000) are exposed to unwanted second-hand smoke.<sup>5</sup> Seventy-seven percent do not lodge complaints, though two-thirds admit it bothers them.<sup>6</sup> Second-hand smoking causes an estimated 50,000 to 100,000 renters to move every year in B.C.<sup>7</sup>
- In Nebraska, landlords with smoke-free policies stated they often experience decreased vacancy and turnover rates.<sup>8</sup> No similar study was found in B.C.
- Smoke-free policies reduce maintenance, property insurance premiums, and fire damage costs.<sup>9</sup>
- Smoke-free policies in Californian MUDs would save landlords an average of \$5,000 USD per unit per year in cleaning activities (\$18 million USD total in California).<sup>10</sup> In New England, cleaning costs average \$3,515 USD per unit per year for heavy smokers.<sup>11</sup>

*Table 1.* Cost in New England to rehabilitate a multi-unit dwelling where smoke is prohibited against one where smoking is allowed.<sup>12</sup>

	<b>Non-smoking</b>	<b>Light smoking</b>	<b>Heavy smoking</b>
General cleaning	\$240	\$500	\$720
Paint	\$170	\$225	\$480
Flooring	\$50	\$950	\$1,425
Appliances	\$60	\$75	\$490
Bathroom	\$40	\$60	\$400
<b>Total</b>	<b>\$560</b>	<b>\$1,810</b>	<b>\$3,515</b>

### *Hotel*

- Smoke-free policies do not have an adverse economic impact on the hospitality industry.<sup>13</sup>
- Smoke-free hotel rooms increased in the U.S. by 3.9% from 1998 to 2001, due to reduced cleaning costs, increased employee benefits, and public demand.<sup>14</sup> In Canada, the Marriott and Westin hotel chains have voluntarily become smoke-free due to public demand.<sup>15</sup>

### *Social Costs*

- Multiple surveys indicate that between 67% and 80% of Canadians living in MUDs are bothered by second-hand smoke or want to live in a smoke-free building, and half of Canadians prefer to live in a building where smoking is prohibited both inside and outside.<sup>16 17</sup>
- Multiple Canadian and U.S. court rulings protect non-smokers in MUDs from second-hand smoke based on nuisance and right of quiet enjoyment.<sup>18 19</sup>
- In 2012, B.C. Human Rights Tribunal awarded \$6,500 to one condo owner as compensation for injury to dignity, feeling and self respect caused by second-hand smoke; an additional \$1,518 was awarded for expenses incurred to reduce the second-hand smoke.<sup>20</sup>
- BC Government's Residential Tenancy Branch resolves tenant-landlord disputes with administrative hearings; to-date, the branch has been inconsistent in decision and orders for protecting tenants from second-hand smoke. Successful cases resulted in remuneration to tenant of \$1,000, reduced rent, and/or inspection and sealing of unit from smoke.<sup>21</sup>

<sup>1</sup> U.S. Department of Health and Human Services: p. 16

<sup>2</sup> Health Canada

<sup>3</sup> U.S. Department of Health and Human Services: p. 12

<sup>4</sup> U.S. Department of Health and Human Services: p. 12

<sup>5</sup> Ministry of Citizens' Services and Open Government: p. 3

<sup>6</sup> Ministry of Citizens' Services and Open Government: p. 3

<sup>7</sup> Kreisman: p. 400-401

<sup>8</sup> Cramer *et al*: p. 9

<sup>9</sup> U.S. Department of Health and Human Services: p. 632

<sup>10</sup> Ong, Michael K: p. 490

<sup>11</sup> U.S. Department of Housing and Urban Development: p. 9

<sup>12</sup> U.S. Department of Housing and Urban Development: p. 9

<sup>13</sup> U.S. Department of Health and Human Services: p. 16

<sup>14</sup> U.S. Department of Health and Human Services: p. 16

<sup>15</sup> National Forum on Drifting Second-Hand Smoke in Multi-Unit Dwellings: p. i

<sup>16</sup> National Forum on Drifting Second-Hand Smoke in Multi-Unit: p. i

<sup>17</sup> *80% of People Living in Apartments, Condos and Co-ops Want to Live Smoke Free*, Newswire

<sup>18</sup> *Canadian Case Law on Drifting Second-hand Smoke in Multi-Unit Dwellings*, Non-Smokers' Rights Association

<sup>19</sup> Jackson *et al*: 37-44

<sup>20</sup> McDaniel and McDaniel v. Strata Plan LMS 1657 (No. 2), 2012 BCHRT 167:

[http://www.bchrt.bc.ca/decisions/2012/pdf/may/167\\_McDaniel\\_and\\_McDaniel\\_v\\_Strata\\_Plan\\_LMS\\_1657\\_2012\\_BCHRT\\_167.pdf](http://www.bchrt.bc.ca/decisions/2012/pdf/may/167_McDaniel_and_McDaniel_v_Strata_Plan_LMS_1657_2012_BCHRT_167.pdf)

<sup>21</sup> Smoke-Free Housing BC

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U.S. Department of Housing and Urban Development. Office of Healthy Homes and Lead Hazard Control. *Smoke Free Housing: A Toolkit for Owners/Management Agencies of Federally Assisted Public and Multi-family Housing*.

## Hooton, Raylene HLTH:EX

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**From:** Minister, HLTH HLTH:EX [HLTH.Minister@gov.bc.ca]  
**Sent:** Tuesday, September 18, 2012 12:00 PM  
**To:** Health, HLTH HLTH:EX  
**Subject:** FW: Second-hand Smoke Problems at S22  
**Attachments:** S22

----- S22  
**From:**  
**Sent:** Tuesday, September 18, 2012 11:59:56 AM  
**To:** penny.ballem@vancouver.ca  
**Cc:** Minister, HLTH HLTH:EX; Stilwell.MLA, Moira LASS:EX;  
patricia.daly@vch.ca; info@cleanaircoalitionbc.com; S22  
**Subject:** Second-hand Smoke Problems at S22  
**Auto forwarded by a Rule**

Date: September 14, 2012

Dr. Penny Ballem, City Manager

City of Vancouver

453 W12 Ave

Vancouver, BC

V5Y 1V4

CC:

Honourable Michael de Jong, Minister of Health

Honourable Moira Stilwell, Minister of Social Development

Dr. Patricia Daly, Chief Medical Health Officer and Vice President, Public Health, Vancouver Coastal Health

Gene Chin, Provincial Coordinator, Clean Air Coalition of BC

S22

I am a tenant residing at S22 and I am writing to ask for your assistance with a problem that I have been having for over a year with experiencing second-hand smoke in my apartment. My lack of success in attempting to work with S22 who manages the building on behalf of the City of Vancouver, has led me to contact you in the hope that you could help to resolve this problem.

My apartment building contains S22 and is smoke-free with the exception of about 10 apartments. The S22 that my home is located on is designated as non-smoking and my apartment is not situated anywhere near the smoking units. To become a tenant in this building and to occupy a non-smoking apartment, tenants must sign a smoke-free addendum as part of the tenancy agreement. Unfortunately, since moving into my apartment in S22 I've experienced second-hand smoke (marijuana and potent incense) coming from the direction of my neighbour in S22

The second-hand smoke has been a persistent problem and has prevented me from having quiet enjoyment of my home. My first letter to alert S22 of the second-hand smoke dates back to April 2011. The smoke from my neighbour overwhelms my home at varying intensities in the evenings and weekends and on a weekly basis. I am allergic to the second-hand smoke.

S22

S22

As I have informed S22 I've directly observed the tenant in S22 smoking weed on their balcony once and that was on the night they first moved into their apartment in S22 After that incident, tenant S22 placed a standing barrier on the balcony beside the barrier that already exists to divide our balcony space. While the additional barrier has served to block the view, it has not prevented the second-hand smoke from permeating the walls that my apartment shares with S22 when the tenant smokes in their apartment nor does it stop the second-hand smoke from overwhelming the entire balcony when their balcony door is open. In addition to my experiencing second-hand smoke a neighbour in apartment S22 S22, has also witnessed on multiple occasions the second-hand smoke from apartment and has attempted – without success – to talk with the tenant in S22 and has written to S22 of the second-hand smoke affecting them as well. In addition to my engagement with S22 (detailed below), I have taken extensive measures to mitigate or address this problem (see Addendum).

I have tried to work through this problem of second-hand smoke (as well as issues of unreasonable noise) with our newest S22 with my correspondence beginning with him on July 25, 2012. In response to my letters (I've attached a pdf copy of our email correspondence for your reference) and documentation of the problems, S22 has directed me to keep up the documentation (this, after many months of having done so), to call himself or a S22 staff member to witness the noise during the weekdays, to call the VPD non-emergency number for issues of noise after 10pm as well as to have a witness to my complaints. On September 9, 2012, a fellow tenant S22 offered to witness the second-hand smoke in my apartment. On the following day, I emailed S22 informing him that S22 confirmed that she could smell second-hand smoke in my apartment and witnessed the intensity of marijuana on the side of the balcony closest to apartment S22 In response, S22 S22 asked if I've entered into dialogue with the tenant in S22 about my concerns, which ignores my previous emails where I've stated that I've attempted unsuccessfully to talk with tenant S22 On September 13, 2012, S22 informed me that he and the landlord (City of Vancouver) deemed my witness as not impartial (without explanation) and have assigned a mediator to work with myself and tenant S22 to resolve our issues. Having to go through a mediation process turns the issue of second-hand smoke into an

interpersonal problem. It fails to recognize the systemic issue of second-hand smoke about which S22  
S22 has also witnessed and complained about to S22

On Saturday, September 15, 2012 S22 Property Management placed a poster in the building stating that 'It is Not Cool to Smoke Cannabis S22' and outlines the problems of second-hand smoke – including how smoke permeates the walls, causes health problems to neighbours, and interferes with neighbouring tenants' right to the quiet enjoyment of their space. Additionally, the poster states that 'verifiable evidence' of second-hand weed smoke can result in a tenant's eviction. Yet S22 Property Management has not made the qualification of 'verifiable evidence' clear and transparent – and this despite my ongoing correspondence with S22 and request for assistance with experiences of second-hand smoke. Additionally, I've talked with other tenants in the building who have been experiencing second-hand smoke in their non-smoking apartments and they've also expressed having problems with resolving this issue.

While it has been stressful to deal with this situation of second-hand smoke (and unreasonable noise) I have really enjoyed becoming part of the community here. When apartments in this building became available I was interested because this building offered possibilities of becoming part of a progressive community committed to housing tenants of varying incomes and abilities. This commitment to community inclusiveness falls within my professional and research interests as well as my personal values.

Given the persistent problems of second-hand smoke I've experienced over the last 18 months, I am requesting that the non-smoking bylaw be enforced in my building. Additionally, if for some reason an amicable and respectful resolution cannot be achieved with the tenant in S22 I would like your support in having the option to move to another non-smoking apartment on a non-smoking floor that is located far away from the smoking apartments in the same building. Any assistance that you can provide in assisting me in continuing to live in my home in a healthy manner and free of second-hand smoke would be appreciated.

I look forward to hearing from you as soon as possible since this situation is becoming increasingly intolerable.

Thank you for your consideration.

Respectfully,

S22

#### ***Addendum: Steps I've taken to resolve issues of second-hand smoke***

I have been forced to take many different steps to try to resolve the problem including: attempts to talk with the tenant in S22 (documented in letters to S22 dated: July 15, 2011; June 6, 2012; July 25, 2012; August 3, 2012). I also video documented an attempt to talk with tenant S22 in a dvd submitted to S22 on August 3 when the tenant in S22 was playing unreasonably loud music that consumed my apartment and carried through the hallways of the S22 purchasing 3 air purifiers; moving my desk and workspace from my bedroom (which is closest to apartment S22) to the storage space of my apartment; not utilizing my balcony (my apartment is the only apartment on the S22 through a shared balcony where the balcony doors open in the direction of the neighbouring apartment); keeping my windows and balcony door closed; sleeping in the living room when the scent of marijuana and incense is strong in my bedroom; being prescribed an inhaler; receiving a medical note from the doctor

11, 2011; April 21, 2011; May 24, 2011; May 31, 2011; July 15, 2011; September 8, 2011; January 1, 2012; April 22, 2012; April 26, 2012; June 6, 2012; July 25, 2012; August 3, 2012; August 7, 2012; August 13, 2012; September 10, 2012) asking for their assistance in resolving the problem of second-hand smoke in my apartment. Additionally, in December 2011 several friends and colleagues who witnessed the second-hand smoke in my apartment wrote letters to S22 as well.

*Addendum: Steps I've taken to resolve issues of second-hand smoke*

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From: S22  
Subject: email correspondence with S22 beginning July 25, 2012  
Date: 17 September, 2012 6:49:57 PM PDT  
To: S22



From: S22  
Subject: second-hand smoke  
Date: 25 July, 2012 11:38:19 AM PDT  
To: S22

Hi S22  
my name is S22 and I am a tenant in S22 I am writing to you because I continue to have a problem with second-hand smoke entering my unit. The smoke is mostly marijuana and incense and at other times could be cigarette smoke and incense; there have also been times when marijuana smoke has been followed by a strong air freshener spray like Febreze. The second-hand smoke tends to come in waves and is the strongest in the late late evenings and particularly on weekends and holidays. I have been dealing with second-hand smoke for the duration of my tenancy in my apartment - with documentation dating back to April, 2011 - and I've mostly kept my windows and balcony door closed since the smoke tends to be most concentrated on the balcony shared between myself and apartment S22 The smoke can be so overwhelming in my apartment that there have been times (such as Friday, July 20, 2012) where I have not able to sleep in my bedroom or on the sofa in my living room space because of how concentrated the second-hand smoke has been in those areas of my apartment.

Over the last week second-hand smoke has entered my apartment during the following times:

Thursday, July 19: 10:30pm  
Friday, July 20: 10:30pm - 1am  
Saturday, July 21: away  
Sunday, July 22: 11pm - 12:30am  
Monday, July 23: 12am  
Tuesday, July 24: 11pm

On July 20 and July 22, I knocked on the tenant S22 door to let them know that the smoke from their apartment was carrying over into my apartment (and to request that they turn down the volume on their tv) but the tenant did not answer their door. I feel that I've done all that I can do to address the problem of having second-hand smoke enter my apartment with attempting to talk with the tenant in S22 having the windows and balcony door to my apartment closed and purchasing air purifiers: Despite this, second-hand smoke continues to permeate my apartment.

Given the duration of the problem of second-hand smoke, it is clearly a persistent problem and is not merely a temporary inconvenience. As a result of the smoke drifting into my apartment I have experienced headaches and dizziness. As a tenant, I do not enjoy the freedom to at anytime have my windows and balcony door open nor have I been able to make use of my balcony space since moving into my apartment because of the concentrated second-hand smoke that drifts into my living space.

Thank you in advance for your assistance on this matter.

S22

**From:** S22  
**Subject:** unreasonable noise/second-hand smoke  
**Date:** 3 August 2012 3:42:30 PM PDT  
**To:** S22

Hi S22

this afternoon I stopped by the office on the S22 to drop off a letter and dvd for you. The woman in the office suggested that she place the letter in her mail box for you since the dvd would not fit in the S22 mail slot on the main floor. I've also attached the letter to this email for you.

Date: August 3, 2012

S22

Re: unreasonable noise/second-hand smoke

Dear S22

I am writing to you regarding a continuing noise problem and second-hand smoke problem that I am experiencing in my apartment. I first sent a letter along with video documentation to S22 on June 6,

2012 regarding the unreasonable noise from experienced from a neighbouring apartment. I have not heard back from s22 on this issue and am writing this letter as a follow-up. Also, this letter is also meant to contribute to the on-going documentation of second-hand smoke that overwhelms my living space. On several occasions the music coming from apartment s22 has completely taken over my apartment and has prevented me concentrating on my work and from the quiet enjoyment of my space. When the music is played at such a high level the music not only carries over into my apartment but also carries into the hallway (documented in the attached videos). I've attached a DVD documenting the level and frequency of the music as evidence of how loud the music is when it carries into my apartment. While I have not been able to record every instance when the neighbour is playing unreasonably loud music I have attached videos for the following dates: May 19, 2012 (video included in the initial letter to s22 on June 6); June 1, 2012 (also included in initial letter); June 8, 2012; July 5, 2012; and August 1, 2012.

I've attempted several times (and this is documented in the most recent video) to make contact with the tenant in s22 and have knocked on their door with the intention of letting them know that their music was carrying into my apartment and to ask if they could turn down the volume but the tenant will not answer the door. A passing neighbour in the video dated July 5, 2012 also commented on the level of music from apartment s22

According to the Strata By-laws that have been widely publicized in the building, it has been made known that s22 is governed under the Strata Property Act of BC and it's Standard Bylaws. Under this, it states that "An owner, tenant, occupant or visitor must not use a strata lot, the common property or common assets in a way that: (a) causes nuisance or hazard to another person, [and] (b) causes unreasonable noise" which unreasonably interferes with the right of other persons to use and enjoy their apartment.

Additionally, my apartment continues to be overwhelmed with weed and incense smoke which tends to happen late in the evening and on the weekends. Last night the scent of incense was particularly bad from 10:30 to 11:15pm. During this time I opened my balcony and bedroom windows to try and get air movement through my apartment but the scent was so concentrated in the balcony space shared between myself apartment s22 that I only succeeded in letting more smoke into my apartment. When this happened the tenant in s22 had her balcony door open. The scent seemed to stop when the tenant closed her door at 11:15pm. The smell was so potent during this time that it made me feel dizzy and ill.

I am grateful that s22 has made the Strata By-laws widely available, clearly outlined and visible to tenants in our building. I look forward to hearing from s22 on these issues in the near future.

Thank you for your time.

Respectfully,

S22

**From:** S22  
**Subject: Re: unreasonable noise/second-hand smoke**  
**Date:** 3 August. 2012 3:47:15 PM PDT  
**To:**  
**Re:** S22

I'm at S22  
Sent on the TELUS Mobility network with BlackBerry

On 2012-08-07, at 11:40 AM, S22 wrote:

Sorry I haven't been able to pick this up from you or S22

We are very interested in clearing up this issue, we are just extremely busy.

Please keep up the documentation

S22

S22

**From:** S22  
**Subject: Re: unreasonable noise/second-hand smoke**  
**Date:** 7 August, 2012 11:50:03 AM PDT  
**To:** S22

Thank you S22 This has been very frustrating to me and has prevented me from fully enjoying my living space. Also, since I work from home, the intensity of the music as it moves through my apartment is such that it prevents me from getting work done. On Friday, August

3rd, for example, the music from apartment S22 was so turned up loud that I wasn't able to meet a deadline for the following day. On that day, the music started at around 5:15pm and lasted until around 10:30pm. I recorded the music on that day as well.

I look forward to having this issue cleared up soon since it clearly falls within the tenant agreement of not causing unreasonable noise or causing nuisance to another tenant.

Thank you for the follow-up email.

Best,

S22

**From:** S22  
**Subject: RE: unreasonable noise/second-hand smoke**  
**Date:** 7 August. 2012 11:54:43 AM PDT  
**To:** S22

If the noise goes past 10:00 pm call the VPD non emergency number to enforce the City Bylaw

During the day phone S22 to see if she or someone from S22 can witness the noise. I am in and out of the Village and may not be available but if I am I will come over.

S22 is on the north side of the building and is a non smoking suite. Please report all incidents of smoke of any type to our office.

S22

**From:** S22  
**Subject: second-hand smoke**  
**Date:** 13 August. 2012 3:09:30 PM PDT  
**To:** S22

S22

I am continuing to smell second-hand smoke and yesterday (August 12, 2012) was a particularly bad day with the amount of weed/incense smoke coming into my apartment from

apartment S22 The smoke was so concentrated and intense that it made breathing in my apartment difficult. The smoke started around 7:30 and lasted until around midnight.

In addition to weed/incense smoke coming from apartment S22 I've also noticed cigarette smoke and sometimes marijuana smoke on the opposite side of my apartment and coming from the direction of my other other neighbour S22 - I don't know if the S22 in S22 sometimes smoke in their apartment but I have had conversations with them when they were on their way outside to have a cigarette.

Thank you for reconfirming that the the north side of the building is non-smoking. I've experienced second-hand smoke in my apartment so often that I've wondered if the smoking policy had changed to allow for smoking.

Best,

S22

**From:** S22  
**Subject: RE: second-hand smoke**  
**Date:** 13 August, 2012 3:22:28 PM PDT  
**To:** S22

Thank you for the report.

For the future could you please try to get a witness to the complaint. I will inform the tenant of this recent complaint leaving your name out of course.

# Best regards

S22

**From:** S22  
**Subject: Re: second-hand smoke**  
**Date:** 13 August, 2012 3:23:19 PM PDT  
**To:** S22

S22

I am happy to see if I can have a neighbour witness the smoke the next time it happens.  
Thanks again for your attention to this issue.

S22

**From:** S22  
**Subject: Re: second-hand smoke**  
**Date:** 10 September, 2012 3:51:38 PM PDT  
**To:** S22

S22

I placed the following attached letter in the S22  
Along with the letter I also attached video documentation of unreasonable noise from August  
3 & 4, 2012.

Thanks for your time.

S22

Date: September 10, 2012

S22

Re: Loss of quiet enjoyment due to second-hand smoke

Dear S22

I am writing this letter as a follow-up to the letter I sent on August 13, 2012 regarding loss of quiet enjoyment due to second-hand smoke. In your response to my letter you requested that the next time there was second-hand smoke that I have a neighbour witness the smoke as well. On Sunday, September 9, 2012 from 5pm to 5:45pm my apartment again filled with the smell of marijuana and was coming from the direction of apartment S22. The scent of marijuana in my apartment was clear even with out having the door to the balcony or windows to my apartment opened. However, when I opened the balcony door the scent of marijuana was overwhelming and the coughs from tenant S22 visitors through their open balcony door could be heard. The scent of marijuana was strongest closest to the barrier that divides my balcony from tenant S22 balcony and was also stronger closer to the wall of the building (as opposed side of the balcony that opens onto the street. At around 5:15 I was able to contact a neighbour S22 who was kind enough to offer to witness the scent of marijuana in my apartment. When she entered my apartment she said that she could smell marijuana and she also witnessed how strong the scent of marijuana was on the side of the balcony closest to apartment S22. After S22 witnessed how strong the scent of marijuana was on the balcony I closed the door to my apartment and after that we noticed that the balcony door to apartment S22 was also closed. Shortly after that the tenant in S22 was heard loudly and clearly (even through my closed balcony door and windows) saying goodbye to here guests. At around 5:45pm the scent of marijuana stopped and the balcony door to S22 remained closed.

The second-hand smoke affected my ability to breath, irritating my sinuses and gave me headache. I was only able to relieve these symptoms by leaving my apartment.

S22 followed-up with me on her visit to my apartment and stated that she felt as though her eyes were burning and that she left feeling disorientated.

I also want to thank you for addressing the unreasonable noise from the letter and video documentation I sent to you on August 3, 2012. I've also attached video documentation of the level of noise coming from apartment S22 on the evening of August 3, 2012 and during the day of August 4, 2012 (which was the BC Day long weekend). It seems that in addition to playing music at unreasonable levels, the disturbance level of the music is amplified by the neighbour in S22 having the balcony door open while doing this so

that the music is also open to disturb neighbours.

Thanks again for addressing these issues of loss of quiet enjoyment.

Respectfully,

S22

**From:** S22  
**Subject: RE: second-hand smoke**  
**Date:** 10 September 2012 4:23:50 PM PDT  
**To:** S22

S22

Have you entered into any dialogue with your neighbour about your concerns?

# Best regards

S22

**Subject: RE: second-hand smoke**  
**Date:** 13 September 2012 8:13:40 PM PDT  
**To:** S22

Dear S22

I reviewed your letter and discussed the contents with the Landlord. Two things arose from the discussion;

1. We are directed that your witness will not be accepted as they are not viewed as impartial

2. The City has assigned a Consultant who specializes in communication and mediation between parties. This person will contact you in due course.

I will pass your materials along to this individual. I hope that a resolution will be found between you and your neighbor.

**Best regards**

S22