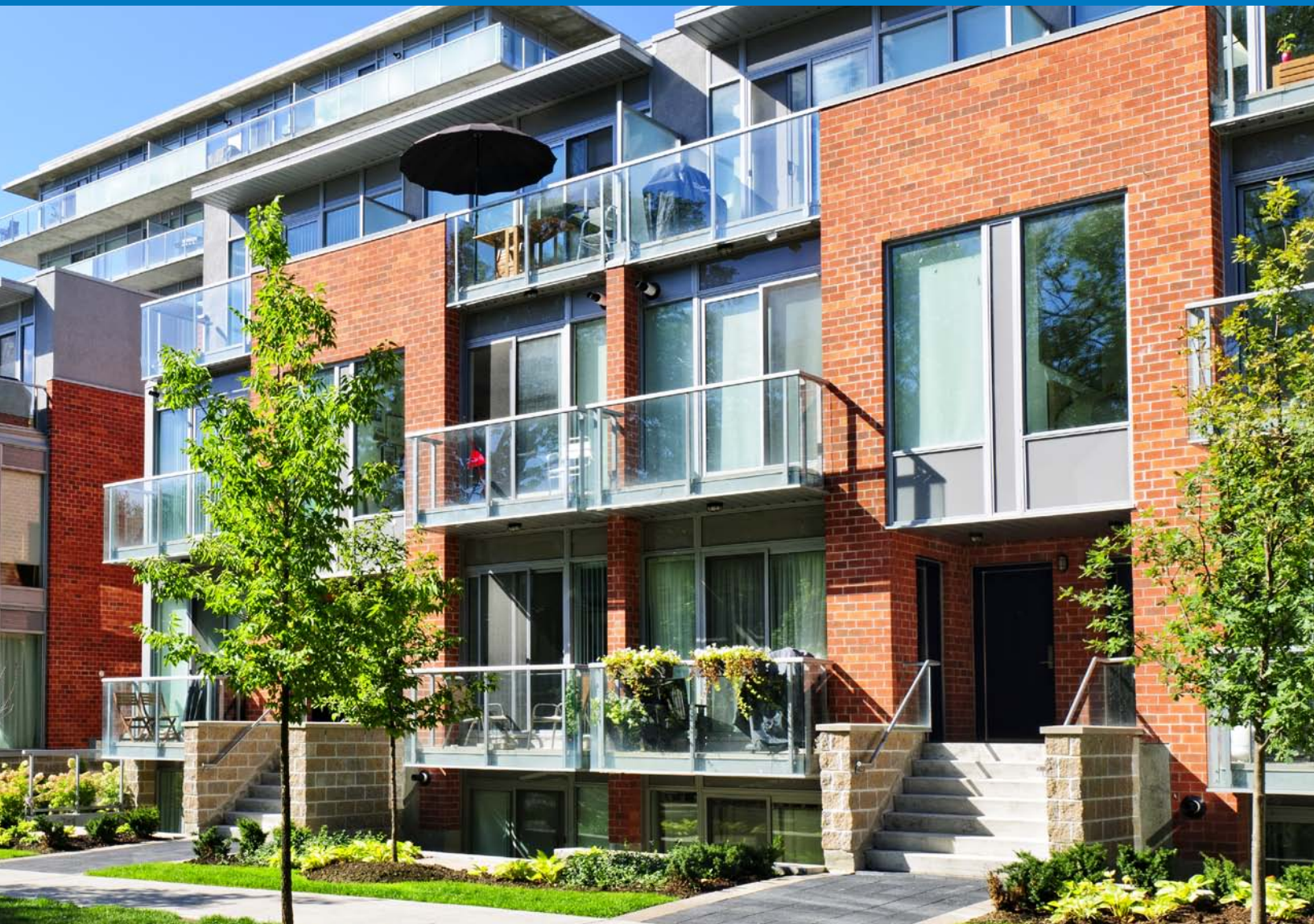




SMOKE-FREE MULTI-UNIT CONDOMINIUMS



Canadian
Cancer
Society

A how-to guidebook on
policy development

smokefreehousingab.ca



This is one in a collection of four guidebooks on smoke-free policy development for multi-unit housing in Alberta.

These guidebooks were created by the Canadian Cancer Society as part of its mission to eradicate cancer and enhance the quality of life of people living with cancer.

This project was made possible through the support and funding provided by Alberta Health Services' Tobacco Reduction Program community grants.



Canadian
Cancer
Society



Alberta Health
Services

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Purpose of this guidebook

This guidebook is intended as a resource for condo corporations and property managers who are looking into implementing a smoke-free multi-unit housing policy. It is part of a series of four guidebooks providing smoke-free housing information, tips and tools tailored to different sectors of the multi-unit housing market.

The other guidebooks are:

- ❖ Smoke-Free Multi-Unit Rental Properties
- ❖ Smoke-Free Multi-Unit Cooperatives
- ❖ Smoke-Free Multi-Unit Public, Non-Profit and Seniors' Housing

Developing a smoke-free policy for your multi-unit condo facility could save your board, managers and many of your unit owners money and time, and it may be easier than you think. It is legal to designate all or part of your building(s) as smoke-free, including individual units, balconies and the entire property if you have the consent of 75 per cent of owners.

This how-to guide will provide information, tools and advice to help you plan, develop, implement and enforce a smoke-free policy that will work for all condo owners and residents.

Today, more than 80 per cent of Albertans are non-smokers and laws exist to protect Albertans from exposure to second-hand smoke in most public places and workplaces. However, many people are still involuntarily exposed to tobacco smoke inside their own homes due to the migration of second-hand smoke from neighbouring units. More than one-third of all residents of multi-unit housing in Alberta report they have experienced second-hand smoke infiltrating their unit in the last six months. As Alberta's non-smoking population grows, so too will the demand for smoke-free multi-unit housing.

You may attempt to reduce second-hand smoke migration between units through mitigation efforts such as weatherstripping around doors and windows; however, the only way to eliminate the problem completely is to develop a smoke-free policy. Remember, a smoke-free policy does not prevent smokers from smoking – it just indicates where they can smoke. A successfully implemented smoke-free policy should save you time and money, and decrease your legal liability while improving the health and quality of life of all condo residents.





Understanding nicotine addiction

It is important to have a basic understanding of the power of nicotine addiction before you consider developing a smoke-free policy.

A smoke-free policy is not meant to ostracize current smokers. Smoking can be a very powerful addiction. Many smokers may want to quit, but their addiction to nicotine is so strong that they are scared to try. Or maybe they have tried to quit in the past, but the withdrawal symptoms were too much to handle.

Once a smoker is addicted, the cravings can be extremely difficult to overcome. When smokers don't smoke, their body can experience a variety of withdrawal symptoms, some of which can be overwhelming.

Don't be fooled into thinking that a person who quits might just be a little cranky or moody when they can't have a cigarette. They are trying to get a very powerful drug out of their system and their entire body will want to fight this change. Try to be considerate of these challenges when engaging residents who currently smoke.

What you need to know about nicotine:

- ❖ Nicotine is the addictive ingredient in cigarettes.
- ❖ It only takes seven seconds for a 'hit' of nicotine to reach the brain.
- ❖ Nicotine reaches your brain faster than almost any other drug, which is one of the reasons why it is so addictive.
- ❖ Studies have found that nicotine is just as addictive as cocaine.

When you go smoke-free in your condo, there are benefits for everyone, including owners, other residents (both smokers and non-smokers), board members, property managers and maintenance workers.

This guide outlines effective ways to communicate with stakeholders throughout the process of policy development and implementation. As you go through this process, be sure to highlight the benefits that will influence each of your stakeholders the most.



EVERYBODY WINS





Developers and owners...



...increase marketability

Albertans would rather live in smoke-free housing. 72 per cent of Albertans who currently live in multi-unit housing would choose to live in a smoke-free building.¹ A smoke-free policy can be marketed as an effective way to attract buyers for both developers and owners looking to sell.



...protect investment

Smoking indoors leaves toxic residue on walls, ceilings, flooring and furniture that can be next to impossible to remove. Neglected cigarette butts can ruin property with burn marks or catch fire, severely damaging or entirely destroying property. In Alberta in 2014 and 2015, fires caused by smoking resulted in more than \$50 million in property loss.² A smoke-free policy is a smart way to protect your investment and maintain the value of your property.



...save money

Implementing a smoke-free policy will reduce cleaning and maintenance costs. Insurance costs may also be reduced as you decrease the fire risk in your building.



...decrease liability

Second-hand smoke exposure is a serious and legitimate health concern. Not only are smoke-free policies legal, they uphold a housing provider's duty to protect the health and well being of their residents.

Cases already exist in Canada where residents are taking property managers to court for neglecting to effectively mitigate second-hand smoke exposure in multi-unit housing. In certain circumstances, the legal precedent for such cases is growing.

Residents and tenants...

...improve health and quality of life

Second-hand tobacco smoke causes premature death and disease in adults and children. Those exposed to second-hand tobacco smoke for long periods of time are more likely to develop and die from heart disease, respiratory diseases and lung cancer. Every year in Canada, it is estimated that second-hand smoke causes 800 deaths in non-smokers.³ Smokers and non-smokers alike will reap the health benefits of a smoke-free policy. Air quality will improve, and residents will no longer be exposed to the toxic chemicals found in second-hand smoke.

...save money

Residents can save money even if they aren't owners. Tenants renting a condo unit are often charged to cover the costs of turning over their unit if it has been smoked in. In a smoke-free building, those costs wouldn't need to be incurred by the owner or the tenant. Residents could also save money with a smoke-free policy by avoiding the need for costly, ineffective solutions like air purification systems if they are in a situation where they are frustrated by second-hand smoke exposure.

...avoid deadly fires

Fires caused by smoking indoors are statistically more fatal than any other type of household fire. In Alberta in 2014, fires caused by smoking resulted in seven deaths.² A smoke-free policy not only protects tenants' cherished possessions from the risk of fire, but may also save lives.

...make quitting easier

The vast majority of current smokers want to quit. A smoke-free policy can make attempts to quit easier, especially if condo corporations or property managers choose to provide support by partnering with local public health agencies to promote cessation services and resources.



Property managers...



...save time

Property managers can significantly reduce the time it takes to maintain and turn over units. Also, you will spend less time mitigating complaints and working to ensure that smoke isn't seeping from one unit to another.



...eliminate ambiguity when addressing smoking issues

Conflict situations and safety issues related to smoking can be difficult for property managers to resolve in the absence of a formal policy. The implementation of a smoke-free policy can help reduce these issues and provide managers with the tools and knowledge to enforce rules in a clear and consistent way.



...enjoy a safer, healthier work environment

The vast majority of Albertans are protected by law from second-hand smoke exposure at work. Maintenance workers and other staff in residential buildings deserve the same protection. A smoke-free policy provides healthier work environments free from harmful tobacco-smoke exposure.



DOLLARS AND CENTS





How a smoke-free policy affects your bottom line

Smoke-free buildings save you money. Property managers throughout the province have provided feedback on the costs related to turning over units that have been smoked in. Their estimates are based on the costs to turn over an unfurnished, two-bedroom, 1,000 sq. ft. unit that has carpeting and laminate flooring. On average, they indicate that a unit with a lingering odor of cigarette smoke would cost in excess of **10 times** more to turn over than an average smoke-free unit.

Turnover costs depend on a number of factors, including the size of a unit, the materials used to build or furnish a unit, the intensity of indoor smoking and the length of time that smoking has occurred. In extreme cases, costs can escalate, requiring the replacement of drywall and insulation or even the replacement of sinks, tubs, ceiling fans and major appliances. This can result in months of labour and, consequently, months of forfeited rent.



A smoke-free policy has the potential to prevent fires, which are not only costly, but also devastating. Landlords who implement a smoke-free policy not only reduce the risk of fire, but may also be eligible for reduced insurance premiums.

Table 1: Money spent cleaning and repairing units with cigarette-smoke damage

	Smoke-free	Minor smoke damage	Severe smoke damage
Floors	\$0-300	\$350-2,500	\$1,000-4,000
Walls	\$0-200	\$300-2,500	\$1,600-4,000
Ceiling	\$0	\$150-1,000	\$600-1,500
Ventilation system	\$0	\$0-250	\$200-350
Other	\$0-100	\$0-500	\$1,000-\$5,000
Total costs	\$200-300	\$1,450-5,750	\$3,250-14,850
Time spent readying the unit	Maximum one week	Up to one month	Up to three months

Feedback from four different property-management companies in four different Albertan cities, summer 2015.

increase resale value
80% of Realtors believe that smoking in the home reduces resale value.⁴

sell more easily
Most Realtors agree that smoked-in homes are also harder to sell.^{4,5}

save more money
Smoked-in rental units can be 10 times more expensive to turn over.

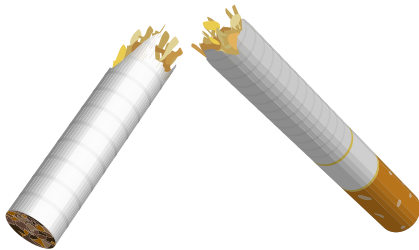
avoid costly fires
In 2014 and 2015 in Alberta, fires caused by smoking resulted in more than \$50 million in property damage.²



What residents in Alberta are saying...¹

72%

of Albertans would choose to live in a **smoke-free building**.



46%

of residents who self-identify as **daily smokers** would rather live in a smoke-free building.

37%

of residents live in buildings that have a **smoke-free policy**.





31%

of residents are **extremely concerned** about present or potential future exposure to **second-hand cannabis smoke** in their homes.

39%

of residents reported being **exposed to second-hand smoke** entering their home from a neighbouring unit in the last six months.



What Alberta home buyers and renters want

Seven out of 10 Albertans who currently live in multi-unit housing would choose to live in a smoke-free building.¹ That is a significant majority of your potential market.

Alberta's young-adult residents report the strongest desire for smoke-free housing. 18 to 34 year olds desire smoke-free housing because they have grown up in a society where exposure to second-hand tobacco smoke is not a social norm. Many don't remember a time when being exposed to smoke in restaurants and bars was common. Fewer and fewer of them are choosing to start smoking to begin with.

As tobacco legislation continues to shape our social reality and the dangers of smoking become better known, demand for smoke-free housing is only going to continue to increase. This is especially true in the context of cannabis legalization. Over half of Albertans living in multi-unit housing are at least somewhat concerned about current or future exposure to second-hand tobacco or cannabis smoke in their homes. However, while demand is high, the availability of smoke-free multi-unit housing in Alberta is limited.

It is also important to understand that there are many Alberta home buyers who smoke, but they don't necessarily smoke in their homes. Many make a deliberate decision to keep their property smoke-free in order to protect either their property or their loved ones. You may be surprised how many would choose to live in a smoke-free home when presented with the option.

A smoke-free policy is not a no-smoker policy and should never be portrayed as such. In the section **Getting it Done: A Step-by-Step Policy-Development Guide**, you will find information about the best ways to communicate with smoking members throughout the process of making your condo smoke-free.



Uncertainty about the legality of smoke-free policies is a common concern for many condo corporations when first considering going smoke-free. Federal, provincial and municipal lawmakers all have legislative control over housing and smoking issues, making the legal landscape broad and understandably daunting.

What is clear, in all relevant legislation at every level of governance, is that a condo corporation has a legal ability to prohibit smoking anywhere on condo property if it can gain consent for a smoke-free bylaw from 75 per cent of current owners.

THE LAW AND SMOKE-FREE HOUSING





Common legal questions

1. Is a smoke-free policy legal?

Yes. It is perfectly legal for a condo corporation to make its buildings smoke-free. Nothing in the Condominium Property Act prevents a condominium corporation from prohibiting smoking as part of its bylaws. A condominium corporation can amend its bylaws subsequent to its founding through a special resolution which requires the support of 75% of owners entitled to vote representing not less than 7500 unit factors.

2. Are there any existing smoke-free laws in Alberta that would already apply to condominiums?

Yes. The Alberta Tobacco and Smoking Reduction Act prohibits smoking in any structure or other enclosed common area of a multi-unit residential facility to which members of the public have access. This includes common patios, pools, other recreation areas, and enclosed parking garages.

The Act also prohibits smoking within five metres of a doorway, air intake or window that can be opened. Some municipalities may have established larger smoke-free buffer zones around windows and doorways, and may also include buffer zones around public parks and trails.

It is the responsibility of the corporation/property managers to enforce laws affecting their property. When implementing a smoke-free policy, be sure that any designated smoking areas do not infringe upon spaces designated as smoke-free under provincial or municipal law.

3. If smoking is legal, how can condo corporations ban smoking in private residences?

A condo corporation has the ability to develop bylaws that protect the health and safety of residents, and protect their property, as long as the policy does not conflict with federal or provincial laws. Adopting a smoke-free policy is similar to adopting other policies, such as a no-pets or no-barbecues policy.

4. Is smoking a disability that condo corporations with a smoke-free policy would have to accommodate under the Canadian Charter of Rights and Freedoms or the Alberta Human Rights Act?

This issue has been considered numerous times throughout the years, and Canadian courts have consistently ruled – with one exception – that addiction to nicotine is **not** a disability. The one exception was a British Columbia labour-arbitration decision in an employment context. Cominco had banned smoking on the plant site, and while the labour-arbitration board found that heavily addicted smokers were disabled, it also recognized that the employer’s smoke-free policy was reasonable and adopted to protect staff from a known hazard. The matter was referred back to the parties to resolve how to accommodate the heavily addicted smokers. Cominco’s smoking ban remains in effect today.

In a residential situation, even if people who smoke were found to be a protected group on the basis of their addiction, they would be under a duty to co-operate with alternative solutions for their addiction that do not expose neighbours and bystanders to harmful second-hand smoke. This could include smoking outside or obtaining nicotine through alternative means that do not emit second-hand smoke, such as nicotine gum, nicotine lozenges or nicotine inhalers.

There is no legal precedent to repeal a smoke-free policy to accommodate a resident with a nicotine addiction.

5. Do people with a medical prescription for cannabis use have the right to smoke in their units?

Having an illness that allows for a cannabis prescription does not permit residents to obstruct a smoke free policy or to regularly expose other residents to secondhand smoke. That said, housing providers should acknowledge the illness and seek a solution to accommodate such residents without conceding existing policies or the health of other residents. This is important because it is the compassionate thing to do, and because their illness could be seen as a disability which must be reasonably accommodated under human rights legislation.

Isn't smoke mitigation enough?

Air filters, purifiers and ventilation systems cannot eliminate second-hand smoke. They may remove some of the smoke and larger particles from the air, but they will not remove the smaller particles or gases found in second-hand smoke.

The American Society of Heating, Refrigeration and Air-Conditioning Engineers (ASHRAE), the world's leading association of heating and air conditioning engineers whose indoor air-quality standards are followed internationally, indicates that there is no acceptable ventilation system that can protect individuals exposed to second-hand smoke.

In 2005, James Repace, an internationally recognized second-hand smoke physicist, conducted a review for ASHRAE on controlling tobacco smoke. He concluded that "ventilation technology cannot possibly achieve acceptable indoor air quality in the presence of smoking, leaving smoking bans as the only alternative."



Possible actions towards accommodation include:

- ❖ Requesting the resident try smoke-free forms of cannabis use if using indoors. The resident may find equal relief from using cannabis in other forms (such as vaping, edibles, tinctures, beverages, oils, and pills.) which do not emit smoke.
- ❖ Ensuring there aren't any avoidable barriers preventing the resident from smoking outdoors.
- ❖ If available, offering to move the resident to another suite with easier access to outdoor spaces where they can smoke.

Accommodation should take into consideration advice from the prescribing physician.

6. What would the penalties be for non-compliance with a smoke-free policy?

Under the Condominium Property Act, section 35, a condo corporation can impose sanctions, including monetary sanctions for non-compliance with any bylaw and have the authority to define those sanctions as they see fit with a few exceptions. These sanctions must be defined within the bylaws and must be reasonable given the circumstances. Section 35(6) of the Act outlines some restrictions on the scope of a sanction.

Many condo corporations have an overarching clause in their bylaws defining the scope of possible sanctions for any bylaw infraction. It should be noted that no such clause exists in the initial bylaws provided under the Act, so corporations developing a smoke-free policy should ensure that sanctions are defined in existing bylaws and include any necessary additional clauses to allow for enforcement of their new smoke-free policy.

If a person fails to comply with a sanction under the bylaws, a condo corporation may take them to court. In a case where the individual failing to comply with the bylaw is a tenant renting the condo unit, section 54 of the Condominium Property Act gives condo corporations the authority to remove the tenant and effectively terminate the tenancy agreement. Specific notification processes must be followed with the tenant and the tenant's landlord.



7. Is it legal to smoke cannabis in condos in Alberta?

Yes, as of October 17, 2018 it is legal to smoke cannabis inside individual suites within multi-unit housing in Alberta. The only places cannabis smoking is not permitted is anywhere that tobacco smoking is prohibited under law, including indoor common spaces (such as lobbies, elevators and hallways) and within 5 meters of any public doorway or air intake.

That said, landlords, property managers and condo boards have the authority to include cannabis smoking in their own smoke-free policies. If you already have a smoke-free policy, it is likely already inclusive of cannabis, but you will want to check the wording to be sure.

8. What is a condo corporation's role/responsibility in protecting residents from second-hand smoke?

Under the Condominium Property Act, section 37(1), a condo corporation is responsible for the enforcement of its bylaws and the control, management and administration of its property.

This includes properly maintaining the real and personal property of the corporation and the common property in a state of good and serviceable repair. Thus, residents affected by second-hand smoke may have legal grounds to hold the corporation accountable for mitigating second-hand smoke migration between units as part of their duty to maintain the property.

Individual condo bylaws will have subtle differences based on when the condo corporation was incorporated and what members have chosen to repeal or replace from the initial bylaws set out under the Act. Regardless, most bylaws will contain a clause forbidding owners from using their unit in a manner that will cause a nuisance or hazard to any other owner or occupant. In certain circumstances, a resident could argue that second-hand smoke exposure constitutes a nuisance or hazard and expect the corporation to take action to enforce the bylaw even without the existence of a specific smoke-free policy.

The initial bylaws of a condo corporation incorporated on or after May 16, 1978, also include clause 36(1)(g) prohibiting owners from doing, bringing or keeping anything on the

property that would in any way increase the risk of fire or result in an increase of any insurance premiums payable by the corporation. Smoking in a unit may be construed as a violation of this bylaw as well.

In either case, there is no Alberta-specific case law to indicate how such a situation may unfold if argued before the courts.

9. If our condo corporation has a nuisance bylaw or a bylaw about fire prevention, could either of those be used to enforce a smoking ban in the absence of a specific smoke-free policy?

The current initial bylaws listed in the Condominium Property Act include clauses stating that an owner shall not:

- ❖ use the owner's unit in a manner or for a purpose that will cause a nuisance or hazard to any other owner or occupant – section 36(2)(b).
- ❖ do anything in respect to the owner's unit, the real or personal property of the corporation or the common property or bring or keep anything on it that will in any way increase the risk of fire or result in an increase of any insurance premiums payable by the corporation – section 36(2)(g).

It is probable that similar clauses exist in many condo bylaws.

Either of these clauses could reasonably be interpreted as a smoking prohibition. Second-hand smoke that escapes from a condominium unit into common areas or neighbouring units fits the classic legal definition of a nuisance, given that it is a toxic gas that emits an odour. Similarly, smoking indisputably increases the risk of fire. These clauses could therefore be characterized as indirect smoking prohibitions.

However, from an enforcement perspective, given the relative novelty of smoking prohibitions in condominiums in Alberta at this time, there is a risk that a judge would not consider an indirect smoking prohibition through one of the above clauses to provide sufficient notice to the owners to be enforceable. The policy purpose of registering condominium bylaws is to give prospective purchasers fair notice of the rules they will have to live under at the time they buy into the condominium. The safest course of action for a condominium corporation is to directly prohibit smoking with an explicitly worded bylaw.

A large yellow tower crane is shown in operation, lifting a concrete slab. The crane's long jib extends diagonally across the frame, supported by a lattice structure. A hook with a chain is attached to the end of the jib, holding a rectangular concrete slab. The crane's base is visible at the bottom, and the background is a clear, bright blue sky. The text "FOR DEVELOPERS" is overlaid in a bold, dark blue font across the middle of the image.

FOR DEVELOPERS





Start early

The fastest and easiest way to implement a smoke-free policy is to start at the beginning, when a building is first developed or repurposed for residential use. It is most feasible to plan from the onset to keep the building smoke-free and target a robust market of home buyers seeking smoke-free housing.

Since your buyers will have sought out your smoke-free units, or at the very least will have knowingly agreed to the bylaws, enforcement should be straightforward. The easiest policy to enforce, and the most attractive policy for buyers seeking smoke-free housing, is one that encompasses the entire property including individual units, patios, balconies and all property grounds, with the exception of a designated outdoor smoking space.


For more details on how to draft, implement and enforce your policy, see our step-by-step guide in the following section. While you won't have residents to consult or consider in your policy development, you may still have property managers or other stakeholders who would be beneficial to engage. They will be much more likely to have buy-in and be supportive with enforcement if you have included them in the process.



tip

Promote your smoke-free policy

- List the smoke-free policy as a feature of your building in all marketing
- signage at all entryways and on the doors to each unit



This step-by-step portion of the guidebook is meant to make the actual work of developing and implementing a smoke-free policy as easy as possible.

Be sure to read through all the steps before starting.

GETTING IT DONE

A STEP-BY-STEP POLICY DEVELOPMENT GUIDE





Step 1: Assessing your situation

It is difficult to make the proper decisions without good data. The purpose of this step is to gather data so you can make informed decisions regarding smoke-free policy development. Properly assessing your situation, by determining the extent of the problem and determining factors that may help or hinder your smoke-free policy implementation, will help you come to a solution. First, you will need to determine that there is concern regarding second-hand smoke migration and involuntary exposure within your building. Then, you will need to understand what residents think about their building becoming smoke-free and their readiness to accept policy change. This will help you in developing both a policy and implementation plan that will be supported by and meet the needs of most residents.

A smoke-free policy will need to be supported by three-quarters of the voting members at a general or special meeting so it is a good idea to do the groundwork before putting this issue before the general condo membership. Building support over time will result in the best outcome. This may require data collection through a survey or multiple one-on-one conversations. Be sure to read through **Step 2: Engaging owners, residents, staff and other relevant stakeholders** before planning any data collection that involves reaching out to residents or other stakeholders.

A great first step is to read through this guidebook and educate yourself on the benefits and incentives of a smoke-free building. Understand the legal implications as well. More resources are available on our website at smokefreehousingab.ca.

Data collection

How are you currently tracking and managing complaints about second-hand smoke exposure? What does that data tell you? If you don't have a good understanding of the extent of the issue or of the opinions of owners/residents, it might be worthwhile to conduct a survey to gather more insight. Surveys can serve the dual purpose of alerting residents to a potential special resolution while demonstrating respect for their input at an early stage in the decision-making process.



tip

Sending out a survey will likely evoke a reaction from those who would be strongly supportive of or opposed to any type of smoking restriction. Anticipate reactions and be prepared with your response. You may want to let them know that you value their input and provide some information on your rationale for looking into the issue.

Encourage greater participation in your survey by offering an incentive such as a draw for a prize for all those who participate.

Information to collect in a condo resident survey:

- ❖ The number of residents who currently smoke
- ❖ Where smoking is currently taking place on the property
- ❖ How often current residents are involuntarily exposed to second-hand smoke
- ❖ Where involuntary second-hand smoke exposure seems to be coming from
- ❖ The level of resident support for a smoke-free policy
- ❖ The level of support from owners
- ❖ Which type of policy residents would support (e.g., including individual units, balconies or all grounds with a designated smoking area)

During this assessment phase, book a meeting with your insurance company. Find out if they would offer you any discount on your property insurance if you implemented a smoke-free policy. Estimate how much money you would save in the long term both on insurance and turnover costs by going smoke-free. Consider how you will communicate any potential cost savings as incentives for current owners to support the bylaw.

Step 2: Engaging owners, residents, staff and other relevant stakeholders

Ask, involve and engage the people who will be affected by a smoke-free policy.

Stakeholder engagement is the process by which an organization involves people who may be affected by the decisions it makes or who can influence the implementation of its decisions. Involving your stakeholders is extremely important to achieving a smoke-free policy in your building. When people are informed and give suggestions about a smoke-free policy, they are more likely to understand, accept, support and comply with it. Your stakeholders are any individuals who are affected by the smoke-free policy or who can affect it.



A sample resident survey can be found in Appendix L.



Stakeholder engagement is about talking with and listening to the people who would be affected by a smoke-free policy in your facility. Going smoke-free will be much easier when people feel included. This is especially true when going smoke-free may be contentious.

Stakeholder engagement in new buildings

When you are building a new building or repurposing an existing building, you likely won't have current residents to consult in your policy development. However, you may still have other stakeholders who would be beneficial to engage.

These may include property managers and service personnel and companies. You may have the opportunity to engage pre-construction owners depending on your sales approach. These stakeholders will be much more likely to give buy-in and be supportive with enforcement and compliance if you have included them in the process.

Use the stakeholder engagement process to help identify, inform and engage stakeholders.



Stakeholders include developers, owners, residents, tenants, condominium board members, property managers, staff, visitors, and service personnel and companies.

Stakeholder engagement planning process

1. Identify stakeholders

Know who your stakeholders are. Think about anyone who may be affected by, or may influence or make decisions about, a smoke-free policy. Develop a list and divide it into primary and secondary stakeholders.

- ❖ Some of your stakeholders will be more directly affected by a smoke-free policy, and therefore you need to identify and engage with them.
- ❖ **Primary stakeholders** are the people living in the building (tenants, owners, residents) and the people responsible for property, service, and financial decisions about the building (condominium board members, owners, property managers).
- ❖ **Secondary stakeholders**, such as service personnel and visitors, are not directly affected by a smoke-free policy except when visiting the building. They do not need to be directly consulted as they will be informed about the smoke-free policy by the primary stakeholders.

2. Analyze stakeholders

Know what your stakeholders think about a smoke-free policy. Following suggestions in **Step 1: Assessing your situation**, find out what your stakeholders currently experience in terms of smoking in the condo building and what they think about going smoke-free. Use methods such as surveys and meetings to gather and analyze information. A sample of a resident survey is included in the appendices.

If you wish to hold a meeting with your stakeholders to discuss a smoke-free policy and find out their opinions, a sample invitation and agenda for a meeting are provided in the appendices. Also, look on our website, smokefreehousingab.ca.



tip

During a **stakeholder analysis**, identify and be prepared to address common misunderstandings. A smoke-free policy is not a no-smoker policy. A smoke-free policy doesn't disqualify people who smoke from owning or residing in a smoke-free condo building; it simply states where smoking is and is not allowed. If this is not well understood, be sure to include clear messaging when communicating.



3. Communicate with stakeholders


Keeping stakeholders informed throughout the smoke-free policy-development process is one of the most important aspects of proper engagement.

At the beginning of the smoke-free policy-development process, tell your stakeholders what you are going to do, and how and when you are going to do it. During the engagement stages, regularly communicate information and indicate ways for stakeholders to participate. When you make a decision about a smoke-free policy, clearly communicate it and explain why you made it. During implementation of the smoke-free policy, continue to communicate progress, successes and concerns, as well as how they are being addressed.

4. Engage stakeholders

Many ways exist to engage your stakeholders. The following Continuum of Stakeholder Engagement will help you decide upon and carry out an engagement plan of action. When using the Continuum to guide engagement of your stakeholders, know that:

- ❖ the stages you use depend on your situation, particularly your stakeholders' knowledge about and willingness to adopt a smoke-free policy.
- ❖ **Inform** is a necessary stage for each situation. Share factual information to start the engagement process and continue to do so throughout.
- ❖ communicate with stakeholders throughout the entire process and at all stages.

 **tool**

.....

A comprehensive description of the Continuum of Stakeholder Engagement is provided in Appendix B, including:

- purpose of each stage
- promise to the stakeholders in each stage
- examples of techniques for each stage



“

We have had a no-smoking policy in all the units we manage for the past two years. All our landlords appreciate this clause in their leases and that we as their managers enforce it. They also appreciate the clear, unbiased position this policy has set. It is not only the health hazard but also the negative odor associated with smoking that many of our clients want to avoid, particularly the landlords as smoked-in units typically need to have carpets deodorized and walls painted to eliminate the effects of smoking.

We have had no negative outcomes, and our policy has **not** affected our ability to rent units. In fact, all tenants who do smoke respect the request and only smoke outside. They are also required to maintain a safe cigarette-butt container and keep the exterior grounds clean. The end result is that we have cleaner and better-maintained rental units because of this policy and its acceptance in the market.”

~Don Walker CCIM ALC, Broker, Kayvee Real Estate & Property Management Inc., Medicine Hat, 2016



Continuum of Stakeholder Engagement⁶



Communicate throughout the process and in every phase.



INFORM

- ❖ Factual and easy-to-understand information is the most important aspect of each phase. Start with the **Inform** stage and communicate information throughout the process.
- ❖ Use clear, concise and factual information in all your engagement methods.
- ❖ Clear up misunderstandings from the onset. A smoke-free policy is not a no-smoker policy. The policy dictates where people can and cannot smoke, not whether or not they are permitted to smoke. Make sure all stakeholders understand the concept of a smoke-free policy before attempting to gain their support.



CONSULT

- ❖ Provide information and ideas about a smoke-free policy and ask the stakeholders what they think about it. Seek their opinions and suggestions.
- ❖ Communicate clearly about how you will use the input and suggestions from stakeholders. Tell them how you will make decisions about going smoke-free and the rationale for the decisions.



INVOLVE

- ❖ Invite input and ideas from stakeholders to help develop options and potential solutions. Involve stakeholders as early on as possible in the process. For example, they could help you identify other stakeholders and determine what information you need to communicate to them.
- ❖ In the **Involve** stage, the stakeholders are part of developing solutions – going beyond commenting on plans or solutions that you are proposing to helping you decide.
- ❖ Ultimately you will still make the decisions using some or all of the stakeholders' ideas and input.
- ❖ Establishing and working with an advisory committee of stakeholders is an excellent technique at this stage.



COLLABORATE

- ❖ The **Collaborate** stage is about partnering and sharing decisions with stakeholders, and inviting them to be involved in the decision-making process.
- ❖ Stakeholders work together with you, as owner or condo board member, to define the scope of the decision to be made, develop options and assess those options against agreed criteria in an attempt to arrive at consensus.
- ❖ The **Collaborate** phase is very beneficial when you think the implementation of a smoke-free policy may be highly complex or controversial, or both.
- ❖ Establishing and working with an advisory committee of stakeholders is an excellent technique at this stage.



Step 3: Drafting your smoke-free policy

Hopefully step 1 has given you a clear indication of why you want to implement a smoke-free policy and how owners and residents feel about it. As you begin developing the policy itself, you will have to decide who will be bound under the policy, where the policy will be in force, what the policy will prohibit and when it will come into effect.



To whom will your smoke-free policy apply?

Some smoke-free policies apply to all new and existing residents, whereas others exempt (or grandfather in) existing smoking residents. While incorporating an exemption clause into your smoke-free policy may be the least confrontational approach, it's not always the easiest approach to implement. Exemption clauses create a lengthy limbo period when new residents are subject to the policy while still not reaping the benefits of a smoke-free environment (because exempted residents are still exposing them to second-hand smoke). This can make it harder to attract new owners or tenants who are truly seeking smoke-free housing. Property managers will still have to spend time and money addressing complaints of second-hand smoke exposure.

If you know there are owners or other residents currently smoking in areas that you would like to make smoke-free, you may want to negotiate an agreeable situation with them to try to come up with the best possible policy that at least 75 per cent of owners can agree to and support.

While smoke-free policies are legal, property managers have a duty (under Human Rights Law) to accommodate the disabilities and religious practices of their residents. This can be a confusing point with smoking policies particularly when it comes to the medicinal use of cannabis and the ceremonial use of tobacco by indigenous residence. The duty to accommodate does not negate the legality of a smoke-free policy, it demands that individuals are respectfully engaged. The needs of residents using medicinal cannabis or of those engaged in traditional tobacco ceremonies do not trump the needs of other residents to be free from exposure to harmful secondhand smoke. The key to accommodation is compassion, good communication, and creative thinking about how to meet everyone's needs.



Ceremonial use of tobacco and smoke-free housing policies

The ceremonial use of tobacco is not exempt from smoke-free policies in multi-unit housing unless explicitly stated. However, under human rights legislation all Albertans are under a duty to accommodate the religious beliefs and practices of others. The duty to accommodate goes both ways, as such any resident(s) using tobacco for ceremonial purposes should ensure they are not causing other residents undo harm. Tips for supporting ceremonial use of tobacco include:

1. Engaging the resident(s) to understand their ceremonial use of tobacco.
2. Learning the duration and frequency of intended ceremonial tobacco use.
3. Finding ways to accommodate ceremonial tobacco use that does not expose other residents to secondhand smoke exposure. For example, if possible recommend outdoor use and remove any barriers that might inhibit the ceremony from taking place outdoors.
4. If the ceremonial use of tobacco is to be used indoors, establish a communication system to inform other residents about the ceremonial use of tobacco in order to avoid complaints and bridge any religious or cultural misunderstandings.

Indigenous people have been using traditional or sacred tobacco for thousands of years. Traditional or sacred tobacco differs from commercial tobacco in that it is used in a variety of ways including ceremonial or sacred rituals for healing and purifying and in social customs where it is given or exchanged as a sign of respect. Traditional or sacred tobacco is grown and dried without additives. For more information on traditional tobacco please visit tobacchowise.com.



Allowances for the use of combustible products indoors should not be a default solution. Discuss specific situations with a lawyer if you have concerns about your ability to accommodate someone's disability or religious practice while developing or upholding a smoke-free policy.

Things to consider when engaging residents who currently smoke

- ❖ Do you know for certain that owners who currently smoke, or who have tenants who currently smoke, would oppose a smoke-free policy?
- ❖ Some smokers welcome smoke-free policies either because they already choose to only smoke outside or they see it as an incentive to cut back on smoking and improve their quality of life. Don't assume they will fight a policy without having a conversation about it.
- ❖ Could you agree on a designated outdoor smoking area? How could you make that space more comfortable or easier for users to access?
- ❖ Could you agree on a phased-in approach, such as an exemption period that lasts one or two years?
- ❖ Could you partner with local public health agencies to provide services and support to residents who are trying to quit smoking?

Regardless of the decision on exemptions, a smoke-free policy should always apply to residents, staff and service personnel working in the smoke-free building or grounds. Visitors and guests would also be expected to comply. The policy should indicate that owners and residents are responsible for advising their visitors and guests about where they can and cannot smoke.

In a situation where a resident's addiction to nicotine has been deemed to be a disability, a condo corporation would be obligated to make reasonable accommodation for them. Any accommodation, however, would be at the discretion of the condo board given that each such situation is unique. Accommodation does not mean exemption and should not result in a situation where the resident is permitted to continually expose other residents to second-hand smoke.

Where will your smoke-free policy apply?

A smoke-free policy can apply to a number of different spaces on a condominium property, including inside individual units, on patios, balconies and in outdoor recreational spaces. Some smoke-free policies designate one or two specific outdoor spaces where smoking is allowed, or they may require people to leave property grounds altogether before lighting up.

When determining which areas will be included in your smoke-free policy, consider the size of your property and the way it is used. If you have logged resident complaints about second-hand smoke exposure, consider the spaces that would need to be addressed in order to mitigate those issues. If at all possible, keep designated smoking areas away from recreational spaces that are meant for all residents to enjoy.

It is also important when developing a smoke-free policy to ensure it aligns with the requirements of current tobacco-control legislation. The Alberta Tobacco and Smoking Reduction Act prohibits smoking in any structure or other enclosed common area of a multi-unit residential facility to which members of the public have access, including common patios, pools, other recreation areas and enclosed parking garages. The Act also prohibits smoking within five meters of a doorway, air intake or window that can be opened. Designated smoking areas should not infringe upon spaces designated as smoke-free by law.

What will be regulated as part of your smoke-free policy?

Carefully consider and include a clear definition of what will be regulated in your smoke-free policy. Some housing providers have expressed serious issues arising from residents using a range of smoking products, including herbal cigarettes, cannabis, pipes and waterpipes. Unclear definitions may not fully cover the scope of products causing concern.

The comprehensive definition provided here should cover any loopholes or unforeseen issues of second-hand smoke exposure. This definition would not prohibit the use of electronic cigarettes as they do not involve burning or the emission of smoke. If you want your smoke-free policy to have a different scope, you may want to have a lawyer draft a definition that will suit your needs.



tip

If designated smoking areas are included in your smoke-free policy, have signage indicating that the area is a smoking area and have a clearly marked ashtray to safely dispose of butts in order to discourage litter and avoid fires. Conversely, remove any ashtrays currently located in spaces where smoking is banned to minimize confusion.



tool

Sample definition: 'Smoke' or 'Smoking' means to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking implement designed to burn tobacco or any other weed or substance for the purpose of inhaling or tasting of its emissions.

Cannabis and electronic cigarettes

Exposure to cannabis smoke can be a hot-button issue in multi-unit housing.

Regardless of whether cannabis is being smoked legally or illegally, the second-hand smoke emitted is still a health hazard and consideration for other residents is still important. A medical prescription to use cannabis does not give a person the right to smoke anywhere they choose. The user must abide by the rules of a smoke-free policy. By developing a smoke-free policy that is inclusive of products like cannabis, housing providers can eliminate any confusion on this issue.

Electronic Smoking Devices (ESDs; e.g., e-cigarettes or vaporizers) are relatively new products in Canada. Currently, there is limited data on the health effects of their emissions, especially in the case of second-hand exposure. What is emitted from an ESD is not smoke and is currently understood to be significantly less harmful than tobacco smoke.

If a housing provider wants to ban the use of ESDs on their property, they should consult with a lawyer to draft an effective policy and definition. Some ESDs may gain approval by Health Canada as regulated smoking-cessation devices in the future. Consider exempting any products that are government approved and regulated for use as cessation tools. You may also want to consider exempting the use of ESD for other medical conditions such as a medical prescription to vape cannabis. This would be a decent way to accommodate individuals with serious illnesses without exposing other residents to secondhand smoke. For more information on electronic smoking devices, please feel free to contact the Canadian Cancer Society or another health authority.



When will your smoke-free policy take effect?

Timing is critical to the successful implementation of a smoke-free policy. Start engaging owners and residents early in the process of developing your policy and give them ample time to adjust before your policy comes into effect. You may choose to implement your policy in phases, starting with individual units and progressively incorporating outdoor spaces. Whatever your plan, be sure to clearly communicate your timelines with all stakeholders who will be affected.

How will your policy be enforced?

Each condo corporation is authorized and required to stipulate any sanctions for bylaw infractions within the bylaws themselves. Your bylaws may already include detailed options and procedures for sanctions to any and all bylaw infractions. If they don't, you will want to be sure to include sanctions related to your new smoke-free policy in your resolution to pass the new bylaw.

Step 4: Implementing your smoke-free policy

Once your policy has been drafted, you may want to have it reviewed by legal counsel (if appropriate). Decide the best time to address resolution for a smoke-free policy, whether it be at an annual or special general meeting. Follow all necessary procedures to call the meeting and send out a copy of the smoke-free policy to members in advance of the meeting. Be prepared to discuss anticipated challenges and arguments against the policy.

If and when the resolution is passed and agreed to in writing by two-thirds of entitled voters, the corporation must file a copy of the new bylaw with the Registrar who will make a memorandum of the filing on the condo plan. At that point, the bylaw will officially take effect unless a different implementation date is specified within the bylaw itself.

Check to be sure that the condo plan has been updated by the Registrar and inform owners and residents of the new



tip

Choosing an implementation date in the spring or summer gives residents some time to adjust to smoking outside while the weather is favourable.



tip

Consider presenting the smoke-free bylaw by separate resolution. Given that a smoke-free bylaw can be a controversial provision, you would not want to jeopardize an entire bylaw amendment package because of this provision.



bylaw as soon as possible once approved. If your policy will be implemented in phases, make sure you clearly communicate the timelines and ultimate scope of the policy to current and prospective residents. If your policy includes an exemption clause, inform prospective residents that:

1. there are residents who have been exempted from the policy and are permitted to smoke in the building, and you can't guarantee a 100 per cent smoke-free environment until the transition is complete. Be sure to explain why an exemption of certain residents was chosen.
2. while smoking is permitted in exempted units, complaints of second-hand smoke will still be addressed if it is found that a significant amount of smoke is infiltrating their homes. If there are significant complaints, you will likely have to implement mitigation efforts.

Support for smokers

Demonstrating support for owners and residents who smoke can build a considerable amount of goodwill when implementing a smoke-free policy. While the purpose of going smoke-free is primarily to protect property and residents, there may be people who would like information about quitting, or who will want to cut back on the amount they smoke in order to make compliance with the policy easier.

There may be an opportunity to partner with a local public health organization to provide cessation resources and services. Contact Alberta Health Services to find out about cessation resources in your community and then post information in common areas. Let all your residents know that there is support available to help them quit or cut back if any of them are interested.

Visit albertaquits.ca for links to cessation tools and resources.

Signs

Develop and post signs about your smoke-free policy. Signage will serve as a reminder for residents and indicate to visitors that the building and/or area is smoke-free. Signs should be posted at all public entrances to the smoke-free buildings, and can also be posted at elevators, on unit doors, in common areas and throughout the grounds to clearly indicate where smoking is and isn't allowed.



tool

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A sample letter that notifies residents about the new policy can be found in Appendix K.



tip

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Spread the word about your smoke-free policy anywhere you currently list information about your properties.

Update:

- your application form
- your website
- your portfolio in third party directories
- other marketing and advertising materials



tool

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Sample signs are available in Appendix P.

Step 5: Enforcing your smoke-free policy

Steps taken to engage stakeholders and communicate your smoke-free policy will go a long way in facilitating policy enforcement and compliance. In all likelihood, condo residents will be the biggest advocates of your policy and will readily let you know when someone is not following the rules. Most people comply with smoke-free policies when they are clearly and effectively communicated. Still, you should be prepared and know ahead of time how you will respond to any problems.

Your enforcement plan will likely depend on your residents and their behaviour, the extent of second-hand smoke exposure to other residents and the sanctions that you have written into your bylaws.

If there is evidence that a violation has occurred, follow the procedures as defined in your bylaws for imposing sanctions. Whether or not it is a stipulation in your bylaws, you may want to initiate enforcement with a warning letter to the resident. Even if sanctions are not imposed, be sure to document the process and get confirmation in writing that the letter was received. If an agreement is reached, it can be helpful to put it in writing for future reference. Have the resident sign a copy of the dated letter from the board or property-management corporation, confirming the discussion and the resident's agreement to abide by the smoke-free policy.

If the smoking continues, and the resident refuses to comply with sanctions, the Condominium Property Act gives corporations the option of taking the owner to court to recover monetary sanctions or to recover damages in the case of any other sanction.

Be sure to document any and all violations, and, if possible, get witnesses who would be able to testify to incidents of smoking by the resident if necessary. You will need to establish to the satisfaction of the court that the bylaw was contravened by the defendant.



tip

Don't send mixed messages. Remove ashtrays except those in designated smoking areas.



tool

See Appendices M and N for a sample complaint log and caution notice.



Issues while transitioning to smoke-free status

If your building is converting to smoke-free status either through a phased-in approach or due to exempted residents, it will continue to be important to address complaints of second-hand smoke migrating into smoke-free units from spaces where smoking is still allowed. If applicable, clarify with staff that while exempted or phased-in residents may be allowed to smoke in their units, complaints of second-hand smoke must still be addressed and documented.



Our collective efforts will ensure Albertans are further protected from the dangers of second-hand tobacco smoke.

Our provincial and municipal governments have made tremendous strides in protecting Albertans from the dangers of second-hand tobacco smoke.

As a multi-unit housing stakeholder, you can also play an important role in ensuring that Albertans have access to safe air in their homes while at the same time protecting property and improving the quality of life for all residents.

The trend for smoke-free multi-unit housing in Alberta will very likely increase, as it has in other markets.

By providing the best practices in this document, we hope to ensure multi-unit housing providers feel confident in successfully implementing a smoke-free policy.



References

- ¹ Leger Group. Smoke-free Multi-Unit Housing Public Opinion Surveys. Commissioned by the Canadian Cancer Society, Alberta/NWT Division. 2018. Data were collected between September 16 and October 1, 2015 and between March 15th and March 23rd, 2018. Each included 1,000 Albertans age 18+ living in multi-unit housing. As non-random Internet surveys, a margin of error is not reported. Had these data been collected using a probability sample, the margin of error would be ± 3.1 percentage points, 19 times out of 20. The data are weighted by age, gender and region to be representative of the population of Albertans living in multi-unit housing based on the most recent estimates available from Statistics Canada.
- ² Office of the Fire Commissioner, 2015. Fire Commissioners Annual Statistical Report 2013-14 ([http://www.ofc.alberta.ca/documents/2013-2014_Annual_Report_Data_Amended_\(2\).pdf](http://www.ofc.alberta.ca/documents/2013-2014_Annual_Report_Data_Amended_(2).pdf)). Accessed February 2016.
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- ⁵ The Lung Association. Leger group (2015) independent survey of 200 Realtors® in British Columbia. (<http://blog.lung.ca/2015/05/smoking-in-the-home-can-lower-resale-value-and-make-it-more-difficult-to-sell/>) Accessed February 2016. In Ontario, 85 per cent of Realtors agreed and in BC 77 per cent of Realtors agreed.
- ⁶ Adapted from IAP2 Public Participation Spectrum; International Association for Public Participation Federation (IAP2) <http://www.iap2.org/>.

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Appendix A: Sample smoke-free bylaw for condos

SMOKE-FREE BYLAW

1. All forms of smoking are prohibited on the property, including:
 - a. inside all condominium units;
 - b. on the interior common property, including, but not limited to, in hallways, elevators, parking garages, electrical and mechanical rooms, stairs, and storage locker areas;
 - c. on patios and balconies; and
 - d. within 8 metres (26 feet) of a door, window or air intake.
2. "Smoking" for the purposes of this bylaw means to inhale, exhale, burn, or have control over a lighted cigarette, cigar, pipe, hookah pipe, or other lighted smoking implement designed to burn tobacco or any other weed or substance for the purpose of inhaling or tasting of its emissions.
3. "Business invitee" for the purposes of this bylaw shall include, but is not limited to, any contractor, tradesperson, agent, household worker, or other person hired by the tenant or resident to provide a service or product.
4. **<Uniform application of policy>** This bylaw takes effect upon approval by the owners of the condominium corporation, and applies to all persons, including, but not limited to, owners, tenants, invitees, business invitees, occupants and visitors.
<OR exemption> This bylaw takes effect upon approval by the board or members of the condominium corporation, and applies to all persons, including, but not limited to, owners, tenants, invitees, business invitees, tradespersons, occupants and visitors, provided that the bylaw does not apply to any owner, tenant or occupant residing in a unit in the building at the time the bylaw is approved by the condominium corporation, and who continues in full-time residence in the condominium after the bylaw takes effect **<or specify length of time of the exemption period>**.
5. **<Remove if exemption provision does not apply. Declaration, rules, bylaws and other legislation still applies>** Notwithstanding the exemption provision in section 4 above, owners, tenants and occupants who qualify for the exemption from the smoke-free bylaw as described herein must still comply with all applicable legislation and are still subject to the declaration, rules and bylaws, including, but not limited to, those with respect to causing a nuisance or hazard to another person and unreasonably interfering with the rights of another person to use and enjoy the real or personal property of the corporation or the common property, or another unit.
6. **<Human rights and reasonable accommodation>** The corporation shall make reasonable accommodation for an owner, tenant or occupant who has proven by medical evidence that they have a physical and/or mental disability and are unable to control their addiction to nicotine. Whether the owner, tenant or occupant has proven the disability will be determined in the sole and absolute discretion of the corporation, acting reasonably. The accommodation will be made based on all of the circumstances and may include, but is not limited to:

- a. allowing smoking in one or more designated areas of the real or personal property of the corporation or the common property (if applicable);
 - b. paying for one or more treatment programs to assist with the cessation of smoking, including, but not limited to, paying for nicotine-replacement therapy; and/or
 - c. the willingness of the owner, tenant or occupant to install and maintain smoke-extraction equipment in any unit or on the common property, as recommended by the board.
7. <Time limit for reasonable accommodation> Reasonable accommodation granted pursuant to section 6 of the policy may be for a fixed period of time at which time the owner, tenant or occupant is free to re-apply to the corporation for further reasonable accommodation to be made.
 8. <Other accommodation> In addition to accommodation made under section 6 of the policy, reasonable accommodation may be made by the corporation if an owner or occupant proves that to prohibit smoking would result in other discrimination prohibited by the Alberta Human Rights Act. The board of directors, in its sole discretion, will determine whether or not the resident has proven that the prohibition of smoking would be discriminatory pursuant to the Alberta Human Rights Act.
 9. <Traditional or cultural smoking activity> The corporation may make reasonable accommodation in the case where an owner, tenant or occupant intends to use tobacco in relation to a traditional aboriginal cultural activity, or smoking is intended to be done by a prescribed group for a prescribed purpose. In making the accommodation, the corporation will only do so in writing and may prescribe in writing when the permission is granted for, the duration of the permission and where smoking will be permitted.

SANCTIONS

The corporation may:

10. pursuant to section 35 of the Act, impose monetary or other sanctions on owners, tenants and invitees of the owners or tenants who fail to comply with the smoke-free bylaw and in such cases the range of fines the corporation may impose as monetary sanctions for each violation is as follows:
 - a. for a first offence, a written warning;
 - b. for a second offence, following a written warning, a fine as levied by the board, not to exceed \$###;
 - c. for a third offence, a fine as levied by the board, not to exceed \$###;
 - d. for subsequent offences, a fine as levied by the board, not to exceed the maximum fine of \$###.
11. exercise the powers provided for in section 36 of the Act.

Each day that an owner, tenant or other person residing in or on a unit contravenes these bylaws shall be considered a separate contravention.



Appendix B: How to engage residents and other stakeholders

CONTINUUM OF STAKEHOLDER ENGAGEMENT¹

Stakeholders for condominiums include owners, landlords, residents, property managers, staff, visitors, and service personnel and companies.

Stage	Purpose	Promise to stakeholders	Examples of techniques
INFORM communicate information to stakeholders	To provide stakeholders with balanced and objective information to assist them in understanding a smoke-free proposal	We will keep you informed.	<ul style="list-style-type: none"> • Deliver fact sheets door to door, at meetings or via email • Display posters in common areas • Send information emails • Write and distribute newsletters • Create a website • Host information sessions (e.g.; open houses, meetings) • Use a suggestion box • Organize a volunteer networking process • Hold coffee meetings (a casual gathering of people with refreshments and informal conversation)
CONSULT seek the opinions of stakeholders	To obtain stakeholder feedback about analysis, alternatives and/or decisions regarding a smoke-free proposal	We will keep you informed, listen to and acknowledge your concerns, and provide feedback on how your input influenced the decision.	<ul style="list-style-type: none"> • Host focus groups • Conduct a survey • Host information and input sessions (e.g.; open houses, meetings) • Offer a comment section on your website • Organize a volunteer networking process • Hold coffee meetings • Form an advisory committee

¹ Adapted from IAP2 Public Participation Spectrum; International Association for Public Participation Federation (IAP2) <http://www.iap2.org/>.

Stage	Purpose	Promise to stakeholders	Examples of techniques
<p>INVOLVE</p> <p>stakeholders provide input and ideas to help develop options and solutions</p>	<p>To work directly with stakeholders throughout the process to ensure their concerns are consistently understood and considered</p>	<p>We will work with you so your concerns and issues are directly reflected in the alternatives developed and provide feedback on how your input influenced the decision.</p>	<ul style="list-style-type: none"> • Form an advisory committee • Host input sessions (e.g.; workshops, meetings) • Organize a volunteer networking process • Offer a comment section on your website • Hold coffee meetings • Public art: have residents, particularly children, draw and display images in a common area of what a smoke-free environment could look like.
<p>COLLABORATE</p> <p>stakeholders participate in decision making and actions</p>	<p>To partner with stakeholders in each aspect of the decision-making process (e.g., developing alternatives and identifying the preferred solution)</p>	<p>We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions as much as possible.</p>	<ul style="list-style-type: none"> • Form an advisory committee • Host input workshops and meetings • Conduct a practice session: invite stakeholders to participate in a session to practice being part of a smoke-free building • Organize a volunteer networking process

Remember to communicate throughout the process and in every phase.



Appendix C: Sample invitation letter for a meeting about a smoke-free bylaw

<Name>
<Address>
<Date>

RE: notice to all residents residing at <insert building name and address>

Dear <Name>,

We, the <condo board and/or property management company>, invite you to an <information meeting or information and input meeting> about the idea of adopting a smoke-free bylaw for our building.

The purpose of the meeting is to:

- share information about the concerns of residents regarding second-hand smoke infiltrating their homes from neighbouring units (internal and external) and common areas such as the parking garage and hallways; and,
- gain your opinions and thoughts about the idea of adopting a smoke-free bylaw for our building.

This is **not** a decision meeting; it is a time to provide information and start to get your input. We have not made any decisions about a smoke-free bylaw and we consider this a first step to involve all residents in the discussion.

The meeting will be held on <date> from <start time> to <end time> at <location>. The agenda will be:

1. Welcome and overview of the meeting
2. Introductions by all participants
3. Information about smoke-free bylaws in multi-unit housing
4. Information about applicable Alberta legislation
5. Discussion:
 - a. What do you like about the idea of a smoke-free bylaw in our building?
 - b. What do you dislike about the idea of a smoke-free bylaw in our building?
 - c. What more information do you need?
 - d. What next steps do you suggest?

Please plan to attend and talk with your neighbours about this topic. RSVP by <date> to <contact>.

Sincerely,
<condo board, and/or property management company>

Appendix D: Sample agenda and discussion process for an initial meeting about a smoke-free bylaw

This sample agenda and discussion process is for a 1.5 to 2-hour meeting. Adjust as you see appropriate for residents in your building. It is a good practice to ask people to give their opinions about a smoke-free policy in their building at this meeting. While it is very important to provide and explain information, residents will want the opportunity to share what they think.

Tips

- *It is very helpful if you distribute information sheets about a smoke-free bylaw door to door, or make them available in a common area, **before** the meeting.*
- *Use name tags for each person.*
- *Provide light refreshments such as water, tea, coffee, and cookies or a vegetable tray. Food is a good way to set a friendly and welcoming atmosphere.*
- *Have a volunteer record the main points from the discussion, ideally on a laptop.*

1. Welcome and overview of the meeting (estimate five minutes)

The hosts welcome everyone to the meeting. Introduce yourselves and your roles.

- Explain the purpose of the meeting. (e.g., We are starting to think about establishing a smoke-free bylaw for our building. We want to provide you with information and want your initial input about the idea. We also want your suggestions on the next steps.)
- Explain the logistics of the meeting (e.g.; the start and end time, the agenda, how questions and ideas will be recorded).

2. Introductions by all participants (estimate five minutes)

Always have each person introduce themselves. This makes the participants feel included, helps them to feel comfortable speaking and allows everyone to hear each other's name. Even if most participants appear to know each other, it is useful to have this short introduction.



Ask each person to say:

- Name
- Unit
- Years lived in the building
- One thing they like about living in the building (*this question helps everyone to start on a positive note by thinking about why they like their home*)

3. Information about smoke-free bylaws in multi-unit housing (estimate five minutes)

Explain why you called the meeting (e.g.; complaints have been received about second-hand smoke, you have been approached by a resident, damages and costs from smoking are occurring and are a concern, you are concerned about providing a safe and healthy space for all residents).

Provide information about smoke-free bylaws in multi-unit housing. Use the Canadian Cancer Society-resource guide section **Everybody Wins**.

4. Information about applicable Alberta legislation (estimate five to 10 minutes)

Use the Canadian Cancer Society-resource guide section **The Law and Smoke-Free Housing**.

5. Questions and answers

Encourage participants to ask questions during the information presentations or ask them to write down their questions and answer them after the presentations.

6. Optional input discussion (estimate 30 to 45 minutes)

Occasionally, you will hold a meeting only to provide information. Therefore, you may not hold a discussion time, but rather close the meeting after the *Questions and Answers* time. If you decide to hold an information-only meeting, be sure to tell participants what the next steps are and when they will have a chance to give ideas about going smoke-free.

If you decide to also include a discussion time in your meeting, here are various ideas for discussion processes. Adjust based on the reason you called the meeting, the number of participants, the general feel in the room about smoking or non-smoking, etc.

Trio talk:

Ask participants to form trios (groups of three) and talk for five minutes about:

- What is your experience with smoking in our building? Positive aspects? Negative aspects?

Have a five to 10-minute report-back session by asking each trio (or at least half of the trios) to say in two sentences what they discussed. Record.

Have a 20-minute large-group discussion session and ask participants to give their input about each of the preceding questions. Record.

Pair-and-share talk:

Ask participants to work with one other person and talk for five to 10 minutes about:

- What do you like about the idea of a smoke-free bylaw in our building?
- What do you dislike about the idea of a smoke-free bylaw in our building?
- What other information do you need?
- What next steps do you suggest?

Have a 20-minute large-group discussion session and ask participants to give their input about each of the preceding questions. Record.

Pros-and-cons gallery-walking activity:

Put large flip-chart paper on the wall or on tables in three separate locations (stations). Provide small felt markers or pens at each station.

Name the stations:

- Pros (positive aspects) about going smoke-free in our building
- Cons (negative aspects) about going smoke-free in our building
- What else do I need to know?

Ask participants to walk from station to station for about 10 to 15 minutes and write their comments.

Then, divide participants into three groups and ask them each to go to one station, read the information and summarize it.

Have a 15-minute large-group discussion session and ask each group to tell their summary of the written information. Record.

Take the flip charts and use the information for future meetings and information and input sessions.

7. What's next and closing

- As the host, thank everyone for participating.
- Explain how you plan to use the information and what you plan to do next.
- Explain how residents will be engaged.



Appendix E: Sample agenda and discussion process for a focus group about a smoke-free bylaw

A focus group is a way to initially gather input about going smoke-free in your building. It is not to make decisions. In your recruitment of participants for the focus group, explain clearly that at this time you seek their opinions, not decisions.

Focus groups

A focus group is a meeting at which a group of people are asked about their perceptions, opinions, beliefs and attitudes towards a product, service, concept, advertisement, idea or packaging.

A focus group:

- *usually involves six to 10 people led by a host through a series of questions;*
- *is about 45 to 90 minutes long;*
- *is structured around a set of carefully predetermined questions – usually no more than four to six questions; and,*
- *allows an individual to state their opinions and ideas, to listen to the opinions and ideas of others in a small and safe group setting, and possibly change or enhance their opinions and ideas.*

ORGANIZE AND CONDUCT A FOCUS GROUP IN YOUR BUILDING

1. Choose the questions you wish to ask

Questions in a focus group typically follow a process of:

- Engagement questions:** introduce participants to, and make them comfortable with, the topic of discussion
- Exploration questions:** have participants talk about the main topic
- Exit question:** check to see if anything was missed in the discussion

Sample questions for a focus group about a smoke-free bylaw could include:

- What is your experience with smoking in our building? What are positive aspects, if any? What are negative aspects, if any?
- What do you like about the idea of a smoke-free bylaw in our building?
- What do you dislike about the idea of a smoke-free bylaw in our building?

- d. What additional information do you need in order to decide if you agree with a smoke-free bylaw in our building?
- e. What next steps do you suggest?

2. Decide about the logistics of the focus group

Think about the date, time and location. Have a recording method (e.g.; someone who types on a laptop, writes on a flip chart or uses a recording device).

3. Recruit for and invite participants to the focus group

Think about the residents and other stakeholders who could influence or be affected by a smoke-free policy. Think about the backgrounds and interests of the stakeholders. Try to recruit a mix of participants (e.g.; people who smoke, don't smoke, have lived in the building for a long time, are newcomers to the building, are different ages).

Personally talk with each person and invite them to the focus group. Explain the purpose and the process. Tell them that it will be recorded and ask their permission.

4. Conduct the focus group

Use name tags.

a. Welcome and overview

- Introduce yourself.
- Explain the purpose and process of the focus group.

b. Introductions by all participants

- Ask each person to say:
 - Name
 - Unit
 - Years lived in the building
 - One thing they like about living in the building (*this question helps everyone to start on a positive note by thinking about why they like their home*)

c. Ask the questions

- Ask the first question, then go around the table and have each person speak.
- As you ask the next questions, you can encourage participants to speak when they choose. Ensure that each person has an opportunity to talk about each question.
- Ask:
 - Who else has thoughts about this – maybe something a little different?
 - What else have people experienced in this area?
 - You've been discussing several different ideas; what haven't we heard yet?
 - We want to hear all your opinions. Who has something else to discuss?



d. Summarize the discussion

- Give a short two-to-three-minute summary of the main themes you heard.
 - Ask participants: did I correctly describe what was said?

e. Thanks and closing

- Thank everyone for participating.
- Explain how you plan to use the information and what you plan to do next.
- Explain how residents will be engaged.

Appendix F: Sample agenda and discussion process for an input workshop about a smoke-free bylaw

A workshop differs slightly from a meeting in that the purpose of the workshop is to gain ideas from the participants about going smoke-free in your building. A meeting might be used to only provide information; at a workshop, you wish to give information and gain ideas about it from the participants. Therefore, participatory conversations are always part of a workshop.

This sample agenda and discussion process is for a 2 to 2.5 hour workshop. Adjust as you see appropriate for residents in your building.

Tips

- *It is very helpful if you distribute information sheets about a smoke-free bylaw door to door, or make them available in a common area, **before** the meeting.*
- *Use name tags for each person.*
- *Provide light refreshments such as water, tea, coffee, and cookies or a vegetable tray. Food is a good way to set a friendly and welcoming atmosphere.*
- *Have a volunteer record the main points from the discussion, ideally on a laptop.*

1. Welcome and overview of the workshop (estimate five minutes)

The hosts of the workshop welcome everyone. Introduce yourselves and your roles.

- Explain the purpose of the workshop. (e.g., We want to provide information about a smoke-free bylaw, which we are starting to think about, and we want your input about the idea. We also want your suggestions on next steps.)
- Explain the logistics of the workshop (e.g.; the start and end time, the agenda, how questions and ideas will be recorded).

2. Introductions by all participants (estimate five minutes)

Always have each person introduce themselves. This makes the participants feel included, helps them to feel comfortable speaking and ensures that everyone hears each other's name. Even if most participants appear to know each other, it is useful to have this short introduction.

Ask each person to say:

- Name
- Unit



- Years lived in the building
- One thing they like about living in the building (*this question helps everyone to start on a positive note by thinking about why they like their home*)

3. Information about smoke-free bylaws in multi-unit housing (estimate five minutes)

Explain why you called the meeting (e.g.; complaints have been received about second-hand smoke, you have been approached by a tenant group, damages and costs from smoking are occurring and are a concern, you are concerned about providing a safe and healthy space for all tenants).

Provide information about smoke-free bylaws in multi-unit housing. Use the Canadian Cancer Society-resource guide section **Everybody Wins**.

4. Information about applicable Alberta legislation (estimate five to 10 minutes)

Use the Canadian Cancer Society-resource guide section **The Law and Smoke-Free Housing**.

5. Questions and answers

Encourage participants to ask questions during the information presentations or ask them to write down their questions and answer them after the presentations.

6. Discussion (estimate 30 to 60 minutes)

Here are various ideas for discussion processes. Adjust based on the reason you called the meeting, the number of participants, and the general feel in the room about smoking or non-smoking, etc.

Trio talk:

Ask participants to form trios (groups of three) and talk for five minutes about:

- What is your experience with smoking in our building? Positive aspects? Negative aspects?

Have a five to 10-minute report-back session by asking each trio (or at least half of the trios) to say in two sentences what they discussed. Record.

Have a 20-minute large-group discussion session and ask participants to give their input about each of the preceding questions. Record.

Pair-and-share talk:

Ask participants to work with one other person and talk for five to 10 minutes about:

- What do you like about the idea of a smoke-free bylaw in our building?
- What do you dislike about the idea of a smoke-free bylaw in our building?
- What other information do you need?
- What next steps do you suggest?

Have a 20-minute large-group discussion session and ask participants to give their input about each of the preceding questions. Record.

Pros-and-cons gallery-walking activity:

Put large flip-chart paper on the wall or on tables in three separate locations (stations). Provide small felt markers or pens at each station.

Name the stations:

- Pros (positive aspects) about going smoke-free in our building
- Cons (negative aspects) about going smoke-free in our building
- What else do I need to know?

Ask participants to walk from station to station for about 10 to 15 minutes and write their comments.

Then, divide participants into three groups and ask them each to go to one station, read the information and summarize it.

Have a 15-minute large-group discussion session and ask each group to tell their summary of the written information. Record.

Take the flip charts and use the information for future meetings and information and input sessions.

7. What's next and closing

- As the host, thank everyone for participating.
- Explain how you plan to use the information and what you plan to do next.
- Explain how residents will be engaged.



Appendix G: Organizing coffee meetings

A coffee meeting is a casual social gathering for coffee and conversation. It is easy to organize since you are simply having coffee with a neighbour.

WHY? Talking informally about a topic over coffee or other refreshments is a natural and relaxing way for people to share information, give their opinions and make decisions. Coffee meetings are an inclusive and non-confrontational way of engaging residents and other stakeholders.

WHO? Develop a list of residents who would volunteer to host a coffee meeting. Consider board members, committees and residents who have talked with you about smoking issues. Send out an email or letter, or put up posters asking for volunteers.

WHAT? Invite the people interested in being host volunteers to an organizing coffee meeting in a common area, personal unit or outside the building (e.g., on a patio or in a gazebo). Explain the smoke-free initiative and provide written information about it to everyone. Ask them to host a coffee meeting (social time) in their unit with two to 10 neighbours.

When you have the interested volunteers, divide the residents in the building so they do not overlap. The concept behind a coffee meeting is that the volunteers invite people they know or feel comfortable with. Therefore, you may need to ask each volunteer to share whom they will invite rather than randomly assigning them guests by floor or wings. However, the latter approach could work if all volunteers agree.

HOW? Each volunteer invites two to 10 people to a coffee meeting in their unit, a party room or common area. Each volunteer provides coffee, tea, water and a small snack such as a cake, cookies, cheese and crackers, raw vegetables or fruit. The food items should be small and inexpensive. If you have funds as a condo board, or as an owner, you may wish to pay for the refreshments.

At the coffee meeting:

1. The volunteer host offers everyone refreshments.
2. The volunteer host introduces themselves and asks attendees to introduce themselves. Most will likely know each other. It is fun to have each person answer a question like, "What fun thing did you do in the last week?"
3. The volunteer host explains that they are interested in a smoke-free initiative in the building and wish to provide information and get attendees' comments.

4. Discuss smoke-free bylaws and practices using the written information provided at the coffee meeting.
5. Encourage conversation about the idea. Be relaxed and let people talk in a friendly setting. Make notes if you wish.
6. Thank everyone for attending.
7. Each volunteer host gives the comments to the organizers of the smoke-free initiative.



Appendix H: Organizing a volunteer networking system

A volunteer networking system is a way of organizing people in your building so they can quickly and easily share information amongst each other. Volunteer networks can take the form of:

- a telephone phone-out system (often called a phone tree or fan-out list)
- an email contact system
- a neighbour-to-neighbour in-person system

FORM AND OPERATE A VOLUNTEER NETWORKING SYSTEM



1. Recruit about three to five main volunteers to form the foundation for the volunteer networking process. Ask each of them to talk to two to five other residents of the building and create a fan-out contact list. Adjust the numbers per person based on the size of your facility.
2. Try to ensure that each resident is part of the information networking system. You can use various approaches:
 - a. Recruit a main volunteer for each floor or wing of your condo. This volunteer will then communicate information to each resident within the prescribed area such as a wing or floor.
 - b. Divide residents into lists by alphabetical order and assign names, telephone numbers and email addresses to each main volunteer.

3. Get accurate telephone numbers and email addresses. For privacy reasons, you may need to get permission from each resident to have names and email addresses included on the list. You can organize a sign-up sheet at a meeting, in a common area of your building, by going door to door in a blitz at the start of your smoke-free campaign, etc.
4. Set up an easy structure. The main organizers such as owners, board members, or committee members can each contact two to five people by phone, email or personal visits, who in turn will contact two to five people and so on. The smaller the number of contacts each person has to make, the more likely it will happen. Adjust the numbers per person based on the size of your facility.

Only communicate important information via the volunteer networking system. Do not overuse the system.



Appendix I: Establishing and working with a stakeholder advisory committee

Establishing and receiving advice from an advisory committee could be a useful way to plan for and implement a smoke-free bylaw in your building. An advisory committee is a group of stakeholders, primarily residents, who meet to give you their knowledge, opinions and ideas.

The involvement of a stakeholder advisory committee depends on a variety of factors, including:

- size of your building and number of residents – the larger the property, the more beneficial it may be to form an advisory committee;
- your knowledge about what stakeholders think about implementing a smoke-free bylaw – the less knowledge you have about stakeholder views, the more beneficial it may be to form an advisory committee; and,
- the amount of agreement or disagreement about implementing a smoke-free bylaw – the more disagreement that exists, the more beneficial it may be to form an advisory committee.

Who to involve

An advisory committee typically works best with five to 10 members. Any more and the conversation becomes too lengthy. Assess your situation and see if you can gain a good representation of the stakeholders with no more than 10 members.

Recruit:

- a representation of all the stakeholders in the building – consider such characteristics as years living in the building, mobility, family type and size, number of visitors;
- those who agree and disagree – recruit supporters and doubters to gain better advice (doubters can identify the challenges you will face and need to address); and,
- staff – try to include staff whose work environment would be affected by the bylaw, including property managers.

PROCESS OF FORMING THE ADVISORY COMMITTEE

1. Clearly define and write down the terms of reference for the advisory committee (the purpose, the role, the responsibilities, the activities and the amount of time required to serve on the committee).
2. Identify those you feel need to be involved to give you a wide perspective.
3. Talk to each individual in person, giving them the written committee terms of reference.

4. Hold the first 'get acquainted' meeting of the advisory committee.
 - a. Provide refreshments.
 - b. Have each person introduce themselves and explain why they wish to be on the committee.
 - c. Explain about the interest in a smoke-free bylaw in your building.
 - d. Explain the committee terms of reference.
 - e. Hold a question and answer time.
5. Establish the meeting schedule.
6. Hold meetings as needed to gain advice from the committee members. Always tell the committee how and when you plan to use the advice.
7. When the committee disbands, give small gifts of appreciation.

Advisory committee members expect:

- *to feel welcome at committee meetings;*
- *to have a clearly defined purpose, role and expectations;*
- *to receive a thorough orientation;*
- *to feel needed and wanted, and that they make a valuable contribution;*
- *an organizing group to get and keep things going;*
- *to have specific topics to give input about;*
- *to be kept active and receive communications; and,*
- *to have a clearly defined time that the committee will end.*

SAMPLE ADVISORY COMMITTEE TERMS OF REFERENCE

Name: <Your building> Advisory Committee for a Smoke-Free Bylaw

Purpose: To advise the <organizing group such as owners or condo board> about matters related to developing and implementing a smoke-free bylaw in the building.

Role and activities: Committee members are asked to read materials, attend meetings, give their opinions and ideas about specific topics, and talk with other residents to gain ideas.

Time commitment: The committee will meet every second Thursday from 7–8 p.m.

Responsibilities: Committee members are expected to read materials and be prepared for meetings, to attend meetings, and to give their knowledge, opinions and ideas. Committee members will understand that the organizing group will listen carefully and consider their input; however, the organizing group will be responsible for making decisions.



Appendix J: Practice session for a smoke-free building

A practice session is a good way to try out your smoke-free policies, find out what stakeholders think, gain insight into what works and doesn't work, and refine the bylaw.

TIMING

When you have engaged stakeholders for their ideas and opinions, and have a good working draft of your smoke-free bylaw, invite stakeholders – particularly residents – to participate in a session to practice living in a smoke-free building. Hold the first practice session with your advisory committee, if you formed one.

OUTLINE OF THE PRACTICE SESSION

1. **Welcome everyone** and tell them that you are asking them to practice living in a smoke-free building.
2. **Introductions:** have each person quickly introduce themselves. If you have a group of more than 50 people, ask them to introduce themselves to two or three other people.
3. **Review** the reasons for a smoke-free bylaw and the activities you have conducted to engage stakeholders in order to find out what they think.
4. **Explain** that you wish to have participants pretend that the smoke-free bylaw is in place and practice using it.
5. **Read the smoke-free bylaw.**
6. **Hold the practice session:**
 - a. Ask each person to think about an entire day as if the smoke-free bylaw existed.
 - b. Ask them to write down their daily routine. If they smoke, what would they do? Where would they go to smoke? If they don't smoke, what differences might they notice (e.g., no smoke odor in hallway)? What might they do if they saw someone smoking?
 - c. Hold a conversation about what people wrote down. You can start with people sharing with two or three others and then with the entire group.
 - d. Record comments.

7. If time permits, repeat the practice session for the duration of a week.

- a. Ask participants to think about their weekly routines. What happens on different days of the week? What activities may change due to a smoke-free bylaw? Who visits? When? If they smoke, what would they do? Where would they go to smoke? If visitors don't smoke, what differences might they notice? What might they do if they saw someone smoking?
- b. Hold a conversation about what people wrote down. You can start with people sharing with two or three others and then with the entire group.
- c. Record comments.

8. Explain how you will use the information and thank everyone for participating.



Appendix K: Sample policy-initiation notice for condos

<Name>
<Address>
<Date>

RE: notice to all residents residing at <insert building name and address>

Dear <Name>,

In the interest of health, quality indoor air, and mutual enjoyment of the premises, the <name of property management company> is pleased to inform you that on <date>, the <name> condo corporation passed a special resolution to incorporate a smoke-free policy into its bylaws. Effective <date>, a smoke-free policy will apply to all units in this building as well as <insert other areas where smoking will be prohibited (e.g.; units, outside balconies and patios, entire outside property)>. <If phasing in the policy, describe that process>.

This policy applies to all new and existing owners, tenants, invitees, business invitees, tradespersons, occupants and visitors.

[OR]

This policy applies to all new owners, tenants, invitees, business invitees, tradespersons, occupants and visitors; however, existing owners/residents will be exempt from the policy for the duration of their ownership/residency <or specify length of time of the exemption period>.

Those who qualify for the exemption from the smoke-free bylaw must still comply with all applicable tobacco legislation, which prohibits smoking in indoor common areas accessed by the public, such as hallways and parking garages. They are also still subject to the declaration, rules and bylaws, including those with respect to causing a nuisance or hazard to another person and unreasonably interfering with the rights of another person to use and enjoy the real or personal property of the corporation or the common property, or another unit.

The corporation will make reasonable accommodation for an owner, tenant or occupant who has medical proof that they are physically and/or mentally disabled and are unable to control their addiction to nicotine. If this is your situation, please contact the board of directors <or property manager, etc.> to discuss the matter further.

All complaints regarding second-hand smoke will be investigated and addressed. In cases of bylaw infractions, sanctions will be applied as per the bylaws. Please feel free to contact <name of property manager, phone number> if you have any questions. We will be happy to discuss the smoke-free policy and assist you in any way possible.

Sincerely,
<name of property management company>

[Attach a copy of the policy]

Appendix L: Sample condo-resident survey questions

The purpose of this survey is to gather information concerning the opinions and experiences of residents in our condo complex about second-hand smoke. We are aware of a number of residents who are suffering from second-hand smoke infiltrating their homes from neighbouring units, and it may be time to explore the option of adopting a smoke-free bylaw that would restrict or prohibit smoking in the complex. Indicating your suite number is optional.

Please return your completed survey to <indicate name and/or location>.

Please check the answer that best describes you and your situation.

1. Do you or anyone else in your household smoke cigarettes, cigars, cannabis, or a pipe/waterpipe?

- Yes, regularly (daily or weekly)
- Yes, occasionally (less than weekly)
- No

If yes, do you or any household members smoke indoors?

- Yes
- No

2. Which of the following statements best describes the rules about smoking inside your home:

- Smoking is **not allowed anywhere** in my home or on the balcony/porch/patio
- Smoking is **only allowed outside** on the balcony/porch/patio
- Smoking is **allowed only in certain rooms** inside my home
- Smoking is **allowed anywhere** inside my home
- Other (specify) _____

3. How often have you smelled tobacco smoke in your home that comes from another unit or from outside?

- Never
- Occasionally
- Very often
- Always

If you smell smoke in your home, has the smoke impacted your health (i.e.; does it give you headaches, make your eyes water or burn, make you cough, or make you feel ill in any way)?

- Yes
- No



If you smell smoke in your home, where does it most often come from?

- From someone smoking outside on a neighbouring balcony/porch/patio
- From someone smoking inside in a neighbouring unit
- From someone smoking outside on the building property
- From some other location (specify) _____

If you smell smoke, have you ever filed a complaint about it?

- Yes
- No
- Other (specify) _____

4. Does anyone living in your unit suffer from chronic illnesses such as asthma, chronic bronchitis, chronic obstructive pulmonary disease (COPD), heart disease, diabetes, arthritis or cancer?

- Yes
- No
- Maybe
- Don't know

5. Are any of the members who currently live in your unit:

- children younger than the age of 12?
- seniors older than the age of 65?

6. Do you think second-hand smoke is harmful to people's health?

- Yes
- No
- Don't know

7. Do you:

- rent your unit?
- own and live in your unit?
- own but rent out your unit?

8. Would you be interested in living in a building where all smoking was completely banned, including inside private units, on patios, balconies and on all property grounds?

- Yes
- No
- Don't know

If not, which spaces would you like to see included in a ban (check all that apply)?

- Inside private units
- On patios
- On porches
- On balconies
- On outdoor property ground
- All of the above but only related to certain floors or wings of the building
- I don't want to see smoking banned anywhere.
- Other (specify) _____

Please note: In compliance with Alberta laws, smoking is currently not allowed in the common areas of our building, including hallways and elevators. The law also prohibits smoking in any enclosed common patios, pools, other recreation areas and enclosed parking garages. There are five metre smoke-free buffers around doorways, air intakes or public windows that can be opened. These areas will remain smoke-free by law regardless of the outcome of this survey.

9. Are you opposed to or supportive of adopting some form of smoke-free bylaw for our building?

- Strongly supportive
- Supportive
- Opposed
- Strongly opposed
- Other (specify) _____

Comments:

Optional: Floor number _____ Unit number _____

THANK YOU FOR COMPLETING THIS SURVEY – WE VALUE YOUR INPUT.



Appendix M: Sample issue-tracking log

This form can be used by board members, property managers or residents to document when smoke enters someone’s home from a neighbouring unit. The person documenting efforts to address this issue should include everything done or communicated to resolve the problem, including talking to neighbours or the landlord. This information will be useful to prove how serious the problem is and how often the smoke enters the affected home.

Be sure to include dates and names of all people who are communicated with, and be sure to keep copies of all correspondence.

When documenting each incident, please be sure to answer the following questions:

1. Where is the smoke coming from and how is it entering your home? Include dates and times.
2. How is the smoke affecting the health of you or your family?
3. How is the smoke interfering with the use and enjoyment of your home?
4. What steps have you taken to rectify the problem? (communications or steps taken to seal off your apartment)
5. What happened after each resolution attempt?

Date	Time	Notes
e.g.; August 2, 2013	10 a.m.	Smoke entering my bedroom window from neighbour’s balcony. Started wheezing and coughing. Spoke to smoker. Smoker said she always smoked outside – but this is where smoke is coming from.

Appendix N: Sample bylaw-violation letter

<Name>
<Address>
<Date>

RE: nuisance complaint about second-hand smoke

Dear <Name>,

The board of directors has directed our office to advise you that we have received several written complaints in regards to the level of second-hand smoke coming from <suite number> at the <name of building>.

<Provide the particulars of the complaint(s), such as date(s), time(s) and the conduct giving rise to the complaint(s). If the person is a tenant, give notice of the complaint to the person's landlord and the owner.>

By allowing this to happen, you are in contravention of the corporation bylaws, which state:

<List the section of your bylaws that has been violated (i.e.; either a clause from your smoke-free policy, a clause from a nuisance/hazard policy, a clause about increasing fire risk, or a clause about interfering with the rights of other persons).>

Please provide our office with a response to each of the above complaints within 10 working days. Please be advised that, if requested, you can present your position at a hearing before the board of directors. If there is evidence to determine that the bylaws have been violated as a result of a nuisance caused by second-hand smoke, and the situation is not rectified, we will initiate enforcement proceedings. Enforcement remedies could include the levying of fines, in accordance with the sanctions outlined in section ## of the bylaws.

<List sanctions included in your bylaws.>

On behalf of the condo corporation, we thank you for your immediate attention to this matter.

Yours truly,
<Condo property manager>
cc Condo board of directors



Appendix O: Flowchart of a complaint process

Complaint from a resident received about a smoking situation.

1

Property manager or condominium board representative talks with complainant to clarify situation and ensure all facts are known.

2

Property manager or condominium board talks with person who is named in the complaint, if known.

- Present concern
- Clarify person's position and actions

3

Facilitate a meeting between residents (complainant and person named).

- If all parties agree, hold a meeting to discuss the complaint.
- Have each person explain what happened, the impact and how they feel
- Discuss options for solutions
- Gain ideas from each person on willingness to try solutions
- Reach an agreement, trial period, etc.

4

Initiate formal complaint process if parties are not able to achieve a satisfactory solution.

5

Appendix P: Sample signage

**Welcome to our
smoke-free building**

Thank you for not smoking in common areas, in individual units, on balconies or patios, or within 5 metres of any door, window or air intake.

smokefreehousingab.ca



Canadian
Cancer
Society

