

SMOKE-FREE



MULTI-UNIT PUBLIC,
NON-PROFIT AND
SENIORS' HOUSING



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.

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Canadian
Cancer
Society



Alberta Health
Services

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Purpose of this guidebook

This guidebook is intended as a resource for housing providers (owners, landlords and managers) of multi-unit housing that either provide affordable housing, housing for seniors, or housing for people with other types of special needs. 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 Condominiums
- ❖ Smoke-Free Multi-Unit Cooperatives
- ❖ Smoke-Free Multi-Unit Rental Properties

Low-income households, persons with disabilities and seniors are diverse groups with a broad range of characteristics and needs. There is also a range of housing providers that cater to them. These housing providers are addressed collectively in this guidebook because landlords and managers catering to residents in these niche markets have additional considerations when going smoke-free compared to housing providers in other markets. They must take into account not only the unique health challenges and typically higher smoking rates of their residents, but also the fact that their residents tend to have limited housing options and control over where they live.

While it is true that housing providers in these sectors face different realities and challenges than other housing providers, in most cases implementing a smoke-free policy still makes sense. In fact, a smoke-free policy can be critical in such sectors to ensure that the most vulnerable members of society have access to safe and healthy places to live and clean air in their homes.

For many low-income households, public-housing providers are the landlords of last resort. These are tenants with extremely limited housing choices. Some people wait years to secure a subsidized unit, only to find themselves and their families involuntarily exposed to second-hand smoke on a regular basis. They do not have the means to move. For seniors or persons with disabilities, choices are also limited and often dependent on timing, availability, specialized services and proximity to family or other caregivers. Moving can be incredibly disruptive for those with memory loss or other mental-health conditions. All these factors can and have been used as arguments against a smoke-free policy that may further restrict an already fairly restrictive lifestyle. However, denying smoke-free alternatives places vulnerable populations further at risk. Low-income

households are marginalized with higher rates of disability and chronic disease. Seniors and others living in assisted-living facilities often have pre-existing health conditions that can be exacerbated by second-hand smoke exposure, and they are more likely to have mobility issues increasing their risk of harm in the case of a fire. Everyone deserves housing that is healthy and safe.

The process required to develop a smoke-free policy in your housing complex will be much the same as the process for any other rental property, with a few added considerations. It is legal to designate all or part of your building(s) as smoke-free, including individual units, balconies and the entire property.

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 you and your residents.

Today, more than 80 per cent of Albertans are non-smokers and laws exist to protect Albertans from exposure to second-hand tobacco 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 your 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 rental properties, there are benefits for everyone, including owners, managers, residents (both smokers and non-smokers), caregivers, maintenance workers and support staff.

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





Owners, landlords and property managers...



...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.¹ 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.



...save time

Implementing a smoke-free policy 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.



...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.² A smoke-free policy can be marketed as an effective way to attract new residents.



...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 Saskatchewan, a successful lawsuit by tenants was the impetus for the government to make all social housing smoke-free as of August 2018.

Residents...

Smoking and non-smoking residents alike can benefit from a smoke-free policy.



...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

The costs of turning over a smoked-in unit are often passed along – at least in part – to the outgoing resident. A smoke-free policy would help residents avoid those costs. Other residents frustrated by smoke exposure could avoid costly, ineffective solutions like air-purification systems. Property managers may even choose to pass along cost savings in the form of rent reductions to build support for the implementation of a smoke-free policy.



...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.¹ Housing with residents who are on oxygen face even greater risks. This is particularly concerning in housing for seniors and persons with disabilities who may have reduced mobility. A smoke-free policy not only protects residents' 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 property managers choose to provide support by partnering with local public health agencies to promote cessation services and resources.

Staff and workers...



...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.



...eliminate ambiguity when addressing smoking issues

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



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.


tip

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

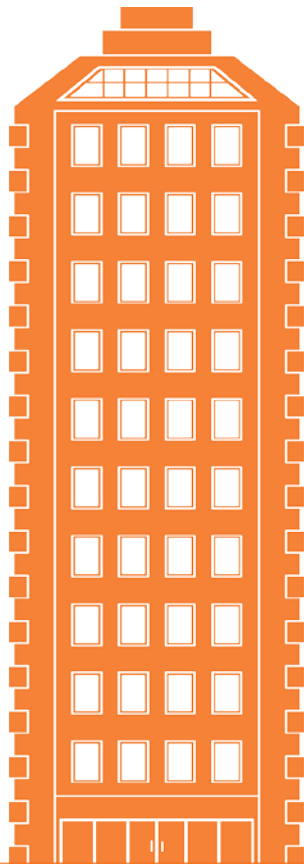
	Smoke-free	Minor smoke damage	Severe smoke damage
Floors	\$0-300	\$350-2,500	\$1,000-4,000
Walls	\$0-200	\$300-2,500	\$1,600-4,000
Ceiling	\$0	\$150-1,000	\$600-1,500
Ventilation system	\$0	\$0-250	\$200-350
Other	\$0-100	\$0-500	\$1,000-\$5,000
Total costs	\$200-300	\$1,450-5,750	\$3,250-14,850
Time 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.



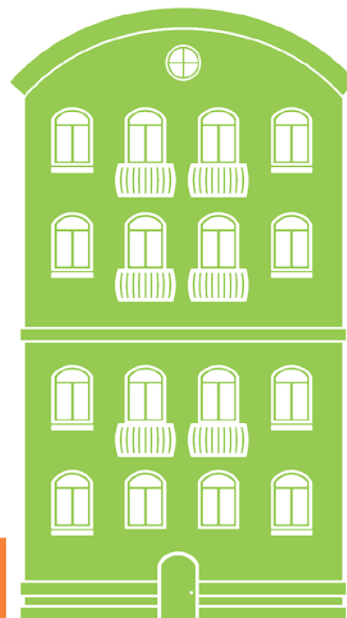
increase **resale value**

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

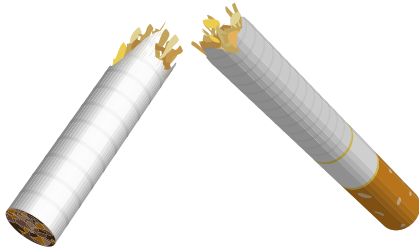




What residents in Alberta are saying...²

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 residents want

Seven out of 10 Albertans who currently live in multi-unit housing would choose to live in a smoke-free building.² 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 renters 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 belongings or their loved ones. You may be surprised how many would choose to live in a smoke-free home when presented with the option.

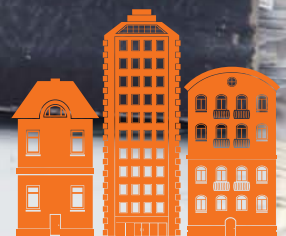
A smoke-free policy is not a no-smoker policy and should never be portrayed as such. In the section **Getting it Done: A Step-by-Step Policy-Development Guide**, you will find information about the best ways to communicate with smoking members throughout the process of making your community smoke-free.



Uncertainty about the legality of a smoke-free policy is a common concern for many housing providers when first considering going smoke-free. Federal, provincial and municipal governments 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 landlord or property manager has a legal ability to prohibit smoking anywhere on their property. While Alberta-specific case law is limited, court rulings on these matters throughout Canada set a strong precedent in support of smoke-free policies.

THE LAW AND SMOKE-FREE HOUSING





Common legal questions

While most seniors' and subsidized housing falls under the jurisdiction of the Residential Tenancies Act (RTA), some does not, including:

- ❖ a nursing home as defined in the Nursing Homes Act;
- ❖ a seniors' lodge accommodation run by a management body or by an agreement with the minister responsible for the Alberta Housing Act;
- ❖ a supportive living accommodation licensed under the Supportive Living Accommodation Licensing Act; and,
- ❖ a subsidized unit within a cooperative (see our how-to guide for cooperative housing).

Some facilities are legislated through private bills that they have negotiated directly with government.

How a smoke-free policy is enforced would somewhat depend on the type of legislation that your housing falls under. For those regulated under the RTA, landlords and tenants are bound by covenants and only a substantial breach of the tenants' covenants would be grounds for the termination of a tenancy agreement. Other acts have less impact on the development and enforcement of policies, allowing more property-manager discretion on implementation and enforcement.

1. Is a smoke-free policy legal?

Yes. It is perfectly legal for landlords or property managers to make their buildings smoke-free. Landlords have the right to designate all or part of a building as smoke-free, including individual units, balconies and the entire property. Landlords can include smoking clauses in new and renewing tenancy agreements, or add an addendum to current tenancy agreements if agreed upon by the tenant. Even in cases where residents don't sign an addendum to their tenancy agreements, there may be potential to enforce a policy (see questions 3 and 5).

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

Yes. The Alberta Tobacco Reduction and Smoking Act prohibits smoking in any structure or other enclosed common



tip

The Tobacco and Smoking Reduction Act already prohibits smoking in the units of:

- a facility for the long-term care of veterans;
- a nursing home under the Nursing Homes Act;
- a facility as defined under the Mental Health Act;
- a residential facility operated to provide accommodation and maintenance for unemployed or indigent adults only; and,
- a supportive living accommodation licensed under the Supportive Living Accommodation Licensing Act.

Smoking is only allowed in a separate room designated by the manager as a smoking room that complies with specific ventilation requirements to mitigate the migration of second-hand smoke.

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 have established larger smoke-free buffer zones around windows and doorways, and also include buffer zones around public parks and trails.

It is the responsibility of the landlord/property managers to enforce tobacco-control 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. Do I have to exempt (grandfather in) existing tenants who smoke?

No; however, the right to enact a smoke-free policy without exempting existing tenants who smoke has never been tested in Alberta courts.

Some provinces in Canada set out an explicit process for a landlord to introduce new rules, requiring existing tenants to be given a minimum amount of notice of or exemption from any rules not originally signed into their tenancy agreement. A smoke-free policy in those provinces would therefore have to be phased in. Alberta law does not set out any such process, meaning Alberta landlords can only change terms of a lease when it is renewed or by signing an amendment with the tenant.

However, the law also requires Alberta landlords to fulfill certain covenants and allows them to impose rules where reasonably necessary to fulfill these covenants. These covenants include ensuring that the premises meet at least the minimum standards prescribed for housing premises under the Public Health Act and Regulations. Those minimum standards include preventing “any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the suppression of disease.”

Thus, while the law does not specifically require the exemption of tenants who smoke, it allows for landlords to prohibit smoking in individual units if a case can be made that second-hand smoke has the potential to cause injury to the landlord or other tenants. There are several examples in Canadian case law where second-hand smoke has been deemed to cause injury.



Again, this argument has yet to be tested in Alberta courts.

Facilities outside the jurisdiction of the RTA should follow existing standards and guidelines for implementing and enforcing new policies with existing tenants, or consult with a lawyer if current standards and guidelines are unclear.

4. How can a landlord prohibit a tenant from smoking in their unit if their tenancy agreement does not include a smoke-free clause?

Smoke-free clauses can be added to a tenancy agreement at the point of renewal, or prior to renewal if the tenant agrees to sign an addendum. If the tenant does not agree to sign an addendum, and their tenancy is not up for renewal in the near future, a landlord could simply notify the tenant of the policy and hold them accountable to abide by it.

In the latter situation, good communication and documentation will be essential. A landlord would likely need to demonstrate that smoking infractions are ongoing and causing a hazard for others in the building in order to successfully enforce the policy before the Residential Tenancy Dispute Resolution Service or the courts.

Again, facilities outside the jurisdiction of the RTA should follow existing standards and guidelines for implementing and enforcing new policies with existing tenants, or consult with a lawyer if current standards and guidelines are unclear.

5. If smoking is legal, how can landlords ban smoking in private residences?

Landlords have the ability to set policies to protect the health and safety of their 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.

6. 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.

7. Can a landlord evict for cause if a resident breaches a smoke-free policy?

If governed by the RTA, yes, but not typically after only one offence. In Alberta, a landlord can only evict a tenant in the case of a substantial breach of the tenant's obligations under the RTA. A substantial breach, however, can also be a series of breaches of your residential tenancy agreement or lease that, when taken together, are substantial. Therefore, if your smoke-free policy is written into your tenancy agreement, and a tenant repeatedly ignores it or breaches that policy, there are grounds for eviction.

If your smoke-free policy is not written into your tenancy agreement, there would still be grounds for eviction if a resident's smoking constitutes a substantial breach to one of the following tenant obligations:

- ❖ not to interfere significantly with the rights of the landlord or other tenants
- ❖ not to do anything at the rented property that would put anyone in danger
- ❖ not to do significant damage at the property or allow anyone else to do such damage
- ❖ to keep the property in a reasonable, clean condition

The law does not provide affordable-housing tenants with any special protection from eviction if they repeatedly breach their tenancy agreement. However, adjudicators may look more closely at a case where eviction would put a tenant in serious duress. If you are a landlord of last resort, you may need to make a stronger case that the tenant is substantially breaching their agreement, and, if possible, demonstrate how that breach is negatively affecting other residents with equal inability to move.

Again, facilities outside the jurisdiction of the RTA should follow existing standards and guidelines for evicting tenants or consult with a lawyer if current standards and guidelines are unclear.



8. Is smoking a disability that landlords 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 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 tenant with a nicotine addiction.

9. 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.

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.

10. What is a landlord's role/responsibility in protecting residents from second-hand smoke?

Landlords governed under the Residential Tenancies Act are obligated to ensure the premises meet at least the minimum standards prescribed for housing premises under the Public Health Act and Regulations. This includes a regulation that "no person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the suppression of disease."

Landlords governed by the Supportive Living Accommodations Licensing Act are bound by the Supportive Living Standards. These standards include developing and maintaining written processes that promote the safety and security of residents, and ensuring that the facility and its grounds or common areas are in a safe condition and maintained so as to remain free of hazards.

All publicly funded landlords are also responsible for complying with the Continuing Care Health Service Standards that state: 1.6 (b) "Continuing care health services shall be provided in a manner that supports clients in maintaining and promoting a state of wellness and independence, including mental health, physical health, and the prevention of disease and injury."

Second-hand tobacco smoke is a major, preventable contributor to acute and chronic adverse health outcomes. There is no safe level of exposure to second-hand smoke. Second-hand smoke has more than 50 cancer-causing chemicals and has been identified as a toxic air contaminant that is classified as a known carcinogen. In several Canadian court cases, second-hand smoke has been found to cause injury. Thus, landlords have a significant obligation to protect tenants from second-hand smoke exposure.


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."





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



New or transitioning housing

The steps for new or otherwise vacant buildings will be similar to those with existing tenants, but simpler in many ways. While you won't have current tenants to consult or consider in your policy development, you may still have staff or other stakeholders who would be beneficial to engage. They will be much more likely to give buy in and be supportive with enforcement if you have included them in the process. In such a situation, read through each step and glean the content that is relevant to you.

The fastest and easiest way to implement a smoke-free policy is to start with an empty building, either when a building is first developed or repurposed for residential use. Plan from the onset to keep the building smoke-free and target a robust market of tenants seeking smoke-free housing.

Since your tenants will have sought out your smoke-free units, or at the very least will have knowingly entered into the smoke-free lease, enforcement should be straightforward. The easiest policy to enforce, and the most attractive policy for tenants seeking smoke-free housing, is one that encompasses the entire property, including individual units, patios, balconies and all property grounds.

Don't forget to promote the fact that your building is smoke-free:

- ❖ List the smoke-free policy as a feature of your building in all marketing.
- ❖ Mention the policy in your application form.
- ❖ Register your smoke-free building in our directory, smokefreehousingab.ca.
- ❖ Post smoke-free signage at all entryways and on the doors to each unit.



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.

Property managers or landlords of medium or large buildings may want to strike a committee to assess the issue. For those managing seniors' or assisted-living facilities, try to include front-line staff whose work environment a policy would affect.

Questions for committees to consider:

1. How does a smoke-free policy align with our organizational goals and values?
2. What is our long-term vision in developing a smoke-free policy?
3. How many of our residents have health conditions that are exacerbated by second-hand smoke exposure?
4. How many of our residents have mental or physical conditions that may make it unsafe if smoking occurred in a unit?
5. When, where and how are residents being exposed to second-hand smoke?
6. How are we currently tracking and managing complaints about smoking? What does the data tell us?
7. How much demand is there for smoke-free housing among residents? Is there any opposition to going smoke-free?



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.



8. What are the potential costs or cost savings of implementing a smoke-free policy?

Building support over time will result in the best outcome. This may require data collection through a survey or multiple one-on-one conversations. If you do not have a good understanding of the opinions of residents, it might be worthwhile to conduct a survey to gather more insight. If you are interested in piloting a smoke-free policy in one or two buildings, a survey can tell you which buildings may be the easiest ones to start with. Surveys can also serve the dual purpose of alerting residents about potential changes while demonstrating respect for their input at an early stage in the decision-making process. Be sure to read **Step 2: Engaging tenants, staff and other relevant stakeholders** before planning any data collection that involves reaching out to tenants or other stakeholders.

Information to collect in a tenant survey:

- ❖ The number of tenants 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
- ❖ 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 on turnover costs by going smoke-free. Consider whether or not you would be interested in translating any of those cost savings into incentives for current tenants to fast track the process of signing new rental agreements. Options could include offering a month of free rent or offering a rent reduction.



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

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 in 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 and support it. Your stakeholders are any individuals who are affected by the smoke-free policy or who can affect it.

Stakeholders include residents (tenants), owners, board members, property managers, staff, caregivers, family members, 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, 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 (residents), the individuals with responsibility and/or legal authority to care for the residents (family members, caregivers, staff) and the individuals responsible for property, service, and financial decisions about the building (owners, board members, 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.



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.



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 residing in your 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.



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 building and what they think about going smoke-free. Use methods such as surveys and meetings to gather and analyze information.

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.

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 your 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.



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



Stakeholder engagement for new buildings

When you are building a new building or repurposing an existing building, you likely won't have current owners or 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. These stakeholders will be much more likely to give buy-in and be supportive with enforcement if you have included them in the process.

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



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 the property manager, 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.



Engaging seniors, persons with disabilities and low-income households

Effective engagement is very important when dealing with seniors, low-income households and persons with disabilities. Reach out early and seek input from those who typically don't engage. This may require knocking on doors to talk individually with residents or setting up special resident meetings and coffee times. Try to remove any barriers to engagement by reaching out at various times of day and by providing flexible options for providing feedback. When engaging, make your intentions clear and re-assure current residents that smokers are not going to be evicted, rather that they will be involved in developing a policy that will work for them. In seniors' housing and assisted-living facilities, you may also benefit from engaging residents' families and caregivers.

1. Empower your tenants through the process of policy development

Seniors, persons with disabilities and low-income households may have less power and less ability to define their lifestyle compared to other populations. When considering any new rules or restrictions, try to involve residents in the decision-making process as much as possible.

2. Be solution focused

When dealing with seniors, persons with disabilities and low-income households, finding a solution that works for all stakeholders is very important. Since it may be challenging for your tenants (smokers and non-smokers alike) to find alternative housing, the goal should be to build support for a policy that all tenants can embrace. This might mean taking a phased-in approach, exempting existing tenants, taking an extra step to develop a comfortable and accessible designated smoking area outside, or agreeing to supply smoking-cessation tools and support to current tenants.

3. Engage, train and support your staff

In seniors and assisted-living housing, support staff and caregivers are often charged with the daily enforcement of your smoke-free policy. Engage them early to learn their concerns regarding enforcement and address those concerns through employee training. Ensure all your staff are aware of and fully understand your policy and how it will be enforced so that they are able to enforce the policy consistently.

All these measures will help manage policy support and compliance.

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?

In addition to applying to residents, a smoke-free policy should always apply to resident managers, caretakers, staff and service personnel working in the smoke-free building. Visitors and guests would also be expected to comply. The policy should indicate that residents are responsible for advising their visitors and guests about where they can and cannot smoke.

New residents can easily be bound under a smoke-free policy through a clause listed in the tenancy agreement or house rules.

When it comes to transitioning current residents, your plan will likely depend on a number of factors, including the speed at which you want to achieve smoke-free status, the number of residents currently smoking inside their units, the level of support for the policy, your ability to negotiate options with current residents and the type of tenancy agreements that currently exist.

If you know there are residents currently smoking in areas that you intend to make smoke-free, you may want to negotiate an agreeable situation with them.

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.



A sample policy for a rental building can be found in Appendix A.



The standards for the Supportive Living Accommodations Licensing Act require landlords of all licensed facilities to clearly disclose the house rules for their facility and indicate the circumstances that could lead to eviction.

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 undue 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 tobaccowise.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 residents 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?
- ❖ Would they be interested in moving to another unit in a different building where smoking is still allowed? Maybe you can offer to pay a moving company to help with the transition.
- ❖ Will you be saving money on expenses or insurance by implementing a smoke-free policy? Maybe you want to share those cost savings with your residents as an incentive to support the policy.
- ❖ Could you partner with local public health agencies to provide services and support to residents who are trying to quit smoking?

If you or your residents are uninterested in negotiating, and your residents are on fixed-term agreements, you have the option to amend the new contract that they would sign to renew their tenancy at the end of their lease. If residents are on periodic leases, you may never get them to sign a policy; however, within Alberta's legal landscape, a strong case can be made for the viability of a smoke-free policy, whether or not it is written into a resident's signed lease. A landlord or property manager could potentially enforce a smoke-free policy even if it isn't included in some tenancy agreements (see the common



legal questions section in **The Law and Smoke-Free Housing** for more information). However, doing so has yet to be tested in an Alberta court.

If your housing facility is exempt from the Residential Tenancy Act, there are likely few restrictions on your ability to include current residents under your policy. However, it would be wise to seek legal advice to get a complete picture of the legislation that your housing facility falls under.

Exempting (grandfathering in) existing residents

An alternate approach would be to exempt existing residents indefinitely. 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 residents who are seeking smoke-free housing. Landlords and property managers will still have to spend time and money addressing complaints and dealing with clean-up costs at the end of the exemption period or tenancy.

Where will your smoke-free policy apply?

A smoke-free policy can apply to a number of different spaces on a residential 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



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.



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.



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 in Appendix A 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.

When will your smoke-free policy take effect?

Timing is critical to the successful implementation of a smoke-free policy. Start engaging 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.

Step 4: Implementing your smoke-free policy

A smoke-free policy should be added as a new clause in tenancy agreements for all new and renewing tenants, and should also be added as an addendum for all existing tenants to sign. Consider asking your residents to initial the smoke-free clause when they sign the agreement. If you have to enforce your policy, this measure will make it hard for them to claim they were not aware of the policy.



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.



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

Aim to get the policy signed by as many tenants in the building as possible. If you are planning to enforce the policy as a matter of covenant, even with those tenants who have not signed a new tenancy agreement (see question 3 in **The Law and Smoke-Free Housing**), be sure to notify those who have not signed the policy that they are still bound by it, and that you will be actively enforcing it.

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:

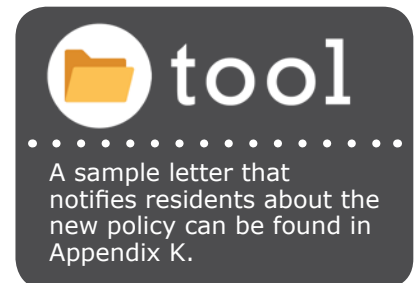
1. there are residents who have been exempted from the policy and are permitted to smoke in the building, and you can't guarantee a 100 per cent smoke-free environment until the transition is complete. Be sure to explain why an exemption of certain tenants or residents was chosen.
2. while smoking is 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 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 want information about quitting, or who want to cut back the amount they smoke in order to comply more easily with the policy.

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, such as a laundry room. 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 and service people that the building and/or certain areas are smoke-free. Signs should be posted at all public entrances to your 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.



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, your 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 issues of non-compliance.



Your enforcement plan will likely depend on your residents and their behaviour, whether or not there is damage to the unit, and the extent of second-hand smoke exposure to other tenants. You always have the choice to take a soft or hard approach with smoking violations. Regardless, a smoke-free policy needs clear and well-communicated consequences and outcomes for non-compliance (e.g., warnings and penalties).

Steps to take if there is evidence that a violation has occurred

1. Talk to the resident and try to achieve a verbal agreement regarding compliance. Review and explain the smoke-free policy with the resident.
2. 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 landlord to the resident, confirming the discussion and the resident's agreement to abide by the smoke-free policy.



3. If the smoking continues, issue a caution notice advising the resident that:
 - ❖ they have breached the terms of their contract/house rules/tenancy agreement (explain how);
 - ❖ they are requested to smoke only where permitted under the policy (give options); and,
 - ❖ ongoing failure to comply with the policy could result in the tenancy ending (eviction).
4. Document any and all violations, and if possible, get witnesses who would be able and willing to testify to incidents of smoking by the resident if necessary.
5. Conduct regular inspections.
6. Actively address complaints of second-hand smoke exposure.

If a tenant commits a series of breaches of the smoke-free policy, a landlord has grounds to end the tenancy. As with any termination of a tenancy, if the tenant disputes the termination, it may need to be resolved through the Residential Tenancy Dispute Resolution Service. This process will be easier for the landlord if the smoke-free policy is included in the tenant's lease.

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 in 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.



tip

If you are bound by the Residential Tenancy Act (RTA) and a current tenant on a periodic lease refuses to sign an amendment to their tenancy agreement, there may be legal grounds to hold them to your smoke-free policy. A strong argument can be made that the RTA must permit a landlord to impose rules where reasonably necessary to fulfill their covenants. This includes the ability to prohibit smoking in individual units if a case can be made that second-hand smoke may become injurious or dangerous to public health. This argument, however, has yet to be tested in Alberta courts.

For more information, see question 3 under **The Law and Smoke-Free Housing**.

Not ready for a smoke-free policy?

If you have engaged the right people and thought through the process of going smoke-free but don't feel that the time is right for your facility, consider implementing a safe-smoking policy as a stepping stone towards becoming smoke-free.

Some measures should be put in place to mitigate the serious fire risks that smoking poses, especially in seniors' and assisted-living facilities. Smoking and oxygen tanks are a deadly combination. While oxygen gas does not itself catch on fire, it causes combustible materials to burn faster and more fiercely, including cigarettes. Improper disposal of smoking material (e.g.; throwing cigarettes in the garbage, down laundry or garbage chutes) can also become a problem for housing providers of residents with failing cognitive ability. Falling asleep with a lit cigarette is also a concern.

A safe-smoking policy would prohibit:

- ❖ residents who use oxygen from smoking while their tanks are on;
- ❖ smoking in bed; and,
- ❖ residents who demonstrate unsafe smoking habits from smoking in their private units. As a landlord/property manager, you would likely consult with the resident, resident's family and with any relevant home care, healthcare or social workers to make this decision.





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.



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.

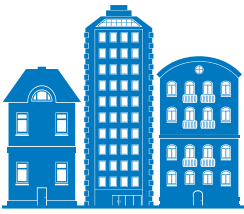
We have had no negative outcomes, and our policy has **not** affected our ability to rent units. In fact, all tenants who do smoke respect the request and only smoke outside. They are also required to maintain a safe cigarette-butt container and keep the exterior grounds clean. The end result is that 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



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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 policy for inclusion in a lease

The following sample smoke-free policy can either be used as a lease addendum or can be included in a new lease. Landlords or property managers should consult with their own legal counsel before finalizing addenda and/or changes to their leases.

SHORT-FORM SMOKE-FREE POLICY CLAUSE TO INSERT INTO A LEASE

- *X(a) The tenant shall not, and shall not permit anyone to, smoke tobacco, cannabis or any other weed or substance in any indoor part of the premises, the common areas or the property of which they form a part.*
- *X(b) Contravening clause X(a) shall be considered a substantial breach of this agreement.*

Remove the word “indoor” if you want your policy to cover balconies and outdoor areas as well.

If you want to cover balconies but allow for designated outdoor smoking areas, use the following:

- *X(a) The tenant shall not, and shall not permit anyone to, smoke tobacco, cannabis, or any other weed or substance in any part of the premises, the common areas or the property of which they form a part, except in an outdoor smoking area designated as such by the landlord.*
- *X(b) Contravening clause X(a) shall be considered a substantial breach of this agreement.*

SAMPLE SMOKE-FREE POLICY LEASE ADDENDUM

This policy contains the following additional terms, conditions and rules, which are hereby incorporated into the lease.

1. Purpose of smoke-free policy

Due to the irritation and known health risks of exposure to second-hand smoke, increased risk of fire, and increased maintenance, cleaning and recovery costs, and whereby landlords in Alberta are required by law not to permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the suppression of disease, all forms of smoking shall be prohibited.

2. Definition of smoking

The term “to 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 emission.

3. Definition of business invitee

The term “business invitee” 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. Smoke-free policy

Effective <start date of policy>, smoking is prohibited inside the building, including private units and on the residential property. Tenant agrees and acknowledges that the premises to be occupied by tenant and members of tenant’s household have been designated as smoke-free. Tenant, members of tenant’s household, visitors, guests and business invitees shall not smoke anywhere in the unit rented by tenant, the building where tenant’s dwelling is located or in any of the common areas or adjoining grounds of such building or other parts of the rental community, except for the designated smoking area(s) noted below:

<for example, outdoor designated smoking area located outside the west door of the building, but not within XX metres of the doorway.>

<optional> The smoke-free policy will be adopted through attrition. This means that:

- a. existing tenants will be exempted (grandfathered in) for the length of their tenancies, unless they choose to sign a smoke-free policy lease addendum; and,
- b. new tenants will sign leases with the smoke-free policy included.

5. Tenant to promote smoke-free policy and to alert landlord of violations

Tenant shall inform tenant’s guests, invitees, visitors and business invitees of the smoke-free policy. Further, tenant shall promptly give landlord a written statement of any incident where tobacco smoke is migrating into the tenant’s unit from sources outside of tenant’s apartment unit.

6. Landlord to promote smoke-free policy

Landlord shall post no-smoking signs at entrances, exits, common areas, hallways and in conspicuous places adjoining the grounds of the apartment complex.

7. Landlord not a guarantor of smoke-free environment

Tenant acknowledges that landlord’s adoption of a smoke-free policy does not make the landlord or any of its managing agents the guarantor of tenant’s health or of a smoke-free unit and building or complex. However, landlord shall take reasonable steps to enforce the smoke-free terms of its leases. Landlord is not required to take steps in response to smoking unless landlord is put on notice of the presence of cigarette smoke, via agent, personal knowledge, and/or written or electronic notice by a tenant.



8. Other tenants are third-party beneficiaries of tenant’s agreement

Tenant agrees that the other tenants at the complex are the third-party beneficiaries of tenant’s smoke-free policy agreement with landlord. Tenant acknowledges that tenant’s obligations and commitments in regard to this policy are made to, and may be enforced by, the other tenants in the complex as well as to the landlord.

9. Disclaimer by landlord

Landlord specifically disclaims any implied or express warranties that the building, common areas or tenant’s premises will have any higher or improved air-quality standards than any other rental property. Landlord cannot and does not warranty or promise that the rental premises or common areas will be free from second-hand smoke. Tenant acknowledges that landlord’s ability to monitor or enforce compliance with this policy is dependent in significant part on voluntary compliance by tenant and tenant’s guests, and other occupants of the complex. Tenants with respiratory ailments, allergies, or any other physical, mental, emotional, or psychological conditions relating to smoke are put on notice that landlord does not assume any higher duty of care to enforce this policy than any other landlord obligation under the lease.

Appendix B: How to engage residents and other stakeholders

CONTINUUM OF STAKEHOLDER ENGAGEMENT¹

Stakeholders for rental properties 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 policy

<Name>
<Address>
<Date>

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

Dear <Name>,

We, the <landlord and/or property management company>, invite you to an <information meeting or information and input meeting> about the idea of adopting a smoke-free policy 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 policy 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 policy 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 policies in multi-unit housing
4. Information about applicable Alberta legislation
5. Discussion:
 - a. What do you like about the idea of a smoke-free policy in our building?
 - b. What do you dislike about the idea of a smoke-free policy in our building?
 - c. What other 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,
<landlord and/or property management company>



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

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 policy 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 policy 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 policies 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/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 residents and staff).

Provide information about smoke-free policies 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 policy in our building?
- What do you dislike about the idea of a smoke-free policy 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 policy

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 are seeking 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 policy 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 policy in our building?
- What do you dislike about the idea of a smoke-free policy in our building?



- d. What additional information do you need in order to decide if you agree with a smoke-free policy 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 policy

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 facility. 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 policy 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 welcome everyone. Introduce yourselves and your roles.

- Explain the purpose of the workshop. (e.g., We want to provide information about a smoke-free policy, 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 policies 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 policies 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 policy in our building?
- What do you dislike about the idea of a smoke-free policy 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 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 site/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 wing. 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 very inexpensive. If you have funds as a property management company, 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 site/building and wish to provide information and get attendees' comments.
4. Discuss smoke-free policies 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

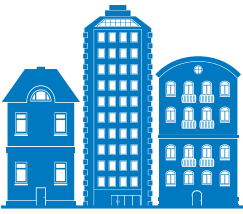
A volunteer networking system is a way of organizing people in your building so they can quickly and easily share information amongst each other. Volunteer networks can take the form of:

- 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 facility. This volunteer will then communicate information to each resident on the floor or wing.
 - b. Recruit a main volunteer for each street of your facility. This volunteer will then communicate information to each resident on the street.



- c. 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 policy in your building. An advisory committee is a group of stakeholders and/or 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 policy – 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 policy – 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 age, years living in the building, mobility, income, family 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. For those managing seniors or assisted-living facilities, try to include front-line staff whose work environment would be affected by the policy as well as 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 policy 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 Policy

Purpose: To advise the <organizing group such as landlords, property manager or staff> about matters related to developing and implementing a smoke-free policy 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 facility

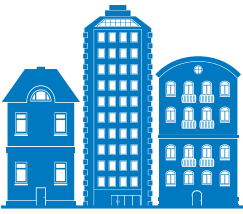
A practice session is a good way to try out your smoke-free policy, find out what stakeholders think, gain insight into what works and doesn't work, and refine the policy.

TIMING

When you have engaged stakeholders for their ideas and opinions, and have a good working draft of your smoke-free policy, 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 policy 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 policy is in place and practice using it.
5. **Read the smoke-free policy.**
6. **Hold the practice session:**
 - a. Ask each person to think about an entire day as if the smoke-free policy 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 policy? 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 tenant notification letter

<Name>
<Address>
<Date>

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

Dear <Name>,

In the interest of the health of residents and staff, as well as the quality of indoor air and enjoyment of the premises, <name of landlord/property manager> is pleased to inform you that effective <implementation date>, a smoke-free policy will apply to all units in this building <or state specific floor/wing> as well as <insert other areas where smoking will be prohibited (e.g.; units, outside balconies and patios, entire outside property)>. <State if and where designated smoking areas are located>. <If phasing-in the policy, describe that process>.

This policy has been developed through a process of consultation with tenants and staff. We took a variety of viewpoints into consideration and are confident that the final result strikes the right balance to address concerns and meet tenants' needs. Thank you for your participation throughout this process.

Our company is obligated under the Residential Tenancies Act to ensure our properties meet at least the minimum standards prescribed for housing premises under the Public Health Act, including a regulation not to permit "any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the suppression of disease." As a progressive management company, we recognize that society is moving in the direction of protecting people from the known hazards of exposure to second-hand smoke. In line with the policies enacted by our local and provincial governments to protect the public from second-hand smoke, creating smoke-free buildings will provide a healthy and safe environment for all our tenants, staff and service personnel.

Our smoke-free policy will provide added benefits that include:

- improved indoor air quality for all residents;
- reduced risk of fires;
- reduced maintenance, cleaning and recovery costs/time; and,
- reduced complaints of migrating second-hand smoke.

This policy will apply to all new and existing tenants. New and renewing tenants will be required to sign tenancy agreements that include a smoke-free clause. Should you apply for another unit in the same building or other properties owned by our company with a smoke-free policy, you would be required to sign a new tenancy agreement that will include the smoke-free clause. As a current tenant, if you would like to sign an addendum to your tenancy agreement that contains the new smoke-free policy, we would be very pleased to make this happen. Those on periodic or long-term leases will also be expected to comply with the policy as of <implementation date>. Repeated failure to comply may be seen as a breach of your obligations as a tenant to:



- not interfere significantly with the rights of the landlord or other tenants; or,
- not do anything at the rented property that would put anyone in danger, the result of which may lead to management taking steps to terminate your tenancy.

All complaints regarding second-hand smoke will be investigated and addressed. Please feel free to contact [<name of property manager or landlord, 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 manager or landlord>](#)

[\[Attach a copy of the policy\]](#)

Appendix L: Sample tenant survey

The purpose of this anonymous survey is to assess the level of interest among tenants in having the choice to live in a smoke-free environment. Any future smoke-free policy that might be adopted would not result in tenants being evicted for being smokers, would not force anyone to quit smoking and would not prevent smokers from renting accommodation.

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

1. Do you or anyone else in your household smoke cigarettes, cannabis, cigars 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 complained to your landlord 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. 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 no, 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.

8. If we were to designate smoke-free wings, floors or buildings in your facility that would encompass individual units, balconies, porches, and/or patios, would you be interested in:

- moving to the smoke-free area?
- moving away from the smoke-free area?
- Unsure/depends (specify) _____

9. Are you opposed to or supportive of adopting some form of smoke-free policy 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 tenant-survey cover letter

<Name>
<Address>
<Date>

RE: survey of residents residing at <insert building name and address>

Dear <Name>,

We are currently considering implementing a smoke-free policy. We want to reassure existing tenants that your views on the topic are important to us and will help us as we make this decision. The enclosed survey is meant as a first step in seeking your input. Please note that any potential smoke-free policy would not result in tenants being evicted for being smokers, would not force anyone to quit smoking and would not prevent smokers from renting accommodation.

We want to offer quality rental accommodations to our tenants, and since 84 per cent of Albertans are non-smokers, we believe that Albertans want more options for smoke-free living. We also believe that this policy will provide added benefits that include:

- improved air quality for all residents;
- reduced risk of fires;
- reduced maintenance, cleaning and recovery costs/time; and,
- reduced complaints of migrating second-hand smoke.

We are seeking input from our tenants to identify:

- the extent of the problem of second-hand smoke migration between units;
- the extent of support or opposition for a smoke-free policy; and,
- the areas that should be included in a potential smoke-free policy.

We are very interested in your input, and those who complete the survey and return it to the office by <deadline> will be entered in a draw to win <a \$100 gift certificate or a \$100 credit toward your rent>. The survey should only take about three minutes of your time.

Sincerely,

<Property manager and/or landlord>

Appendix N: Sample issue-tracking log

This form can be used by landlords, property managers or tenants 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 O: Sample caution notice to tenants

To tenant: _____
Suite address: _____
Date(s) of occurrence(s): _____

Incident: _____

Please be advised that the incident(s) reported constitute(s) a breach of your tenancy agreement and may become a substantial breach if the activity continues. Grounds under which your tenancy could be ended are indicated below.

Grounds for termination under the Residential Tenancies Agreement, section 26(1)(c):

1. A breach of a tenant covenant specified in section 21 of the Residential Tenancies Act:
 - that the tenant will not in any significant manner interfere with the rights of either the landlord or other tenants in the premises, the common areas or the property of which they form a part;
 - that the tenant will not endanger persons or property in the premises, the common areas or the property of which they form a part;
 - that the tenant will not do or permit significant damage to the premises, the common areas or the property of which they form a part;
2. A series of breaches of a smoke-free policy in your residential tenancy agreement, the cumulative effect of which is substantial.

We are requesting you take immediate steps to permanently correct this situation by doing the following:

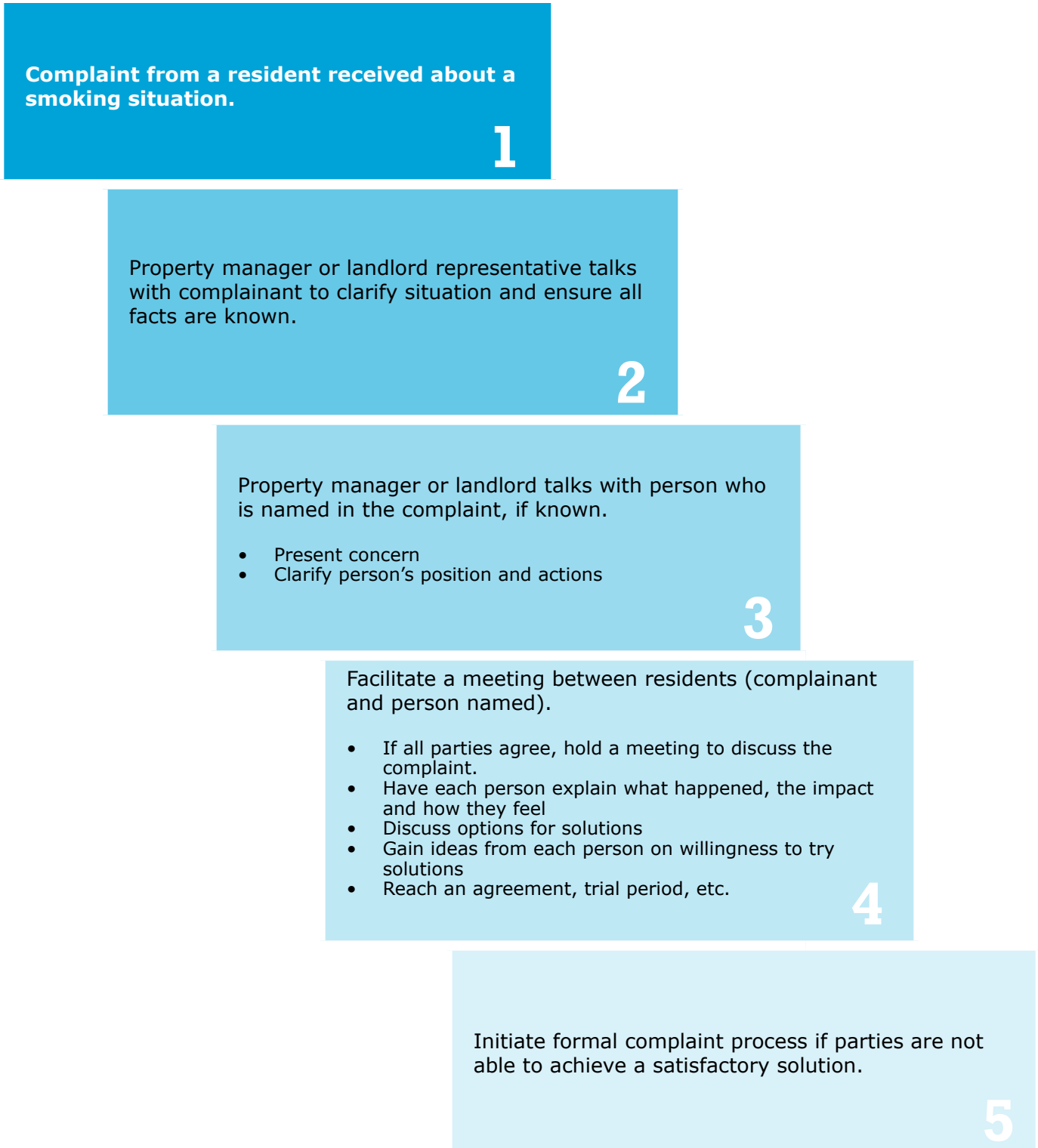
<Sample corrective actions depending on your smoke-free policy>

- Cease smoking any combustible materials anywhere on the residential property, including inside your rental unit, in accordance with your tenancy agreement <or facility policy>.
- Cease smoking any combustible materials anywhere on the residential property, including your balcony or patio.
- Cease smoking any combustible materials anywhere on the residential property, in accordance with your tenancy agreement <or facility policy>, except in the following designated areas: <state rental unit yes or no, plus define area, such as "patio outside parking area">.
- Arrange to smoke combustible materials in an area of the residential property that will ensure second-hand smoke does not enter any other rental units.

Please be advised that should there be any further incident or circumstances warranting termination of tenancy, we will have no alternative but to issue such notice. We look forward to your co-operation in this matter.

Yours truly,
<Property manager and/or landlord>

Appendix P: Flowchart of a complaint process





Appendix Q: 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

