

Arguments ignite over banning smoking in multi-unit housing

Paul Aradi began smoking half a century ago and had become accustomed to enjoying a cigarette in his Langley condo.



JASON PAYNE Shawn Anderson is the strata president at Hycroft Towers in Vancouver. The building has a non-smoking policy for residents.

That is, until his strata council banned the practice in 2009.

“They’re harassing me all the time and bullying,” the 71-year-old veteran said of the ban.

“I’m not interfering with everybody’s life, so why do people have a right to interfere in my life? Because they get more pollution when they walk in the street or whatever.”

Aradi, who served as a peacekeeper in Cyprus, refused to give up smoking inside and racked up \$2,300 in fines. He’s filed a complaint about the ban with the B.C. Human Rights Tribunal, but earlier this year, a judge ordered Aradi to comply with the bylaw and smoke outside the building.

Aradi is waiting for triple bypass surgery, and says the walk outside is too difficult for him, so he’s been forced to give up cigarettes instead.

Health advocates are hoping more apartment landlords and strata councils follow the no-smoking example of Aradi’s complex.

“We’ve been working on this issue for 12 years. We’ve been educating landlords, tenants, strata corporations, and we’re making positive progress,” said Jack Boomer, director of the Clean Air Coalition of B.C. “But the speed at which this is moving is glacial.”

The coalition argues that since the majority of people can no longer afford a single-family home, the 62 per cent of Vancouver-area residents living in multi-unit housing deserve more protection from second-hand smoke.

Boomer’s group is asking for five changes to B.C. legislation:

Require landlords and strata corporations to disclose the smoking status of the building and location of smoking units to prospective tenants and buyers.

Amend the Residential Tenancy Act so landlords can make their buildings smoke-free without written consent of tenants.

Make all B.C. Housing properties smoke-free.

Change the Strata Property Act so all new developments are nonsmoking by default.

Offer incentives to developers to designate new buildings as smokefree.

Three buildings managed directly by B.C. Housing have already gone smoke-free, but the regulations apply only to new tenants. The province allows non-profit housing operators to decide on their own policies.

Ministry of Health spokeswoman Kristy Anderson wrote in an email that while B.C. has enacted many laws regarding smoking in public, “the provincial government does not regulate smoking in a person’s home and does not anticipate a ban on smoking in an individual’s private home.”

Civil liberties advocates argue governments should proceed with caution on legislation.

“We need to operate very carefully within that realm before we are unjustifiably limiting people’s autonomy and freedom,” said Micheal Vonn, policy director for the B.C. Civil Liberties Association.

Vonn expressed concern for elderly people living in B.C. Housing who may be forced out into the cold, putting their health at risk.

Shawn Anderson heard similar arguments when his Vancouver strata council debated a nonsmoking bylaw last year, but he dismissed them as secondary to the health concerns of non-smokers. Still, he was taken aback by how much opposition there was to the bylaw, even from non-smokers.

“When we took the vote, I was actually surprised by how close it was. We just squeaked in,” he said.

The bylaw came as a relief. The woman living above him at Hycroft Towers, in South Granville, is a smoker, and the smell of cigarettes drifted into his apartment daily.

“We live in an older building. The ... glass is single pane, so the smoke just kind of wafts in,” he said.

“I guess it’s a little unfair to me, but I grew up with smokers and I also see the effect that smoke has on people, with lung cancer and other health issues.”

The number of complaints about smoking in the building has gone down, but the strata has issued a few warning letters and one fine.

As for the woman living above Anderson, “Periodically she still smokes,” he said. “She’s on (warning) number two now.”