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City of North Vancouver's smoking bylaw not enforced

Local business owner takes city to task for ignoring rules

[Brent Richter](#) / North Shore News

May 1, 2015 09:32 AM



Lower Lonsdale business owner Joel Posluns says he's tired of anti-smoking bylaws not being enforced. Photo Mike Wakefield

A Lower Lonsdale business owner is taking the City of North Vancouver to task for an apparent lack of interest or ability to enforce its anti-smoking bylaw.

On March 31, a city bylaw [passed in 2014 came into effect extending the provincial ban on smoking within three metres of doors, windows and air intakes to 7.5 metres. \(http://www.nsnews.com/news/city-of-north-van-to-expand-smoking-ban-1.898544\)](http://www.nsnews.com/news/city-of-north-van-to-expand-smoking-ban-1.898544)

Joel Posluns, owner of North Vancouver Aikikai martial arts studio on East First Street, has repeatedly called on Vancouver Coastal Health and the city's bylaw officers to issue bylaw infraction notices to one man who routinely smokes on the sidewalk.

"We're into health. We do aikido and yoga in the building. The last thing we want is for the building to be filled up with cigarette smoke," he said. "We'd open our doors and within 30 seconds, the building would fill with smoke. Once you smell the smoke, it's too late. The damage is already done."

Posluns said he spoke with the smoker numerous times, which only led to confrontation.

He also called Vancouver Coastal Health and staff at the city's bylaw department who made trips down to speak with the man.

But never once has the ticket book come out.

"It was like a bolt of lightning to me. These guys aren't in any way, shape or form interested in enforcing the bylaw," Posluns said. "They passed this law, which I think they knew in their heart of hearts would never be enforced. They have no intention and no resources to do it and they have no political will and all of this, as far as I can figure out, is window dressing."

Posluns has continued to push the matter not because of the one smoker impacting his business, but on the principle that the city shouldn't be leaving it to business owners or residents to confront people violating a bylaw.

Though the three-metre ban has been in place since 2007, it has only ever been used to ticket business owners in the City of North Vancouver who allow their staff or patrons to smoke too close to the building, according to Lindsay MacDonald, regional tobacco reduction co-ordinator for VCH.

And the law, which carries a maximum penalty of six months in jail and a \$10,000 fine, can't be applied to people smoking within the three-metre radius if they are walking. The same applies to the 7.5-metre ban put in place by the city, according to City Mayor Darrell Mussatto.

"Our staff are telling us it's going to be very difficult to enforce that. We haven't written a ticket," Mussatto said. "We may or may not have jurisdiction in that area."

Mussatto said council members didn't know what a challenge the new bylaw would present when they voted to pass it, but he added it should be the province and federal governments, which have jurisdiction over health matters, to enforce smoking rules.

The person who is the subject of the complaint has since agreed to comply with the rule, Mussatto said.

The city has opted to go the route of using the bylaw as a means educate the public, rather than punish them, Mussatto said.

Staff will be posting new signs to let smokers, whether they are walking or stationary, know that lighting up within 7.5 metres of doors and windows is still not allowed.

"We could spend a lot of money going to court really trying to go after these one-offs or we could take that same amount of energy and put it into education and get way better compliance," he said.

That sentiment is echoed by Guy Gusdal, the city's manager of bylaw services.

"Ticketing is not a panacea for everything. It works in very specific situations and it can work quite effectively. It doesn't always get the results you want," he said.

"Sometimes education is the best and only approach to deal with an issue and that's what we're trying to do with the situation in this case."

City council voted unanimously on April 13 to extend the bylaw to all of Jack Loucks Court and Rogers Plaza.

Vancouver Coastal Health attributes 6,000 deaths in British Columbia per year to tobacco use.

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