

The Business Case

***for Smoke-free
Multi-unit
residences***

*(Growing
your market
with clean,
healthy air)*



If you're a builder, landlord or manager

of a multi-unit residence you need to know the business implications of a ban on smoking, in the units as well as in the common areas.

If you've heard that

- 1) it is not legal to ban smoking in a private residence, or*
- 2) second-hand cigarette smoke isn't a problem, or*
- 3) the loss of sales and rentals to smokers would make it a bad business decision ...*

Here are the facts on going smoke-free

1

“Isn't it illegal to tell people what they can do in their own home?”

There is a common misconception that the private units of a multi-unit dwelling can not be declared smoke-free. This is not correct. *It is definitely legal to designate a building smoke-free.* Owners and builders need to know that they are within the law if they decide to go smoke-free.

Fact

It is legal to totally ban smoking in a building



“Wouldn’t a smoking ban violate smokers’ rights?”

2

The Ontario Human Rights Commission says ‘there is no language within the Human Rights Code or the Commission’s policies that addresses the issue of ‘smoke-free multi-unit residences.

In a review of case law by the Non-Smokers’ Rights Association, it was found that:

- > There is no right to smoke enshrined in Canadian law.
- > Personal autonomy is not synonymous with unconstrained freedom.
- > Non-smokers have a right to breathe clean air and children have a right to be raised in a smoke-free environment.
- > Smokers are not a protected class nor recognized as having a disability under the Canadian Charter of Rights and Freedoms.
- > Canadian courts have been sympathetic to the plight of non-smokers unwillingly exposed to drifting second-hand smoke in their own homes. Cases have been won on the premise of a breach of the covenant of quiet or peaceful enjoyment.

A recent interpretation of the Residential Tenancy Act in Toronto favoured the landlord who argued successfully that that smoking tenant had substantially interfered with the right of the landlord to engage in and protect her business of renting luxury accommodation to a wider clientele of non-smokers.

**A smoking ban is not
a human-rights issue**

Fact

3

“Doesn’t existing ventilation eliminate all second-hand smoke?”

- > Aside from tenants and unit owners experiencing seeping smoke, a study published in the Nicotine & Tobacco Research in January, 2007 explored the views of apartment owners or managers about smoke leaking between units. Forty-nine decision-makers who manage 27,116 rental units in Minnesota were aware of some smoke transfer in their buildings.
- > The American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) issued a position document on second-hand smoke. It states: “At present, the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking actively.” (See The Growing Case insert.)
- > Research by Canada Mortgage & Housing Corporation and others has shown that conventional corridor air supply and bathroom-kitchen exhaust systems do not, and cannot, ventilate individual apartments. Furthermore, conventional strategies consume a significant amount of energy, can be noisy, consume internal floor area and serve as possible conduits for smoke during fire emergencies.

**ventilation systems do not
eliminate second-hand smoke**

Fact

4

“Wouldn’t we lose a lot of business by banning smoking?”

- > Globe Agencies, based in Winnipeg, designated over 5000 units smoke-free. They did it because they saw the future of smoke-free living, not because they received complaints. For those smokers already in the buildings, they initiated a grandfather clause that allowed them to stay. When they moved, smoking was not allowed. They now have a waiting list for their smoke-free buildings.
- > Nicotine & Tobacco Research reports in the January/07 issue: “Owners who had already designated smoke-free buildings, had seen mostly neutral or positive effects on vacancies, turnover and time required to manage the buildings, and planned to continue offering them.” (Minnesota)
- > Tenants/owners generally enforce rules themselves because this is what the majority want. A study in Maine with landlords found that anxiety over enforcement never came to fruition. Owners didn’t receive calls. One smoke-free advocate said she had heard of two evictions involving smoking but these also involved a variety of lease violations.
- > In another area, Marriott, Westin, and Comfort Suites (U.S.) hotel chains, and others have gone completely smoke-free. With Marriott, 80% of their clients already wanted smoke-free rooms.

“We’re always looking at ways of improving our properties. Going smoke-free was something we considered and researched for some time before implementing the policy in our portfolio of over 5,000 suites. The leasing activity in our properties hasn’t been negatively affected by the policy. Actually, in many cases, we have had enquiries and applications as a result of the no-smoking policy.”

Ron Penner (CPM, CRP) Vice President Operations, Globe Agencies, Winnipeg

Multi-unit residences have gone smoke-free with real marketing success

Fact

5

“Wouldn't it cost a lot to convert to smoke-free?”

- > **Unit Turnover.** Organizations like the Sanford Housing Authority in Maine have calculated these kinds of questions. They say it costs \$1,070 - \$1,670 U.S. to turn-over a smoking room, compared to \$550 U.S. for a non-smoking room. This does not include cabinet and countertop cleaning and repair. The increase comes primarily from cleaning and painting labour. (See the website www.smokefreeforme.org, click on Landlords, Maintenance Savings, for the Sanford Chart : *How Much Does Secondhand Smoke Cost a Landlord?*)
- > **Risk of Fire.** *Smoking is the leading cause of household fires.* In Toronto, there are about 500 incidents of smoking related fires per year and civilian fatalities were up in 2005 and 2006. Of property completely destroyed in the U.S. in 2002, an estimated \$6.055 billion worth of residential property was completely destroyed. An estimated \$9.26 million occurred in apartments. (NFPA Fire Analysis and Research, Fire Loss in the U.S. During 2002.).
- > **Improved Resale Opportunities.** Recent research suggests that smoke-free apartment buildings can have increased re-sale value, should you decide to sell your building. Real estate agents agree: as the number of public places in which a person can smoke has shrunk, so has the number of home buyers who are even willing to consider a house with smoking in its past. (New York Times, “Real Estate & Secondhand Smoke: On Tobacco Road, It’s a Tougher Sell,” February 8, 2004.)

Fact

Going smoke-free saves money

“Isn’t all this a minor issue with most people?”

6

A 2007 Ipsos Reid survey in **Ontario** found: (sample size: 1832)

- > A majority (64%) of all multi-unit dwellers would likely choose a smoke-free building over one where smoking is permitted.
- > Fifty-seven percent (57%) would support a smoking ban in their multi-unit dwelling.
- > Almost half (46%) of those living in a multi-unit dwelling in Ontario have had tobacco smoke odour enter their unit in the past 12 months from somewhere else in their building. The tobacco smoke odour seeps in primarily via hallways, windows, shared ventilation air leaks, and through bathroom or kitchen fans.
- > Seven in ten of those who report tobacco smoke entering their unit say it bothered them – and 14% either moved or considered moving as a result of the smoke intrusion.

37% of tenant respondents in a Minnesota survey said that seeping smoke bothered them so much they thought of moving. The survey also showed there was no difference between ethnicities, income levels, rent levels and age groups, or between those with and without children.

There is a large and growing market for smoke-free residences

Fact

KNOW THE FACTS

GROW YOUR MARKET WITH SMOKE-FREE UNITS

1

You can't prohibit a buyer or tenant from smoking in their own unit.

True False

False. It is now legal to designate a building as totally smoke-free. Many people think "A man's home is his castle" but that's not the case when our actions affect the 'peaceful enjoyment' of our neighbours. There is no violation of human rights when a building is declared totally smoke-free.

2

Existing ventilation doesn't remove second-hand smoke the way it does cooking odours.

True False

True. Even the pressure-venting system designed to vent air from hallways and out through unit windows does not eliminate the combustion particles in second-hand smoke. It does not prevent cigarette smoke from seeping through openings like heating vents, plumbing, wall sockets and light fixtures.

3

Going totally smoke-free would cost a lot of business.

True False

False. In recent years, builders, landlords and managers in many markets have successfully banned smoking with no loss of market share. (See The Growing Case insert.)

4

Smokers still make up an important market, especially for rental properties.

True False

False. In Toronto, the number of 'daily smokers' is down to 11.2%. Knowing the cancer risk of second-hand cigarette smoke, the great majority of people now actively prefer a smoke-free building. If clean air is an attractive sales feature now, think where it will be in five or ten years.

5

Even if second-hand smoke is a problem, it would be too expensive to convert.

True False

False. For landlords and managers, the cost of converting is offset by lower cleaning and painting costs and possible lower insurance. For condo and apartment builders, the publicity and sales appeal of smoke-free buildings is a powerful marketing tool.

If you are a builder, landlord or owner of a multi-unit dwelling and you are interested in going smoke-free, here is more help and information:

- > The Case for Smoke-Free Apartments www.ansrmn.org/ISFA%20Owner%20&20Mgr%20Guide.htm
- > See "When Neighbours Smoke Non-Smokers' Rights Association". Then "Options for Condo Owners" and "Options for Landlord and Condo Associations". www.nsra-adnf.ca
- > Health Canada's Go Smoke Free www.gosmokefree.ca
- > <http://www.cleanaircoalitionbc.com/PDF/Fact%20Sheet%20-%20For%20Apartment%20Managers%20and%20Property%20Managers.pdf>
Fact Sheet – Responsibilities and Options for Addressing Drifting Tobacco Smoke: For apartment owners and property managers.
- > www.smokefreehousing.ca information on key aspects of going 'smoke-free'.

For the latest news on smoke-free Toronto, contact Judy Myrvoid, Chair of the Council for a Tobacco-Free Toronto at ctft@rogers.com

