

Where there's smoke, there's ire

Neighbours at odds over butting out

**JONATHAN WOODWARD Special to The Globe and Mail
Wednesday, January 24, 2007**

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VANCOUVER -- First, there is the dry mouth and constricted throat, and then come the crippling asthma spasms that send Tamara Szymanska-Golik to the hospital.

She and her doctors know the source of the problem: the second-hand cigarette smoke that drifts from a neighbour's balcony, through her window, and into her home.

"Smoking is my trigger," said Ms. Szymanska-Golik, who is 46 and has hyperreactive airways and extremely severe asthma that prevents her from working. "My doctors say I'm better off on the street than in the apartment, and I should get out now; not tomorrow, now."

But moving isn't an option, she said. That would mean sacrificing her coveted place in the packed social-housing system and either paying far more at a market rate than she can afford on her disability allowance, or living on the street.

So after 11 months of increasingly acrimonious wrangling with the neighbours, the landlord, and finally an arbitration panel, Ms. Szymanska-Golik and another woman in her townhouse with severe respiratory problems, Sheila Abraham, decided they'd had enough. Last week, they filed suit with the B.C. Supreme Court to force their neighbours to butt out -- or get out.

Ms. Abraham wrote in a court filing that the women's suites are unlivable because exposure to second-hand smoke has "seriously jeopardized" their health. The public-housing body has a duty to find a way to let them live in good health, she alleges.

The only solution, according to Ms. Szymanska-Golik, is to segregate the smokers and the non-smokers in the quiet, 12-building housing project in the posh West Side of Vancouver. To her, that means the smokers should move.

The suit was filed on Jan. 5 as a request for a judicial review of an arbitrator's decision that tenants who smoke in the building aren't breaking the rules.

But it's become a flashpoint where health officials and politicians are demanding changes to the way social housing is organized in B.C., while smokers fear their rights to quiet enjoyment of a cigarette at home will be violated.

Sara Gourley, the 49-year-old tenant, has multiple sclerosis, and said she deals with her shaking hands by smoking. She said she offered to smoke at only certain times of day, but the compromise was rejected. Since then, lines have been drawn.

"It's my place," Ms. Gourley said. "It's my little patch. Why should I move?"

Arbitrator D. Simpson agreed with her. "All tenants have the right to quiet enjoyment of their homes," said a ruling on Nov. 9, 2006. "There is no law against smoking."

"Rules are rules," said Ms. Gourley's boyfriend, Richard Reeves. "And there's not a rule being broken here." If the court sides with the non-smoking tenants, then no smoker is safe from eviction, he said.

The Greater Vancouver Housing Corporation has tried to stop the smoke by caulking the edges of the windows, doors, electrical sockets, and even at one point considered putting Plexiglas around Ms. Gourley's balcony. But none of that will do any good, said Don Littleford, the GVHC regional manager.

"There's just no way to isolate the air -- the climate is just such that people have their windows and doors open, and no manner of caulking or sealing is going to alter the smoky existence of Sheila and Tamara," he said.

The women's New Democrat MLA, Gregor Robertson, wrote to the Premier to press for changes to social housing.

"They have no choice in terms of where to move; they're lucky to have the home they have," he said. "But they've got their back to the wall -- there's nowhere for them to go."

Vancouver's chief medical officer, Dr. John Blatherwick, said that it is time for the housing corporation to make some buildings free of smoke. "We have known for a long time that second-hand smoke is a major problem," he said. "For people like [Ms. Szymanska-Golik], it is the difference from ending up with major respiratory problems and costing the health-care system thousands of dollars, or making available equal housing in a non-smoking setting."

GVHC has about 3,500 units throughout the Lower Mainland, but each is full, and there's a 12,000-person waiting list, Mr. Littleford said. Turnover is not high, so waiting for vacancies to enforce non-smoking provisions could take years.

Heather Place, because it's in the posh West Side, two blocks from Vancouver General Hospital, is less likely to develop vacancies than most places, he said. And the corporation doesn't have the money to build new houses, he added.

GVHC is trying to arrange a swap between smokers and non-smokers to create a smoke-free building, Mr. Littleford said. But if no one wants to move, there's little the landlord can do.

"This is smokers' rights versus non-smokers' rights," he said. "There's no immediate quick fix."

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