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## Non-Smoking Buildings: FRPO Supports Choice

There are several news stories about a recent Ipsos Reid survey conducted for The Ontario Tobacco-free Network claiming 2nd-hand smoke affects the living spaces of almost half (46%,) of all multi-unit dwelling Ontarians, and a majority (64%) of the province's four million multi-unit dwellers would like the choice to live in smoke-free buildings.

The Federation of Rental-housing Providers of Ontario supports the concept of “choice” in the marketplace. That is, we support a framework which would allow an owner to decide to offer the option to the marketplace. Current provincial laws do not allow owners to provide this possible choice in the marketplace if they wish to do so (see below for a brief explanation).

However, we do not believe that banning smoking in apartments is appropriate or even enforceable. Such a law would, in all likelihood, be found to violate Canada's *Charter of Rights and Freedoms*.

### Some points of explanation are as follows:

- A number of rental housing providers in the province may be interested in making their buildings non-smoking;
  - This has been done in other jurisdictions by grandfathering existing residents.
- However, current provincial law in Ontario (the *Residential Tenancies Act*) does not allow a rental apartment owner to enforce a no-smoking clause in their lease:
  - This is because they would not be entitled to evict a tenant who violated such a clause
- The industry has a similar problem currently with pets and tenants who have allergies because of the same provincial law
  - We are not allowed to evict a tenant who violates a “no-pets” clause in their lease
  - This prevents any owner who chooses to do so from offering an allergy free environment in the marketplace
  - This badly designed law tramples the rights of tenants who seek allergy free accommodation in favour of the rights of pet owners
  - What would work better in this case, as it would work for the case of second hand smoke in apartments, would be to allow owners to offer choice in the marketplace

The Federation of Rental-housing Providers of Ontario is the province's leading advocate for quality rental housing, representing over 800 owners and managers who supply homes for over 250,000 households.

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