

## Fort Lauderdale Condo Bans Smoking Inside Units

The [\*Sun Sentinel\*](#) (in Florida) recently reported that a new condominium project being developed in the Fort Lauderdale area ([Aqua Vita Las Olas](#)) will ban smoking in the condominium units. This condominium is a proposed luxury condominium that will consist of only two dozen units in two five-storey buildings on the waterfront. (However, the developer is prepared to allow smoking on the balconies.) Those who violate the smoking ban will be subject to a fine of up to \$100.00. While the amount of the fine does not seem significant, it will add up over time for repeated violations, and the condo association could also seek a court injunction requiring smokers to comply.

Here in Ontario, we are not aware of any condominium declaration that prohibits smoking in the units. While a complete ban may please a large number of non-smokers, this is a controversial issue. The *Sun Sentinel* reported that the proposed ban on smoking in the units of Aqua Vita Las Olas has resulted in objections from various smokers' rights groups. By imposing such a ban, the developer will be restricting the pool of potential buyers for the units, not only with respect to sales from the developer, but for all subsequent sales of the units.

As societal attitudes towards smoking change, it will be interesting to see if there will be any condominium developments in Ontario whose declarations contain a ban on smoking in the units.