**Submission to Consumer Property Law Review**

by

Melissa Brown

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I just briefly want to weigh in on one of the topics covered in the Consumer Property Law Review, specifically the one about smoking.

I live in a 1 bedroom apartment in Kensington, Victoria. I am an owner occupier, and my property has a substantial balcony facing a laneway, and at the other end of the property, a small courtyard. For 9 months of the year, I leave doors to the balcony and courtyard open, resulting in much needed ventilation, especially in Summer. The apartment next door, which shares a similar floor plan, is rented out and when the resident is a smoker, they smoke on their balcony. The resident shuts his own door (so the smoke doesn’t drift in to his property) but it comes directly into my property. I don’t feel like I should have to keep opening and closing my door to avoid breathing the smoke, but that’s what I have to do. It’s a constant source of annoyance for me.

I would welcome more discussion about this topic, as it is a public health concern for me, and as I spend a lot of time on my balcony in the warmer months, it affects my ability to enjoy my space, particularly when I dine outdoors. Smoking is banned in many public places, so why not where we live and spend many hours of the day. I believe Owner’s Corps should have more say in this matter, especially if residents can all agree to a policy pertaining to their apartment building.

Thanks for taking the time to read this.

Melissa