

# Another “Nail in the Coffin” for Smoking in Strata

## Smokers Unknowingly Breaching By-laws

A recent decision of the NSW Civil and Administrative Tribunal (NCAT) has recognised that even though a lot owner smokes inside their lot, they still may be in breach of the by-laws of the owners corporation and leave themselves open to a penalty being imposed by [NCAT](#).

Why? Because if the smoke leaves their apartment it will almost inevitably penetrate Common Property in one way or another.

## A Recent Case...

This recent case illustrates that it is extraordinarily difficult for smokers to avoid breaching by-laws and why it's important to have a well-drafted by-law if the owners corporation wishes to comprehensively deal with the issue.

Here we share the recent NCAT case article [Smoking in Strata Apartments](#) another “nail in the coffin”!

Also below, [Warwick van Ede, Specialist Strata Lawyer](#) talks with LookUpStrata on this very case and the many unanswered questions!



It's definitely time to review your smoking by-law, or to implement one if you do not have one!

[NEED A SMOKING BY-LAW OR TO REVIEW YOURS?](#)

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