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## YSP Podcast Transcript: 394. Another Win in the Battle Against Nuisance Smoke Drift

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**Intro:** Welcome to Your Strata Property, the podcast for property owners looking for reliable, accurate and bite-sized information from an experienced and authoritative source.

**Amanda Farmer:** Hello and welcome to this week's podcast episode. I'm your host, strata lawyer, Amanda Farmer, and my guest this week is Amanda Reitzin.

Amanda is a Sydney strata resident and the mother of two teens. She loves apartment living and strives to be an active member of her strata committee, fostering harmonious communal living and driving positive change.

Now, last year, Amanda's mission faced a significant challenge when she and her family were impacted by smoke drift from cigarettes that her next-door neighbours were smoking on their balcony, as well as incense that they were burning.

Amanda joined our online community looking for answers and support and ultimately became a client of my legal practice. She has generously agreed to share her story with us here today on the podcast. Now this is not the first episode that features a strata owner fighting the battle against nuisance cigarette smoke. In episode number 337, I interviewed Brenton Pittman Fresh from a Tribunal Victory. That podcast episode gives you access to a step-by-step process that Brenton and his partner Lynette followed to achieve their own tribunal success, ultimately obtaining orders that their neighbour ceases smoking on their balcony.

Now as you'll hear in today's chat, Amanda drew a lot of strength from Brenton and Lynette's success. You will hear their names mentioned. If you wanna hear more about Brenton and Lynette's specific case, head over and listen to podcast episode number 337. There is a link to that one in the show notes for this episode.

For now, I'll take you on over to my chat with Amanda Reitzin.

**Amanda Farmer:** Amanda Reitzin, welcome to the show.

**Amanda Reitzin:** Thanks, Amanda. Nice to see you again.

**Amanda Farmer:** Amanda, let's start by having you tell us a bit about your building. How big is it? How long have you lived there? Have you got a functioning strata committee, or a strata manager over to you?

**Amanda Reitzin:** Sure, sure. So I bought this apartment in April of 2021. I have two teenagers. So when I saw this was up for sale, it had three bedrooms, and two bathrooms. I thought fantastic because my teens are always fighting over the bathroom, 200 meters from the train station. I thought, oh, it's perfect. So it is just your bog standard, 1980s brick building, 12 units. So four units spread over three floors. When I arrived, there was somebody just exiting the committee, so I jumped on. So it was just me and one other guy for about 12 months. We do have a strata manager, a local company. They seemed pretty chill. There weren't really any huge, major issues and everything was pretty hunky dory for the first year and a half that I lived here.

**Amanda Farmer:** And tell me this, was this your first experience of living in strata or owning a strata property or you lived in other buildings previously?

**Amanda Reitzin:** Yes, not at all. I've lived in many other strata buildings, apartments, townhouses and moved around a little bit in the last kind of 10 years. I previously owned a townhouse in Punchbowl and before that, I owned a unit in La Kemba. So no stranger to strata, no stranger to committees in their wild and wacky ways. Generally had reasonably good experiences. You know, you're always gonna get a little bit of conflict here and there, but nothing compared to what I just experienced in my apartment here in Rockdale.

**Amanda Farmer:** Yes. So tell us about that. What has life been like for you in the last couple of years?

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**Amanda Reitzin:** It started in, I wanna say November of 2022. Feels like a lifetime ago now. The unit next door to me got sold, new couple was brought in. I thought, great, awesome. Excited to welcome some new people to the building. It was a married couple with a dog. No kids bumped into them in the hallway. They said, "By the way, we're smokers." And I thought that's not a problem. Sure, that's not a drama. It quickly became a drama because they started mainly with the wife, not necessarily the husband so much because he worked long hours and was away during the day. But I worked from home and of course 2022 we had emerged from lockdown, but I was still working from home several days a week.

And she would go out on the balcony and have four or five or six cigarettes a day and the smoke came straight into my house. And at first, she was pretty amenable to it. We communicated over email and I said, look, oh, first I said, "I'm sure there's something in the by-laws. Check the by-laws. I'm sure we're covered. Just so you know, your smoke's coming into my house."

And she was very apologetic. She was like, I'm sorry, I'll do my best to not disturb you only out there for a few minutes at a time. I'll make sure I go to the far end of the balcony to make sure the smoke doesn't get to you. I thought this is going to all be over in five minutes, so check the by-laws. No smoke drift by-law. Oh no. How could I have overlooked this? It was just a..

**Amanda Farmer:** So let me just clarify that you're saying there was no by-law regulating smoke drift at all.

**Amanda Reitzin:** Correct. And I, it was just a complete oversight on my part. I just assumed we had one. I'd never had a smoking issue in any other apartment building or strata building I'd ever lived in. You know, we had the usual gripes about parking and rubbish and noise, but I'd never ever experienced a cigarette smoke drift issue anywhere. So I was really, really taken aback. It was really, it was quite unsettling for me to realize that I had a problem and I wasn't protected.

So I emailed the strata manager to say, "Hey, what can we do? I know we don't have a by-law." He was very non-committal. He was like, "Well, you can talk to them, I'm sure they'd be amenable to, you know, discussing." And I was like, kind of already done that. And then he said, "Well, the other option is we have to propose a smoke drift by-law at the next AGM."

So if that was November, the AGM was March. So meanwhile I'm getting smoke into my house. And at the turning point, the climax or the nay dear almost of their conflict came when the kids and I were eating dinner in the kitchen one evening and cigarette smoke coming into the kitchen while we were eating dinner. And the kids were just disgusted. They were like, this is so gross.

And so I emailed her and I said, we need to do something about this. I know we don't have a by-law, but this is gonna be a big issue and I've got kids living here. Can we please discuss this? And she absolutely lost her marbles at me. And luckily for me, she lost it over email. So, you know, once it's an email, it's there forever. And her email was, she was furious that I had emailed her at eight o'clock at night. She was furious that she was trying to entertain visitors. I think she said something like, "This is the first time since we moved in, we've had visitors over. I'm not doing anything wrong and there's no by-law. I'm not breaking any laws." And the last line of her email read, "If the smoke bothers you, close your windows." And I thought that's it. I'm just gonna move. I'm gonna move house. I'm screwed. That's it. Can't do anything. I'm absolutely screwed.

**Amanda Farmer:** Well, that's not what you did. No, thank goodness.

**Amanda Reitzin:** No, thank Goodness I didn't.

**Amanda Farmer:** And we'll go on to have a chat about indeed what you did do to solve this problem. But I just wanna rewind, first of all, and notice the fact that when your neighbours first moved in, I think I heard you met them, they introduced themselves, you saw that they were a husband and wife, they had a dog lovely to meet you. And they said to you as part of one of these first conversations, it sounds like, "By the way, we're smokers." Did you think that was weird that they were telling you that? What did you think about that?

**Amanda Reitzin:** I don't think I registered at the time. I think in my mind I thought, "Oh, okay." But I felt like they were giving me a heads-up. It was definitely a heads-up that you're gonna have some smoke coming your way.

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**Amanda Farmer:** And let me tell you what I'm thinking from the lawyer perspective is that these people have had problems in strata in the past, and maybe not even in strata, maybe in a past property where neighbours have complained about their smoking because they're chain-smokers and they were indeed giving you that heads up.

**Amanda Reitzin:** That's Right. And then later on, the fact that we went from zero to a hundred in a very, very short space of time, the matter escalated very, very quickly within a very short space of time as well.

**Amanda Farmer:** So are you doing all the right things? It sounds to me like you are talking to them, you're knocking on the door having a chat, there's emails being sent to record the time of the event, and how you're being affected. You're communicating with the strata manager, you're looking at the by-laws. Your strata manager has said, no bylaw directly dealing with this. We can propose one at the A GM. Did you go ahead and do that?

**Amanda Reitzin:** I did. So what I did was I had a chat with the other committee member at the time who backed to me 100%. But you know, we are both very non-confrontational. We didn't wanna make a big deal about it, I didn't know. But he had also been suffering from smoke drift on the other side of the building from a neighbour. And I was so upset to hear that.

I said, "Why didn't you tell me we could have done something last year, wish we had done something the previous year because it would've saved all of this headache." And I said, "Look, I'm going to propose one at the March by-law." And in between the time that I moved in and these new neighbours moved in, another smoking family had moved in upstairs. And over the course of the following couple of months in discussion with my committee member, he let on that he had heard through the grapevine that all of the parties were conspiring to block the smoke drift by-law because they'd gotten wind of it throughout the building.

So, and that's indeed what happened. I proposed it tabled the by-law, and I just grabbed the model by-laws. Well, I think it was model A, so one no smoke, common property to make sure if you do smoke inside your house, that the smoke doesn't drift. Because we had one elderly neighbour who likes to walk up and down the stairs with a cigarette in his mouth, which is unpleasant for everybody. So we were trying to kind of kill two birds with one stone. And I thought that was very reasonable. We're not stopping you from smoking in your own house. Just take reasonable steps to please be considerate of others because that's, that's the whole point of living in strata. You sharing the space, you've gotta be considerate of your neighbours.

So yes, the strata meeting did not go very well. I copped a spray in the meeting from my smoking neighbour who screamed at me and said, "Everyone here knows that I smoke on the other side of the balcony. What are you talking about? Your windows are always closed. It's a law of physics. The wind doesn't always blow that way." And at the same time, oh, but I wanna be harmonious, you know, live harmoniously with everybody. I wanna be respectful. And the other smoking family had this same philosophy. They were all very kind of zen about it. We should all just respect one another. We should all just live harmoniously. We don't need rules and laws to govern our lives. We don't believe in telling people what to do inside their own homes. And so it was overturned by, I think there were three votes, four and four votes against, which was really disappointing 'cause it's a very, very sensible by-law. The strata manager was no help. He was very hands-off about the whole thing. And in fact, his opinion was, it was going to be too difficult to police. So he was not on my side at all. It was very, very, a bitterly disappointing experience and, you know, another kind of obstacle that I felt was too great to overcome at the time.

**Amanda Farmer:** So coming out of that meeting, you are feeling disheartened, you are feeling discouraged, you're feeling that that was your option and that's no longer there on the table. Were you aware at this stage that another option was to proceed to litigation? And if you were, how were you feeling about that?

**Amanda Reitzin:** So my expert Google FU skills, I had been spending a lot of time on Google looking at smoking and strata, looking at discovered Pittman versus Newport, reading all of the discussion boards, posting on discussion boards. And one of the things that I picked up from Pittman v Newport was the NCAT case. And very early on I remembered reading about the need for documentation and evidence. So soon after this whole debacle started, I opened a Google worksheet and started documenting a log of the date, the day, the time, and the location where the smoke drift happened. And that was one of the things that I think saved me in the end was that diligent note-keeping.

I really did not wanna go to NCAT. I was very, very, I had never done it before. I'm just a layperson. I'm not a legal expert. The

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whole thing scared me. I thought it was going to be hideously expensive. I thought it was gonna be hideously stressful. I didn't know if I could tolerate the stress I did. I thought it would kill me. And, and I don't like confrontation. You know, my biggest fear was how are they going to react. Am I overreacting? And I question myself every step of the way and looking for alternative options. But it just became too much with the daily smoke coming into the house. Even when the doors and windows were closed, it seeps through the cracks. And I've got kids living here. And the other thing is I have asthma and I didn't wanna play the asthma card because even if I didn't have asthma, it would still be completely not okay for me to have to breathe cigarette smoke every day while I'm at home, just living and working and relaxing with my family and eating dinner.

So eventually I took a very deep breath and applied for mediation with fair trading because I knew that was my first step. And I remember as I was typing it, my hands were shaking, I was so nervous. And we had the mediation in June of last year. It did not go well. I really believe that it inflamed matters. I really do. Because they were incredibly put out. Their position was, first of all, they said, "What smoke? Who smokes, who determines that it's our smoke? We don't smoke on the balcony, we smoke downstairs." So there was a lot of denial there. And then there was lamming me for being the nuisance in the building, and I'm just trying to prevent them from delivering their lives. They're just a calm, peace-loving family, just minding their own business. And here I am harassing them on a daily basis. So, you know, they're the victims in all of this.

And the mediator, bless her soul, was, was so good and so calm. It really didn't last for, it lasted about 15 minutes. And then she said, "Look, I think we've done all we can here, but I knew that that was, a step that had to be taken before I could proceed to tribunal.

**Amanda Farmer:** Yes. And I know you don't mind me saying this, after the mediation, the unsuccessful mediation, that's when you and I started working closely together on taking that next step of putting together your tribunal application. What I think I've heard, Amanda, and, and tell me if I'm wrong or you wanna add to this, although you were feeling incredibly nervous about this, very anxious, unsure if this was the right step, worried about costs, worried about the stressful process that you knew was to come, you still took that step and ultimately filed and prosecuted tribunal proceedings because you really felt, this is my home. I wanna stay here, I want my kids to stay here, and we need to be able to breathe. We need - asthma or no asthma. We need to be able to breathe fresh air.

And I think also you've mentioned already there, the Pittman in Newport case. So you were reading about getting yourself educated about owners in a very similar position who'd come before you and successfully battled this issue. You took some strength from that and some encouragement from that. Were they the things that really helped you despite this fear that you've been very honest about, helped you to move forward?

**Amanda Reitzin:** Absolutely. So what propelled me forward was several things. The first thing was if I move, nothing changes. If I move, what's not to say that I'm going to encounter the same problem somewhere else, and if I move and give up now, nothing changes in strata. And I drew strength from the fact that that Pitman versus Newport was there as a precedent for me.

And I realized that there was a bigger picture at stake here. And one of the things that kept me going was, if Brenton and Lynette had given up, I wouldn't have this beautiful precedent there to rely on. And I was hopeful that if I managed to get through this whole process and got a successful outcome, could that potentially provide some solace or some strength for someone else?

Because when you look at it, yes, the law is there, but it's tenuous, it's subjective, it's section 153, it's nuisance provisions. You know, the notes say that cigarette smoke drifts from tobacco smoke may be construed as a nuisance or a hazard. It's not black and white. We still need to fight for it. And I knew that I could afford legal representation, but how many people out there who are suffering, who can't? And that was a very, very unfair situation I found. And so one of the things that kept me going was, okay, I really want to do this for the greater good so that other people who are suffering is similar fate may be able to draw some strength from that

**Amanda Farmer:** Excellent driving force there. And I can say from having worked closely with you over the last six months or so, Amanda, that is absolutely genuine. I can assure our listeners.

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So you commenced tribunal proceedings. Do you wanna speak to some of the challenges along the way to the ultimate result?

**Amanda Reitzin:** Sure. So at first, I was like, "Yes, I'll put my own application together, thank you." And then after about five minutes, I realized, "No, I really need help with this. And when I saw the completed application," I realized I was in no way, shape or form equipped to put this application together from, you know, a legal perspective. So, you know, shaping and framing and constructing that narrative was, you know, clearly that's your expertise. I believe Brent and Lynette did it themselves. Kudos to them. I could not have done it, you know, working full-time. I'm a mom looking after a house.

**Amanda Farmer:** Oh, I'll just jump in there. They did have legal representation, not a strata lawyer or someone who only practices strata law, but they did have a lawyer.

**Amanda Reitzin:** Okay, sure. There were a lot of challenges. When my neighbours finally realized that I was serious and they appointed their own legal representation, that felt very yucky inside. There was something very yucky that I thought, you know, this is not something where we need to engage legal counsel to resolve, you know, it's, it made no sense to me. The fact that we had to escalate it to such a, you know, DEFCON three to get this thing resolved seemed so unnecessary. And it also, to me, it signified that my attempts to reconcile it with them had completely broken down, which they had at that point. And that was upsetting for me as well. I really didn't want to get to that point.

Things got very crazy from then on in with their response. And I was very, very nervous about what they were going to say about me. And so one of the things that I took home from this process is what saved me was that I remained very professional throughout this whole process. I didn't send them nasty emails. Like they sent me a lot of very, very nasty emails throughout this whole process. I didn't say anything bad. I kept very calm. I diligently documented the details of every smoke drift. And two things that Brenton passed on were persistence and resilience. And so I practised that on a daily basis.

Things got very, very crazy, as you saw with their response. They tried every dirty trick in the book. They tried to discredit me, they tried to intimidate me, they tried to bully me. They tried desperately to dig some dirt on me. And I think the worst transgression that they could find was that I once hung a sheet over the balcony in defiance of the laundry by-laws. That was the worst thing I did apparently.

So they were really trying to paint the picture that, that I was in fact a horrible person. And they were the model citizens and they were just trying to live their lives. And they always followed by-laws and they always did everything perfectly and write. It was quite comical really. When you look back and read the sort of things that they wrote.

**Amanda Farmer:** I think one of the steps that was taken that impacted you the most, Amanda, if I can speak to it, was the issuing of a summons to your doctors and a request for the production of all of your medical records. I remember the day that that happened and how upsetting that was for you. Can you speak to that a little bit?

**Amanda Reitzin:** Absolutely. So of course one of the issues that I presented in my application in support of my case was I have asthma. It's not life-threatening, but I take ventin daily and I take a preventer daily. My neighbours were incredibly put out at the discovery of this fact. And in fact, all through their affidavits, they claim Amanda never told us she had asthma as if it made any difference. And the other smoking family living upstairs that they roped in to also submit testimonies in an attempt to try to discredit me.

Both of those people also in their affidavits said, "Amanda never told us she had asthma." So for some reason, they focused on this point and they honed in on this point that my health was the primary issue in the dispute, which it clearly wasn't. It is a very important issue and it was a very serious consequence of the daily smoke drift. And my asthma did deteriorate significantly during that time, but they chose to really unpick that and they took it to the absolute nth degree. One day they rocked up with their lawyer and submitted a letter that said something like, "We demand that you hand over the last year and a half worth of your medical records so that we can examine the evidence and determine whether you really do have asthma and where whether it really is as bad as you say it was."

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And I remember we had a very kind of detailed, comprehensive discussion about that, the pros and cons. You know, on the one hand, it was an absolutely gross invasion of my privacy that was not commensurate with the subject matter at hand. On the other hand, we've got nothing to lose. In fact, it wouldn't be fatal to the case at all.

So I think the decision was made that I would request the last 18 months' worth of medical record history and then I would just redact the things that did not relate to respiratory health. And that's exactly what I did. I got the list of appointments and all of the prescriptions and I just deleted the stuff that was irrelevant. And we sent that over and we thought that was going to be the end of it. And it sadly was not. And I remember in their letter where they requested the medical records, they gave us a two-week deadline and they said, "If you do not produce these records within the two-week deadline, we will issue a summons." And we did send the material within the two weeks and they ended up turning around and issuing the summons. Anyway.

That was incredibly distressing for me because first of all, because there was absolutely no reason for it because we had given them exactly what they had asked for and the records that we sent them clearly showed appointment on this date for asthma appointment on that date for an asthma prescription, for this new medication that I needed to take. I had to change up my preventor because the one I was on wasn't working. I had to buy a nebulizer for my home and bules because my asthma was so shocking that I was having trouble breathing at night. And not just that, but there were so many other things that I had consulted my GP about that had nothing to do with asthma that I had no control over them. Seeing now stuff relating to my mental health, relating to women's health, random things that would now be in their hands that they had no business knowing in the first place, that was incredibly upsetting for me. That was probably the lowest point for me looking back. It said more about them than it did about me.

But thankfully for some reason, the records never showed up, which was such a huge relief. And maybe I'm kind of, you know, imagining and thinking and wondering whether my GP said, "I'm not sending you that" and just kind of, you know, maybe forgot to send it, forgot. I'll just forget. I'll just forget to send that. I'm hoping anyway, but yes, that was a really low point and a really awful, nasty thing for them to do.

**Amanda Farmer:** Now the case did get listed for a full day's hearing before the tribunal and we were prepared, ready to go, you were ready to sit in the witness box and be cross-examined, tested on your evidence. We had requested other witnesses being relied on by your neighbour for cross-examination, but that day never came. How did this all get wrapped up, Amanda?

**Amanda Reitzin:** It's so funny. So I distinctly remember that that week, sort of the Wednesday, Thursday, and Friday before the Monday, because the hearing was scheduled for the Monday was very stressful and very tense. But we, it was a hive of activity. I remember I had a video conference with the other solicitor who was helping us, she was briefing me on, you know what not to do and this is how you conduct yourself in court. And we were all ready to rumble, I think. And so, I was excited because it was finally drawing to a conclusion.

And I remember so clearly it might have been about maybe quarter to four on Friday afternoon. No, it was before that. Earlier in the day, I think you had received an email from their solicitor saying, "White flag, we wave the white flag, we're giving up. Oh, we'll promise not to smoke on the balcony." And we wrote back and said, "That's great, but you can't just promise it. We need consent orders, please and thank you because what's not to say you're just going to start this up in six months time.

And I think you and I had a discussion and we said it's, it's too late. It's Friday, the hearing's on Monday, it's not gonna happen. But it happened. And a quarter to four on Friday afternoon, they agreed to submit to consent orders where they were legally bound not to smoke on the balcony and also burn incense on the balcony, which was another thing that they were doing to, I believe, to try and aggravate me and also to mask the smell of the cigarette smoke.

**Amanda Farmer:** Yes, we haven't talked about the incense, but that is important to note that because I think that's quite unusual and it's not the kind of order that I've seen in the past. So you were experiencing a nuisance from incense that was drifting from their balcony to yours. And as you say, Amanda, that suspected that that was to cover the smell of the cigarette smoke. But the ultimate order was indeed that neither one of your neighbours nor any of their visitors or invitees smoke or burn incense on the balcony.

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**Amanda Reitzin:** One of the things I remember very clearly, and I think one of the, something that I didn't realize throughout the course of the proceedings was litigation is not about winning. Litigation is coming to an agreement. And as part of that process, sometimes you have to compromise. So there were a couple of things that I had to compromise in this instance. Initially there was a little part of me that was a little bit disappointed, I'm not gonna lie, that we weren't going to proceed to a hearing and get those orders documented in the same vein as Brenda and Lynette's did. Because, you know, I felt throughout the whole process, I was battling it on my own. I was on my own, just me versus two, four adults. And I wanted to have my day in court. But at the same time, like you said, whether there was, you know, looking at the two options, having absolutely 100% guaranteed orders versus the uncertainty and the stress and the cost of a day hearing, having to be in the witness box, having to be submitted to cross-examination. I'm gonna take the easy way out, I'm sorry. And even though those orders will not be there as a precedent, that was going to be my other thing. I really wanted to strengthen those existing precedents. But the fact that my neighbours crumbled at the 11th hour meant that the existing precedents were strong enough and it was a testament to the weight of the Pittman-Newport case.

And I liked to think that perhaps their solicitor said something like, "Guys, you're not gonna win this." I like to think so. I don't know whether he actually said that, but I like to think that that's what happened. Because there's no way, there's no way any tribunal member would say, that's fine, you can smoke as long as you want. You can smoke anywhere. It doesn't matter if the smoke gets into other people's houses. We've got the precedent, we've got all these cases. We've got Gisks, lamming, all of these trailblazers who have gone before us and tested section 153. So I like to think that there was enough weight behind that. I just hope that at some stage, the Strato Schemes Management Act is updated to be a lot more prescriptive and not as subjective about cigarette smoke because at the moment it's still very wishy-washy and you still have to go through the rigmarole of everything that I went through with submitting applications and affidavits and printing them out and signing them and getting them witnessed. And just the weight of that every day hanging over you is very, very draining.

**Amanda Farmer:** Yes. And I do wanna challenge something that you said there earlier, Amanda. You said that you took the easy way out in agreeing to consent orders.

That's certainly not how I see it. The way I see it is those orders were there for you to accept and to enter into because you'd done the hard work, you'd done the hard work of setting up a very, very good case. And a lot of that work was down to what you did in keeping your very detailed diary in, keeping your records in communicating beautifully, as you said, always politely with others in the building and tapping into those precedents when it came to our legal submissions that all came together to present a compelling case before the tribunal, which I absolutely think the lawyer for your neighbours recognized and was informing their clients of the way that they thought things were gonna go. And that's the reason why that option was available to you. It's not always available to everybody.

**Amanda Reitzin:** Absolutely. It was the whole bundle.

**Amanda Farmer:** Now, the million dollar question, Amanda, these orders were made at the time we're talking, they were made a couple of months ago. How are things going at home?

**Amanda Reitzin:** Yes. I have not heard a peep from my next-door neighbours. They go down the street to smoke now, and in fact, I've heard them once or twice say, "Hey, I'm going down the road for a smoke." And I see them, they go all the way down and across the road and around the corner to smoke their cigarettes. Or the wife is not home during the day anymore. She leaves very early in the morning and doesn't come home until later in the days. So not a peep. And it's fantastic.

You know, I kind of put my life on hold in that 12 months thinking, I'm not gonna decorate, I'm not gonna renovate, I'm not going to do anything just in case it all goes pear-shaped and I do have to move. And now it's like, it actually feels like it was a million years ago.

Everything's so much more relaxed. We can have the balcony doors open during the day, but at the same time, it's very disappointing because all that stress and all that money and it was not cheap. It was very expensive. And I imagine they must have spent the same amount of money that I did to try to defend a position that was fundamentally indefensible.

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It had no tenable basis for their defence whatsoever. It's quite insane really when you think about it. Why go to all that trouble and stress and absolute waste of money to end up in the position that we would've been in 12 months ago if you'd just said, "I'm really sorry, I didn't realize my cigarette smoke was going into your house. I'll go down the street to smoke." if you'd just not been a jerk about it. And that's very disappointing to me. And I imagine, and I hope that they feel very, very silly about their behavior.

**Amanda Farmer:** Look, the words that popped into my head were, "I doubt it, but it doesn't matter." You are a person of great empathy, Amanda, and you are a person who finds it hard to understand why people act in irrational, illogical ways, but they do. And that is something that we all live within our world. The fact that you are so willing to share your story, and I know that you've done that online, I've shared a bit about it towards the end of last year with those in our community, both our Facebook community and inside our online membership community. You've been very generous in sharing your experience and I think that is just so important. You might not have that published decision as Brenton and Lynette do, but being here and talking about in such detail, your experience is just so powerful. So thank you for that.

Do you have any final messages, thoughts, or recommendations that you want to wrap up with for anyone who is listening who may be in a similar position, whether it's a nuisance from smoke drift or some other difficult seemingly intractable problem in their community? Some words of wisdom from you?

**Amanda Reitzin:** Oh gosh. So I can only speak really to smoking because that's really my main issue that I was beset with last year.

The law is on your side, always remember that. But it is up to you to do the hard work. You must be very diligent. You must approach it very pragmatically. You must take very detailed notes. You must be absolutely meticulous with your record keeping. Emails, your, your friend. So what I did early on was I sent an email to the strata manager to, to say, Hey, you know, what's the situation with the by-laws setting, setting the scene and making sure to email my other committee members to say, Hey, I've got a problem. What do you think we should do about it to show that I had really tried to resolve it before jumping into litigation? So diligence, persistence, and being professional at all times.

Do not ever say or do anything that might jeopardize or compromise or make you look bad as difficult as that was because I wanted to say all manner of terrible things to them. Staying calm and having some support too, because it can be a very, very lonely and isolating experience, particularly when your owners corporation is not on board as mine wasn't. And when your strata management company is not on board as mine wasn't, but they know now. They absolutely know now that, that they messed up. And I'm expecting full support from everyone at the next AGM, I shall let you know whether we do in fact adopt a smoke drift by-law in March. I'll keep you posted.

**Amanda Farmer:** Yeah, great idea. I was gonna ask you that if you are planning to propose that by-law again and the next AGM would certainly be a good time to be doing that. So let us know how you go.

**Amanda Reitzin:** We'll see how we go.

**Amanda Farmer:** Thank you so much for joining us, Amanda. And as I said, sharing your experience so openly, so generously, it is only going to benefit others who are living in others who are serving strata communities. Indeed our strata managers and our strata committees as well, who are receiving these communications from owners who are suffering to understand through this real-life story where these kinds of disputes might end up and the kind of stress, pain, heartache that they can cause for those who are in the middle of them.

So I wish you all the best and look forward to seeing you move onwards and upwards in strata.

**Amanda Reitzin:** Thank you so much and thank you so much to your amazing team as well.

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