Capital Integral
PROPERTY MANAGEMENT

OTTAWA-CARLETON STANDARD CONDOMINIUM CORPORATION NO. 931

TO: All Owners

DATE: June 22, 2020

FROM: The Board of Directors

RE: Rule Respecting Smoking Tobacco, Smoking Cannabis Vaping and Cannabis

Recently, a Questionnaire was circulated to Soho Lisgar Owners on the subject of Tobacco, Vaping and Cannabis use. The response was firmly in support of the Board proposition to prohibit the use of Tobacco, Vaping and Cannabis.

Given the Owners' level of support for this proposition, a rule has been prepared.

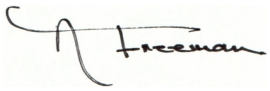
Please be advised that the Board has passed a new rule respecting smoking and vaping. The new rule was passed by resolution of the Board. A copy of the new rule is attached to this notice.

The Board proposes that the new rule will become effective on July 22, 2020, which is 30 days after this notice is given to the owners.

The new rule will become effective thirty days after the Board has given this notice to the owners (ie. on the date noted above) unless the Board receives, within those thirty days, a requisition from the owners of 15% of the units (in accordance with Section 46 of the *Condominium Act*) for a meeting to consider the new rule.

If a requisition is received within those thirty days, the requisitioned meeting will be called and the rule will then be effective only if the owners approve the rule (by ordinary vote) at that meeting of owners. [An "ordinary vote" is a majority of the votes cast with a quorum of at least 25% of the units represented in person or by proxy at the meeting.]

Yours very truly,
Board of Directors



Nadia Freeman, Vice President of Operations
Capital Integral Property Management
On Behalf of OCSCC 931

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Capital Integral
PROPERTY MANAGEMENT

June 22, 2020

To: **UNIT OWNERS, 300 LISGAR STR. OTTAWA ON, K2P 0E2**
OTTAWA-CARLETON STANDARD CONDOMINIUM CORPORATION No. 931

Re: NEW RULE - RULE RESPECTING SMOKING TOBACCO, SMOKING CANNABIS AND VAPING

Dear OCSCC 931 Owner;

On June 4, 2020, the Board of Directors has adopted a new Rule with respect to smoking Tobacco, smoking cannabis and vaping. The proposed new Rule is attached. As per Section 58.(6) of the **Condominium Act**, 1998. S.O. 1998, CHAPTER 19:

By-laws to be reasonable
The by-laws shall be reasonable and consistent with this Act and the declaration. 1998, c. 19, s. 56 (6).

The Rules will come into effect 30 days from the date of this letter, i.e. on June 22, 2020, unless the Board is in receipt of a requisition in writing requiring a meeting of the owners to consider the Rule. Procedures for requisitioning a meeting, according to Section 46.(1) of the **Condominium Act**, 1998. S.O. 1998, CHAPTER 19 are:

Requisition for meeting
46. (1) A requisition for a meeting of owners may be made by those owners who at the time the board receives the requisition, own at least 15 percent of the total units, are listed in the record maintained by the corporation under subsection 47 (2) and are entitled to vote. 1998, c. 19, s. 46 (1).

Form of requisition
(2) The requisition shall,

(a) be in writing and be signed by the requisitionists,

(b) state the nature of the business to be presented at the meeting, and

(c) be delivered personally or by registered mail to the president or secretary of the board or deposited at the address for service of the corporation. 1998, c. 19, s. 46 (2).

We thank you for your attention to this matter.

Regards,

Capital Integral Property Management
(As agents only for OCSCC 931)

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OTTAWA-CARLETON CONDOMINIUM CORPORATION NO. 931

("the Corporation")

CONDOMINIUM RULES respecting SMOKING TOBACCO, SMOKING CANNABIS AND VAPING

Date of Board Resolution June 4, 2020

Introduction

The following Rules respecting the use of the common elements and units are made to promote the safety, security and welfare of the Owners and of the property or for the purpose of preventing unreasonable interference with the use and enjoyment of the common elements and of other units. The Corporation may pass additional Rules or amend or delete existing Rules from time to time in accordance with the *Condominium Act, 1998*.

Definitions

Any words and phrases which are defined in the *Condominium Act, 1998* (as amended from time to time), or the Regulations thereunder or any successor thereto, ("the Act") shall have described to them the meanings set out in the Act.

1. Recitals respecting Smoking Tobacco, Smoking Cannabis and Vaping

WHEREAS:

(a) Second-hand smoke and vape are known to drift through walls, openings in walls and through ventilation systems, and to contaminate the air in common areas and individual units. It is not reasonably possible to completely prevent this migration of smoke and vape.

(b) Second-hand smoke and vape are known to be harmful to human health and/or to cause disturbance to many people. Furthermore, smoke is known to linger in contents and fixtures for significant periods of time.

(c) Smoking can also increase the risk of fire; and smoking can also result in added debris (such as butts) on the property.

(d) Condominium corporations have a duty to take reasonable steps to address risks of second-hand smoke and vape; and condominium corporations may otherwise pass Rules for the purposes set out in the Act.

(e) The Board has concluded that prohibiting smoking and vaping, as set out in these Rules, is a reasonable way to protect residents (and their guests) from the above-noted risks.

2. Effective Date of These Rules

The effective date of these Rules is July 22, 2020.

3. General

3.1 Any losses, costs or damages incurred by the Corporation by reason of a breach of these Rules by any Owner, his or her family, guests, servants, agents, tenants or occupants of his or her unit shall be borne by such Owner and may be recovered by the Corporation against such Owner in the same manner as common expenses in accordance with the provisions of the Corporation's Declaration. Without limiting the generality of the foregoing, such losses, costs or damages shall include, but shall not necessarily be limited to, the following:

(b) All legal costs incurred by the Corporation in order to enforce, or in attempting to enforce, the Act, Declaration, By-laws or Rules;

(c) An administration fee in the amount of $75.00*, to be payable to the Corporation for any violation that continues after initial notice has been sent, and further administration fees of $75.00* per month, for each month during which the violation continues or is repeated.

[*NOTE: This administration fee represents actual costs reasonably estimated to be incurred by the Corporation as a result of a violation of the Act, Declaration, By-laws or Rules; and may be reasonably increased, from time to time, by Board resolution.]

3.2 No restriction, condition, obligation or provision contained in any Rule or Rules of the Corporation shall be deemed to have been abrogated or waived by reason of any failure to enforce the same irrespective of the number of violations or breaches thereof which may occur.

3.3 Each of these Rules shall be deemed independent and severable and the invalidity or unenforceability in whole or in part of any one or more of these Rules shall not impair or affect in any manner the validity, enforceability, or effect of the remaining part of that Rule (if appropriate) or of the Rules, and in such event, the other part of the Rule (if appropriate) or the other Rules shall continue in full force and effect as if such invalid Rule or part of a Rule had never been included herein.

4. Additional Definitions

4.1 Smoking

Smoking includes the inhaling, breathing, carrying, or possession of any lighted cigarette, cigar, pipe, other product containing any amount of tobacco, cannabis, shisha, incense or

other smoke-producing substance, or any other similar heated or lit product, and includes vaping with electronic cigarettes or any other activities that create smoke.

4.2 Cannabis

Cannabis has the common meaning of that term under Ontario law and includes any plant belonging to the genus *Cannabis* as well as any of the preparations (such as marijuana or hashish) derived from a cannabis plant, or any other substance containing chemicals (such as THC - *Tetrahydrocannabinol*) that are derived from a cannabis plant.

5. No Smoking and Vaping on Common Elements

5.1 Smoking and vaping are not permitted in, on, or around any part of the common elements, including all exclusive-use common elements and balconies, patios, pool area and the front seating area of the hotel.

6. No Smoking and Vaping in Units

6.1 Smoking and vaping are not permitted in any unit, except for those units whose residents have been grandfathered in accordance with the following terms and conditions:

GRANDFATHERING

A. Subject to Paragraphs B through G, the prohibition with respect to smoking and vaping set out in this Rule 6.1 does not apply to any resident who is a tobacco smoker and/or a vaper and was residing in one of the units on the effective date of these Rules.

B. For the within grandfathering to apply, the resident must register with the Corporation on or before the Thirtieth (30th) day following the effective date of these Rules. To register with the Corporation, the resident must provide the Corporation with the following information:

a) Full Name

b) The unit Number

C. All guests or visitors of Registered Residents (residents who have registered with the Corporation in accordance with paragraph B above) shall also be exempt from the smoking and vaping prohibition (in relation to smoking and vaping) described in this Rule 6.1.

D. The grandfathering only applies to the smoking and vaping in the units. A grandfathered resident is not permitted to smoke or to vape on any portion of the common elements where smoking and vaping are prohibited by this Rule.

E. Grandfathered residents must take reasonable steps to ensure that the smoke or vape do not migrate to the common elements or to other units (which could cause nuisance, disturbance or harm to other residents of the building, or their guests). Without limiting the generality of the foregoing, the smoker/vaper must ensure that:

a) all windows and exterior doors are closed when smoking or vaping takes place inside the unit;

b) the unit's exhaust fans are turned on, while anyone is smoking or vaping in the unit; AND

c) appropriate air filtering and/or purifying is installed to prevent second-hand smoke/vape from entering neighbouring units or the common elements.

F. Grandfathered residents are responsible for all costs incurred by the corporation to prevent migration of smoke/vape or odours from the resident's unit to other units or the common elements.

G. The grandfathering shall continue only until:

(b) The date on which the grandfathered resident ceases to reside on the property and/or two years after the Rule is in effect.

Thereafter, the said Rule 6.1 will apply fully to all occupants of the unit, and their guests.

7. <u>Previous Rules</u>

Where any provision in this Rule is inconsistent with the provisions of any previous Rule, the provisions of this Rule shall prevail, and the previous Rule shall be deemed to be amended accordingly.