

CARLETON CONDOMINIUM CORPORATION NO. 289

BY-LAW NO. 9

ARTICLE I – DEFINITIONS

The terms used herein shall have ascribed to them the definitions contained in the *Condominium Act 1998*, (the “Act”).

ARTICLE II – THE REGISTER

The Corporation shall keep a register recording the name and address of the Owner of each Unit and of each mortgagee who has notified the Corporation of his interest in the property. The address of the Owner shall be the address of his Unit unless he has given notice to the Corporation of a different address.

ARTICLE III – AUTHORITY OF CORPORATION

The Corporation shall have all powers specified in section 56 of the Act including, without limiting the generality of the foregoing, the power to borrow money and the power to object to assessments under the Assessment Act on behalf of Owners.

ARTICLE IV - BOARD OF DIRECTORS

1. Number and quorum

The number of directors shall be seven, of whom four shall constitute a quorum. One of the seven shall be elected exclusively by Owners of owner-occupied Units.

2. Nominations

A nominating committee composed of five Owners, at least two of whom are not members of the Board, shall be appointed by the Board prior to each annual general meeting. No person who proposes to run for election shall serve on the committee. The committee shall prepare a list of candidates for election to the Board which shall be sent to Owners with the notice of the annual general meeting. Further nominations may be made in writing signed by the nominee and three Owners in good standing and delivered to the Board at least five days prior to the date set for the meeting. A list of all candidates shall be posted in the lobby of the Building three days prior to the meeting. Nominations not in accordance with this provision shall not be considered.

3. Elections and Term of office

Nominees shall be eligible for all positions. When a vacancy is to be filled in the position reserved for election by Owners of owner-occupied units that election shall be held prior to the general election for other positions. Directors shall be elected for a term of three years except that if there are more than two positions to be filled in addition to that reserved for election by Owners of owner-occupied units those receiving the two highest number of votes in the general election shall be elected for three years and any remaining positions shall be filled for a term of two years. When a vacancy occurs prior to the expiration of a member's term the Board may appoint a replacement whose term shall continue until the next annual general meeting.

4. Calling of meetings

The Board may set a day or days for regular meetings. A copy of any resolution fixing such dates shall be sent to each director and no other notice shall be required. The President or any four directors may call a meeting at any time. Notice of such meetings shall be given personally or by ordinary mail to each director not less than forty-eight hours before the time when the meeting is to be held. Such notice may be waived if all directors are present and consent to the holding of such meeting or if those absent have waived notice or agreed in writing to the holding of such meeting. Meetings may be held by teleconferencing.

ARTICLE V - OFFICERS

1. Designation of Officers

At the first meeting of the Board after the annual general meeting the Board shall elect from among its members a President, Vice-President, Secretary, and Treasurer. Any two of these positions may be combined. These officers shall serve until the first meeting of the Board following the next annual general meeting.

2. Duties of Officers

The President shall preside at all meetings of the Board and shall be charged with the general supervision of the affairs of the Corporation.

The Vice-President shall perform the duties of the President in his absence.

The Secretary shall keep the records of the Corporation and arrange for the distribution of notices to Owners and directors.

The Treasurer shall oversee the accounts and financial transactions of the Corporation.

3. Agents and Attorneys

The Board shall have the power to appoint agents or attorneys with such powers as may be thought fit.

ARTICLE VI - ADMINISTRATIVE ARRANGEMENTS

1. Banking

The Board shall make arrangements for a bank, trust company, and/or other financial institution to handle its financial affairs and may designate directors or agents to transact business on its behalf.

2. Execution of Instruments

Contracts and financial instruments shall be signed by the President or such other officer or agent as may be authorized by the Board subject to such conditions as the Board may impose.

3. Financial Year

The financial year of the Corporation shall begin on June 1st of each year.

4. Assessments

Prior to the beginning of each financial year the Board shall prepare a budget providing an estimate of expenses related to the Common Elements as well as a provision for contributions to the Reserve Fund. A notice of assessment shall be issued to each Owner with a summary of the budget and setting out his share of the expenses payable.

5. Payment of Annual Assessments

Each Owner shall be obliged to pay his share of the annual assessment in twelve equal monthly installments on the first day of the month. Each Owner shall meet this obligation by furnishing a set of twelve post-dated cheques to the Corporation or by authorizing the Corporation to draw the funds directly from the Owner's designated account at a financial institution.

6. Extraordinary Expenditures

The Board may at any time serve notices of further assessments if it considers that expenditures are required which have not been provided for in the annual budget and for which sufficient funds are not available. Any such notice shall set out the reason for the assessment.

7. Arrears

Arrears of payments due to the Corporation by an Owner shall be liable to a penalty of \$25 plus, for each day any such payment is overdue, interest at the rate of two percent per month. Arrears include payment default through dishonoured cheques or rejected bank transfer requests.

ARTICLE VII – RESPONSIBILITY FOR INSURANCE DEDUCTIBLE

Pursuant to section 105(3) of the Act each Owner shall indemnify and save harmless the Corporation from any deductible under the Corporation's insurance policy resulting from a negligent act or omission of the Owner, his guests, agents, or occupants of his Unit whether such loss is attributable to damage to the Unit, to other units, or to the Common Elements.

ARTICLE VIII – DIRECTORS AND OFFICERS INSURANCE

The Corporation shall obtain and maintain coverage indemnifying its directors and officers against liability for their actions in performance of the duties of their office in an amount equal to that provided for under the public liability and property damage coverage and shall be on a "claims made" basis with equal applicability to past and present directors and officers.

ARTICLE IX - UNIT FOR SUPERINTENDENT

The cost of operating and maintaining the Unit purchased by the Corporation for the purpose of providing a residence for the building's superintendent shall be a Common Expense. The Board is authorized to assess Common Expenses against Owners in differing amounts to reflect financing costs associated with this purchase according to the time over which each Owner chooses to pay his proportionate share of total costs.

ARTICLE X – STANDARD UNIT

[repealed by By-law No. 11]

ARTICLE XI – MISCELLANEOUS PROVISIONS

1. Invalidity

The invalidity of any part of this by-law shall not impair or affect in any manner the validity and enforceability or effect of the balance thereof.

2. Gender and number

The use of the masculine gender in this by-law shall be deemed to include the feminine and neuter genders and the use of the singular shall be deemed to include plural wherever the context so requires.

3. Waiver

No restriction, condition, obligation, or provision contained in this by-law 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.

4. Headings

The headings in the body of this by-law form no part thereof but shall be deemed to be inserted for convenience of reference only.