

CARLETON CONDOMINIUM CORPORATION NO. 286

MINUTES OF THE MEETING OF Wednesday, October 25, 2017

HELD: Wednesday, October 25, 2017

PLACE: Unit #1 - 275 Charlotte Street

PRESENT: Howard Simkover
Brian Staples
David Mulrooney

Also in Attendance:

Réjean D'Aoust, Capital Integral Property Management

Anne Makuch, Capital Integral Property Management

1. Call to Order:

The meeting was called to order by the President, Howard Simkover, at 5:33 p.m.

2. Past Minutes:

The Minutes of the Board meeting held on July 26, 2017 were reviewed and approved.

Motion/ Seconded: David Mulrooney / Brian Staples
Carried.

3. Treasurer's Report:

- a) The detailed financial reports for the months of June, July, August and September 2017 were reviewed and approved.

Motion/ Seconded: Howard Simkover / Brian Staples
Carried.

- b) The Notice to Reader financial statements for the Fiscal Year that ended on May 31, 2017 were completed by our CA Firm, *Guindon Charron*, and have been distributed to all Owners.
- c) Due to the continuing low interest rate environment, whereby we are earning less on our investments than is anticipated in the current Reserve Fund Study, the Board has deemed it prudent to make an additional contribution to the Reserve Fund of \$1,800. These funds will be taken from our total accumulated Operating Surplus; therefore there will be no impact on the Owners or the monthly condominium fees.

Motion/ Seconded: Howard Simkover / David Mulrooney
Carried.

4. Business Arising from the Meeting of July 26, 2017

- Vestibule door - The new "panic bar" and associated mechanisms for the vestibule door in the front lobby was installed in September, at a total cost (including HST) of \$1,529. We expect the new panic bar to last for many years.
- Chimney inspection & cleaning – The annual chimney inspection and cleaning was completed on September 16, 2017, at a cost (including HST) of \$435.

5. New Business:

- Irrigation System - The automatic irrigation system was turned down for the winter by Cityscape on October 10, 2017.
- Sodium lights - The sodium lights that provide additional security at the rear of the building are being replaced and upgraded to LED lighting.
- Other Maintenance Items – The Board requested the Property Manager to arrange for two small maintenance items - staining part of the inside vestibule door (under the panic bar), and adding new, magnetic "door stops" at the bottom of the metal doors from the garage into the front lobby and rear stairwell.
- Sidewalk repair – The City of Ottawa has patched the sidewalk near the front stairs of the building, on Charlotte St. The Board had requested this repair several months ago, and the City has now carried out the work.

- Elevator Inspection – The Board engaged an Elevator Consultant (PNA Elevator Consultants) at a cost of \$1,017 (including HST) to conduct an inspection of our elevator and to make recommendations. The inspection was performed on October 10th. The report has been received from the consultant and it indicates that, due to low use for many years, the elevator is in good shape and can be expected to last another 3 – 5 years before it will need to be modernized/replaced.

This being said, the Board is well aware of the difficulties we have been having with the elevator during 2017, whereby it goes out of service periodically. We have made numerous efforts with Otis, who have the maintenance contract, to address this problem. The Consultant's report makes recommendations to fix the problem, and these recommendations have been provided to Otis.

Our 5 year maintenance contract with Otis runs to May 31, 2018. The Board made a decision to re-engage PNA Elevator Consultants to prepare maintenance specification documents, invite elevator companies to bid on the next contract, analyze the tenders submitted, and provide recommendations to the Board for the next contract award (to start on June 1, 2018). Our cost for this re-engagement of PNA Elevator Consultants will be \$1,017, including HST.

- New Condominium Act – The Board recently provided a letter to all Owners explaining some of the implications of the *Protecting Condominium Owners Act, 2015* which starts to take effect on November 1, 2017. Owners are encouraged to read about the Act, using the website of the *Condominium Authority of Ontario*: <http://www.condoauthorityontario.ca>
- New Rules for CCC 286 - Following discussion, the Board approved two new Rules for the Condominium (*Carbon Monoxide Monitors* and *Use of the Units, and Short Term Leases*). The Board also approved the wording of a letter to all Owners. The letter, which includes the new Rules as an appendix, is **attached** to these Minutes and forms part of the Minutes. In accordance with the *Protecting Condominium Owners Act, 2015*, the two new Rules will take effect 30 days after the release of these Minutes to Owners, that is, on November 27, 2017.

Motion/ Seconded: Howard Simkover / David Mulrooney
Carried.

6. Bring Forward Items

- None at this time

7. Next Meeting

Wednesday, January 31, 2018

Place: Unit #9 – Howard Simkover's Unit

Time: 5:30 p.m.

8. Adjournment

As there was no further business, the meeting was adjourned at 6:37 p.m.

Approved on behalf of the Board of Directors:

President

Secretary

Attachment

New Rules for CCC 286

Carleton Condominium Corporation No. 286

275 Charlotte Street
Ottawa, Ontario K1N 9L1

October 28, 2017

TO: All Owners in 275 Charlotte St., CCC No. 286

Subject: Changes to our Rules & Regulations

The *Protecting Condominium Owners Act*, 2015 (referred to herein as the *Act*) gives the authority to condominium Boards of Directors to create and amend the Rules that are applicable to the condominium. Section 58(1) of the *Act* states:

(1) The board may make, amend or repeal rules under this section respecting the use of the units, the common elements or the assets, if any, of the corporation to,

(a) promote the safety, security or welfare of the owners and of the property and the assets, if any, of the corporation; or

(b) prevent unreasonable interference with the use and enjoyment of the units, the common elements or the assets, if any, of the corporation.

Section 58(2) of the *Act* states that the Rules “...shall be reasonable and consistent with this Act, the declaration and the by-laws”.

In accordance with the *Act*, we are providing in *Appendix B* copies of Section 46 and Section 58 of the *Act*.

As explained in the Board of Directors Minutes of October 25, 2017, as part of our ongoing review of the Rules & Regulations, the Board has decided to make some changes to the Rules.

1. Carbon Monoxide Monitors

In 2015, the Province of Ontario passed legislation that requires all residences with a fireplace to have a carbon monoxide (CO) monitor. In order to bring our building into compliance by the October 2015 deadline, the Board decided, on a one-time basis only, to purchase CO monitors for the Units and to provide them to each Unit that did not have a CO monitor. The law and the associated regulations make it very clear, however, that the responsibility to have a CO monitor is that of the Owner, not the Condominium Corporation. Any Owner who is found by the City of Ottawa fire inspectors to be out of compliance, whether that Owner uses his/her fireplace or not, may be subject to a fine.

The Board has decided to provide further clarity for our Owners and Residents by adding a Rule that specifies the need for a working CO monitor, if the Unit has a fireplace.

2. Use of the Units, and Short Term Leases

<p><u>Note:</u> This proposed Rule has been implemented in other Condominiums in Ontario and Ottawa, and the wording has been tested in the Courts.</p>

For further clarity regarding the leasing of Units, the Board of Directors has passed a Rule prohibiting, with limited exceptions, the leasing of Units for less than six (6) months, and prescribing the obligations of Owners who lease their Units.

The Board passed this new rule as a result of concerns about the proliferation of Internet sites, e.g. “Airbnb”, that facilitate short-term accommodation rentals and the implications that short-term leases represent for the safety and security of building residents.

The other change we are making with this Rule is to specify, with additional information, that Units in our building may only be occupied and used as a “private single family residence.”

Article 10.1(a) of our Declaration already states that “*Each unit shall be occupied and used only as a private single family residence by the Owner or tenant of the Unit, his family and guests and for no other purpose...*” But the Declaration, which was written in 1984 by the lawyers for the original Developer who constructed the building, does not provide a definition of a “family” and thus leaves the interpretation open to debate. The new Rule provides a clear definition of a “family”, using wording that has been tested in the Courts.

The intention of the Rule is to avoid a situation where a Unit is occupied by numerous unrelated parties, which the Board does not believe would be in the best interests of our Condominium, since the situation would become more like a “rooming house” than a condominium. The proliferation of rooming houses has been an ongoing issue in our Sandy Hill neighbourhood for many years, and has drawn the attention of the City of Ottawa and Action Sandy Hill.

Please note that any existing occupants of the building on the date that this Rule comes into effect would be “grandfathered”. However, new occupants of any Unit who are not members of a “family,” as defined in the Rule, would not be permitted after the date that the Rule comes into effect.

The Rule gives the Board flexibility to grant exceptions. This is primarily to allow unrelated caregivers to live with residents, if required. Guests to a Unit would continue to be permitted, and there is no intention to prohibit guests, be they friends, professional colleagues, other relatives, etc.

Attached to this letter as *Appendix A* is a copy of the new Rules, which were passed by the Board of Directors at its meeting of October 25, 2017.

The Board is proposing that the amended Rules become effective on **November 27, 2017**, unless a sufficient number of Owners requisition a meeting under Section 46 of the *Act*.

In brief, if a meeting is requisitioned by at least 15% of Owners (i.e. two Units) within 30 days of this letter, i.e. by November 28, 2017, the Board will call a meeting of all the Owners within a further 40 days. At such a requisitioned meeting, subject to a quorum of 25% of the Owners (i.e. three Units), the proposed Rules can be adopted, amended or repealed by a majority vote of Owners present in person or by proxy. As per Section 46(2) of the *Act*, requests to requisition a meeting must be in writing and delivered to the President (Howard Simkover) or the Secretary (David Mulrooney), personally or by registered mail.

If you have any questions on this letter, please contact any Board member (Howard Simkover, Unit #9, Brian Staples, Unit #1, David Mulrooney, Unit #5).

Yours truly,

Board of Directors
CCC 286

New Rules

Rule #29

Carbon Monoxide Monitors

The Owner of each Unit that has a fireplace is required to have a working carbon monoxide monitor in the Unit. Any costs associated with the carbon monoxide monitor are to be funded by the Owner.

Rule #30

Rule Respecting Use of Units, including Leases

This Rule respecting the use of CCC #286 Units is made to promote the safety, security and welfare of Owners and the property, and for the purpose of preventing unreasonable interference with the use and quiet enjoyment of the common elements and of other Units.

A. Use of Units

Each Unit shall be occupied and used only as a private single family residence, which may include a home office, and for no other purpose.

For the purposes of this Rule, a “family” means:

- i. a social unit consisting of parent(s) and their children, whether natural or adopted;
- ii. a person who is single; OR
- iii. two persons who are married to one another or are living together in a conjugal relationship;

and includes other relatives if living with the persons defined in i, ii, and iii, above.

Applications for exceptions to the above definition of a family will be considered by the Board of Directors of CCC #286 on a case by case basis.

B. Grandfathering of Existing Occupants

Notwithstanding the foregoing, this Rule shall not apply to prevent an occupant who was occupying one of the Units on the effective date of this Rule from continuing to occupy the Unit, PROVIDED THAT within 30 days of the effective date of this Rule:

- i. the Corporation receives written notice (signed by the occupant) stating that the occupant was residing in the Unit on the effective date of this Rule; AND
- ii. in the case of a tenant, the landlord has complied with Section 83 of the *Protecting Condominium Owners Act, 2015* in relation to the particular tenancy¹.

¹ 83 (1) The owner of a unit who leases the unit or renews a lease of the unit shall, within 10 days of entering into the lease or the renewal, as the case may be,

(a) notify the corporation that the unit is leased;

C. Leasing of Units

The phrase “private single family residence” shall also specifically prohibit:

- i. hotel or boarding or lodging house use (including time shares, a bed and breakfast, “Airbnb” or similar use);
- ii. any transient use of the Units, including, but without limiting the general meaning, any licence, lease, sublease or other occupancy for a planned duration of less than six (6) months;

Any lease, tenancy or other occupancy of a Unit by someone other than the Owner (including any sublease) shall be for a term of not less than six (6) months.

Exceptions

- i. The foregoing does not prohibit the accommodation of visitors/house sitters in the Unit without receipt of payment or other consideration, where that accommodation is incidental to and normally associated with permitted single family use of a dwelling unit.
- ii. The term of a tenancy may be for less than six (6) months where the Owner has a *bone fide* intention to complete a sale of the Unit at the conclusion of the tenancy.

Additional provisions:

- Owners leasing their Units shall advise the Corporation's Property Manager, with a copy to the Board of Directors, of their intent to lease their Unit at least one month in advance of advertising or renting the premises.
- The Owner of a leased Unit is required to give the Corporation's Property Manager his/her mailing address and email address, if applicable, in order that official documents (e.g. financial statements, notice of meetings) can be sent to his or her residence or place of business, or via email.

(b) provide the corporation with the lessee's name, the owner's address and a copy of the lease or renewal or a summary of it in the form prescribed by the Minister; and

(c) provide the lessee with a copy of the declaration, by-laws and rules of the corporation.

(2) If a lease of a unit is terminated and not renewed, the owner of the unit shall notify the corporation in writing. 1998, c. 19, s. 83 (2).

Appendix A – Sections 46 and 58 of the Act, 2015

Requisition for meeting

46. (1) Subject to subsection (2), a requisition for a meeting of owners can only be made by those owners who, at the time the board receives the requisition,

- (a) own at least 15 per cent of the units;
- (b) appear in the record of the corporation required by section 46.1 or are required by that section to appear in that record; and
- (c) have no contributions to the common expenses payable for their units that have been in arrears for 30 days or more. 2015, c. 28, Sched. 1, s. 40.

Meeting re director in reserved position

(2) If the nature of the business to be presented at a meeting of owners includes the removal or the election of a director who occupies a position on the board described in subsection 51 (6), a requisition made by owners for the meeting can only be made by those owners who, at the time the board receives the requisition,

- (a) own at least 15 per cent of the non-leased voting units in the corporation;
- (b) appear in the record of the corporation required by section 46.1 or are required by that section to appear in that record; and
- (c) have no contributions to the common expenses payable for their units that have been in arrears for 30 days or more. 2015, c. 28, Sched. 1, s. 40.

Saving

(3) If a requisition made under subsection (2) does not meet the requirements of that subsection but does meet the requirements of subsection (1), the meeting may proceed for the transaction of any business pursuant to subsection (1) but not for the removal or the election of a director as described in subsection (2). 2015, c. 28, Sched. 1, s. 40.

Purpose of meeting

(4) A requisition for a meeting of owners may be called for any of the following purposes:

1. An information meeting of owners being a meeting at which no vote shall be taken on any matter other than routine procedure.
2. The removal or the election of one or more of the directors.
3. Any other purpose for which this Act or the regulations permit the owners to requisition a meeting of owners. 2015, c. 28, Sched. 1, s. 40.

Form of requisition

(5) The requisition shall contain the prescribed information and shall be in the prescribed form. 2015, c. 28, Sched. 1, s. 40.

Delivery of requisition

(6) The requisition shall 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 or as is otherwise prescribed. 2015, c. 28, Sched. 1, s. 40.

Response of board

(7) Subject to subsection (8), upon receiving a requisition, the board shall, within 10 days or such other time period, if any, that is prescribed, respond to the requisitionists in writing, in accordance with subsection (9), stating that,

- (a) the board will call and hold a meeting of owners for the transaction of business in the requisition; or
- (b) the board will not call and hold a meeting of owners for the transaction of business in the requisition and state why, according to the board, the requisition does not comply with any or all of subsections (1) to (6). 2015, c. 28, Sched. 1, s. 40.

Withdrawal of requisition

(8) The board is not required to respond to a requisition under subsection (7) if the requisitionists have withdrawn it in accordance with the regulations, if any. 2015, c. 28, Sched. 1, s. 40.

Delivery of response

(9) In responding under subsection (7), the board shall deliver its response to the requisitionists at their address for service given in the requisition or as is otherwise prescribed. 2015, c. 28, Sched. 1, s. 40.

Default response

(10) If the board does not respond to the requisitionists as required by subsection (7), the board shall be deemed to have responded to the requisitionists as described in clause (7) (a). 2015, c. 28, Sched. 1, s. 40.

Calling meeting

(11) Subject to subsection (12), if the board responds or is deemed to have responded as described in clause (7) (a), the board shall,

- (a) if the requisitionists so request in the requisition or consent in writing, add the business to be presented at the meeting to the agenda of items for the next annual general meeting that, in accordance with this Act, is scheduled to be held, as determined by the board or as determined in the prescribed manner,
 - (i) at least 40 days after the end of the time period that the board has to respond to the requisitionists under subsection (7), in the case of a request,
 - (ii) at least 40 days after the consent is given, in the case of a consent; or
- (b) otherwise call and hold a meeting of owners within 40 days after the end of the time period that the board has to respond to the requisitionists under subsection (7). 2015, c. 28, Sched. 1, s. 40.

Withdrawal of requisition

(12) The board shall not do anything required by clause (11) (a) or (b) if the requisitionists withdraw the requisition in accordance with the regulations, if any, before the next annual general meeting described in that clause (a) or the meeting described in that clause (b), as the case may be, is held. 2015, c. 28, Sched. 1, s. 40.

Revised requisition

(13) If the board responds as described in clause (7) (b), the requisitionists may, within 10 days or such other time period, if any, that is prescribed, revise the requisition in accordance with the regulations and deliver or deposit it in accordance with subsection (6). 2015, c. 28, Sched. 1, s. 40.

Procedure

(14) Subsections (6) to (12) apply to a revised requisition as if it were a requisition mentioned in those subsections. 2015, c. 28, Sched. 1, s. 40.

Abandonment

(15) If the board responds to an original requisition or a revised requisition as described in clause (7) (b), the requisitionists shall be deemed to have abandoned the original requisition or the revised requisition, which shall then have no force and effect, unless,

- (a) they deliver or deposit a revised requisition in accordance with subsections (13) and (14); or

- (b) within 20 days or such other time period, if any, that is prescribed, they,
 - (i) apply, in accordance with Part I.2, to the Condominium Authority Tribunal established under that Part for resolution of the original requisition or the revised requisition as a matter in dispute, if the Tribunal has been established under that Part and the application may be made under that Part, or
 - (ii) apply to the Superior Court of Justice for resolution of the original requisition or the revised requisition, if the Condominium Authority Tribunal has not been established under Part I.2 or the application described in subclause (i) may not be made under that Part. 2015, c. 28, Sched. 1, s. 40.

Record of owners and mortgagees

46.1 (1) A corporation shall maintain the record required by subsection (3). 2015, c. 28, Sched. 1, s. 41.

Notice of owner's name and unit

(2) As soon as reasonably possible upon becoming an owner in a corporation and, in any event, no later than 30 days after becoming an owner in a corporation, the owner shall give notice to the corporation in writing, setting out the owner's name and, in accordance with the regulations, identifying the owner's unit. 2015, c. 28, Sched. 1, s. 41.

Record of owners and mortgagees

(3) A corporation shall maintain a record of,

- (a) the owner's name and the identification of the unit, if an owner, at any time, gives notice to the corporation in writing, setting out the owner's name and, in accordance with the regulations, identifying the owner's unit;
- (b) the owner's address for service if,
 - (i) an owner who has given the notice described in clause (a), notifies the corporation in writing, at any time, of the owner's name and address for service, including any change in the address for service, and
 - (ii) the owner's address for service is in Ontario;
- (c) the mortgagee's name, the identification of the unit and the mortgagee's address for service, if,
 - (i) a mortgagee, at any time, gives notice to the corporation in writing, setting out the mortgagee's name and, in accordance with the regulations, identifying the unit that is the subject of the mortgage,
 - (ii) under the terms of the mortgage, the mortgagee has the right to vote at a meeting of owners in the place of the unit owner or to consent in writing in the place of the unit owner,
 - (iii) the mortgagee notifies the corporation in writing of the right described in subclause (ii) and the mortgagee's address for service, including any change in the address for service, and
 - (iv) the mortgagee's address for service is in Ontario;
- (d) if an owner described in clause (a) agrees to a method of electronic communication under clause 47 (4) (c) and communicates that agreement to the corporation in writing, the name of the owner and a statement of that method; and
- (e) if a mortgagee described in clause (c) agrees to a method of electronic communication under clause 47 (5) (c) and communicates that agreement to the corporation in writing, the name of the mortgagee and a statement of that method. 2015, c. 28, Sched. 1, s. 41.

Duty to update record

(4) A corporation that receives a notification or communication described in subsection (2) or (3) shall update its record to reflect the notification or communication as soon as reasonably possible after receipt or within such other period of time that the by-laws of the corporation provide. 2015, c. 28, Sched. 1, s. 41.

Use of record

(5) A corporation shall use the record for the purposes of this Act, and no other purpose. 2015, c. 28, Sched. 1, s. 41.

Rules

58 (1) The board may make, amend or repeal rules under this section respecting the use of the units, the common elements or the assets, if any, of the corporation to,

- (a) promote the safety, security or welfare of the owners and of the property and the assets, if any, of the corporation; or
- (b) prevent unreasonable interference with the use and enjoyment of the units, the common elements or the assets, if any, of the corporation. 2015, c. 28, Sched. 1, s. 54 (1).

Rules to be reasonable

(2) The rules shall be reasonable and consistent with this Act, the declaration and the by-laws. 1998, c. 19, s. 58 (2).

Same, proposed rules

(3) Rules proposed by the declarant before the registration of a declaration and description shall be reasonable and consistent with this Act, the proposed declaration and the proposed by-laws. 1998, c. 19, s. 58 (3).

Inconsistent provisions

(4) If any provision in a rule or a proposed rule is inconsistent with the provisions of this Act, the provisions of this Act shall prevail and the rule or proposed rule, as the case may be, shall be deemed to be amended accordingly. 1998, c. 19, s. 58 (4).

Amendment by owners

(5) The owners may amend or repeal a rule at a meeting of owners duly called for that purpose. 1998, c. 19, s. 58 (5).

Notice of rule

(6) Upon making, amending or repealing a rule, the board shall give a notice of it to the owners that includes,

- (a) a copy of the rule as made, amended or repealed, as the case may be;
- (b) a statement of the date that the board proposes that the rule will become effective;

- (c) a statement that the owners have the right to requisition a meeting under section 46 and the rule becomes effective at the time determined by subsections (7) and (8). 1998, c. 19, s. 58 (6); and
- (d) a copy of the text of section 46 and this section.

When rule effective

(7) Subject to subsection (8), a rule is not effective until the following time:

1. If the board receives a requisition for a meeting of owners under section 46 within 30 days after the board has given notice of the rule to the owners, the earlier of,
 - i. the time at which a quorum is not present at the first attempt to hold the meeting, and
 - ii. the time at which a quorum is present at the first attempt to hold the meeting and the owners do not vote against the rule at the meeting.
2. If the board does not receive a requisition for a meeting of owners under section 46 within the 30 days after the board has given notice of the rule to the owners, the day after that 30th day. 2015, c. 28, Sched. 1, s. 54 (3).

Same

(8) A rule or an amendment to a rule that has substantially the same purpose or effect as a rule that the owners have previously amended or repealed within the preceding two years is not effective until the owners approve it, with or without amendment, at a meeting duly called for that purpose. 1998, c. 19, s. 58 (8).

Same, proposed rule

(9) Despite subsection (7), a rule proposed by the declarant before the registration of the declaration and description shall be effective until it is replaced or confirmed by a rule of the corporation that takes effect in accordance with subsection (7). 1998, c. 19, s. 58 (9).

Compliance

(10) All persons bound by the rules shall comply with them and the rules may be enforced in the same manner as the by-laws. 1998, c. 19, s. 58 (10).