

OTTAWA-CARLETON STANDARD CONDOMINIUM CORPORATION NO. 687

RULE

BE IT ENACTED as Rule (being a Rule to clarify maintenance and repair responsibilities in relation to the fan coils) of Ottawa-Carleton Standard Condominium Corporation No. 687 (hereinafter referred to as the "Corporation") as follows:

WHEREAS:

- I. Each unit receives heating and cooling from one or more "fan coils" which are connected to a building-wide system that circulates either hot or cold water to the fan coils (depending upon the season).
- II. Each fan coil is located outside the drywall of an outer wall of the unit, within a pipe or duct chase which contains pipes for the water circulation system that is connected to the fan coils.
- III. Schedule "C" of the Declaration states that the unit boundaries include the following:

"The backside surface of the drywall on the exterior walls of each Unit;"

"In the vicinity of pipe and duct chases, all of which shall not form part of the Unit, the backside surface of the drywall surrounding such chases;"

- IV. Therefore, based upon Schedule "C" of the Declaration, the fan coils are part of the common elements, to be maintained and repaired by the corporation. The thermostats for the fan coils, and the supply and return air grills, all of which are located within the unit boundaries, are part of the units, to be maintained and repaired by the owners.
- V. However, the corporation's Declaration also contains the following confusing provisions:
 - (a) Article 5.1 of the Declaration includes the following statement: *"In addition, the owners shall not be responsible for the replacement of the fan coil filters in their units as and when required."*
 - (b) Article 5.4 (c) of the Declaration states as follows: *"The corporation shall replace the fan coil filters in each dwelling unit semi-annually or as often as necessary in the opinion of the Board."*

The above provisions are confusing because they suggest that the fan coils (and their filters) are within the units.

- VI. The purpose of this rule is to clarify and confirm the maintenance and repair responsibilities in relation to the fan coils.

NOW THEREFORE be it enacted as a Rule of the Corporation as follows:

**ARTICLE I
DEFINITIONS**

All words used herein 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 ascribed to them the meanings set out in the Act.

ARTICLE II FAN COILS

- (1) The fan coils are part of the common elements, to be maintained and repaired by the corporation. This includes maintenance (periodic replacement) of the fan coil filters.
- (2) The thermostats for the fan coils, and the supply and return air grills, all of which are located within the unit boundaries, are part of the units, to be maintained and repaired by the owners.

ARTICLE III MISCELLANEOUS

1. Invalidity: The invalidity of any part of this Rule shall not impair or affect in any manner the validity and enforceability or effect of the balance thereof.
2. Waiver: No restriction, condition, obligation or provision contained in this Rule 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. Headings: The headings in the body of this Rule form no part thereof but shall be deemed to be inserted for convenience of reference only.
4. Alterations: This Rule or any part thereof may be varied, altered or repealed by a Rule passed in accordance with the provisions of the Act, and the Declaration.

The foregoing Rule is hereby passed by the Directors and confirmed by the owners pursuant to the *Condominium Act* of Ontario.

DATED this day of , 2015

OTTAWA-CARLETON STANDARD CONDOMINIUM CORPORATION NO. 687



Print Name: PETER COONEY
Print Title: PRESIDENT, BOD, OCSCC # 687

I have authority to bind the Corporation.