

OTTAWA-CARLETON STANDARD CONDOMINIUM CORPORATION NO. 735

TO: All Owners

DATE: September 1st, 2017

FROM: The Board of Directors

RE: Respecting TENANCIES and USE of the RESIDENTIAL UNITS

Please be advised that in order to confirm and clarify the residential nature of the building the Board has passed a rule respecting Tenancies and Use of Residential Units at East Market Phase III. The rule was passed by resolution of the Board on August 18th, 2017. A copy of the rule is attached to this notice.

The purpose of the Rule is to promote the safety, security and welfare of owners and residents and of the property and to prevent unreasonable interference with the use and enjoyment of the common elements and of other units. The rule prohibits hotel-type use and places a four-month minimum on tenancies.

The Board proposes that the rule will become effective on October 1st, 2017 (30 days after this notice is given to the owners).

The rule will become effective thirty days after the Board has given this notice to the owners (i.e. 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 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

Per: _____

CONDOMINIUM RULES: Respecting TENANCIES and USE of the
Board Resolution August 18th, 2017

Introduction

The following Rules respecting the use of the common elements and/or 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 Rules of the Corporation are binding on each unit owner and his or her family, visitors, agents, tenants or occupants of the unit.

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 ascribed to them the meanings set out in the Act.

1. General

1.1 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 accordance with Article VI of the Declaration. Without limiting the generality of the foregoing, such losses, costs or damages shall include, but shall not necessarily be limited to, the following:

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

1.2 No restriction, condition, obligation or provision contained herein 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.

- 1.3 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.

2. Tenancies and Use of the Residential Units

- 2.1 In the Residential Units, the following uses are prohibited:

- (a) hotel-type use (including a bed and breakfast, “airbnb-type” or similar use);
- (b) any “transient” use of the units, including, but without limiting the general meaning, any license, lease, sublease or other occupancy **for a planned duration of less than four (4) months**.

- 2.2 Any lease, tenancy or other occupancy of a Residential Unit by someone other than the owner (including any sublease) shall be for an initial term of not less than four (4) months.

Exceptions:

The Board may permit exceptions to this four-month minimum, provided the Board is reasonably satisfied that the occupancy in question will not offend or contravene the basic intent of this Rule, and provided the exception is confirmed by the Board, in writing, in advance. Without limiting the generality of the foregoing, such exceptions may include the following (provided they are approved by the Board, in writing, in advance):

- A. “House sitting” arrangements.
- B. The accommodation of visitors in the unit without receipt of payment or other consideration, where that accommodation is incidental to and normally associated with the permitted residential use of a Residential Unit.
- C. A tenancy for less than four (4) months where the Owner has a *bona fide* intention to complete a sale of the Unit at the conclusion of the tenancy.
- D. A tenancy for less than four (4) months if:

- a. the term of the tenancy is not less than one (1) month
- b. the Owner arranges only one such tenancy to start in a given calendar year; AND
- c. the Owner is the next occupant of the unit, following termination of the tenancy.

E. A sublease for less than four (4) months provided the sublease is for the entire balance of the lease (ie. until the end of the lease).

2.3 Section 83 of the Act applies to all licenses, leases, subleases and other tenancies of any duration. The corporation's Rule No. 8 respecting Tenancy Occupation also applies to all licenses, leases, subleases and other tenancies of any duration.