

**YORK REGION STANDARD CONDOMINIUM CORPORATION NO. 1253**

**NOTICE OF RULES**

**TO:** THE UNIT OWNERS OF  
YORK REGION STANDARD CONDOMINIUM CORPORATION NO. 1253

**WHEREAS** the board of directors (the "**Board**") of York Region Standard Condominium Corporation No. 1253 (the "**Corporation**"), in accordance with section 58 of the *Condominium Act, 1998* (the "**Act**"), has enacted the rules enclosed herewith at Schedule "A" (the "**Rules**").

**AND WHEREAS** the Board proposes that the Rules will become effective thirty-one (31) days after the date that this notice is given.

**TAKE NOTICE** that, pursuant to sections 46 and 58 of the Act (the text of both of which is enclosed herewith at Schedule "B"), the owners of at least fifteen per cent (15%) of the units in the Corporation may request a meeting of owners for the purpose of voting on the Rules (the "**Requisition**").

**AND TAKE FURTHER NOTICE** that the Rules shall not be 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 Rules 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 Rules 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 Rules to the owners, the day after that 30th day.

Dated at Toronto, this 22 day of May 2018.

**York Region Standard  
Condominium Corporation No. 1253**

Per: 

I have authority to bind the Corporation.

## **SCHEDULE "A"**

**WHEREAS** the Corporation's board of directors (the "**Board**") may, in accordance with section 58 of the *Condominium Act, 1998* (the "**Act**"), make, amend or repeal rules 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;

**AND WHEREAS** smoking, of any substance, presents a risk of unreasonable interference with the use and enjoyment of the units, the common elements, and/or the assets of the Corporation;

**AND WHEREAS** smoking, of any substance, presents a risk of unreasonable interference with the safety and welfare of the owners;

**AND WHEREAS** the cultivating or growing of cannabis plants presents a risk of resulting humidity, condensation, mould, and/or a disproportionate consumption of utilities in the units that cultivate or grow cannabis plants;

**AND WHEREAS** the alteration of cannabis plants in order to prepare varying types of cannabis products for personal use may present a risk of an activity being carried out in a unit, the common elements and/or the assets, if any, of the Corporation which is likely to damage the property or assets of the Corporation or that will unreasonably create a nuisance, annoyance, or disruption to an individual in a unit, the common elements and/or the assets, if any, of the Corporation;

**AND WHEREAS** these rules shall be interpreted and applied in accordance with the applicable provisions of the Ontario *Human Rights Code* (the "**Code**") regarding accommodating persons with disability-related needs;

**AND WHEREAS** this preamble shall form a fundamental part of these rules;

**NOW THEREFORE THE CORPORATION'S RULES ARE HEREBY ENACTED AS FOLLOWS:**

1. Rule 48 is hereby repealed.

2. Rule 59 is added as follows:

### **Rule 59 – A Rule with Respect to Smoking and Cannabis**

#### **59.1 Definitions**

- (a) "**Cannabis**" means a cannabis plant and the following are included in the definition of "cannabis":
  - i. any part of a cannabis plant, including the phytocannabinoids produced by, or found in, such a plant, regardless of whether that part has been processed or not;

- ii. any substance or mixture of substances that contains or has on it any part of such a plant; and/or
  - iii. any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.
- (b) **"Cannabis Plant"** means a plant that belongs to the genus Cannabis.
- (c) **"Cultivation of Cannabis"** means the growth of one or more Cannabis Plants by means of labour and attention which growth results in the propagation and/or harvesting of cannabis.
- (d) **"Alteration of Cannabis"** means modification of cannabis by any method or process, including by manufacturing, synthesizing, and/or altering its chemical or physical properties by any means.
- (e) **"Flora"** means any plant, excluding a Cannabis Plant.
- (f) **"Smoking"** means the inhaling, vaping, breathing, carrying, or possession of any lighted cigarette, electronic or e-cigarette, cigar, pipe, vaporizer, or inhalant-type device and/or other product containing any amount of tobacco, cannabis, and/or other smoke-producing substance, or any other similar heated or lit product.

## 59.2 Smoking

- (a) All forms of smoking are prohibited on the Corporation property, including:
- i. Smoking inside any of the condominium units, except those units whose residents have been grandfathered in accordance with the terms of section 59.2(c) of these Rules; and
  - ii. Smoking on any part of the interior or exterior common element areas, which include but are not limited to, the exclusive use patios, balconies, and terraces, except as follows:

Smoking is only permitted in areas designated by the Corporation as a smoking area, if any, being an area located outside of the building.

- (b) Notwithstanding the foregoing, grandfathered residents and their guests shall be permitted to smoke in their respective units, subject to subsection 59.2(e) of these Rules. In order to be grandfathered, a resident must register as a grandfathered smoker by no later than July 31, 2018. To register, the resident must provide the Corporation with the following information in writing:
- i. the resident's full name;

- ii. confirmation of Age of Majority (where required by the Corporation); and
  - iii. the unit number.
- (c) Notwithstanding subsection 59.2(b), grandfathering will not be applicable to the smoking of cannabis.
- (d) Grandfathering, as described herein, only applies to smoking in the units. A grandfathered resident is not permitted to smoke on any part of the interior or exterior common element areas, which include but are not limited to, the exclusive use patios, balconies, and terraces, except in a designated smoking area, if any, as described in these Rules.
- (e) Grandfathered residents shall ensure that all windows and doors are closed when smoking takes place inside the unit and that appropriate steps are taken to prevent second-hand smoke from entering other units and/or the common elements, which steps shall include, but not necessarily be limited to, installing air filtering systems. Grandfathered residents are responsible for all costs incurred by the Corporation to prevent migration of smoke or odours from the residents' respective units to other units and/or the common elements. Such costs may be recovered by the Corporation against the registered owner of such a unit in the same manner as common expenses.
- (f) The grandfathering shall continue until the earlier of the date on which the resident ceases to reside on the property or July 31, 2023. After July 31, 2023, any grandfathered resident (and their guests) must then comply fully with all requirements of these Rules.

### **59.3 Cultivation of Cannabis Plants**

- (a) Cultivation of Cannabis is only permitted in units pursuant to the provisions of the federal *Cannabis Act*, also known as Bill C-45, and any successor legislation thereto once the *Cannabis Act* has come into force.
- (b) Despite any provision to the contrary, personal cultivation of Cannabis Plants within units shall be limited to four (4) Cannabis Plants per unit.
- (c) Should the cultivation of any flora within a unit, including the cultivation of Cannabis Plants, result in:
  - i. humidity, condensation, and/or mould in the units or on the common elements of the Corporation;
  - ii. an increase in the rate of insurance held by the Corporation;
  - iii. the disproportionate consumption of utilities, including but not limited to electricity and water as determined by the Board in its sole discretion; and/or

- iv. the creation of or continuation of any unreasonable nuisance, annoyance or disruption to an individual in a unit, the common elements or the assets, if any, of the Corporation as determined by the Board in its sole discretion;

then the Corporation will require the immediate removal of the flora and any and all costs incurred by the Corporation in this regard shall be recovered by the Corporation in the same manner as common expenses.

#### **59.4 Alteration of Cannabis**

- (a) Any alteration of Cannabis for personal use shall not be performed with the use of any dangerous organic solvents (as defined by the federal *Cannabis Act*, also known as Bill C-45, and any successor legislation thereto once the *Cannabis Act* has come into force) in the process as same may, among other things, result in an increased risk of fire.
- (b) Residents shall also ensure that all windows and doors are closed when alteration of Cannabis takes place inside the unit. Residents shall ensure that appropriate steps are taken to prevent offensive odours from entering other units and/or the common elements, which steps shall include, but not necessarily be limited to, installing air filtering systems. Residents are responsible for all costs incurred by the Corporation to prevent migration of offensive odours from the resident's unit to other units and/or the common elements. Such costs may be recovered by the Corporation against such registered owner of a unit in the same manner as common expenses.

#### **59.5 Medicinal Use of Cannabis**

- (a) Pursuant to the Code, every person has a right to equal treatment with respect to the occupancy of accommodation, without discrimination because of, among other grounds, disability.
- (b) The Corporation will evaluate any and all accommodation requests pursuant to the Code on a case-by-case basis.
- (c) Should a resident with a Code-protected disability require an accommodation to smoke Cannabis for medicinal purposes, the resident must provide the Corporation with such information as the Board may reasonably require, including, but not necessarily limited to, the following:
  - i. a letter from the resident outlining his or her need for this particular type of accommodation; and
  - ii. a letter from the resident's physician, on letterhead, providing a diagnosis and indicating that the resident has a recognized disability as defined in section 10 of the Code. The letter should provide information regarding the resident's limitations or needs as associated with the disability to support the resident's need for this specific type of accommodation.

- (d) Should the resident fail to abide by subsection 59.5(c) when requesting an accommodation to smoke Cannabis for medicinal uses, the resident will be deemed to have failed in discharging his or her onus to assist the Corporation in its efforts to secure the appropriate accommodation for the resident.

**SCHEDULE "B"**  
**SECTIONS 46 AND 58 OF THE CONDOMINIUM ACT, 1998**

**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 per cent of the units, are listed in the record maintained by the corporation under subsection 47 (2) and are entitled to vote.

**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.

**Same, removal of directors**

(3) If the nature of the business to be presented at the meeting includes the removal of one or more of the directors, the requisition shall state, for each director who is proposed to be removed, the name of the director, the reasons for the removal and whether the director occupies a position on the board that under subsection 51 (6) is reserved for voting by owners of owner-occupied units.

**Duty of board**

(4) Upon receiving a requisition mentioned in subsection (1), 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; or
- (b) otherwise call and hold a meeting of owners within 35 days.

**Non-compliance**

(5) If the board does not comply with subsection (4), a requisitionist may call a meeting of owners which shall be held within 45 days of the day on which the meeting is called.

**Reimbursement of cost**

(6) Upon request, the corporation shall reimburse a requisitionist who calls a meeting under subsection (5) for the reasonable costs incurred in calling the meeting.

**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); and
- (d) a copy of the text of section 46 and this section. 1998, c. 19, s. 58 (6); 2015, c. 28, Sched. 1, s. 54 (2).

**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).

