

**YORK REGION STANDARD CONDOMINIUM CORPORATION NO. 1183**  
(the "Corporation")

**SMOKE-FREE ENVIRONMENT RULES**

**WHEREAS:**

- A. The board of directors may, in accordance with Section 58 of the *Condominium Act, 1998*, as amended (the "*Act*"), enact rules respecting the use of the common elements and the units to: (i) promote the safety, security, or welfare of the owners and of the property and assets of the Corporation; or, (ii) prevent the unreasonable interference with the use and enjoyment of the common elements, the units and the assets of the Corporation;
- B. The federal government intends to legalize cannabis and regulate the personal consumption of cannabis, including the cultivation or growing of cannabis plants;
- C. Cultivating or growing cannabis plants in the units presents a risk of: (i) damage to the units and the common elements, including damage resulting from humidity, moisture and condensation, which can create mould and spores in the units, including walls, ceilings and floors; (ii) increased fire hazards resulting from using household appliances to dry cannabis; and, (iii) a disproportionate consumption of utilities, including water;
- D. Offensive odours created or generated from smoking cannabis and from cultivating or growing cannabis plants can contaminate air in the common elements and the units, and can be a nuisance that unreasonably interferes with the use and enjoyment of the common elements and the units;
- E. Similarly, odours and second-hand smoke from smoking tobacco can also contaminate air in the common elements and the units, and can be a nuisance that unreasonably interferes with the use and enjoyment of the common elements and the units;
- F. Improperly discarding cigarettes and other tobacco products and cannabis-filled rolls presents a fire hazard, and creates a risk of injury to individuals, and a risk of damage to personal property and condominium property;
- G. The board of directors has determined that prohibiting the smoking of tobacco and the smoking of cannabis, and prohibiting the production or cultivation of cannabis is a reasonable way to prevent damage to the units and common elements, and to protect owners and residents from being exposed to second-hand smoke on the property and from unreasonable nuisance and interference with the use and enjoyment of the units and the common elements; and,
- H. It is intended that this Preamble shall form an integral part of these rules.

**NOW THEREFORE**, the Corporation hereby enacts the following rules:

- 1. **Definitions:** For the purpose of these rules:
  - (b) "Grandfathered Unit" shall have the meaning in Section 3.

- (c) **"Medically Exempt Unit"** shall have the meaning in Section 4.
  - (d) **"Owner"** shall mean the registered owner of a Unit in the Corporation.
  - (e) **"Occupant"** shall mean any individual(s) occupying a Unit with the Owner's consent, permission or approval, whether or not pursuant to a lease arrangement.
  - (f) **"Production of Cannabis"** is defined as obtaining cannabis by any method or process, including by manufacturing, synthesis, altering its chemical or physical properties by any means, or cultivating, propagating, processing or harvesting cannabis or any living thing from which cannabis may be extracted or otherwise obtained, and shall specifically include the cultivation or growing of cannabis plants.
  - (g) **"Smoking"** shall include the inhaling, breathing, carrying, vaping or possession of any lit and/or smoke-producing tobacco product or substance, including electronic cigarettes, cigars and pipes, or any cannabis substance.
  - (h) **"Unit"** shall mean any unit as identified in the Corporation's declaration.
2. **No Smoking and No Production of Cannabis:** Except as provided in Section 3 and Section 4 below, Smoking and the Production of Cannabis is strictly prohibited in all Units and the common elements, including the exclusive use common elements.
3. **Grandfathering Existing Tobacco Smoking or Tobacco Use:**
- (a) Notwithstanding the prohibition in Section 2, and subject to the notification requirement that follows, a Unit occupied by an Owner or an Occupant who as of the effective date of these rules smokes tobacco in a Unit will be grandfathered (a **"Grandfathered Unit"**). The Grandfathered Unit exemption will not apply to the Smoking of cannabis or the Production of Cannabis.
  - (b) In order to be considered for a Grandfathered Unit exemption, the Owner of the Unit must notify the Corporation of the existing tobacco use, including all persons for whom the exemption is being sought and their relationship to the Owner, in writing on such form as created by the Corporation from time to time, within thirty (30) days of the date that these rules becomes effective. The obligation to notify the Corporation is that of the Owner. The failure to notify the Corporation within the specified timeframe shall disqualify the subject Unit from being granted a Grandfathered Unit exemption.
  - (c) If a Unit is granted a Grandfathered Unit exemption, such exemption must be confirmed in writing by the board of directors in order to be effective, and may be subject to any conditions that the board of directors deems reasonably necessary from time to time.
  - (d) Where a Grandfathered Unit exemption is granted, the Owner or Occupant that was granted the exemption shall ensure that:
    - (i) Tobacco use or that tobacco Smoking is entirely contained in the Unit;

- (ii) All windows and exterior doors to the Unit are in a closed position when Smoking tobacco in the Unit;
  - (iii) The exhaust fans in the Unit are turned on when Smoking tobacco in the Unit; and,
  - (iv) Adequate air filters and/or purifiers are installed to prevent second-hand smoke and odours from entering other Units or the common elements.
- (e) If, in the opinion of the board of directors, in its discretion acting reasonably, the tobacco Smoking is causing or creating an unreasonable nuisance, then, notwithstanding the foregoing, the Owner shall take all steps that the board of directors deems necessary to eliminate the unreasonable nuisance within the timeframe to be established by the board of directors. Such steps may include, but are not limited to, the installation of additional exhaust fans with smoke sensitive automatic controls and the entering into an alteration agreement in accordance with Section 98 of the *Act* (if alterations to the common elements are required). Any associated costs will be the sole responsibility of the Owner. Further, if in the opinion of the board of directors, in its discretion acting reasonably, an unreasonable nuisance continues after the timeframe set out to correct the nuisance, notwithstanding any steps taken by the Owner to eliminate such nuisance, then the board may revoke the Grandfathered Unit exemption, at any time, upon written notice.
- (f) A Grandfathered Unit exemption shall automatically terminate upon the earlier of any of the following occurrences:
- (i) The sale or transfer of the Grandfathered Unit;
  - (ii) The termination of a lease of a Grandfathered Unit if the Occupant that was granted the Grandfathered Unit exemption was a tenant of such Unit; or,
  - (iii) The Owner or Occupant whose tobacco use was granted a Grandfathered Unit exemption ceases to reside in the Grandfathered Unit.

4. **Medical Exemption:**

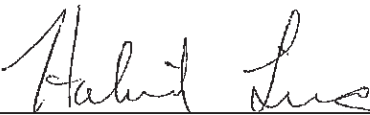
- (a) The board of directors may grant a medical exemption to an Owner or an Occupant authorizing the Smoking of cannabis and/or authorizing the Production of Cannabis in a Unit if an Owner or an Occupant requires accommodation on medical grounds (hereinafter referred to as a "**Medically Exempt Unit**").
- (b) In order to be considered for a Medically Exempt Unit exemption, the Owner or Occupant requiring accommodation must notify the Corporation of the medical requirement for an exemption in writing, and shall provide the board of directors with documentary evidence from a licensed physician in the Province of Ontario treating the Owner or Occupant seeking the exemption. Such documentary evidence shall, among other things that may be requested by the board of directors, clearly state in writing that: (i) there is no other means of ingesting, administering or otherwise using cannabis to treat the medical condition other than by Smoking cannabis; and, (ii) the Production of Cannabis to satisfy the medical requirement is necessary and there is no other method by which to adequately satisfy the supply of cannabis to treat the medical condition.


- (c) If a Unit is granted a Medically Exempt Unit exemption, such exemption must be confirmed in writing by the board of directors in order to be effective, and may be subject to any conditions that the board of directors deems reasonably necessary from time to time. The board of directors, acting reasonably, may at any time request that the medical requirement for the exemption be reconfirmed and/or require that any additional documentary evidence be provided to establish and/or re-establish the medical requirement for the exemption.
  - (d) Where a Medically Exempt Unit exemption is granted, the Owner or Occupant that was granted the Medically Exempt Unit exemption shall ensure that:
    - (i) Smoking and/or the Production of Cannabis is entirely contained in the Unit;
    - (ii) All windows and exterior doors to the Unit are in a closed position when Smoking cannabis in the Unit;
    - (iii) The exhaust fans in the Unit are turned on when Smoking cannabis in the Unit; and,
    - (iv) Adequate air filters and/or purifiers are installed to prevent second-hand smoke and odours from entering other Units or the common elements.
  - (e) If, in the opinion of the board of directors, in its discretion acting reasonably, the Smoking is causing or creating an unreasonable nuisance, then, notwithstanding the foregoing, the Owner shall take all steps that the board of directors deems necessary to eliminate the nuisance within the timeframe to be established by the board of directors. Such steps may include, but are not limited to, the installation of additional exhaust fans with smoke sensitive automatic controls and the entering into an alteration agreement in accordance with Section 98 of the *Act* (if alterations to the common elements are required). Any associated costs will be the sole responsibility of the Owner. Further, if in the opinion of the board of directors, in its discretion acting reasonably, an unreasonable nuisance continues after the timeframe set out to correct the nuisance, notwithstanding any steps taken by the Owner to eliminate such nuisance, then the board may undertake such measures to eliminate or abate the nuisance that it deems necessary in the circumstances, and the Owner shall be liable to the Corporation for all costs and expenses on a full indemnity basis incurred by the Corporation in connection therewith, or the board may revoke the Medically Exempt Unit exemption upon written notice.
  - (f) The Medically Exempt Unit exemption shall automatically terminate upon the earlier of any of the following occurrences:
    - (i) The medical requirement for the exemption ceases to exist;
    - (ii) The Owner or Occupant requiring the medical exemption ceases to occupy the Medically Exempt Unit;
    - (iii) The termination of a lease of a Medically Exempt Unit if the Occupant that was granted the exemption was a tenant of such Unit; or,
    - (iv) The sale or transfer of the Medically Exempt Unit.
5. **Conflict:** Where there is a conflict between a provision in the Rules and a provision in any other of the Corporation's rules, the provisions in these rules shall prevail.

6. **Costs:** All costs, charges and/or expenses, including professional costs and expenses on a full indemnity basis, incurred by the Corporation in connection with these rules including, but not limited to, the enforcement of any provision in these rules, shall be the sole responsibility of the Owner of the Unit that was the cause of incurring the cost, charge or expense. All such costs, charges and/or expenses shall be deemed to be an additional common expense attributable to the Owner's Unit and are recoverable as such.

The foregoing rules are hereby enacted by York Region Standard Condominium Corporation No. 1183, said rules having been passed by the board of directors on 1<sup>st</sup> day of May, 2018 pursuant to Section 58 of the *Condominium Act, 1998*, as amended.

**YORK REGION STANDARD CONDOMINIUM  
CORPORATION NO. 1183**

Per:   
Name: HUBERT LING  
Title: PRESIDENT

Per:   
Name: IRENE CHU  
Title: SECRETARY

We have authority to bind the corporation.