

**TORONTO STANDARD CONDOMINIUM CORPORATION NO. 1765
(the "Corporation")**

Pursuant to Section 58 of the *Condominium Act, 1998*, as amended

NOTICE OF NEW RULE

Please find enclosed a copy of a proposed Tobacco/Cannabis Rule, In accordance with Section 58 of the *Condominium Act, 1998*.

Pursuant to the *Condominium Act, 1998* rules may only become effective at the time determined by sections 58 (7) and (8).

The proposed new Rule will become effective on **October 17, 2018**, unless a meeting is requisitioned in accordance with Section 46 of the *Condominium Act, 1998*.

We enclose a copy of Sections 58 and 46 of the *Condominium Act, 1998* for your reference.

DATED this 15 day of September 2018.

Toronto Standard Condominium
Corporation No. 1765

Per: 

Name: Manfred Heinzlreiter
Title: President

Per: 

Name: Sahil Khan
Title: Secretary

I/we have authority to bind the Corporation

TORONTO STANDARD CONDOMINIUM CORPORATION NO. 1765
(the "Corporation")

Pursuant to Section 58 of the *Condominium Act, 1998*

TOBACCO/CANNABIS RULE

WHEREAS the Board of Directors of the Corporation has the authority to pass rules in order to promote the safety, security and welfare of the owners and of the property and assets of the Corporation, and to prevent unreasonable interference with the use and enjoyment of the common elements, the units or the assets of the Corporation and other units,

AND WHEREAS second-hand smoke is known to be a nuisance and potential danger to human health, and second-hand smoke migrates through walls and ventilation systems despite efforts to contain it;

AND WHEREAS the Corporation's Board of Directors has determined that prohibiting smoking in the units and common elements is the most effective way to ensure residents are not exposed to second-hand smoke.

NOW THEREFORE BE IT ENACTED AS A RULE OF THE CORPORATION AS FOLLOWS:

New Rule 26 is enacted, as follows:

1. In addition to any provincial statute and/or municipal by-law applicable to any interior common areas of a condominium corporation, there shall be no smoking, as that term is hereinafter defined, anywhere on, within or upon the Units of the Corporation or the common elements of the Corporation (which shall include all exterior common elements of the Corporation, whether designated for the exclusive use of an owner or otherwise, including patios, terraces and/or balconies), except in areas as may specifically be designated by the board from time to time.
2. For the purposes of this Rule, "smoking" includes, but is not limited to, the combustion, vaporization and/or inhalation of tobacco or tobacco products, cigars, cannabis (marijuana) or cannabis products, or such other substances as the Board of Directors may prohibit, in its absolute discretion, by any means or method including, but not limited to, cigarettes, cigars, cigarillos, joints, pipes, vaporizers or other means or methods as the Board of Directors may prohibit, in its absolute discretion.
3. No cannabis plants or cannabis products shall be permitted to be cultivated, grown or processed anywhere on Corporation property, being the common elements and units of the Corporation.
4. Notwithstanding section 1, above, those current registered residents who smoke tobacco in their Unit at the time of the passing of these Rules may register in the Smoking Register in the Property Management Office within 30 days of this Rule becoming effective. Only those current residents who have so registered may continue to smoke tobacco or tobacco products within the interior portions or balconies appurtenant to their Unit only. Upon a current resident who is registered in the Smoking Register ceasing to reside in the Unit, no further individuals shall be permitted to smoke in the Unit. The exception provided in this section does not apply to:

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).

Section 46 of the Condominium Act, 1998

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. 1998, c. 19, s. 46 (1).

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. 1998, c. 19, s. 46 (2).

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. 1998, c. 19, s. 46 (3).

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. 1998, c. 19, s. 46 (4).

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. 1998, c. 19, s. 46 (5).

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. 1998, c. 19, s. 46 (6).

Sections 58 and 46 of the Condominium Act, 1998

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).

- a. the smoking of cannabis or any illegal substance; and,
 - b. smoking of any kind in any exterior common elements of the Corporation, except for balconies or terraces designated for the exclusive use of an owner.
5. Notwithstanding section 4, above, in the event that complaints are received by the Corporation that smoke or smoke odours are entering other units or the common elements as a result of smoking by a resident who is registered in the Smoking Register, and the complaint(s) are not resolved following the receipt of written notice of the complaint(s) from the Board of Directors or Property Management, the Board of Directors and/or Property Management may, by written notice, prohibit smoking by the registered resident in the resident's Unit and/or on the exclusive use common elements appurtenant to his/her Unit.

DATED this 17 day of October 2018.

Toronto Standard Condominium
Corporation No. 1755

Per: _____

Name: Manfred Heinzreiter
Title: President

Per: _____

Name: Sahil Khan
Title: Secretary

I/we have authority to bind the Corporation