

TORONTO STANDARD CONDOMINIUM CORPORATION NO. 1765

96

NOTICE OF RULE

Pets

To All Unit Owners:

- (1) Attached please find a copy of the Rule respecting the keeping of Pets in Units and upon the Common Elements of Toronto Standard Condominium Corporation No. 1765, which rule was duly passed by the Board of Directors on September 17, 2008.
- (2) The Board of Directors proposes that this Rule will become effective on October 15, 2008.
- (3) Unit owners have the right to requisition a meeting under Section 46 of the *Condominium Act, 1998* (the "Act"). Pursuant to Section 58(7) of the *Act*, the Rule will not become effective until:
 - (a) the unit owners approve the Rule at a meeting of owners, if the Board of Directors receives a requisition for the meeting under Section 46 within 30 days after the Board of Directors has given notice of the rules to the owners; or
 - (b) 30 days after the Board of Directors has given notice of the rule to the owners, if the Board of Directors does not receive a requisition for the meeting under Section 46 within those 30 days.

TORONTO STANDARD CONDOMINIUM CORPORATION NO. 1765
on behalf of the Board of Directors:



TED DAYNO

Name:

Date: September 17, 2008

I have authority to bind the Corporation

97

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

Pursuant to Section 58 of the Condominium Act & O. 1998 c. 19 (the "Act")

RULES RESPECTING PETS

WHEREAS:

- A. Section 58(1) of the Act provides that a board of directors may make rules respecting the use of common elements and units to promote the safety, security or welfare of the owners and property and assets of the corporation, or to prevent unreasonable interference with the use and enjoyment of the common elements, the units and other assets of the corporation;
- B. Concern has been expressed that certain Pets contribute to increased maintenance and repair of the common elements, and may create concern for certain residents.
- C. The Corporation has experienced numerous occurrences of dog urination and/or defecation upon the common elements, including upon balconies, corridors, elevators, saunas/pool change rooms, and lawns.
- D. Concern and frustration has been expressed about dogs being brought into close proximity with other residents, including on elevators;
- E. Incidents have occurred where dogs have fought and bitten each other;
- F. Any Owner entitled to keep a Pet in a unit or upon the common elements shall be subject to the Rules contained herein;


NOW THEREFORE BEING RESOLVED the following be passed as rules of the Corporation:


- 1) These Rules supersede all existing Rules of the Corporation;
- 2) The term "Owner" shall include the legal owner of any unit within the Corporation and any other person(s) occupying the unit with the Owner's approval, including without limitation, a travelling unit owner's family members, tenants, invitees and/or licensees.
- 3) No animals, reptiles, rodents, livestock or fowl of any kind shall be permitted within any unit or common element area, other than two (2) Pets per unit, with the term "Pet" being defined restrictively to include only:
 - a) A canary, a budgie, or any other small bird that is kept in a cage at all times;
 - b) A hamster, a gerbil, a guinea pig, a mouse or a rabbit that is kept in a cage at all times;
 - c) One or more turtles that are kept in an enclosed container at all times;
 - d) An aquarium of goldfish and/or tropical fish;
 - e) A cat; and
 - f) A Grandfathered Pet as defined below.
- 4) Notwithstanding Paragraph 3 above, any dog currently residing within the Corporation, will be permitted to remain subject to the following conditions (a "Grandfathered Pet"):
 - a) Any such dog must be registered with the Corporation, within 30 days of this Rule coming into effect, by providing information including, but not limited to, the name, breed, age, and distinctive markings of the Grandfathered Pet, and/or such other information as may be required by the Board of Directors or Property Management;
 - b) In the event that a dog should move out of the Corporation or should die, such dog shall not be permitted to be replaced;
 - c) When upon the common elements, all dogs must be leashed and carried at all times;
 - d) No dog shall be allowed to enter an occupied passenger elevator unless consent is requested and received by the other occupants;
 - e) Dogs shall enter and exit the building by those doors not ordinarily used by the public (where there is no entryphone system);
- 5) A "seeing eye" or "hearing ear" dog is not considered a prohibited animal for the purpose of these Rules, provided the necessity for same is established by documentary evidence from a licensed physician of the Province of Ontario.
- 6) No such Pet, including a Grandfathered Pet, that is deemed to be a nuisance by the Board or the Corporation's property manager (in their sole and absolute discretion) shall be kept by any owner in any unit or in any part of the common elements. Upon receipt of written notification from the Board of Directors or Property Management, the Owner shall, within two (2) weeks of receipt of such notice, permanently remove the Pet from the unit and the common elements.

- 7) No Pet is permitted in the swimming pool, sauna or any other common element activity room areas.
- 8) No Pet shall be permitted to soil or damage any part of the common elements whether by waste, excrement or otherwise, and in the event of same, the Owner of the Pet shall make good such damage and effect the removal of any such excrement and save harmless the Corporation from any expenses in connection therewith. The Board of Directors shall, from time to time, by resolution, establish a minimum charge for removal of excrement from the property, which shall be levied against the Owner responsible for the Pet.
- 9) It is understood that any repeated instances of a Pet soiling or damaging the general common elements, or any exclusive-use common element balcony shall be sufficient reason for the Board or Manager to deem the Pet a nuisance and require its removal from the Corporation.
- 10) The Owner agrees to indemnify and save the Corporation harmless against all costs, damages, claims, causes of action, etc., resulting from the presence of the Pet on the common elements or within any unit, including, but not limited to, all costs, charges and expenses incurred by the Corporation to enforce this or any other rule and/or to effect any necessary repair or maintenance required as a result of damage caused by the Pet. All payments pursuant to these Rules shall be deemed to be common expenses attributable to the particular Owner's unit and shall be recoverable by the Corporation as such.
- 11) Each of the provisions 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 such provisions shall not be deemed to impair or affect in any manner the validity, enforceability or effect of the remainder of such provisions and, similarly, the invalidity or enforceability in whole or in part of any part of any provision shall not be deemed to impair or affect in any manner the validity, enforceability or effect of the remainder of such provision.
- 12) Failure to exercise any of the rights, powers or remedies hereunder or any delay to do so shall not constitute a waiver of those rights, powers or remedies. The single or partial exercise of a right, power or remedy shall not prevent its subsequent exercise, or the exercise of any other right, power or remedy.

DATED at Toronto this 17th day of September, 2008

TORONTO STANDARD CONDOMINIUM CORPORATION NO. 1765

Per: 
 Name: V. R. L. LAMACIO
 Title: President

Per: 
 Name: ANN BICKRAM
 Title: Secretary

I/we have authority to bind the Corporation