



Condominium Management Group

May 24, 2019

Dear Owners,
Ottawa-Carleton Standard Condominium Corporation NO. 769

Re: Non-Smoking Rule

The Corporation may pass rules or amend or delete existing rules from time to time in accordance with section 58 of the Act, 1998.

The Board has developed a new rule with respect to smoking on the premises. This new rule (copy attached) was passed by a resolution of the Board at a meeting held on May 16, 2019.

The Act stipulates that Owners must be formally notified of the rule changes before the rules come into effect. The Board hereby gives notice to the Owner's of the updated rules and that Owners have a right to request a meeting to amend or repeal the rules under section 46 of the Act. The Corporation is required to hold such a meeting where 15% of the unit Owners make such a request.

Any request to hold a meeting must be made in writing to the Property Manager of OCSCC 769 with signatures from at least 15% of Owners (i.e., 22 Owners) and can be delivered to the Property Manager's office located at 3580 Rivergate Way or by e-mail to krenwick@condogroup.ca no later than June 23, 2019. The Owners' request for a meeting must specifically identify which sub-section(s) of the non-smoking rule is (are) the subject of contention.

The attached will become effective on June 24, 2019 unless a meeting of Owners is requested.

Any questions regarding the update of the rules should be directed to Kimberly Renwick, Condominium Manager at krenwick@condogroup.ca.

Sincerely,

Kimberly Renwick, CPM
On behalf of the Board of Directors
krenwick@condogroup.ca

**Condominium Rules respecting SMOKING
(Date of Board Resolution – May 2, 2019)**

The following Rules respecting the use of the common elements and units are made to promote the safety, security, and welfare of the Owners and of the property for the purpose of preventing unreasonable interference with the use and enjoyment of the common elements and of other units. The Corporation may pass additional Rules or amend or delete existing Rules from time to time in accordance with the *Condominium Act, 1998*.

Definitions

Owner: Shall include Owners, their families, visitors, agents, tenants and occupants of the unit.

Any other 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. Recitals respecting Smoking

Whereas:

- a) Smoking is a leading cause of fires and death from fires globally.
- b) Second-hand smoke smell is known to drift through walls, openings in walls and through ventilation systems, and to contaminate air in the common areas and individual units. It is not reasonably possible to completely prevent this migration of smoke.
- c) Second-hand smoke is known to be harmful to human health. Furthermore, smoke is known to linger in contents and fixtures for significant periods of time.
- d) Condominium Corporations have a duty to take reasonable steps to address complaints of second-hand smoke. The Corporation has received such complaints in the past.
- e) The Board has concluded that prohibiting smoking, as set out in the Rules, is a reasonable way to protect residents (and their guests) from being exposed to second-hand smoke on the property, and also to protect contents and fixtures from absorbing odours from second-hand smoke.

2. Effective Date of these Rules

The effective date of these rules is June 24, 2019.

3. General

- 3.1 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 the same manner as the common expenses in accordance with Article VI (1) (d) of the Declaration. Without limiting the generality of the foregoing, such losses, costs of damage shall include, but shall not necessarily be limited to all legal and any additional incremental costs incurred by the Corporation in order to enforce, or in attempting to enforce, the Act, Declaration, By-Laws, or Rules.

- 3.2 No restrictions, condition, obligation or provision contained in any Rule or Rules of the Corporation 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.
- 3.3 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 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.

4. Definition of Smoking

Smoking includes the inhaling, exhaling, breathing, burning, or carrying of a lit cigarette, cigar, pipe, tobacco, marijuana, electric cigarettes, vaporizing, vapes, or any such similar products or substance which generate smoke or vapours in any manner or in any form.

5. No Smoking on Common Elements

Smoking is not permitted in, on, or around any part of the common elements, including all exclusive use common elements, including balconies.

6. No Smoking in Units

- 6.1 Smoking is not permitted in any unit, except for those units whose Owners have been grandfathered in accordance with the following terms and conditions:

GRANDFATHERING

- A. Subject to Paragraph B through G, the prohibition with respect to smoking set out in this Rule 6.1 does not apply to any Owner who is a smoker and was residing in one of the units on the effective date of these Rules.
- B. For the within grandfathering to apply, the Owner must register with the Corporation on or before June 23, 2019. To register with the Corporation, the Owner must provide the Corporation with the following information:

- a) Full Name;
 - b) Proof Satisfactory to the Corporation, that the Owner was residing in a unit on the effective date of these Rules;
 - c) Confirmation of Age Majority (where required); and
 - d) The unit number
- C. The grandfathering only applies to smoking in the units. A grandfathered Owner is not permitted to smoke in, on, or around any part of the common elements, including all exclusive use common elements, including balconies.
- D. Grandfathered Owners must take reasonable steps to prevent the smoke from migrating to the common elements or to other units, which could cause nuisance, disturbance or harm to other Owners of the building, or their guests.
- E. Grandfathered Owners are responsible for all costs incurred by the Corporation to prevent migration of smoke or odours from the Owner's unit to other units or the common elements.

The grandfathering shall continue only until the date on which the grandfathered Owner ceases to reside in their unit identified under item B.

Thereafter, the said Rule 6.1 will apply fully to all occupants of the unit, and their guests.

Sincerely,
OCSCC 769