

Condominium Act, 1998

CERTIFICATE IN RESPECT OF A BY-LAW

(under subsection 56(9) of the *Condominium Act, 1998*)

Metropolitan Toronto Condominium Corporation No. 734 (known as the "Corporation") certifies that:

1. The copy of By-law No. 10 attached hereto as Schedule "A", is a true copy of the By-law.
2. The By-law was made in accordance with the *Condominium Act, 1998*.
3. *(Please check the statement that applies)*

The owners of a majority of the units in the Corporation have voted in favour of confirming the by-law with or without amendment (if clause 56 (10)(a) of the *Condominium Act, 1998* applies but subsection 14 (2) of Ontario Regulation 48/01 does not apply).

The majority of the owners present or represented by proxy at a meeting of owners have voted in favour of confirming the by-law with or without amendment (if clause 56 (10)(a) of the *Condominium Act, 1998* and subsection 14 (2) of Ontario Regulation 48/01 applies).

The by-law is a joint by-law made under section 59 of the *Condominium Act, 1998* and is not effective until the corporation that made it, being _____, have each registered a copy of the joint by-law in accordance with subsection 56 (9) of the *Condominium Act, 1998*.

Dated this 18 day of MAY, 2022

METROPOLITAN TORONTO CONDOMINIUM CORPORATION NO. 734

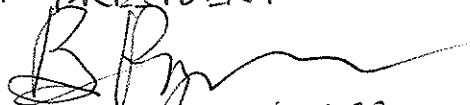
Per:



Name: STEPHEN WALKER

Title: PRESIDENT

Per:



Name: BRIAN BYRNES

Title: TREASURER

(I/We have authority to bind the Corporation)

**BY-LAW NO. 10
BORROWING BY-LAW**

**METROPOLITAN TORONTO CONDOMINIUM CORPORATION NO. 734
(the "Corporation")**

**A BY-LAW AUTHORIZING THE FINANCING OF REPAIRS AND REPLACEMENTS
TO CERTAIN COMMON ELEMENTS INCLUDING WINDOWS AND THE
SUPPLEMENTATION OF THE RESERVE FUND**

WHEREAS

1. In accordance with Section 56(1)(e) of the *Condominium Act*, R.S.O. 1998, c.19, as amended (the "Act"), the board of directors may pass by-laws authorizing the borrowing/financing of money to carry out the objects and duties of the Corporation.
2. In accordance with Section 56(3) of the Act, a by-law is required to authorize the borrowing of any money for expenditures not listed in the budget for the current fiscal year.
3. The Corporation intends to undertake repairs to certain common elements and to borrow approximately Ten Million Dollars (\$10,000,000.00) to fund such repairs and to supplement the Corporation's reserve fund.

NOW THEREFORE BE IT ENACTED, as a by-law of the Corporation, as follows:

1. *Borrowing:* The Corporation be and it is hereby authorized, without charge or pledge of the reserve fund, to borrow up to the sum of Ten Million Dollars, (**\$10,000,000.00**) (the "**Funds**"), together with interest from CWB Maxium Financial, or such other lending institution as may be approved of by the Board of Directors, (the "**Lender**") upon such terms and conditions as the Board of Directors may, at their discretion, determine, in order to complete the Repairs (collectively, the "**Loan**").
2. *Interest and Amortization:* The Corporation intends to borrow the Funds for a term of up to five (5) years, at an interest rate based on the prevailing *Government of Canada Bond (GOCB)* yield for a similar term plus an applicable credit related basis point spread, payable monthly in arrears and to be fixed on the day before the actual advance of Funds, amortized over up to fifteen (15) years. The current fixed rate for a five-year term based on today's GOCB rates would be 5.25% based on 1.23% 5-year GOCB plus 4.02%. However, notwithstanding the foregoing, the Board is authorized to negotiate the terms of the Loan in its sole discretion, acting reasonably, including but not limited to the lender, term, interest rate, amortization period, type of credit facility, and other commercial terms provided that the principal balance authorized by this By-law shall not be exceeded, and to execute any related Loan documents which are customary or required for such a transaction.
3. *Interim Financing:* Following the passing of this by-law by the owners, but prior to the finalization of the Loan documents, including the total principal amount to be borrowed, if deemed necessary and/or desirable by the Board in its discretion, the

Corporation is authorized to borrow from the Lender, up to the amount authorized by this By-law, and any amounts advanced by the Lender shall accrue interest at the rate of no more than Prime + 2.05 per cent per annum, which is currently 4.50 per cent per annum. Once the Loan documents are finalized, the term and the interest rate will be fixed as provided for in section 2, above.

4. *Charge:* The board of directors is further authorized, to the extent permitted by law, to charge, mortgage, grant a security interest or pledge any of the Corporation's real or personal property and assets, including but not limited to, book debts, accounts receivable, and assessments of common expenses as security for the borrowed amount.
5. *Amendments, Extensions, Renewals and Replacement:* The Corporation be and is hereby authorized to enter into, and any officer director or administrator of the Corporation is hereby authorized and directed to execute and deliver for and on behalf of the Corporation, such agreements with the Lender or another lending institution amending, extending, renewing or replacing the Loan as may be approved of by the Board of Directors from time to time, at such terms (including but not limited to the term, interest rate, amortization period, and other commercial terms) as the Board determines are commercially reasonable, in its sole discretion, provided that no such agreement shall have the effect of increasing the principal balance outstanding under the Loan at the time of amending, extending, renewing or replacing the Loan.
6. *Common Expense:* The repayment of the loan shall be a common expense and shall be assessed in accordance with a revised budget to be prepared by the board of directors and furnished to the unit owners on or before the date of advance of the loan.
7. *Execution and Delivery:* The Board of Directors are hereby authorized:
 - a. to execute (under corporate seal or otherwise) and deliver such loan agreements, security agreements, charges/mortgages, and such other documentation as may be required, from time to time and to take such other steps as may be necessary or desirable to give effect to the foregoing, with such additions, deletions and amendments as such officer, director or administrator executing such document(s) may approve, execution as aforesaid to be conclusive evidence of this and such officers' approval;
 - b. delegate to such one or more of the officers and directors of the Corporation as may be designated by the Board all or any of the powers conferred by the foregoing clauses of this By-Law to such extent and such manner as the directors shall determine at the time of such delegation.

The Corporation hereby enacts the foregoing By-law passed by the board of directors and confirmed by a vote of owners who own not less than a majority of units, in accordance with the Act.