

**METROPOLITAN TORONTO CONDOMINIUM CORPORATION NO. 734
(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 and Cannabis Rule 24, 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 **September 9th, 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 7th day of August 2018.

Section 58 of the Condominium Act, 1998

s. 58(1)

- (1) The board may make, amend or repeal rules respecting the use of common elements and units to,
- (a) promote the safety, security or welfare of the owners and of the property and assets of the corporation; or
 - (b) prevent unreasonable interference with the use and enjoyment of the common elements, the units or the assets of the corporation.

Rules to be reasonable – s.58(2)

- (2) The rules shall be reasonable and consistent with this Act, the declaration and the by-laws.

Same, proposed rules – s.58(3)

- (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.

Inconsistent provisions – s.58(4)

- (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.

Amendment by owners – s.58(5)

- (5) The owners may amend or repeal a rule at a meeting of owners duly called for that purpose.

Notice of rule – s.58(6)

- (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- (a) a copy of the rule as made, amended or repealed, as the case may be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.

When rule effective – s.58(7)

- (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.

Same – s.58(8)

- (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.

Same, proposed rule – s.58(9)

- (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).

Compliance – s.58(10)

- (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.

Section 46 of the Condominium Act, 1998

s. 46(1)

- (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.

Form of requisition – s. 46(2)

- (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.

Duty of board – s. 46(4)

- (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.

Non-compliance – s. 46(5)

- (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.

Reimbursement of cost – s. 46(6)

- (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.

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

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

TOBACCO AND CANNABIS RULE:

WHEREAS the Board of Directors of the Corporation has the authority to pass rules governing the use and occupation of the units, consistent with the Declaration, in order to promote the safety, security and welfare of the Owners and of the property, or for the purpose of preventing unreasonable interference with the use and enjoyment of the common elements and other units.

NOW THEREFORE BE IT ENACTED AS RULE 24 OF THE CORPORATION AS FOLLOWS:

24. TOBACCO AND CANNABIS RULE

- 1) In addition to the provincial and/or municipal smoking ban in any interior common areas of a condominium corporation, except in areas designated by the Board from time to time, if any, there shall be no smoking in any unit or anywhere on, within or upon the Corporation's property, which includes all exterior common elements of the Corporation, including the exclusive use balconies and/or patios.
- 2) Notwithstanding sub-paragraph 1) above, those individuals who smoke tobacco or tobacco related products in their units at the time of the passing of these Rules may register in the Corporation's Smoking Register in the Management Office within 30 days of this Rule becoming effective, and only those individuals who have so registered may continue to smoke tobacco and tobacco related products in their units.
- 3) Notwithstanding sub-paragraph 2) above, in the event that complaints are received by the Corporation that smoke odours are entering other units or the common elements as a result of smoking in a unit, and the complaint(s) are not resolved by the Owner following the receipt of written notice of the complaints from the Board or Property Manager, the Board and/or Property Manager may, by written notice to the Owner, prohibit smoking in the unit.
- 4) There shall be no growing or processing of cannabis in a unit or anywhere on the common elements, including exclusive use common elements.
- 5) For purposes of this Rule, "Smoking" includes but is not limited to the combustion, vaporization and/or inhalation of tobacco or tobacco products, cannabis or cannabis products, or such other substance as the Board of Directors may prohibit.
- 6) The Board may create policies for the delivery of cannabis and cannabis related products to the property and the handling of packages with cannabis or cannabis related products by the Corporation's staff.