



Managing Agent
Reid Property Management
P.O. Box 77016 Ott. S. P.O.
Ottawa, Ontario
K1S 3X0

Ottawa Carleton Standard Condominium Corporation No. 803

Dear Owner:

In keeping with its commitment to review the rule regulating smoking in the building, your Board has carefully prepared the attached replacement Rule. This rewritten rule will fully protect residents' right to live in their own property and enjoy the common areas free of tobacco and cannabis smoking and vapours coming from other building occupants, confirms smokers' absolute responsibility to contain smoke within their own unit, and clearly articulates the compliance measures that will be used.

The attached Rule amends and replaces in its entirety the Rule Regulating Smoking Tobacco, Cannabis and Marijuana, and Vaping at OCSCC No. 803 dated June 14, 2018. For your information the Condominium Act 1998, SO states at:

Notice of rule

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- (a) a copy of the rule as made, amended or repealed, as the case may be;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

58 (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.

Continuously Caring for your Community
Tel: 738-4646 ext. 6 Fax: 738-7599
E-Mail: mfraser@reidmanagement.com



Managing Agent
Reid Property Management
P.O. Box 77016 Ott. S. P.O.
Ottawa, Ontario
K1S 3X0

Ottawa Carleton Standard Condominium Corporation No. 803

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).

This new Rule will come into effect 30 days from the date of this letter unless a petition is received in accordance with the above. Thank you for your attention to this matter.

Regards,

Mike Fraser, RCM, ACCI, GL
Per: Board of Directors

December 11, 2018

Continuously Caring for your Community
Tel: 738-4646 ext. 6 Fax: 738-7599
E-Mail: mfraser@reidmanagement.com

**RULE ON REGULATING SMOKING TOBACCO, CANNABIS AND
MARIJUANA, AND VAPING AT
OCSCC No. 803**

Adopted pursuant to Section 58 of the *Condominium Act, 1998*

The new Rule is written as follows:

Rule Regulating Smoking and Vaping of Tobacco and Marijuana in 200 Rideau Condominium (OCSCC No. 803)

Whereas the Board of Directors of the Corporation has the authority to pass rules governing the use and occupation of units to promote the safety, security and welfare of the Owners and of the property, or to prevent unreasonable interference with the use and enjoyment of the common elements and of other units;

Whereas second-hand smoke from cigarettes, cigars, pipes, and other sources does not respect boundaries and stay within private units: toxic second-hand smoke travels throughout buildings which causes health and other problems for other residents;

Whereas Condominium Corporations have a duty to address complaints of second-hand smoke if there is evidence that the smoke is disturbing other residents; and

Whereas condominium corporations know a liability exists if they refuse to act on legitimate nuisance complaints: failing to act when informed of second-hand smoke that is causing a nuisance could lead to lawsuits against the Corporation;

Now therefore this Rule is brought into force by the 200 Rideau Corporation to protect every resident's quiet enjoyment of both their homes and the Condominium common spaces, both shared and exclusive use, from undesired smoke and vapours and harmful effects of tobacco and marijuana.

200 Rideau Residents' Responsibility to Contain Smoke Effects

We are an element of Canadian society wherein it is the absolute responsibility of each resident to contain all by-products from tobacco or marijuana use to within the boundaries of their own unit and to prevent any such materials from entering either other units or common spaces, sole-use or communal. Those who smoke or vape will be required to pay any and all costs of prevention and remediation to health or property, both private and common. Should residents and guests smoke or vape on their exclusive-use balconies they must cease upon the first instance of any credible complaints from residents in any of the building's common space or other unit.

ENFORCEMENT OF THIS RULE

Complaint Procedure

A resident or owner identifying undesired smoke or vapour in the common space or in their own unit, should notify the Front Desk and complete a confidential Complaint Form. A complaint is considered complete when it states all of: the name and unit of the complainant, the type and subjective strength of the suspected smoke or vapour, the time it was noticed, and the suspected source unit or common space.

Matches or butts observed falling onto or past a balcony or the common spaces should be reported similarly to the Front Desk, along with any detected evidence of the offending unit. The complaint will be lodged by completion of a confidential Complaint Form.

First Notice of Complaint

The Corporation, upon receiving a Complaint Form and the Guard verifying the presence of smoke or observing matches or butts falling from above, will log the incident and issue a 'First Notice' under the door of any identified offending unit(s), advising that a complaint has been received, and demanding the occupants cease polluting or littering beyond their own unit boundaries. For the next thirty days, if a guard can subjectively smell smoke outside the said unit, or if the Corporation receives another complaint, the Corporation will proceed to the 'Second Notice' stage.

Second Notice of Complaint

A 'Second Notice', served daytime under the door with a copy by email to the unit owner, carries a \$125 administrative charge levied against the owner of the offending unit, states the details time and content of the first notice and emphasizes the unit's obligation to contain their smoke. For the next thirty days, if a guard can subjectively smell smoke in the common areas adjacent to the offending unit, or if the Corporation receives another complaint, the Corporation will proceed to the 'Final Notice' stage.

Final Notice of Contravention of this Regulation of Smoking Rule

A 'Final Notice' which is served daytime under the door, carries a \$375 administrative charge levied against the owner of the unit. Due to the severity of the offence, at this stage, the corporation may also engage a lawyer or other experts to suggest or effect solutions to the problem, at the unit owner's expense.

MANAGEMENT'S RESIDENTIAL UNIT RECORDS

All notices of offence and subsequent corporation action shall form a permanent part of the offending unit's record.

Requisition for meeting

46 (1) Subject to subsection (2), a requisition for a meeting of owners can only be made by those owners who, at the time the board receives the requisition,

- (a) own at least 15 per cent of the units;
- (b) appear in the record of the corporation required by section 46.1 or are required by that section to appear in that record; and
- (c) have no contributions to the common expenses payable for their units that have been in arrears for 30 days or more.

2015, c. 28, Sched. 1, s. 40.

Meeting re director in reserved position

(2) If the nature of the business to be presented at a meeting of owners includes the removal or the election of a director who occupies a position on the board described in subsection 51 (6), a requisition made by owners for the meeting can only be made by those owners who, at the time the board receives the requisition,

- (a) own at least 15 per cent of the non-leased voting units in the corporation;
- (b) appear in the record of the corporation required by section 46.1 or are required by that section to appear in that record; and
- (c) have no contributions to the common expenses payable for their units that have been in arrears for 30 days or more.

2015, c. 28, Sched. 1, s. 40.

Saving

(3) If a requisition made under subsection (2) does not meet the requirements of that subsection but does meet the requirements of subsection (1), the meeting may proceed for the transaction of any business pursuant to subsection (1) but not for the removal or the election of a director as described in subsection (2). 2015, c. 28, Sched. 1, s. 40.

Purpose of meeting

(4) A requisition for a meeting of owners may be called for any of the following purposes:

1. An information meeting of owners being a meeting at which no vote shall be taken on any matter other than routine procedure.
2. The removal or the election of one or more of the directors.
3. Any other purpose for which this Act or the regulations permit the owners to requisition a meeting of owners. 2015, c. 28, Sched. 1, s. 40.

Form of requisition

(5) The requisition shall contain the prescribed information and shall be in the prescribed form. 2015, c. 28, Sched. 1, s. 40.

Delivery of requisition

(6) The requisition shall 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 or as is otherwise prescribed. 2015, c. 28, Sched. 1, s. 40.

Response of board

(7) Subject to subsection (8), upon receiving a requisition, the board shall, within 10 days or such other time period, if any, that is prescribed, respond to the requisitionists in writing, in accordance with subsection (9), stating that,

- (a) the board will call and hold a meeting of owners for the transaction of business in the requisition; or
- (b) the board will not call and hold a meeting of owners for the transaction of business in the requisition and state why, according to the board, the requisition does not comply with any or all of subsections (1) to (6). 2015, c. 28, Sched. 1, s. 40.