

RESOLUTION OF THE BOARD OF DIRECTORS

OF

METROPOLITAN TORONTO CONDOMINIUM CORPORATION NO. 570
(the "Corporation")

SMOKING, CANNABIS & DRUGS RULES

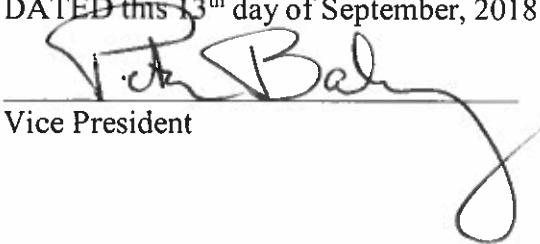
WHEREAS the board of directors, after due consideration, wishes to pass the Smoking, Cannabis & Drugs Rules, attached hereto as **Schedule "A"**, in order to protect owners, tenants and residents of units, as well as their families, guests, visitors, invitees, employees and agents (referred to as "**Occupants**") from the nuisance and negative consequences of smoke infiltration and other such disturbances and to prevent unreasonable interference with Occupants' use and enjoyment of all of the common elements, facilities and units of the Corporation;


NOW THEREFORE BE IT RESOLVED THAT:

1. The board of directors hereby passes the Smoking, Cannabis & Drugs Rules in accordance with the requirements set out in s. 58(1) of the *Condominium Act, 1998* (the "**Act**").
2. The Smoking, Cannabis & Drugs Rules shall take effect on the 31st day after the Notice of Rules has been forwarded to each of the owners in accordance with any of the permitted methods of giving notice as set out in s. 47 of the Act, unless the boards receive a requisition for an owners' meeting in accordance with s. 46 of the Act to discuss the Smoking, Cannabis & Drugs Rules within 30 days after the date the Notice of Rules was given to the owners, in which case the Smoking & Drugs Rules are not effective until the earlier of the time at which a quorum is not present at the first attempt to hold the meeting, and the time at which a quorum is present at the first attempt to hold the meeting and the owners do not vote against the Smoking, Cannabis & Drugs Rules at the meeting.
3. The board acknowledges the opinion of the Corporation's lawyers that to the best of their knowledge and belief, the Smoking, Cannabis & Drugs Rules are reasonable and consistent with the provisions of the Act, other legislation, human rights requirements and case law (provided that it is recognized that existing or future common law precedents may amend, restrict, interpret or prohibit any of the provisions set out therein), and, where the opinion of the Corporation's lawyers has been sought, the Corporation's declaration and by-laws.

The foregoing resolution was duly passed by the directors of the Corporation at a meeting of directors duly called and held.

DATED this 13th day of September, 2018


Vice President


Director

Schedule "A"

METROPOLITAN TORONTO CONDOMINIUM CORPORATION NO. 570

(the "Corporation")

The Corporation's existing Rules are hereby amended by adding the following Smoking, Cannabis & Drugs Rules, which shall supersede any existing Rules which conflict with the subject matter herein:

SMOKING, CANNABIS & DRUGS RULES

1. No person shall use, light, smoke or activate any cigarette, e-cigarette, cigar, legal or illegal drug, pipe or other device producing smoke, fumes, odour or vapour (collectively, the **"Smoking Implements"**) in any interior or exterior common elements or exclusive use common elements forming part of the Corporation's buildings, amenities or structures, including, without limitation, any lobby, elevator, stairwell, hallway, amenity room, common facilities, parking garage, rooftop, balcony, patio or other common element area (collectively, the **"Common Elements"**), except in an outdoor "smoking area" which may be designated by the board from time to time in its sole and absolute discretion.
2. No person shall light, smoke or activate any Smoking Implements within a 9 metre (29.5 feet) radius surrounding the Corporation's buildings, amenities or structures.
3. No person shall dispose of any butts or by-products of any Smoking Implements on or under any part of the Common Elements or in any garbage bins or containers other than those designated for such purpose from time-to-time by the board in its sole and absolute discretion. All Smoking Implements, and any butts or by-products, shall be completely extinguished before disposal so as to pose no risk of smoke or fire. No person shall drop or throw from any window, balcony, terrace or patio any Smoking Implements or butts or by-products.
4. No person shall use, light, smoke or activate any Smoking Implements in any unit or on its related exclusive use common elements for the purposes of tobacco consumption unless the exception in s. 6 applies.
5. No person shall use, light, smoke or activate any Smoking Implements in any unit or on its related exclusive use common elements for the purposes of cannabis consumption.
6. The prohibition in s. 4 is not enforceable against any **"Occupant"** (which, for the purposes of these Rules, includes any residing owner, or tenant or resident thereof, but excludes any temporary guests or visitors) who occupies a unit in the Corporation owned by an existing owner on or before the date these Rules come into force and where such owner delivers to the Corporation's board written notice within thirty (30) days of the date these Rules come into force that such owner intends to continue smoking tobacco in their unit and/or to allow their existing tenant(s) and resident(s) to continue smoking tobacco therein (the **"Grandfathered Occupants"** and **"Grandfathered Unit"**).

7. Grandfathered Occupants shall not create or permit the creation or continuation of any nuisance from smoking which, in the opinion of the board or manager, may or does unduly disturb the comfort or quiet enjoyment of the property by others.
8. A residing owner who is a Grandfathered Occupant will be grandfathered under s. 6 for so long as they own the Grandfathered Unit. Tenants and residents who are Grandfathered Occupants will be grandfathered under s. 6 for so long as they reside in the Grandfathered Unit. If an owner who is a Grandfathered Occupant sells their Grandfathered Unit, any subsequent Occupant of such unit who is not already a Grandfathered Occupant of such unit will not be grandfathered.
9. If another person registers a valid smoke/odour complaint pertaining to smoke/odour penetration into their unit emanating from another unit (including any related exclusive use common elements), the Corporation may require the owner of the unit from which the smoke/odour is emanating (the **"Offending Owner"**) to retain a qualified smoke/odour transmission expert or contractor to conduct appropriate inspections and tests and to report the results to the Corporation for the purpose of eliminating the smoke/odour nuisance, at the Offending Owner's sole expense. Additionally, or in the alternative, the board, in its sole and absolute discretion, may revoke the grandfathering/exemption status of any Grandfathered Occupants in the Offending Owner's unit.
10. Where a qualified smoke/odour transmission expert or contractor issues a report pursuant to s. 9, the Offending Owner shall, at their own expense, undertake all rectifications and repairs recommended in the report to eliminate the smoke/odour nuisance within thirty (30) days after receiving the report, failing which, the Corporation shall arrange to make such rectifications and repairs at its discretion and at the Offending Owner's sole expense. Without limiting the generality of the foregoing, such rectifications and repairs may include the Offending Owner installing, at their own cost, adequate ventilation in their unit or the Common Elements, if necessary, to stop the smoke/odour penetration, in which case, the Offending Owner shall enter into an alteration agreement with the Corporation.
11. The Corporation may collect any expenditures under s. 9 and 10 in the same manner as common expenses.
12. No person shall consume, give, sell or distribute to any other person any restricted drug, illegal substance, cannabis or excessive alcohol so as to cause an undue nuisance or disturbance to the detriment of any other person in the Corporation's building.
13. No person shall operate or permit a grow-op inside a unit or upon the Common Elements or produce, cultivate, grow, tend or harvest any cannabis or any illegal drug, plant or substance in a unit or upon the Common Elements.
14. The prohibition in s. 4 hereof is not enforceable against any residing owner, tenant or resident of a residential unit (but excluding any temporary guest or visitor) who is a registered patient legally entitled to consume cannabis pursuant to a doctor's prescription based on a medical need, provided that such individual shall provide evidence as may be requested by the board or manager from time to time, demonstrating:
 - i. that the person has a disability that necessitates the use of medical cannabis;

- ii. that the cannabis is prescribed legally by a medical doctor, with the person possessing a valid prescription not more than one (1) year old;
- iii. that the person possesses a government-issued medical cannabis certification or card; and
- iv. that the person is in full compliance with all requirements with respect to the following legislated and regulated sources, as may be amended from time to time, including, without restriction, the *Smoke-Free Ontario Act*; *Cannabis Act*; *Access to Cannabis for Medical Purposes Regulations*; *Controlled Drugs and Substances Act*; *Criminal Code*, and any other relevant federal, provincial and municipal laws, regulations, by-laws and ordinances, including, without limitation, those affecting zoning, electric safety and fire safety; edicts or orders of any applicable public authority or judge; all relevant inspection and remediation requirements; and the criteria set out in these No Smoking/Cannabis Rules.