

Schedule "A"

CARLETON CONDOMINIUM CORPORATION NO. 294

BY-LAW NO. 13

BE IT ENACTED as By-Law No. 13 (being a by-law to amend By-law No. 9) of CARLETON CONDOMINIUM CORPORATION NO. 294 (hereinafter referred to as the "Corporation") as follows:

**ARTICLE I.
DEFINITIONS**

All words used herein which are defined in the *Condominium Act, 1998*, as amended, or any Regulations thereunder, or any successor thereto (the "Act"), shall have ascribed to them the meanings as set out in the Act.

**ARTICLE II.
AMENDMENTS TO BY-LAW NO. 9**

(1) The Corporation's By-law No. 9 is hereby amended by adding the following items to the list of permitted modifications in Article III of the said By-law:

14. Installation of an exterior light which may be combined with a camera, provided that the Board is satisfied that the camera will not cause any unreasonable breach of privacy for anyone on the property.
15. Installation of a video doorbell, provided that the Board is satisfied that the camera will not cause any unreasonable breach of privacy for anyone on the property.

**ARTICLE III.
MISCELLANEOUS**

1. **Invalidity**: The invalidity of any part of this by-law shall not impair or affect in any manner the validity and enforceability or effect of the balance thereof.
2. **Waiver**: No restriction, condition, obligation or provision contained in this by-law 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. **Headings**: The headings in the body of this by-law form no part thereof but shall be deemed to be inserted for convenience of reference only.
4. **Alterations**: This by-law or any part thereof may be varied, altered or repealed by a by-law passed in accordance with the provisions of the Act, and the Declaration.
5. **Preparation**: This document was prepared in the year 2022 by Davidson Houle Allen LLP Condominium Law in conjunction with the corporation.

The foregoing by-law is hereby passed by the Directors and confirmed by the owners pursuant to the *Condominium Act, 1998* of Ontario.

Schedule "A"

CARLETON CONDOMINIUM CORPORATION NO. 294

BY-LAW NO. 14

BE IT ENACTED as By-Law No. 14 (being a by-law to amend By-law No. 8) of CARLETON CONDOMINIUM CORPORATION NO. 294 (hereinafter referred to as the "Corporation") as follows:

**ARTICLE I.
DEFINITIONS**

All words used herein which are defined in the *Condominium Act*, 1998 or Regulations, as amended, or any successor thereto (the "Act"), shall have ascribed to them the meanings as set out in the Act.

**ARTICLE II.
AMENDMENTS TO BY-LAW NO. 8
ELECTRONIC ATTENDANCE AND VOTING AT MEETINGS OF OWNERS**

The Corporation's By-law No. 8 is hereby amended as follows:

1. By adding the following Articles II (2.1) and II (2.2) to the said By-law No. 8:

(2.1) Electronic Attendance. Persons who are entitled to attend a meeting of owners may do so by such electronic, telephonic or other suitable technology as may be approved either by:

- (i) Resolution of the Board;
- (ii) The Chairperson of the meeting; or
- (iii) Resolution of the meeting.

[This is in addition to an owner, or the owner's proxy, attending the meeting in person as authorized by the Act.]

(2.2) The Board of Directors shall determine, in their exclusive discretion and acting reasonably, the nature of permitted attendance at any meeting of owners, including but not limited to:

- (A) virtually with no in-person attendance;
- (B) in-person exclusively with no virtual attendance;
- (C) a hybrid of (A) and (B) by holding an in-person meeting and accommodating for virtual attendance; or
- (D) any other method(s) (permitted by the Act and/or the Corporation's By-laws) by which owners are permitted to attend the particular meeting.

[For purposes of clarity, if the board determines that a meeting shall proceed solely as a virtual meeting, owners will not be permitted to attend in person. Similarly, if the Board decides to hold a meeting in-person, an owner will only be permitted to attend virtually if the Board determines that option (C) – the hybrid approach – set out above will be implemented for the particular meeting.]

2. By adding the following Articles II (4) (e) and II (4) (f) to the said By-law No. 8:

(e) Electronic Voting. At a meeting of owners, votes may be cast by electronic or telephonic means, provided the specific method of voting is determined by resolution of the Board and described in the Notice for the Meeting.

[This is in addition to an owner, or the owner's proxy, voting in person at the meeting as authorized by the Act.]

(f) Mailed Ballots. For a meeting of owners, votes may be cast (and the voting owner(s) may attend the meeting) by way of mailed ballots as may be approved either by:

- (i) Resolution of the Board;
- (ii) The Chairperson of the meeting; or
- (iii) Resolution of the meeting.

[This is in addition to an owner, or the owner's proxy, voting in person at the meeting as authorized by the Act.]

**ARTICLE III.
MISCELLANEOUS**

- (1) Invalidity: The invalidity of any part of this by-law shall not impair or affect in any manner the validity and enforceability or effect of the balance thereof.
- (2) Waiver: No restriction, condition, obligation or provision contained in this by-law 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) Headings: The headings in the body of this by-law form no part thereof but shall be deemed to be inserted for convenience only.
- (4) Alterations: This by-law or any part thereof may be amended or repealed by a by-law passed in accordance with the provisions of the Act, and the Declaration.
- (5) Preparation: This document was prepared in the year 2022 by Davidson Houle Allen LLP in conjunction with the corporation.

The foregoing by-law is hereby passed by the Directors and confirmed by the owners pursuant to the *Condominium Act*, 1998 of Ontario.

DATED this _____ day of January, 2023.

CARLETON CONDOMINIUM CORPORATION NO. 294

Print Name:

Print Title:

Print Name:

Print Title:

We have authority to bind the Corporation.



By-law to Authorize Electronic and Telephonic Attendance and Voting at Meetings of the Owners

[CCC 294 - Proposed By-law No. 14]

Explanation Note

This by-law will allow the Board to make arrangements for owners (and their proxies) to attend and vote (at any given meeting) by electronic or telephonic means. [In most cases, this would mean that owners would be permitted to attend (and also vote) at the meeting by way of audio conference or video conference, and typically with a coincident ability to vote on some matters by email or some other electronic or telephonic method of voting.]

This by-law is recommended for the following reasons:

- I. **This bylaw will make it easier in the future to accommodate those who wish to actually attend a meeting (such as an AGM) – meaning that they don't wish to attend or vote by proxy – but they either can't or don't wish to attend the meeting in person.**
- II. **As virtual meeting becomes more and more mainstream (and very often necessary), these sorts of by-laws are becoming more and more common in condominiums across Ontario.**
- III. **The province's Emergency Order in Council shows that the government recognizes virtual meeting as an appropriate way of achieving business any time it is unsafe or cumbersome to meet in person; *but the province's order is currently only temporary*. A by-law may be necessary to continue the authorization beyond the current emergency.**

CARLETON CONDOMINIUM CORPORATION NO. 294
("the Corporation")

CONDOMINIUM RULES
respecting GARBAGE & RECYCLING RECEPTACLE STORAGE
[Date of Resolution of the Owners: _____, 2023]

Introduction

The following Rules respecting the use of the common elements and/or units are made 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 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

Any 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. The obligations of "Owners" under these Rules apply equally to all occupants of the units.

1. General

1.1 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 added to the Owner's common expenses) and may be recovered by the Corporation against such Owner in the same manner as common expenses. Without limiting the generality of the foregoing, such losses, costs or damages shall include, but shall not necessarily be limited to, the following:

(i) All legal costs incurred by the Corporation in order to enforce, or in attempting to enforce, the Act, Declaration, By-laws or Rules.

1.2 No restriction, 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.

1.3 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 of 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.

- 1.4 If a Rule is inconsistent with the provisions of the Declaration or By-Laws of the Corporation, the provisions of the Declaration and By-Laws shall prevail, and the Rule shall be deemed to be amended accordingly.
- 1.5 The Corporation's previous Rules respecting Garbage and Recycling are hereby repealed. To the extent that this Rule is inconsistent with any previous Rules of the Corporation, this Rule prevails and the previous Rules are deemed to be amended or replaced accordingly.

2. Garbage

2.1 General

- (i) No Owner shall place, leave or permit to be placed or left in or upon any part of the general common elements any debris, refuse or garbage, except on days designated by the Board or the Manager as garbage pick-up days and in accordance with the instructions of the Board. Such debris, refuse or garbage shall be contained in properly secured containers (garbage receptacles).
- (ii) Garbage receptacles may be stored inside each unit and/or inside each unit's exclusive use common element rear yard, provided that such garbage is stored in a clean and orderly fashion, and that the receptacles are properly secured.

2.2 Special Waste

No hazardous goods, unusually large items, appliances, furniture, packing cartons or crates or other special or unusual waste (for example, car batteries, oil, refrigerators, etc.) may be disposed of as part of the regular garbage pick-up. Arrangements must be made with the appropriate waste removal company for pick-up of any such special waste (at the owner's expense).

2.3 Recycling

- (i) All recyclable waste must be sorted and disposed of in the appropriate recycling containers.
- (ii) Recycling containers may be stored inside each unit and/or inside exclusive use common element yard areas.
- (iii) Recycling containers shall not be stored outside the unit or exclusive unit common elements areas described above, except as required on recycling pick-up days and in accordance with the instructions of the Board.
- (iv) All recyclable material shall be recycled in accordance with the latest City of Ottawa recycling Rules for Condos and Apartments.

2.4 Garburators

Owners must not install or use in-sink or in-drain garbage grinders (commonly known as “garburators”) or any other device that grinds garbage or food waste for delivery into the sewage system. Such devices are prohibited by the municipality. Such devices can cause sewer back-ups and can be harmful to the sanitary drainage system.

2.5 Strict Sanitary Conditions

Owners must maintain strict sanitary conditions at all times.

3. Legacy Exceptions

- (i) The rules respecting storage of garbage and recycling receptacles on the common elements do not apply to the following units:
 - i. 1898 Belmore Lane
 - ii. 1906 Belmore Lane
 - iii. 1916 Belmore Lane
 - iv. 1926 Belmore Lane
 - v. 1936 Belmore Lane
 - vi. 42-2284 Orient Park Drive
- (ii) The units listed above have been granted legacy status due to approvals provided under previous Boards and conditions existing as at the time that these rules come into force. However, the legacy exceptions granted herein apply only to the current residents of these units (as at January 1, 2023). The legacy exceptions no longer apply when those current residents no longer occupy the above units.
- (iii) As long as the legacy exception applies, the residents of the above units are permitted to store up to two (2) receptacles (either for garbage or recycling materials) beside the unit, provided that the receptacles are maintained in a clean and orderly fashion. For greater clarity, the area beside the unit referred to in this section is the area beside the brick wall next to the main entrance to the unit.



EXPLANATION NOTE
BYLAW RESPECTING MODIFICATIONS BY OWNERS

[Section 98 of *Condominium Act, 1998*]

The *Condominium Act, 1998* states that every common element modification made by an owner in a condominium (since May 5, 2001) must be governed by an agreement between the Condominium Corporation and the owner, registered on title to the owner's unit.

The agreement must deal with such things as responsibility for the cost of the modification, responsibility for repair and maintenance of the modification and responsibility for insurance of the modification. These matters are detailed in Section 98 of the Act.

We recommend that these required agreements be regulated by By-law, for a number of reasons:

1. The By-law can satisfy the requirement for a registered agreement in relation to each modification – but at much less cost.

[The By-law can list all of the terms and conditions for the individual agreements, and those terms and conditions can then be incorporated, by reference, in a very simple, separate document. In other words, the By-law can streamline the process and minimize paper. It is also our view that there is a good argument that the one-time registration of the by-law is sufficient, and that separate registration for each modification is not required. Instead, the owner can be asked to sign a separate “Acknowledgement” Form (confirming the fact that the owner is making the change and is bound by the terms of the by-law in relation to the change). This form is held in the owner's unit file and is attached to any status certificate issued for the particular unit, but is not registered on title. This approach avoids having to register a separate agreement for each modification, and this saves a great deal of expense. The validity of this approach is not certain and has not yet been tested in Court, but again we believe that there are good grounds to support this approach.]

2. The By-law can satisfy any requirement for owner involvement.

[In some cases, the modifications may also require notice to the owners and/or approval by a vote of the owners. The process for confirming a By-law will meet this requirement.]

3. The By-law can be enforced in the same way that other By-laws can be enforced.

4. The By-law can serve to regulate changes made before the arrival of the current Act.

[Such changes did not require any registered agreement. However, registration of the terms and conditions applying to those “older” changes – through registration of a by-law – is still wise.]

In the case of CCC 294, you have previously passed such a By-law – By-law No. 9 – which governs common element modifications in your community. The purpose of the proposed amendment, in By-law No. 13, is simply to add two additional items to the list of permitted modifications. Those two items being video doorbells and security or motion lights with cameras.

CARLETON CONDOMINIUM CORPORATION NO. 294
("the Corporation")

CONDOMINIUM RULES respecting CANNABIS
[Date of Resolution of the Owners _____, 2023]

Introduction

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 or 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

Any 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

WHEREAS:

Growing of cannabis can create odours that are bothersome and/or harmful to residents. Furthermore, growing of cannabis can cause excessive humidity.

2. Effective Date of These Rules

The effective date of these Rules is _____.

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 common expenses in accordance with Article XXII (a) of the Declaration. Without limiting the generality of the foregoing, such losses, costs or damages shall include, but shall not necessarily be limited to, the following:

- (a) All legal costs incurred by the Corporation in order to enforce, or in attempting to enforce, the Act, Declaration, By-laws or Rules;
- (b) An administration fee in the amount of \$75.00*, to be payable to the Corporation for any violation that continues after initial notice has been sent, and further administration fees of \$75.00* per month, for each month during which the violation continues or is repeated.

[*NOTE: This administration fee represents actual costs reasonably estimated to be incurred by the Corporation as a result of a violation of the Act, Declaration, By-laws or Rules; and may be reasonably increased, from time to time, by Board resolution.]

- 3.2 No restriction, 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 of 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. Additional Definition

4.1 Cannabis

Cannabis has the common meaning of that term under Ontario law, and includes any plant belonging to the genus *Cannabis* as well as any of the preparations (such as marijuana or hashish) derived from a cannabis plant, or any other substance containing chemicals (such as THC - *Tetrahydrocannabinol*) that are derived from a cannabis plant.

5. Cannabis growing

CANNABIS GROWING

- 5.1 No one is permitted to grow cannabis in the units, except as permitted by this Rule.
- 5.2 No one is permitted to grow cannabis on the common elements.
- 5.3 A resident (meaning a specific resident who is permitted – not their guests or other occupants of the unit) may grow cannabis in the resident's unit, but only subject to the following:
- (a) A resident is permitted to grow cannabis only if the resident has a medical need, and therefore a physician's prescription, for cannabis use. If requested by the Corporation, the resident will provide the Corporation with a copy of the prescription as well as such additional written evidence of the resident's medical need as may be reasonably requested by the Corporation.
 - (b) The cannabis growing must only be as necessary to meet the resident's personal needs for cannabis.
 - (c) The resident must give the Corporation prompt written notice that the resident is growing cannabis in the resident's unit.

- (d) The cannabis growing must not create any risk of expense, harm or injury to the property or to other residents [whether because of excessive humidity, excessive heat, excessive light, or for any other cause related to the cannabis growing]; and the cannabis growing must also not cause or result in any unreasonable nuisance or disturbance to other residents in the condominium.
- (e) The cannabis growing must otherwise be in compliance with all federal, provincial and municipal laws dealing in any way with the licensing and/or regulation of the growing of cannabis.
- (f) In accordance with the Corporation's rights to access the units (set out in the Act and/or the Declaration), the corporation may enter the resident's unit, at any reasonable time or times, and in each case on reasonable notice, in order to inspect the growing of the cannabis.

GENERAL

- 5.4 If the resident is not in compliance with any of provisions of this Rule, or if the Board, acting reasonably, determines that the growing of cannabis in the unit is a nuisance or a disturbance or a source of harm, the grower will, upon written request from the Corporation, immediately stop growing cannabis in the unit and will immediately remove all cannabis plants from the unit.
- 5.5 Any permission to grow cannabis (as described above) ceases as soon as the need to do so (as also described above) comes to an end.

6. Previous Rules

Where any provision in this Rule is inconsistent with the provisions of any previous Rule, the provisions of this Rule shall prevail, and the previous Rule shall be deemed to be amended accordingly.

CARLETON CONDOMINIUM CORPORATION NO. 294
("the Corporation")

CONDOMINIUM RULES respecting RECORDINGS
[Date of Resolution of the Owners: _____, 2023]

Introduction

The following Rules respecting the use of the common elements and/or units are made 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 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

Any 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. The obligations of "Owners" under these Rules apply equally to all occupants of the units.

1. General

- 1.1 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 added to the Owner's common expenses) and may be recovered by the Corporation against such Owner in the same manner as common expenses. Without limiting the generality of the foregoing, such losses, costs or damages shall include, but shall not necessarily be limited to, the following:
 - (i) All legal costs incurred by the Corporation in order to enforce, or in attempting to enforce, the Act, Declaration, By-laws or Rules.
- 1.2 No restriction, 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.
- 1.3 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 of 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.
- 1.4 If a Rule is inconsistent with the provisions of the Declaration or By-Laws of the Corporation, the provisions of the Declaration and By-Laws shall prevail, and the Rule shall be deemed to be amended accordingly.

2. Recordings

2.1 Save and except for recordings captured by video doorbells and other cameras which are permitted under the Corporation's By-law 9 (and related Rules), no videotaping, photographing or other electronic audio or visual recording of persons, conditions or activities on the common elements is permitted without either:

- (i) the consent of the person(s) to be recorded; or
- (ii) the written consent of the Board.

2.2 No videotaping, photographing or other electronic audio or visual recording of any meeting of the Corporation (whether a Board Meeting, an Owners Meeting or any other Meeting of the Corporation) is permitted without either:

- (i) the consent of the meeting (by resolution passed at the meeting); or
- (ii) the consent of the Board; or
- (iii) the consent of the meeting Chair.

2.3 Conditions for handling surveillance footage

- a) The restrictions on authorized surveillance devices, such as permitted video doorbells and other cameras, are intended to maximize privacy on the common elements.
- b) To the extent that any part of the common elements is captured by any authorized device, the video recordings are to be viewed only for the following purposes:
 - i. To promote safety, security and welfare of the Owners and of the property and assets of the Corporation; or
 - ii. To prevent or identify (and assist with enforcement steps in relation to) violations of the Act, Declaration, By-laws or Rules.
- c) When deemed appropriate by the Board, following a report having been made to the police, the video recordings may be made available to the police (upon receipt of a request from the police).
- d) When deemed appropriate by the Board, in the event of an accident/injury, the video recordings may be made available to the appropriate authorities (upon receipt of a request from the relevant authority).
- e) Video recordings are not to be shared on any social media platform, or shared with other owners, unless permitted by the Board.

2.4 The said video surveillance must not be carried out in any areas of the property where persons would have a reasonable expectation of privacy.