

Court File No. 02-CV-22064

SUPERIOR COURT OF JUSTICE

JUSTICE

A. J. Boyd.

)

FRIDAY, THE 20TH DAY OF

)

DECEMBER, 2002

BETWEEN:

CARLETON CONDOMINIUM CORPORATION NO. 76

APPLICANT

and

(Court seal)

**THE UNIT OWNERS AND MORTGAGEES LISTED IN THE RECORD OF
THE CONDOMINIUM CORPORATION MAINTAINED UNDER SUBSECTION 47(2) OF THE
CONDOMINIUM ACT AS AT THE 30TH DAY BEFORE THE DATE
OF ISSUANCE OF THIS APPLICATION, SET FORTH IN THE ATTACHED SCHEDULE 'A'
RESPONDENTS**

O R D E R

THIS APPLICATION, made by the Applicant, Carleton Condominium Corporation No. 76, for an Order to amend the Declaration, was heard this day at Ottawa, Ontario.

ON READING the Notice of Application and the Affidavit of Jacqueline Daugherty, filed, and on hearing the submissions of counsel for the Applicant:

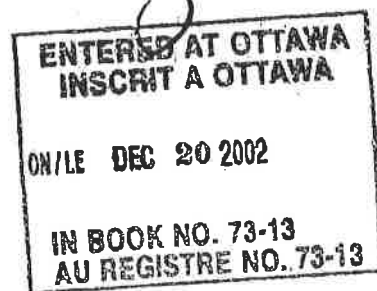
1. THIS COURT ORDERS that the Applicants' Declaration (registered in Ottawa as Instrument No. LT 128960 on February 26, 1976) be amended as follows:

By revising Article VI(2) of the said Declaration so that it reads as follows:

"Repairs and Maintenance of Common Elements by the Corporation

The Corporation shall repair and maintain the common elements, which includes repair and maintenance of the following:

- (a) Windows, apart from maintenance of interior surfaces;
- (b) Doors which provide the means of ingress to and egress from a unit, apart from maintenance of interior surfaces; Provided, however, that the garage doors, apart from exterior finishing, are within the units and repair and maintenance of the garage doors is accordingly the responsibility of the unit owners, apart from maintenance of the exterior finishing (exterior painting)."



Schedule 'A'

Wayne McCullough
1-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Martin Easson
2-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Jean-Claude Nicolas
3-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Amy Howard
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Ottawa, ON K1B 4V2

Joyce Maclean
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Nepean, ON K2H 8S7

Jamil Kassabri-Neheda
6-2669 Southvale Crescent
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Ahmed M. Omar
7-2669 Southvale Crescent
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Rachel Levesque
8-2669 Southvale Crescent
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Digdo Didgoyo
9-2669 Southvale Crescent
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Estelle Allen
10-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Hang-Nga Tam
11-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Paul Sweeney
12-2669 Southvale Crescent
Ottawa, ON K1B 4V2

John Cheung
38 Pineway Place
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Ming Tung Le/ Loan Nguyen
14-2669 Southvale Crescent
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Charles & Ethel Archand
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Ottawa, ON K1B 4V2

Clarita Alan
16-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Joseph Ofori Attah
17-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Alex & Harriet Farmer
18-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Lorraine Norwood
19-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Estate of Emmy Holzhaus
20-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Gabby Ogbalidet
2450 Blackstone Crescent
Ottawa, ON K1B 4H2

Pierre Cossais
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K. Takaki c/o Mr. A. Foo
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Calgary, ALTA T2M 4B8

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29-2669 Southvale Crescent
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30-2669 Southvale Crescent
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39-2669 Southvale Crescent
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Nancy Bow
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Catherine Sweetapple
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Jean-Yves Dufanal
42-2669 Southvale Crescent
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Fred Buck
43-2669 Southvale Crescent
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Carol Grimes
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Dr. Aggerwal
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Ottawa, ON K1B 4V2

Subhkin Canada Inc.
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Gloucester, ON K1J 9C3

Debbie Deano
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Ottawa, ON K1B 4V2

Gerber Carillo
50-2669 Southvale Crescent
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Herardo & Carmen Castro
51-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Zvonimir & Merima Uzarevic
52-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Francois Rutarindwa
53-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Tino Marques
238 Tudor Place
Vanier, ON K1L 7Y2

Rhonda & Robert Coleman
100-1827 Woodward Avenue
Ottawa, ON K2C 0P9

Nooralie Adatia
8 Trellis Court
Ottawa, ON K1T 3B3

Jacqueline Daugherty
57-2669 Southvale Crescent
Ottawa, ON K1B 4V2

Sami El-Koussaifi
58-2669 Southvale Crescent
Ottawa, ON K1B 4V2

DEC 9 11

Carleton Condominium Corporation No. 76

- and - The Unit Owners and Mortgagees listed in the record of the condominium corporation maintained under Subsection 47(2) of the Condominium Act as at the 30th day before the date of issuance of this application, set forth in the attached Schedule "A"

Applicant

Respondents
Court File No. 02-CV-22064

**ONTARIO
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at the City
of Ottawa, in the Regional
Municipality of Ottawa-Carleton

ORDER

Nelligan O'Brien Payne LLP
Barristers & Solicitors
1900-66 Slater Street
Ottawa, ON K1P 5H1

JAMES DAVIDSON
LSUC #: 024345H
(613) 231-8243
(613) 238-2098 (Fax)
Solicitors for the Applicant
Courthouse Box No. 285

➤N:\REC\C\CCC76\Amend Declaration\Affidavit of Jacqueline Daugherty.wpd

12-31-02; 11:42 ; WWW.NELLIGAN.COM ; 613 238 2098 # 8/ 8

Properties 15076-0001 to 15076-0050 (inclusive)

<i>PIN</i>	15076 - 0051 LT	<i>Estate/Qualifier</i>	Fee Simple Absolute
<i>Description</i>	UNIT 51, LEVEL 1, CARLETON CONDOMINIUM PLAN NO. 76 ; PT BLK M, PL M119, PTS 1, 2 & 3 4R1534, AS IN SCHEDULE 'A' OF DECLARATION LT128960 ; OTTAWA		
<i>Address</i>	51 NUMBER 02669 SOUTHVALE CRESCENT OTTAWA		
<i>PIN</i>	15076 - 0052 LT	<i>Estate/Qualifier</i>	Fee Simple Absolute
<i>Description</i>	UNIT 52, LEVEL 1, CARLETON CONDOMINIUM PLAN NO. 76 ; PT BLK M, PL M119, PTS 1, 2 & 3 4R1534, AS IN SCHEDULE 'A' OF DECLARATION LT128960 ; OTTAWA		
<i>Address</i>	52 NUMBER 02669 SOUTHVALE CRESCENT OTTAWA		
<i>PIN</i>	15076 - 0053 LT	<i>Estate/Qualifier</i>	Fee Simple Absolute
<i>Description</i>	UNIT 53, LEVEL 1, CARLETON CONDOMINIUM PLAN NO. 76 ; PT BLK M, PL M119, PTS 1, 2 & 3 4R1534, AS IN SCHEDULE 'A' OF DECLARATION LT128960 ; OTTAWA		
<i>Address</i>	53 NUMBER 02669 SOUTHVALE CRESCENT OTTAWA		
<i>PIN</i>	15076 - 0054 LT	<i>Estate/Qualifier</i>	Fee Simple Absolute
<i>Description</i>	UNIT 54, LEVEL 1, CARLETON CONDOMINIUM PLAN NO. 76 ; PT BLK M, PL M119, PTS 1, 2 & 3 4R1534, AS IN SCHEDULE 'A' OF DECLARATION LT128960 ; OTTAWA		
<i>Address</i>	54 NUMBER 02669 SOUTHVALE CRES OTTAWA		
<i>PIN</i>	15076 - 0055 LT	<i>Estate/Qualifier</i>	Fee Simple Absolute
<i>Description</i>	UNIT 55, LEVEL 1, CARLETON CONDOMINIUM PLAN NO. 76 ; PT BLK M, PL M119, PTS 1, 2 & 3 4R1534, AS IN SCHEDULE 'A' OF DECLARATION LT128960 ; OTTAWA		
<i>Address</i>	55 NUMBER 02669 SOUTHVALE CRESCENT OTTAWA		
<i>PIN</i>	15076 - 0056 LT	<i>Estate/Qualifier</i>	Fee Simple Absolute
<i>Description</i>	UNIT 56, LEVEL 1, CARLETON CONDOMINIUM PLAN NO. 76 ; PT BLK M, PL M119, PTS 1, 2 & 3 4R1534, AS IN SCHEDULE 'A' OF DECLARATION LT128960 ; OTTAWA		
<i>Address</i>	56 NUMBER 02669 SOUTHVALE CRES OTTAWA		
<i>PIN</i>	15076 - 0057 LT	<i>Estate/Qualifier</i>	Fee Simple Absolute
<i>Description</i>	UNIT 57, LEVEL 1, CARLETON CONDOMINIUM PLAN NO. 76 ; PT BLK M, PL M119, PTS 1, 2 & 3 4R1534, AS IN SCHEDULE 'A' OF DECLARATION LT128960 ; OTTAWA		
<i>Address</i>	57 NUMBER 02669 SOUTHVALE CRES OTTAWA		
<i>PIN</i>	15076 - 0058 LT	<i>Estate/Qualifier</i>	Fee Simple Absolute
<i>Description</i>	UNIT 58, LEVEL 1, CARLETON CONDOMINIUM PLAN NO. 76 ; PT BLK M, PL M119, PTS 1, 2 & 3 4R1534, AS IN SCHEDULE 'A' OF DECLARATION LT128960 ; OTTAWA		
<i>Address</i>	58 NUMBER 02669 SOUTHVALE CRESCENT OTTAWA		

Party From(s)

<i>Name</i>	SUPERIOR COURT OF JUSTICE
<i>Address for Service</i>	Ottawa Courthouse 161 Elgin Street, 5th Floor Ottawa, ON K2P 2K1

Applicant(s)	Capacity	Share
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Name CARLETON CONDOMINIUM CORPORATION NO. 76
Address for Service c/o Nelligan O'Brien Payne
1900-66 Slater Street
Ottawa, ON K1P 5H1

Statements

The applicant who is authorized by court order file no. 02-CV-22064 dated 2002/12/20, which is still in full force and effect, applies to have the register amended as follows: THIS COURT ORDERS that the Applicants' Declaration (registered in Ottawa as Instrument No. LT128960 on February 26, 1976) be amended as follows: By revising Article VI(2) of the said Declaration so that it reads as follows: "Repairs and Maintenance of Common Elements by the Corporation - The Corporation shall repair and maintain the common elements, which includes repair and maintenance of the following: (a) Windows, apart from maintenance of interior surfaces; (b) Doors which provide the means of ingress to and egress from a unit, apart from maintenance of interior surfaces; Provided, however, that the garage doors, apart from exterior finishing, are within the units and repair and maintenance of the garage doors is accordingly the responsibility of the unit owners, apart from maintenance of the exterior finishing (exterior painting)."

Schedule: See Schedules

This document relates to registration no.(s)LT128960

Signed By

James Morry frederick Davidson 1900-66 Slater St. acting for Applicant(s) Signed 2003 01 15
Ottawa K1P 5H1
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Submitted By

NELLIGAN O'BRIEN PAYNE LLP 1900-66 Slater St. 2003 01 16
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Fees/Taxes/Payment

Statutory Registration Fee \$60.00
Total Paid \$60.00