

What Should Owners Do With The Standard Unit Bylaw?

As you know, it is our opinion that the *Condominium Act, 1998* requires that all existing condominium corporations pass by-laws to define the "standard units" in the condominium. According to the Act, the by-law must be passed before the corporation's first insurance renewal after May 5, 2001.

The standard unit by-law gives a description of the unit as unimproved. It is the responsibility of the condominium corporation to obtain insurance covering the unimproved or "standard" unit (subject to a reasonable deductible). Insurance for any improvement to the unit is the responsibility of the owner.

An improvement is any feature, which is not part of the standard unit description.

Therefore, when the standard unit by-law is passed, each owner should take a copy of the by-law to the owner's insurance broker. The owner should also give the broker a list of all features of the unit, which are not included in the standard unit description. Those are the unit improvements. The broker should then be asked to make sure that the owner's insurance policy provides adequate coverage for those improvements.

At present, most unit insurance policies provide an arbitrary amount of coverage for unit improvements - usually set at a percentage of the coverage for the owner's personal property or "contents". With a precise list of the unit improvements in hand, many owners and brokers may find that they can actually reduce the coverage for improvements. [They may find that they have actually been over-insured up until this time.] On the other hand, in some cases the insurance coverage may have to be increased.

At the end of the day, the standard unit description should enable owners and their brokers to more carefully assess the insurance requirements of the owner.

Schedule "A"

CARLETON CONDOMINIUM CORPORATION NO. 76

BY-LAW NO. 19

BE IT ENACTED as By-Law No. 19 (being a by-law to define standard units) of Carleton Condominium Corporation No. 76 (hereinafter referred to as the "Corporation") as follows:

**ARTICLE I
DEFINITIONS**

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

**ARTICLE II
GENERAL**

- (1) The purpose of this by-law is to define the standard unit in this condominium, in accordance with the requirements of the Act.
- (2) Where the materials or specifications set out in this by-law are uncertain or incomplete, the standard unit specifications and materials shall be consistent with "Builder's Standard" construction. In the case of any dispute as to what constitutes "Builder's Standard", a comparison shall be had to the quality of the particular feature being offered by builders of comparable construction at the time of the damage.
- (3) The standard unit does not include features, which are part of the common elements. The Corporation's declaration determines which features are part of the common elements and which features are part of the units. To the extent that the attached schedule include features which are part of the common elements, they are included for reference and information purposes. They are not intended to be part of the standard unit.
- (4) Except as otherwise indicated in this by-law, the standard unit(s) shall include all features of the units mentioned in the declaration or shown in the description of the condominium including sheets 1 to 16 of Part 2 of the description. In the case of any inconsistency between the declaration or description and the schedules to this By-Law, the schedules to this By-Law shall prevail.
- (5) All materials and construction shall conform to the current Ontario Building Code, Ontario Fire Code, Ontario Electrical Safety Code, current Municipal regulations and by-laws, and all applicable bulletins in force. Where conflicting requirements exist, the most stringent shall apply. If any component of the standard unit must be upgraded or changed in order to comply with any applicable governmental regulation or code or other law applicable to the repair of insured damage or destruction, the said upgrade or change shall be considered part of the standard unit despite not being clearly defined herein as being part of the standard unit.
- (6) Where the schedules to this By-Law refer to specific brands of equipment or materials, this shall be deemed to include equivalent brands.

- (7) In this condominium, there are six (6) different classes of standard units. Each class is based upon a different model of unit in this condominium. The standard unit for each class or model is defined and described further in plans and specifications contained in the schedule(s) indicated for the particular class. The classes and schedule(s) are as follows:

Class Number	Class Description	Units	Schedule(s)
Type A	4 bedroom, 2 storey front and rear	Level 1, Units 1, 2, 12,	1
Type B	3 bedroom, 2 storey front and rear	Level 1, Unit 11	1
Type C	3 bedroom, 3 storey front and 2 storey rear	Level 1, Units 3, 5 and 6, and 39 to 58 (inclusive)	1
Type D	4 bedroom, 2 storey front and 3 storey rear	Level 1, Units 4, 13-15 (inclusive), 23-28 (inclusive)	1
Type E	3 bedroom, 2 storey front and 3 storey rear	Level 1, Units 8, 16-22 (inclusive), 29-32 (inclusive)	1
Type F	3 bedroom, 3 storey front and 2 1/2 storey rear	Level 1, Units 9, 10, 33-38 (inclusive)	1

ARTICLE III MISCELLANEOUS

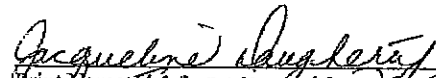
- (1) Invalidity: The invalidity of any part of this by-law shall not impair or affect in any manner the validity and enforceability or effect of the balance thereof.
- (2) Waiver: No restriction, condition, obligation or provision contained in this by-law shall be deemed to have been abrogated or waived 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 parts thereof may be varied, altered or repealed by a by-law passed in accordance with the provisions of the Act, and the Declaration.

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 29th day of November, 2004.

CARLETON CONDOMINIUM CORPORATION NO. 76


Print Name: JACQUELINE DAUGHERTY
Print Title: PRESIDENT

I have authority to bind the Corporation.

Version 5 -- May 2002

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This document was prepared by Nelligan O'Brien Payne LLP for CCC #76 based on a thorough review of all relevant documentation and the specific circumstances of this condominium. This document may not be appropriate for another condominium.

Please note: The form from which this document was prepared is regularly revised and updated.

Schedule "1"
Carleton Condominium Corporation No. 76
Specifications

Specifications are applicable to all classes. All items are of standard builder's quality, unless otherwise stated.

SECTION ONE: GENERAL SPECIFICATIONS

Doors: wooden hollow core interior doors, plastic doorknobs with keyless passage locks

Trim: standard quality finger jointed wood trim, primed and painted with one coat of paint

Walls: ½" drywall, primed and painted with one coat of paint

Ceilings: stipple on drywall ceilings except Bathrooms and kitchen

Electrical: plastic casing

Plumbing and Mechanical Systems:

- 200 amp electrical panel
- heating ducts for future air-conditioning
- phone hook-ups
- 40 gallon gas hot water heater (rental)
- forced air gas furnace

SECTION TWO: INDIVIDUAL AREAS

Entrance

- standard quality vinyl tile flooring
- sliding closet doors
- one shelf with hanging rod
- standard glass ceiling fixture

Halfways and Stairs

- economy grade carpeted stairs
- 4 wooden shelves in linen closet
- swing style door on linen closet
- wooden handrails
- standard glass ceiling fixtures [Two in Class Types A, B, D and E. Three in Class Types C and F.]
- units 39-58 have one 3 way light at bottom of stairs and standard fixture at top of stairs

Living Room

- standard grade carpeted flooring

Dining Room

- standard overhead light fixture
- standard grade carpeted flooring

Kitchen

- standard 080 gage vinyl flooring

- built-in range hood vented to exterior
- standard center ceiling light fixture
- paper faced press board cabinets with metal hardware
- arborite drip edge countertops
- stainless steel sink with standard dual control faucet

Main Bathroom

- standard toilet
- bathtub with metal shower curtain rod in main bathroom
- metal enamel sink with metal single head faucets
- ceramic tile tub surround and ceramic tile floor
- vanity mirror above sink
- arborite counter top
- exhaust fan vented to exterior

Powder Room

- vinyl tile flooring
- standard toilet
- metal enamel sink with metal single head faucets
- vanity mirror above sink
- arborite counter top
- exhaust fan vented to exterior [Class Types A, B, D and E]

Master Bedroom

- standard quality carpet flooring
- sliding doors on closet with one shelf and hanging rod

Secondary Bedrooms

- standard quality carpet flooring
- standard ceiling light fixture
- sliding doors on closet
- one shelf with hanging rod in closet

Unfinished Basement

- unfinished cement flooring
- plastic laundry tub with standard double tap faucet
- electrical and plumbing hookups for washer and dryer
- dryer vent
- floor drainage
- unfinished ceilings (no drywall)

Standard Features

Unless otherwise indicated herein, the following items shall simply be of standard quality and installation and in accordance with all relevant or applicable codes and regulations:

plastic light switch and cover plates
 electrical outlets and cover plates
 plumbing
 drains
 insulation
 ducting, venting and associated fans
 door hardware
 smoke detectors
 vapour barrier

electrical wiring
paint
trim
cabinet hardware (bathroom(s) and kitchen)
door bells – front and back

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