

CARLETON CONDOMINIUM CORPORATION NO. 96
(“the Corporation”)

CONDOMINIUM RULES respecting SMOKING
[Date of Board Resolution October 17, 2018]

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 respecting Smoking

WHEREAS:

- (a) Second-hand smoke is known to drift through walls, openings in walls and through ventilation systems, and to contaminate air in common areas and individual units. It is not reasonably possible to completely prevent this migration of smoke.
- (b) Second-hand smoke is known to be harmful to human health and/or to cause disturbance to many people. Furthermore, smoke is known to linger in contents and fixtures for significant periods of time.
- (c) Smoking can also increase the risk of fire; and smoking can also result in added debris (such as butts) on the property.
- (d) Smoke from Cannabis also has known impacts upon a person’s perception and can have a distinct odour that is particularly bothersome to some persons.
- (e) Condominium corporations have a duty to take reasonable steps to address risks of second-hand smoke; and condominium corporations may otherwise pass Rules for the purposes set out in the Act.

- (f) The Board has concluded that prohibiting smoking, as set out in these Rules, is a reasonable way to protect residents (and their guests) from the above-noted risks.

2. Effective Date of These Rules

The effective date of these Rules is December 7, 2018.

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 25 (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 Definitions

4.1 Smoking

Smoking includes the inhaling, breathing, carrying, or possession of any lighted cigarette, cigar, pipe, other product containing any amount of tobacco, cannabis, shisha, incense or other smoke-producing substance, or any other similar heated

or lit product, and includes vaping with electronic devices or any other activities that create smoke or chemical fumes.

4.2 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.

4.3 Tobacco

Tobacco has the common meaning of that term under Ontario law, and includes any plant belonging to the genus *Nicotiana* as well as any of the preparations derived from a tobacco plant, or any other substance containing chemicals (such as nicotine) that are derived from a tobacco plant.

5. Regulation of Smoking on Common Elements

- 5.1 Smoking of Cannabis is not permitted in, on, or around any part of the common elements, including all exclusive-use common elements (which includes the exclusive-use patios and parking spaces).
- 5.2 Smoking of Tobacco is not permitted anywhere in the underground garage (which is part of the common elements).