MADISON LOFTS

TORONTO STANDARD CONDOMINIUM CORPORATION NO. 2026
380 MACPHERSON AVENUE, TORONTO ON, M4V 3E4

October 31, 2017

Dear Homeowner:

RE: Toronto Standard Condominium Corporation No. 2026 (the "Corporation")
Revision to the Rule to Prohibit Smoking

The additional information provided in this letter will assist and explain to you the enclosed Notice and Rule to Prohibit Smoking and it is in response to many emails received from all owners in our building, who expressed concern relating to the unclear explanation of how this rule applies, who does it apply to and when it will come effective.

We all know that smoking within the building is an ongoing source of concern for many owners and for the Corporation.
While residents are not permitted to disturb other residents pursuant to our existing Rules concerning nuisance, such nuisance rules can be very difficult, time consuming and expensive to enforce in many situations.

In order to balance the interests of current residents who smoke, please note that the Rule contains a 'grandfathering' provision which aids in the transition and will answer any questions you might have. This clause allows those residents to smoke on the exclusive use balconies and terraces.

If owners wish to object to the rule, they should requisition a special meeting. By organizing a petition with signatures of at least 15% of owners (32 signatures in this case), you will be able to call a meeting, at which point the rule will be discussed and put to a vote. If no such meeting is requisitioned, the rule is considered accepted after 30 days of being posted.

Should you have any questions or concerns, please do not hesitate to contact Madalina, the Property Manager at 416-926-3999 or by email at mpetcu@mrcm.ca.

Yours truly,

Board of Directors
Toronto Standard Condominium Corporation No. 2026
per:

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An Associa® Company

TORONTO STANDARD CONDOMINIUM CORPORATION NO. 2026
(the "Corporation")

RULE PROHIBITING SMOKING

WHEREAS Section 58 of the *Condominium Act, 1998* (the "***Act***") provides that the Board may make, amend or repeal Rules respecting the use of common elements and/or units to promote the safety, security or welfare of the owners and of the property and assets of the Corporation; or, to prevent unreasonable interference with the use and enjoyment of the common elements, the units or the assets of the Corporation;

AND WHEREAS the *Smoke-Free Ontario Act* already specifically prohibits the smoking of any substances in the common areas of the condominium building, including the elevators, hallways, parking garages, lobby, and facility areas;

AND WHEREAS it is desirable to address the issue of the unreasonable interference and nuisance, and the negative health impact to other residents, caused by the smoking of various substances within individual units, and the transmission of such smoke to other units and to the common elements within the condominium building;

NOW THEREFORE the Board hereby enacts the following ***Rule Prohibiting Smoking***, which shall be numbered as Rule 17 within the existing Rules:

"17. <u>SMOKING</u>

(a) All forms and methods of smoking (including without limitation, cigarettes, cigars, pipes, vaping and any other methods of smoking tobacco, marijuana or any other substances) are hereby prohibited in all individual residential units and common elements of the condominium building at 380 Macpherson Drive in Toronto. This prohibition includes without limitation all common areas, including hallways, stairways, elevators, balconies, terraces and residential units.

(b) Notwithstanding paragraph 17(a) above, a resident who regularly smokes in a residential unit will be permitted to continue to smoke in the residential unit and any balcony or terrace over which said residential unit has exclusive use, subject to the following conditions:

i. the resident must have lived in the unit as at November 1, 2017;

ii. the resident must register for an exemption to paragraph 17(a) with property management by no later than December 31, 2017. The owner of a unit in which a resident regularly smokes is responsible to ensure that such resident registers with property management so as to qualify for the exemption hereunder. The Corporation shall keep a registry of the residents registered under this paragraph 17(b). The Corporation shall be entitled to request such information in support of the registration as it may reasonably determine, including without limitation, the following:

- name of resident and identification of residential unit;
- proof of occupancy as of November 1, 2017.

iii. the right of a resident to continue to smoke in the residential unit and balcony/terrace under any exemption under this paragraph 17(b) is personal. That is, any exemption to paragraph 17(a) shall continue only as long as the said resident continues to reside in the specific residential unit and such exemption shall not be transferred or assigned to any other person. Without limitation, paragraph 17(a) shall apply to any subsequent or other resident of the unit;

iv. the resident shall be responsible to ensure that smoking in the unit and/or on the balcony or terrace does not disturb the comfort and quiet enjoyment of any other resident or visitor to the condominium building and the resident shall otherwise comply with all applicable Rules and the Act as these relate to smoking including the creation of a nuisance or a hazardous condition. Any such repeated disturbance will constitute grounds for the Board to withdraw or limit the exemption under paragraph 17(b) in the sole discretion of the Board.

(c) Any owner who enters into a lease with a new tenant of a unit after the effective date of this rule must include a provision in the lease requiring any tenant and/or other authorized occupants of the unit to comply with this rule. Further, the unit owner shall be responsible for taking any steps necessary to ensure that his or her tenant complies with this rule, at the unit owner's expense."

The foregoing Rule Prohibiting Smoking is hereby passed by the Directors of the Corporation, subject to compliance with Section 58 of the *Act*, at a meeting of Directors duly called and held.

DATED this 18th day of November 2017.

_____ _____ c/s

President Secretary