

**TORONTO STANDARD CONDOMINIUM CORPORATION NO. 2962**  
(the "Corporation")

**SMOKE-FREE ENVIRONMENT RULE**

*Preamble*

**WHEREAS** the Corporation's board of directors may, in accordance with Section 58 of the *Condominium Act, 1998* (the "**Act**"), enact rules respecting the use of the units, the common elements and the assets of the Corporation to:

- (a) promote the safety, security or welfare of the owners and of the property and assets of the Corporation; or,
- (b) prevent the unreasonable interference with the use and enjoyment of the units, the common elements or the assets of the Corporation,

**AND WHEREAS** subsection 117(2) of the *Condominium Act, 1998*, as amended, prohibits the creation of nuisance odour, smoke, and vapour that unreasonably interferes with the use and enjoyment by others of the common elements and the units;

**AND WHEREAS** this rule shall be interpreted and applied in accordance with the applicable provisions of the Ontario *Human Rights Code* regarding accommodating persons with disability related needs;

**AND WHEREAS** the Corporation's Rule 4(g), 9(k) and 14(g) prohibited smoking and vaping in the common areas, elevators, and recreational facilities of the Corporation;

**AND WHEREAS** it is intended that this preamble shall form an integral part of this rule;

**NOW THEREFORE** the Corporation's board of directors hereby repeals and replaces the Smoking Rules 4(g), 9(k) and 14(g) with the following Smoke-Free Environment Rule #18:

18. **Smoke-Free Environment**

**Definitions**

18.1 For this rule:

**"Smoking"** is defined as the holding or inhaling of lit tobacco, cannabis, or burning of any substance to inhale the smoke that is created.

**"Vaping"** is defined as inhaling the vapour created by an electronic cigarette, vaporizer, or other inhalant-type device.

**"Production of Cannabis"** is defined as obtaining cannabis by any method or process, including by manufacturing, synthesis, altering its chemical or physical properties by any means, or cultivating, propagating or harvesting cannabis or any living thing from which cannabis may be extracted or otherwise obtained.

**Smoking and Vaping Restrictions on the Common Elements**

18.2 Smoking is prohibited on all indoor and all outdoor common element areas, including all exclusive-use common element balconies. This prohibition applies to the Smoking of any substance, including but not limited to tobacco, cannabis, or any illegal substance. Vaping of any substance is prohibited in all indoor common element areas.

**Exception: Designated Smoking Area**

18.3 Notwithstanding section 18.2, above, the board of directors may, by board resolution, create, amend, or repeal a “designated smoking area” on the outdoor common elements where smoking is permitted.

**No Smoking in Condominium Units**

18.4 Except as set out in section 18.5, below, Smoking is prohibited in all condominium units within the Corporation. This prohibition applies to the Smoking of any substance, including but not limited to tobacco, cannabis, or any illegal substance.

**Exception: Legacy Units**

18.5.1 The Board may, in its discretion, exempt an existing Smoking use in a residential unit, excluding illegal substances, for a period until the owner or tenant no longer resides in the residential unit (the “Legacy Unit”).

18.5.2 In order to be considered for a Legacy Unit exemption, the owner of the subject residential unit must notify the Corporation of the existing Smoking use, including all persons for whom the exemption is being sought and their relationship to the owner, in writing, within thirty (30) days of the date that this Smoke-Free Environment Rule becomes effective. The obligation to notify the Corporation is that of the owner. The failure to notify the Corporation within the specified time frame shall disqualify the subject residential unit from being granted a Legacy Unit exemption.

18.5.3 The Board may revoke a Legacy Unit exemption with written notice to the subject owner if the legacy Smoking use is deemed to be a nuisance by the Board or the manager in their discretion, acting reasonably.

18.5.4 A Legacy Unit exemption is not transferable and shall be automatically terminated upon: (i) the sale or transfer of the Legacy Unit; or, (ii) if the person(s) whose Smoking use has been granted an exemption ceases to reside in the Legacy Unit.

**No Producing Cannabis**

18.6 The Production of Cannabis is prohibited in all condominium units within the Corporation and on all indoor and outdoor common elements, including exclusive-use common element balconies.

The foregoing rule is hereby enacted by Toronto Standard Condominium Corporation No. 2962, said rule having been passed by the board of directors pursuant to section 58 of the *Act*.

## **Excerpts from ss. 46 & 58 of the *Condominium Act, 1998***

### **Requisition for meeting**

**46** (1) A requisition for a meeting of owners may be made by those owners who at the time the board receives the requisition, own at least 15 per cent of the units, are listed in the record maintained by the corporation under subsection 47 (2) and are entitled to vote. 1998, c. 19, s. 46 (1).

### **Form of requisition**

(2) The requisition shall,

- (a) be in writing and be signed by the requisitionists;
- (b) state the nature of the business to be presented at the meeting; and
- (c) be delivered personally or by registered mail to the president or secretary of the board or deposited at the address for service of the corporation. 1998, c. 19, s. 46 (2).

### **Duty of board**

(4) Upon receiving a requisition mentioned in subsection (1), the board shall,

- (a) if the requisitionists so request in the requisition or consent in writing, add the business to be presented at the meeting to the agenda of items for the next annual general meeting; or
- (b) otherwise call and hold a meeting of owners within 35 days. 1998, c. 19, s. 46 (4).

### **Non-compliance**

(5) If the board does not comply with subsection (4), a requisitionist may call a meeting of owners which shall be held within 45 days of the day on which the meeting is called. 1998, c. 19, s. 46 (5).

### **Reimbursement of cost**

(6) Upon request, the corporation shall reimburse a requisitionist who calls a meeting under subsection (5) for the reasonable costs incurred in calling the meeting. 1998, c. 19, s. 46 (6)

## **Rules**

**58** (1) The board may make, amend or repeal rules under this section respecting the use of the units, the common elements or the assets, if any, of the corporation to,

- (a) promote the safety, security or welfare of the owners and of the property and the assets, if any, of the corporation; or
- (b) prevent unreasonable interference with the use and enjoyment of the units, the common elements or the assets, if any, of the corporation. 2015, c. 28, Sched. 1, s. 54 (1).

## **Rules to be reasonable**

(2) The rules shall be reasonable and consistent with this Act, the declaration and the by-laws. 1998, c. 19, s. 58 (2).

## **Same, proposed rules**

(3) Rules proposed by the declarant before the registration of a declaration and description shall be reasonable and consistent with this Act, the proposed declaration and the proposed by-laws. 1998, c. 19, s. 58 (3).

## **Inconsistent provisions**

(4) If any provision in a rule or a proposed rule is inconsistent with the provisions of this Act, the provisions of this Act shall prevail and the rule or proposed rule, as the case may be, shall be deemed to be amended accordingly. 1998, c. 19, s. 58 (4).

## **Amendment by owners**

(5) The owners may amend or repeal a rule at a meeting of owners duly called for that purpose. 1998, c. 19, s. 58 (5).

## **Notice of rule**

(6) Upon making, amending or repealing a rule, the board shall give a notice of it to the owners that includes,

- (a) a copy of the rule as made, amended or repealed, as the case may be;
- (b) a statement of the date that the board proposes that the rule will become effective;
- (c) a statement that the owners have the right to requisition a meeting under section 46 and the rule becomes effective at the time determined by subsections (7) and (8); and
- (d) a copy of the text of section 46 and this section. 1998, c. 19, s. 58 (6); 2015, c. 28, Sched. 1, s. 54 (2).

**When rule effective**

(7) Subject to subsection (8), a rule is not effective until the following time:

1. If the board receives a requisition for a meeting of owners under section 46 within 30 days after the board has given notice of the rule to the owners, the earlier of,
  - i. the time at which a quorum is not present at the first attempt to hold the meeting, and
  - ii. the time at which a quorum is present at the first attempt to hold the meeting and the owners do not vote against the rule at the meeting.
2. If the board does not receive a requisition for a meeting of owners under section 46 within the 30 days after the board has given notice of the rule to the owners, the day after that 30th day. 2015, c. 28, Sched. 1, s. 54 (3).

**Same**

(8) A rule or an amendment to a rule that has substantially the same purpose or effect as a rule that the owners have previously amended or repealed within the preceding two years is not effective until the owners approve it, with or without amendment, at a meeting duly called for that purpose. 1998, c. 19, s. 58 (8).

**Same, proposed rule**

(9) Despite subsection (7), a rule proposed by the declarant before the registration of the declaration and description shall be effective until it is replaced or confirmed by a rule of the corporation that takes effect in accordance with subsection (7). 1998, c. 19, s. 58 (9).

**Compliance**

(10) All persons bound by the rules shall comply with them and the rules may be enforced in the same manner as the by-laws. 1998, c. 19, s. 58 (10).