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July 16, 2018

All Unit Owner(s)
Waterloo Standard Condominium Corporation No. 626
280 Lester Street
Waterloo, ON N2L 0G2

**RE: WATERLOO STANDARD CONDOMINIUM CORPORATION NO. 626
NEW HEALTH & SAFETY RULES**

Dear Owner(s):

Notice is hereby given under the provisions of Section 58 of The Condominium Act 1998 of the attached Rules passed by the Board of Directors.

The rules will designate Waterloo Standard Condominium Corporation #626 as a Smoke-Free building. This includes all forms of smoking and vaping, including tobacco, cannabis, their derivatives, and/or any other substance that is consumed by being lit and produces smoke and/or vapour. The rule also states that no one shall cultivate, grow or sell in any manner cannabis in any form in any unit or on any portion of the common elements, including exclusive-use common elements, or within any units.

The provisions of Section 58 of the Act are reprinted with this notice to give the recipient/owner knowledge of their rights and obligations.

Section 58 (7) stipulates:

Subject to subsection (8), a rule is not effective until; the owners approve it at a meeting of owners, if the board receives a requisition for the meeting under section 46 within 30 days after the Board has given notice of the rule to the owners; or 30 days after the Board has given notice of the rule to the owners, if the Board does not receive a requisition for the meeting under section 46 within those 30 days.

Section 46 (1) stipulates:

“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 section 47 (2) and are entitled to vote.”

The attached Rules shall be effective 30 days thereafter this notice has been sent, subject to the provisions of Sections 46 and 58 of The Condominium Act.

WILSON, BLANCHARD MANAGEMENT INC.
On Behalf of the Board of Directors, WSCC 626

A handwritten signature in black ink, appearing to read 'M. Kirkaldie', is positioned below the company name and above the contact information.

Melissa Kirkaldie, RCM | Director of Property Management
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CC: Status File

IMPORTANT NOTICE: Wilson, Blanchard Inc. acts at all material times solely as agent for the Condominium Corporation specified in the subject line of this message unless expressly and explicitly stated otherwise.

Waterloo Standard Condominium Corporation No. 626

Health and Safety Rules Effective August 16, 2018

HEALTH AND SAFETY – SMOKING PROHIBITION

Waterloo Standard Condominium Corporation No. 626 (the “Corporation”), in recognition of section 117 of the Act, which prohibits activities from being carried out on the common elements or in the Units that is likely to cause property damage or cause injury to an individual, and of the fact that the common elements and Units serve as a workplace for the property manager, contracted staff, and any and all additional workers and/or tradespeople who may attend the Corporation from time to time, is concerned about the irritation and known health risks of exposure to second-hand smoke, increased risk of fire, and cleaning costs associated with all forms of smoking and vaping, including tobacco, cannabis, their derivatives, and/or any other substance that is consumed by being lit and produces smoke and/or vapour.

Therefore, the Corporation is hereby designated as Smoke Free. This prohibition shall apply equally to the common elements, exclusive use common elements, and Units at the Corporation.

- (1) Definition of Smoking and Vaping: “Smoking” and “Vaping” shall include:
 - a. Inhaling, exhaling, heating, burning, or carrying lighted tobacco;
 - b. Inhaling, exhaling, heating, burning, or carrying lighted cannabis;
 - c. Inhaling, exhaling, or heating liquids with an electronic cigarette or vaping device; and,
 - d. Inhaling, exhaling, heating, burning, or carrying any derivative of the above-noted substances or any other substance that produces any kind of smoke or vapour when lit with a flame or put to use.
- (2) Smoking prohibition: To promote the safety, security and welfare of all Residents and the Corporation’s property due to increased risk of fire, maintenance and cleaning costs, and to prevent unreasonable interference with the use and enjoyment of the units due to the irritation and known health risks of exposure to second-hand smoke, all forms of smoking/vaping are prohibited on the condominium property, including:
 - a. Inside all condominium units;
 - b. On exclusive use terraces and balconies; and
 - c. On any part of the condominium that is a common element or exclusive use common element. This includes: all hallways, stairwells, garage, lobby, elevators, and amenity areas, including the roof-top terrace. The Board retains the right to designate a specific area for smoking/vaping, as prescribed by law.
- (3) Uniform application of policy: This rule takes effect upon approval by the Board of Directors and applies to all persons, including but not limited to owners, tenants, invitees, business invitees, occupants, and visitors.

EXCEPTION: Grandfathering

This Health and Safety rule does not apply to any owner, tenant, or occupant residing in a unit in the building at the time the rule is approved by the condominium corporation who wishes to Smoke or Vape in his/her Unit, and who continues in full-time residence in the condominium after the rule takes effect. This exemption shall persist for the duration of the grandfathered owner, tenant, or occupant’s full-time residency in the condominium. Any owner, tenant, or occupant wishing to be grandfathered shall enter into a grandfathering agreement with the Corporation within 30 days of this Rule coming into effect. Such grandfathering agreement may be amended from time to time, at the sole discretion of the Board.

To balance the rights of all residents, if there is evidence that any grandfathered individual is causing a nuisance by his/her Smoking or Vaping, the Board reserves the right to terminate the grandfathering exception and require the offending individual to comply with the Health and Safety rule. Furthermore, the Board reserves the right to revise this grandfathering provision and alter same in accordance with the Act, Declaration, By-laws, and Rules of the Corporation.

EXCEPTION: Medical and/or Human Rights Accommodation

This Health and Safety rule shall not apply to any owner, tenant, or resident who provides the Board with satisfactory documentation demonstrating that they are required to smoke cannabis on the basis of a recognized disability or other ground as enumerated in the Ontario Human Rights Code, subject to compliance with the Corporation's requirements.

- (4) Declaration, rules, bylaws and other legislation still apply: Notwithstanding the "grandfathering" provisions in section 3 above, owners, tenants, and occupants who qualify for the exemption from the no-smoking rule as described herein must still comply with all applicable pieces of legislation and are subject to the declaration, bylaws, and rules of the Corporation, including, but not limited to, those with respect to causing a nuisance or hazard to another person and unreasonably interfering with the rights of another person to use and enjoy the common elements, exclusive use common elements, or another unit.
- (5) Smoking prohibited in enclosed common areas: Pursuant to the Smoke-Free Ontario Act, and despite anything contained in this Rule, smoking is not permitted in enclosed common areas of this condominium, including but not limited to hallways, elevators, the parking garage, the exercise room, electrical and mechanical rooms, etc.
- (6) Cost of Remediation: If any remediation work is necessitated by an owner, tenant, and occupant as a result of Smoking or Vaping in their Unit or on the common areas, all such remediation work shall be the sole financial responsibility of the said Owner. The Board reserves the right to engage and perform all necessary work on behalf of the said Owner and charge the cost of same back in the same manner as common expenses.
- (7) Cost of Enforcement: If the Corporation is required to engage in enforcement activities in order to enforce this Health and Safety rule, all costs associated with such enforcement, including, if necessary, all legal and professional fees incurred by the Corporation, shall be recoverable by the Corporation against the offending Owner in the same manner as common expenses.
- (8) Notice in the status certificates: Notice of the no-smoking Rule shall be contained within all status certificates provided by the Corporation.

GROWTH OF CANNABIS PROHIBITION

- (1) Section 58 of the Act permits the Board to pass a Rule that promotes the safety, security, and welfare of residents and property, which includes the common elements and units as well as a Rule that prevents unreasonable interference with the use and/or enjoyment of the common elements and units.
- (2) Section 117 of the Act prohibits an activity from being carried out on the common elements or in any unit that is likely to cause property damage or cause injury to an individual.
- (3) The Corporation is concerned about the risks to property and safety with the growth of cannabis, including mould, fire, and breach of commercial and criminal law.

- (4) The Corporation understands that cannabis will become legal in Canada in the near future; however, it will still be a highly regulated and controlled substance as per the language of the Cannabis Act, Bill c-45.
- a. Upon this Rule coming into force, no one shall cultivate, grow or sell in any manner cannabis in any manner or form in any unit or on any portion of the Common Elements, including exclusive-use common elements, and
 - b. Notwithstanding the foregoing, the Corporation shall permit the cultivation of cannabis by a unit owner or resident only on the basis of the said individual being granted a request for accommodation under the Human Rights Code by the Corporation subject to compliance with the Corporation's requirements.