

**PETERBOROUGH STANDARD
CONDOMINIUM CORPORATION NO. 75**

To: All Owners
From: The Board of Directors
Re: New Rule regulating Boats, Snowmobiles and ATVs

June 15, 2021

Dear owners,

After careful consideration, and in response to views of owners expressed at past AGMs, the Board of Directors of PSCC #75 has approved a new Rule regulating the parking of Boats, ATVs, and Snowmobiles, in the upper parking lot and only while in season, by way of a resolution adopted at a meeting of the Board held on June 10, 2021

A copy of the new Rule is attached to this notice, along with a copy of sections 46 and 58 of the *Condominium Act*.

What is this Rule about?

The purpose of this new Rule is to allow Owners to park Boats, Snowmobiles, and ATVs in designated parking locations, with certain reasonable restrictions in place, and only for the season(s) during which they can be used.

Please do note that while this parking will be allowed, the Corporation takes no responsibility for any damage, theft or injury resulting from the use or parking of these vehicles, should such an event occur.

Why are we adopting this Rule?

The Board feels that The Landing is a four-season recreational property and that this Rule will increase the reasonable use and enjoyment of the property, and continue to raise the awareness, appeal, and value of our development. This Rule will make it easier for Owners to enjoy their off-road vehicles without having to worry about off-site storage year-round.

When will this Rule come into effect?

The Rule will come into effect 30 days after the date of this notice unless the Board receives, within those 30 days, a requisition from the owners of at least 15% of the units, in accordance with section 46 of the *Condominium Act*, requesting a meeting to consider the Rule.

If such a requisition is received within those 30 days of this notice, the requisitioned meeting will be called and held within 35 days and the Rule will not become effective until the earlier of the following:

1. either no quorum is reached at the requisitioned meeting; or,
2. if quorum is reached at the requisitioned meeting, the majority of the owners present at the meeting do not vote against the Rule.

Stated otherwise, if no meeting is requisitioned within 30 days of this notice, the Rule will be **effective on July 15, 2021**. If a meeting is requisitioned, the Rule will become effective the day after the meeting is duly held unless a majority of the owners present at the meeting vote against it.

Please do not hesitate to contact the Board should you have any questions or concerns regarding the foregoing.

Your Board of Directors

RULE ON BOATS, SNOWMOBILES AND ATVS
PETERBOROUGH STANDARD CONDOMINIUM CORPORATION NO. 75
(the "Corporation")

Adopted pursuant to Section 58 of the *Condominium Act, 1998*

WHEREAS pursuant to section 58 of the *Condominium Act*, the Board of Directors of the Corporation has the authority to pass rules governing the use of the common elements in order 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;

WHEREAS the Corporation's Declaration confirms that the rules and regulations appended to it may be amended and passed from time to time, pursuant to section 58 of the *Condominium Act*;

WHEREAS the Corporation's Declaration provides that the Corporation has the sole and unfettered discretion to deal with any parking spaces that is not assigned to a residential unit or to a visitor parking and whereas it provides that the board of director is expressly authorized to adopt an expanded definition of "motor vehicle", such as to include boats, ATV and snowmobiles;

WHEREAS having taken into consideration the views and wishes of the ownership at large, the Board of Directors is of the view that allowing owners and occupants to park Boats, Snowmobiles and ATVs in designated common element parking spots identified for this purpose and for the season during which they can be used, would be in the best interests of the Corporation;

NOW THEREFORE the following is enacted as a Rule of the Corporation:

Effective date

1. This Rule is in effect as of July 15, 2021.
2. Any prior rules or regulations inconsistent with this Rule, including those appended to the Corporation's Declaration, are hereby revoked.

Definitions

3. Unless otherwise defined herein, any words and phrases which are defined in the *Condominium Act, 1998* (as amended from time to time) or in the Regulations thereunder or in any successor legislation thereto shall have ascribed to them the meanings set out in the Act. Specifically, in this Rule, the following words or phrases are defined as follows:
 - a. "**Act**" means the *Condominium Act, 1998*, S.O. 1998, c.19 and all regulations thereunder and any amendments to said Act and regulations and any successor legislation;
 - b. "**ATV**" or "**All-terrain Vehicle**" means an off-road vehicle that:
 - i. has three or more wheels and/or snow tracks;
 - ii. is designed to carry one driver or one driver and passenger(s);

- iii. is designed to handle a wider variety of terrain than most other vehicles.
- c. **“Board of Directors”** or **“Board”** means the board of directors of the Corporation;
- d. **“Boat”** means any vessel meant for transportation on water propelled or driven by any kind of power, including muscular power, including motorboats, rowboats, canoes, kayaks, punts, sailboats, or rafts;
- e. **“Corporation”** means Peterborough Standard Condominium Corporation No. 75;
- f. **“Owner”** or **“Owners”** means “owner” as defined in the Act and shall mean the owner(s) of a residential unit;
- g. **“Occupant”** or **“Occupants”** means anyone who is a resident or who occupies any residential unit in the Corporation, for any length of time, and includes, but is not limited to any Owner and any tenant, their families, visitors, guests, clients, employees, contractors, agents, servants or anyone who is permitted to reside or to be present in a residential unit for any period of time by the Owner or by the tenant of the unit;
- h. **“Recreational vehicle”** means a Boat, ATV or Snowmobile as defined herein;
- i. **“Snowmobile”** means a self-propelled vehicle designed to be driven primarily on snow, usually on skis and tracks and being able to carry a driver and, if properly equipped, a passenger.

Boat, Snowmobile, and ATV Parking

4. Owners and Occupants may, with guidance from the Property Maintenance Manager, temporarily park Boats, Snowmobile, and ATVs on specifically designated common element parking spots, which are set aside and identified, from time to time, for this purpose.
5. The Board may, from time to time, designate new or different areas for Boat, Snowmobile, and ATV parking.
6. All parked Boats, Snowmobile, and ATVs must be in working order, properly insured, licensed and, where applicable, have the appropriate Provincial Park and trail permits.
7. The Boat, Snowmobile, or ATV may only be parked in the designated parking spots for the duration of the season during which they are in use or for any other duration authorized by the Board and must be removed thereafter.
8. No Boat, Snowmobile, or ATV may be parked anywhere on the Corporation’s property other than in the designated parking spots which have been identified for this purpose.
9. No Boat, Snowmobile, or ATV may be driven, transported, or used on the Corporation’s common elements, other than via the paved portion of the Corporation’s driveway leading to Anstruther Lake Road and only for the purpose of direct ingress and egress to and from the designated parking spots. Access to and from the frozen lake can only take place via The Provincial Park public boat launch. Access to the local off-road trails can only take place via the driveway to Anstruther Lake Road. For greater clarity, the Corporation’s private boat launch shall not be used by any of these vehicles in the winter.

10. Trailers used to transport these recreational vehicles may only be parked in the designated area for a maximum of 7 days.
11. No Boat, Snowmobile, or ATV may be parked in such a manner as to block clear paths of travel of other vehicles.
12. No vehicles, other than a Boat, Snowmobile, or ATV may be parked in the designated parking spots.
13. The designated parking spots may not be used for the storage of any items, materials, chattel, fuel, or anything else, other than Boats, Snowmobiles or ATVs.
14. No oil change, lubrication, maintenance service or repairs shall be made to any Boat, Snowmobile, or ATV while parked in the designated parking spots or on the common elements, unless it is of an emergency nature and necessary to allow the vehicle to be removed.
15. The Board may, in its sole discretion, determine that a Boat, Snowmobile, or ATV is too large to be parked within the designated parking spot, in which case, that Boat, Snowmobile, or ATV must be removed within fourteen days of a written notice of same from the Board.
16. If a Boat, Snowmobile, or ATV must be moved because it is parked in an improper place, is blocking, or impeding travel/access, is too large to be parked, or for any other reason in the sole discretion of the Board, acting reasonably, then that Boat, Snowmobile, or ATV must be removed or relocated within fourteen days of a written notice of same from the Board.
17. In cases where the Boat, Snowmobile, or ATV must be moved for fire or health and safety reasons, the Boat, Snowmobile, or ATV must be moved immediately on receipt of written notice from the Board.
18. If an Owner and/or Occupant fails to abide by a written notice from the Board within the allocated time, the Corporation may take any steps required to remediate the situation, including arranging that the Boat, Snowmobile, or ATV be ticketed or towed or removed at the Owner's risk and expense. Any costs incurred pursuant to this paragraph will be the sole responsibility of the Owner.

Users' Risk

19. The parking, transportation or use of Boats, Snowmobiles or ATVs is at the sole risk of the Owner and/or Occupier using the parking spot.
20. The Corporation shall not be responsible or liable, in any way, for any theft, damage, injury or death resulting from the parking, transport or use of Boats, Snowmobile, or ATVs on or at the Corporation. Owners and Occupants using, parking, or transporting these Recreational Vehicles do so at their own risk.

General clauses

21. Any losses, costs or damages incurred by the Corporation by reason of a breach of this Rule by any Owner and/or Occupant (including, without limitation, any enforcement costs, as well as legal costs on a full indemnity basis to enforce this Rule or to defend an unsuccessful arbitration or legal proceeding by an Owner or Occupant as it relates to this Rule) shall be borne and paid for by the Owner of the unit in question and shall be deemed to be an additional contribution towards the common expenses payable by such Owner and shall be recoverable as such.
22. Each of the provisions of this Rule shall be deemed to be independent and severable. The invalidity of any part of this Rule shall not impair or affect in any manner the validity, enforceability, or effect of the balance of this Rule.
23. No provision contained in this Rule shall be deemed to have been abrogated or waived by reason of failure to enforce the same, irrespective of the number of violations or breaches of this Rule that may occur.

Date: June 15, 2021

Excerpts of the Condominium Act

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).

Same, removal of directors

(3) If the nature of the business to be presented at the meeting includes the removal of one or more of the directors, the requisition shall state, for each director who is proposed to be removed, the name of the director, the reasons for the removal and whether the director occupies a position on the board that under subsection 51 (6) is reserved for voting by owners of owner-occupied units. 1998, c. 19, s. 46 (3).

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).

ACTIVE_CA\ 46315999\1