ALGOMA CONDOMINIUM CORPORATION NO. 13
2 Frame Crescent, Elliot Lake

BY-LAW NO. 9

CONDOMINIUM ACT, 1998

CERTIFICATE IN RESPECT OF A BY-LAW

(under subsection 56 (9) of the *Condominium Act, 1998*)

ALGOMA CONDOMINIUM CORPORATION NO. 13, (known as the "**Corporation**") certifies that:

1. The copy of By-Law Number 9, attached as Schedule "A", is a true copy of the By-Law.
2. The By-Law was made in accordance with the *Condominium Act 1998*.
3. The owners of a majority of the units of the Corporation have voted in favour of confirming the By-Law.

Dated this 17th day of June 2014.

ALGOMA CONDOMINIUM CORPORATION NO. 13

Shirley Tremblay

Patricia Drew

We have authority to bind the Corporation.

SCHEDULE "A"

ALGOMA CONDOMINIUM CORPORATION NO. 13

2 Frame Crescent, Elliot Lake

BY-LAW NO. 9

ALGOMA CONDOMINIUM CORPORATION NO. 13

BY-LAW NO. 9

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ALGOMA CONDOMINIUM CORPORATION NO. 13
2 Frame Crescent, Elliot Lake

BY-LAW NO. 9

Be it enacted as a By-Law of **ALGOMA CONDOMINIUM CORPORATION NO. 13** (herein referred to as the "**Corporation**") as follows:

By-Law No. 1, 2, 3, 4, 5 and 6 of the Corporation are hereby repealed in their entirety and the following substituted therefore:

ARTICLE I
DEFINITIONS

Section 1.01 Definitions.

The following terms used herein and in the By-laws of the Condominium Corporation have the meanings set out below, unless the context otherwise requires. Other terms used herein shall have ascribed to them the definitions contained in the *Condominium Act* 1998, of Ontario as amended from time to time, referred to as the "**Act**" in this By-law:

i. "**auditor**" means a person licensed as a public accountant under *The Public Accountancy Act* of Ontario;

ii. "**AGM**" means the annual general meeting of the owners as required by section 45(2) of the Act.

iii. "**Board**" means the board of directors of the Corporation;

iv. "**common elements**" means all the property except the units;

v. "**common expenses**" means the expenses of the performance of the objects and duties of the Corporation and any expenses specified as common expenses in the Act or in the Declaration of the Corporation;

vi. "**common interest**" means the interest in the common elements appurtenant to a unit;

vii. "**common surplus**" means the excess of all receipts of the Corporation over expenses;

viii. "**Declaration**", "**By-Laws**" and "**Rules**" mean the Declaration, By-Laws Rules and any amendments thereto registered in the Land Registry Office, Land Titles Division of Algoma with respect to the Corporation.

ix. "**encumbrance**" means a claim that secures the payment of money or the performance of any other obligation and includes a Mortgage and a Lien;

x. "**keep**" means to have temporary or permanent control or possession of an animal. Keeping has the same meaning.

xi. "**owner**" means the owner or owners of the freehold estate or estates in a unit and common interest, but does not include a mortgagee unless in possession;

xii. "**owner occupant**" means the owner of an owner-occupied unit as defined by s. 51 (5) of the Act;

xiii. "**property**" means the land and interests appurtenant to the land described in the Description and Schedule "A" of the Declaration and includes any land and interests appurtenant to lands that are added to the common elements;

xiv. "**records**" shall include those items enumerated in Section 55 of the Act and financial records prepared on behalf of the Corporation, minutes of owners' meetings and Board meetings, as well as any amendments to the Declaration, By-laws and Rules of the Corporation;

xv. "**reserve fund**" means any fund set up by the Corporation in a special account for major repair and replacement of common elements and assets of the Corporation including, where applicable, without limiting the generality of the foregoing, roofs, exterior of the buildings, roads, sidewalks, sewers, recreation and parking facilities;

xvi. "**resident**" means a person who resides in a unit that is owned by him or her or by their spouse and is used as their principal residence;

xvii. "**unit**" includes dwelling units as referred to herein and means a part or parts of the land included in the Description and designated as a unit by the Description and comprises the space enclosed by its boundaries and all the material parts of the land within this space at the time the Declaration and Description are registered.

ARTICLE II
SEAL

The Corporate seal of the Corporation shall be in the form impressed herein.

ARTICLE III
REGISTER

The Corporation shall keep a record (hereinafter called the "**register**") respecting the property, which shall note the name and address of the owner and mortgagee of each unit who have notified the Corporation of an entitlement to vote. The address of each owner shall be the unit address and the address of each mortgagee shall be the address shown on the mortgage or charge registered in the Land Titles Division for the Land Registry Office of Algoma Region (No. 1) at Sault Ste. Marie, Ontario, unless the Corporation is given notice in writing of a different address by such owner or mortgagee.

ARTICLE IV
MEETINGS OF OWNERS

Section 4.01 Annual Meeting.

The annual meeting of the owners shall be held at such place within the City of Elliot Lake at such time and on such day in each year as the Board may from time to time determine, for the purpose of hearing and receiving the reports and statements required by the Act, the Declaration and the By-laws of the Corporation, to be read at or laid down before the owners at an annual meeting; electing directors; appointing the auditor; and for the transaction of such other matters relevant to the affairs and business of the Corporation.

Section 4.02 Date of Annual Meeting.

The annual general meeting shall be held within six (6) months of the end of each fiscal year of

the Corporation.

Section 4.03 Special Meetings.

The Board or any mortgagee holding mortgages on not less than fifteen per cent (15%) of the units may at any time call a special meeting of the owners of the Corporation for the transaction of any business, the nature of which shall be specified in the notice calling the meeting.

Such meeting shall be held at such time and at such place within the said City of Elliot Lake as may be determined by the Board.

Section 4.04 Conduct at Meetings.

owners, their proxies, or other invitees to an owners' meeting of the Corporation shall, at all times while at the meeting, conduct themselves in a civil and respectful manner and shall refrain from making false, misleading or deceptive statements in respect of other attendees, residents, the Board of Directors, the property manager, or other persons or their firms attending the meeting. Attendees shall not use foul language, make derogatory comments or other offensive statements or gestures which, in the opinion of the chairperson, are offensive. If, in the opinion of the chairperson of the meeting, an individual is contravening this provision, the chairperson may request that the offending individual leave the meeting and if such individual does not leave the chairperson at his or her discretion may adjourn the meeting for such length of time as is required to obtain compliance.

Section 4.05 Requisitioned Meeting.

The Board shall also call and hold a special meeting of the registered owners upon receipt of a requisition in writing to the Board stating the nature of the business to be presented at the meeting and signed by the requisitionists and delivered personally or mailed by registered mail to the President or Secretary of the Corporation or deposited at the address for service of the Corporation within thirty-five (35) days of receipt of such notice.

The requisition must be signed by registered owners of the Corporation who together own at least fifteen per cent (15%) of the units and who are listed in the register of the Corporation and are entitled to vote.

Section 4.06 Notice of Requisitioned Meeting.

The notice calling the meeting shall state the nature of the business to be presented at the meeting as requisitioned by the requisitionists and include a copy of the requisition. If the nature of the business to be presented at the meeting includes the removal of one or more directors, the requisition shall state the name of each director who is proposed to be removed and the reasons why that director is to be removed.

If the requisitionists request it in the requisition or a majority of them consent in writing after the requisition has been made, the business to be presented at the meeting shall be added to the agenda of the next annual general meeting of the owners.

If the Board does not, within thirty-five (35) days after receipt of such requisition, call and hold such meeting, any of the requisitionists may call such meeting which shall be held within forty-five (45) days after the date of receipt of such requisition by the Board.

Section 4.07 Notices.

1. Notice of the date, hour, place, and nature of the business to be presented for each annual, requisitioned or special meeting shall, in accordance with Article X of this document, be given at least fifteen (15) days before the day on which the meeting is to be held to the auditor of the Corporation and to each owner and mortgagee whose name and address for service is entered in the Corporation's register as of the twentieth (20th) day prior to the day of the meeting.

2. A notice of meeting as hereinbefore required shall have appended to it an agenda of matters to be considered at such meeting and no vote may be taken, motion made or consent or approval given in respect of any matter that is not included in the agenda for such meeting, other than for routine procedural matters. The notice shall also include a copy of all proposed changes to the Declaration, By-laws, Rules or agreements that are to be discussed at the meeting. If the notice is issued for a meeting requisitioned by the owners, it must contain a copy of the requisition.

3. The notice given for the annual general meeting shall contain a copy of the Financial Statements for the Corporation approved by the Board in accordance with the Act and a copy of the Auditor's Report.

4. The notice of a meeting at which one or more directors are to be elected shall include the name and address of each individual who has notified the Board in writing of their intention to be a candidate in the election no later than the fourth day prior to the date the notice of the meeting is to be sent. The Corporation will endeavor to provide at least thirty (30) days prior notification to the owners of the date upon which notice is to be issued except in the case of a meeting that is requisitioned by the owners. Notwithstanding the foregoing, the failure of the Corporation to provide such notification shall not in any way affect the validity of the notice of the meeting or the meeting for which the notice was issued.

Section 4.08 Persons Entitled to be Present.

The only persons entitled to attend a meeting of owners shall be the owners, and mortgagees whose names and addresses for service were entered on the register for the Corporation, as of the twentieth (20th) day prior to the date of the meeting and are entitled to vote. Their proxies, the auditor, and others who, although not entitled to vote, are entitled or required under the provisions of the Act or the Declaration and By-laws of the Corporation to be present at the meeting. Any other person may be admitted only on the invitation from the members of the Board

Section 4.09 Quorum.

1. At any meeting of owners, a quorum shall be constituted when persons entitled to vote and owning not less than twenty-five percent (25%) of the units are present in person, or represented by proxy, at such meeting.

2. To be counted towards the quorum of a meeting an owner must have been entitled to receive notice of the meeting, be entitled to vote at the meeting and be present in person or by proxy at such meeting.

Section 4.10 Right to Vote.

1. At each meeting of owners, every owner shall be entitled to vote who is entered on the register as an owner of a dwelling unit subject to paragraph 3 of this Article.

2. If a unit has been mortgaged, the owner of the unit (or proxy) may vote in respect of it unless, under the terms of the mortgage, the mortgagee was expressly authorized to vote in the place of the unit owner. If the mortgagee is otherwise entitled to vote and the mortgagee has notified the Corporation and the owner of its intention to exercise such right at least four (4) days before the date specified in the notice of the meeting, in which case such mortgagee (or proxy) may attend meetings and vote in respect of such unit, upon filing with the Secretary of the meeting sufficient proof of the terms of such instrument and notice to the owner. Any dispute over the right to vote shall be resolved by the Chairperson of the meeting upon such evidence as may be deemed sufficient.

3. At any meeting of the owners, every owner or mortgagee shall have the right to cast one (1) vote for each such unit registered in the name of the owner, provided that if a unit or a mortgage on a unit is owned by two persons, both of them must agree or, where the unit or mortgage is owned by more than two persons, a majority must agree as to the manner in which the vote applicable to their unit is to be cast, otherwise the vote in respect of that unit shall not be counted.

Section 4.11 Loss of Right to Vote.

1. An owner or mortgagee of a unit is not entitled to vote at any meeting if any contributions payable in respect of the unit have been in arrears for thirty (30) days or more at the time of the meeting. The owner or mortgagee of a unit that is in arrears of the contributions payable in respect of the unit may tender payment in full, together with interest as set out in this By-law and such other reasonable costs as the Corporation may be entitled to in respect of such arrears, at any time prior to the commencement of such meeting, provided that such payment shall be in cash or by certified cheque or bank draft payable to the Corporation and dated on or before the same date as the meeting provided that the Chairperson of the meeting shall have the right, exercising absolute discretion, to allow payment of such arrears by ordinary cheque.

2. An owner or mortgagee shall not be entitled to vote at a meeting if the owner or mortgagee was not entitled to receive notice of the meeting in accordance with the Act and this By-law.

Section 4.12 Conduct of Meetings.

1. At any general or special meeting the Board is to delegate a chairperson whose name is to be listed on the agenda. The President of the Corporation shall act as chairman of the meeting or, failing the President, the Board shall appoint a chairperson of the meeting. The Secretary of the Corporation shall act as secretary of the meeting or, failing the Secretary, the Board shall appoint a secretary of the meeting.

2. Unless the Act, the Declaration or the By-laws of the Corporation provide otherwise, any question as to: the calling of the meeting; the right to vote at a meeting; the validity of proxies presented at the meeting; the method used to vote or the validity of any vote held at a meeting; or the rules of order for a meeting, shall be decided by the chairperson.

3. In rendering a decision, the chairperson may make reference to Perry's Call to Order, (published by Big Bay Publishing Inc., Owen Sound, Ontario) for assistance in determining any question or procedure as to the Rules of Order for a meeting.

4. In order to facilitate an open dialogue at all meetings of owners, the recording of the meeting by the use of tape recorders, video recorders, digital recorders or any other means, is strictly prohibited, except if such device is used by the appointed recording secretary. Notwithstanding the foregoing, if all persons present at the meeting agree by way of a unanimous resolution to allow recording to take place, the individual wishing to record the meeting may do so, however, that person must, within forty-eight (48) hours of the meeting date, provide an unedited copy of the recording to the Corporation. The person making the recording may not distribute such recording to any other individual or broadcast or reproduce the contents for distribution in any way whatsoever.

Section 4.13 Method of Voting - General Matters

Any question raised at a general, special, or requisitioned meeting shall be decided by a show of hands unless a recorded vote is required by the chairperson of the meeting or is demanded by an owner or mortgagee present in person or by proxy and entitled to vote either before or promptly after the vote, and unless a recorded vote is so required or demanded, a declaration by the chairperson of the meeting that the vote upon the question has been carried, or carried by a particular majority, or not carried, is prima facie proof of the fact without proof of the number or proportion of votes recorded in favour of or against such question.

Section 4.14 Method of Voting - For Election of Directors.

1. If the number of candidates nominated for the position of director is equal to the number of positions available at a meeting and nominations have been properly closed, the chairperson may declare that the candidates so nominated shall be elected to the office directly by acclamation.

2. If there are more candidates nominated for the position of director than there are vacancies to be filled at any meeting, the vote for the election of directors shall be made by ballot and by proxy only in the following manner:

    a. A ballot shall be given to every owner or mortgagee present in person and entitled to vote which ballot may either be a blank paper or paper containing the names of the persons nominated;

    b. Only names submitted at the office can be on the ballot. If it is a blank ballot, those persons entitled to vote shall write the names of the candidates of their choice on the paper or if it is a printed ballot, they shall mark an "x", check mark or make some other clear indication of their choice opposite the candidates of their choice. If it is a blank ballot, the persons entitled to vote shall not write the name of a candidate on such ballot more than once;

    c. If a valid proxy is submitted for the election of directors it shall, in accordance with the Act, include the name of the candidate(s) that the donor of the proxy wishes to vote for and such proxies shall be counted in the election of the directors in the same fashion as a ballot and the proxy holder shall not receive a ballot for the election of directors in respect of such proxy;

    d. If a valid proxy is submitted at a meeting where directors are to be elected but does

not contain the names of any of the candidates, it may not be used for the election of any director including those that may be nominated from the floor, but the proxy holder will be entitled to exercise the right to vote for each proxy he or she holds for other matters listed in the agenda for the meeting or are otherwise properly brought before the meeting.

e. If a meeting is called at which a vote is to be held to remove a director or directors prior to the end of their term, the level of vote required to remove such director or directors shall be those owners who represent a majority of all of the units in the Corporation and proxies submitted for such meetings must include the name or names of the director or directors that the donor of the proxy wishes to vote to remove or not to remove and the names of those candidates that the proxy donor wishes to vote to elect to fill any vacant positions that arise because of the removal of a director or directors.

Section 4.15 Nominations.

1. Any person who is qualified to be a director may be nominated by another owner to be a candidate for any position on the Board of directors that is vacant and such nominations do not require a seconder.

2. An owner may nominate himself or herself;

3. Any notification received from the Board in accordance with section 4.07. paragraph (4) of this Article IV shall be considered a valid nomination in accordance with these By-laws;

4. A proxy that is provided by an owner for a meeting at which one or more directors are to be elected, that contains the names of one or more candidates for those positions, shall be considered as a valid nomination of those candidates named in the proxy;

5. Only those owners present in person at the meeting shall be entitled to vote for candidates who are nominated from the floor at the meeting.

Section 4.16 Scrutineers.

The Chairperson may appoint scrutineers to assist in collecting, examining and counting the ballots but only the Chairperson may rule on the validity of a ballot or proxy.

Section 4.17 Representatives.

A committee of a mentally incompetent owner or mortgagee, an estate trustee, power of attorney, attorney, guardian or trustee of an owner or mortgagee and, where a Corporation acts in such capacity, any person duly appointed by proxy for such Corporation, upon filing with the Secretary of the meeting sufficient proof of such appointment, may represent the owner or mortgagee at a meeting of the owners of the Corporation and may vote in the same manner and to the same extent as an owner or mortgagee. If there be more than one estate trustee, power of attorney, committee, attorney, guardian or trustee, the provisions of section 4.10 and 4.11 of this Article shall apply.

Section 4.18 Proxies.

1. The instrument appointing a proxy shall be in writing, dated, identify the particular

meeting for which it is to be used and be signed by the owner or mortgagee or its attorney authorized in writing. A photocopy, e-mail or facsimile copy of a proxy that is otherwise valid and is legible shall be accepted.

2. The instrument appointing a proxy shall be deposited with the secretary of the meeting prior to the commencement of the meeting.

3. Proxies used at meetings where directors are to be removed and/or elected shall also conform to the requirements of the Act and this Article.

4. Any question as to the validity of a proxy shall be decided by the Chairperson.

5. Proxies submitted for a meeting of the owners shall be retained by the Corporation as a record for a period of ninety (90) days from the date of the meeting.

6. The Corporation may use a form of proxy that contains provisions allowing the donor of the proxy to direct the manner in which his or her proxy is to be voted in respect of any matter to be voted upon as set out in the notice and agenda issued for the meeting. If such a proxy form is used and the donor does not indicate how his or her vote is to be directed, the proxy holder shall be entitled to vote the proxy in such fashion as he or she may decide for matters other than the election of directors.

Section 4.19 Votes to Govern.

At all meetings of owners every question shall, unless otherwise required by the Act, Declaration or By-laws, be decided by a majority of the votes duly cast on the question by those owners who are present, in person or by proxy, at the meeting and are entitled to vote.

Section 4.20 Adjournment of Meeting.

The Chairperson at a meeting of owners may, with the consent of the meeting and subject to such conditions as the meeting may decide, adjourn the meeting from time to time and from place to place, provided that the calling and holding of such meeting shall be governed by the Act and this By-law.

ARTICLE V
THE CORPORATION

Section 5.01 Duties of the Corporation.

The duties of the Corporation shall include but shall not be limited to the following:

1. controlling, managing and administering the common elements and the assets of the Corporation;

2. collecting the common element charges from the owners;

3. arranging for the supply of services, including but not limited to natural gas, hydro, water and sewage disposal to the buildings and common elements except where the Corporation is prevented from carrying out such duty by reason of any event beyond the reasonable control of the Corporation. If any apparatus or equipment used in effecting the supply of such services at any time becomes incapable of fulfilling its function or is damaged or destroyed, the Corporation shall have a reasonable time within which to

repair or replace any such apparatus or equipment, and the Corporation shall not be liable for indirect or consequential damages or for damages for personal discomfort or illness by reason of its breach of such duty;

4. obtaining and maintaining insurance for the property as may be required by the Act, Declaration and By-laws;

5. repairing and restoring the common elements in accordance with the provisions of the Act, Declaration and By-laws;

6. obtaining and maintaining fidelity bonds when it is considered appropriate to do so by the Board, in such amounts as the Board may deem reasonable, for such officers and directors or other individuals as are authorized to receive or disburse any funds on behalf of the Corporation;

7. causing audits to be made after every year end and making auditor's reports and financial statements available to the owners and the mortgagees;

8. preparing an estimated budget in accordance with Article XI hereof;

9. keeping accurate financial statements and sending to each unit owner a copy of the annual financial statements and auditor's report and keeping such statements open for examination;

10. effecting compliance with the Act, the Declaration, the By-laws, and the Rules from time to time;

11. maintaining a register of the owners and mortgagees in accordance with the Act and Article III hereof;

12. keeping accurate records; and

13. establishing and maintaining one or more reserve funds and obtaining a Comprehensive Reserve Fund Study or update of it in accordance with the Act.

Section 5.02 Powers of the Corporation.

The powers of the Corporation shall include but shall not be limited to the following:

1. employment and dismissal of personnel necessary for the maintenance and operation of the common elements;

2. adoption, amendment and repeal of Rules concerning the operation and use of the property;

3. employing a manager at a compensation to be determined by the Board to perform such duties and services as the Board shall authorize;

4. to obtain and maintain fidelity bonds for any manager, director or officer of the Corporation where deemed necessary by the Board and in such manner as the Corporation may deem reasonable;

5. investing reserves held by the Corporation provided that such investment shall be

permitted by s. 115 of the Act, and amendments thereto;

6. settling, adjusting, compromising or referring to mediation, arbitration or the courts any dispute, claim or claims which may be made upon or on behalf of the Corporation;

7. borrowing such amounts as in its discretion are necessary or desirable in order to protect, maintain, preserve or ensure the due and continued operation of the property in accordance with the Declaration and By-laws of the Corporation; securing any such loan by mortgage, pledge or charge of any asset owned by the Corporation; adding the repayment of such loan to common expenses; and except as provided in 8.04 herein, subject to the passage of a By-law authorizing each such borrowing for expenditures that are not listed in the annual budget for the Corporation;

8. retaining and holding any securities or other property, whether real or personal, which shall be received by the Corporation, provided they are authorized by the Act, for the investment of corporate funds;

9. selling, conveying, exchanging, assigning or otherwise dealing with any real or personal property at any time owned by the Corporation at such price, on such terms, and in such manner as the Corporation in its sole discretion deems advisable and to sell the property or any part of the common elements, provided that such sale is authorized in the manner required by the Act, and to doing all things and executing all documents required to give effect to the foregoing;

10. leasing any part or parts of the common elements and granting or transferring an easement or licence through the common elements subject to the passing of a By-law for such lease, easement or licence;

11. to object and/or appeal assessments under the *Assessments Act* on behalf of owners in respect of their units in accordance with Article XVIII; and

12. to enter into any service agreement, contract, bulk billing arrangement, or other contract for the provision of services to the Corporation, or the units, the cost of which shall form part of the common expenses.

ARTICLE VI
BOARD OF DIRECTORS

Section 6.01 Business.

The affairs of the Corporation shall be managed by a Board of directors.

Section 6.02 Number of Directors.

Until changed by a By-law, the number of directors shall be five (5). If any vacancies occur, the remaining directors may exercise all the powers of the Board so long as a quorum of the Board remains in office.

Section 6.03 Quorum.

1. a quorum for the transaction of business shall be three (3) directors.

2. If a director is absent from a meeting, for the purposes of constituting a quorum for the

transaction of business, or to impart important information with respect to business to be discussed at the meeting, such director may be deemed to be present and the Board properly constituted if such director participates in the meeting by teleconference, or other telecommunications system, to communicate with all other Board members present during such meeting simultaneously and instantaneously at all times throughout the meeting.

Section 6.04 Qualifications.

1. Each director shall be eighteen (18) or more years of age and they must be a resident owner, or the resident spouse of a resident owner, and must not have a certificate of lien registered against a unit owned by him or her as of the date of the meeting at which he or she stands for election to the Board of directors and no undischarged bankrupt or mentally incompetent person shall be a director.

2. No person shall be eligible to run for a director, and any director shall cease to be a director, if he or she:

   a. is or becomes a bankrupt or a mentally incompetent person;

   b. has a certificate of lien registered against a unit owned by him or her and such lien has not been discharged from the director's unit within ninety, (90) days from the date of its registration;

   c. has or commences a lawsuit, application or other legal proceeding against the Corporation or its directors;

   d. the Corporation has or commences a lawsuit, application or other legal proceeding against him or her (for the purpose of this provision a legal proceeding shall not include mediation in accordance with section 132 of the Act or a claim in accordance with section 55(10) of the Act);

   e. is adjudged to be in breach of the duty to act honestly and in good faith in the performance of his or her duties to the Corporation;

   f. fails to attend a majority of the regularly scheduled Board meetings in any given fiscal year of the Corporation without reasonable justification and the Board of directors shall, in its sole discretion, determine whether the reason for such absenteeism was justified; or

   g. ceases to be a resident owner or resident spouse of a resident owner.

Section 6.05 Election and Term of Office.

Two (2) directors shall be elected to hold office for a term of three (3) years; two (2) directors shall be elected to hold office for a term of two (2) years: and one (1) director for a term of (1) year. The unit owners consenting to be directors and receiving most votes will serve the longest terms. Where the Board is elected by acclamation the directors at their first meeting shall determine the distribution of terms.

Should a director resign before his term is up, the Board shall appoint the next runner up from the previous AGM. If there was no runner up, the Board shall appoint an owner that meets the conditions set out in section 34 (2) of the Act to fill the vacancy and serve as a director until the

next AGM.

If the resignation of a director causes there to be no quorum of remaining directors, a special owners meeting will be called in accordance with section 34 (4) of the Act to fill all vacancies in the Board. At the next AGM the resigning director will be replaced by a director elected by a vote of owners and will serve the remaining term of the resigning director as per section 34 (3) of the Act.

Section 6.06 Removal of Directors.

A director may be removed before the expiration of the director's term by a vote of owners who together own a majority of all of the units in the Corporation. The owners may elect any person qualified to be a member of the Board under the Declaration or By-laws for the remainder of the term of the director removed, (also see Article IV regarding requisitioned meetings and proxies).

Section 6.07 Filling of Vacancies.

If a vacancy in the membership of the Board occurs, the majority of the remaining members of the Board may appoint any person qualified to be a member of the Board under the Declaration or By-laws to fill the vacancy until the next annual meeting, at which time the vacancy shall be filled by election by the owners.

Section 6.08 Calling of Meetings.

Meetings of the Board shall be held from time to time at such place and at such time and on such day as a quorum of directors may determine. Notice of any meeting so called shall be given personally, by ordinary mail, by courier delivery, or electronic communication, (e.g. fax or e-mail) to each director addressed to the director's latest address entered on the register of the Corporation not less than forty-eight (48) hours (excluding any part of a Sunday or of a holiday as defined by *The Interpretation Act* of Canada for the time being in force) before the time when the meeting is to be held, save that no notice of a meeting shall be necessary if all the directors are present and consent to the holding of such meeting, or if those absent have waived notice of or otherwise signified in writing their consent to the holding of such meeting.

Section 6.09 Regular Meetings.

1. The Board may appoint a day or days in any month or months for regular meetings at a place and hour to be named provided that there shall be at least six (6) Board meetings in each fiscal year of the Corporation. A copy of any resolution of the Board fixing a place and time of regular meetings of the Board shall be given personally or by ordinary mail to each director forthwith after being passed, but no other notice or agenda shall be required for any such regular meeting. Until changed by the Board, the regular meetings of the Board shall take place on a date and place to be mutually agreed by the Board.

2. In order to facilitate an open dialogue at all meetings of the Board of directors, the recording of the meeting by the use of tape recorders, video recorders, digital recorders or any other means, is strictly prohibited, except if such device is used by the appointed recording secretary. Notwithstanding the foregoing, if all directors present at the meeting agree by way of a unanimous resolution to allow recording to take place, the individual wishing to record the meeting may do so, however, that person must, within forty eight (48) hours of the meeting date, provide an unedited copy of the recording to the Corporation. The person making the recording may not distribute such recording to any other individual or broadcast or reproduce the contents for distribution in any way

whatsoever.

Section 6.10 Consent of Director at Meeting.

A director who is present at a meeting of directors, or Committee of directors, is deemed to have consented to any resolution at such meeting or to any action taken thereat, unless such director:

1. requests that his or her dissent is entered in the minutes of the meeting; or

2. delivers a written dissent to the secretary of the meeting before the meeting is terminated. A director who votes for (or consents to) a resolution is not entitled to dissent under or pursuant to the foregoing provisions hereof.

Section 6.11 Deemed Consent of a Director.

A director who was not present at a meeting at which a resolution was passed or any action taken is deemed to have consented thereto unless within seven (7) days after becoming aware of the resolution, the director:

1. causes his or her dissent to be entered into (or annexed to) the minutes of the meeting; or

2. delivers a written dissent to the Corporation, personally or by registered mail.

Section 6.12 Conduct at Meetings.

Directors who attend a meeting of the Board shall, while at the meeting, at all times conduct themselves in a civil and respectful manner and shall refrain from making false, misleading or deceptive statements in respect of other directors, other residents, the property manager or other persons, whether attending at the meeting or otherwise. Directors shall not use foul language or make derogatory comments or other offensive statements or gestures, which, in the opinion of the Chair, or in the opinion of a majority of the other directors present at the meeting, are offensive. If, in the opinion of the Chair, or a majority of the other directors present at the meeting, an individual is contravening this provision, the Chair or the majority of directors at the meeting, may request that the offending director leave the meeting; if such director does not leave, the Chair or the majority of the other directors at the meeting, may adjourn the meeting for such length of time as required to obtain compliance.

Section 6.13 Owners Attendance at Board Meetings.

Owners may attend Board meetings if invited to do so by the Board of directors. Owners who wish to attend a Board meeting must submit a request in writing at least ten (10) days in advance of the Board meeting, which notice must state the business to be discussed by the owner.

Section 6.14 First Meeting of Board after Annual General Meeting.

The Board may without notice hold a meeting for the purpose of the election and appointment of officers immediately following each AGM, provided a quorum of directors be present.

Section 6.15 Interest of Directors in Contracts.

No director shall be disqualified by their office from contracting with the Corporation, nor shall

any contract or arrangement entered into by or on behalf of the Corporation with any director or any firm or Corporation in which any director is in any way interested be avoided, nor shall any director so contracting or being so interested be liable to account to the Corporation for any profit realized by any such contract or arrangement by reason of such director holding such office or of the fiduciary relationship thereby established provided that the provisions of Section 6.16 herein are complied with.

Section 6.16 Declaration of Interest.

It shall be the duty of every director of the Corporation who has, in any way, either directly or indirectly, a material interest in a contract or transaction to which the Corporation is or is to be party to declare such interest at a meeting of the directors of the Corporation in accordance with Section 40 of the Act, as amended, and to refrain from voting in respect thereto and such director shall not in respect of such contract or transaction be counted in the quorum of the Board and shall not be present during that part of any meeting of the Board of directors at which such contracts or transactions are discussed and voted upon.

Section 6.17 Standard of Care of Directors.

Every director of the Corporation shall exercise the powers and discharge the duties of the office honestly and in good faith and shall exercise the care, diligence and skill that a reasonably prudent person would exercise in similar circumstances. directors shall adhere to the Canadian Condominium Institute's director's Code of Ethics, a copy of which is appended hereto as Appendix "A".

Section 6.18 Indemnity of Directors and Officers.

Subject to Section 38 of the Act, as amended, every director or officer of the Corporation and their heirs, estate trustee(s) and estate respectively shall at all times be indemnified and saved harmless from and against:

1. any liability and all costs, charges and expenses whatsoever which such director or officer sustains or incurs in respect of any action, suit or proceeding that is proposed or is brought, commenced or prosecuted against the director for or in respect of anything done or permitted by the director in or about the execution of the duties of the director's office; and

2. all other reasonable costs, charges and expenses which the director sustains or incurs in or about or in relation to the affairs thereof. A director or Officer shall not be indemnified and held harmless where such director or Officer has been held by a court of competent jurisdiction to have breached their duty to act honestly and in good faith.

Section 6.19 Directors and Officers Insurance.

If the insurance is reasonably available, the Corporation shall purchase and maintain insurance for the benefit of the directors and officers against the matters described in section 38 (1) (a) and (b) of the Act and section 6.18 of this Article VI.

Section 6.20 Compensation.

The directors shall receive such compensation as may from time to time be decided by a By-law provided that the By-law shall fix the compensation and state the period, not to exceed three (3) years for which it is to be paid.

ARTICLE VII
OFFICERS

Section 7.01 Elected Officers.

At the first meeting of the Board after each election of directors, the Board shall elect from among its members a President. In default of such election the then incumbent, if a member of the Board, shall hold office until a successor is elected. A vacancy occurring from time to time in such office may be filled by the Board from among its members.

Section 7.02 Appointed Officers.

From time to time the Board shall appoint a Secretary, and may appoint one or more Vice-Presidents, a Treasurer and such other officers as the Board may determine, including one or more assistants to any of the officers so appointed. The officer so appointed may, but need not, be a member of the Board. One person may hold more than one office and if the same person holds both the office of Secretary and the office of Treasurer their title shall be Secretary-Treasurer.

Section 7.03 Term of Office.

In the absence of a written agreement to the contrary, the Board may remove at its pleasure any officer of the Corporation.

Section 7.04 President.

The President shall, when present, preside as chairperson at all meetings of the Board and of the owners and shall be charged with the general supervision of the business and affairs of the Corporation. In the event the President cannot for whatsoever reason act as the chairperson the directors present at the meeting shall appoint a chairperson.

Section 7.05 Vice-President.

During the absence of the President, the duties of that office may be performed and powers may be exercised by the Vice-President, or if there are more than one, by the Vice-Presidents, in order of seniority (as determined by the Board) save that no Vice-President shall preside at a meeting of the Board who is not qualified to attend the meeting as director. If a Vice-President exercises any such duty or power, the absence of the President shall be presumed with reference thereto. A Vice-President shall also perform such duties and exercise such powers as the Board may prescribe.

Section 7.06 Secretary.

The Secretary shall give or cause to be given all notices required to be given to the owners, directors, auditor(s), mortgagees and all others entitled thereto; they shall attend all meetings of the directors and of the owners and shall enter or cause to be entered in books kept for that purpose minutes of all proceedings at such meetings; they shall maintain or cause to be maintained the register; they shall be the custodian of all books, papers, records, documents and other instruments belonging to the Corporation and they shall perform such other duties as may from time to time be prescribed by the Board.

Section 7.07 Treasurer.

The Treasurer shall keep or cause to be kept full and accurate books of account in which shall be recorded all receipts and disbursements of the Corporation and, under the direction of the Board, shall control the deposit of money, the safekeeping of securities and the disbursements of the funds of the Corporation, and render to the Board at the meetings thereof, or whenever required, an account of all transaction and of the financial position of the Corporation. The offices of Secretary and Treasurer may be combined.

Section 7.08 Other Officers.

The duties of all other officers of the Corporation shall be such as the terms of their engagement call for, or the Board requires of them. Any of the powers and duties of an officer to whom an assistant has been appointed may be exercised and performed by such assistant unless the Board otherwise directs.

Section 7.09 Agents and Attorneys.

The Board shall have power from time to time to appoint and to determine the remuneration, functions, duties and dismissal of agents, attorneys, independent contractors or professional persons for the Corporation with such powers of management or otherwise (including power to sub-delegate) as may be thought fit.

Section 7.10 Standard of Care of Officers.

Every officer of the Corporation shall exercise the powers and discharge his/her duties honestly and in good faith and shall exercise the care, diligence and skill that a reasonably prudent person would exercise in similar circumstances.

ARTICLE VIII
BANKING ARRANGEMENTS & CONTRACTS

Section 8.01 Banking Arrangements.

The banking business of the Corporation or any part thereof shall be transacted with such bank, trust company or credit union as the Board may designate, appoint or authorize from time to time by resolution, and all such banking business, or any part thereof, shall be transacted on the Corporation's behalf by such one or more officers or other persons as the Board may designate, direct or authorize from time to time by resolution and, to the extent therein provided, including, without restricting the generality of the foregoing, the operation of the Corporation's accounts, the making, signing, drawing, accepting, endorsing, negotiating, lodging, depositing or transferring of any cheques, promissory notes, drafts, acceptances, bills of exchange and orders relating to any property of the Corporation; the execution of any agreement relating to any such banking business and defining the rights and powers of the parties thereto; and the authorizing of any officer of such bank to do any act or thing on the Corporation's behalf to facilitate such banking business.

Section 8.02 Execution of Instruments.

Deeds, transfers, assignments, contracts and obligations on behalf of the Corporation may be signed by the President or a Vice-President together with the Secretary or any other director. Any contract or obligation within the scope of any management agreement entered into by the Corporation may be executed on behalf of the Corporation in accordance with the provisions of

such management agreement. Notwithstanding any provisions to the contrary contained in the By-laws of the Corporation, the Board may at any time and from time to time direct the manner in which, and the person or persons by whom, any particular deed, transfer, contract or obligation or any class of deeds, transfers, contracts or obligations of the Corporation may or shall be signed.

Section 8.03 Execution of Status Certificates under Section 76(1) of the Act.

Certificates provided pursuant to Subsection 1 of Section 76 of the Act, as amended, may be signed by any officer or any director of the Corporation provided that the Board may by resolution at any time and from time to time direct the manner in which, and the person by whom, such certificates may or shall be signed.

Section 8.04 Borrowing.

The Corporation is hereby authorized, at such time as the Board may determine, to enter into an, overdraft agreement, line of credit or other credit facility in an amount that shall not exceed TWENTY THOUSAND DOLLARS ($20,000.00) with such lending institution and on such terms and conditions as the Board, in its sole discretion, deems appropriate. Such borrowing facility is to be used only for funding unexpected common expenditures not anticipated by, or not adequately provided for, in the operating budget for the Corporation on a temporary basis. Such moneys that are borrowed under this facility shall be repaid in full prior to the fiscal year end of the Corporation within which they were borrowed; failing which the principal amount then outstanding shall be incorporated into the next fiscal year's budget as a separate item and the common expenses shall be increased by whatever amount is necessary to repay such moneys in full within that fiscal year.

ARTICLE IX
REPORTS & RECORDS

Section 9.01 Financial Year.

Until otherwise ordered by the Board, the financial year of the Corporation shall end on the 31st day of December in each year, or on such other day as the Board by resolution may determine.

Section 9.02 Annual Statements to Owners.

The Corporation shall at such regular intervals, as the Board may from time to time decide, but not less frequently than annually, forward to each owner a full and complete statement of the receipts and expenditures of common expenses and a balance sheet with respect to the common expenses and similar statements with respect to the reserve fund. All such statements are referred to in this By-law as regular periodic statements. The Corporation shall furnish, without charge, upon being requested to do so, but not more than once in each calendar year, to the holder of a mortgage on a unit, a copy of the most current regular periodic statements, and shall furnish copies of any additional regular periodic statements requested, upon payment of a reasonable charge therefore, as the Board may from time to time establish.

Section 9.03 Documents to New Owners.

Every owner of a unit, upon becoming an owner, shall, on request, be furnished by the Corporation, upon payment of a reasonable charge therefore as the Board may from time to time establish, with a copy of the Declaration, By-laws, Rules and all amendments thereto, as well as any s. 98 Agreement affecting the unit. Additional copies of the Declaration, By-laws,

and Rules, as amended, shall be furnished by the Corporation to any owner upon payment of such reasonable charge therefore as the Board may from time to time establish.

Section 9.04 Rights of Owners to Review Documentation

Owners are entitled to review the Corporation's records subject to the restrictions imposed by section 55 (4) of the Act, and any applicable Federal and/or Provincial Privacy Legislation. Owners shall submit a written request to the Corporation for access to the records indicating what records they wish to review and the reason for reviewing such records. Such request must be delivered to the Corporation at its address for service at least forty-eight, (48) hours (not including weekends or statutory holidays) in advance of the date on which the owner wishes to review the records. The time during which the records will be available for review will be between the hours of 9:00 a.m. and 12:00 noon on any day except weekends and statutory holidays unless otherwise agreed to by the Board. owners must attend at the location where the records are typically stored to review them unless the Board agrees otherwise. The Corporation shall within a reasonable period of time, provide copies of the records that the owner has examined if the owner requests them and has paid a reasonable fee to compensate the Corporation for the labour and copying charges. The Corporation reserves the right to charge the owner for any other reasonable costs it incurs in making records available for review.

ARTICLE X
METHOD OF GIVING NOTICE BY THE BOARD ON BEHALF OF THE CORPORATION

Section 10.01 Method of Giving Notice by the Board on behalf of the Corporation.

Any notice, communication or other document, including any notices of assessments required to be given or delivered by the Corporation, shall be sufficiently given if delivered personally to the person to whom it is to be given, or if mailed by prepaid mail in a sealed envelope addressed to such person at the address noted in the register. Any notice, communication or other document to be given by the Board or the Corporation to any other person entitled to notice and who is not an owner shall be given to such person in the manner aforesaid to the address shown on the register. Such notice, communication or document shall be deemed to have been given when it is delivered personally or mailed to the address aforesaid, provided that a notice, communication or document so mailed shall be deemed to have been given five (5) days after being deposited in a post office or public letterbox.

Section 10.02 Method of Giving Notice to the Corporation

Any notice, communication or other document to be given to the Board or the Corporation shall be sufficiently given if mailed by prepaid mail in a sealed envelope addressed to it at the address for service of the Corporation set out in the Declaration, or as changed in accordance with the requirements of the Act. Any notice, communication or document so mailed shall be deemed to have been given five (5) days after being deposited in a post office or public letter box provided that a requisition for an owners' meeting may be delivered in the manner described in Article IV.

Section 10.03 Omissions and Errors.

The accidental omission to give any notice to anyone entitled thereto or the non-receipt of such notice or any error in any notice not affecting the substance thereof shall not invalidate any action taken at any meeting held pursuant to such notice or otherwise founded thereon.