

DCC#

52

DURHAM CONDOMINIUM CORPORATION NO. 52

PREPARED BY: NEWTON-TRELAWNEY PROPERTY MANAGEMENT INC.

As Amended – October 2, 2020

Homeowner's Manual 580 Eyer Drive Pickering, ON L1W 3B7

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Alterations Guideline Spreadsheet
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Your Notes:

Welcome New Residents

The members of the Board of Directors take pleasure in extending you a warm welcome on behalf of all the residents of

"Durham Condominium Corporation No. 52"

The community which you have chosen as your residence and home boasts both pride of ownership and a high quality of life. Many concerns and/or questions you may have regarding your residence or the Condominium Corporation as a whole should be addressed to:

Newton Trelawney Property Management

253 Lake Driveway West,
Ajax, ON L1S 3B5

905-619-2886	Phone
905-428-5701	After hours Emergency
905-619-2705	Fax

Your Property Manager is: **Jackie Stavert** E-Mail: jstavert@ntpm.ca Ext. 230

Whether you have chosen this as a home for a few years or for a lifetime, we hope you will receive true enjoyment from the grounds, facilities and your neighbours.

The current Board of Directors is comprised of:

- | | | |
|-------------|------------------|---------|
| • President | Karyn Moore | Unit 29 |
| • Treasurer | Angelo DiClement | Unit 46 |
| • Secretary | Parrish Offer | Unit 63 |
| • Director | Andrew Allen | Unit 43 |
| • Director | Vacant Position | |

Concept and Administration

CONDOMINIUM in this province refers to a type of home ownership whereby an individual acquires ownership of a unit together with a proportionate interest in the common elements. Condominiums are regulated under an act of the Provincial Legislature (The Condominium Act, R.S.O. 1998). Each Condominium Corporation has its own unique Declaration, By-Laws and Rules and Regulations which govern the use of the Units and the Common Elements.

CONDOMINIUM CORPORATION'S DECLARATION

The Declaration is the document pursuant to which the Condominium Corporation is created. It defines ownership of the property identifying which portion of the property is individually owned (for the Unit owners exclusive use) and which is shared and jointly owned by all Unit owners (known as the Common Elements).

BOARD OF DIRECTORS AND AGM

Pursuant to the terms of the Declaration and the By-Laws of Durham Condominium Corporation # 52 (DCC #52), an Annual General Meeting (AGM) of Unit owners is held in the fall of each year and at that time official business of the Corporation is conducted as follows:

- The President's Report provides a re-cap of the year's events
- Presentation and approval of the Auditor's Financial Report;
- Elections to fill open Board of Director positions;
- New business which may be properly brought before the meeting is discussed

Unit owners whose accounts are in good standing may attend, vote and run for an open Board position. Note: the Corporation's fiscal year runs from May 1st each year to April 30th of the following year.

The elected Board of Directors meets approximately the 4th Monday of each month to discuss matters current and pending. Official minutes of Board meetings are maintained and any act of business conducted by the Board is duly approved and recorded into the Minute Book.

COMMON ELEMENTS

The Common Elements consist of the property, landscaping and Unit exterior structures. Each Unit owner's percentage of interest in the Common Elements is defined by the Condominium Corporation's Declaration, Schedule D.

Each Unit owner (including family members, tenants, guests, invitees and licensees) shall comply with the Condominium Act, the Declaration, the By-Laws and the Rules and Regulations, as amended from time to time.

Subject to certain restrictions, each Unit owner has the full use and enjoyment of the Common Elements. Each Unit owner, as provided for in the Declaration, will have exclusive use of the rear yards to which the Unit owner provides sole access.

A Unit owner who wishes to make changes to Common Elements must obtain written consent from the Board of Directors before any work commences. Such requests must be submitted to the Property Manager who will present the request to the Board for review. Where Board approval is granted the Unit owner shall execute a Section 98 Agreement prior to commencement of any changes (or as agreed to by the Board). All related costs are the responsibility of the Unit owner

The Corporation maintains the right to enter onto property defined as a Common Element and Exclusive Use Common Element to carry out any maintenance, repair, addition, alteration or improvement.

MAINTENANCE FEES

The cost of services, repairs and improvements to the Common Elements are borne by all Unit owners in accordance with their respective share of the Common Elements (as detailed in the Declaration). The Property Manager is responsible for creating an annual budget. The Board of Directors approves the budget, setting the monthly maintenance fee. The collection of monthly maintenance fees fund the operational and capital expenses incurred by the Corporation.

All maintenance fees are due and payable by each Unit owner on the **first day of every month**. Unit owners have two options for payment:

1. Submit twelve (12) post-dated cheques payable to DCC52
2. Direct Payment Service (PAP)

Should a Unit owner fall into arrears for a period of three months, the Board of Directors shall direct the Property Manager to register a lien against the Unit to protect the interests of the Corporation. All legal costs will be the responsibility of the Unit owner.

The following are some of the services included and paid for by your Maintenance Fees:

- grass cutting & fertilization
- tree & shrub pruning & care
- landscaping improvements from time to time
- fire hydrant service
- exterior painting of units when required
- any and all repairs necessary to outside common elements that are not a result of neglect or deliberate abuse by owners or residents
- repairs to signs, roads, curbs, driveways and sidewalks

- snow ploughing of parking lots & shovelling of sidewalks
- insurance coverage for all outside common elements
- Water/ Sewage
- Cable – Rogers Bulk Cable Agreement
- a portion of the fees directed to a reserve fund to offset future major Common Element repairs/replacement
- the hiring of management company to oversee the smooth running of the Corporation

Owners are individually responsible for their own:

- Condominium insurance (contents and all upgrades to the Unit).
- Hydro
- Gas
- Property Taxes
- Maintenance of all equipment within the unit (such as HVAC, faucets, pipes, toilets, electrical fixtures, electrical panel)
- Windows & Doors

In successful condominiums, the contributions from the Unit owners extend beyond the mere payment of Maintenance Fees. A strong social fabric is developed through co-operation and harmonious communications by homeowners within the community.

UNIT BOUNDARIES

The boundaries of each Unit are defined in Schedule “C” of the Declaration. In simple terms the Unit is bounded by the drywall on the top floor ceiling also including the attic and by the upper surface of the concrete floor slab in the basement . The vertical boundaries of the Unit are defined as the interior faces of external walls, the interior faces of walls dividing one Unit from another, and all windows and doors. Glass panels of windows and/or doors shall form part of the Unit and are the Unit owner’s responsibility.

OCCUPANCY AND USE

Each Unit shall be used only as a ***PRIVATE SINGLE FAMILY*** dwelling and for no other purpose.

STRUCTURAL ALTERATIONS TO UNITS

Structural alterations to a Unit such as, but not limited to the installation of gas fireplaces or removal of major structural walls require Board approval. The Unit owner must submit a written request to the Board of Directors for review. The Board may request the Unit owner provide drawing(s) approved by a Professional Engineer where walls are removed as part of the Unit alteration.

The Unit owner is responsible to obtain the proper permits and must not commence any work without receiving **written consent** from the Board of Directors.

Where Board approval is granted the Unit owner shall execute a Section 98 Agreement prior to commencement of any work (or as agreed to by the Board). All related costs are the responsibility of the Unit owner.

Refer to attached spreadsheet for guidance in determining whether a Section 98 Agreement is required.

RENTAL / LEASE OF A UNIT

The following procedures must be undertaken by the Unit owner when renting or leasing their Unit:

- Notify the Property Manager
- Provide a copy of the signed lease or Form 5 to the Property Manager
- Provide your tenant with a copy of the Rules and Regulations of the Corporation

As the Unit owner you are responsible for the behaviour of your tenant / lessee and must ensure that your tenant(s)/lessee is (are) aware of and adhere(s) to the Rules and Regulations of the Corporation.

BY-LAWS OF THE COPORATION

By-Laws are regulations of the Condominium Corporation which are in place to govern its meetings and affairs. Proposed By-Laws are established by the Board of Directors and are subject to approval by owners who collectively own not less than 51 percent of the Units. Approved By-Laws must be registered by the Condominium Corporation at the Land Registry Office.

RULES AND REGULATIONS

Rules and Regulations are developed and implemented by the Board of Directors They must be consistent with the Condominium Act, the Declaration and the By-Laws. New rules come into effect thirty (30) days after notice has been given to the Unit owners and no requisition meeting has been called in accordance with section 46 of the Condominium.

The rules and regulations have been developed to:

- promote the safety, security and welfare of all owners, residents and guests.
- provide an atmosphere of quiet enjoyment for all residents and guests.
- provide for the protection of all property.

A Unit owner or owners may submit a proposed rule (or change to an existing rule) by presenting the Board with a written requisition detailing the rule and a request to hold a Unit owners meeting. The proposed rule or change must be supported by a minimum of fifteen (15) percent of the total Unit owners before the Board will consider any rule additions or changes.

ENFORCEMENT

The enforcement of the Declaration, By-Laws and Rules and Regulations are the responsibility of the Board as specified by the Condominium Act. However, the obligation to report infractions is the responsibility of all Unit owners. Infractions should be reported in writing to the Property Manager to ensure the appropriate action is taken. Any and all losses, costs or damages incurred by the Corporation by reason of a Unit owner's breach of any provision in the Declaration, By-Laws and/or Rules and Regulations of the Corporation shall be paid for by such Unit owner and may be recovered by the Corporation against such Unit owner in the same manner as Maintenance Fees.

COMMUNICATION

The joint ownership of any common asset can give rise to opposing opinions and it is therefore in each Unit owner's interest to keep abreast of the business of the Condominium in order to be in a position to judge matters on the basis of fact and current information. Unit owners may be asked by the Board of Directors to support proposed changes to the rules and regulations governing the Corporation and such decisions for change must be based on a thorough understanding of the requirements of the situation.

The Board communicates matters of interest and importance to Unit owners through the use of a newsletters and/or notices such as reminders to Unit owners in the fall to close common exterior faucets or garage sweep dates. Please take the time to read these.

An information website (which requires authorization for access by Unit owners) has been created by the Board to post information such as, but not limited to, redacted Board meeting minutes, documents, news and contact information. Should you wish access to this website, visit and register at **dcc52.com**

ADMINISTRATION

The Corporation contracts out the day-to-day operations and other business affairs of the Corporation to a qualified Property Management company. The Property Management company assigns a designated Property Manager to carry out the contract obligations. The Property Manager operates under the direction of the Board.

The Unit owner is encouraged to follow the following procedure when raising a concern or issue to be addressed:

- Contact the Property Manager to inform him/her of the specific concern or issue.

- Write to the Board thru the Property Manager if you wish the Board to consider changes and/or improvements to your particular unit or to the Condominium itself.

What you should know about your Community

CONDOMINIUM LIFE

As in any community, each resident must be considerate of his/her neighbours and refrain from any practice which may annoy or endanger the other residents. This consideration includes the proper use of the common elements, the disposal of garbage and the control of pets.

Each and every resident in our community has the right to enjoy his or her surroundings in peace and reasonable quiet. Due to the high-density character of our complex noise can be a problem. This is particularly true in warm weather, when windows and doors are open. We therefore request that you exercise consideration for your neighbours when playing radios, stereos and musical instruments both indoors and outside.

The Corporation also asks that no person engage in any form of play, sport or activity which may cause damage to the property. This includes any activity involving the use of skate boards, hockey sticks or golf clubs or anything that involves striking the units with a ball, a puck or any other object, or which might cause damage to the landscaping, sod, shrubs, trees or flower beds.

INSURANCE

The Corporation is required to obtain and maintain All Risk Insurance coverage for the common elements and units (excluding improvements and betterments made or acquired by a unit owner) in an amount equal to the full replacement cost thereof. The Corporation is also required to obtain insurance against damage to personal property owned by the Corporation, but not including furnishings, furniture or other personal property supplied or installed by the unit owners in an amount equal to the replacement cost thereof. In addition, the Corporation is obligated to maintain Public Liability and Property Damage Insurance and insurance against the Corporation's liability resulting from breach of duty as occupier of the common elements.

The insurance to be obtained and maintained by the Corporation **does not** include insurance on the improvements made by an owner to his/her unit and **does not** include insurance of furnishings, fixtures, equipment or decorating, and assumes no obligation with respect to insurance which may be required, by him/her from his/her insurance agent.

PET OWNERS

Pets are welcome residents in our community. However, we do request that all pet owners employ cleanliness and consideration. Dog and cats must never be allowed to run loose; and the **STOOP AND SCOOP** rule must always be adhered to. The Board of Directors, via the

courts, can legally remove pets that are causing an annoyance to the neighbours through excessive barking or destruction of the lawns, etc., if the problem persists.

GARBAGE DAY

Garbage Day is every **Monday** morning including Holiday Mondays. Please place your properly bagged garbage at the column in your garage space prior to 7:00 A.M. Monday morning. If Monday is a holiday the pickup will be on Tuesday.

RECYCLE DAY

Recycle Day is every **Monday** morning including holiday Mondays. Please place your properly sorted recycling materials in the appropriate larger bins distributed throughout the underground parking area. It is critical that you break your cardboard items down to accommodate the use of these bins for everyone. There are separate bins for containers and paper. Posters attached to the wall at each recycling station illustrate what items belong in which bins. Please ensure that you adhere to these guidelines and do not contaminate the bins with unacceptable items. Special bins for battery recycling and for the recycling of electronics (including computers, printers, peripherals, cell phones, etc.) are located at the east wall near the north garage ramp. This is also the garden waste bag collection area. Please note that Pickering does not presently support a Green bin program and there are no Green Bins in the complex.

Please do not place items outside these bins.

SPECIAL BULK PICK UP

The Corporation pays for special bulk pick up twice each year prior to the garage wash. Details of the garage wash will be indicated on the notice delivered prior to the wash. Vehicles and stored items must be removed from the garage area for the day of the wash. This gives residents the opportunity to dispose of large items. This service is provided so that the garage can be emptied out of all refuse prior to the garage wash. Dumping of large items or furniture at the boulevard at times other than those dates arranged by the Corporation and to which notice has been issued is against the by-law. The cost to remove and/or any fine imposed by the City of Pickering will be invoiced to the unit owner who dumped the materials. Note: Construction material off-site disposal shall be the responsibility of the unit owner or their contractor.

VISITOR'S PARKING LOTS

There are two Visitor's Parking Lots for this Condominium. These lots are intended for visitor parking only. Campers, trailers, boats, unlicensed and/or un-roadworthy vehicles may not be parked in the visitor's parking lot. Parking vehicles overnight without registering is prohibited. Such vehicles are subject to being ticketed and /or towed at the expense of the owner.

For overnight Visitor vehicle registration, contact Paragon Security 905-433-0127 Ext. 222.

Car washing and repair are not permitted anywhere on the property.

RENTAL PARKING SPACES

The Corporation has five (5) spaces that are rented out on a yearly basis. Please contact the Property Manager for more information and availability of spaces. The Board reserves the right to increase the rental rates at any time.

PARKING SPACES

Private vehicles and or motorcycles may be parked only in the spaces allotted to them. Vehicles must be plated with valid and current ministry stickers. The Corporation will be furnished with such information as may be required to identify each automobile. The owner shall not allow his car or cars belonging to any member of the household or to any guest or invitee to be left or placed in areas where parking is forbidden. Any oil/gas damage to the underground parking spaces is the responsibility of the unit owner to repair. All vehicles must be removed for the garage cleaning. Trailers, campers, recreational vehicles or boats are not permitted in allotted spaces.

STORAGE OF ITEMS IN UNDERGROUND PARKING SPACES

The only items that may be stored in a parking space must be placed against the back wall of a parking space and neatly stored. Items that may be so stored are limited to the following: seasonal items, not more than eight (8) seasonal tires, garbage in sealed bags, recycling items neatly stored, one plastic tote with lid (measuring no more than 2 & 1/2 feet high, 2 feet deep and 3 & 1/2 feet wide), 4 bicycles neatly stored against the wall.

- no flammable liquids, gases or propane tanks
- no soft furnishings including and not limited to cushions, mattresses, sofas, mats and carpets
- no furniture
- no building materials
- no batteries
- no appliances
- no food or drink

Notwithstanding the above, the only items that may be stored in a parking space must be placed against the back wall and neatly stored within the storage boundary area for each unit which is defined as follows:

- a minimum of 12" away from the Unit entry door
- a minimum of 12" away from neighbouring unit's egress/ingress path
- not to protrude more than 36" from the back wall of the unit parking space

- Items must not exceed 48" in height.

SNOW AND ICE REMOVAL

The Corporation contracts the removal of snow from the Common Element sidewalks and visitor's parking lots. There are sand boxes placed around the property at specific designated location during the winter months. Please feel free to place sand on sidewalks as necessary.

BETTER HOMES AND GARDENS

The neatness of each individual Unit greatly contributes to the overall appearance of the community. Although the contracted landscaper is responsible to cut the common element grass, it is still up to each resident to keep the outside of his/her home tidy and free from litter, accumulated debris and overgrown shrubs or weeds. The landscaper may clean up Units that have extremely messy yards and these costs will be charged back to the homeowner. Each Unit has a private-use planter box at the front of the Unit. Owners are expected to maintain the planter boxes with appropriate plantings.

The community has a volunteer gardening club that chooses and directs the planting of the flowers and grasses for the common element gardens. With the assistance of community-minded neighbours all gardens are weeded and watered throughout the season. Your commitment to watering and maintaining these gardens is very much appreciated. Please contact the Property Manager should you wish to join the gardening club.

Climbing vines are **not permitted** on the Unit's exterior wall or on the Privacy fencing at the rear of the units.

It is not acceptable to store garbage or unwanted items in the exclusive use Common Element area in front and behind Units.