

TOUCHSTONE ON LAKE MUSKOKA

RULES

The following rules made pursuant to the *Condominium Act, 1998*, S.O. 1998, c.19 (the "Act") shall be observed by all owners and any other persons occupying the unit with the owner's approval, including, without limitation, members of the owner's family, his tenants, guests and invitees.

Any losses, costs or damages incurred by the condominium corporation by reason of a breach of any rules and regulations in force from time to time by any owner, or his family, guests, servants, agents or occupants of his unit, shall be borne and/or paid for by such owner and may be recovered by the condominium corporation against such owner in the same manner as common expenses.

A. General Rules

1. Use of the common elements and units shall be subject to the rules which the board of directors may make to promote the safety, security or 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.
2. Rules as deemed necessary and altered from time to time by the condominium corporation shall be binding on all unit owners and occupants, their families, guests, visitors, servants or agents.

B. Quiet Enjoyment

1. Owners and their families, guests, visitors, servants and agents shall not create or permit the creation or continuation of any noise or nuisance which, in the opinion of the board of directors or the property manager, may or does disturb the comfort or quiet enjoyment of the units or common elements by other owners or their respective families, guests, visitors, servants and persons having business with them.
2. No noise shall be permitted to be transmitted from one unit to another. If the board of directors determines that any noise is being transmitted to another unit and that such noise is an annoyance or a nuisance or disruptive, then the owner of such unit shall at his expense take such steps as shall be necessary to abate such noise to the satisfaction of the board of directors. If the owner of such unit fails to abate such noise, the board of directors shall take such steps as it deems necessary to abate the noise and the owner shall be liable to the condominium corporation for all expense thereby incurred in abating the noise (including reasonable solicitor's fees).
3. No auction sales or events to which the general public is invited shall be held in any of the units or on the common elements.
4. Firecrackers or other fireworks are not permitted in any unit or on the common elements.
5. Any repairs to the units or common elements shall be made only during reasonable hours.

C. Units

1. No immoral, improper, offensive or unlawful use shall be made of any unit or the common elements. All governmental laws, zoning ordinances, regulations and by-laws shall be strictly observed.
2. No owner shall permit an infestation of pests, insects, vermin or rodents to exist at any time in his unit or adjacent common elements. Owners shall immediately report to the property manager all incidents of pests, insects, vermin or rodents and all owners shall fully co-operate with the property manager to provide access to each unit for the purpose of conducting a spraying program to eliminate any incident of pests, insects, vermin or rodents.
3. Toilets, sinks and other water apparatus shall not be used for purposes other than those for which they are constructed, and no sweepings, garbage, rubbish, rags, ashes or other substances shall be thrown therein. Any damage resulting to them from misuse or from unusual or unreasonable use shall be borne by the owner who has, or whose family, guests, visitors, servants or agents have caused such damage.
4. No owner or occupant shall make any major plumbing, electrical, mechanical, structural or television cable alteration in or to his unit without the prior consent of the board of directors.
5. All shades and other window coverings shall be white or off white on the outside and all draperies shall be lined in white or off white to present a uniform appearance to the exterior of the building.
6. Water shall not be left running unless in actual use.
7. Nothing shall be thrown out of the windows or doors of the units.
8. Units shall be used only for such purposes as provided for in the declaration of the condominium corporation.
9. Owners shall not overload existing electrical circuits in their units.
10. No storage of any combustible or offensive goods, provisions or materials shall be kept in any of the units or common elements.

D. Common Elements

1. No one shall harm, mutilate, destroy, alter or litter any of the landscaping work on the property, including grass, trees, shrubs, hedges, flowers or flower beds.
2. No one shall uproot existing plants, hedges, shrubs or trees, nor plant new shrubs, hedges or trees anywhere upon the common elements.
3. No sign, advertisement or notice shall be inscribed, painted, affixed or placed on any part of the inside or outside of the building or common elements whatsoever without the prior written consent of the board of directors, unless as specifically contemplated in the declaration.
4. No equipment shall be removed from the common elements by, or on behalf of, any owner or occupant of the unit.
5. No outside painting shall be done to the exterior of the units, railings, doors, windows, or any other part of the common elements.
6. The sidewalks, entries, passageways, walkways and driveways used in common by the owners shall not be obstructed by any of the owners or used by them for any purpose other than for ingress and egress to or from their respective units.
7. Any physical damage to the common elements caused by an owner or occupant, his family, guests, visitors, servants, or agents shall be repaired by arrangement and under the direction of the board of directors at the cost and expense of such owner or occupant.
8. No mops, brooms, dusters, rugs or bedding shall be shaken or beaten from any window or door.
9. No building or structure or tent shall be erected, placed, located, kept or maintained on the common elements and no trailer, either with or without living, sleeping or eating accommodations shall be placed, located, kept or maintained on the common elements.
10. No one may engage in rollerblading, bicycle riding, skateboarding or any similar activity in any of the common elements.

E. Garbage Disposal

1. No owner shall place, leave or permit to be placed or left in or upon the common elements any debris, refuse or garbage.
2. All garbage must first be properly bound, packaged or bagged to prevent mess, odours and disintegration.
3. Garbage shall be placed or deposited as designated by the board of directors or property manager from time to time.
4. All garbage shall be contained in properly tied polyethylene or plastic garbage bags not exceeding twenty-five (25) pounds per bag in weight and shall be disposed of as directed by the property manager. Where such debris, refuse or garbage consists of large items, crates or cartons, the owner shall arrange with the property manager for disposal.

F. Safety

1. Propane or natural gas tanks shall not be kept in the units or exclusive use common elements.
2. Smoking is not permitted anywhere within the condominium, indoors or outdoors, except in designated smoking area(s) as determined by the resort operator and/or the board of directors, from time to time.
3. No barbecues may be used indoors or outdoors, save and except on the decks and balconies of the units where barbecues and connections have been provided by the declarant or the condominium corporation.
4. No rollerblades, rollerskates, or skateboards shall be permitted to be used in the common elements.

G. Security

1. No one shall change any lock or locks in a unit or place any additional lock on any door in or to any unit, without first obtaining the written approval of the board of directors and, if such approval is given, without first providing a key for such changes or additional lock or locks to the condominium corporation. In the event an owner has changed locks without permission, then all damages and/or costs arising out of an emergency forced entry into such locked unit shall be borne by the owner of same.
2. No duplication of keys shall be permitted except with the authorization of the board of directors and the names of persons authorized to have keys shall be furnished to the board of directors at all times.
3. Under no circumstances shall building access or common elements keys be made available to anyone other than the owner or occupant.

4. No visitor may use or have access to the common elements unless accompanied by an owner or occupant.
5. Building access doors shall not be left unlocked or wedged open for any reason.
6. No owner of any unit shall do or permit anything to be done in his unit, or bring or keep anything therein which will in any way increase the risk of fire or the fire insurance premiums on the building, or on property kept therein, and no owner shall do or permit anything to be done in his unit or obstruct or interfere with the rights of other owners, or in any way injure or annoy them, or conflict with the regulations of the relevant fire department, or with any insurance policy carried by the condominium corporation or conflict with any of the rules or ordinances of the local board of health, or with any municipal by-law or any provincial or federal statute or regulation.

H. Tenancies

1. All owners shall be responsible for any damage or additional maintenance to the common elements caused by their tenants and will be assessed and charged for same.
2. During the period of occupancy by the tenant, the owner shall have no right to use any part of the common elements.
3. If guests are given permission to occupy a unit during a resident's absence, the property manager shall be notified in writing of the name of such guests, dates of occupancy and their motor vehicle licence numbers. No guests will be admitted to the property or permitted to occupy any unit unless such information is so provided.

I. Parking

1. Each owner and resident shall provide the condominium corporation with the licence numbers of all motor vehicles driven by residents or tenants of that particular unit. The registry of such numbers shall be used only for the conduct of the condominium corporation's business.
2. No motor vehicle, other than a private passenger automobile, motorcycle or family van, shall be parked on the property of the condominium corporation.
3. Parking is prohibited in the following areas:
 - (a) fire routes;
 - (b) traffic lanes; and
 - (c) the entranceways, roadways and service areas and any other part of the common elements not designed for the parking of a motor vehicle.
4. No vehicles, equipment or machinery, other than motor vehicles shall be parked or left on any part of the common elements and without limiting the generality of the foregoing, no parking areas shall be used for storage purposes.
5. No servicing or repairs shall be made to any motor vehicle, trailer, boat, snowmobile, or equipment of any kind on the common elements without the express written consent of the property manager or the board of directors. No motor vehicle shall be driven on any part of the common elements other than on a driveway or parking space.
6. No boat, house trailer, camping trailer, trailer, mobile home, truck, or any similar items shall be stored on the property of the condominium corporation in such a manner as to be visible from the surrounding properties or from Lake Muskoka, except for purposes of loading or unloading. No snowmobile shall be parked or stored on the property of the condominium corporation between the 15th day of April and the 15th day of November in any year in such a manner as to be visible from the surrounding properties or from Lake Muskoka.
7. A motor vehicle shall not be driven on any part of the common elements at a speed in excess of the posted speed nor on any part of the common elements which has not been designated for the passage of motor vehicles.
8. No person shall place, leave, park or permit to be placed, left or parked upon the common elements any motor vehicle, which, in the opinion of the property manager or as directed by the board of directors, may pose a security or safety risk, either caused by its length of unattended stay, its physical condition or appearance or its potential damage to the property. Upon seventy-two (72) hours' written notice from the property manager, the owner of the motor vehicle shall be required to either remove or attend to the motor vehicle as required and directed by the property manager, in default of which the motor vehicle shall be removed from the property at the expense of the owner. If a motor vehicle is left standing in a parking space or upon the common elements and is unlicensed or unregistered with the property manager, the vehicle may be towed without notice to the owner and at the owner's expense.
9. Motorcycles shall be licensed and equipped with the most recent noise control devices and operated on the roadways and in a manner so as not to disturb the other owners. Mopeds and bicycles shall be operated only on the road and in such manner as not to obstruct traffic. No mopeds and bicycles are permitted to be operated on sidewalks.

10. No unlicensed motor vehicle including mopeds and go-carts shall be driven within the property complex and no person shall operate a motorized vehicle within the complex without a proper operating licence.
11. No person shall park a motor vehicle in contravention of these rules in default of which such person shall be liable to be fined or to have his motor vehicle towed from the property under local by-laws in which event the condominium corporation and its agents shall not be liable for any damage, costs or expenses howsoever caused in respect of any motor vehicles removed from the property.

J. Pets

1. No pet that is deemed by the board of directors or the property manager, in the absolute discretion of such party, to be a nuisance shall be allowed upon or kept by any owner or occupant of any unit in a unit or on the common elements. Any owner or occupant shall, within two (2) weeks of receipt of written notice from the board of directors or the property manager that it deems a pet owned by such owner or occupant to be a nuisance, and requesting the removal of such pet, permanently remove such pet from the unit and the common elements.
2. All pets must be kept on a tight leash when traveling through the common elements.
3. A pet owner must utilize "poop and scoop" methods. If any owner permits their pet to soil or damage any part of the common elements or units, such owner shall immediately rectify the damage or remove the excrement. If such owner fails to do so, the property manager shall arrange to have the excrement removed and the owner shall be billed for a fifty (\$50.00) dollar removal charge.
4. No breeding of animals for sale shall be carried on, in or around any unit or the common elements.

K. Exclusive Use Terrace Areas

1. No hanging or drying of clothes is allowed on any exclusive use terrace area.
2. Exclusive use terrace areas shall not be used for the storage of any goods and materials.
3. Only seasonal furniture provided by the declarant or the condominium corporation is allowed on exclusive use terrace areas. All such items shall be safely secured in order to prevent such items from being blown off the terrace area by high winds, if applicable;
4. No owner, occupant or tenant shall do or permit anything to be done on an exclusive use terrace area which does or may unreasonably disturb, annoy or interfere with the comfort and/or quiet enjoyment of the units and/or common elements by other owners, occupants or tenants.
5. No awnings or shades shall be erected over or outside of any exclusive use terrace areas without the prior consent of the board of directors, which shall also have the right to prescribe the shape, colour and material of such awnings or shades to be erected.

L. Outdoor Swimming Pool

1. The swimming pool will be open for use during the hours of 7:00 a.m. to 11:00 p.m. daily or such hours as determined by the board of directors or the property manager. Guest privileges may be varied from time to time at the discretion of the board of directors or the property manager.
2. The outdoor pool is unsupervised. Bathers under twelve (12) years of age are not allowed within the pool enclosure unless accompanied by a parent or his agent who is not less than sixteen (16) years of age. Use of the pool is solely at the risk of the person or persons using the pool.
3. No person infected with communicable disease or having open sores on his body shall enter the swimming pool.
4. No person shall bring a glass container into the pool area.
5. No person shall pollute the water in the swimming pool in any manner, and that spitting, urinating, spouting of water and blowing the nose in the pool or on the deck are prohibited.
6. No person shall engage in boisterous play in or about the swimming pool. No running is permitted in the pool area.
7. Each bather shall take a shower using warm water and soap and thoroughly rinse off all soap before entering the pool or re-entering the deck.
8. A medical officer of Health, Public Health Inspector under his direction, or an officer of the Ministry of Health and Long Term Care, may enter the public swimming pool at any reasonable time whether the pool is open for use or not.
9. Children under four (4) years of age or wearing diapers are not allowed in pool areas. Children four (4) years of age or over must be accompanied by parents who will supervise and bear all responsibility for them.

10. Inflatable children's toys or floats are not permitted in the pool except flutter boards or water wings if used for learning purposes.
11. Street shoes or clothes are not permitted in the deck area.
12. In the event of an emergency, emergency numbers are posted alongside the wall telephone. This line must be used for emergency purposes only.
13. No diving or jumping into the swimming pool is permitted.
14. Each resident must accompany his/her guest(s).
15. Each resident is fully responsible for his/her guest(s).
16. Each resident is responsible for ensuring that guests are fully aware of all regulations.
17. Cover-ups and footwear must be worn from the units to the pool area.
18. Radios, televisions, video games and tape decks are not allowed in the pool area, however they may be used on the deck with earphones.
19. No eating, smoking, gum chewing or drinking is allowed in the pool area.
20. The staff is in charge of safe conduct in the swimming pool area. They are given management authority in enforcing all regulations.

M. Owner's Contractors, Trade or Service Personnel

1. No contractor, trade or service personnel may or shall enter upon the property to perform any work or services in or about any unit, including an exclusive use common element area that may or will affect the common elements or common building services unless such persons or firms are:
 - (a) employed directly by the condominium corporation; or
 - (b) employed by an owner in circumstances where the intended performance of work and/or services in or about a unit has first been approved, in writing, by the condominium corporation and where the work and/or services are supervised by an approved contractor or service personnel in accordance with the condominium corporation's written direction.

N. Additional Rules and Enforcement

1. In accordance with the provisions of the Act, the declaration and the by-laws, the board of directors may pass further rules respecting the use of the common elements and units or any of them to promote the safety, security or 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.
2. The rules shall be reasonable and consistent with the Act, the declaration and by-laws and the owners may at any time after a rule becomes effective, amend or repeal a rule at a meeting of owners duly called for that purpose.
3. In addition to any other power of enforcement of these rules that the board of directors may have by virtue of the Act, the declaration, and/or the condominium corporation's by-laws (including the right to have a court of competent jurisdiction order the compliance of the said rules), the board of directors may also deal with owners, and/or occupants who violate the rules as follows:
 - (a) the offending or responsible party shall be notified in writing with respect to the first offense by the property manager and/or board of directors and shall be given fourteen (14) days to rectify the violation or signify their future willingness to comply with the rules;
 - (b) upon the second offence the offending or responsible party shall be given written notice and shall be required to signify to the board of directors in writing within two (2) days upon receipt of the notice, that they shall comply with the rules; and
 - (c) upon the third offence and any further offenses by the offending or responsible party, the board of directors may direct that such party supply the board of directors with a security deposit with respect to such further or subsequent breaches of the rules which may be occasioned by such party, which security deposit will be forfeited and considered liquidated damages in the event that any further breach of the rules is occasioned by such party.