

**MIDDLESEX CONDOMINIUM CORPORATION NO. 83**

**BY-LAW NO.**

**NO-SMOKING BYLAW**

1. Smoking prohibition: Due to the irritation and known health risks of exposure to second-hand tobacco smoke, increased risk of fire and increased maintenance and cleaning costs, all forms of smoking are prohibited on the condominium property, including:
  - a. Inside all condominium units;
  - b. On exclusive use patios and balconies; and
  - c. On any part of the condominium that is common element or exclusive use common element.
2. Definition of smoking: "Smoking" shall include the inhaling, exhaling, burning or vaping of lighted tobacco.
3. Grandfathering: This bylaw takes effect upon approval by the board or members of the condominium corporation and its registration on title, and applies to all persons, including but not limited to owners, tenants, invitees, tradespersons, occupants and visitors provided that the bylaw does not apply to any owner, tenant or occupant residing in a unit in the building at the time the bylaw is approved by the condominium corporation, and who continues in full-time residence in the condominium after the bylaw takes effect.
4. Notwithstanding the "grandfathering" provisions in section 3 above, owners, tenants, and occupants who qualify for the exemption from the no-smoking bylaw as described herein must still comply with all applicable legislation and are still subject to the declaration, rules and bylaws, including but not limited to those with respect to causing a nuisance or hazard to another person and unreasonably interfering with the rights of another person to use an enjoy the common elements, exclusive use common elements, or another unit.
5. Human rights and reasonable accommodation: The board of directors shall make reasonable accommodation, pursuant to sections 2 (1), 11 (1) (a) and 17 (1) and (2) of the Ontario Human Rights Code and the whole of the Code for an owner, tenants or occupant who has proven by medical evidence that he or she is physically and/or mentally disabled and is unable to control his or her addiction to nicotine. Whether the owner, tenant or occupant has proven the disability will be determined in the sole and absolute discretion of the board of directors, acting