

The Vogue

Metropolitan Toronto Condominium Corporation #878

February 17, 2016 – Notice 1

Notice to Owners

under subsection 97(3) of the Condominium Act, 1998

Corporation will adopt ownership of about eighty-three (83) P4 lockers; monthly cost will be added to common expenses. Some lockers may be sold to dwelling unit owners at a later date. Project name: "P4 liened lockers"

Executive summary

1. The corporation is enforcing a condo lien on a non-contiguous group of about 83 locker units located on P4. The corporation will assume ownership of these lockers in exchange for debt forgiveness and legal expenses. This is standard practice. At a later date, the best lockers may be sold to dwelling unit owners, if there are any buyers.
2. The common expenses for lockers will be added to our budget, and will be reflected in everyone's common expenses. The present calculations for common expenses are as follows:

Type of unit	Estimated number	Monthly common expenses per unit	Total monthly common expenses	Annual common expenses
Locker	83	\$14.65	\$1,215.95	\$14,591.40
Estimated total annual common expenses for "P4 liened lockers"				\$14,591.40

3. This increase in our common expenses would be approximately **one-half of one percent (0.515%)** of our total annual budget (our annual budget is \$2,836,024.00 until June 30, 2016). The corporation will not impose a special assessment; that is certainly not necessary. The corporation has enough money to absorb this new annual cost; of course, the Corporation would prefer not spend the money at all. Unfortunately, there is no alternative.
4. Under Ontario law, the Board of Directors intends to undertake this project. To describe the project, we use conditions listed in the Ontario Condo Act 1998, which state that this project would be:
 - a) an addition, alteration or improvement to the common elements and
 - b) a change in the Corporation's assetsHowever, at this point in time, this project would
 - c) not be described as a change in a service the Corporation provides to unit owners.
5. **If you disagree** with the sale of the "P4 liened lockers" or with some aspect of this project, you should know that in accordance with subsection 97(3) of the *Condominium Act, 1998*, dwelling unit owners have the right, within 30 days of receiving this notice, to requisition a meeting of owners under section 46 of the Act for the purpose of holding a vote on whether or not to approve this proposed project. For your information, Sections 46 and 97 of the Act are listed on the other side of this notice.

Project description of "P4 liened lockers"

- a. After the corporation assumes ownership of these lockers, the corporation will attempt to sell as many lockers as possible to dwelling unit owners. **When the time comes, the proposed sale price of these lockers would be a minimum \$5.00 each, plus the buyer's legal and transfer fees and taxes, and of course payment of monthly common expenses thereafter. Purchase conditions are as follows:** buyers must be MTCC 878 dwelling unit owners. Lockers must be used for personal non-perishable and non-flammable storage only. Lockers are unsuitable for commercial purposes. Sleeping in the lockers or using the lockers for any type of residential purpose is not allowed. The new owner must start to pay \$14.65 per month per locker in common expenses, starting on the first day of the first full month of ownership, until the owner decides to sell the locker. The corporation will not be required to pay property tax on unsold units which remain the property of the corporation.
- b. **If you are not interested** in buying any of the "P4 liened lockers", no action is required on your part.
- c. **If you are interested in buying one or more of the "P4 liened lockers", there is one single way to indicate your interest:** email mtcc878pm@yahoo.ca, stating the dwelling unit you own, your full legal name, and that you may want to buy one or more of the "P4 liened lockers". Please do not phone or drop by the office with enquiries; the office is not involved in this project.

Dated: February 17, 2016	

Condominium Act, 1998

S.O. 1998, CHAPTER 19

Section 46

Requisition for meeting

46. (1) A requisition for a meeting of owners may be made by those owners who at the time the board receives the requisition, own at least 15 per cent of the units, are listed in the record maintained by the corporation under subsection 47 (2) and are entitled to vote. 1998, c. 19, s. 46 (1).

Form of requisition

(2) The requisition shall,

- (a) be in writing and be signed by the requisitionists;
- (b) state the nature of the business to be presented at the meeting; and
- (c) be delivered personally or by registered mail to the president or secretary of the board or deposited at the address for service of the corporation. 1998, c. 19, s. 46 (2).

Section 97

Changes made by corporation

97. (1) If the corporation has an obligation to repair the units or common elements after damage or to maintain them and the corporation carries out the obligation using materials that are as reasonably close in quality to the original as is appropriate in accordance with current construction standards, the work shall be deemed not to be an addition, alteration or improvement to the common elements or a change in the assets of the corporation for the purpose of this section. 1998, c. 19, s. 97 (1).

Changes made without notice

(2) A corporation may, by resolution of the board and without notice to the owners, make an addition, alteration or improvement to the common elements, a change in the assets of the corporation or a change in a service that the corporation provides to the owners if,

- (a) it is necessary to make the addition, alteration, improvement or change to comply with an agreement mentioned in section 113 or the requirements imposed by any general or special Act or regulations or by-laws made under that Act;
- (b) in the opinion of the board, it is necessary to make the addition, alteration, improvement or change to ensure the safety or security of persons using the property or assets of the corporation or to prevent imminent damage to the property or assets; or
- (c) subject to the regulations made under this Act, the estimated cost, in any given month or other prescribed period, if any, of making the addition, alteration, improvement or change is no more than the greater of \$1,000 and 1 per cent of the annual budgeted common expenses for the current fiscal year. 1998, c. 19, s. 97 (2).

Changes made on notice

(3) A corporation may make an addition, alteration or improvement to the common elements, a change in the assets of the corporation or a change in a service that the corporation provides to the owners if,

- (a) the corporation has sent a notice to the owners that,
 - (i) describes the proposed addition, alteration, improvement or change,
 - (ii) contains a statement of the estimated cost of the proposed addition, alteration, improvement or change indicating the manner in which the corporation proposes to pay the cost,
 - (iii) specifies that the owners have the right, in accordance with section 46 and within 30 days of receiving the notice, to requisition a meeting of owners, and
 - (iv) contains a copy of section 46 and this section; and
- (b) one of the following conditions has been met:

1. The owners have not requisitioned a meeting in accordance with section 46 within 30 days of receiving a notice under clause (a).
2. The owners have requisitioned a meeting in accordance with section 46 within 30 days of receiving a notice under clause (a) but have not voted against the proposed addition, alteration, improvement or change at the meeting. 1998, c. 19, s. 97 (3).

Approval of substantial change

(4) Despite subsection (3), the corporation shall not make a substantial addition, alteration, improvement to the common elements, a substantial change in the assets of the corporation or a substantial change in a service that the corporation provides to the owners unless the owners who own at least $\frac{66}{3}$ per cent of the units of the corporation vote in favour of approving it. 1998, c. 19, s. 97 (4).

Meeting

(5) The vote shall be taken at a meeting duly called for the purpose of subsection (4). 1998, c. 19, s. 97 (5).

Meaning of substantial change

- (6) For the purposes of subsection (4), an addition, alteration, improvement or change is substantial if,
- (a) its estimated cost, based on its total cost, regardless of whether part of the cost is incurred before or after the current fiscal year, exceeds the lesser of,
 - (i) 10 per cent of the annual budgeted common expenses for the current fiscal year, and
 - (ii) the prescribed amount, if any; or
 - (b) the board elects to treat it as substantial. 1998, c. 19, s. 97 (6).

Cost of changes

(7) The cost of an addition, alteration, improvement or change that the corporation makes under this section shall form part of the common expenses. 1998, c. 19, s. 97 (7).