

**CERTIFICATE IN RESPECT OF A BY-LAW**

(under subsection 14 (1) of Ontario Regulation 48/01 and subsection 56 (9) of the *Condominium Act, 1998*, and referred to in subsection 38 (1) of Ontario Regulation 49/01)

*Condominium Act, 1998*

York Region Vacant Land Condominium Corporation No. 1002 (known as the "**Corporation**") certifies that:

1. The copy of By-law number 3, 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. *(Please check the statement that applies)*
  - ☒ The owners of a majority of the units in the Corporation have voted in favour of confirming the by-law with or without amendment (if clause 56 (10) (a) of the *Condominium Act, 1998* applies but subsection 14 (2) of Ontario Regulation 48/01 does not apply).
  - ☐ ~~The majority of the owners present or represented by proxy at a meeting of owners have voted in favour of confirming the by-law with or without amendment (if clause 56 (10) (a) of the *Condominium Act, 1998* and subsection 14 (2) of Ontario Regulation 48/01 apply).~~
4. *(Please check the following statement, if the by-law is a joint by-law under section 59 of the *Condominium Act, 1998*)*
  - ☐ ~~The by-law is a joint by-law made under section 59 of the *Condominium Act, 1998* and is not effective until the corporations that made it, being *(insert corporation names)*, have each registered a copy of the joint by-law in accordance with subsection 56 (9) of the *Condominium Act, 1998*.~~

DATED this 17<sup>th</sup> day of January, 2020.

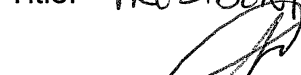
**YORK REGION VACANT LAND  
CONDOMINIUM CORPORATION NO. 1002**

Per:



Name: FERGUS GAMBLE

Title: PRESIDENT



Name: GERRY DI DONATO

Title: SECRETARY / VICE-PRESIDENT



Name: LUCIEN JEZ

Title: TREASURER

*We have the authority to bind the Corporation.*

## SCHEDULE A

### YORK REGION VACANT LAND CONDOMINIUM CORPORATION NO. 1002

#### BY-LAW NO. 3

**BE IT ENACTED** as a By-law of York Region Vacant Land Condominium Corporation No. 1002 (the "**Corporation**") as follows:

That By-law No. 1 and By-law No. 2 of the Corporation shall be amended as follows:

1. By deleting Article 6.3 of By-law No. 1 and replacing it with the following:

#### **6.3 Qualifications**

No person shall be nominated, elected or appointed to the Board unless he or she meets the following criteria:

- (a) the person shall be an individual;
- (b) the person shall be eighteen (18) years of age or older;
- (c) the person shall have complied with the disclosure obligations for directors as set out in the *Condominium Act*, 1998, S.O. 1998, c. 19 (the "**Act**");
- (d) the person shall not be an undischarged bankrupt or be incapable of managing property within the meaning of the *Substitute Decisions Act*, 1992 or the *Mental Health Act*;
- (e) the person shall not have been found to be incapable by any court in Canada or elsewhere;
- (f) the person shall not have a certificate of lien for common expenses registered against his or her unit;
- (g) the person shall be a resident owner of a residential unit in the Corporation or a resident non-titled spouse/partner of a resident owner of a residential unit in the Corporation;
- (h) the person shall not reside in the same unit as a director, be a co-owner of a unit in the Corporation with a director or a "related person" (as that term is defined by the *Income Tax Act*, R.S.C. 1985, c. 1 (5<sup>th</sup> Supp.)) with a director;
- (i) the person shall not be an employee of the Corporation or of any manager, contractor or agent of the Corporation; and
- (j) the person, the person's spouse/partner and/or the person's family member shall not be a party to any litigation, mediation, arbitration and/or tribunal proceedings by or against the Corporation.

2. By adding Article 6.3.1 to By-law No. 1 as follows:

#### **6.3.1 Disqualifications**

A person immediately ceases to be a director if:

- (a) the director misses:
  - (i) four (4) consecutive Board meetings, if such meetings are held monthly or less frequently; or
  - (ii) six (6) consecutive Board meetings, if such meetings are held more frequently than monthly; or
  - (iii) more than fifty per cent (50%) of the Board meetings in a ten-month period commencing at the date of the annual general meeting,

and is unable to provide an explanation for his or her absence that is satisfactory to the Board, acting reasonably;

- (b) the director becomes an undischarged bankrupt or becomes incapable of managing property within the meaning of the *Substitute Decisions Act, 1992* or the *Mental Health Act*;
- (c) the director, the director's spouse/partner and/or the director's family member is a party to any litigation, mediation, arbitration and/or tribunal proceedings against the Corporation;
- (d) a certificate of lien has been registered against a unit owned by the director or the titled spouse/partner of the director and the director or titled spouse/partner of the director does not obtain a discharge of the lien within ninety (90) days of the registration of the lien;
- (e) the director is no longer a resident owner of a residential unit in the Corporation or a resident non-titled spouse/partner of a resident owner of a residential unit in the Corporation;
- (f) the director becomes a co-resident of a unit in the Corporation with a director, a co-owner of a unit in the Corporation with a director or becomes a "related person" (as that term is defined by the *Income Tax Act*, R.S.C. 1985, c. 1 (5<sup>th</sup> Supp.)) with a director;
- (g) the director becomes an employee of the Corporation or of any manager, contractor or agent of the Corporation;
- (h) the director has failed to comply with his or her confidentiality requirements set out in the Act and is unable to provide an explanation that is satisfactory to the Board, acting reasonably;
- (i) the director has failed to comply with his or her disclosure obligations set out in the Act and is unable to provide an explanation that is satisfactory to the Board, acting reasonably;
- (j) the director has failed to complete the training prescribed by the Act, as amended by the *Protecting Condominium Owners Act, 2015*, within the prescribed time;
- (k) at the first board meeting following the director's election, the director refuses to sign the Directors' Code of Ethics; or
- (l) the director is determined, following the Ethics Review(s) described in Article 6.3.2 below, to have breached the Director's Code of Ethics on three (3) separate occasions over the course of the director's term.

3. By adding Article 6.3.2 to By-law No. 1 as follows:

#### **6.3.2 Directors' Code of Ethics and Ethics Review**

All directors shall be subject to a Directors' Code of Ethics as follows:

- (a) each director shall, at the first Board meeting following the director's election, sign the Directors' Code of Ethics. The Directors' Code of Ethics shall be in such form as the Board may determine from time to time;
- (b) where a director believes that another director on the Board has breached the Directors' Code of Ethics, the director who believes that such a breach has occurred (the "Reporting Director") shall notify the Corporation of the breach in writing forthwith;
- (c) at the next meeting of the Board following written notification of a potential breach of the Directors' Code of Ethics, the Board, in the absence of the director who is alleged to have breached the Directors' Code of Ethics, shall discuss the potential breach and determine whether the potential breach ought to be referred to an Ethics Review; and

- (d) if the Board determines that the potential breach ought to be referred to an Ethics Review:
- i. forthwith after determining that the potential breach of the Directors' Code of Ethics ought to be referred to an Ethics Review, the Board shall advise the director who is alleged to have breached the Directors' Code of Ethics that an Ethics Review will be convened, and shall provide the director with full particulars of the potential breach;
  - ii. the Ethics Review shall be convened at the next meeting of the Board;
  - iii. the director who is alleged to have breached the Directors' Code of Ethics shall have the right to attend the Ethics Review and provide such information and submissions as the director may consider appropriate, and the director may, at his or her own expense, be represented by legal counsel at the Ethics Review; and
  - iv. after hearing information and submissions from the director who is alleged to have breached the Directors' Code of Ethics, the Board, in the absence of the director who is alleged to have breached the Directors' Code of Ethics and in the absence of the Reporting Director, shall determine whether a breach of the Directors' Code of Ethics has occurred.


4. By deleting Article 2 and Article 4 of By-law No. 2.

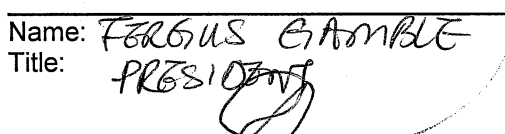
The foregoing by-law is hereby enacted as By-law No. 3 of York Region Vacant Land Condominium Corporation No. 1002, the said by-law having been passed by the Board of Directors on the 21<sup>st</sup> day of December, 2018, and duly approved by the owners of a majority of the units of the Corporation voting in favour of confirming it on the 30<sup>th</sup> day of November, 2019 without variation, pursuant to the provisions of the *Condominium Act, 1998*, S.O. 1998, c. 19.

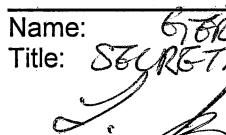
DATED this 17<sup>th</sup> day of January, 2020.

**YORK REGION VACANT LAND  
CONDOMINIUM CORPORATION NO. 1002**

Per:

  
 Name: FERGUS GAMBLE  
 Title: PRESIDENT

  
 Name: GERRY DI DONATO  
 Title: SECRETARY / VICE-PRESIDENT

  
 Name: LUCIEN JEE  
 Title: TREASURER

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