

Summer Gardens

Halifax County Condominium Corporation No. 130

Common Element Rules

Rules Governing the Use of the Common Elements

Revised November 22, 2022

Amended effective February 7, 2023

**These Rules are made under
Section 24 of the *Condominium Act***

- 24(1) The by-laws may provide for the making of rules by the owners respecting the use of the common elements for the purpose of preventing unreasonable interference with the use and enjoyment of the units and common elements.
- (1A) The board of directors may propose new rules or amend or repeal existing rules respecting the use of the common elements to promote safety and security of the members and property or to prevent unreasonable interference with the use and enjoyment of the units and common elements.
- (1B) A rule proposed to be made, amended or repealed by the board of directors is not effective until such time as the board provides the members of the corporation with notice of the proposed rule in the prescribed form, which notice must include a form to allow the unit member to object to the rule.
- (1C) Where the board does not receive a notice of objection within ten days of delivery of the notice of rule, the rule is in force until it is ratified by a majority of the members present at the next general meeting of the members with the requisite quorum.
- (1D) Where a board receives a notice of objection from an owner, the proposed rule has no force and effect unless the rule is ratified by a majority of the members present at the next general meeting of the members with the requisite quorum.
- (1E) A rule that is not ratified at a meeting pursuant to subsection (1C) is of no further force or effect.
- (2) The rules shall be reasonable and consistent with this Act, the declaration and the by-laws.
- (3) The rules shall be complied with and enforced in the same manner as the by-laws.

**and under Article XII of the By-Laws of
Summer Gardens, HCCC No 130**

- XII 1. The rules and regulations with respect to the common elements of the Corporation shall be initially those rules and regulations set forth in Schedule "A" of this By-Law Number 1, and thereafter any amendments, additions, deletions or changes therein from time to time shall be authorized by resolution passes by a majority vote at an annual of general meeting of the Corporation.

Common Element Rules

Rules & Regulations Governing the Use of the Common Elements

Interpretation

1. These Rules and Regulations apply to all the common elements of the property, indoors and outdoors, including the common areas (common elements to which all residents have access) and the exclusive use common elements (portions of the common elements which are for the exclusive use of the residents of one unit - the balconies, storage lockers, and parking spaces).
2. Definitions:
 - a) "Building Manager" means the person employed by Summer Gardens to manage the operations of the building under the direction of the Condominium Manager; and
 - b) "Condominium Manager" means the person or corporation contracted by Summer Gardens to manage the business of the condominium;
 - c) "guest" means a person visiting or staying temporarily with a resident, and includes persons making deliveries to or performing work for a resident or owner;
 - d) "owner" means the person who owns a unit in Summer Gardens;
 - e) "the property" means the land and buildings which comprise the condominium property of Summer Gardens, and includes the chattels and equipment of Summer Gardens;
 - f) "recreation area" means the area that includes the swimming pool and pool deck, the hot tub, the saunas, the exercise room, and the shower rooms.
 - g) "resident" means a person whose principal residence is in a unit in Summer Gardens, and includes an owner who lives in the unit, a person sharing a unit with the owner, or a tenant of an owner or a person sharing a unit with a tenant;
 - h) "Summer Gardens" means Halifax County Condominium Corporation No. 130.
3. The headings in these Rules and regulations are for convenience only. They are not part of, and do not affect the interpretation of, the Rules and Regulations.

General Provisions

4. Residents must not:
 - a) Bring or keep flammable or offensive materials in the property;
 - b) Use any fuel-burning heating device of any kind in the property; or
 - c) Do or permit anything to be done in the property which will cause a risk of fire or increases the rate of fire insurance on the property, or conflict with the regulations of the Halifax Regional Municipality Fire Department or Provincial Fire Marshall or with any insurance policy on the property.
5. Residents must not violate any statute, regulation, or municipal by-law.
6. Residents must not:
 - a. paint or decorate the halls, doors, or other parts of the common elements;
 - b. install antennas for radios, TV, or other communications systems or devices that are visible from the exterior of the building;
 - c. store goods in the common elements, including hallways, stairwells, parking areas, or anywhere except in their unit or assigned storage locker. If improperly stored goods are not removed after one day's notice, the Building Manager may dispose of them at the cost of the resident.
7. Residents must exercise care about making noise at all times. Residents must not permit unusual noise or disturbance on the premises that will interfere with the enjoyment of other residents of the property, and in particular will refrain from the loud playing of musical instruments, radios, television sets, computers, or other sound equipment. Excessive noise, loud talking, slamming of doors, racing of engines, or the use of horns is prohibited everywhere on the premises.
8. Summer Gardens is a non-smoking condominium. Smoking of any products (including cannabis) in any way (including "vaping") is prohibited throughout the property.
9. Owners and residents must not give orders or directions to any employee of Summer Gardens. All requests for service must be directed to the Condominium Manager or to the Board of Directors through the Building Manager's office.

Security Systems

10. The door locks of the units and the electronic security systems controlling access to the building are part of the common elements, and the keys and fobs are subject to these rules.
 - a. Owners may have the unit door lock re-keyed at their own expense, but only by the locksmith designated by Summer Gardens and consistent with Summer Gardens' master key system
 - b. Owners must not install any additional locks on unit doors.
11. Owners and Residents must not duplicate the fobs and must provide fobs only to residents of the building or to a limited number of non-residents who are trusted by the owner to enter their unit when the owner is not present.
12. Residents must keep unit entrance doors closed and must keep them locked at all times when there is no-one present in the unit.
13. Residents must not allow non-residents admittance to the building or their unit unless they know the person requesting admittance.

Vehicles and Parking

14. Parking spaces are assigned to each unit by the Board and may be reassigned from time to time.
 - a) Residents must park only in their assigned spaces. Vehicles parked in unauthorized areas may be towed at the expense and risk of the resident.
 - b) Assigned parking spaces may be sublet to another resident, but not to a person who is not a resident of the building.
 - c) Residents are responsible for compliance with these parking rules by their guests, and for informing their guests of these rules.
 - d) Residents must not bring vehicles powered by propane or natural gas into the parking garage. Residents with such vehicles may ask to be assigned an exterior parking space instead of an interior space.
 - e) Parking spaces are for one vehicle only and must not be used for storage. A small basket-cart may be left in a parking space.

- f) No automobiles may be parked so as to block other vehicles.
- g) The parking areas in front of the building are reserved for guests while visiting with residents, and residents must not park in those spaces. Any guest parking in those areas must be reported by the host resident to the Commissionaires.
- h) The driveway in front of the building is for discharging and picking up passengers. No vehicle may be left unattended in this area.
- i) Residents must not make or permit repairs to vehicles anywhere on the property except those emergency repairs necessary to enable the removal of such vehicle from the premises.
- j) Vehicles must be driven slowly in the driveways, on the entry ramp, and inside the parking garage. Headlights must always be on in the parking garage.
- k) Vehicles entering the parking garage must yield to outgoing vehicles.
- l) For the security of all residents, please pause your vehicle after passing through the garage door until the door closes.
- m) Residents must use their access fob each time they enter the parking garage, even if following another car, to permit the Commissionaires to know who has entered the garage.
- n) Residents must not wash cars anywhere other than in the designated car wash bay.

Storage Lockers

15. Storage lockers are assigned to each unit by the Board and may be reassigned from time to time.
- a) Residents use the storage lockers at their own risk. The corporation is not responsible for any loss or damage to items stored in the lockers from any cause. Residents are advised to ensure that their property insurance covers property in their locker.
 - b) Residents must comply with all requirements of the Fire Code or the Fire Marshall with respect to how high items can be stored with respect to sprinklers.

- c) Residents must not store flammable materials or materials which create a risk of explosion, leakage, odor, or food or other materials that might attract vermin or insects. Residents must cooperate with the Building Manager in cleaning or removing materials from their lockers if vermin or insects are found in the locker area. If goods are not removed within one day of notice in writing, the Building Manager may dispose of them.

Common Areas - Corridors, Lobbies, Elevators

- 16. The sidewalks, halls, entry, passageways, and stairways of the building must not be obstructed or used for any purpose other than ingress and egress.
- 17. Residents must not leave any items (such as doormats or footwear) in the corridors.
- 18. Residents must not paint or decorate corridors, doors, or other common areas.
- 19. All deliveries of furniture, appliances, building materials, or other large items must be brought into the building through the service entrance.
 - a) Residents must coordinate with the Building Manager at least 48 hours before moving furniture, appliances, or household effects in or out of the building.
 - b) Deliveries or moves are allowed if elevator capacity is available and only between 9:00 a.m. and 5:00 p.m. Monday to Friday, holidays excluded.
 - c) Furniture should be moved only by professional movers.
- 20. Bicycles of residents may be stored in the racks in the parking garage or in storage lockers, but must not be brought in the lobbies, elevators, or corridors.
- 21. The shopping carts and luggage trollies are only for the use residents, who must return them to the designated space in the parking level immediately after use.
- 22. Common areas must not be used by tradesmen to store, prepare, or cut any materials or object of any kind. All work must be completed within the owner's unit or parking space, with subsequent cleanup.
- 23. No sign, advertisement or notice may be affixed on any part of the property except on the bulletin board provided in the mail area.
- 24. No owner or resident may alter or remove any furniture, furnishings, or equipment from the common elements.

25. Owners are responsible for the cost of repairing any damage to any of the common elements caused by the resident or their guests.

Pool and Exercise Room

26. The recreation areas are common element amenities and are for the use only by residents or their guests while the residents are present. The recreational area includes the swimming pool and pool deck, the hot tub, the fitness room, the saunas, and the showers and lockers.

- a) No more than four guests per condominium unit at any time are permitted.
- b) If residents have a person check on their unit while it is unoccupied, this person is not considered a guest and does not have access to common element amenities.
- c) Common element amenities are not intended for regular use by non-residents, but rather for occasional use during a visit with residents.
- d) Owners who rent their unit are considered to have transferred the right to use the common element amenities to the resident but may still access their exclusive-use common elements (parking space and storage locker) if these elements are not included in the rental agreement.

27. Residents and their guests use the recreation areas at their own risk. Summer Gardens is not responsible for any personal injury or loss or damage to property of any person using the swimming pool, hot tub, sauna, fitness room or ancillary facilities.

- a) The recreation areas are not supervised. Summer Gardens strongly recommends that no one use these facilities unless another person is present.
- b) Children under 14 years of age using the recreational area must be accompanied by an adult.

28. Residents and guests must use the recreation areas in accordance with a sign-up reservation system as determined by the Board from time to time.

29. Residents and guests must shower before entering the swimming pool or hot tub.

30. Running and horseplay in the pool and recreational area are prohibited.

31. Food and beverages are prohibited in the pool area.

32. Pets are not permitted within the pool area under any circumstances.
33. Swimming fins, masks, snorkels, or inflated toys may only be used in such a way as to not detract from the enjoyment of the pool by others.

Blue Room

34. Residents may reserve the Blue Room for private functions when it is not required for Summer Gardens functions. Bookings are made with the Building Manager or in his or her absence, with the Commissionaires.
35. Residents who reserve the Blue Room are responsible to clean the room thoroughly following their function.
36. The Blue Room is not to be used for business activities of any kind.

Balconies

37. Owners and residents must not make alterations or additions to balcony areas or the outside the walls of the building without approval of the Board. They must perform permitted work strictly in accordance with any terms of approval and must promptly rectify any deficiencies.
38. Residents who choose to paint the ceiling of their balcony must use the colour and type of paint specified by the Building Manager.
39. Residents must not drop items from the balconies or place objects on a balcony so as to create a risk that the object may fall from the balcony.
40. Residents must not hang or leave on the balcony any items that detract from the outward appearance of the building. This includes, but is not be limited to, laundry, bathing suits, towels, beach mats, and mops. Residents must not dust, shake, or hang any items from the balconies or clean items by beating or sweeping.
41. Residents must not use balconies as storage areas.
42. Residents must not have barbecues or other cooking devices on the balconies.

Waste Disposal

43. Residents must separate their waste in accordance with HRM standards and place the segregated waste in the designated containers in the recycling area.

Mail and Mail Room

44. Registered mail addressed to residents will not be accepted by the Corporation or its employees unless the addressee gives prior permission in writing. However, parcels or other such deliveries will be accepted.
45. Residents are not permitted in the inner mailroom while the carrier is sorting mail.

Pets

46. The right to maintain a pet in Summer Gardens is governed by the Declaration¹ and the By-laws², and can be revoked at any time by the Board of Directors if, in their discretion, the pet is or appears vicious, is annoying other residents, or is otherwise a nuisance, or if the resident fails to comply with these Rules pertaining to pets.
47. Pets must be under the control of their owner or other responsible person at all times. Small pets may be carried by the responsible person, and all other pets must be on leash at all times while in the common elements.
48. No pets may be kept on the common elements, including exclusive-use common elements (balconies). Pets are prohibited in hallways or lobbies, except for ingress and egress.
49. The Board may direct that any pet other than a service dog must enter or leave the building through the back entrance or through the parking garage and not through

¹ *Summer Gardens Declaration:*

6 PETS

6.01 Owners shall be allowed to keep household pets in their units and such pets shall be permitted ingress to and egress from such units provided that the keeping of such pets and their control shall be strictly in compliance with the rules and regulations relating to pets.

² *Summer Gardens By-Laws*

Article XI - Provisions Respecting the Use and Occupation of Units

1. In addition to the provisions of the Declaration, the use and occupation of the units shall be in accordance with the following restrictions and stipulations:
 - (d) No animal or pet which is deemed by the Board in its sole discretion to be a nuisance shall be kept by any owner, visitor or occupant in any unit or on any other part of the property. Any pet owner who keeps any animal or pet in the unit or any part of the property, shall at the request of the Board, remove such animal or pet therefrom forthwith on receipt of a written notice from the Board or the General Manager requesting such removal;

the main entrance if the Board determines in its sole discretion that the pet is unreasonably dirty, is or appears threatening to others, or constitutes an unreasonable nuisance to other residents or guests.

50. Pets must be walked off the condominium property and must not be curbed on the external common elements. Residents or guests must always clean up after their pets.