

# MEMORANDUM

**TO:** Owners and Residents

**FROM:** Board of Directors

**DATE:** May 20, 2020 **Revised October 21, 2021**

**RE:** Who is responsible for repairs and maintenance and replacement list

Attached please find an inclusive but not exhaustive list of the major components of our property identifying if the corporation or a unit owner is responsible for their repairs and maintenance and their replacement when these have reached the end of their service life.

In general, unit owners are responsible and pay for ongoing maintenance and repair of their units. The condominium declaration defines a unit's boundaries (which may or may not include services behind the walls).

Condominium corporations are responsible and pay for the ongoing maintenance and repair of the common elements. This includes anything beyond the boundaries of the units, and may include parking, gardens, hallways, elevators, amenities, etc.

This list deals with normal wear and tear from use. Damages are subject to specific sections of the Condo Act as well as our Declaration and are not addressed in this document.

The Condo Act, the Declaration and By-laws dealing with a unit boundary and repairs and maintenance were reviewed and form the basis for this list.

## [The Condo Act](#)

- Section 89 (1)** Subject to section 91 and 123, the corporation shall repair the common elements and the assets, if any, of the corporation
- Section 89(2) Subject to section 91 and 123, each owner shall repair the owner's unit
- Section 90(1)** Subject to section 91, the corporation shall maintain the common elements and the assets, if any, of the corporation and each owner shall maintain the owner's unit.
- Section 90(2) The obligation to maintain does not include the obligation to repair.
- Section 91** The declaration may alter the obligation to repair and maintain as set out in this Act by providing that, subject to the regulations,
- (a) subject to section 123, the corporation shall repair the units or any part of them;

- (b) subject to section 123, the owners shall repair the common elements or any part of them;
- (c) the corporation shall maintain the common elements or any part of them;
- (d) the owners shall maintain the common elements or any part of them;
- (e) the corporation shall carry out an obligation to repair or to maintain on behalf of or for the benefit of an owner and may add the cost of the work to the contribution to the common expenses payable for the owner's unit;
- (f) the corporation shall be responsible for the costs to remove or restore parts of a unit or other real property or personal property of an owner in order to carry out an obligation of the corporation to repair and maintain; and
- (g) the corporation or the owners shall have the other obligations or responsibilities to repair and maintain that are prescribed.

**Section 123 (1)** The registration of a notice under subsection (7) terminates the government of the property by this Act. 1998, c. 19, s. 123 (1); 2015, c. 28, Sched. 1, s. 106 (1).

**Definition**

Section 123 (2) In this section,

“substantial damage” means damage for which the cost of repair is estimated to equal or exceed 25 per cent of the replacement cost of all the buildings and structures located on the property. 1998, c. 19, s. 123 (2).

Estimates of damage

Section 123 (3) If damage occurs to a building or a structure located on the property that, in the opinion of the board, may constitute substantial damage, the board shall have at least two persons, who shall have no affiliation with the board and who, in the opinion of the board, are qualified, make estimates of the damage within 30 days after the occurrence of the damage. 1998, c. 19, s. 123 (3).

Determination by board

Section 123 (4) The board shall determine whether, based on the estimates, there has been substantial damage. 1998, c. 19, s. 123 (4).

Notice of determination

Section 123 (5) If the board determines that there has been substantial damage, it shall give notice of its determination to the owners. 1998, c. 19, s. 123 (5).

Contents of notice

Section 123 (6) The notice shall,

- (a) specify that,
  - (i) 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

- (ii) the board is required to register a notice terminating the government of the property by this Act if the conditions described in subsection (7) are satisfied; and
- (b) contain a copy of the text of section 46 and this section. 2015, c. 28, Sched. 1, s. 106 (2).

Section 123 (7) The board shall register a notice terminating the government of the property by this Act if,

- (a) the owners have requisitioned a meeting in accordance with section 46 within 30 days of receiving a notice under subsection (5);
- (b) the owners of at least 80 per cent of the units, at the date of the vote, vote in favour of termination; and
- (c) all other conditions, if any, that are prescribed have been satisfied. 2015, c. 28, Sched. 1, s. 106 (2).

Section 123 (8) The notice shall be in the form prescribed by the Minister and shall be signed by the authorized officers of the corporation. 1998, c. 19, s. 123 (8).

#### Time of registration

Section 123 (9) The board shall register the notice within 30 days of a vote in favour of termination under subsection (7), if any. (See: 2015, c. 28, Sched. 1, s. 106 (3))

#### Repairs if no termination

Section 123 (10) If the conditions under subsection (7) have not been satisfied, the corporation shall, within a reasonable time, repair the damage to the building or structure located on the property. 2015, c. 28, Sched. 1, s. 106 (4).

## The Declaration

Article 1.4 – Boundaries of units and monuments.

Article 3.2.d – Occupation and use. Alterations to unit.

Article 4.2 – Additions, alterations, and improvements to common elements.

Article 5 – Maintenance and repairs.

Schedule C – Unit boundary monumentation.

Schedule F – Exclusive use of parts of common elements.

## By-laws

By-law 5 – Installation and maintenance of a chimney and fireplace and for the installation and maintenance of a table-top stove vent and stack.

By-law 7 – Standard unit features.

The Board also sought the opinion of our legal representative who confirmed the list largely conformed with the legal documents governing the corporation.

The list will be posted on our website.

**Table 1. Who is responsible for what ?**

<b>Source documents</b>	<b>Element</b>	<b>Owner Responsibility to repair and maintain</b>	<b>Corporation Responsibility to repair and maintain</b>	<b>Replacement at end of service life</b>	<b>Notes</b>
<b>STRUCTURAL</b>					
Declaration Article 1.4, 4.2 Schedule C	Concrete walls - in units and TH	No	<b>Yes</b>	Corporation	
	Exterior Brickwork	No	<b>Yes</b>	Corporation	
<b>DOORS</b>					
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - Unit Entrance door & jamb (frame)	<b>Maintain finished interior surface</b>	<b>Yes</b>	Corporation	per standard unit definition- Corp alteration, betterments -owners
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - Unit Entrance door hinges	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - Unit Entrance self closing devices	No	<b>Yes</b>	Corporation	Fire Code requirement
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - Unit Entrance door: exterior handle	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - Unit Entrance door interior handle	No	<b>Yes</b>	Corporation	per standard unit definition - Corp
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - Unit front door key cylinder	<b>Yes</b>	No	Owner	owner must provide a key to the corporation as per declaration 3.3.4
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - Front door dead bolt	<b>Yes</b>	No	Owner	not recommended - owner must provide a key to the corporation as per declaration 3.3.4
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - door guard	<b>Yes</b>	No		not recommended
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - door viewer	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - door inside unit casing	<b>Yes</b>	No	Owner	
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - door outside hall casing	No	<b>Yes</b>	corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - unit number plaque	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - front door and jamb	<b>Maintain interior surface</b>	<b>Yes</b>	Corporation	per standard unit definition- Corp alteration, betterments -owners
Declaration article 3.2 (d), article 5.4, Schedule C	TH - front door - sidelight	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Front door weather strip	<b>Yes</b>	No	Owner	wear and tear - owner
Declaration article 3.2 (d), article 5.4, Schedule C	TH - front door inside casing	<b>Yes</b>	No	Owner	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - front door outside casing	No	<b>Yes</b>	Corporation	

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Declaration article 3.2 (d), article 5.4, Schedule C	TH - Front door sills	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Front door hinges	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Front door exterior handle	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Front door interior handle	No	<b>Yes</b>	Corporation	per standard unit definition- Corp alteration, betterments -owners
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Front door key and dead bolt cylinder	<b>Yes</b>	No	Owner	owner must provide a key to the corporation as per declaration 3.3.4
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Front door dead bolt	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Front door door guard	<b>Yes</b>	No	Owner	not recommended
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Front door viewer	No	<b>Yes</b>		
Declaration article 3.2 (d), article 5.4, Schedule C	TH - exterior light fixtures	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - exterior lightbulbs	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Front door bell (hard wired)	<b>Yes</b>	No	Owner	Board approval required to install or modify
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Front door mail slot	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - back door and jamb	<b>Maintain interior surface</b>	No	Corporation	per standard unit definition- Corp alteration, betterments -owners
Declaration article 3.2 (d), article 5.4, Schedule C	TH - back door weather strip	<b>Yes</b>	No	Owner	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - back door hinges	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - back door exterior handle	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - back door Interior handle	No	<b>Yes</b>	Corporation	per standard unit definition- Corp alteration, betterments -owners
Declaration article 3.2 (d), article 5.4, Schedule C	TH - back door and dead bolt key cylinders	<b>Yes</b>	No	Owner	owner must provide a key to the corporation as per declaration 3.3.4
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Back door dead bolt	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Back door door guard	<b>Yes</b>	No	Owner	not recommended

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Declaration article 3.2 (d), article 5.4, Schedule C	TH - Back door inside casing	<b>Yes</b>	No	Owner	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Back door outside casing	No	<b>Yes</b>	corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - basement exit door and jamb	<b>Maintain interior surface</b>	No	Corporation	per standard unit definition- Corp alteration, betterments -owners
Declaration article 3.2 (d), article 5.4, Schedule C	TH - basement exit door weather strip	<b>Yes</b>	No	Owner	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - basement exit door hinges	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - basement exit door exterior handle	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - basement exit door Interior handle	No	<b>Yes</b>	Corporation	per standard unit definition- Corp alteration, betterments -owners
Declaration article 3.2 (d), article 5.4, Schedule C	TH - basement exit door and dead bolt key cylinders	<b>Yes</b>	No	Owner	owner must provide a key to the corporation as per declaration 3.3.4
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Basement exit door dead bolt	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Basement exit door guard	<b>Yes</b>	No	Owner	not recommended
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Basement door inside casing	<b>Yes</b>	No	Owner	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Basement door outside casing	No	<b>Yes</b>	corporation	

**WINDOWS & SKYLIGHTS**

Declaration article 3.2 (d), article 5.4, Schedule C	Tower - curtain wall	<b>maintain interior surface</b>	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - Window glazing (glass)	<b>maintain interior surface</b>	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - Window mechanisms ( crank handle, locks, handles	<b>Yes</b>	No	Owner	
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - Windows: outside screens	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - Windows: inside screens	<b>Yes</b>	No	Owner	
Declaration article 3.2 (d), article 5.4, Schedule C	Tower - Skylights/roof windows	<b>Yes</b>	No	Owner	Section 98, registered on title
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Window head, jamb, frame	<b>maintain interior surface</b>	<b>Yes</b>	Corporation	

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Declaration article 3.2 (d), article 5.4, Schedule C	TH - window glazing (glass)	<b>maintain interior surface</b>	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Windows mechanisms ( crank handle, locks, handles	<b>Yes</b>	No	Owner	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Windows weatherstripping	<b>Yes</b>	No	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Windows: outside screens	No	<b>Yes</b>	Corporation	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Windows: inside screens	<b>Yes</b>	No	Owner	
Declaration article 3.2 (d), article 5.4, Schedule C	TH - Skylights/roof windows	<b>Yes</b>	No	Owner	Section 98, registered on title
<b>ROOFS</b>					
Declaration article 5	Roofs	No	<b>Yes</b>	Corporation	
Declaration article 5.4	Soffit and fascia	No	<b>Yes</b>	Corporation	
Declaration article 5.4	TH - downspouts	No	<b>Yes</b>	Corporation	
Declaration article 5.4	TH - Eavesthrough	No	<b>Yes</b>	Corporation	
<b>HEATING AND COOLING</b>					
Declaration article 3.2(d), schedule C	Electric baseboard heaters	<b>Yes</b>	No	Owner	
Declaration article 3.2(d), schedule C	forced air furnace	<b>Yes</b>	No	Owner	
Declaration article 3.2(d), schedule C	AC units (fan coils)	<b>Yes</b>	No	Owner	
Declaration article 3.2(d), schedule C	Thermostats	<b>Yes</b>	No	Owner	
Declaration article 3.2(d), schedule C	Heatpumps	<b>Yes</b>	no	Owner	
Declaration article 3.2(d), schedule C	TH - built-in humidifiers	<b>Yes</b>	No	Owner	
	Tower - built-in humidifiers	N/A	N/A	N/A	Prohibited in towers
<b>ELECTRICAL</b>					
Declaration article 1.4, 3.2(d), 4.2 Schedule C	Distribution Board (Breaker panel or electrical panel)- in unit	<b>Yes</b>	No	Owner	
<b>SUPPLY LINES &amp; VALVES</b>					
Declaration article 1.4, 3.2(d), 4.2 Schedule C	Shut off valves on common element pipes to enable access to fan coils	No	<b>Yes</b>	Corporation	
Declaration article 1.4, 3.2(d), 4.2 Schedule C	Actuators between shut off valves and fan coil to enable control via the thermostat	<b>Yes</b>	No	Owner	

**Table 1. Who is responsible for what ?**

Source documents	Element	Owner Responsibility to repair and maintain	Corporation Responsibility to repair and maintain	Replacement at end of service life	Notes
Declaration article 1.4, 3.2(d), 4.2 Schedule C	Shut off valves on common element pipes inside walls of unit - servicing other units	No	Yes	Corporation	Access panels required
Declaration article 1.4, 3.2(d), 4.2 Schedule C	Shut off valves on common element pipes inside walls of a unit - servicing exclusively that unit	Yes	No	Owner	
Declaration article 1.4, 3.2(d), 4.2 Schedule C	Shut off valves on toilets, faucets, showers, bidets, sinks, washers, dryers, dishwashers, refrigerators, etc.	Yes	No	Owner	
Declaration article 1.4, 3.2(d), 4.2 Schedule C	Pipes, conduits, wiring, cabling inside walls used by more than one unit	No	Yes	Corporation	
Declaration article 1.4, 3.2(d), 4.2 Schedule C	Pipes, conduits, wiring, cabling inside walls used exclusively by unit	Yes	No	Owner	
<b>FANS &amp; VENTING</b>					
Declaration schedule C	dryer fans	Yes	No	Owner	
Declaration schedule C	dryer vents	No	Yes	Corporation	
Declaration schedule C	dryer ductwork	No	Yes	Corp/owner	Inside unit owner/outside unit corporation
Declaration schedule C	bathroom exhaust fans	Yes	No	Owner	
Declaration schedule C	bathroom exhaust vents	No	Yes	Corporation	
Declaration schedule C	bathroom exhaust ductwork	No	Yes	Corp/owner	Inside unit owner/outside unit corporation
Declaration schedule C	kitchen exhaust fans	Yes	No	Owner	
Declaration schedule C	kitchen exhaust vents	No	Yes	Corporation	
Declaration schedule C	kitchen exhaust ductwork	No	Yes	Corp/owner	Inside unit owner/outside unit corporation
<b>BALCONY &amp; PATIOS</b>					
Declaration Schedule C & F	Tower Balcony floors - concrete slab	No	Yes	Corporation	
	Tower Balcony floors - betterments, alterations	Yes	No	Owner	
Declaration Schedule C & F	Tower Balcony glass doors	Maintain interior surface	Yes	Corporation	
Declaration Schedule C & F	Tower Balcony screens	Yes	No	Owner	Screens will be replaced at the corporation cost only when glass doors are replaced
Declaration Schedule C & F	Tower Balcony doors hardware	No	Yes	Corporation	wear and tear - owner
Declaration Schedule C & F	Tower Balcony doors rollers	Yes	No	Owner	wear and tear - owner
Declaration Schedule C & F	Tower Balcony railings	no	Yes	Corporation	
	Tower Balcony exterior light	No	Yes	Corporation	
Declaration 4.2.2 and schedule F	tower patios - paving stones etc.	no	Yes	Corporation	only the ones for unit 101,103,104 and 106 are mentioned in Schedule F no mention of the townhomes?



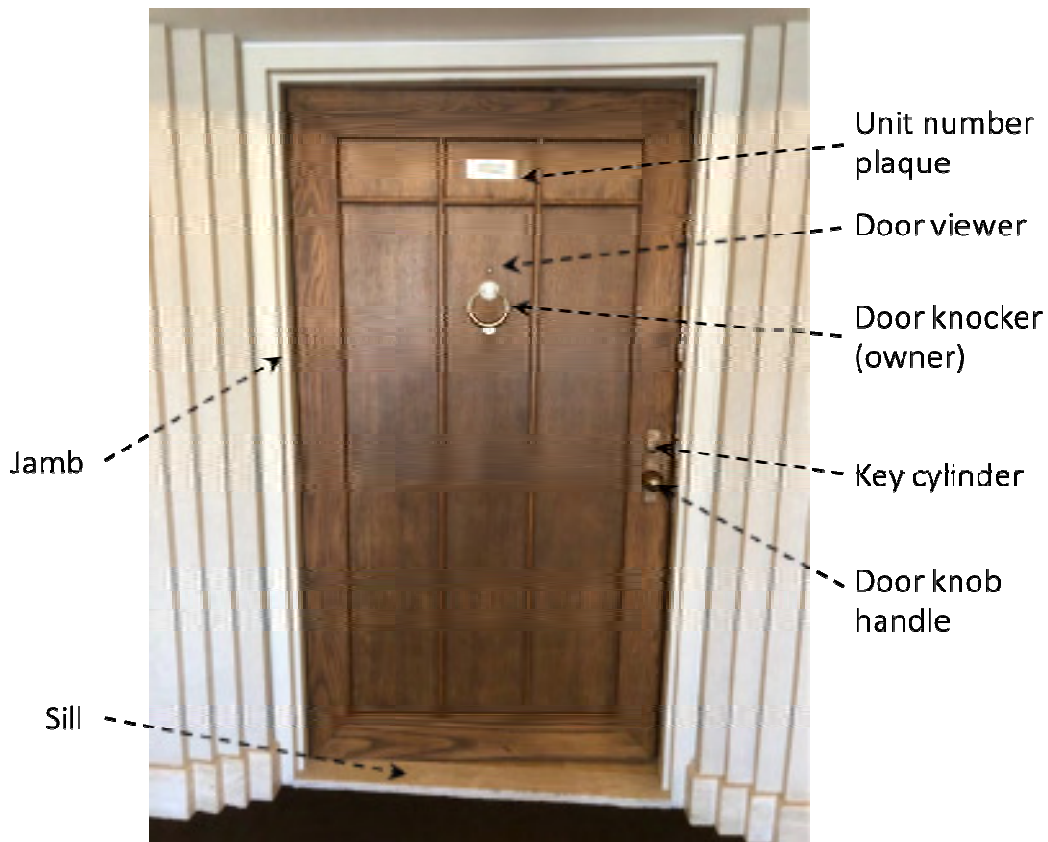
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Declaration Schedule C & F	Tower Patio glass doors	<b>Maintain interior surface</b>	<b>Yes</b>	Corporation	
Declaration Schedule C & F	Tower patios door screens	<b>Yes</b>	No	Owner	Screens will be replaced at the corporation cost only when glass doors are replaced
Declaration Schedule C & F	Tower patio doors rollers	<b>Yes</b>	No	Owner	
Declaration Schedule C & F	TH rear patios- paving stones etc.	No	<b>Yes</b>	Corporation	Common Element
Declaration Schedule C & F	TH Patio glass doors	<b>Maintain interior surface</b>	<b>Yes</b>	Corporation	
Declaration Schedule C & F	TH Patios door screens	<b>Yes</b>	No	Owner	
Declaration Schedule C & F	TH Patio doors rollers	<b>Yes</b>	No	Owner	
Declaration Schedule C & F	TH Patio gardens	No	<b>Yes</b>	Corporation	Common element
Declaration Schedule C & F	TH Patio privacy fences	No	<b>Yes</b>	Corporation	
Declaration Schedule C & F	TH Patio exterior light	no	<b>Yes</b>	Corporation	
<b>GARDENS</b>					
	Tower - podium & grounds	No	<b>Yes</b>	Corporation	common element
	Tower - lower gardens along garage exterior wall	No	<b>Yes</b>	Corporation	common element
	TH - Greenfield grounds	No	<b>Yes</b>	Corporation	common element
	TH - podium & front gardens	No	<b>Yes</b>	Corporation	common element
<b>FIREPLACE &amp; CHIMNEYS</b>					
By-law 5	Unit 1 level 6 - chimney, fireplace gas cooktop	<b>Yes</b>	No	Owner	
Declaration article 5.2	TH - chimney flue and fireplace	<b>Yes</b>	No	Owner	
<b>FIRE &amp; SECURITY</b>					
Declaration schedule C	Tower - Fire Heat sensor and alarm	No	<b>Yes</b>	Corporation	
Declaration schedule C	Tower - Unit smoke detectors	<b>Yes</b>	No	Owner	
Declaration schedule C	Tower- 'Unit CO alarm	<b>Yes</b>	No	Owner	
Declaration schedule C	Tower - Unit Security system	<b>Yes</b>	No	Owner	
Declaration schedule C	TH - smoke detectors	<b>Yes</b>	No	Owner	
Declaration schedule C	TH- CO alarm	<b>Yes</b>	No	Owner	
Declaration schedule C	TH - security system	<b>Yes</b>	No	Owner	
<b>EXCLUSIVE USE COMMON ELEMENTS</b>					
Declaration 4.2.2 and schedule F	parking spaces - exclusive use	<b>prevent surface damage (automotive fluids leaks)</b>	<b>Repair surface</b>	Corporation	
Declaration 4.2.2 and schedule F	parking spaces - bike racks	No	<b>Yes</b>	Corporation	

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Source documents	Element	Owner Responsibility to repair and maintain	Corporation Responsibility to repair and maintain	Replacement at end of service life	Notes
Declaration 4.2.2 and schedule F	parking spaces - electrical power outlets	Yes	No	owner	Board approval required - owner has to pay for installation cost
Declaration 4.2.2 and schedule F	parking spaces - Electric Vehicle charging stations	Yes	No	owner	PENDING ELECTRICAL AUDIT Board approval required - owner has to pay for installation cost
Declaration 4.2.2 and schedule F	lockers -exclusive use	<b>Maintain interior</b>	Repair	Corporation	
Declaration 4.2.2 and schedule F	lockers exclusive use— handles	no	<b>Yes</b>	Corporation	
Declaration 4.2.2 and schedule F	lockers exclusive use— door	<b>Maintain interior surface</b>	<b>Yes</b>	Corporation	
Declaration 4.2.2 and schedule F	lockers exclusive use - hinges	no	<b>Yes</b>	Corporation	
Declaration 4.2.2 and schedule F	Lockers exclusive use - key lock cylinder	<b>Yes</b>	no	Owner	owner must provide a key to the corporation
Declaration 4.2.1 & 4.2.2 Renovation Rule	<b>BOARD APPROVED ALTERATIONS BY OWNER TO COMMON ELEMENTS</b>	<b>Yes</b>	No	Owner	Section 98 registered on title
Declaration 1.4, 3.2(d) Schedule C by-law 7, Renovation Rule	<b>BOARD APPROVED ALTERATIONS BY OWNER WITHIN UNIT BOUNDARY</b>	<b>Yes</b>	No	Owner	

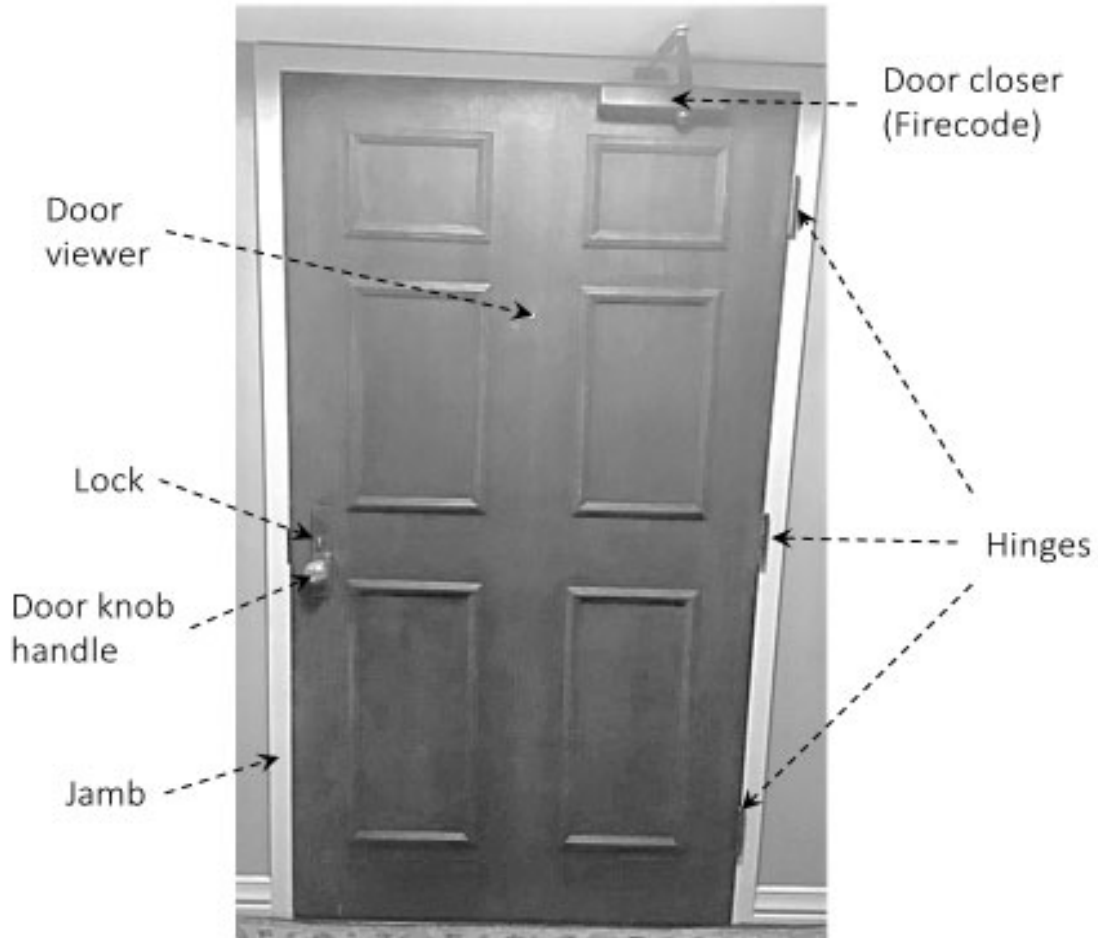
**Tower Unit Door – Front**



**Table 1. Who is responsible for what ?**

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**Tower Unit Door - Back**



**Table 1. Who is responsible for what ?**

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**Townhomes Door - Front**



**Townhomes Door - Front**

