

STATUS CERTIFICATE
(Under subsection 76(1) of the Condominium Act, 1998)

Northumberland Standard Condominium Corporation No. 72 (known as the "Corporation") certifies that as of the date of this certificate:

General Information Concerning the Corporation

1. Mailing address: NSCC 72
C/O Alwington Communities Inc.
300 – 80 Queen Street
Kingston, Ontario
K7K 6W7
2. Address for service: NSCC 72
C/O Alwington Communities Inc.
300 – 80 Queen Street
Kingston, Ontario
K7K 6W7
3. Name of the property manager: Alwington Communities Inc.
Address: 300 – 80 Queen Street
Kingston, Ontario
K7K 6W7
4. The directors and officers of the Corporation are:

Name	Position	Address for Service
Gary Gratton	Director	300 – 80 Queen Street Kingston, Ontario K7K 6W7
Doug Genno	Director	300 – 80 Queen Street Kingston, Ontario K7K 6W7

5. The owner of **Unit 9, Level 2 (Suite) & Unit 46, Level 1 (Parking Garage) NSCC 72, Municipal Address: 323 George Street Unit 209, Cobourg ON** registered in the Land Registry Office for the Land Titles Division of Northumberland (No. 39) is not in default of the payment of common expenses.

This Status Certificate is contingent upon all Common Expense payment cheques clearing the bank.

6. A Payment on account of common expenses for the unit(s) in the amount of \$647.09 is due on 01 February 2024 for the period 01 February 2024 to the last day of February 2024. This amount includes the amount of any increase since the date of the budget of the Corporation for the current fiscal year as described in paragraph 10.
7. The Corporation has the amount of \$0 in prepaid common expenses for the unit(s).

8. There are no amounts that the Condominium Act, of 1998 requires to be added to the common expenses payable for the unit(s).

Budget

9. The current budget for the fiscal year September 1, 2023, to August 31, 2024, is accurate and is expected to result in neither a surplus nor a deficit.
10. Since the date of the budget of the Corporation for September 1, 2023, to August 31, 2024, fiscal year, the common expenses for the unit(s) have not been increased.
11. Since the date of the budget of the Corporation for the current fiscal year, the board has not levied any assessments against the common interest(s) in the Corporation to increase the contribution to the reserve fund or the Corporation's operation fund or for any other purpose.
12. The Corporation has no knowledge of any circumstances that may increase the common expenses for the unit(s) except:
 - a) In addition to the Reserve Fund Study identified in paragraph 14 herein, the Corporation has a summary of reserve funds deficiencies, which were prepared by its consultant, Pichler Engineering. The details of the identified reserve deficiencies have been provided to the Corporation in a comprehensive Performance Audit. The summary of deficiencies indicates that there are a number of building defects or potential building defects, which may impact the Corporation's reserve fund plan. Accordingly, these defects/potential defects may result in a required increase in reserve fund contributions, which could consequently result in an increase in common expenses and/or special assessment. The amount of any such increase/special assessment if any is not currently known. As a result of the last Reserve Fund Study, the Board made minor adjustments to the estimated replacement dates for a few cosmetic items to reduce overall contribution requirements.
 - b) The Corporation is a party to a Shared Facilities and Cost Sharing Agreement (CSA) entered into by the Declarant on behalf of the Corporation at the time of development. The purpose of the CSA was to provide services to an adjoining property to be developed as the second phase of NSCC72. However, the deadline to build phase 2 has passed and it can no longer be constructed as a phased condominium. As a result, the cost sharing provisions, and any related easement may require further attention.
 - c) Exterior Columns: 2 – Two Story Columns with ornate details

Structural Components: They are supporting the cantilevered balconies on two floors

Historical Designation: Yes

Current Condition: Temporarily wire mesh to keep debris from falling and crumbling, brick under the exterior coating, which will have to be uncovered to determine the state of repair.

The exterior columns on the façade of the building are part of the original construction and fall under the Historical Society's umbrella.

The columns are in need of replacement or refurbishment.

Because of their historical nature, they have to be repaired/replaced, in an identical looking manner, and an application to the Historical Society will be submitted for approval.

The Board has approved and signed a contract with Henderson Construction to undertake this project.

This is not a Reserve fund line item currently and will result in a special assessment to the owner on title once pricing is finalized.

Reserve Fund

13. The Corporation's reserve **fund amounts** to **\$317,547.97** as of January 26,2024.
14. The most recent reserve fund study conducted by the board was a Class 2 reserve fund study dated June 9, 2022, and prepared by Pichler Engineering. The next reserve fund study will be conducted within three years from the date of the most recent study.
15. The balance of the reserve fund at the beginning of the current fiscal year was \$270,513.78.
16. In accordance with the budget of the Corporation for the current fiscal year, the annual contribution to be made to the reserve fund in the current fiscal year is \$114,525. The board anticipates that the reserve fund will be adequate in the current fiscal year for the expected costs of major repair and replacement of the common elements and assets of the Corporation.
17. The board has sent to the owners a notice dated June 2022 containing a summary of the reserve fund study, a summary of the proposed plan for future funding of the reserve fund, and a statement indicating the areas, if any, in which the proposed plan differs from the study. The proposed plan for future funding has been implemented and the total contribution each year to the reserve fund is being made as set out in the Contribution Table included in the notice.
18. There are plans to increase the reserve fund under a plan proposed by the board under subsection 94(8) of the *Condominium Act, 1998*, for the future funding of the reserve fund. except see the attached Notice of Future Funding and see also paragraph 12.

Legal Proceedings, Claims

19. There are no outstanding judgments against the Corporation.
20. The Corporation is not a party to any proceedings before a court of law, an arbitrator, or an administrative tribunal except:
 - a) The Corporation has started a claim (filed as Court File No. 16-42 in the Town of Cobourg) against the builder and declarant of the corporation (among others) for the costs and damages respecting certain original constructions deficiencies identified in the Corporation's Performance Audit that the declarant has not yet repaired and/or addressed. The claim was commenced to preserve the Corporation's claim (to avoid the expiry of any applicable limitations period).
 - b) The Town of Cobourg has issued an Order to Comply against the builder, various engineers of record, and the Corporation as "owners" of the building in regard to outstanding building permit issues related to the original construction of NSCC No. 72. The Corporation has appealed the Order (Court File No. 18-81). The Corporation and the Town have reached an agreement to stay the Order to Comply against the Corporation (and the resulting appeal of that order), while the Town works directly

with the builder and others involved in the original construction to resolve the items listed on the Order to Comply.

- c) The Court case is tentatively expected to be heard in May 2024. Part of that case would be to include the full replacement of all windows in the building which was funded out of the Reserve Fund and a major contributing factor to the percentage increase. Also included in the case is the cost to repair the column at the east end of the building.
- d) In the opinion of the Corporation Engineer the West wall is not in a finished state and the Board is unaware of any formal plans to complete Phase II. Therefore, finishing the West wall is included in our case.
- e) A single defendant in the Corporations case (16-42) has submitted a counterclaim to the court regarding the corporation's suit. Our lawyers have indicated that in their opinion the counterclaim does not have any merit and appears to have been made in an effort to retaliate against NSCC 72's claim.

21. The Corporation has not received a notice of or made an application under section 109 of the *Condominium Act, 1998* to the Ontario Superior Court of Justice for an order to amend the declaration and description, where the court has not made the order.

22. The Corporation has no outstanding claim for payment out of the guarantee fund under the *Ontario New Home Warranties Plan Act*.

23. There is currently no order of the Ontario Superior Court of Justice in effect appointing an inspector under section 130 of the *Condominium Act, 1998*, or an administrator under section 131 of the *Condominium Act, 1998*.

Agreements with owners relating to changes to the common elements.

24. The unit(s) is not subject to any agreement under clause 98(1)(b) of the *Condominium Act, 1998* or Section 24.6 of Ontario Regulation 48/01 (General) made under the *Condominium Act, 1998* relating to additions, alterations or improvements made to the common elements by the unit owner(s). **Any betterments or improvements made to the unit by the unit holder are theirs to insure. The owner may also have ownership of a parking and/or locker storage unit at NSCC 72. It is up to the purchaser to acquire the title to all such units as part of the sale of the residential unit. Please note: The Corporation's declaration only permits the sale of parking or storage locker units to owners of residential units.**

Except as otherwise indicated in an agreement or in the By-Laws or Rules of the Corporation, the owner of the unit, from time to time, is entirely responsible for all modifications made to the unit by the owner or a previous owner of the unit. Accordingly, the owner of the unit from time to time is responsible for maintenance, repairs, and insurance related to such modification(s) and must fully and completely indemnify and save harmless the corporation from any claims, expenses, or losses related in any way to the modification(s).

Leasing of Units

25. The Corporation has received notice under section 83 of the *Condominium Act, 1998*, that 5 units are leased during the fiscal year preceding the date of this status certificate.

Substantial changes to the common interests, assets, or services

25. There are no additions, alterations, or improvements to the common elements, changes in the assets of the Corporation, or changes in a service of the Corporation that are substantial and that the board has proposed but has not implemented, and there are no proposed installations of an electric vehicle

charging station to be carried out in accordance with subsection 24.3(5) of Ontario Regulation 48/01 (General) made under the *Condominium Act, 1998*.

- a. The capital columns are currently being reviewed as there has been noticeable degradation on the tops of the columns and cracks in the cement that covers the brick interior of the columns are built with. The determination as to whether the columns can be repaired or replaced has not been determined at this time. The state of the columns is included in the Corporations claim as outlined in paragraph 12(a) but at this time it is unknown if the repairs/replacement efforts can be suspended until the claim has been resolved and if not what the funding options would be before these repairs/replacements.

Insurance

26. The Corporation has secured all policies of insurance that are required under the *Condominium Corporation Act, of 1998*.

Phased condominium corporations

Item 27 is Not Applicable and has been intentionally deleted.

Item 28 is Not Applicable and has been intentionally deleted.

Vacant land condominium corporations

Item 29 is Not Applicable and has been intentionally deleted.

Leasehold condominium corporations

Items 30, 31, and 32 are Not Applicable and have been intentionally deleted.

Attachments

33. See Schedule "A" attached.

Rights of the person requesting the certificate

34. The person requesting this certificate has the following rights under subsections 76(7) and (8) of the *Condominium Act, 1998* with respect to the agreements listed in subparagraph 33 above:

- a. Upon receiving a written request and reasonable notice, the Corporation shall permit a person who has requested a status certificate and paid the fee charged by the Corporation for the certificate, or an agent of the person duly authorized in writing, to examine the agreements listed in subparagraph 33 at a reasonable time and at a reasonable price.
- b. The Corporation shall, within a reasonable time, provide copies of the agreements to a person examining them, if the person so requests and pays a reasonable fee to compensate the Corporation for the labour and copying charges.

DATED as of 1 February 2024.



Per: Gary Gratton
(Signature)
I have the authority to bind the Corporation.



Per: Vicky Amos-Alwington Communities Inc.
(Signature)
I have the authority to bind the Corporation.

** Executed pursuant to the Electronic Commerce Act*

Schedule "A."

(To the Status Certificate dated February 1, 2024, for all units comprising Northumberland Standard Condominium Corporation No. 72)

Section 33 Attachments:

1. Declaration: The included declaration has a numbering error in it. The law firm that created the document confirmed that there are no missing pages, paragraphs or sections and the Declaration is complete.
2. Bylaw 1
3. Bylaw 2
4. Rules
5. Rules Change 2018
6. Rule Change 2020
7. Rule Change 2021
8. Cost Sharing Agreement
9. NOFF-Form 15
10. Budget
11. Year-End Financial Statement
12. Insurance Certificate
13. Owners Info Form
14. PAP Form
15. What does your condo insurance policy cover?
16. Condo Buyer's Guide