

YORK CONDOMINIUM CORPORATION NO. 323
(the "Corporation")

BY-LAW NO. 9

(Extended Damage Recovery / Insurance Deductible)

WHEREAS Section 56(1)(i) and Section 105(3) of the *Condominium Act, 1998* (the "Act") permit the Board of Directors of the Corporation to pass a By-law (subject to confirmation by the owners) extending the circumstances in Section 105(2) of the Act under which an amount shall be added to the common expenses payable for an owner's unit;

NOW THEREFORE BE IT ENACTED as a By-Law of the Corporation as follows:

1. **Indemnification for Insurance Deductible:** Each owner shall indemnify and save the Corporation harmless from the amount which is the lesser of:
 - (i) Any deductible payable by the Corporation pursuant to any policy of insurance held by the Corporation, that is applicable to the repair of damage to each owner's respective unit or units; or,
 - (ii) The actual costs attributable to the repair of each owner's unit or units.

regardless of fault, so long as the damage is not as a result of an act or omission on part of the Corporation, its directors, officers or agents and provided that the applicable repair costs or deductible amount is not recoverable against the owner of an X-Unit as defined in Section 2 below.

2. **Indemnification for Insurance Deductible – Damage from a Unit to other Units and/or Common Elements:** Where damage occurs to a unit or units or to the common elements and the origin of the damage is from a unit or any part of the unit as that term is defined by the Corporation's declaration (hereinafter referred to as the "X-Unit"), the owner of the X-Unit shall indemnify and save the Corporation harmless from the amount which is the lesser of:
 - (i) any deductible payable by the Corporation pursuant to any policy of insurance held by the Corporation, that is applicable to the repair of damage of the common elements or of any other unit or units including the X-Unit; or,
 - (ii) the actual costs attributable to the repair of the common elements or of any unit or units,

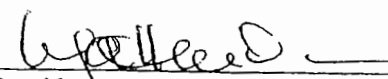
regardless of fault, so long as the damage is not as a result of an act or omission on part of the Corporation, its directors, officers or agents.

3. The owner of an X-Unit shall be responsible for any payment to the Corporation under this by-law regardless of whether the owner's guests, the owner's lessee, the lessee's


- (i) Any deductible payable by the Corporation pursuant to any policy of insurance held by the Corporation, that is applicable to the repair of damage of the common elements; or,
 - (ii) The actual costs attributable to the repair of the common elements.
5. **Payments Owed to the Corporation Deemed to be Common Expenses:** Any payment which is required to be made pursuant to this by-law by any unit owner or owners shall be and is hereby deemed to be common expenses attributable to the said unit owners' unit and shall be recoverable as such.
 6. **The Quantum of the Deductible:** The deductible for each insurance policy of the Corporation shall be deemed to be reasonable unless otherwise determined by a court or arbitrator of competent jurisdiction.
 7. **Severability:** Each of the provisions of this by-law shall be deemed to be independent and severable, and the invalidity or unenforceability in whole or in part of any one or more of such provisions shall not be deemed to impair or affect in any manner the validity or enforceability of the remainder of the provisions of this by-law.
 8. **Waiver:** No restriction, condition, obligation or provision contained in this by-law shall be deemed to have been abrogated or waived by reason of any failure to enforce the same irrespective of the number of violations or breaches thereof which may or may have occurred.
 9. **Headings:** The headings in the body of this by-law form no part hereof but shall be deemed to be inserted for convenience of reference only.

The foregoing By-law No. 9 is hereby passed by the Directors of the Corporation (subject to the required confirmation of owners) pursuant to the *Act* at a meeting of Directors duly called and held.

DATED this 25th day of SEPTEMBER, 2008.

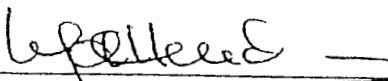


 President

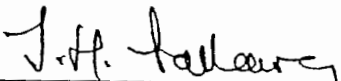

 _____ c/s
 Secretary

The foregoing By-law No. 9 is confirmed by owners who own a majority of the units of the Corporation at a meeting of the owners duly called and held on this 16th day of April, 2009 in accordance with the requirements of the *Act*.

DATED this 16th day of APRIL, 2009.



 President


 _____ c/s
 Secretary