

Galleria Rule – Exclusive Possession Common Property

The Galleria Condo Corp 802 2630
11220 99 Avenue, Suite 300
Edmonton, Alberta, T5K 2K6

Galleria Rule

EXCLUSIVE POSSESSION COMMON PROPERTY

Purpose:

The purpose of the Exclusive Possession Common Property Rule is to outline expectations on the use and enjoyment of exclusive possession common property and to clarify what is Galleria Corporation responsibility and what is unit owner responsibility. This policy was drafted based on advice from the Galleria's property management company and legal counsel.

Exclusive Possession Common Property Areas:

Exclusive possession areas are common property or a condo corporation's real property that an owner has a right to occupy.

The following areas are all delineated in the Condo Plans (see Appendix A) as Exclusive Possession Common Property areas:

1. [Parking Stalls](#)
2. [Storage Lockers](#)
3. [Atrium Balconies](#)
4. [Non-Rooftop Exterior Balconies](#)
5. [Rooftop Exterior Balconies](#)
6. [Ground Floor Patios](#)

In addition to the six identified types, as per Bylaw 4(f) – *Exclusive Use*, the Corporation may grant an owner the right to exclusive use and enjoyment of common property, or special privileges in respect thereof, as per the agreed upon terms. An example is the lease agreement of common property in the parkade for motorcycle parking.

Lastly, the Corporation may grant an owner the right to exclusive use and enjoyment of its real property, as per the agreed upon terms. An example is the allocation of bike stalls in Parking Stall 76, which is a titled parking stall owned by the Corporation.

Use of Exclusive Possession Common Property Areas:

As stated in Bylaw 3(k) – *Privacy Areas*, the allocated exclusive possession common property area shall be for the sole use and enjoyment of the unit owner, their family, guests, tenants and occupants of the unit and the owner shall be granted the irrevocable right of that area.

As with all common property and stated in Bylaw 2(d) – *Use of Common Property*, the area must be used and enjoyed in such a manner as to not unreasonably interfere with other owners or their families or visitors. As stated in Bylaws 41(a)(ii) – *Owner's Usage* and 59 – *Noise*, an owner is not permitted to make undue noise or nuisance in or about any unit or common property, including exclusive possession common property areas.

Duty to Maintain:

Unless specifically directed under a bylaw, lease, license or other instrument, the Corporation is responsible for maintaining all common property, including exclusive possession common property areas. This duty on the Corporation is documented in Bylaws 3(b) – *Maintain Common Property*, 3(e) – *Maintenance & Repair*, 3(h) – *Maintain Common Property*, and 3(k) – *Privacy Areas*.

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As stated in Bylaw 45 – *Structural Alterations*, unless outlined in a bylaw, lease, license or other instrument, an owner is not permitted to make any structural alterations to exclusive possession common property areas, nor maintain, decorate, alter or repair those areas without the consent of the Board. Where an owner is responsible to maintain or repair an exclusive possession common property area as directed under a bylaw, lease, license or other instrument, the Corporation can carry out the necessary maintenance or repairs, and issue a chargeback to recover the costs.

Liability:

As per the Alberta *Condominium Property Regulation*, the condo corporation can recover the cost of the Corporation's insurance deductible (up to \$50,000) from an owner where the damage and resulting insurance claim originated in their unit or exclusive possession common property area.

The following applies to all exclusive possession common property areas:

Bylaw 44. Duty to Repair and Maintain

(b) Each owner shall be responsible for damage caused to common property or other property maintained by the Corporation where such damage is caused by the wanton or negligent acts of themselves, members of their family, their invitees, contractors or licencees and should any owner fail to repair in a manner satisfactory to the Board or its representatives, those items so damaged as aforesaid after ten (10) days' written notice to do so given by the Board or its representative, then the Board, or its representative may do or cause to be done such repair and the owner affected agrees to and shall reimburse the Corporation for all moneys expended for labour materials and overhead and profits and all costs incurred in collection in respect of the doing of such repairs and the Board or its representative may use all or any of the remedies open to it as hereinafter set out to recover such moneys for the Corporation and such moneys shall be a charge upon his unit to the same extent as they would be if they were common expenses assessed upon his unit.

Bylaw 73. Liability for Damage

The Corporation will not be responsible for any damage or loss whatsoever caused by or to any property of any kind or nature whatsoever in the parking areas provided in the common property or in any part of the common property designated for the exclusive use and enjoyment of any unit owner, nor will it be responsible for any loss or damage from any cause whatsoever to any contents in any unit. The insuring of any contents within the unit is the sole responsibility of the individual unit owner.

Parking Stalls – Non-titled:

Non-titled parking stalls are exclusive possession common property and are identified in the Galleria parkade with the prefix "P", followed by the legal unit number on title. There are 48 non-titled parking stalls.

Note: The Galleria parkade also contains titled parking stalls which are numbered 51 to 89. These are legal units filed with the Land Titles Office with assigned unit factors. The one important difference is that unlike non-titled parking stalls, titled parking may be rented out to non-residents or sold.

All vehicles must be operable, which means that they must be properly maintained and legally registered as a private passenger vehicle class. The size limitation is determined based on the height restriction of the parkade, the dimensions of the parking stall and the vehicle's payload capacity, which is a maximum of one (1) ton (1,000 kg or 2,205 lbs.). Only one vehicle may be parked in a parking stall at any one time. All vehicles must be registered with the Galleria's property management company.

To ensure that the parkade is kept clean and tidy, no item or article may be stored or placed within the parking stall area. Nor is any activity other than parking a vehicle permitted in the parking stall area, including making repairs to a vehicle. Furthermore, to assist in regular parkade cleaning or other required activities, all vehicles must be removed from the parkade when proper notice is given by the Board. When a vehicle is not moved outside the parkade, the cleaners are unable to clean the stall, including the parking stalls on either side of

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the unmoved vehicle. As such, the Corporation may tow the vehicle or issue a fine to the owner, as well as require the owner to clean the impacted area at their own expense. Lastly, unit owners are responsible for any damage caused to their respective parking stall, which includes the cost of cleaning oil spills.

The following Bylaws are applicable to parking stalls:

- 3(j) – *Parking Use*
- 64 – *Private Vehicles*
- 65 – *Use of Parking Areas*
- 66 – *Parking Areas*
- 73 – *Liability for Damage*

Storage Lockers – Non-titled:

Non-titled storage lockers are exclusive possession common property and are identified in the Galleria parkade with the prefix “S”, followed by the legal unit number on title for the residential unit. There are 51 non-titled storage lockers.

Note: The Galleria parkade also contains titled storage lockers that were originally titled parking stalls that were converted to storage lockers with Board approval. These titled storage lockers are legal units filed with the Land Titles Office with assigned unit factors. The one important difference is that unlike non-titled storage lockers, titled storage lockers may be rented out to non-residents or sold.

Common sense should be applied to what items can be kept in the storage locker; however, as a general rule, any item that is perishable, illegal, hazardous, combustible or plugged in to an electrical outlet may not be stored.

Each storage locker contains a light switch and single light fixture; the Corporation is responsible for maintaining both items. If your light bulb is burnt out, please contact the Board for a replacement light bulb. Changes to the electrical wiring within the storage locker are not permitted, nor are devices that divert power out of the light fixture. Due to safety, liability and cost considerations, electrical outlets are not permitted inside the storage lockers and any modifications that have been made to the electrical wiring will be corrected. The cost to repair corrections will be charged back to the corresponding residential unit owner. Given the cost of electricity, the light must be turned off when no person is present in the storage locker.

As the storage lockers are located in the lowest parts of the building, they are at an increased risk of water damage. It is recommended that all contents be placed a few inches off the floor on metal or plastic shelving.

The door is the responsibility of the Corporation to maintain; however, the locking mechanism is the responsibility of the unit owner. A spare key or access code to the storage locker should be provided to the Corporation in the event that access to the area is required during an emergency. Note: All storage lockers will be inspected on an annual basis with proper notice.

The following Bylaw is applicable to storage lockers:

- 3(j) – *Parking Use*
- 50 – *Combustible Materials*
- 52 – *Emergency*
- 73 – *Liability for Damage*

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Atrium Balconies:

Atrium balconies are exclusive possession common property. There are 37 atrium balconies.

The atrium door and railing are the responsibility of the Corporation to maintain; however, the doorknob and locking mechanism is the responsibility of the unit owner.

Flooring:

The original flooring is sealed concrete which is the responsibility of the Corporation to maintain. Unit owners may request permission to the Board to make alterations to their exclusive possession flooring area at their own cost. Where the request has been accepted by the Board, in accordance with any safety or aesthetic guidelines, the unit owner and Corporation shall enter into a signed agreement outlining that the unit owner agrees to maintain the flooring betterment. If the flooring betterment is removed by the unit owner or by the Corporation, this action terminates the agreement and the Corporation resumes its responsibility to maintain the sealed concrete flooring.

Appearance and Contents:

As atrium balconies are highly visible to all guests and residents, please do your part and adhere to the following rules:

- Owners/residents are responsible for keeping their atrium balcony area tidy, clean, and dust free.
- Furniture and items on display should be aesthetically pleasing and kept to a minimum.
- Bookshelves, filing cabinets, privacy screens or other items that are higher than the balcony railing height, must not extend beyond the concrete walls and obstruct the line of sight within the atrium.
- Desks, chairs or other items which are lower than the balcony railing height may be located beyond the concrete walls, but must not create a walled in effect, whereby the item(s) obstruct the line of sight through the metal railings.
- Specific items that are not permitted on the atrium balconies include: bicycles, clothing, recreational equipment, signs/advertising, boxes, electronics, appliances, and dusty artificial plants. Please keep those and similar items in your unit.

Plants:

To help prevent the spread of disease and pests in our beautiful atrium, all new plants must be carefully inspected for any pests or disease before being placed on the unit's atrium balcony. If you are unsure, please contact the Board who will have the Corporation's plant caretaker inspect the plant. For more information, please refer to Bylaw 61.1 – *Private Plants* and the *Plants in the Atrium Policy*.

Note: The Galleria's plant caretaker has permission to access the series of adjacent fourth floor atrium balconies for residential units 310, 311, 312, 313, 314, 315, 316 and 317 on a regular basis, in order to water and care for the plants in the planter beds. The planter beds themselves are situated outside the exclusive possession area and are the responsibility of the Corporation to maintain.

Emergency Corridor:

The series of adjacent fourth floor atrium balconies for residential units 310, 311, 312, 313, 314, 315, 316 and 317 are designated as a fire corridor, whereby a one (1) meter clearance must be kept along the entire length in order to access the two emergency exits at either end. To ensure compliance, atrium balconies will be inspected on a regular basis with proper notice. In the event that the fire department issues a fine for not ensuring the appropriate clearance, the fine will be charged back to the respective unit owner.

The following Bylaws are applicable to atrium balconies:

- 3(k) – *Privacy Areas*
- 47 – *Decorating*
- 54 – *Laundry*
- 55 – *Awnings*
- 56 – *Appearance of Unit*

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- 58 – *Ice and Snow Removal and Maintenance*
- 59 – *Noise*
- 60 – *Privacy*
- 61 – *Obstructions*
- 61.1 – *Private Plants*
- 62 – *Personal Belongings*
- 73 – *Liability for Damage*

Non-Rooftop Exterior Balconies:

Non-rooftop exterior balconies are exclusive possession common property. There are 9 non-rooftop exterior balconies. The critical distinction from rooftop exterior balconies is that non-rooftop exterior balconies are not situated directly on top of the roof membrane with an interior space below.

Flooring:

The original flooring is sealed concrete which is the responsibility of the Corporation to maintain. Unit owners may request permission to the Board to make alterations to their exclusive possession flooring area at their own cost. Where the request has been accepted by the Board, in accordance with any safety or aesthetic guidelines, the unit owner and Corporation shall enter into a signed agreement outlining that the unit owner agrees to maintain the flooring betterment. If the flooring betterment is removed by the unit owner or by the Corporation, the Corporation resumes its responsibility to maintain the sealed concrete flooring.

Use of Non-Rooftop Exterior Balcony:

The rooftop exterior balconies are to be used and enjoyed, with many unit owners keeping beautiful pots of plants and flowers. To ensure the safety and courtesy to fellow neighbours, unit owners must ensure that the planters cannot be knocked over creating a safety risk to the neighbours below. As well, the unit owner is responsible for ensuring that water and soil cannot escape the planters and drip onto the patio below.

Emergency Corridor:

The series of adjacent third floor non-rooftop exterior balconies for residential units 310, 311, 312, 313, 314, 315, 316 and 317 are designated as a fire corridor, whereby a one (1) meter clearance must be kept along the entire length in order to access the two emergency exits. To ensure compliance, exterior balconies will be inspected with proper notice. In the event that the fire department issues a fine for not ensuring the appropriate clearance, the fine will be charged back to the respective unit owner.

The following Bylaws are applicable to non-rooftop exterior balconies:

- 3(k) – *Privacy Areas*
- 53 – *Antennas*
- 54 – *Laundry*
- 55 – *Awnings*
- 56 – *Appearance of Unit*
- 58 – *Ice and Snow Removal and Maintenance*
- 59 – *Noise*
- 60 – *Privacy*
- 61 – *Obstructions*
- 62 – *Personal Belongings*
- 73 – *Liability for Damage*

Rooftop Exterior Balconies:

Rooftop exterior balconies are exclusive possession common property. There are 28 rooftop exterior balconies. The critical distinction from non-rooftop exterior balconies is that rooftop exterior balconies are

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situated directly on top of the roof membrane with an interior space below. The Corporation has a duty to maintain the roof membrane as part of the building envelope.

Flooring:

The standard insurance unit description (SIUD) flooring is wood decking which is the responsibility of the Corporation to maintain. Note: some sections have been replaced by the Corporation with a composite material. The Corporation is not required to maintain these sections with a composite material and may choose to revert back to SIUD flooring or another product in the future.

At any time, unit owners may request permission to the Board to make betterment alterations to their exclusive possession flooring area at their own cost. Where the request has been accepted by the Board, in accordance with any safety or aesthetic guidelines, the unit owner and Corporation shall enter into a signed agreement outlining that the unit owner agrees to maintain the flooring betterment. Note: If the flooring betterment is removed by the Corporation (e.g. to replace the membrane), the Corporation is only responsible for restoring the flooring to the SIUD flooring.

Use of Rooftop Exterior Balcony:

The rooftop exterior balconies are to be used and enjoyed, with many unit owners keeping beautiful pots of plants and flowers. To ensure the safety to your fellow neighbours, unit owners must ensure that the planter pots cannot be knocked over creating a safety risk to the neighbours below. As well, the unit owner is responsible for ensuring that water and soil cannot escape the planter and drip onto the roof membrane below the decking or the patio below. Unit owners must avoid actions that cause damage to the wood decking, such as having pots, soil or feces sitting directly on top of the wood causing it to rot. Such actions that reduce the life expectancy of the decking, will result in a charge back to the unit owner.

Emergency Corridor:

The series of adjacent rooftop exterior balconies for residential units:

Fourth Floor: 301, 302, 303, 304, 305, 306, 307, 308 and 309

Sixth Floor: 502, 503, 504, 505, 506, 507, 508 and 509

are designated as a fire corridor, whereby a one (1) meter clearance must be kept along the entire length in order to access the two emergency exits. To ensure compliance, exterior balconies will be inspected with proper notice. In the event that the fire department issues a fine for not ensuring the appropriate clearance, the fine will be charged back to the respective unit owner.

The following Bylaws are applicable to rooftop exterior balconies:

- 3(k) – *Privacy Areas*
- 53 – *Antennas*
- 54 – *Laundry*
- 55 – *Awnings*
- 56 – *Appearance of Unit*
- 58 – *Ice and Snow Removal and Maintenance*
- 59 – *Noise*
- 60 – *Privacy*
- 61 – *Obstructions*
- 62 – *Personal Belongings*
- 73 – *Liability for Damage*

Ground Floor Patios:

Ground floor patios (also referred to as yards) are exclusive possession common property areas. There are 19 ground floor patios. Each patio consists of at least one light fixture, electrical outlet, walls, gate and water

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tap, these are the responsibility of the Corporation to maintain. Note: The light fixture and electrical outlet are on the unit's electrical panel and the power consumption is the responsibility of the unit owner.

Flooring:

The SIUD flooring is concrete paving stones which is the responsibility of the Corporation to maintain. At any time, unit owners may request permission to the Board to make betterment alterations to their exclusive possession flooring area at their own cost. Where the request has been accepted by the Board, in accordance with any safety or aesthetic guidelines, the unit owner and Corporation shall enter into a signed agreement outlining that the unit owner agrees to maintain the flooring betterment. If the flooring betterment is removed by the Corporation, the Corporation is responsible for restoring the flooring to the SIUD flooring product.

Patio Water Taps:

Each ground floor patio has an outside water tap that is maintained by the Corporation. Unless the outside water taps are properly drained and shut off every fall, the water lines will freeze and split during the winter. The Corporation is responsible for manually shutting off the water and draining the pipes every fall, and for turning on the water in the spring. Respective owners will be contacted to provide access to their patios.

The following Bylaws are applicable to ground floor patios:

- *3(k) – Privacy Areas*
- *53 – Antennas*
- *54 – Laundry*
- *55 – Awnings*
- *56 – Appearance of Unit*
- *58 – Ice and Snow Removal and Maintenance*
- *59 – Noise*
- *60 – Privacy*
- *61 – Obstructions*
- *62 – Personal Belongings*
- *73 – Liability for Damage*

History of Policy:

First Drafted: June 26, 2020


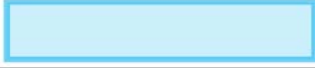



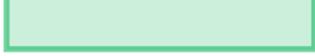
Board Approval of Policy:

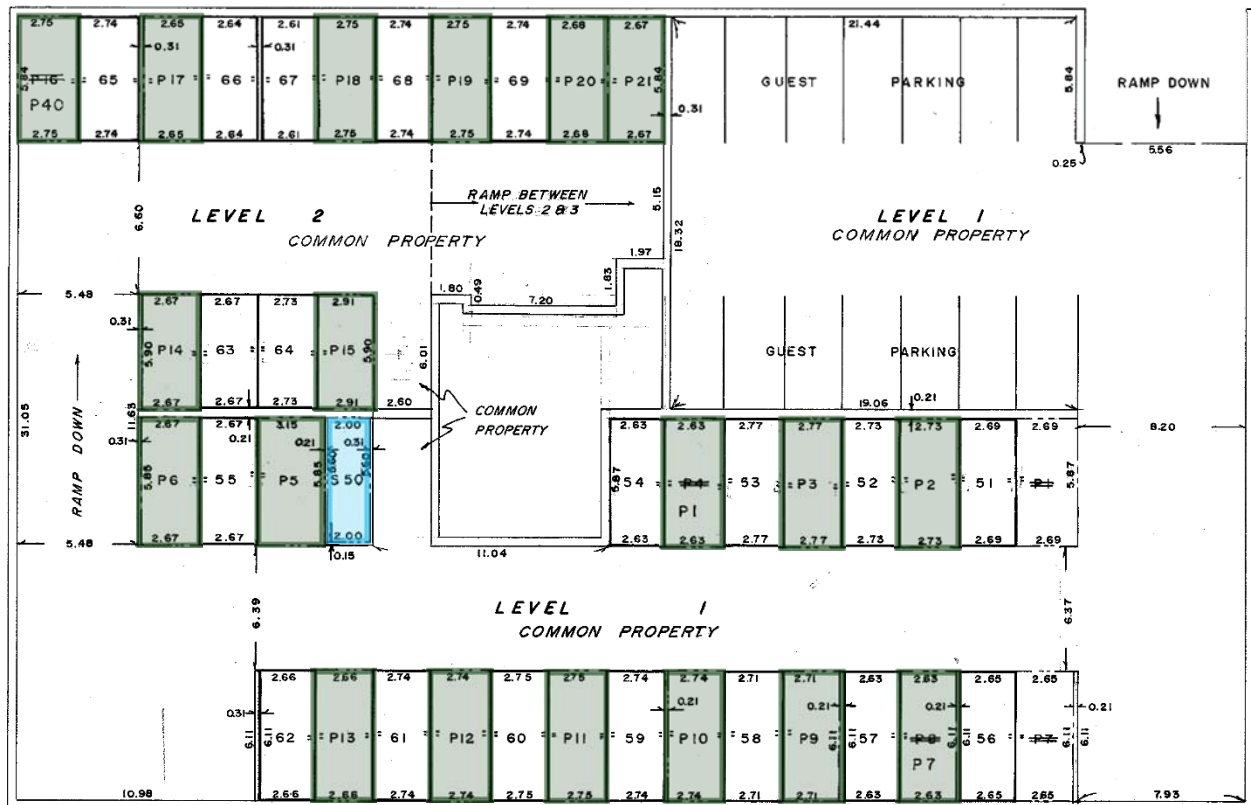
Board Approved: September 16, 2020

APPENDIX A

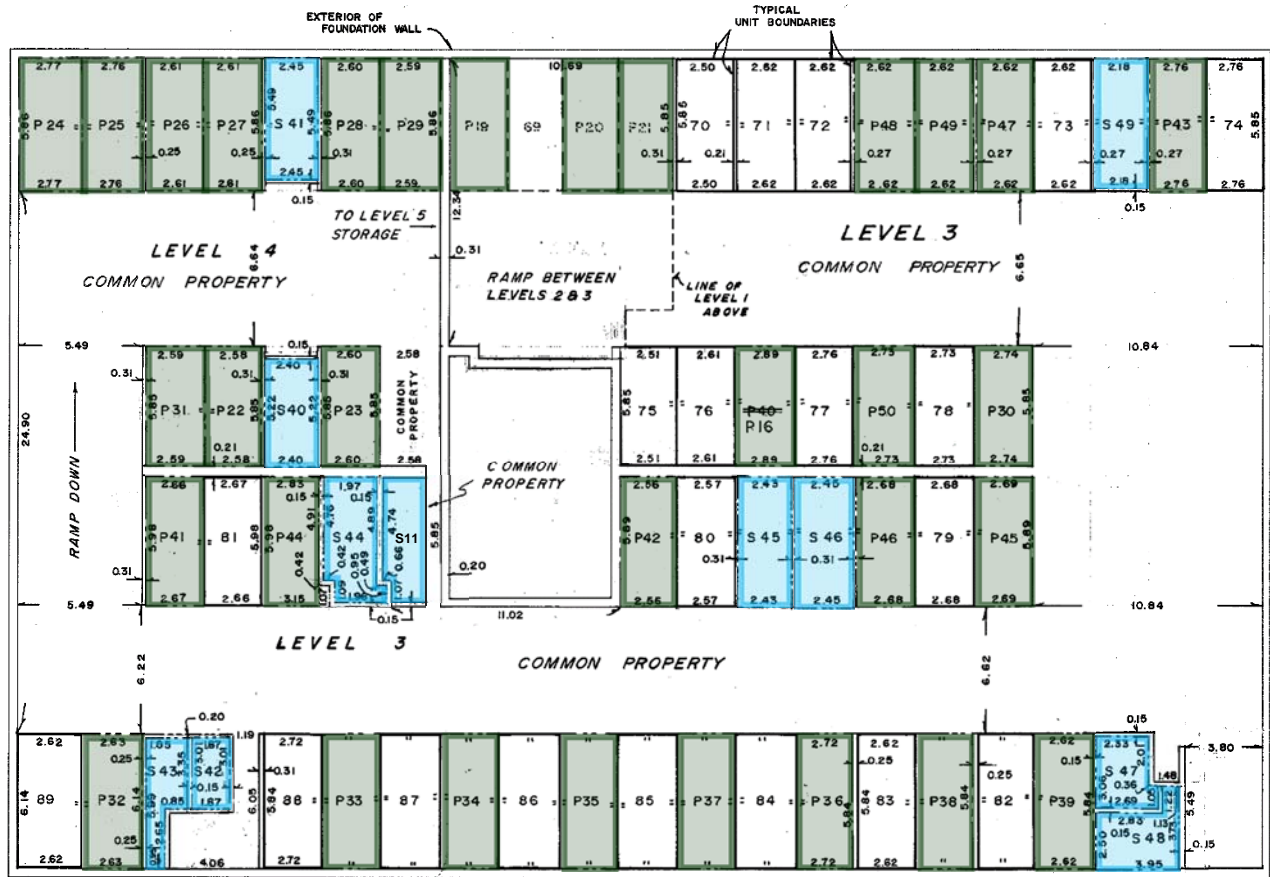
Galleria Condo Plans Exclusive Possession Common Property Areas

The following areas are all delineated in the Condo Plans as Exclusive Possession Common Property (with the exception of S11 which has been relocated):

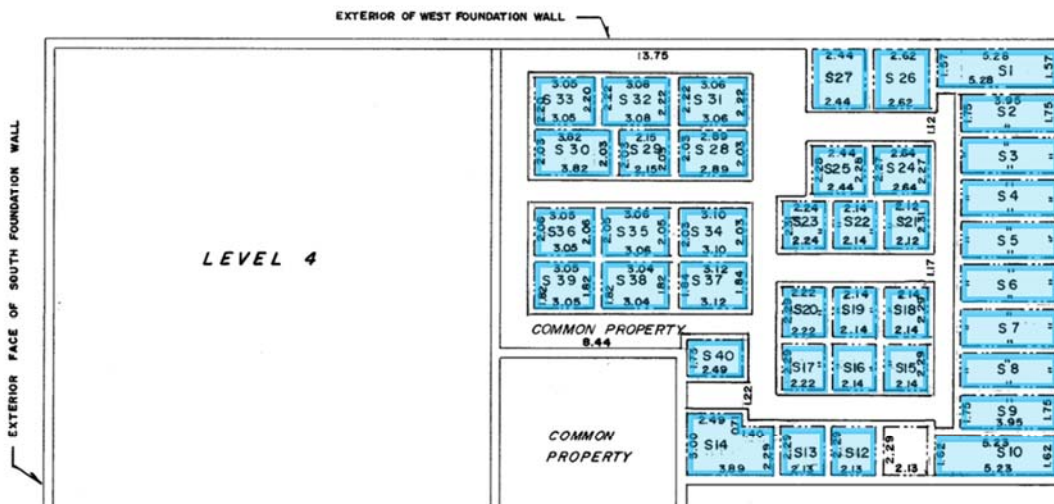
| Category: | Total Number: | Colour: |
|--------------------------------|---------------|--|
| Parking Stalls – Non-titled | 48 |  |
| Storage Lockers – Non-titled | 51 |  |
| Atrium Balconies | 37 |  |
| Non-Rooftop Exterior Balconies | 9 |  |
| Rooftop Exterior Balconies | 28 |  |
| Ground Floor Patios | 19 |  |



PARKING LEVELS 1 & 2



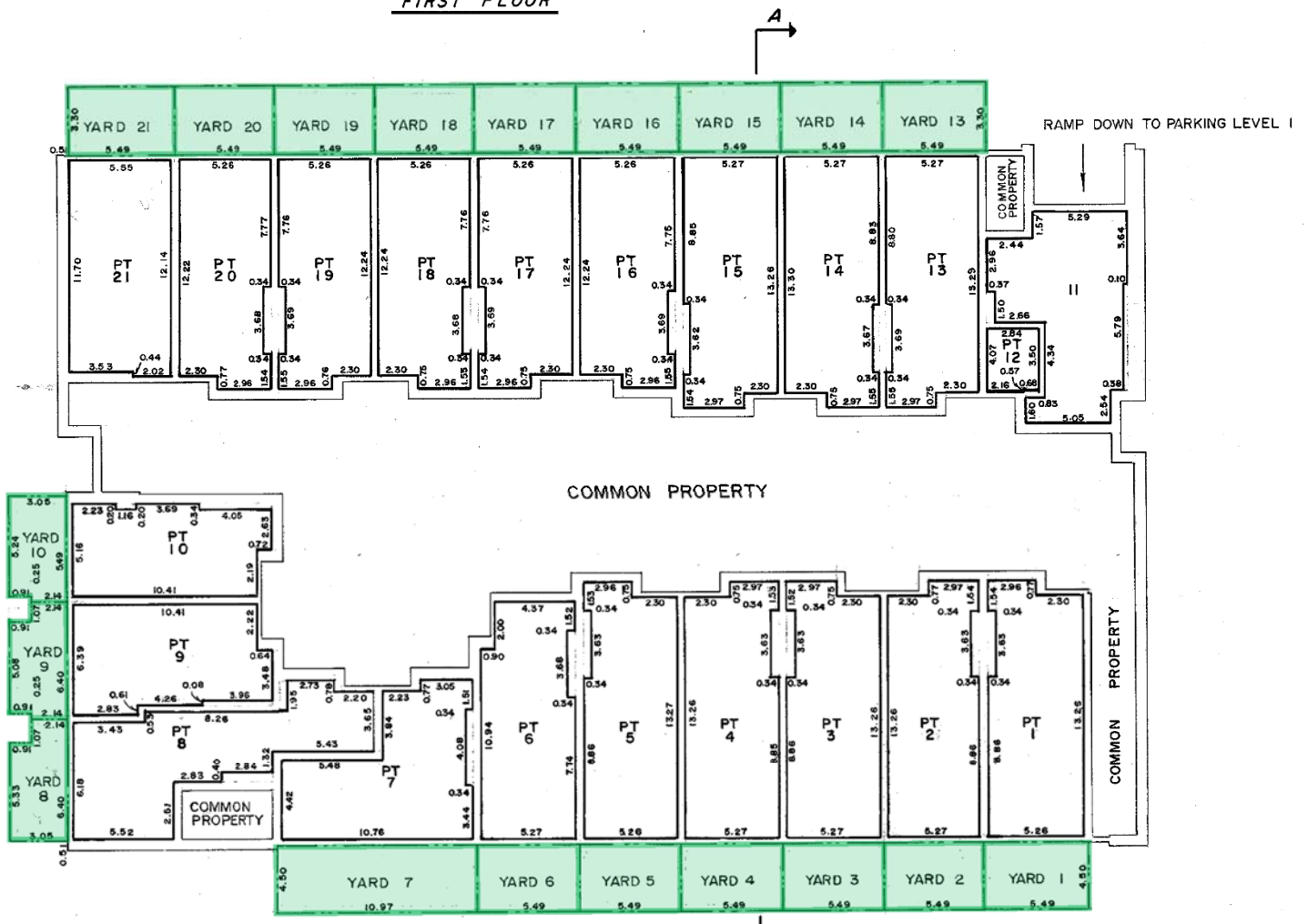
PARKING LEVELS 3 & 4



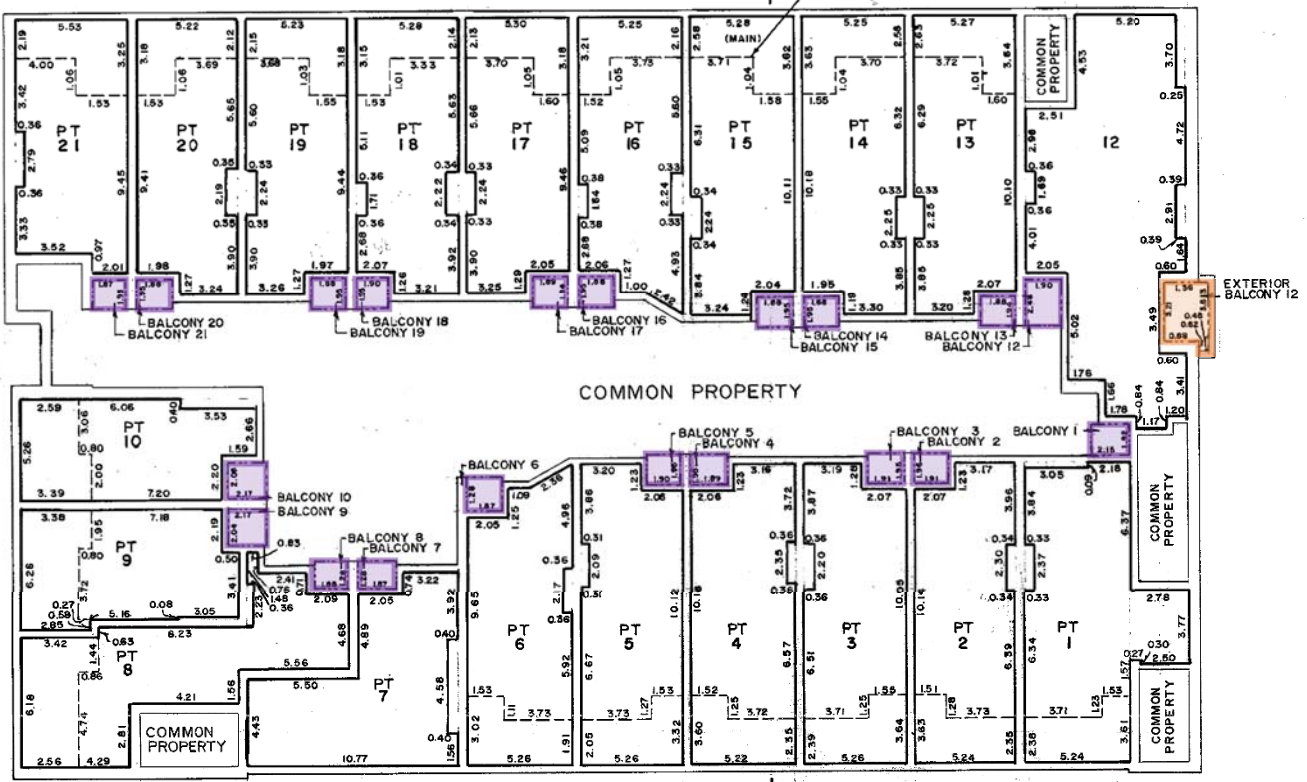
(NOTE: ALL STORAGE UNIT WALL THICKNESSES = 0.15)

STORAGE LEVEL 5

FIRST FLOOR

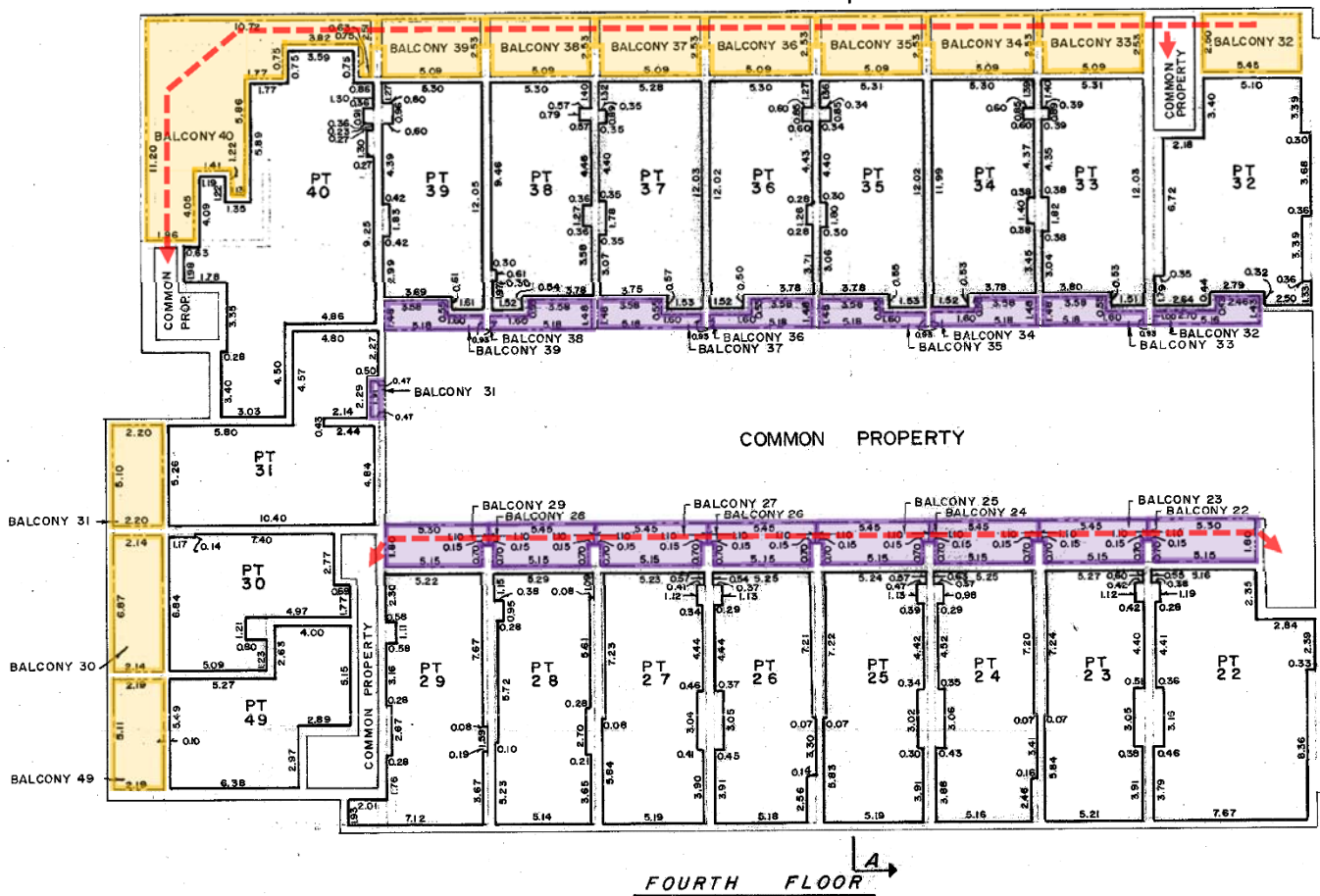
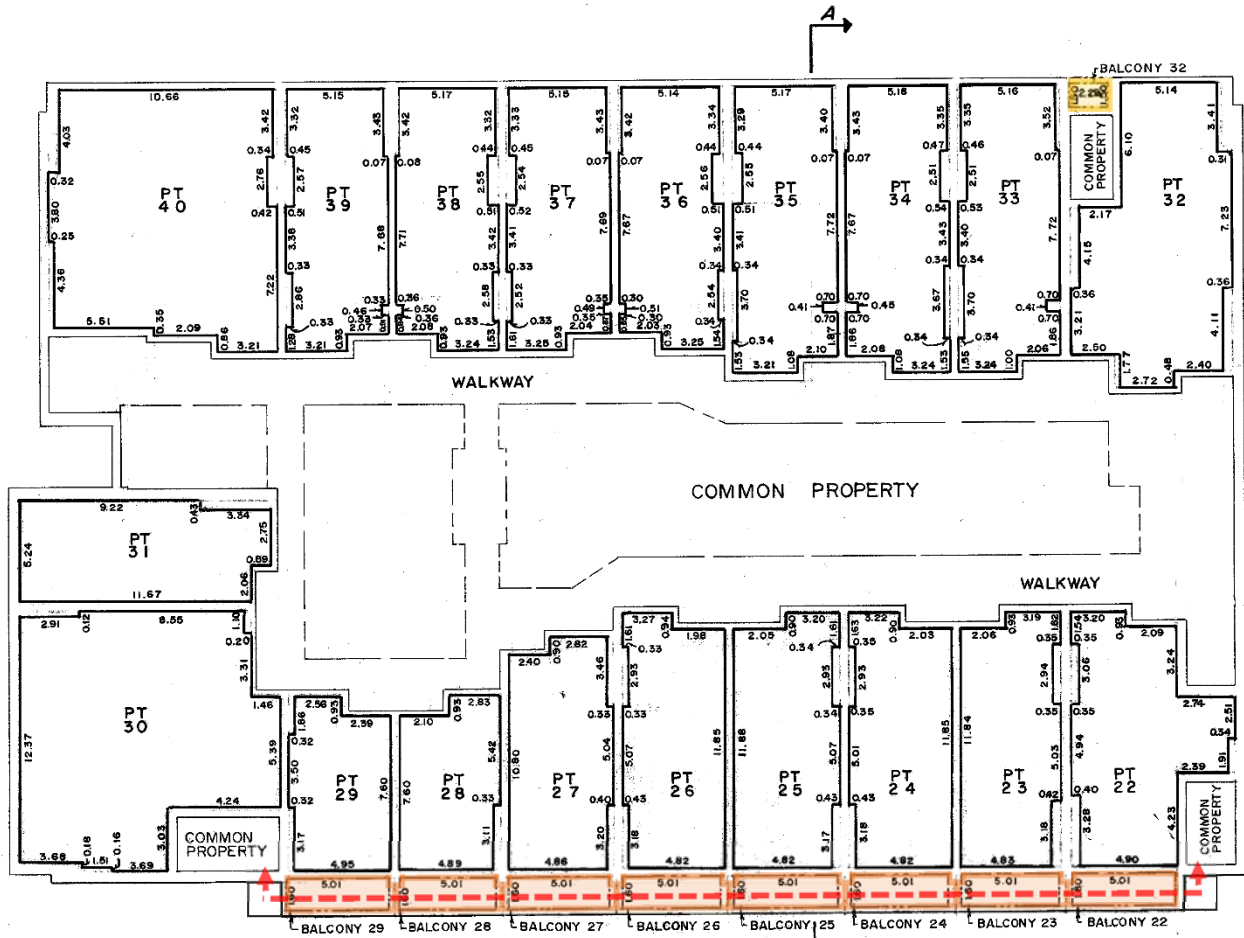


EDGE OF SECOND FLOOR OPENING TO MAIN FLOOR (TYP)



SECOND FLOOR

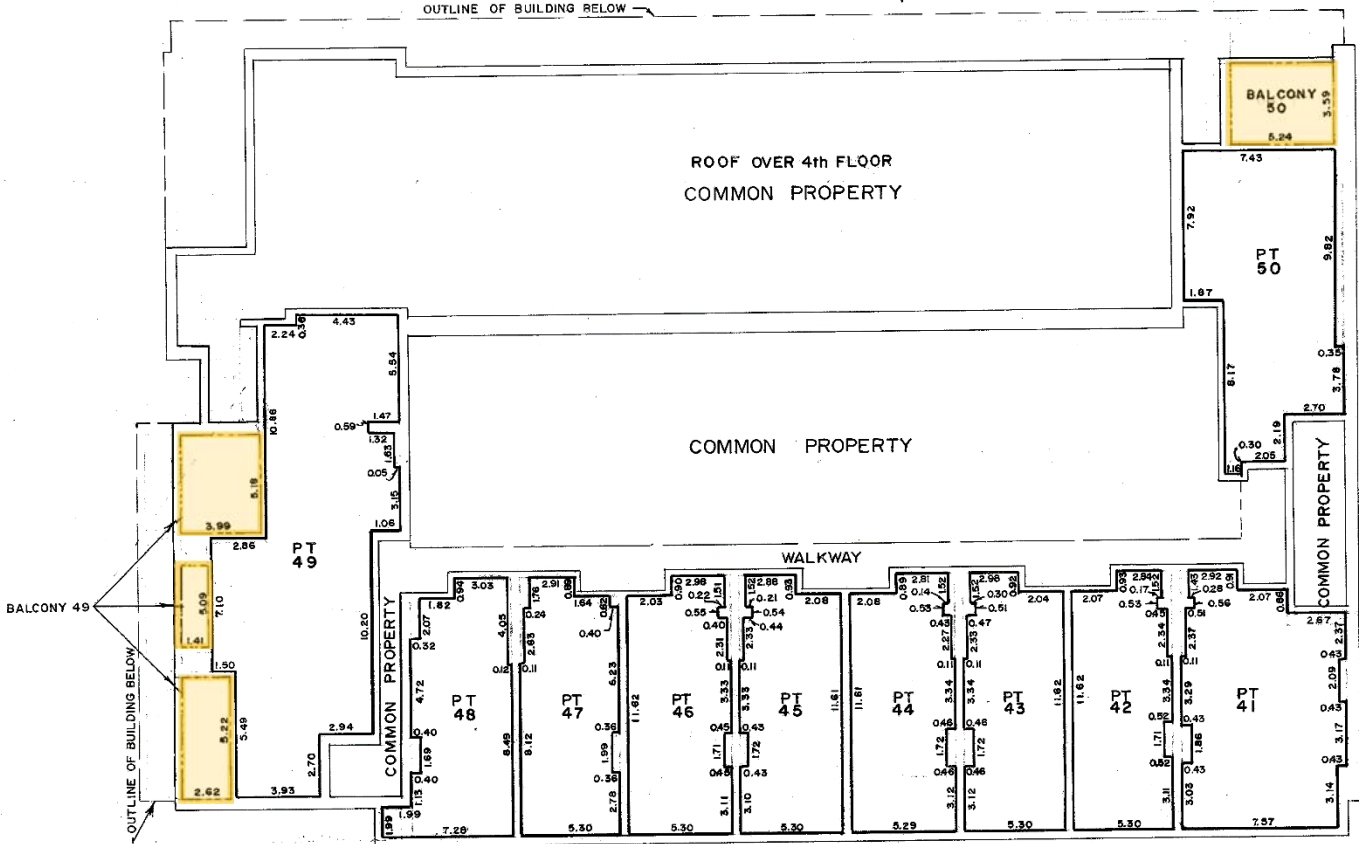
THIRD FLOOR



FIFTH FLOOR

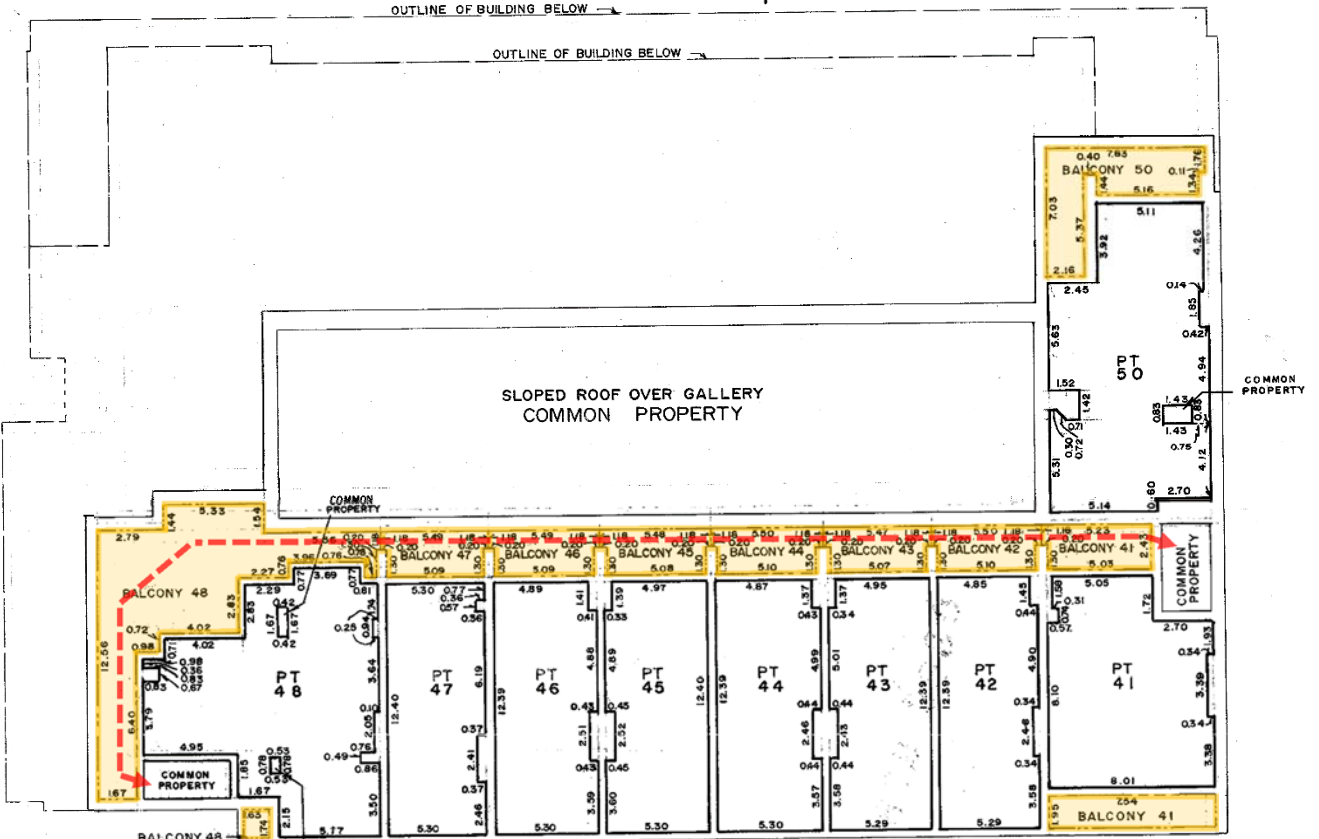


OUTLINE OF BUILDING BELOW



OUTLINE OF BUILDING BELOW

OUTLINE OF BUILDING BELOW



SIXTH FLOOR

