
105 NORTHGATE TENANTS CORP.
SMOKING POLICY - HOUSE RULE

The Board of Directors of 105 NORTHGATE TENANTS CORP.,(hereinafter referred to as the "Corporation"), has implemented and established a Smoking Policy - House Rule, ("Policy"), that specifically applies to all prospective residents and Shareholders of the Corporation, and requires that current Shareholders and residents refrain from smoking in the designated common areas of complex, as set forth below.

The rationale and purpose for the implementation and establishment of this Policy is to highlight the serious concerns of the Board of Directors for the health and safety of the cooperative community due to the known adverse health effects of secondhand smoke and increased risk of fire. In accordance with the foregoing, effective April 1, 2022, all new Shareholders purchasing apartments and prospective residents will be required to certify in writing as a condition to purchase or occupy that they and all other proposed residents of the apartment are non-smokers and that they acknowledge that smoking is strictly prohibited in any area of the cooperative buildings, both apartments and common areas, whether enclosed or outdoors. This Policy applies to all Shareholders, residents, subtenants, roommates, guests, invitees, employees, contractors, care givers and service personnel, including members of their immediate family, (hereinafter collectively referred to as the "Resident").

Accordingly, the Corporation reserves all of its rights and remedies to deny or reject any application for the purchase, subleasing or occupancy of a cooperative apartment based upon the application of the Resident and/or a member of their immediate family being a smoker and/or refusing to sign the no smoking certification. In addition, the Corporation will seek to rescind and repeal any prior approval in the event it is determined that the non-smoking certification was false. The failure and/or refusal to act in compliance with this Policy shall constitute a material defect and substantial breach under the Proprietary Lease.

The term "smoking" means inhaling, exhaling, breathing, or carrying a lighted cigar, cigarette, pipe or other tobacco product or a similar lighted product in any manner or in any form. Further "smoking" shall include the use of "vapes." Current Shareholders residing in the building pursuant to an existing Proprietary Lease will not be immediately subject to the Policy in their respective apartments. However, they will be prohibited from smoking in any of the above-referenced common areas of 105 Northgate, including but not limited to all common areas such lobby, hallways, corridors, stairwells, garage, rooftops and courtyards, if any. Moreover, second hand smoke can also cause or create a noxious offensive odor

condition, besides adversely affecting your health. Accordingly, the Corporation reserves all of its rights and remedies to require that any current smoker make reasonable efforts to contain such smoke and/or odor and/or otherwise prevent the second hand smoke and odors entering into other apartments and/or the common areas of the building. These reasonable efforts include but are not limited to obtaining the cooperation of the Resident and/or demanding compliance to reduce the level of smoke or rooms in which smoking occurs; installation of fans inside apartment, application of weather stripping, performing remedial work to close building gaps or cavities to prevent the infiltration or penetration of smoke into apartments, such as via plumbing chases or electrical fixtures.

Please note that the Corporation's adoption of a smoke-free living environment and the efforts to designate the buildings as smoke-free does not make the Corporation, its Board of Directors, or Managing Agent, the guarantor or insurer of Shareholder/Residents(s)' health or of the smoke/odor free condition of the premises and the common areas. Furthermore, the inability or failure by the Corporation to effectively enforce the Policy and/or respond to a complaint filed regarding smoke or odors shall not be construed as a breach of the warranty of habitability or the covenant of quiet enjoyment, nor shall it be deemed to be a constructive eviction.

NO SMOKING IN THE APARTMENT: Smoking is prohibited in any common area of the building; additionally, outdoor smoking is prohibited within twenty(20') feet of any entry to any building. The Corporation has designated any apartment that is purchased or sublet after the effective date of the Policy, as a smoke free apartment, and the prospective Resident must represent that he/she will adhere to and comply with this Policy and will not smoke or allow smoking in the apartment. The prospective Residents will be required to acknowledge as a condition of purchasing that the prohibition on smoking is fair and reasonable, as well as a substantial obligation of the Proprietary Lease. The prospective Residents further acknowledge that the designation of this apartment as a smoke free apartment does not mean that all other residents of the building are similarly restricted. Accordingly, the failure and/or refusal to act in compliance with this Policy shall constitute a material defect and substantial breach under the Proprietary Lease and the Corporation reserves all of its rights and remedies to terminate either or both the Proprietary Lease and/or sublease for a violation of this Policy.

In accordance with the foregoing, the Board of Directors has approved the enactment and implementation of the Smoking Policy - House Rule of the Corporation, to be effective, March 1, 2022.

105 NORTHGATE TENANTS CORP.

BY: Board of Directors