



THE METROPOLE

23 January 2018

Minutes of MTCC 1170 Meeting Number 180123R — Held on 23 January 2018

Present: Board — Keith Bricknell, Jonathan Doyle, Scott Froebe (electronic attendance), James Louttit, and Sheila Sproule (electronic Attendance); and, ICC Property Management — Nancy Bijelic

Regrets: None

01 Call to Order: Keith Bricknell called the meeting to order at 1810h.

02 Waiver of Notice, and/or Adoption of Agenda and Additions:

Resolution 180123R01: Adoption of the Agenda

BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 180123R, as presented.

Sheila Sproule/Jonathan Doyle — Carried

03 Assignment of Duties:

(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #180123R.

04 Review and Adoption of Previous Meetings' Minutes:

Resolution 180123R02: Adoption of Minutes

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 171221R, as presented.

James Louttit/Scott Froebe — Carried

05 Administrative and Security Reports:

(a) Where applicable, Corporate Officers and/or Nancy Bijelic responded to inquiries regarding items from the Management Report, and/or from other communications to and/or among Directors.

(i) Resident Owner's Inquiry *re* Low-Flow Toilets and Programmable Thermostats: Please refer to Section 11(a) of these Minutes.

(ii) Resident Owner's Inquiry *re* King Street Planters: Please refer to Section 11(b) of these Minutes.

(iii) Sundry Reports: Directors commented briefly on the Financial, Administrative, and/or Security Reports encompassed in Section 06 of these Minutes.

06 Motion to Receive Administrative and Security Reports as Information:

Resolution 180123R03: Receiving Administrative and Security Reports as Information

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall receive, as information, the MTCC 1170 Management Office's Administrative Report for January 2018, ICC's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2016 to 30 November 2017, and the Front Desk Security Report for the period 04 December 2017 to 03 January 2018.

Sheila Sproule/Jonathan Doyle — Carried

- 07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes:
(a) Communications with the TPS — King Street Cordoning: Having previously received and reviewed the President's draft letter to Mayor John Tory, Directors authorised its use.
(b) Appendix of Pending Items: If information is available in time for Meeting 180123R.
- 08 Correspondence Requiring Action and/or Response: None
- 09 Special Committee Reports: None
- 10 Other Reports: None
- 11 New and/or Brought-Forward Business:
(a) Resident Owner's Inquiry *re* Low-Flow Toilets and Programmable Thermostats: Having previously received and reviewed the President's draft response to the resident owner, Directors authorised its use. Directors also authorised its inclusion, in redacted form, as Appendix 01 to the Minutes for Regular Meeting #180123R.
(b) Resident Owner's Inquiry *re* King Street Planters: Having previously received and reviewed the President's draft response to the resident owner, Directors authorised its use. Directors also authorised its inclusion, in redacted form, as Appendix 02 to the Minutes for Regular Meeting #180123R.
- 12 Perusal File of Correspondence Received as Information: Received by e-mail from the Management Office, and/or available in a folder during the Board Meeting.
- 13 Next Committee Meeting: TBD.
- 14 Next Special Meeting: TBD.
- 15 Date of the Next Regular Meeting(s):
(a) Regular Meeting #180221R: 1800h on Wednesday 21 February 2018.
- 16 Motion for Adjournment
Resolution 180123R04: Adjournment
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 180123R at 1810h on Tuesday 23 January 2018.
Scott Froebe/James Louttit — Carried

"Keith Bricknell"

President: Keith Bricknell

"Jonathan Doyle"

for Secretary: Sheila Sproule



THE METROPOLE

24 January 2018

Appendix 01 to the Minutes of Meeting #180123R: Response to a Resident Owner's Inquiry about Programmable Thermostats and Low-Flow Toilets

Thank you for offering conservation-related suggestions for the Board's consideration during Regular Meeting 180123R. The Board has directed me to offer the following response.

Generally, MTCC 1170 has always applied a financial criterion to all utility-conservation-measures; namely, that an ideal conservation-measure must have a payback period of three years. That is, any given conservation-measure must achieve cost-reductions sufficient to pay its cost of installation within three years. In rare exceptions, MTCC 1170 has expanded that "envelope" to five years but, as noted, those are rare exceptions.

What explains a three-year to five-year "envelope"? There are two principal explanations.

- ❖ If the "hardware" necessary for the conservation-measure were to wear out and need replacement in fewer than three to five years, MTCC 1170 would be in a "net loss" position. That is, it would have installed conservation "hardware" but would not have achieved the desired savings within the lifetime of that "hardware".
- ❖ If the "hardware" necessary for the conservation-measure were to become obsolete (in terms of technology and/or in terms of manufacturers' support) in fewer than three to five years, and if replacement were necessary, MTCC 1170 would, again, be in a "net loss" position — with the same outcome that I describe above.

Of course, those criteria are silent about another crucial issue; namely, feasibility. The balance of this response speaks to that issue — as it applied to your two suggestions.

01 Nest Thermostats

- (a) A visit to https://www.amazon.ca/Nest-Learning-Thermostat-Generation-Copper/dp/B01M65EKLK/ref=sr_1_32?ie=UTF8&qid=1516488809&sr=8-32&keywords=nest+thermostat confirms that the lowest-priced third-generation Nest thermostat is CAD249.99. Even if a bulk purchase were to reduce that price by 25% (*ie*, to CAD187.00), the product would have to achieve truly prodigious savings to fulfil even a five-year payback period. Indeed, Management and the Board doubt that such savings would be even remotely attainable.
- (b) A visit to <https://nest.com/ca/support/article/How-can-I-tell-if-my-current-thermostat-is-low-voltage> confirms that Nest thermostats operate on 24 volts. MTCC 1170's thermostats operate on 120 volts. Even if voltage-conversion were feasible, it would add to installation-costs and cause a five-year payback period to be unattainable.

02 Low-Flow Toilets

- (a) MTCC 1170's 1996 conversion from a National Trust tower to a residential building relied on the 1991 building code (which was, at the time, the applicable revision to the code — and it continues to be the governing building code document for the expecta-

tions that MTCC 1170 must meet). Thus, the building's horizontal drains do, indeed, meet the 1991 code's expectations — such as those were.

- (b) Recentness of “code” aside, a high-rise building's horizontal drains will always be a potential source of problems. Indeed, that became painfully apparent in Autumn 2014, when a massive horizontal drain “regurgitation” necessitated emergency replacement of all the carpeting in the 5th floor lounge and corridors. Fortunately, the 5th floor is the lowest residential floor; hence, no collateral damage occurred below.
- (c) A visit to <https://www.bdcnetwork.com/need-know-low-flow> provides the opportunity to read the following opinion about the advisability of retrofitting low-flow toilets to high-rise buildings with older horizontal drain systems:

“‘It is equally important to understand the drainage system with ULF fixtures,’ adds Heideman. ‘Believing that the waste material will carry as far as with a ULF is not true at all. Basic hydraulic knowledge will tell you that with less water and velocity, the waste material cannot carry as far with 1.6 gallons as compared to 3.5 gallons. Maintaining a velocity of 2 feet per second to allow scouring of the waste piping is very difficult with ULF fixtures...’

“‘The old 3.5-gpf water closets work with a 3-in. drain, but often were installed with a 4-in. drain,’ says George. ‘So when the 1.6-gpf water closets are installed, the drain line carry is very poor because the wave of water is spread out in the larger pipe.’”

- (d) Sections 02(a) to (c) speak only logistics. To those considerations, one must add the following issues.
 - (i) Units' toilets are the sole property of units' owners. MTCC 1170 has no legislated power to compel units' owners to replace their toilets — even if MTCC 1170 were to assume the full cost of doing so.
 - (ii) If a reiteration of the Autumn 2014 incident were to occur, after the installation of low-flow toilets, MTCC 1170's directors could be held personally liable for negligence — given the weight of evidence against such installations in buildings of MTCC 1170's type and age.
 - (iii) Finally, there is the three-year to five-year payback “envelope”. Would low-flow toilets repay their own installation-costs within that “envelope”? The probable answer is that they would not.

Thank you for contacting Management with your suggestions, and for giving the Board an opportunity to consider them. Please continue to feel free to contact Management with additional suggestions as and when they occur to you.

Yours sincerely
MTCC 1170

Keith Bricknell — President of the Board



THE METROPOLE

24 January 2018

Appendix 02 to the Minutes of Meeting #180123R: Response to a Resident Owner's Inquiry about the King Street Pilot and the King Street Planters

During MTCC 1170's Regular Meeting #180123R, the Board of Directors considered your email dated 12 January 2018 and authorised me to offer the following response.

01 Responsibility for Placement of the King Street Planters:

- (a) In an email dated 06 December 2017, Mr Al Smith (Executive Director of the St Lawrence BIA) provided the following explanation.

"...I wish to make clear that the King Street Pilot Project is not a BIA initiative, but a transportation and city initiative. The layout of the stretch of King street that encompasses three BIAs were (*sic*) not proposed by the BIAs nor were (*sic*) the placement of the planters. (To be clear we have planted the planters to add colour for area residents and visitors in what would have been a stretch of nothing but dirt in planters.) Our role is as facilitators and information conduits, to relay any issues to the city team and try and look for solutions and rectify them as best as possible."

Despite Mr Smith's modesty about the extent of the St Lawrence BIA's involvement with the planters, we can safely assume that the planters have the St Lawrence BIA's support. Otherwise, why would the BIA spend the funds necessary for enhancing the planters?

02 Necessity for the Planters between Yonge and Church Streets:

- (a) https://www.toronto.ca/wp-content/uploads/2017/10/9096-King-Street-Brochure_Oct25_Web.pdf indicates the intersections at which motorists must execute right-hand turns from King Street whilst driving between Bathurst and Jarvis Streets. Between the aforementioned two streets, Victoria Street is the only street that *traverses* King Street *via an uncontrolled intersection* between Yonge and Church Streets.
- (b) Between Adelaide and Colborne Streets, Victoria Street is one-way northbound (a fact that doesn't always deter inconsiderate and/or oblivious eastbound motorists from trying to turn south into Victoria Street from King Street). The King Street Pilot's requirement for right-hand turns could have the perverse effect of worsening the tendency for eastbound motorists to turn south into a northbound street (*ie*, into Victoria Street).
- (c) The reality, of course, is that eastbound motorists need not execute their first right-hand turn any sooner/earlier than the intersection of King and Church Streets. However, a panicky or "unaware" motorist might mistakenly assume that a right-hand turn (*ie*, a southbound turn) was mandatory at the intersection of King and Victoria Streets.
- (d) The positioning of the planters forces eastbound motorists away from the kerb-lane and makes inadvertent southbound turns into a northbound Victoria Street less likely. Hence, MTCC 1170 could not (or, at very least, should not) seek to compromise the margin of safety that the planters likely afford.

03 **MTCC 1170's Access to Services via the King Street Doors:**

- (a) In late August 2017, I had occasion to take a Markham-based taxi from Markham to 7 King Street East — on a very quiet Saturday morning. When I directed the driver to stop and allow me to alight in front of the easternmost King Street door, he panicked about, as he put it, "...getting a ticket for stopping in a no-stopping zone..." After receiving my reassurances, he did, indeed, allow me alight — and sped off without being cited. The incident forced me to confront the reality that, in its two decades as a condominium, MTCC 1170 had never received its own loading zone. Indeed, any claim to a *de facto* loading zone might have to rely on a very generous interpretation of Ontario's "adverse possession" laws!
- (b) Placement of the King Street planters did give me the opportunity to wrest a permanent loading zone from the City. MTCC 1170's newsletter dated 08 December 2017, and distributed under all residents' doors, describes that zone; namely, from the fire hydrant to the southwest corner of King and Victoria Streets. As an *aide memoire* for you, I enclose a copy of that newsletter.
- (c) Given that MTCC 1170 now has its first officially-sanctioned loading zone, MTCC 1170's Directors deem that your email's numbered sections simply reflect your having forgotten the contents of the newsletter dated 08 December 2017.

04 **Favourable Impact of the King Street Pilot:**

- (a) Assistant Professor Farber of the University of Toronto offers the following preliminary assessment — in a report that I asked Management to forward to you.

“Before the pilot, 19 per cent of trips during the evening peak (4-7 pm) took longer than 25 minutes, compared to just 1.3 per cent after the pilot launched.

“From a transit perspective, and an operational perspective, the pilot is achieving, I think, the goal of providing a much faster and *reliable* transit route to tens of thousands of people daily’.” [Italicised emphasis added.]
- (b) At <http://www.vtpi.org/tranben.pdf?b81542c0?db0c3fd8>, the Victorian Transport Policy Institute's *Best Practices Guidebook* (dated 18 July 2017) offers numerous recommendations about the necessity for transit systems to prioritise transportation modalities' reliability (or, as they characterise it, "predictability"). Before the King Street Pilot began, the King Street trams were carrying 65,000+ passengers per day — which is more than the Sheppard subway line (*aka* "stub-way") carries. Since the King Street Pilot began, ridership on the King Street trams has increased — an increase that, I dare say, reflects the route's enhanced reliability and/or predictability.
- (c) Toronto desperately needs a downtown-relief subway line. However, the decision to prioritise a one-stop subway line to Scarborough, and the decision to provide subway service to the GTA's northern reaches, means that a downtown-relief subway line certainly will not occur within my lifetime, and possibly not even in yours. Hence, mass surface transport (such as the type envisioned in the King Street Pilot) will be necessary as a substitute for that downtown-relief line. The *Toronto Star* makes this point at <https://www.thestar.com/opinion/star-columnists/2018/01/16/why-the-king-st-transit-changes-are-here-to-stay.html>.

05 **King Street Pilot's Business-Impact — and Condos' Avoidance of Co-Optation:**

- (a) At <https://www.thestar.com/opinion/star-columnists/2018/01/18/king-st-middle-finger-approach-seems-like-an-odd-way-to-deal-with-lost-business.html>, the *Toronto Star* offers several reasons (all of them unrelated to the King Street pilot) for the lower volume of sales at restaurants in the Theatre District. Restaurant dining is a discretionary expenditure that is subject to many external variables. Certainly, having studied econometrics, I would wish to examine all those variables (or receive credible reports from a qualified econometrician) before giving credence to disgruntled opinions from unqualified businesspeople.
- (b) Credibility aside, the default position for any condominium corporation must be avoidance of corporate co-optation in support of any specific cause. Thus, for example, MTCC 1170 offers the opportunity for individual residents to contribute to a toy drive that support the Children's Aid Society. However, those donations reflect individual unit-owners' choices, rather than a donation by MTCC 1170 as a corporate body. The same must be true of support for causes espoused by individual businesses, or even by organised groups of businesses. Hence, MTCC 1170 denies your request to organise support on behalf of "business" — as you characterise it.

If you have further concerns about this, or any other, matter, please continue to contact the Management Office.

Yours sincerely

MTCC 1170

Keith Bricknell — President of the Board

Encl/1



THE METROPOLE

08 December 2017

King Street Planters

Following email, and telephone communications between the City and your President, the City has made the following written commitment about restoring kerbside access to The Metropole's King Street doors, and about granting a permanent loading zone.

“As discussed by phone, [the City] will introduce a commercial loading zone (which allows goods deliveries, and you will also be able to use for passenger loading) on the south side of King Street, roughly from the fire hydrant near the front entrance of your building to Victoria Street.

“Please be advised that the by-law change cannot be made immediately, and is likely to take effect in January, given our reporting dates; however, we will work to move the planters in recognition of this loading zone next week [presumably, during the week commencing 11th December 2017].”

Your Board assumes that other resident owners might also have shared their concerns with the City's officials. To the extent that this did occur, your Board thanks those resident owners for their contribution to an apparently successful outcome.

If you have further questions or concerns about this matter, please continue to contact the Management Office.

The Board of Directors
MTCC 1170



THE METROPOLE

21 February 2018

Minutes of MTCC 1170 Meeting Number 180221R — Held on 21 February 2018

Present: Board — Keith Bricknell, Jonathan Doyle, Scott Froebe (electronic attendance), and James Louttit; and, ICC Property Management — Nancy Bijelic

Regrets: Sheila Sproule

01 Call to Order: Keith Bricknell called the meeting to order at 1817h.

02 Waiver of Notice, and/or Adoption of Agenda and Additions:

Resolution 180221R01: Adoption of the Agenda

BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 180221R, as presented.
Scott Froebe/James Louttit — Carried

03 Assignment of Duties:

(a) *Pro Tempore* Reassignments: Jonathan Doyle graciously accepted appointment as Acting Corporate Secretary for the duration of Meeting #180221R.

04 Review and Adoption of Previous Meetings' Minutes:

Resolution 180221R02: Adoption of Minutes

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 180123R, as presented.
Jonathan Doyle/James Louttit — Carried

05 Administrative and Security Reports:

(a) Where applicable, Corporate Officers and/or Nancy Bijelic responded to inquiries regarding items from the Management Report, and/or from other communications to and/or among Directors.

(i) Resident Owner's Inquiry *re* Marijuana Legalisation: Please refer to Section 11(a) of these Minutes.

(ii) West Side Inner Lobby Door: Please refer to Section 11(b) of these Minutes.

(iii) Sundry Reports: Directors commented briefly on the Financial, Administrative, and/or Security Reports encompassed in Section 06 of these Minutes.

06 Motion to Receive Administrative and Security Reports as Information:

Resolution 180221R03: Receiving Administrative and Security Reports as Information

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall receive, as information, the MTCC 1170 Management Office's Administrative Report for February 2018 and the Front Desk Security Report for the period 04 January 2018 to 04 February 2018.
James Louttit/Scott Froebe — Carried

07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes:

(a) Communications with the TPS — King Street Cordoning on 01 May 2017: Management reported having received an interim response from the Mayor's office.

(b) Appendix of Pending Items: If information is available in time for Meeting 180221R.

08 Correspondence Requiring Action and/or Response: None

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

(a) Owner's Inquiry *re* Marijuana Legalisation: Having previously received and reviewed the President's draft response to the resident owner, Directors authorised its use. Directors also authorised its inclusion, in redacted form, as Appendix 01 to the Minutes for Regular Meeting #180221R.

(b) West Side Inner Lobby Door:

Resolution 180221R04: Replacing the Lobby's West-Side Inner Door

WHEREAS the lobby's west-side inner door no longer closes reliably; AND,

WHEREAS successive attempts at repair have not produced reliable and/or durable results; THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 authorise Hi-Lon Glass to replace the above-noted door for \$4,066.00 + HST; AND, FURTHER,

BE IT RESOLVED that payment for the above-noted replacement shall be from the Reserve Fund.

Scott Froebe/Jonathan Doyle — Carried

12 Perusal File of Correspondence Received as Information: Received by e-mail from the Management Office, and/or available in a folder during the Board Meeting.

13 Next Committee Meeting: TBD.

14 Next Special Meeting: TBD.

15 Date of the Next Regular Meeting(s):

(a) Regular Meeting #180322R: 1800h on Thursday 22 March 2018.

16 Motion for Adjournment

Resolution 180221R05: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 180221R at 1827h on Wednesday 21 February 2018.

Scott Froebe/James Louttit — Carried

"Keith Bricknell"

President: Keith Bricknell

"Sheila Sproule"

Secretary: Sheila Sproule



THE METROPOLE

22 February 2018

Appendix 01 to the Minutes of Regular Board Meeting #180221R

Thank you for asking the Board to consider your suggestions about regulating marijuana-use in MTCC 1170. During Regular Meeting 180221R, the Board considered your suggestions and directed me to offer the following response thereto.

Currently, MTCC 1170 has the following safeguards to limit any adverse consequences that might flow from impending legalisation of marijuana-use. Please note that the Board and Management have already received legal opinion that these safeguards do not require immediate augmentation to forestall and/or mitigate any adverse consequences that your inquiry suggests.

01 **Condominium Act:**

- (a) **Section 19:** On giving reasonable notice, the corporation or a person authorized by the corporation may enter a unit or a part of the common elements of which an owner has exclusive use at any reasonable time to perform the objects and duties of the corporation or to exercise the powers of the corporation. 1998, c. 19, s. 19.
- (b) **Section 117:** No person shall permit a condition to exist or carry on an activity in a unit or in the common elements if the condition or the activity is likely to damage the property or cause injury to an individual. 1998, c. 19, s. 117.

02 **MTCC 1170's Declaration:**

- (a) **Section 11(a):** Each owner of a residential dwelling unit may make reasonable use of and have the right to make reasonable use of the whole or any part of the common elements, subject to any conditions or restrictions set out in the Act, the declaration, the by-laws and the rules; however, no condition shall be permitted to exist and no activity shall be carried on in any unit or in the common elements that is likely to damage the property or that will unreasonably interfere with the use or enjoyment by other unit owners of the common elements and the other units.
- (b) **Section 15:** Each residential dwelling unit shall be used only for those uses permitted from time to time by the by-laws or statutes of the City of Toronto or any other governmental authority with jurisdiction.
- (c) **Section 22(b):** Each owner shall be responsible for all damages to any and all other units and to the common elements, which are caused by the failure of such owner to so maintain and repair his unit and any common elements of which he has exclusive use, save and except for any such damages for which the cost of repairing same may be recovered under any policy of insurance held by the Corporation.
- (d) **Section 28:** Each owner shall indemnify and save the Corporation harmless from any loss, costs, damage, injury or liability which the Corporation may suffer or incur resulting from or caused by any act or omission of such owner, or his servants, agents, tenants, family, invitees or licensees to the common elements or to any unit, except for any loss, costs, damage, injury or liability insured against by the Corporation. All

payments to be made pursuant to this section are deemed to be additional contributions toward the common expenses payable by such owner and recoverable as such.

- (e) **Section 30(a):** The Corporation, the City of Toronto, the Municipality of Metropolitan Toronto, or any insurer of the property or any part thereof, their respective agents, employees or authorized representatives or any other person authorized by the board, shall be entitled to enter any unit or any part of the common elements over which any owner has the exclusive use, at all reasonable times and upon giving reasonable notice, for the purposes of making inspections, adjusting losses, making repairs, correcting any condition which violates the provisions of any insurance policy or policies, remedying any condition which might result in damage to the property or carrying out any duty imposed upon the Corporation.

03 **MTCC 1170's By-Law #8:**

- (a) **Article XIV — Indemnity:** MTCC 1170's residents need to consider this Article in its entirety reflecting, as it does, Section 28 of the Declaration.

04 **MTCC 1170's Rules:**

- (a) **Section 03.01:** No one shall do or permit anything to be done in his unit or bring or keep anything therein that will in any way obstruct or interfere with the rights of other residents or in any way injure or annoy them.
- (b) **Section 03.05:** No one shall create or permit the creation of odours which may disturb or which in fact do disturb other residents.
- (c) **Section 03.06:** Whether or not any of the aforementioned [Sections 03.01 to 03.05 inclusive] interferes with the quiet use and enjoyment of any Owner, shall be determined by the Board in its full and unfettered discretion.
- (d) **Section 05.27:** No unlawful, offensive, improper or immoral use, as defined in law, shall be made of any unit or any of the common elements of the Corporation property. All municipal and other ordinances, laws and regulations of all government regulatory agencies must be strictly observed.
- (e) **Section 12.03:** Smoking [of, *inter alia*, tobacco and/or marijuana] is not permitted at any time, in any of the indoor amenity areas (swimming pool, pool deck, wet saunas, exercise room, change rooms, 5th floor lounge, penthouse lounge/billiard room), or on any of the indoor common elements such as washrooms, hallways, stairwells, and lobby.
- (f) **Section 14.00:** MTCC 1170's residents need to consider this Section in its entirety — reinforcing, as it does, By-Law #8's Article XIV and Section 28 of the Declaration.

05 **Legal Opinion re Additional Measures:** In a presentation to ICC Property Management's personnel on 10 January 2018, one of Canada's leading condominium law firms offered the following opinions.

- (a) **Prohibition of In-Suite Smoking via Amending the Declaration:** This would entail achieving written consent from 80% of *all* owners. Even if this were attainable, legal opinion was that the amendment would still need to “grandfather” all existing owners who were smokers [of tobacco and/or marijuana]. Hence, the requirement for “grand-

fathering” would vitiate any benefits accruing to the amendment — assuming that the amendment was even attainable.

- (b) **Prohibition of In-Suite Smoking via Passage of a Rule:** Any such attempt would be subject to a challenge by owners requisitioning a meeting and voting to amend or repeal the proposed rule. The requisitioning of a meeting would require support from only 15% of all owners. At the requisitioned meeting, a simple majority of legally-defined quorum could (and probably would) veto the proposed rule.

06 **Legal Opinion on Remedies Available to Investor-Owners (ie, to Landlords):**

- (a) **Smokers’ Rights:** The Charter of Rights and Human Rights Code do not protect smokers. Thus, they enjoy no protection from discrimination as it relates to housing and services.
- (b) **Investor-Owners’ Prerogatives:** In their role as landlords, investor-owners have the right to include language in leases (new and/or renewal) prohibiting any and all forms of smoking in the leased premises. MTCC 1170 would involve itself in such matters only if lease-terms were inconsistent with the *Condominium Act* and/or MTCC 1170’s governing documents.

07 **Legal Opinion on Potential for Grow-Ops in Condos:**

- (a) **Pending Legislative Framework:** The Federal regulatory framework will prescribe how much cannabis can be grown in private residences. Anything beyond that would be criminal activity — whose prosecution MTCC 1170 would have a duty to facilitate. Also, MTCC 1170’s periodic in-suite maintenance procedures, coupled with its legislated right to inspect suites, would seem to militate against grow-ops.

Thank you for contacting Management with your suggestions, and for giving the Board an opportunity to consider them. Please continue to feel free to contact Management with additional suggestions as and when they occur to you.

Yours sincerely
MTCC 1170



Keith Bricknell — President of the Board



THE METROPOLE

22 March 2018

Minutes of MTCC 1170 Meeting Number 180322R — Held on 22 March 2018

Present: Board — Keith Bricknell, Jonathan Doyle (electronic attendance), Scott Froebe (electronic attendance), James Louttit, and Sheila Sproule; and, ICC Property Management — Nancy Bijelic

Regrets: None

01 Call to Order: Keith Bricknell called the meeting to order at 1812h.

02 Waiver of Notice, and/or Adoption of Agenda and Additions:

Resolution 180322R01: Adoption of the Agenda

BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 180322R, as presented.
Scott Froebe/Jonathan Doyle — Carried

03 Assignment of Duties:

(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #180322R.

04 Review and Adoption of Previous Meetings' Minutes:

Resolution 180322R02: Adoption of Minutes

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 180221R, as presented.
Sheila Sproule/Jonathan Doyle — Carried

05 Administrative and Security Reports:

(a) Where applicable, Corporate Officers and/or Nancy Bijelic responded to inquiries regarding items from the Management Report, and/or from other communications to and/or among Directors.

(i) Draft Audited Statements for 01 December 2016 to 30 November 2017: Please refer to Section 11(a) of these Minutes.

(ii) Corridor Refurbishment — Additional Items: Please refer to Section 11(b) of these Minutes.

(iii) Bid-Analysis — Elevator-Refurbishment: Please refer to Section 11(c) of these Minutes

(iv) Compliance with Ontario Regulation 48/01: Please refer to Section 11(d) of these Minutes.

(v) Sundry Reports: Directors commented briefly on the Financial, Administrative, and/or Security Reports encompassed in Section 06 of these Minutes.

06 Motion to Receive Administrative and Security Reports as Information:

Resolution 180322R03: Receiving Administrative and Security Reports as Information

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall receive, as information, the MTCC 1170 Management Office's Administrative Report for March 2018, ICC's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December

2017 to 31 January 2018, and the Front Desk Security Report for the period 05 February 2018 to 03 March 2018.

Jonathan Doyle/Sheila Sproule — Carried

07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes:

- (a) Communications with the TPS — King Street Cordoning on 01 May 2017: Having considered all responses, Directors finalised this inquiry.
- (b) Response to Owner's Rejoinder about the King St Pilot: Having previously received and reviewed the President's draft response to the owner, Directors authorised its use. Directors also authorised its inclusion, in redacted form, as Appendix 01 to the Minutes for Regular Meeting #180322R.
- (c) Appendix of Pending Items: If information is available in time for Meeting 180322R.

08 Correspondence Requiring Action and/or Response: None

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

- (a) Draft Audited Statements for 01 December 2017 to 30 November 2017 and Date for AGM 2018: *Herein, Corporate Legal Counsel has assured the Board that the transition of auditing firms does not vitiate the appointment-motion passed during AGM 2017.*

Resolution 180322R04: Accepting the Auditor's Report

WHEREAS the Board of Directors of MTCC 1170 has received MTCC 1170's audited statements from Rapkin Wein LLP (by acquisition, the successor firm to Daurio & Franklin LLP), for the fiscal year beginning 01 December 2016 and ending 30 November 2017; THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 receives the above-noted audited statements as information; AND, FURTHER,

BE IT RESOLVED that the Board of Directors of MTCC 1170 agrees that the above-noted audited statements fairly and truly represent MTCC 1170's financial operations during the fiscal year in question.

Jonathan Doyle/Sheila Sproule — Carried

Resolution 180322R05: Setting the Date for AGM 2018

WHEREAS MTCC 1170's Board of Directors has received and adopted the Corporation's audited financial statements for 01 December 2016 to 30 November 2017 (inclusive of both dates); THEREFORE,

BE IT RESOLVED the Board of Directors of MTCC 1170 agrees to and/or authorises the following:

- (a) MTCC 1170's AGM (hereinafter, "AGM 2018") shall commence at 7:30pm on 31 May 2018 (with registration beginning one-half hour earlier);
- (b) AGM 2018's information package to owners shall include, *inter alia*, the following items:

- (i) an information-letter, agenda, proxy-form, and instructions, in the same general format that MTCC 1170 used for AGM 2017, but amended, as might be necessary, to reflect recent changes in the *Condominium Act*; AND,
 - (ii) a President's Report, in the same general format that MTCC 1170 used for AGM 2017.
- (c) any other items and/or procedures that the Management Office deems necessary for facilitating the conduct of AGM 2018.

James Louttit/Scott Froebe — Carried

(b) Corridor Refurbishment — Additional Items:

Resolution 180322R06: Authorising Additional Refurbishment Expenses

WHEREAS MTCC 1170 has noted refurbishment items additional to those included in MTCC 1170 Board Resolution 170720R04; THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 accepts Tri-Can Contract's quote #3917_001 and authorises payment of \$17,225.50 +HST; AND, FURTHER,

BE IT RESOLVED that the above noted payment shall be from the Reserve Fund.

James Louttit/Sheila Sproule — Carried

(c) Receiving an Engineering Report as Information:

Keith Bricknell surrendered the Chair to James Louttit.

Resolution 180322R07: Receiving Solucore's Bid Analysis

WHEREAS Solucore has provided Bid Analysis #202306, pursuant to matters envisioned in MTCC 1170's Board Resolution #171120R07; THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 receives the aforementioned Bid Analysis as information; AND, FURTHER,

BE IT RESOLVED that the Board of Directors of MTCC 1170 authorises Management to work with Solucore in clarifying issues that Solucore has noted among the bidders' responses that Bid Analysis #202306 encompasses.

Keith Bricknell/Scott Froebe — Carried

Keith Bricknell resumed the Chair.

(d) Compliance with Ontario Regulation 48/01:

Resolution 180322R08: Confirming Authorisation for Electronic Communications

WHEREAS MTCC 1170 wishes to reaffirm its authorisation(s) for the Corporation to use prior and/or future written consents that it has received and/or will receive from owners and/or mortgagees, permitting the Corporation to communicate with all such consenting owners and/or mortgagees, by way of email; AND, FURTHER,

WHEREAS MTCC 1170, in compliance with subsection 12.7(a) of Ontario Regulation 48/01 of the *Condominium Act, 1998* (the "Act") wishes to reaffirm validity of all consents, whether such consents were received before or after 01 November 2017, THEREFORE,

BE IT RESOLVED that, pursuant to subsection 12.7(1)(a)(ii) of Ontario Regulation 48/01 of the *Act*, the board of directors hereby approves, ratifies, and confirms that

the method of electronic communication that the corporation will use for serving all notices on consenting owners and/or mortgagees, pursuant to the *Act* and its Regulations, shall be by way of e-mail; AND, FURTHER,

BE IT RESOLVED that the Board of Directors further approves and ratifies that the Property Manager has the authority to sign/co-sign and execute the required prescribed forms for this purpose.

Sheila Sproule/Scott Froebe — Carried

12 Perusal File of Correspondence Received as Information: Received by e-mail from the Management Office, and/or available in a folder during the Board Meeting.

13 Next Committee Meeting: TBD.

14 Next Special Meeting: TBD.

15 Date of the Next Regular Meeting(s):

(a) Regular Meeting #180417R: 1800h on Tuesday 17 April 2018.

16 Motion for Adjournment

Resolution 180322R09: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 180322R at 1824h on Thursday 22 March 2018.

Scott Froebe/James Louttit — Carried

“Keith Bricknell”

President: Keith Bricknell

“Sheila Sproule”

Secretary: Sheila Sproule

Adopted at Meeting #180417R



THE METROPOLE

17 April 2018

Minutes of MTCC 1170 Meeting Number 180417R — Held on 17 April 2018

Present: Board — Keith Bricknell, Jonathan Doyle, Scott Froebe (electronic attendance), and Sheila Sproule; and, ICC Property Management — Nancy Bijelic

Regrets: James Louttit

01 Call to Order: Keith Bricknell called the meeting to order at 1810h.

02 Waiver of Notice, and/or Adoption of Agenda and Additions:

Resolution 180417R01: Adoption of the Agenda

BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 180417R, as presented.
Scott Froebe/Jonathan Doyle — Carried

03 Assignment of Duties:

(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #180417R.

04 Review and Adoption of Previous Meetings' Minutes:

Resolution 180417R02: Adoption of Minutes

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 180322R, as presented.
Sheila Sproule/Jonathan Doyle — Carried

05 Administrative and Security Reports:

(a) Where applicable, Corporate Officers and/or Nancy Bijelic responded to inquiries regarding items from the Management Report, and/or from other communications to and/or among Directors.

(i) Elevators' Modernisation: Please refer to Section 07(a) of these Minutes.

(ii) Phase Protection: Please refer to Section 07(b) of these Minutes.

(iii) Standard By-Law: Please refer to Section 07(c) of these Minutes

(iv) Developer's Request: Please refer to Section 07(d) of these Minutes.

(v) Unit's Renovation: Please refer to Section 11(a) of these Minutes.

(vi) Gym Equipment: Please refer to Section 11(b) of these Minutes

(vii) Sundry Reports: Directors commented briefly on the Financial, Administrative, and/or Security Reports encompassed in Section 06 of these Minutes.

06 Motion to Receive Administrative and Security Reports as Information:

Resolution 180417R03: Receiving Administrative and Security Reports as Information

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall receive, as information, the MTCC 1170 Management Office's Administrative Report for April 2018, ICC's rendering of MTCC

1170's unaudited Financial Statements for the period 01 December 2017 to 28 February 2018, and the Front Desk Security Report for the period 03 March 2018 to 02 April 2018.

Jonathan Doyle/Sheila Sproule — Carried

07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes:

(a) Elevators' Modernisation:

Keith Bricknell surrendered the Chair to Jonathan Doyle.

Resolution 180417R04: Appointing an Engineering Consultant

WHEREAS Solucore has completed Phase I and much of Phase II in the process that began after the Board of Directors passed Resolution 170816R04 (including, *inter alia*, analyses of responses from qualified contractors to the specifications/RfP first referenced in Board Motion 171120R07); AND,

WHEREAS Solucore has resolved outstanding bidders' issues noted in Resolution 180322R07; THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 authorises Solucore to complete the balance of Phase II and all of Phases III ("Technical Review") and IV (Construction Review and Contract Administration) of Proposal #170724-20; AND, FURTHER,

BE IT RESOLVED that payment of Solucore's fee of \$8,500.00 (plus disbursements and HST) shall be from the Reserve Fund.

Keith Bricknell/Scott Froebe — Carried

Resolution 180417R05: Awarding an Elevator-Refurbishment Contract

WHEREAS MTCC 1170 has carefully considered and agrees with Solucore's analyses of responses from qualified elevator-installation and maintenance contractors; THEREFORE,

BE IT RESOLVED awards its elevator-refurbishment/modernisation contract to Vertical Motion for \$571,000.00 +HST, subject to Solucore's contract-administration; AND, FURTHER,

BE IT RESOLVED that the above noted payment shall be from the Reserve Fund.

Keith Bricknell/Scott Froebe — Carried

Keith Bricknell resumed the Chair.

(b) Phase Protection: Because scheduling issues among Toronto Hydro and the installation-contractors, Management and the Board agreed to defer installation until the autumnal period when changeover from cooling to heating will be occurring.

(c) Standard Unit By-Law: Management and the Board agreed that inclusion in the AGM package would be the most economical/expedient way of providing additional information about this topic.

(d) Developer's Request: Responding to a request, Directions reaffirmed their decision in Section 07(c) of the Minutes for Meeting #170119R.

08 Correspondence Requiring Action and/or Response: None

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

(a) Unit's Renovation:

Keith Bricknell surrendered the Chair to Jonathan Doyle.

Resolution 180417R06: Granting Permission for an Alteration

WHEREAS the Owner of a Dwelling-Unit has requested permission to reconfigure an area ("the area") currently occupied by a secondary washroom and a laundry closet; and,

WHEREAS reconfiguration of the area will entail no changes to those portions of the existing water-supply, drainage, and/or venting systems that lie outside the Dwelling Unit's boundaries (as those boundaries are defined in Schedule "C" of MTCC 1170's *Declaration*); THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 grants permission to reconfigure the area, pursuant to the Dwelling Unit's Owner's(s') agreement to comply therein with all portions of Section 98(2) of the *Condominium Act*.
Keith Bricknell/Sheila Sproule — Carried

Keith Bricknell resumed the Chair.

(b) Gym Equipment: Directors asked Management to reply to an Owner's request to install an additional piece of equipment. Directors noted that the suggested addition had a "footprint" of $\approx 16\text{ft}^2$ — which, if granted, would pre-empt most of an area that many residents currently use as their "mat" area.

12 Perusal File of Correspondence Received as Information: Received by e-mail from the Management Office, and/or available in a folder during the Board Meeting.

13 Next Committee Meeting: TBD.

14 Next Special Meeting: TBD.

15 Date of the Next Regular Meeting(s):

(a) Regular Meeting #180515R: 1800h on Tuesday 15 May 2018.

16 Motion for Adjournment

Resolution 180417R07: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 180417R at 1820h on Tuesday 17 April 2018.

Scott Froebe/Jonathan Doyle — Carried

"Keith Bricknell"

President: Keith Bricknell

"Sheila Sproule"

Secretary: Sheila Sproule



THE METROPOLE

15 May 2018

Minutes of MTCC 1170 Meeting Number 180515R — Held on 15 May 2018

Present: Board — Keith Bricknell, Jonathan Doyle, Scott Froebe (electronic attendance), James Louttit, and Sheila Sproule (electronic attendance); and, ICC Property Management — Nancy Bijelic

Regrets: None

- 01 Call to Order: Keith Bricknell called the meeting to order at 1825h.
- 02 Waiver of Notice, and/or Adoption of Agenda and Additions:
Resolution 180515R01: Adoption of the Agenda
BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 180515R, as presented.
James Louttit/Jonathan Doyle — Carried
- 03 Assignment of Duties:
(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #180515R.
- 04 Review and Adoption of Previous Meetings' Minutes:
Resolution 180515R02: Adoption of Minutes
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 180417R, as presented.
Sheila Sproule/Scott Froebe — Carried
- 05 Administrative and Security Reports:
(a) Where applicable, Corporate Officers and/or Nancy Bijelic responded to inquiries regarding items from the Management Report, and/or from other communications to and/or among Directors.
(i) HVAC Maintenance-Contract: Please refer to Section 11(a) of these Minutes.
(ii) Sundry Reports: Directors commented briefly on the Financial, Administrative, and/or Security Reports encompassed in Section 06 of these Minutes.
- 06 Motion to Receive Administrative and Security Reports as Information:
Resolution 180515R03: Receiving Administrative and Security Reports as Information
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall receive, as information, the MTCC 1170 Management Office's Administrative Report for May 2018, ICC's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2017 to 31 March 2018, and the Front Desk Security Report for the period 03 April 2018 to 02 May 2018.
Scott Froebe/Jonathan Doyle — Carried
- 07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes: None

08 Correspondence Requiring Action and/or Response: None

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

(a) HVAC Maintenance-Contract:

Keith Bricknell surrendered the Chair to James Louttit.

Resolution 180515R04: Awarding a Service Contract — HVAC/Mechanical

BE IT RESOLVED that MTCC 1170 awards its HVAC/Mechanical contract to Ambient Mechanical, subject to the following terms, all of which include HST:

Year 1: 01 June 2018 to 30 November 2018 — \$46,717.25 *pro rata*;

Year 2: 01 December 2018 to 30 November 2019 — \$48,118.00;

Year 3: 01 December 2019 to 30 November 2020 — \$49,562.00;

Year 4: 01 December 2020 to 30 November 2021 — \$51,049.00; and,

Year 5: 01 December 2021 to 30 November 2021 — \$52,580.00.

Keith Bricknell/Scott Froebe — Carried

Keith Bricknell resumed the Chair.

12 Perusal File of Correspondence Received as Information: Received by e-mail from the Management Office, and/or available in a folder during the Board Meeting.

13 Next Committee Meeting: TBD.

14 Next Special Meeting: TBD.

15 Date of the Next Regular Meeting(s):

(a) Regular Meeting #180618R: 1800h on Monday 18 June 2018.

16 Motion for Adjournment

Resolution 180515R05: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 180515R at 1831h on Tuesday 15 May 2018.

Scott Froebe/James Louttit — Carried

“Keith Bricknell”

President: Keith Bricknell

“Sheila Sproule”

Secretary: Sheila Sproule



THE METROPOLE

18 June 2018

Minutes of MTCC 1170 Meeting Number 180618R — Held on 18 June 2018

Present: Board — Keith Bricknell, Jonathan Doyle (electronic attendance), Scott Froebe (electronic attendance), James Louttit, and Sheila Sproule; and, ICC Property Management — Nancy Bijelic

Regrets: None

- 01 Call to Order: Keith Bricknell called the meeting to order at 1820h.
- 02 Waiver of Notice, and/or Adoption of Agenda and Additions:
Resolution 180618R01: Adoption of the Agenda
BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 180618R, as presented.
Jonathan Doyle/Scott Froebe — Carried
- 03 Assignment of Duties:
(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #180618R.
(b) Assignment of Corporate Officers' Duties until June 2019's Regular Meeting: Directors agreed to remain in the positions that they occupied as at 31 May 2018.
- 04 Review and Adoption of Previous Meetings' Minutes:
Resolution 180618R02: Adoption of Minutes
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 180515R, as presented.
Sheila Sproule/James Louttit — Carried
- 05 Administrative and Security Reports:
(a) Where applicable, Corporate Officers and/or Nancy Bijelic responded to inquiries regarding items from the Management Report, and/or from other communications to and/or among Directors.
(i) MUA Replacement Items: Please refer to Section 11(a) of these Minutes.
(ii) Right-of-Way Lighting: Please refer to Section 11(b) of these Minutes.
(iii) Approval of Exterior-Décor Changes: Please refer to Section 11(c) of these Minutes.
(iv) Sundry Reports: Directors commented briefly on the Financial, Administrative, and/or Security Reports encompassed in Section 06 of these Minutes.
- 06 Motion to Receive Administrative and Security Reports as Information:
Resolution 180618R03: Receiving Administrative and Security Reports as Information
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall receive, as information, the MTCC 1170 Management Office's Administrative Report for June 2018, ICC's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2017 to 30 April 2018, and the Front Desk Security Report for the period 03 May 2018 to 29 May 2018.
Sheila Sproule/Jonathan Doyle — Carried

07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes:

(a) Standard Unit By-Law: Although Directors' immediate preference was to defer this item until AGM 2019, they remain open to considering a Special Owners' Meeting.

08 Correspondence Requiring Action and/or Response: None

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

(a) MUA Replacement Items:

Keith Bricknell surrendered the Chair to James Louttit.

Resolution 180618R04: Awarding a Replacement Contract

WHEREAS MTCC 1170's Management reports that the following components require replacement:

- 01 Lower Make-Up Air Unit ("Lower MUA") —LCD control-display for \$2,064.60, plus applicable taxes; AND,
- 02 Lower MUA —suction, discharge, and oil transducer on the second-stage circuit for the low-zone condensing unit for \$11,819.44, plus applicable taxes; THEREFORE,

BE IT RESOLVED that MTCC 1170 awards the contract for these replacements to Ambient Mechanical; AND, FURTHER,

BE IT RESOLVED that payment for these replacements shall be from the Reserve Fund.
Keith Bricknell/Scott Froebe — Carried

Keith Bricknell resumed the Chair.

(b) Right-of-Way Lighting:

Resolution 180618R05: Awarding a Lighting-Installation Contract

WHEREAS MTCC 1170's right-of-way between King St E and Colborne St, and parallel to both of those streets, requires additional security-lighting, the Board accepts Management's recommendations for the following remedial measures whose total costs for labour, additional wiring, and components is \$2,281.24+HST:

- 01 three additional wall-mounted LED light-fixtures and lamps to additionally illuminate the right-of-way; AND,
- 02 new wall-mounted LED light-fixture(s) and lamps at the building's two southerly access doors.; THEREFORE,

BE IT RESOLVED that MTCC 1170 awards the contract for these replacements to Trace Electric; AND, FURTHER,

BE IT RESOLVED that payment for these replacements shall be from the Operating Fund.
James Louttit/Jonathan Doyle — Carried

(c) Approval of Exterior-Décor Changes:

Resolution 180618R06: Granting permission for an Alteration

WHEREAS the Owner of a Commercial Unit has requested permission to reconfigure the Unit's exterior décor ("the exterior décor"); AND,

WHEREAS reconfiguration of the exterior décor may be allowable, subject to an Owner's and/or occupant's compliance with, *inter alia*, Section 17(b) of MTCC 1170's Declaration and Section 1(b)(vi) of Schedule "C" of MTCC 1170's Declaration; THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 grants permission to reconfigure the exterior décor, subject to the Commercial Unit's Owner's and/or occupant's agreement to comply with the aforementioned portions of MTCC 1170's Declaration and/or Schedule(s), and subject to Management's pre-approval of choices of colour and materials before reconfiguration of the exterior décor begins.

Sheila Sproule/James Louttit — Carried

(d) Accreditation of an additional SLNA Delegate:

Keith Bricknell surrendered the Chair to James Louttit.

Resolution 180618R07: Accrediting Delegates to the SLNA

WHEREAS Board Resolution #171016R08 and its annual predecessor-resolutions say that "...MTCC 1170's delegates to the St Lawrence Neighbourhood Association ('SLNA') shall be any three members of the Board of Directors and/or any three volunteers that the Board designates..."; THEREFORE,

BE IT RESOLVED that MTCC 1170 accredits Rebecca McTaggart as an additional delegate to the SLNA (to a maximum of three voting delegates at any given SLNA Meeting):

Keith Bricknell/Sheila Sproule — Carried

Keith Bricknell resumed the Chair.

(e) AGM 2018 Follow-Up: Directors thanked the President for providing written reports on two issues that arose during AGM 2018 and requested that his reports should be Appendices 01 & 02 of the Minutes for Meeting #180618R.

12 Perusal File of Correspondence Received as Information: Received by e-mail from the Management Office, and/or available in a folder during the Board Meeting.

13 Next Committee Meeting: TBD.

14 Next Special Meeting: TBD.

15 Date of the Next Regular Meeting(s):

(a) Regular Meeting #180726R: 1800h on Thursday 26 July 2018.

16 Motion for Adjournment

Resolution 180618R08: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 180618R at 1834h on Monday 18 June 2018.

Scott Froebe/James Louttit — Carried

"Keith Bricknell"

President: Keith Bricknell

"Sheila Sproule"

Secretary: Sheila Sproule



THE METROPOLE

11 June 2018

AGM 2018 Follow-Up — Responsibility for Litter-Control — Discussion Points

During AGM 2018, some Owners alleged an increase in the quantity of litter on the south side of King Street between Shoppers Drug Mart and 7 King St E. Additionally, they alleged that the perceived increase resulted from the King Street Pilot's relocation of the streetcar stop *from* the southwest corner of Yonge and King Streets *to* a point slightly east of the southeast corner of Yonge and King Streets. For at least some of the Owners, the most annoying aspect of the alleged increase in litter was cigarette-butts and/or other smoking materials.

When considering those concerns, MTCC 1170 needs, at minimum, to consider the following points...

- 01 To what extent can Owners hold a condominium corporation responsible for responding to events outside the building's boundaries?
- 02 To what extent are individual Owners (in their role as rate-paying citizens of Toronto) responsible for availing themselves of the "311 — Litter or loose garbage - on City property - laneway - sidewalk - boulevard - litter vacuuming" URL (*infra*, third page) as their starting-point for asking the City to address the alleged issues?
- 03 Has the quantity of cigarette-butts really increased since December 2017? Rather, do the cigarette-butts simply reflect smokers' ongoing compliance with the TTC's rules whilst they are preparing to descend the King Street Station's staircase?
- 04 The adjacent sidewalk's construction is also potentially problematical. Part of the sidewalk is concrete, and part of it is paving-stones. Does the difference in construction denote the possibility that the paving-stones' portion is still — in strictly legal terms — "boulevard"? The difference could be important. The enclosed excerpts from Toronto's Municipal Code differentiate responsibility for cleanliness of sidewalks from cleanliness of boulevards.
- 05 Many of the enclosed excerpts assign responsibility for cleanliness to "occupants".

Excerpt from <https://www.ontario.ca/laws/regulation/060612> -- City of Toronto Act, 2006 — ONTARIO REGULATION 612/06 — Definitions

1. (1) In this Regulation,

"sidewalk" means the part of the highway specifically set aside or commonly understood to be for pedestrian use, typically consisting of a paved surface but **does not include crosswalks, medians, boulevards**, shoulders or any part of the sidewalk where cleared snow has been deposited...

Excerpts from https://www.toronto.ca/legdocs/municode/1184_743.pdf — "Chapter 743 — STREETS AND SIDEWALKS, USE OF"

743-1. Definitions.

BOULEVARD - That part of a public street that is not used, or intended to be used, for vehicle travel by the general public, and is situated between the travelled portion of the road and the adjoining property line.

§ 743-36. Property owner responsibilities.

E. **Maintain the boulevard free of litter**, rubbish, brush, leaves, lawn trimmings, tree trimmings and noxious weeds as defined by the Noxious Weed Act.

§ 743-37. Municipal responsibilities.

C. **Public transit stops and transit shelters**

§ 743-3. Publication dispensing boxes.

(12) Every person who owns or controls a publication dispensing box, unit or kiosk shall...**Remove any garbage or litter accumulation in and around the installation** within 24 hours of becoming aware of the condition...

§ 743-32. Permitted encroachments in BIA areas.

A. Street furniture, planter boxes, historical markers, public art, landscaping, and permanent decorative lighting and decorations that are installed by, or on behalf of, a BIA shall be permitted by the General Manager provided that consent to construct and install the encroachments is obtained pursuant to Article III and that the encroachments comply with the requirements of the General Manager and this chapter. [Amended 2017-01-31 by Bylaw 101-2017]

B. The BIA shall not be required to pay any permit or encroachment fee for the permitted encroachments specified in § 743-32A, **but shall maintain these encroachments, at no cost to the City, in a state of good repair, free of graffiti, posters, litter**, snow, and ice, and in the case of vegetation, in a state of healthy and vigorous growth.

§ 743-41. Clearing sidewalks and walkways.

A. Every occupant and, where there is no occupant, the owner of every house, shop, building, lot or parcel of land, and every person having charge or care of any church, school or other public building fronting or abutting on any street where public or private sidewalks and walkways are present, **shall sweep and keep the sidewalks and walkways surrounding the premises free from obstruction by vegetation, dirt, dust, litter** and other encumbrances that may interfere with the safe and convenient passage of pedestrians....

Excerpt from <https://www.toronto.ca/wp-content/uploads/2017/12/8c1c-municipal-code-streets-and-sidewalks-chapter-313.pdf> — “Chapter 313 — STREETS AND SIDEWALKS”

. § 313-1. Definitions

A. As used in this chapter, the following terms shall have the meanings indicated:

BOULEVARD — That part of any street between the curb or edge of roadway and the street line, exclusive of the area covered by sidewalk.

§ 313-4. Cleaning of sidewalks.

Every occupant and, where there is no occupant, the owner of every house, shop, building, lot or parcel of land and every person having charge or care of any church, school or other public building fronting or abutting on any street where the sidewalks are paved shall **cleanly sweep and keep free from obstruction, by dirt, dust, snow, ice and other encumbrances, the sidewalks in front of and about the premises.**

Except from https://www.toronto.ca/legdocs/municode/1184_545.pdf — “Chapter 545 — LICENSING”

ARTICLE X — Food Establishments (Other Than in Hotels)

§ 545-157. Provision of supervision, attendants and waste disposal containers.

Every person who owns or keeps any place for the reception, refreshment or entertainment of the public, and every person who owns or keeps a victualling house, ordinary or house where fruit, fish, oysters, clams or victuals are sold to be eaten therein shall provide:

- A. Adequate supervision of dining rooms, including outside eating areas;
- B. A sufficient number of attendants to ensure that outside eating areas are kept clean and free of waste at all times; and
- C. A sufficient number of containers of a type satisfactory to the Medical Officer of Health for the deposit of waste paper and other waste.

§ 545-498. Litter control.

Every owner of an entertainment establishment/nightclub shall ensure that all areas immediately adjacent to the establishment are clean and free of litter, waste and other debris and shall install and maintain containers for the deposit of litter, waste and other debris. [Amended 2017-04-28 by By-law 426-2017141]

§ 545-5. General provisions.

G. Without limiting §§ 545-498 and 545-506, every person licensed or required to be licensed under this chapter shall maintain the public sidewalks, curbs and gutters surrounding his or her business, free from littered cigarette butts, cigar tips, electronic cigarettes and any waste disposal generated by his or her patrons. [Added 2016-12-15 by By-law 1202-2016; amended 2017-04-28 by By-law 426-201761]

H. Every person licensed or required to be licensed under this chapter shall install and maintain temporary cigarette disposal containers or receptacles, in accordance with the following requirements: [Added 2016-12-15 by By-law 1202-2016]

- (1) the temporary cigarette disposal containers or receptacle shall be installed and maintained on the sidewalk forming part of the public highway immediately adjacent to his or her business; and
- (2) the temporary cigarette disposal containers or receptacle shall be installed and maintained on the sidewalk forming part of the public highway during the business' operating hours and removed at the close of business, daily...

The following site provides directions for reporting failure to comply with the above-noted portions of the Municipal Code...

<https://www.toronto.ca/311/knowledgebase/kb/docs/articles/solid-waste-management-services/collections-operations/litter/litter-or-loose-garbage-on-city-property-laneway-sidewalk-boulevard-litter-vacuuming.html>



THE METROPOLE

12 June 2018

AGM 2018 Follow-Up — Hard-Floor Sound-Attenuation — Discussion Points

Excerpt from http://www.mtcc1170.com/images/MTCC_1170_Searchable_Declaration.pdf
-- MTCC 1170's Declaration

PART 4 - OCCUPATION AND USE OF UNITS — Section 14. - General Use

(d) No less than 50% of the floor area of each of the residential dwelling unit shall be covered with broadloom or rugs at all times... [Probably achieving an IIC rating ≥ 75 in the carpeted areas...]

Excerpt from https://www.nrc-cnrc.gc.ca/ctu-sc/en/ctu_sc_n35/ — tabular description of sundry toppings' "Impact Insulation Class" (IIC) when installed on a 6-inch concrete slab

Table 1. Approximate IIC ratings for a 150-mm-thick concrete slab with various kinds of toppings. (Only part of the basic assembly is shown.)

Table 1		Topping	IIC
I-1		None, or ceramic or marble tiles	28
I-2		Vinyl flooring	35-40
I-3		Hardwood flooring	30-35
I-4		9-mm-thick hardwood on 6-mm-thick resilient layer	45-50
I-5		16-mm plywood or OSB on 40- x 90-mm wood strapping on 25-mm mineral fibre board	50-55
I-6		35-mm concrete on 25-mm mineral fibre board	60-65
I-7		Carpet and underlay	75-85

Excerpt from <https://www.floorcoveringreferencemanual.com/a08c---acoustical-issues.html>

*3 IMPACT NOISE

*01 The control of impact noise differs greatly from that of airborne noise.

*02 Impact noise or sound is generated by the impact of one body striking another such as the noise of footsteps, hammering, moving furniture, and objects falling on flooring surfaces. Such sound travels through the floor assembly (floor covering and structure) with little loss of energy if the structure is continuous and rigid. Increasing either the mass of the flooring structure (e.g. increasing a concrete floor slab thickness or adding an additional layer of gypsum board to the ceiling surface below) or altering the floor

structure by "isolating" floor component members one from another so that it is not a continuous assembly will reduce impact noise.

“03 There are three rating systems or methods that have been used to determine impact noise:

- “Impact Noise Rating (INR): The earliest single-number rating system obtained by standard / controlled testing methods was called the Impact Noise Rating (INR) system. This system has since been replaced by the Impact Insulation Class (IIC) rating system which for the sake of this discussion has values that are generally 50 points above the corresponding former INR values.
- “Impact Insulation Class (IIC): This is a measurement obtained by a standard / controlled laboratory testing methods (ASTM E492 for testing and ASTM E989 for classification) which classify or rate a flooring assembly in regard to amount of impact sound transmitted through the assembly. Each rating is called an impact insulation class (IIC) with the higher the IIC number the better the impact insulation.
- “Field Impact Insulation Class (FIIC): This is a companion measurement obtained by a standard / controlled field-testing methods (ASTM E1007 for testing and ASTM E989 for classification) which classify or rate a flooring assembly in regard to amount of impact sound transmitted through the assembly. Each rating is called a field impact insulation class (FIIC), with the higher the FIIC number the better the impact insulation.
- A standard laboratory test method (ASTM E2179) has been developed to determine the effectiveness of floor coverings in reducing impact sound transmission through concrete floors.

“04 Isolating the floor assembly by installing an impact-absorbing (resilient) material or layer on the floor (such as resilient flooring, carpet, cushion, hardwood flooring underlayment), separating floor assembly layers themselves (e.g. using a floating floor system), or using insulation and ceiling finishes installed on resilient (sound dampening channels) can aid in the reduction of impact noise transmission from above.

“05 For a more thorough explanation of controlling the transmission of impact sound through floors refer to the National Research Council publication "Construction Technology Update No. 35 available on NRC's website (www.nrc.ca/irc).” [Update 35 is the source of the IIC-table, *supra*.]

Testing standards in flooring

The government of Canada has certified a number of standard tests for the benefit of consumers and builders.

ASTM E90 / ISO 140-3 is for the measurement of airborne sound transmission through walls, floors and other building elements.

ASTM E492 / ISO 140-6 provides for the measurement of impact sound transmission through a floor using a standard tapping machine.

ASTM E2179 / ISO 140-8 addresses measurements of reduction in impact sound due to a floor covering

ASTM C423 sets sound absorption measurements

For more information, visit

http://irc.nrc-cnrc.gc.ca/ie/services/standard_tests_e.html

[http://www.primaryacoustics.com/images/High-](http://www.primaryacoustics.com/images/High-RisePeaceandQuiet.pdf)

[RisePeaceandQuiet.pdf](http://www.primaryacoustics.com/images/High-RisePeaceandQuiet.pdf) explains some of the “standard tests” that can measure impact sound transmission and the ability of any given floor-covering to attenuate transmitted sound.

Excerpt from <http://bkl.ca/features/footstep-impact-noise-in-multi-family-dwellings/> — explaining sound-attenuation methodology and suggesting a rule that condominiums *could* choose to adopt...

“...if a hard floor topping is going to be employed, it is recommended that the following be considered...

- ❖ “First, whatever topping is used, it should be isolated from the subflooring using an isolating element that has been tested using similar structural floor construction (i.e. wood frame test for wood frame buildings, and poured concrete test for concrete high rises) and found to demonstrate (with independent lab test results) an ability to achieve an IIC rating of 58+
- ❖ “Second, there can be no bridging of this isolating element with fasteners of any type
- ❖ “Third, if a fracture mat is required, it should be installed in addition to the isolating element, unless independent lab test results demonstrate that the fracture mat is capable to achieve an IIC rating of 58+ by itself

“Possible [Condo Rule] Amendments...

“01 Floor coverings in the interior of any [residential unit] shall not be replaced with less resilient coverings than the pre-existing coverings without the prior written consent of the [Board of Directors]. For the purpose of this clause ceramic tile, marble, or the like shall be considered less resilient than vinyl tile, hardwood flooring, or the like, which shall be considered less resilient than carpeting, carpeting & under-pad, or the like.

“02 Where hard floor coverings are permitted, and where they are located in a [residential unit] that is above another [residential unit], the floor coverings must be installed using a resilient underlay which has a laboratory tested rating of Impact Insulation Class (IIC) of 58 or higher when tested on a similar floor structure.

“03 The floor covering must ‘float’ on the isolated underlay with no fasteners or other bridging through to the structure.”

“We recommend that [a condominium’s Board of Directors should] seek legal advice on the appropriate wording for the above by-laws to suit their specific circumstances.”

Additional Sources:

Guide to calculating airborne sound transmission in buildings: 2nd Ed’n — April 2016 (141pp)
<http://nparc.nrc-cnrc.gc.ca/eng/view/fulltext/?id=74d6f3a0-fb04-4b01-99d2-f6a24c7791fc>

WILL YOU HEAR YOUR NEIGHBOR WITH A FIIC 60?

<https://www.acousti-tech.com/en/Blog/condo-living/Will-you-hear-your-neighbor-with-a-FIIC-60%3F-3102.html>

Acoustical performance of buildings: Current practice, research, and code requirements [including an exploration of “flanking” sound-transmission]

<http://newbuildscanada.ca/wp-content/uploads/2010/11/Session-2-Vibrations-Acoustics.pdf>

Additional description of “flanking” sound-transmission [albeit, the 2015 code is inapplicable]
<http://bkl.ca/top-articles/national-building-code-and-acoustics/>



THE METROPOLE

26 July 2018

Minutes of MTCC 1170 Meeting Number 180726R — Held on 26 July 2018

- Present: Board — Keith Bricknell, Jonathan Doyle (electronic attendance), Scott Froebe (electronic attendance), James Louttit, and Sheila Sproule (electronic attendance); and, ICC Property Management — Nancy Bijelic
- Regrets: None
- 01 Call to Order: Keith Bricknell called the meeting to order at 1815h.
- 02 Waiver of Notice, and/or Adoption of Agenda and Additions:
Resolution 180726R01: Adoption of the Agenda
BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 180726R, as presented.
Scott Froebe/Jonathan Doyle — Carried
- 03 Assignment of Duties:
(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #180726R.
- 04 Review and Adoption of Previous Meetings' Minutes:
Resolution 180726R02: Adoption of Minutes
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 180618R, as presented.
Sheila Sproule/Jonathan Doyle — Carried
- 05 Administrative and Security Reports:
(a) Where applicable, Corporate Officers and/or Nancy Bijelic responded to inquiries regarding items from the Management Report, and/or from other communications to and/or among Directors.
(i) MUA Repairs — Both Items: Please refer to Section 11(a) of these Minutes.
(ii) Rear Lane Surveillance: Please refer to Section 11(b) of these Minutes.
(iii) Communications Software: Please refer to Section 07(a) of these Minutes.
(iv) East Lobby Doors: Please refer to Section 11(c) of these Minutes.
(v) Sundry Reports: Directors commented briefly on the Financial, Administrative, and/or Security Reports encompassed in Section 06 of these Minutes.
- 06 Motion to Receive Administrative and Security Reports as Information:
Resolution 180726R03: Receiving Administrative and Security Reports as Information
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall receive, as information, the MTCC 1170 Management Office's Administrative Report for July 2018, ICC's rendering of MTCC 1170's unaudited Financial Statements for the periods 01 December 2017 to 31 May 2018 and 01 December 2017 to 30 June 2018, and the Front Desk Security Report for the period 31 May 2018 to 02 July 2018.
Jonathan Doyle/James Louttit — Carried

07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes:

- (a) Communications Software: These Minutes' Appendix depicts the Website that the Board of Directors authorised for the new communications software.

08 Correspondence Requiring Action and/or Response: None

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

Keith Bricknell surrendered the Chair to James Louttit.

(a) MUA Replacement Items:

Resolution 180726R04: Ratifying MUA Repairs

WHEREAS MTCC 1170's Management had to authorise unanticipated lower zone make-up air (MUA) repairs additional those contemplated in Board Resolution 180618R04; THEREFORE,

BE IT RESOLVED that MTCC 1170 ratifies an expenditure, payable to Ambient Mechanical, of \$15,296.24, plus applicable taxes, to replace the lower zone MUA's main board and EPROM; AND, FURTHER,

BE IT RESOLVED that payment for this repair shall be from the Reserve Fund.

Keith Bricknell/Scott Froebe — Carried

Resolution 180726R05: Authorising MUA Repairs

WHEREAS MTCC 1170's Management reports that both zones' make-up air units (MUAs) require leakage repairs and significant refrigerant recharging; THEREFORE;

BE IT RESOLVED that MTCC 1170 authorises Ambient Mechanical to effect both of the above-noted repairs, as follows:

01 Lower Zone MUA —\$4,964.40, plus applicable taxes; AND,

02 Upper Zone MUA —\$4,066.45, plus applicable taxes; AND, FURTHER,

BE IT RESOLVED that payment for these repairs shall be from the Reserve Fund.

Keith Bricknell/Scott Froebe — Carried

(b) Right-of-Way Surveillance:

Resolution 180726R06: Installing Rear Lane Surveillance

WHEREAS MTCC 1170 has an easement/right-of-way for the T-shaped access that proceeds north-south to/from Colborne Street and east-west to/from Yonge Street; AND;

WHEREAS recent security-concerns have arisen regarding the portion of the aforementioned east-west access that is nearest to MTCC 1170; THEREFORE,

BE IT RESOLVED that MTCC 1170 authorises payment of \$5,350.00, plus applicable taxes, to Regional Fire and Security Systems to supply and install the following surveillance equipment:

01 one (1) DS-7316HQHI-SH DVR;

02 one (1) DS-2CE56D5T-(A)VPIR3 vandal-proof dome camera; AND,

03 sundry auxiliary equipment sufficient for full functionality (including, *inter alia*, wiring, UTP baluns, CCTV monitor, UPS, *etc*); AND FURTHER;

BE IT RESOLVED that payment for this installation shall be from the Reserve Fund, subject to MTCC 1170's obligations described in Section 97(2)(b) of the *Condominium Act*.

Keith Bricknell/Scott Froebe — Carried

(c) East Lobby Doors:

Resolution 180726R07: Authorising Door Replacements

WHEREAS MTCC 1170's Management reports that the main lobby's outer east doors are no longer capable of undergoing adjustments necessary for automated operation and, therefore, need outright replacement; THEREFORE;

BE IT RESOLVED that MTCC 1170 authorises Hi-Lon Glass to complete the above-noted replacements for \$8,124.70, plus applicable taxes; AND, FURTHER,

BE IT RESOLVED that payment for these repairs shall be from the Reserve Fund.

Keith Bricknell/Scott Froebe — Carried

Keith Bricknell resumed the Chair.

12 Perusal File of Correspondence Received as Information: Received by e-mail from the Management Office, and/or available in a folder during the Board Meeting.

13 Next Committee Meeting: TBD.

14 Next Special Meeting: TBD.

15 Date of the Next Regular Meeting(s):

(a) Regular Meeting #180823R: 1800h on Thursday 23 August 2018.

16 Motion for Adjournment

Resolution 180726R08: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 180726R at 1821h on Thursday 26 July 2018.

Scott Froebe/James Louttit — Carried

"Keith Bricknell"

President: Keith Bricknell

"Sheila Sproule"

Secretary: Sheila Sproule



Welcome to The Metropole's Concierge Plus Auxiliary Website!

Hi, [name],

We are very excited to let you know that there is an auxiliary online site for all residents and owners at The Metropole.

Our website will help save you time in interacting with the property management office and the concierge desk. By using your auxiliary website, you will be able to:

- Receive package notifications for deliveries
- Book building amenities
- View building and community events and important dates
- Create service requests
- Receive newsletters by email, and view past newsletters
- Access important community files and documents
- Update resident contact information

WEBSITE — <https://metropole.conciergeplus.com/>

USERNAME — [email]

PASSWORD — [password]

Please save or print this email for your records.

Thank you for your anticipated use of this auxiliary online site.

ICC Property Management



THE METROPOLE

23 August 2018

Minutes of MTCC 1170 Meeting Number 180823R — Held on 23 August 2018

Present: Board — Keith Bricknell, Jonathan Doyle, Scott Froebe (electronic attendance), James Louttit, and Sheila Sproule; and, ICC Property Management — Nancy Bijelic

Regrets: None

01 Call to Order: Keith Bricknell called the meeting to order at 1815h.

02 Waiver of Notice, and/or Adoption of Agenda and Additions:

Resolution 180823R01: Adoption of the Agenda

BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 180823R, as presented.
Sheila Sproule/Jonathan Doyle — Carried

03 Assignment of Duties:

(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #180823R.

04 Review and Adoption of Previous Meetings' Minutes:

Resolution 180823R02: Adoption of Minutes

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 180726R, as presented.

James Louttit/Scott Froebe — Carried

05 Administrative and Security Reports:

(a) Where applicable, Corporate Officers and/or Nancy Bijelic responded to inquiries regarding items from the Management Report, and/or from other communications to and/or among Directors.

(i) Elevator Maintenance Contract: Please refer to Section 11(a) of these Minutes.

(ii) Sundry Reports: Directors commented briefly on the Financial, Administrative, and/or Security Reports encompassed in Section 06 of these Minutes.

06 Motion to Receive Administrative and Security Reports as Information:

Resolution 180823R03: Receiving Administrative and Security Reports as Information

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall receive, as information, the MTCC 1170 Management Office's Administrative Report for August 2018, ICC's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2017 to 31 July 2018, and the Front Desk Security Report for the period 03 July 2018 to 02 August 2018.

Jonathan Doyle/Sheila Sproule — Carried

07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes: None

08 Correspondence Requiring Action and/or Response: None

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

(a) Elevator Maintenance:

Resolution 180823R04: Approving an Elevator Maintenance Contract

WHEREAS MTCC 1170 has received Solucore's "Maintenance Specifications Section 14900 Job#: 202360 R(0)" ("the Specifications"); THEREFORE;

BE IT RESOLVED that MTCC 1170 receives the Specifications as information and authorises their use as a basis for the proposed maintenance contract with Vertical Motion from 01 September 2018 until 31 August 2023, at the following monthly rates:

- 01 Shuttle to the Lower Parking Garages — \$425.00 per month, plus applicable taxes; AND,
- 02 Three Tower Elevators —
 - (a) Interim Maintenance (*ie*, "pre-modernisation") — \$600.00 per car per month, plus applicable taxes;
 - (b) Maintenance Warranty (*ie*, from "substantial completion" for one year) — \$566.67 per car per month, plus applicable taxes; AND
 - (c) Maintenance Ongoing (*ie*, after expiry of the warranty) — \$600.00 per car per month, plus applicable taxes; AND, FURTHER,

BE IT RESOLVED that payment for these monthly contract-fees shall be from the Operating Fund.

James Louttit/Scott Froebe — Carried

12 Perusal File of Correspondence Received as Information: Received by e-mail from the Management Office, and/or available in a folder during the Board Meeting.

13 Next Committee Meeting: TBD.

14 Next Special Meeting: TBD.

15 Date of the Next Regular Meeting(s):

- (a) Regular Meeting #180918R: 1800h on Tuesday 18 September 2018.

16 Motion for Adjournment

Resolution 180823R05: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 180823R at 1819h on Thursday 23 August 2018.

Scott Froebe/James Louttit — Carried

"Keith Bricknell"

President: Keith Bricknell

"Sheila Sproule"

Secretary: Sheila Sproule



THE METROPOLE

18 September 2018

Minutes of MTCC 1170 Meeting Number 180918R — Held on 18 September 2018

Present: Board — Keith Bricknell, Jonathan Doyle (electronic attendance), Scott Froebe (electronic attendance), James Louttit, and Sheila Sproule (electronic attendance); and, ICC Property Management — Nancy Bijelic

Regrets: None

- 01 Call to Order: Keith Bricknell called the meeting to order at 1818h.
- 02 Waiver of Notice, and/or Adoption of Agenda and Additions:
Resolution 180918R01: Adoption of the Agenda
BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 180918R, as presented.
Jonathan Doyle/James Louttit — Carried
- 03 Assignment of Duties:
(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #180918R.
- 04 Review and Adoption of Previous Meetings' Minutes:
Resolution 180918R02: Adoption of Minutes
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 180823R, as presented.
Sheila Sproule/Jonathan Doyle — Carried
- 05 Administrative and Security Reports:
(a) Where applicable, Corporate Officers and/or Nancy Bijelic responded to inquiries regarding items from the Management Report, and/or from other communications to and/or among Directors.
(i) MUA Repairs — Please refer to Section 07(a) of these Minutes.
(ii) Cooling Tower Maintenance: Please refer to Section 11(a) of these Minutes.
(iii) Fire System Remediation: Please refer to Section 11(b) of these Minutes.
(iv) Resident Owner's Suggestion — Smoke-Free Penthouse Terrace: Please refer to Section 11(c) of these Minutes.
(v) Sundry Reports: Directors commented briefly on the Financial, Administrative, and/or Security Reports encompassed in Section 06 of these Minutes.
- 06 Motion to Receive Administrative and Security Reports as Information:
Resolution 180918R03: Receiving Administrative and Security Reports as Information
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall receive, as information, the MTCC 1170 Management Office's Administrative Report for September 2018, ICC's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2017 to 31 August 2018, and the Front Desk Security Report for the period 03 August 2018 to 02 September 2018.
Sheila Sproule/Jonathan Doyle — Carried
- 07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes:

(a) MUA Repairs: Directors briefly discussed pending repairs to one MUA’s compressor, but await advice from Building Sciences before proceeding.

08 Correspondence Requiring Action and/or Response: None

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

Keith Bricknell surrendered the Chair to James Louttit.

(a) Cooling Tower Maintenance:

Resolution 180918R04: Authorising Cooling Tower Repairs

WHEREAS MTCC 1170’s Management reports the necessity to replace piping for chemical feed system and to upgrade the chemical feed and bleed system (an upgrade reflecting ASHRAE’s and the Cooling Technology Institute’s best practices, which encompass, *inter alia*, minimising the risk of algae, bacteria, and Legionella); THEREFORE;

BE IT RESOLVED that MTCC 1170 authorises Ambient Mechanical to effect both of the above-noted repairs, as follows:

01 replace piping for chemical feed system — \$1,418.25, plus applicable taxes; AND,

02 upgrade the chemical feed and bleed system — \$13,619.20, plus applicable taxes; AND, FURTHER,

BE IT RESOLVED that payment for these repairs shall be from the Reserve Fund.

Keith Bricknell/Scott Froebe — Carried

(b) Fire System Remediation:

Resolution 180918R05: Fire-System Remediation

WHEREAS MTCC 1170 wishes to ensure that its sundry fire-protection systems are fully operational; AND,

WHEREAS the annual fire-protection audit has identified deficiencies, described in Table One, whose remediation will restore the entire system to optimal functioning; THEREFORE,

Table One — Fire System Remediation Costs	
Description	Per-Item Costs
Fire Alarm System	\$ 3 069.08
Sprinklers	\$ 523.19
Grand Total — Including Sales Taxes	\$ 3 592.27

BE IT RESOLVED that MTCC 1170 authorises Regional Fire Services to remedy the aforementioned deficiencies for \$3,592.27, plus additional payment for incidental items that Management authorises, with payment thereof to be from the Reserve Fund.

Keith Bricknell/Scott Froebe — Carried

Keith Bricknell resumed the Chair.

(c) Smoke-Free Penthouse Terrace: Management provided a resident Owner's emailed suggestion to prohibit all forms of smoking on the Penthouse Terrace. Directors noted that food-preparation and consumption frequently occur on the Penthouse Terrace (thus making that area similar to patios, which are mandatory smoke-free zones). Management and Directors also noted that Section 9(2)(3) of the Smoke-Free Ontario Act says, "No person shall smoke or hold lighted tobacco in the following places or areas:...[a]ny common area in a condominium, apartment building or university or college residence, **including, without being limited to**, [*emphasis added*] elevators, hallways, parking garages, party or entertainment rooms, laundry facilities, lobbies and exercise areas." Directors asked Management and the President to draft notices to advise residents of the advisability and necessity for making the Penthouse Terrace smoke-free.

12 Perusal File of Correspondence Received as Information: Received by e-mail from the Management Office, and/or available in a folder during the Board Meeting.

13 Next Committee Meeting: TBD.

14 Next Special Meeting: TBD.

15 Date of the Next Regular Meeting(s):

(a) Regular Meeting #181023R: 1800h on Tuesday 23 October 2018.

16 Motion for Adjournment

Resolution 180918R06: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 180918R at 1826h on Tuesday 18 September 2018.

Scott Froebe/James Louttit — Carried

"Keith Bricknell"

President: Keith Bricknell

"Sheila Sproule"

Secretary: Sheila Sproule



THE METROPOLE

23 October 2018

Minutes of MTCC 1170 Meeting Number 181023R — Held on 23 October 2018

Present: Board — Keith Bricknell, Jonathan Doyle, Scott Froebe (electronic attendance), and Sheila Sproule (electronic attendance); and, ICC Property Management — Nancy Bijelic

Regrets: James Louttit

01 Call to Order: Keith Bricknell called the meeting to order at 1813h.

02 Waiver of Notice, and/or Adoption of Agenda and Additions:

Resolution 181023R01: Adoption of the Agenda

BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 181023R, as presented.

Scott Froebe/Jonathan Doyle — Carried

03 Assignment of Duties:

(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #181023R.

04 Review and Adoption of Previous Meetings' Minutes:

Resolution 181023R02: Adoption of Minutes

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 180918R, as presented.

Sheila Sproule/Jonathan Doyle — Carried

05 Administrative and Security Reports:

(a) Where applicable, Corporate Officers and/or Nancy Bijelic responded to inquiries regarding items from the Management Report, and/or from other communications to and/or among Directors.

(i) Rogers' Upgrade Access: Please refer to Section 11(a) of these Minutes.

(ii) Scheduled Electrical Outage: Please refer to Section 07(b) of these Minutes.

(iii) Sundry Reports: Directors commented briefly on the Financial, Administrative, and/or Security Reports encompassed in Section 06 of these Minutes.

06 Motion to Receive Administrative and Security Reports as Information:

Resolution 181023R03: Receiving Administrative and Security Reports as Information

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall receive, as information, the MTCC 1170 Management Office's Administrative Report for October 2018, ICC's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2017 to 30 September 2018, and the Front Desk Security Report for the period 03 September 2018 to 02 October 2018.

Jonathan Doyle/Sheila Sproule — Carried

07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes:

(a) MUA Repairs: Management and Directors continue to await advice from Building Sciences before proceeding.

- (b) Scheduled Outage/Phase Protection: Management noted that Toronto Hydro’s “underground” personnel had to be available to work with the electrical contractor on the shut-down necessary for the installation. Unfortunately, intervening events precluded Toronto Hydro from giving a firm commitment for the previously-suggested date. Management will try to re-schedule for Spring 2019 — prior to the air conditioning season.

08 Correspondence Requiring Action and/or Response: None

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

- (a) Rogers’ Maintenance/Upgrade Access:

Resolution 181023R04: Authorising Rogers Communications’ Upgrade-Access

WHEREAS MTCC Schedule A of MTCC 1170’s Declaration refers to “...a right of unimpeded access in favour of Rogers Cablesystems Limited...”; AND;

WHEREAS Rogers Communications (successor to Rogers Cablesystems Limited) has requested access to MTCC 1170’s telecommunications vaults and/or closets; AND

Whereas Rogers Communications’ request entails no necessity for access to individual Owners’ Units, and no cost to MTCC 1170; THEREFORE,

BE IT RESOLVED that MTCC 1170 authorises Rogers Communications’ upgrade-access as described, *inter alia*, in their Drawing #T180217101, and in other accompanying photographic representations.

Scott Froebe/Sheila Sproule — Carried

- (b) Authorising Fiscal 2018-2019’s Budget:

Resolution 181023R05: Approval of the 2018-2019 Budget

WHEREAS the *Condominium Act* and *Regulations* require condominiums’ boards to assume sole responsibility for passing annual budgets; AND,

WHEREAS the Board of Directors of Metropolitan Toronto Condominium Corporation Number 1170 has received, examined, and discussed recommendations from ICC Property Management’s personnel; THEREFORE,

BE IT RESOLVED that the Board of Directors of Metropolitan Condominium Corporation Number 1170 authorises the following budget for 01 December 2017 to 30 November 2018 (inclusive of both dates):

(a) an Operating Budget of \$1,903,404.00; and,

(b) a Reserve Fund Contribution of \$540,076.00; AND, FURTHER,

BE IT RESOLVED that that the Board of Directors of Metropolitan Condominium Corporation authorises the Treasurer, the General Manager, or the President, or any of them, to append materials to distribution-copies of the above-noted Budget, explaining the Budget *per se*, and/or any circumstances that might give rise to a Special Assessment during the above-noted Budget’s operating period.

Jonathan Doyle/Sheila Sproule — Carried

Keith Bricknell surrendered the Chair to Scott Froebe.

- (c) Renewing SLNA Membership:

Resolution 181023R06: Renewing SLNA Membership

- WHEREAS MTCC 1170 wishes, on behalf of its unit-owners, to continue maximising its ability to influence political and/or public policy decisions affecting the Corporation; AND,
- WHEREAS MTCC 1170 believes that the St Lawrence Neighbourhood Association could have potential for fulfilling MTCC 1170's above-noted objectives; THEREFORE,
- BE IT RESOLVED that the Board of Directors of MTCC 1170 authorises MTCC 1170's renewal of its membership in the St Lawrence Neighbourhood Association for 2019, together with payment of membership fees applicable thereto; AND, FURTHER,
- BE IT RESOLVED that MTCC 1170's delegates to the St Lawrence Neighbourhood Association shall be any three members of the Board of Directors and/or any three volunteers that the Board designates.
- Keith Bricknell/Sheila Sproule — Carried

Keith Bricknell resumed the Chair.

(d) Reconstituting *Ad Hoc* Committees and Appointing/Reappointing Chairs:

- (i) Children's Aid Society Toy Drive: Directors agreed that the Vice President should continue as sponsor of this activity and thanked him in advance for his involvement.
- (ii) MTCC 1170 Staff Fund: Directors agreed that Mrs Margaret "Peggy" Bricknell should continue as Chair of this committee and thanked her in advance for her involvement.

(e) Statutory Notice *re* Changing the Common Elements: Directors approved the notice and authorised appending it to these Minutes. Directors also agreed that an enabling motion could occur only after the notice-period had passed without formal objections.

(f) Statutory Notice *re* Rule-Changes: Directors approved the notice and authorised appending it to these Minutes. Directors also agreed that an enabling motion could occur only after the notice-period had passed without formal objections.

12 Perusal File of Correspondence Received as Information: Received by e-mail from the Management Office, and/or available in a folder during the Board Meeting.

13 Next Committee Meeting: TBD.

14 Next Special Meeting: TBD.

15 Date of the Next Regular Meeting(s):

(a) Regular Meeting #181023R: 1800h on Thursday 22 November 2018.

16 Motion for Adjournment

Resolution 181023R07: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 181023R at 1819h on Tuesday 23 October 2018.

Scott Froebe/Jonathan Doyle — Carried

"Keith Bricknell"

"Sheila Sproule"

President: Keith Bricknell

Secretary: Sheila Sproule



THE METROPOLE

23 October 2018

Statutory Notice to MTCC 1170's Owners *re* Rogers Communications' ("Rogers") Proposed Leasing Agreement

Rogers Communications has proposed leasing space for cellular telephone antennae on MTCC 1170's rooftop in the locations shown in the photograph. The proposed installations do not intrude upon the recreational portion of the Penthouse Terrace.

The proposed lease-agreement's principal clauses are as follows...

- 01 Lease Rate Payable to MTCC 1170: \$23,000 per year (\$115,000 for each 5-year term);
- 02 Initial Term: 5 years;
- 03 Renewal Terms: 3 x 5 years;
- 04 Hydro: Metered and paid in addition to the rental fee;
- 05 Access: 7/24 access to the equipment; and,
- 06 Rogers Insurance: \$2,000,000 in commercial general liability.

The proposed installation, as illustrated, will occur at no cost to MTCC 1170.



At the Board's request, Management has consulted with our auditors (Rapkin Wein) and with our legal counsel (Fine & Deo). Both report that receipt of \$23,000 per year in external revenue will not affect MTCC 1170's tax-status as a "not-for profit" corporation. Fine & Deo report that the proposed rental fee is at the high end of similar agreements in other buildings.

MTCC 1170's Statutory Obligations to Owners

If owners wish to prevent MTCC 1170 from entering into the proposed leasing agreement *and* from earning revenue described herein, they

must, no later than 1700h on Friday 30 November 2018, initiate the procedure(s) described in the following excerpts from the *Condominium Act*. If MTCC 1170 receives no objections, in the form specified in the excerpts from the *Condominium Act*, it will deem that it is free to enter into the leasing agreement with Rogers.

“By-law not required [Section 22(2)(b) of the *Condominium Act*]

“Despite subsection 21 (1), a corporation may, by resolution of the board without a by-law...make an agreement for a telecommunications system that is not connected to a telecommunications system that services the units of the corporation

“Notice required [Section 22(3) of the *Condominium Act*]

“(3) Subsections 97 (3), (4), (5) and (6) apply to an agreement described in subsection (2) as if it were a change in a service that a corporation provides to the owners”

“Changes made on notice [Section 97(3) of the *Condominium Act*]

“A corporation may make an addition, alteration or improvement to the common elements, a change in the assets of the corporation or a change in a service that the corporation provides to the owners if,

“(3)(a) the corporation has sent a notice to the owners that,

- (i) describes the proposed addition, alteration, improvement or change,
- (ii) contains a statement of the estimated cost of the proposed addition, alteration, improvement or change indicating the manner in which the corporation proposes to pay the cost,
- (iii) specifies that 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
- (iv) contains a copy of section 46 and this section; and

“(3)(b) one of the following conditions has been met:

1. The owners have not requisitioned a meeting in accordance with section 46 within 30 days of receiving a notice under clause (3)(a).
2. The owners have requisitioned a meeting in accordance with section 46 within 30 days of receiving a notice under clause (3)(a) but have not voted against the proposed addition, alteration, improvement or change at the meeting. 1998, c. 19, s. 97 (3).”

“Requisition for meeting [Sections 46(1), 46(2), and 46(4) of the *Condominium Act*]

“(1) A requisition for a meeting of owners may be made by those owners who at the time the board receives the requisition, own at least 15 per cent of the units, are listed in the record maintained by the corporation under subsection 47 (2) and are entitled to vote. 1998, c. 19, s. 46 (1).

“Form of requisition

“(2) The requisition shall,

- (a) be in writing and be signed by the requisitionists;
- (b) state the nature of the business to be presented at the meeting; and
- (c) be delivered personally or by registered mail to the president or secretary of the board or deposited at the address for service of the corporation. 1998, c. 19, s. 46 (2).

“Duty of board

“(4) Upon receiving a requisition mentioned in subsection (1), the board shall,

- (a) if the requisitionists so request in the requisition or consent in writing, add the business to be presented at the meeting to the agenda of items for the next annual general meeting; or
- (b) otherwise call and hold a meeting of owners within 35 days.”

If you have any questions about this matter, please contact the Management Office.

The Board of Directors
MTCC 1170



THE METROPOLE

23 October 2018

Statutory Notice to MTCC 1170's Owners *re* Changes to Smoking Rules

On 17 October 2018, Ontario's Lieutenant-Governor gave Royal Assent to the *Cannabis Statute Law Amendment Act, 2018, S.O. 2018, c. 12 - Bill 36*. You may view *Bill 36*, its explanatory page, and the consequently-revised *Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Sched. 3* at the following links...

- <https://www.ontario.ca/laws/statute/S18012#BK6>
- <https://www.ola.org/en/legislative-business/bills/parliament-42/session-1/bill-36>
- <https://www.ontario.ca/laws/statute/17s26#BK16>

Information available at those links confirms the fact that the Government of Ontario has subsumed the smoking of cannabis with the smoking of tobacco. At the risk of being somewhat simplistic, the net result is considerable expansion in the number of places where the smoking of cannabis is lawful.

However, the *Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Sched. 3* does provide for local curtailment of the aforementioned *Act's* permissions. For example, Section 18 says, "Where there is a conflict between a provision of this *Act* and a provision of another Act, a regulation or a municipal by-law that deals with a matter to which this *Act* applies, the provision that is more restrictive of the matter to which this *Act* applies prevails, subject to section 19." [Section 19 deals mostly with "Traditional Use of Tobacco by Indigenous Persons".]

The City of Toronto's By-Laws offer examples of "...more restrictive..." limitations on smoking of substances subsumed under the new *Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Sched. 3*. Consider the following examples...

- Toronto Municipal Code 608-8.1. (https://www.toronto.ca/legdocs/municode/1184_608.pdf) considerably restricts smoking in the City's public parks (*ie*, outdoors).
- Toronto Municipal Code 636 (https://www.toronto.ca/legdocs/municode/1184_636.pdf), in various places, considerably restricts smoking in the City's public squares (*ie*, outdoors again).
- For several years, Toronto's restaurants' outdoor patios have been smoke-free zones.

Given the restrictions that the City imposes on its outdoor areas, it is entirely reasonable that a condominium building would seek to offer its residents similar freedom from all forms of smoke. To that purpose, MTCC 1170 proposes the following changes (in ***bold italics***) to its Rules...

- | |
|---|
| <p>02.07 Smoking <i>of any and all substances</i> is prohibited <i>on the Penthouse terrace and/or</i> in any of the indoor common elements which shall include, without limitation, the lobby, the elevators, parking garages, locker rooms, change rooms, lounges, saunas, swimming pool, exercise room, and all hallways and stairwells.</p> <p>12.03 Smoking <i>of any and all substances</i> is not permitted at any time <i>on the Penthouse terrace and/or</i> in any of the indoor amenity areas (swimming pool, pool deck, wet saunas, exercise room, change rooms, 5th floor lounge, penthouse lounge/billiard room), or on any of the indoor common elements such as washrooms, hallways, stairwells, and lobby.</p> |
|---|

MTCC 1170's Statutory Obligations to Owners

If owners wish to prevent MTCC 1170 from changing Rules 02.07 and 12.03, they must, no later than 1700h on Friday 30 November 2018, initiate the procedure(s) described in the following excerpts from the *Condominium Act*. If MTCC 1170 receives no objections, in the form specified in the excerpts from the *Condominium Act*, it will deem that it is free to make the above-noted Rule-changes.

The following excerpts from the *Condominium Act* describe Owners' opportunity for input into any and all Rule-changes that MTCC 1170 Might choose to propose.

“Notice of rule [Sections 58(6) and 58(7) of the *Condominium Act*]

“(6) Upon making, amending or repealing a rule, the board shall give a notice of it to the owners that includes,

- (a) a copy of the rule as made, amended or repealed, as the case may be;
- (b) a statement of the date that the board proposes that the rule will become effective;
- (c) a statement that the owners have the right to requisition a meeting under section 46 and the rule becomes effective at the time determined by subsections (7) and (8); and
- (d) a copy of the text of section 46 and this section. 1998, c. 19, s. 58 (6); 2015, c. 28, Sched. 1, s. 54 (2).”

“When rule effective

“(7) Subject to subsection (8), a rule is not effective until the following time:

1. If the board receives a requisition for a meeting of owners under section 46 within 30 days after the board has given notice of the rule to the owners, the earlier of,
 - (i) the time at which a quorum is not present at the first attempt to hold the meeting, and
 - (ii) the time at which a quorum is present at the first attempt to hold the meeting and the owners do not vote against the rule at the meeting.
2. If the board does not receive a requisition for a meeting of owners under section 46 within the 30 days after the board has given notice of the rule to the owners, the day after that 30th day. 2015, c. 28, Sched. 1, s. 54 (3).”

“Requisition for meeting [Sections 46(1), 46(2), and 46(4) of the *Condominium Act*]

“(1) A requisition for a meeting of owners may be made by those owners who at the time the board receives the requisition, own at least 15 per cent of the units, are listed in the record maintained by the corporation under subsection 47 (2) and are entitled to vote. 1998, c. 19, s. 46 (1).

“Form of requisition

“(2) The requisition shall,

- (a) be in writing and be signed by the requisitionists;
- (b) state the nature of the business to be presented at the meeting; and
- (c) be delivered personally or by registered mail to the president or secretary of the board or deposited at the address for service of the corporation. 1998, c. 19, s. 46 (2).

“Duty of board

“(4) Upon receiving a requisition mentioned in subsection (1), the board shall,

- (a) if the requisitionists so request in the requisition or consent in writing, add the business to be presented at the meeting to the agenda of items for the next annual general meeting; or
- (b) otherwise call and hold a meeting of owners within 35 days.”

If you have any questions about this matter, please contact the Management Office.

The Board of Directors
MTCC 1170



THE METROPOLE

22 November 2018

Minutes of MTCC 1170 Meeting Number 181122R — Held on 22 November 2018

Present: Board — Keith Bricknell, Jonathan Doyle (electronic attendance), and Sheila Sproule; and, ICC Property Management — Nancy Bijelic

Regrets: Scott Froebe and James Louttit

- 01 Call to Order: Keith Bricknell called the meeting to order at 1809h.
- 02 Waiver of Notice, and/or Adoption of Agenda and Additions:
Resolution 181122R01: Adoption of the Agenda
BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 181122R, as presented.
Sheila Sproule/Jonathan Doyle — Carried
- 03 Assignment of Duties:
(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #181122R.
- 04 Review and Adoption of Previous Meetings' Minutes:
Resolution 181122R02: Adoption of Minutes
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 181023R, as presented.
Jonathan Doyle/Sheila Sproule — Carried
- 05 Administrative and Security Reports:
(a) Where applicable, Corporate Officers and/or Nancy Bijelic responded to inquiries regarding items from the Management Report, and/or from other communications to and/or among Directors.
(i) Cleaning Contract Renewal: Please refer to Section 11(a) of these Minutes.
(ii) Insurance Policy Renewal: Please refer to Section 11(b) of these Minutes.
(iii) Preventive Inspection Authorisation: Please refer to Section 11(c) of these Minutes.
(iv) Sundry Reports: Directors commented briefly on the Financial, Administrative, and/or Security Reports encompassed in Section 06 of these Minutes.
- 06 Motion to Receive Administrative and Security Reports as Information:
Resolution 181122R03: Receiving Administrative and Security Reports as Information
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall receive, as information, the MTCC 1170 Management Office's Administrative Report for November 2018, ICC's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2017 to 31 October 2018, and the Front Desk Security Report for the period 03 October 2018 to 03 November 2018.
Sheila Sproule/Jonathan Doyle — Carried

07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes:

- (a) MUA Repairs: Management and Directors continue to await advice from Building Sciences before proceeding.

08 Correspondence Requiring Action and/or Response: None

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

- (a) Cleaning Contract Renewal:

Resolution 181122R04: Renewing a Cleaning Services Contract

WHEREAS Metropolitan Toronto Condominium Corporation N^o 1170 (MTCC 1170) has received a request to renew its contract with MM&G Maintenance (MM&G); AND,

WHEREAS MM&G has presented terms satisfactory to MTCC 1170; AND,

WHEREAS MM&G's services have fulfilled MTCC 1170's expectations; THEREFORE, BE IT RESOLVED that the Board of Directors of MTCC 1170 authorise renewal of the above-noted contract, subject to terms and conditions described hereunder:

- 01 except for effective dates and service-prices, the original Cleaning Services Agreement, dated 01 March 2004, shall remain in full force and effect;
- 02 effective dates for the renewal-contract shall be 01 December 2018 to 30 November 2021, inclusive of both dates; and,
- 03 HST-inclusive monthly fees, for the first, second, and third years, respectively, shall be \$13,657.18, \$13,998.61, and \$14,348.571.

Jonathan Doyle/Sheila Sproule — Carried

- (b) Insurance Policy Renewal:

Resolution 181122R05: Renewing a Building and Boiler Insurance

WHEREAS Paisley Manor Insurance Brokers have submitted an insurance renewal quotation ("the Quotation") for providing building, boiler, and machinery coverage to MTCC 1170; AND,

WHEREAS the Quotation includes, inter alia, the following terms and PST-inclusive premiums:

- 01a) Royal Sun Alliance Insurance Company of Canada's coverage of building and Corporate-owned contents at \$131,009,226.00; AND,
- 01b) Royal Sun Alliance Insurance Company of Canada's per-incident coverage of boiler and machinery at \$131,009,226.00 per incident, for a combined annual premium of \$68,092.55 (incl 8% PST).
- 02a) Royal Sun Alliance Insurance Company of Canada's coverage of directors' and officers' errors and omissions at \$5,000,000.00, for an additional premium of \$2,700.00 (incl 8% PST); AND,
- 02b) Royal Sun Alliance Insurance Company of Canada's provision of "umbrella" liability insurance at \$10,000,000.00, for an additional premium of \$3,433.69 (incl 8% PST).

BE IT RESOLVED that the Board of Directors of MTCC 1170 authorise payment of \$71,526.24 (incl 8% PST) as the sum of the premiums described herein to Paisley Manor Insurance Brokers for the coverages also described herein.
Sheila Sproule/Jonathan Doyle — Carried

(c) Preventive Plumbing Inspection:

Resolution 181122R06: Authorising Preventative Plumbing Inspections

WHEREAS MTCC 1170's Board and Management agree on the necessity to verify and enforce the integrity of residential units' (*ie*, "above-grade units") hot and cold water-supply systems; AND;

WHEREAS the operational definition of the above-noted noun "integrity" may encompass, *inter alia*, instances of actual and/or probable slow and/or rapid involuntary leakage, and/or cross-flows between hot and cold water in one-piece faucets/fixtures; THEREFORE,

BE IT RESOLVED that MTCC 1170 authorises paying Jermark Plumbing \$70.00 per residential unit to enter MTCC 1170's 314 residential units, and to inspect and to report comprehensively on all of the above-noted supply-systems in any and all such units: AND, FURTHER,

BE IT RESOLVED that MTCC 1170 deems that the above-noted inspection will be occurring subject to the corporate right of entry described in Section 19 of the *Condominium Act*.

Sheila Sproule/Jonathan Doyle — Carried

12 Perusal File of Correspondence Received as Information: Received by e-mail from the Management Office, and/or available in a folder during the Board Meeting.

13 Next Committee Meeting: TBD.

14 Next Special Meeting: TBD.

15 Date of the Next Regular Meeting(s):

(a) Regular Meeting #181122R: 1800h on Thursday 20 December 2018.

16 Motion for Adjournment

Resolution 181122R07: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 181122R at 1813h on Thursday 22 November 2018.

Jonathan Doyle/Sheila Sproule — Carried

"Keith Bricknell"

President: Keith Bricknell

"Scott Froebe"

for Secretary: Sheila Sproule



THE METROPOLE

20 December 2018

Minutes of MTCC 1170 Meeting Number 181220R — Held on 20 December 2018

Present: Board — Keith Bricknell, Scott Froebe (electronic attendance), and James Louttit; and, ICC Property Management — Nancy Bijelic

Regrets: Jonathan Doyle and Sheila Sproule

- 01 Call to Order: Keith Bricknell called the meeting to order at 1824h.
- 02 Waiver of Notice, and/or Adoption of Agenda and Additions:
Resolution 181220R01: Adoption of the Agenda
BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 181220R, as presented.
Scott Froebe/James Louttit — Carried
- 03 Assignment of Duties:
(a) *Pro Tempore* Reassignments: Scott Froebe graciously accepted appointment as Acting Corporate Secretary for the duration of Meeting #181220R.
- 04 Review and Adoption of Previous Meetings' Minutes:
Resolution 181220R02: Adoption of Minutes
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 181122R, as presented.
James Louttit/Scott Froebe — Carried
- 05 Administrative and Security Reports:
(a) Where applicable, Corporate Officers and/or Nancy Bijelic responded to inquiries regarding items from the Management Report, and/or from other communications to and/or among Directors.
(i) G4S Contract: Please refer to Section 11(a) of these Minutes.
(ii) Sundry Reports: Directors commented briefly on the Financial, Administrative, and/or Security Reports encompassed in Section 06 of these Minutes.
- 06 Motion to Receive Administrative and Security Reports as Information:
Resolution 181220R03: Receiving Administrative and Security Reports as Information
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall receive, as information, the MTCC 1170 Management Office's Administrative Report for December 2018 and the Front Desk Security Report for the period 04 November 2018 to 02 December 2018.
Scott Froebe/James Louttit — Carried
- 07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes:
(a) MUA Repairs: Management and Directors continue to await advice from Building Sciences before proceeding.
(b) Insurance Claims: The Board directed Management to file claims in respect of the two incidents that occurred in 2018.

(c) Rogers' Proposal *re* Antennae: Directors gave *post hoc* approval (additional to one previously emailed approval) of the memorandum that the President sent to all Owners on or about 05 December 2018. Directors then delegated to the President and Management the task of preparing the survey that the memorandum describes. Finally, Directors requested the opportunity for their input prior to the survey's actual deployment to Owners.

(d) Amending MTCC 1170's Rules:

Resolution 181220R04: Amending MTCC 1170's Rule 02.07 and 12.03

WHEREAS MTCC 1170 has given notice, pursuant to Sections 58(6) and 58(7) of the Condominium Act, of an impending change in the Corporation's Rules;
AND,

WHEREAS MTCC 1170 has received neither objections to the impending change in the Corporation's Rules, nor a requisition, pursuant to Section 46 of the *Condominium Act*, for an Owners' meeting; THEREFORE,

BE IT RESOLVED that MTCC 1170 amends Rules 02.07 and 12.03 as shown below, with the amended portions shown in boldface *Italic* type.

02.07 Smoking ***of any and all substances*** is prohibited ***on the Penthouse terrace and/or*** in any of the indoor common elements which shall include, without limitation, the lobby, the elevators, parking garages, locker rooms, change rooms, lounges, saunas, swimming pool, exercise room, and all hallways and stairwells.

12.03 Smoking ***of any and all substances*** is not permitted at any time ***on the Penthouse terrace and/or*** in any of the indoor amenity areas (swimming pool, pool deck, wet saunas, exercise room, change rooms, 5th floor lounge, penthouse lounge/billiard room), or on any of the indoor common elements such as washrooms, hallways, stairwells, and lobby.

Scott Froebe/James Louttit — Carried

(e) Committee Reports:

Keith Bricknell surrendered the Chair to James Louttit

Resolution 181220R05: Receiving Reports as Information

WHEREAS MTCC 1170 has received two reports during Meeting 181220R; THEREFORE,

BE IT RESOLVE that the Board of Directors of MTCC 1170 responds as follows to the above-noted items.

01 MTCC 1170 Staff Fund Committee: MTCC 1170 accepts the Staff Fund Committee's written report as information. The Board of Directors thanks residents for their continuing support of the Staff Fund and the Fund's Chairperson for her facilitation thereof.

02 Children's Aid Society Toy Drive: MTCC 1170 accepts the Vice President's oral report as information. The Board of Directors thanks residents for their continuing support of the CAS Toy Drive and the Vice President for his facilitation thereof.

Scott Froebe/Keith Bricknell — Carried

Keith Bricknell resumed the Chair.

08 Correspondence Requiring Action and/or Response: None

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

(a) G4S Contract Renewal:

Resolution 181220R06: Renewing a Security Services Contract

WHEREAS MTCC 1170 continues to receive desired levels of service from G4S Security; AND, WHEREAS G4S Security has the required levels of expertise, as well as ongoing familiarity with MTCC 1170's expectations, security systems, and fire-safety systems; THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 authorises renewal of its service contract with G4S Security, subject to the following terms (inclusive of both dates in each instance):

Year 1: from 01 December 2018 to 30 November 2019 — \$369,208.06 (including HST);

Year 2: from 01 December 2019 to 30 November 2020 — \$377,350.66 (including HST); and,

Year 3: from 01 December 2020 to 30 November 2021 — \$381,231.26 (including HST).

James Louttit/Scott Froebe — Carried

(b) An Owner's Request to Replace the Gym's Weight Machine: During the week preceding Meeting #181220R, Directors reviewed Section 11(a)(i) of the Minutes for Regular Meeting #160517R — which describes the Board's response to a similar request in May 2016. Directors agreed that May 2016 response continues to be appropriate to such requests.

12 Perusal File of Correspondence Received as Information: Received by e-mail from the Management Office, and/or available in a folder during the Board Meeting.

13 Next Committee Meeting: TBD.

14 Next Special Meeting: TBD.

15 Date of the Next Regular Meeting(s):

(a) Regular Meeting #190117R: 1800h on Thursday 17 January 2018.

16 Motion for Adjournment

Resolution 181220R07: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 181220R at 1832h on Thursday 20 December 2018.

Scott Froebe/James Louttit — Carried

“Keith Bricknell”

President: Keith Bricknell

“Sheila Sproule”

Secretary: Sheila Sproule