



## 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) Reports for 01 December 2016 to 30 November 2017 and 03 January 2018: Directors commented briefly on the aforementioned Financial, Administrative, and Security Reports.

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

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President: Keith Bricknell

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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](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 5<sup>th</sup> floor lounge and corridors. Fortunately, the 5<sup>th</sup> 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](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 11<sup>th</sup> 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