



## 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 171221R, 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

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President: Keith Bricknell

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Secretary: Sheila Sproule



## THE METROPOLE

22 February 2018

### **Appendix #01 to the Minutes of Regular 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

cc 1501-1707 Unit File  
Directors — MTCC 1170