



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/>