



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 this Agenda.

(ii) Scheduled Electrical Outage: Please refer to Section 07(b) of this Agenda.

(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

President: Keith Bricknell

Secretary: Sheila Sproule



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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...

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| <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> |
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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