



## THE METROPOLE

21 February 2019

### Minutes of MTCC 1170 Meeting Number 190221R — Held on 21 February 2019

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

Regrets: Jonathan Doyle

- 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 190221R01: Adoption of the Agenda  
BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 190221R, as presented.  
James Louttit/Scott Froebe — Carried
- 03 Assignment of Duties:  
(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #190221R.
- 04 Review and Adoption of Previous Meetings' Minutes:  
Resolution 190221R02: Adoption of Minutes  
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 190117R, 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) Cleaning MUA's Ducts: 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 190221R03: 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 2019, ICC's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2018 to 31 December 2018, and the Front Desk Security Report for the period 04 January 2019 to 04 February 2019.  
Scott Froebe/Sheila Sproule — Carried
- 07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes:  
(a) MUA Repairs: Management reports that discussions are ongoing regarding matters encompassed in Resolution 190221R04.

- (b) Rogers' Proposal *re* Directional Cellular Antennae: The Board of Directors agreed that MTCC 1170 would not be giving further consideration to Rogers' Communications' proposal to install directional cellular antennae anywhere on MTCC 1170's common elements. The Board of Directors also agreed that the President's report on this matter should be an attachment to the Minutes of Regular Meeting #190221R.

Resolution 190221R04: Receiving a Corporate Officer's Report

WHEREAS MTCC 1170's President has reported on the proposed leasing of unused rooftop space to Rogers Telecommunications; THEREFORE,

BE IT RESOLVED that MTCC 1170 receives the aforementioned report as information; AND, FURTHER,

BE IT RESOLVED that MTCC 1170 authorises inclusion of the aforementioned report in the Minutes of Regular Meeting #190221R.

James Louttit/Scott Froebe — Carried

- 08 Correspondence Requiring Action and/or Response: Management and the President reported satisfactory resolution of an Owner's inquiry about the Unit's financial obligations.

- 09 Special Committee Reports: None

- 10 Other Reports: None

- 11 New and/or Brought-Forward Business:

(a) MUAs' Duct-Cleaning:

Resolution 190221R05: Authorising MUAs' Duct-Cleaning

WHEREAS MTCC 1170's Management reports the necessity to clean the Upper and Lower Zones' MUAs' ducts; THEREFORE;

BE IT RESOLVED that MTCC 1170 authorises Dryerfighters to complete the above-noted maintenance for \$1,800.00 + HST; AND, FURTHER,

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

Scott Froebe/Sheila Sproule — 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 #190321R: 1800h on Thursday 21 March 2018.

- 16 Motion for Adjournment

Resolution 190221R06: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 190221R at 1835h on Thursday 21 February 2019.

Scott Froebe/James Louttit — Carried

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President: Keith Bricknell

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Secretary: Sheila Sproule



# THE METROPOLE

19 February 2019

To: MTCC 1170 Board and Management  
From: MTCC 1170 Board President  
Re: Owners' Input into Rogers' Antennae Proposal

On or about 23 October 2018, Management circulated the statutory notice prerequisite to MTCC 1170's negotiations with Rogers. On or after 30 November 2018, Management received a petition containing only 41 actual owners' signatures and sundry ineligible signatures. Since the requirement for a requisitioned meeting is 48 actual owners' signatures, the petition failed.

Acknowledging the failed petitioners' unhappiness with the outcome, but while continuing to uphold the validity of that outcome, I recommended an *ex gratia* survey that ultimately contained, *inter alia*, the following language...

"...Since MTCC 1170 has already fulfilled its statutory requirements, the *Condominium Act* does not govern this survey. However, the *Act* does offer guidance. At Section 97(4), the *Act* says that substantial change can occur only if '...the owners who own at least 66 2/3 per cent of the units of the corporation vote in favour of approving it...' Refusal of \$23,000 in additional annual revenue is 'substantial'. Logically, then, the refusal of 'substantial' revenue should also require approval of '...at least 66 2/3 per cent of the units of the corporation...'

"In default of objectors' fulfilling the 66 2/3 per cent criterion, MTCC 1170 will deem that it should begin negotiations with Rogers. In those negotiations MTCC 1170 will verify (a) that Rogers' equipment meets or exceeds Industry Canada's Safety Code 6, (b) that the installation will not damage MTCC 1170's rooftop, and (c) that the proposed level of insurance is sufficient.

"Pursuant to conditions (a), (b), and (c) in the final paragraph above, and pursuant to MTCC 1170's dedicating rental-revenues from Rogers to reduce my annual Reserve Fund contribution, I agree that MTCC 1170 should begin negotiations with Rogers.

"Yes, I agree [ ]

No, I do not agree [ ]"

MTCC 1170's 320 eligible owners had until 1700h on Friday 01 February 2019 to respond to this *ex gratia* survey. Management reports that 79 owners completed the survey, with 46 voting "Yes" and 33 voting "No". Those 79 votes are significantly short of the survey's 66 2/3 per cent criterion. Before proceeding further, though, the Board should consider the following issues.

- 01 Of the eligible 320 voters, 241 chose not to respond. To what were the 241 indifferent? Was it to the anticipated annual revenue? Or was it to the petitioners' allegations of harm from cellular antennae?
- 02 To what extent does MTCC 1170 wish to wade into a controversial issue when 241 owners are apparently indifferent to the outcome?
- 03 Management reports the following results of the above-noted January 2019 survey.

Vote Choices	Resident Owners	Investor Owners	Vote Totals
Yes, I agree	29	17	46
No, I do not Agree	17	16	33

As for comparisons with the results of the failed petition in November 2018, Management reports that three (3) of November 2018's eligible petition-signatories voted "Yes" in Jan-

uary 2019’s survey and that 13 continued to vote “No”. Of the 41 signatories of November 2018’s petition (*ie*, opposition to Rogers’ proposal), 25 chose not to respond to January 2019’s survey.

- 04 On 07 February 2019, Management advised me that three (3) resident owners alleged that they had never received October 2018’s statutory notice. On 19 February 2019, I asked Management if those three owners were signatories of November 2018’s failed petition. Management re-checked the failed petition and was able to verify that all three owners were, indeed, signatories of that failed petition. Should MTCC 1170 reasonably assume that their signatures on that failed petition negate any claim of disenfranchisement because of their alleged non-receipt of the statutory notice in October 2018?
- 05 Management reports that three signatories of the failed petition emailed reasons for objecting to Rogers’ proposal. Generally, their reasons encompassed allegedly adverse impact on property-values and health-outcomes.

- (a) At <https://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08353.html>, Industry Canada does admit that *cellular towers* can adversely impact property values in *suburban neighbourhoods comprising one- and two-storey free-standing homes*. However, this has little relevance for MTCC 1170, where the contemplated installation is *short antennae hidden behind parapet walls that are 23 storeys above street-level*. As for governmental differentiation between private preferences and public policy, Industry Canada offers the following comment on antennae, property values, and NIMBY-ism...

“Authorities may receive representations about alleged impact of proposed telecommunications development on property values. It is not for the planning system to protect the private interests of one person against the activities of another. Although in a particular case considerations of public interest may serve to protect private interests, the material Question is not whether a particular development would cause financial or other loss to owners or occupiers of the neighbouring property, but whether the proposal would have a detrimental effect on the locality generally, and on amenities that ought, in the public interest, to be protected.”

- (b) An objector who had raised concerns about health outcomes inadvertently provided some irony. The objector’s message reached the Management Office via an iPhone; *ie*, via cellular antennae on some of downtown’s other buildings. Where are the cellular antennae that allowed the foregoing iPhone user to send a message to the Management Office? Go to <https://www.scadacore.com/tools/rf-path/cell-tower-map-canada/>, enter M5C 3C5 in the “Address Lookup” box, and hit “Return” on your keyboard. You can then use the “plus” and “minus” buttons on the map to see the myriad antennae-locations in downtown Toronto. Even if we accepted beliefs about adverse health-outcomes, to what extent would three additional downtown antennae worsen those outcomes — given the existing presence of cellular transmission, and the apparent absence of reported health-complaints?
- (c) Among antennae-objectors’ sources of information, two are salient ...
- (i) Arthur Firstenberg: Please refer to the enclosed NYT article on this source.
  - (ii) Environmental Health Trust (<https://ehtrust.org/>) — one of whose anti-cellular proponents is Devra Davis. Many sites offer repudiations of Davis’ views. A small sample follows...

<https://www.androidauthority.com/unraveling-the-anti-wireless-campaign-898318/>  
<http://www.skepticnorth.com/2010/12/devra-davis-disconnected-from-science-part-i/>  
<http://www.skepticnorth.com/2010/12/devra-davis-disconnected-from-science-part-ii/>  
<http://www.skepticnorth.com/2011/02/new-study-shows-emf-effect-on-brain-%E2%80%93-so-what/>  
<https://sciencebasedmedicine.org/a-disconnect-between-cell-phone-fears-and-science/>  
<http://www.emfexplained.info/?ID=25821>  
<http://www.cancer.ca/en/prevention-and-screening/reduce-cancer-risk/make-informed-decisions/know-your-environment/radiofrequency-fields/?region=on>  
<https://www.who.int/peh-emf/publications/facts/fs304/en/>

- 06 Regardless of the outcome of disputes between Canada and Huawei, 5G networks will be arriving sometime in the next half-decade. 5G is essential for myriad services beyond current cellular network' functions (*eg*, autonomous motor-vehicles). 5G's high-frequency waves will require antennae as close as 500 feet from each other. At what point, then, will demand for 5G, and for additional antennae (*ie*, sites for antennae) lead to legislated scenarios similar to municipal expropriations — with financial compensation, of course? For downtown buildings, would such expropriation-based scenarios produce revenue-streams equal to those which Rogers proposes for MTCC 1170?

Thank you for your attention to this memorandum and its attachments.

Respectfully submitted  
MTCC 1170  
Keith Bricknell — Board President

Encl/2

**The New York Times** RAW DATA  
*When Science Is Lost in a Legal Maze*

By George Johnson  
23 March 2015

In a saner world, where science and the law meshed more precisely, a case like *Firstenberg v. Monribot* would have been dead on arrival in court. But that is not what happened.

Earlier this month, five years after the lawsuit was filed, the New Mexico Court of Appeals [upheld a lower court's ruling](#) that Arthur Firstenberg, an outspoken opponent of wireless technology, could not seek \$1.43 million in damages from his neighbour, Raphaella Monribot, for damaging his health by using her iPhone and a Wi-Fi connection.

The electromagnetic signals that go from cellphone to cellphone and computer to computer lie quietly on the spectrum between radio broadcast waves and the colours of light. From the perspective of science, the likelihood of the rays somehow causing harm is about as strong as the evidence for ESP. But the law proceeds by its own logic, in which concepts like evidence and proof take on meanings of their own. This case in New Mexico shows how two of civilization's great bodies of thought — the scientific and the legal — can make for an uneasy mix.

Mr. Firstenberg and Ms. Monribot, the record shows, were once on good terms. He had hired her in 2008 to cook for him, and after she left for Europe, he rented and then purchased her small house in a densely populated old neighbourhood in Santa Fe, N.M. When she returned to town, she moved into a house adjacent to the one he owned.

It was there, Mr. Firstenberg would claim, that she became the cause of his suffering. Dizziness, nausea, amnesia, insomnia, tremors, heart arrhythmia, acute and chronic pain — all because she insisted on using her cellphone, computers and other ordinary electronic equipment.

Her dimmer switches and compact fluorescent bulbs emitted their own painful rays. The fact that the two houses shared the same electric utility connection, Mr. Firstenberg argued, intensified the effect.

A self-described sufferer of a medically unrecognized condition called [electromagnetic hypersensitivity](#), he was already known in Santa Fe for his unsuccessful effort to block the installation of Wi-Fi in the city library and other public places.

When I heard that Mr. Firstenberg, who lives a couple of miles from me, was filing a tort claim seeking damages for what amounted to electromagnetic trespassing, I assumed the case would be quickly dismissed. Instead, in 2010, it entered the maze of hamster tubes that make up the judicial system.

In an exchange of emails, he declined to be interviewed about the case, saying that reporters should focus instead on what he believes are grave dangers posed by electromagnetic radiation. But except for a few obscure experts who quote one another's discredited research, the consensus of science is that the health risks are most likely non-existent.

Unlike X-rays and gamma rays, the radiation emitted and received by wireless devices is far too low in frequency to shake apart the molecules in living cells. Only at extremely intense exposures, like those inside a microwave oven, can the waves cause harm by generating heat.

It is not impossible that low, "subthermal" levels of the waves might disturb cellular chemistry in less obvious ways, but the evidence isn't there. Double-blind studies of people who consider themselves electro-sensitive [have found no relationship](#) between the onset of their symptoms and the presence of electromagnetic fields.

Showing scepticism from the start, District Judge Sarah Singleton denied Mr. Firstenberg's request for a preliminary injunction, ruling that he was "unlikely to prevail on the issue of causation." If only the locomotive had stopped there.

The judge also denied Ms. Monribo's motion to dismiss the case entirely, calling instead for an evidentiary hearing to consider "in depth proof and argument on the validity of both sides' experts."

The result, in retrospect, was like the comedian John Oliver's "statistically representative climate change debate" in which three critics of human-caused global warming [were pitted against 97 scientists](#) who considered the evidence overwhelming. Any debate over the scientific legitimacy of electrosensitivity would be even more lopsided.

In 2012, after two more years of claims and counterclaims, depositions and cross-examinations, days of hearings and pages of affidavits, the court was persuaded in its circuitous way of what science already knew: Mr. Firstenberg had no case. His expert witnesses, consisting of a holistic doctor and a consulting psychologist on neurotoxicity, were ruled unqualified and his evidence scientifically unreliable. And so came a summary judgment against him.

About a week ago, after the Court of Appeals upheld the decision, I stopped by the office of Ms. Monribo's lawyer, Christopher Graeser, with a tape measure. The files for the case sat in boxes on a table. Piled together, the pages would reach more than six feet high.

Court costs, not counting lawyers' fees, had come to almost \$85,000, or more than \$1,000 an inch. Because of what the court described as Mr. Firstenberg's "inability to pay," the bill went instead to Ms. Monribo's landlord's insurance company — as if someone had slipped on an icy sidewalk or pretended to.

Mr. Graeser and another lawyer, Joseph Romero, represented her *pro bono*, writing off an estimated \$200,000 in legal fees. Lindsay Lovejoy, the lawyer for Mr. Firstenberg, said he wasn't free to discuss their arrangement.

Mr. Firstenberg represented himself for the appeal. The next stop may be the New Mexico Supreme Court. After all, Mr. Graeser said, the plaintiff had "suffered no real disincentive to doing it again."

A version of this article appears in print on March 24, 2015, on Page D3 of the New York edition with the headline: Science, Lost in a Legal Maze.

<https://www.scadacore.com/tools/rf-path/cell-tower-map-canada/>

## Canadian Cell Tower Map

The Canadian Cell Tower Map allows users to quickly browse through tens of thousands of towers.

The cell tower information on this page is obtained from the government website: [http://sms-sgs-ic.gc.ca/eic/site/sms-sgs-prod.nsf/eng/h\\_00010.html](http://sms-sgs.ic.gc.ca/eic/site/sms-sgs-prod.nsf/eng/h_00010.html)

- For information regarding cell towers and cell tower radiated power, visit the [link here](#).
- For cell tower data transmission, reception, encryption, security, and routing, please contact your cellular service provider ([Bell](#), [Rogers](#), [Telus](#), etc).

**Please note that support for this tool is not available by phone. To report any problems with the tool, please send us a message [here](#).**

The slide-out on the left allows users to filter between 15 of the biggest providers in Canada both regional and national. Zooming in and clicking on a provider icon will display information on the tower. Use this map to determine a cellular antennas' ideal orientation for [Oil & Gas, Environmental, or Agriculture monitoring applications](#).

The Canadian Cell Tower Map tool also provides path information between your location and any cell tower. Simply click on any cell tower and a popup will show path information between your location and the cell tower.

