



THE METROPOLE

20 June 2019

Minutes of MTCC 1170 Meeting Number 190620R — Held on 20 June 2019

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

Regrets: James Louttit

01 Call to Order: Keith Bricknell called the meeting to order at 1821h.

02 Waiver of Notice, and/or Adoption of Agenda and Additions:

Resolution 190620R01: Adoption of the Agenda

BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 190620R, as presented.
Nives Malara/Scott Froebe — Carried

03 Assignment of Duties:

(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #190620R.

(b) Assignment of Officers' Duties until AGM 2020:

Surname	Given Name	Position
Bricknell	Keith	President
Froebe	Scott	General Manager
Louttit	James	Vice President
Malara	Nives	Treasurer
Sproule	Sheila	Corporate Secretary

04 Review and Adoption of Previous Meetings' Minutes:

Resolution 190620R02: Adoption of Minutes

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 190515R, as presented.

Sheila Sproule/Nives Malara — 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) Elevators' Refurbishment: Please refer to Section 07(a) of these Minutes.
- (ii) Roof Anchors' Inspections: Please refer to Section 11(a) 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 190620R03: 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 2019, ICC's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2018 to 30 April 2019, and the Front Desk Security Report for the period 06 May 2019 to 03 June 2019.

Nives Malara/Sheila Sproule — Carried

07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes:

(a) Elevators' Refurbishment: Following discussion of statutory issues and CSA standards, Directors approved the aesthetic and technical aspects of refurbishing the elevators' cabs.

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) Roof Anchors' Inspections and Testing:

Resolution 190620R04: Authorising Roof Anchors' Testing

WHEREAS MTCC 1170 has a statutory duty to provide a safe working environment for contractors that use boatswains' chairs and/or suspended stages; AND,

WHEREAS MTCC 1170 wishes to provide documentation that could save the Corporation and its Owners harmless; THEREFORE,

BE IT RESOLVED that MTCC 1170 shall employ the Pro-Bel Group to conduct roof-anchor inspections, subject to the following terms and conditions.

01 one (1) roof anchor inspection per year for \$400.00 +HST per year, on a five-year (5-year) contract commencing 01 July 2019;

02 one (1) engineer-stamped inspection report per year for \$195.00 +HST for each year of the above-noted five-year (5-year) contract; AND,

03 one (1) quinquennial load-testing of the adhesive anchors for \$1,395.00 +HST; AND, FURTHER,

BE IT RESOLVED that payment for the above-noted services shall be from the operating fund. Scott Froebe/Nives Malara — Carried

(b) Issues from AGM 2019:

Resolution 190620R05: Receiving a Corporate Officer's Report

WHEREAS MTCC 1170's President has provided Parts One and Two of proposed responses to concerns that Owners voiced during AGM 2019; THEREFORE,

BE IT RESOLVED that MTCC 1170 receives Parts One and Two of the aforementioned responses as information; AND, FURTHER,

BE IT RESOLVED that MTCC 1170's Directors concur with Part One and authorise its inclusion in the Minutes of Regular Meeting #190620R, and that Directors concur with the President's recommendation to forward Part Two to Corporate Legal Counsel for further advice.

Scott Froebe/Nives Malara — Carried

(c) Lobby Furnishings: Directors thanked the President for circulating Toronto Fire Services' "Engineering Technical Bulletin FPEB-01 REV2", dated 11 June 2018. Directors also noted that the delay in replacing lobby-furniture had saved MTCC 1170 from the risk of buying non-compliant products. The Board then directed Management as follows:

- (i) provide a list of companies capable of supplying furniture that is compliant with fire safety standard TB 133 and/or ASTM E1537-16; and,
- (ii) provide preliminary pictures and prices of aesthetically suitable furniture that is compliant with either or both of the above-noted standards.

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 #190718R: 1800h on Thursday 18 July 2019.

16 Motion for Adjournment

Resolution 190620R06: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 190620R at 1840h on Thursday 20 June 2019.

Scott Froebe/Nives Malara — Carried

"Keith Bricknell"

President: Keith Bricknell

"Sheila Sproule"

Secretary: Sheila Sproule

Adopted at Meeting #190718R



THE METROPOLE

20 June 2019

To: Directors and Management — MTCC 1170

From: Board President — MTCC 1170

Re: Report for Meeting #190620R — Part One of Responses to Owners' Inquiries during AGM 2019

01 **King Street Pilot:** Seemingly, three concerns persist: pedestrian-congestion, reflecting a tram-stop's far-side placement between King and Victoria Streets; litter, blamed on the tram-stop; and , increased smoking too close to MTCC 1170's doorways.

(a) Planning for Tram-Stops between King and Victoria Streets: On 09 June 2017, the General Manager, Transportation Services and the Chief Planner and Executive Director, City Planning reported their recommendations to City Council's Executive Committee. Page 10 of that Report, part of which appears below, includes these senior executives' rationale for recommending "far-side" placement of King Street's tram-stops.

"Key streetcar stops would be moved from the near side of the intersection to the far side of the intersection, in the curb lane, with a physical barrier at either end.

"This has several benefits:

- "improved transit passenger safety for people getting on and off transit, since they would not have to cross a live lane of traffic (cyclists would still need to stop);
- "improved transit passenger boarding time, since passengers would be closer to the streetcar;
- "more space for passengers waiting for transit, freeing up more space on the sidewalk for pedestrians;
- "enables right-turning vehicles on the near side of the intersection to be separated from transit boarding activity on the far side of the intersection; and,
- "enables improved signal coordination or priority and more efficient transit operations."

<https://www.toronto.ca/legdocs/mmis/2017/ex/bgrd/backgroundfile-104940.pdf> is the link for the citation in Section 01(a) of this Report to MTCC 1170's Directors.

(b) Post-Implementation Reporting on "Far-Side" Tram-Stops: On 02 April 2019, the General Manager, Transportation Services, the Chief Planner & Executive Director, City Planning, and the Chief Customer Officer, Toronto Transit Commission reported their evaluation of the King Street Pilot to City Council's Executive Committee. The following excerpts are indicative of their ongoing support for "far-side" placement of King Street's tram-stops.

"The *key design aspects* [*emphasis added*] of the King Street Transit Pilot are outlined below:

"Streetcar Stops

"To improve safety at streetcar stops and to accommodate dedicated right-turn lanes, streetcar stops within the pilot zone were relocated to the far-side of the intersection at most locations. The curb lane at these locations is repurposed to provide dedicated space for waiting customers and to allow for direct boarding from the street. Each stop is protected by a decorated concrete barrier at one end, and a large round planter at the other end; the long edge of the platform is delineated with a yellow

tactile warning surface indicator strip, and each stop has an accessible ramp to connect the sidewalk to the road-level platform for those with limited mobility.” [Page Eight]

“Accessibility

“City and TTC staff worked closely with members of the Advisory Committee on Accessible Transit (ACAT) *to ensure that accessibility was a key consideration in the design and that access for paratransit customers would be maintained.* [emphasis added] As part of the pilot, the following measures were implemented to maintain and enhance accessibility on King Street:

- “Streetcar service in the King Street corridor is provided by accessible streetcars;
- “Ramps constructed from sidewalk to street level at relocated far-side streetcar stops for customers using mobility devices to access low-floor streetcars;
- “Yellow tactile warning surface indicator strip to designate customer waiting areas at each street level stop and improve safety for customers with vision loss; and
- “Accessible loading zones have been implemented on almost every block and are reserved for vehicles with an accessible (disabled) parking placard, including TTC Wheel-Trans services.” [Page Nine]

<https://www.toronto.ca/legdocs/mmis/2019/ex/bgrd/backgroundfile-131188.pdf> is the link for the citation in Section 01(b) of this Report to MTCC 1170’s Directors.

- (c) “Near-Side” vs “Far-Side” Transit Stops: During AGM 2019, but without offering citations, an Owner offered arguments in favour of “near-side” tram-stops. Additionally, the Owner suggested that MTCC 1170 could use those arguments to persuade the City to relocate the tram-stop in question to its previous location between Bay and Yonge Streets. One problem, though, is that the City regards “far-side” tram-stops as a “key design aspect” of the King Street Pilot. Thus, any challenge to a “key design aspect” becomes, in effect, a challenge to City Council’s overwhelming support for the Pilot. Thus, any supplicant’s chances for success are slim, and even the act of supplication might be counterproductive. The other problem is that much expert opinion is supportive of “far-side” bus- and/or tram-stops:

<https://nacto.org/publication/transit-street-design-guide/stations-stops/stop-design-factors/stop-placement-intersection-configuration/>

http://tram.mcgill.ca/Research/Publications/Far_side_story.pdf

<https://www.citylab.com/transportation/2016/03/the-best-place-for-a-bus-stop/472188/>

<https://uttri.utoronto.ca/files/2017/10/WP17-02-03-01-Understanding-the-factors.pdf>

<http://www1.coe.neu.edu/~pfurth/Furth%20papers/2006%20near-side,%20far-side.pdf>

<https://www.transit.dot.gov/research-innovation/stops-spacing-location-and-design>

- (d) Littering — Blamed on the Far-Side Tram-Stop: When reporting to the Executive Committee on 02 April 2019, the General Manager, Transportation Services, the Chief Planner & Executive Director, City Planning and the Chief Customer Officer, Toronto Transit Commission offer aspirational views for the King Street Pilot’s public realm.

“Public Realm Spaces

“The pilot included a comprehensive public realm program, including the creation of 18 new public realm spaces in the curb lane, complementing the existing parks and public realm spaces along the corridor. Forty-five unique amenities were introduced in these spaces along the corridor, including cafes, art installations, public seating areas, Toronto Bike Share stations, bicycle parking and

parklets. These spaces created opportunities for people to linger, and provided extra space for pedestrians to walk when sidewalks are crowded. Businesses and the Business Improvement Areas were invited to activate public spaces that they fronted. Other spaces became available for public art installations, seating, and other public amenities.” [Page Nine]

<https://www.toronto.ca/legdocs/mmis/2019/ex/bgrd/backgroundfile-131188.pdf> is the link for the citation in Section 01(d) of this Report to MTCC 1170.

My recommendation to MTCC 1170's Board and Management is that the City and the local BIA/BIZ deserve the time necessary for implementing the vision for “Public Realm Spaces”. The same recommendation is equally applicable to City Councillors' support for two councillors' request for action to combat a city-wide littering problem. For this topic, which is not central to the King Street Pilot, MTCC 1170 should continue to communicate its concerns to the City, to the local BIA/BIZ, and to adjacent food-services providers.

- (e) Smoking Near Doorways: https://www.toronto.ca/legdocs/municode/1184_709.pdf offers the following definition of a “public building”.

“PUBLIC BUILDING - An enclosed building to which the public and employees generally have access including... Condominium buildings, apartment buildings and other similar residential buildings; that are *generally accessible to the public*. [*Emphasis added*]

Chapter 709-3 then says that, “No person shall smoke within a nine-metre radius surrounding any entrance or exit of a *public building*.” [*Emphasis added*] Additionally, Chapter 709 prescribes proprietors' responsibilities regarding *public buildings*. A strict reading of Chapter 709 could indicate that the residential portion of MTCC 1170 is not a public building, but that the commercial portions of MTCC 1170 are public buildings.

<https://www.toronto.ca/311/knowledgebase/kb/docs/articles/public-health/healthy-environments/smoking-by-law-smoke-free-outdoor-spaces.html> beclouds the issue — a phenomenon all too common when non-lawyers attempt to add an administrative layer to legislation and/or portions of the municipal code.

“Building entrances and exits include... Multi-residential buildings (condos, apartments and other similar residential buildings) that *can be accessed by the public*. [*Emphasis added*] For example, the smoking ban would apply if there is an entrance at street level that allows the public to enter the building, such as a lobby or foyer with a buzzer, before another set of locked doors.”

Again, it is arguable that the residential portion of MTCC 1170 cannot be accessed by the public. That aside, I suggest that Management should contact the City and corporate legal counsel for an interpretation of Chapter 709.

Thank you for your attention to this report. Please feel free, as always, to offer commentary.

Respectfully submitted

Keith Bricknell

Board President — MTCC 1170