



THE METROPOLE

21 January 2021

Minutes of MTCC 1170 Meeting Number 210121R — Held on 21 January 2021

Present: Board — Keith Bricknell, Scott Froebe, James Louttit, Nives Malara, and Sheila Sproule; and, PropertyWright Management: Nancy Bijelic (all by Microsoft Teams).

Regrets: None

01 Call to Order: Keith Bricknell called the meeting to order at 1812h.

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

Resolution 210121R01: Adoption of the Agenda

BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 210121R, as presented.

Sheila Sproule/Nives Malara — Carried

03 Assignment of Duties:

(a) Assignment of Corporate Officers until AGM 2021:

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

(b) *Pro Tempore* Reassignments: Unnecessary for Meeting #210121R.

04 Review and Adoption of Previous Meetings' Minutes:

Resolution 210121R02: Adoption of Minutes

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 201217R, as presented.

Nives Malara/Sheila Sproule — Carried

05 Administrative and Security Reports:

(a) Where applicable, Corporate Officers responded to inquiries regarding items from the Management Report, and/or from other communications to and/or among Directors.

- (i) Fire System Repairs: Please refer to Section 11(a) of these Minutes.
- (ii) Swimming Pool Heater: Please refer to Section 11(b) of these Minutes.
- (iii) Outdoor Common Elements: Please refer to Section 11(f) of these Minutes.
- (iv) Sundry Reports: Directors commented briefly on the Administrative, and/or Security Reports encompassed in Section 06 of these Minutes.

06 Motion to Receive Administrative and Security Reports as Information:

Resolution 210121R03: 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 January 2021, ICC's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2019 to 30 November 2020, and the Front Desk Security Report for the period 04 December 2020 to 03 January 2021.

Sheila Sproule/Nives Malara — Carried

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

(a) Upper Zone's MUA: Management reported that Building Sciences' engineers are currently working with the HVAC contractor on assessing the equipment.

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) Fire System Repairs:

Resolution 21021R04: Authorising Fire System Repairs

BE IT RESOLVED that MTCC 1170 acknowledges receiving Regional Fire and Security Systems' Annual Fire Alarm Inspection Record for 2020; AND, FURTHER,

BE IT RESOLVED that MTCC 1170 that MTCC 1170 authorises Regional Fire and Security Systems to remediate the following protective components...

(a) \$8,515.68 (incl HST) for Fire Alarms;

(b) \$716.99 (incl HST) for Fire Extinguishers;

(c) \$759.93 (incl HST) for Emergency Lighting; and,

(d) \$2,880.37 (incl HST) for Sprinklers; AND, FURTHER,

BE IT RESOLVED that payment for this remediation shall be from the Reserve Fund.

Scott Froebe/James Louttit — Carried

(b) Swimming Pool Heater Replacement:

Resolution 21021R05: Authorising Swimming Pool Heater Replacement

WHEREAS the swimming pool's heater has failed, thus imposing on MTCC 1170 the statutory duty to repair a common element amenity, despite COVID-imposed disuse of the pool; THEREFORE,

BE IT RESOLVED that MTCC 1170 authorises paying LIV North (Superior Pool) \$5,911.71 (incl HST) to replace the above-noted heater; AND, FURTHER,

BE IT RESOLVED that payment for this replacement shall be from the Reserve Fund.

James Louttit/Scott Froebe — Carried

(c) Receiving Committee Reports as Information:

Resolution 21021R06: Receiving Committees' Reports as Information

WHEREAS MTCC 1170 has received two reports during Meeting 21021R: THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 responds as follows to the above-noted items.

01 MTCC 1170 Staff Fund Committee: MTCC 1170 accepts the Staff Fund Committee's written report as information. The Board of Directors thanks

residents for their continuing support of the Staff Fund, and the Fund's Chairperson for her facilitation thereof.

- 02 Toronto Fire Department Toy Drive: MTCC 1170 accepts the Vice President's oral report as information. The Board of Directors thanks residents for their continuing support of the TFD Toy Drive and the Vice President for his facilitation thereof.

Scott Froebe/Nives Malara — Carried

(d) Receiving a Corporate Officer's Report as Information

Resolution 210121R07: Receiving a Corporate Officer's Report

WHEREAS MTCC 1170's President has proposed a response to concerns that an Owner voiced during AGM 2020; THEREFORE,

BE IT RESOLVED that MTCC 1170 receives the proposed response as information; AND, FURTHER,

BE IT RESOLVED that MTCC 1170's Directors concur with the proposed response and authorise its inclusion in the Minutes of Regular Meeting #210121R.

James Louttit/Nives Malara — Carried

(e) CAO Consultative Response:

Resolution 210121R08: Authorising Response to a Consultative Process

WHEREAS the Condominium Authority of Ontario (CAO) has advised of "Government Consultation on Potential Permanent Changes to Enable Digital and Virtual Processes under the *Condominium Act, 1998*", AND,

WHEREAS MTCC 1170 wishes to support changes that the consultative document describes; THEREFORE,

BE IT RESOLVED that MTCC 1170 directs Management to convey its consultative response to the CAO and to the Minister of Government and Consumer Services amply before the due date of 08 February 2021; AND, FURTHER,

BE IT RESOLVED that MTCC 1170 authorises attaching a copy of its response to the Minutes for Meeting #210121R.

Nives Malara/James Louttit — Carried

- (f) Outdoor Common Element Areas: [The Condominium Act and the CAO's directives](#) govern condominiums' ability to open their common elements. Salient among those instructions are requirements that "These new measures will be in place until at least February 11th" and "Recreational amenities that are located indoors must stay closed as per section 4. (1) of Schedule 3 to Ontario Regulation 82/20." Since MTCC 1170's two outdoor terraces are accessible only via two indoor amenities; namely, the two associated lounges, it would be prudent to wait until February 11th before allowing pass-through access via those two lounges.

- 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 Date of the Next Meeting(s):

- (a) Regular Meeting #210218R: 1800h on Thursday 18 February 2021.

14 Motion for Adjournment

Resolution 210121R09: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 210121R at 1827h on Thursday 21 January 2021.

Scott Froebe/James Louttit — Carried

“Keith Bricknell”

President: Keith Bricknell

“Sheila Sproule”

Secretary: Sheila Sproule

Adopted at Meeting #210218R



THE METROPOLE

21 January 2021

To: Directors and Management — MTCC 1170
From: Board President — MTCC 1170
Re: Resident Owner's Queries about the King St Pilot

During Section 11 of AGM 2020's Agenda, a resident owner seems to have inquired about report that is an appendix to the Minutes for Regular Board Meeting #190620R (20 June 2019). Those Minutes are now in the "2019 Consolidated Searchable Minutes" available at www.mtcc1170.com. Originally, those Minutes were available at www.mtcc1170.com no later than 2200h on 20 June 2019. Pursuant to MTCC 1170's Rule #16.02 (also available at www.mtcc1170.com), all owners could have responded as early as 21 June 2019.

Also, the CAO's version of AGM 2020's "Preliminary Notice of Meeting" advised owners that:

"If you wish to request that any material be included in the notice calling this meeting, please deliver that material to the board to the addresses or in the manner specified above (see item 2 of this form)...Although you can request that material be included in the notice of meeting, the board is not obligated to include this material unless, among other requirements, the owners of at least 15% of the units request that the material be included."

Management's version of AGM 2020's "Preliminary Notice of Meeting" advised owners about appending materials to the AGM Package:

"Note, too, that the above-noted choices and deadline are also applicable to any other materials that owners might wish to submit pursuant, *inter alia*, to Section 12.8(1) of Ontario Regulation 48/01..."

Procedural issues aside, the resident owner commented on the King-Yonge tram-stop's placement, tram-riders' littering, and the public realm parklet between Yonge and Leader Lane. Also, there was an attempt to rebut professional opinions favouring "far side" tram-stops in bus-and-or-tram corridors. Intentionally or otherwise, the owner gave the impression that MTCC 1170's *explanation of* City Council's and the TTC's decisions was *advocacy for* those decisions.

In fact, no such advocacy occurred. The appendix to Meeting #190620R's Minutes includes the following preface to the hyperlinks whose authors seemed to favour "far-side" tram stops:

"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..."

Nowhere does that statement comprise advocacy. Rather, it comprises only advice about politicians' probable thought-processes, and about potential obstacles for re-channelling those self-same processes. Provision of such advice is surely part of condo boards' duties to the owners whom they serve.

Further Investigation Necessary: Additional to staff, what were the other possible sources of advice to City Council? [Jarrett Walker + Associates](#) is a possibility. Their site indicates that they have [provided services to Toronto](#). Also, in December 2017, Jarrett Walker's blog is [effusive in its praise of far side tram-stops](#). This, then, becomes an example of the sort of "heavyweight" advice influencing City Council — with concomitant difficulty in successfully refuting such advice...

That clarification aside, could there be a game-changer — regarding the "near side" versus "far side" debate? [The TTC plans adding elevator-access to the King Station](#). Elevators' placement could support an argument favouring near-side relocation of the King-Yonge tram-stop (*ie*, west of Yonge). But that point remains moot

until construction is complete. Then, City Councillors can ponder staff's and consultants' opinions, together with stakeholders' wish-lists about tram-stops and public realm parklets.

And who are those stakeholders — regarding tram-stop placements and public realm parklets?

Externally, they comprise, at very least, the following Business Improvement Areas:

- ❖ [The St Lawrence Market Neighbourhood BIA](#), whose map is available [here](#); and,
- ❖ [The Toronto Financial District BIA](#), whose map is available [here](#).

My understanding, subject, as always, to correction, is that both BIAs had input regarding placement of public realm parklets. The St Lawrence BIA's members might have seen commercial advantage from pedestrians' use of the public realms' seating areas near their establishments along King Street East. And, indeed, there are more surface-level businesses between Yonge and Church Streets than there are between Bay and Yonge Streets, where a public realm parklet would seem redundant. (*And again, please note that this statement of fact is just that, and certainly does not comprise advocacy.*)

Internally, who are MTCC 1170's stakeholders? At street-level, they would comprise commercial units' owners and/or their tenants — who might perceive an advantage from an attractive, well-kept parklet. Within the “tower” and in Victoria Street, this might be owners whose views could vary considerably. Such variability poses difficulties for any condo corporation. For which stakeholder should a condo corporation choose to be an advocate? Is that stakeholder truly a representative of at least a bare majority of its unit-owners?

Before taking further action on this matter, the Board and Management should consider these issues, all of which will magnify when the COVID crisis ends...

- ❖ Any request to City Council must contribute to a win-win outcome. For example, any request to relocate a tram-stop and/or to terminate a parklet must create a benefit for all parties. If a request creates the perception of merely being a ploy for imposing an unpleasant scenario on someone else, it will fail.
- ❖ To what extent should any condo corporation lend its support and/or advocacy to a specific stakeholder's dealings with any external entity? To be prudent, the condo corporation should ensure that the stakeholder represents at least a plurality, but preferably a majority, of unit-owners. The CAO anticipates this necessity by setting a 15% threshold for compelling condo boards to include owners' materials in AGM packages for consideration and/or voting at AGMs (*see information overleaf*).
- ❖ Historically, MTCC 1170 has had to fight battles on at least two fronts: traffic back-ups in Colborne Street that prevent access to our loading dock and parking garages, and misbehaviour by film crews. For both battles, we have had to rely on getting the City's **attention to** problems and then getting the City's **intervention in** problems. And yes, it is a two-step process in which **attention** does not necessarily connote **intervention**. To what extent, then, can MTCC 1170 afford to open a third battlefield — absent a request from at least a bare majority of unit-owners?

I look forward to hearing your thoughts on this matter at Regular Meeting #210121R, and/or at any other time that you might wish to choose.

Respectfully submitted
Keith Bricknell
Board President

Feedback Form: Potential Permanent Changes to Enable Digital and Virtual Processes under the *Condominium Act, 1998*

Please use the following pages to provide any feedback from you or your organization on the consultation questions listed below. The Ministry of Government and Consumer Services (the Ministry) is seeking feedback by **February 8, 2021** on the following consultation questions regarding virtual meetings and electronic notices and records under the *Condominium Act, 1998* (Condo Act). Please return any feedback to ONcondo@ontario.ca.

Contact Information

Organization Name (If applicable):

MTCC 1170

Key Contact Name:

Nancy Bielic (MTCC 1170 Property Manager)

Key Contact Email:

Nancy.Bielic@PropertyWright.ca

Key Contact Phone Number:

416-549-1412 ext. 3723

Introduction

On May 12, 2020, the Legislature passed the *COVID-19 Response and Reforms to Modernize Ontario Act, 2020* which among other things, made temporary legislative amendments to the Condo Act related to electronic or telephonic meetings and the deferral of annual meetings in some circumstances in response to the COVID-19 pandemic. You can find the temporary changes in [Part IV.1](#) (Special Rules During Emergency) of the Condo Act and the [Schedule](#) to that Act, as well as [Ontario Regulation 541/20](#).

On October 1, 2020, a new regulations made under the Condo Act came into force extending the temporary suspension period for the application of the temporary legislative amendments permitting condo corporations to call and hold meetings through electronic or telephonic means, as applicable, notwithstanding certain requirements, until May 31, 2021, subject to further extension.

The Ministry is now consulting on whether any further temporary or permanent amendments enabling the use of virtual or electronic tools or processes are required under the Condo Act as condo corporations adapt to new ways of doing business that are digital/virtual allowing for broader participation.

This consultation is focused on the use of telephonic and electronic tools or processes to facilitate the fulfillment of certain requirements under the Condo Act. Specifically, this consultation is only seeking feedback on the telephonic or electronic facilitation of requirements related to (1) meetings, (2) notices and documents, and (3) records. There may be future opportunities to provide feedback on additional topics related to other condominium matters.

Section 1: Meetings

Context

Prior to the temporary legislative amendments that are currently in force, the Condo Act generally permitted condo corporations to hold owners' meetings through electronic or telephonic means, including allowing votes to be cast by telephonic or electronic means as long as the condo corporation passed by-laws allowing it. In addition, while directors' meetings were permitted to be held through by teleconference or other means prescribed under the Condo Act, to do so required the unanimous consent of directors.

In response to the COVID-19 pandemic, the Legislature passed temporary legislative amendments to the Condo Act to permit condo corporations to hold meetings through electronic or telephonic means, including by addressing related matters to facilitate meetings electronically, notwithstanding certain requirements. These temporary changes will remain in effect until May 31, 2021, subject to further extension by regulation.

Consultation Questions

1. Should the temporary legislative amendments under the Condo Act that generally allow meetings of owners to be held by electronic or telephonic means, without the need for a by-law, be made permanent? Are there any risks in doing so? Would this help to reduce burden on condo corporations? If so, how?
2. If the temporary legislative amendments under the Condo Act that generally permit meetings of owners to be held by electronic or telephonic means are made permanent, are any further amendments to the Act required to clarify that owners' meetings may be conducted in that manner or to further enable the virtual operation of an owners' meeting (e.g. to further clarify that quorum may be achieved through virtual participation, or that votes may be cast by electronic means, regardless of the by-laws)?

3. Prior to the temporary legislative amendments, the Condo Act required the unanimous consent of all directors to hold meetings, in accordance with the regulations, by teleconference or another form of communication system that is prescribed, including directors not present at or participating in the meetings. Should the temporary legislative amendments to the Condo Act that removed the requirement to have unanimous consent of directors, including those not present at or participating in them, to hold meetings, in accordance with the regulations, by teleconference or another form of communications system that is prescribed be made permanent? Or should the unanimous consent be lowered (e.g., to majority consent) or to the directors' present at or participating in the meeting instead of all the directors? Are there any risks in doing either of these things? Would this help to reduce burden on condo corporations? If so, how?

By Board Resolution #210121R08, MTCC 1170's Directors agreed that electronic and/or telephonic board meetings should be a matter of right, rather than a matter requiring unanimous consent by a condo board's directors. Therefore, the temporary Condo Act permissions should become permanent.

Section 2: Notices and Documents

Context

The Ministry made temporary legislative amendments to the Condo Act in response to the COVID-19 pandemic to generally permit notices for directors' meetings to be delivered electronically whether or not the by-laws specify otherwise and anything required by the Act or its regulations to be given to an owner or a mortgagee in respect of any meeting under the Act to be served by electronic means, even if an owner or mortgagee has not entered an agreement under s.47(4)(c) or s.47(5)(c) of the Act. These temporary changes will remain in effect until May 31, 2021, subject to further extension.

Once these temporary changes are no longer in effect, the original provisions of the Condo Act will come back into effect, which generally allow for notices to owners and mortgages to be delivered electronically only if the receiving party has consented to receiving communication by that method and has provided the corporation with the applicable form. In addition, the Condo Act generally allows for notice of directors' meetings to be provided electronically provided that doing so is not prohibited by the by-laws.

Consultation Questions

4. Should the temporary legislative amendments under the Condo Act (in section 1 of the Schedule to that Act) that generally permit notices for directors' meetings to be delivered electronically, whether or not the by-laws specify otherwise, be made permanent? Are there any risks in doing so? Would this help to reduce burden on condo corporations? If so, how?
5. Should the temporary legislative amendments under the Condo Act (in section 7 of the Schedule to that Act) permitting service by electronic means on an owner or a mortgagee in certain circumstances be made permanent? What are the risks associated with this (e.g. access to electronic means such as computers or the internet, etc.)? Would this help to reduce burden on condo corporations? If so, how?
6. Are there any further potential permanent changes to the Condo Act that the government should consider regarding the electronic delivery of notices?

By Board Resolution #210121R08, MTCC 1170's Directors agreed that condo corporations' option to serve notices and documents electronically should become permanent.

Section 3: Records

Context

In satisfying requests under the Condo Act to examine or obtain a copy of electronic records, condo corporations must deliver the copy by electronic means if the requester agrees to electronic communication in the request for records. Otherwise, satisfying requests under the Act to examine or obtain records generally requires a condo corporation to make a copy of a record available for in-person examination or pickup or to deliver a paper copy of the record, as applicable. These requirements for satisfying records requests may be waived by agreement between the requester and the corporation (Waiver by Requestor of Records), in accordance with the Condo Act and its regulations.

Consultation Questions

7. Should the current requirement under the Condo Act that requires a condo board to decide, by resolution, whether they can accept requests for records delivered in electronic form, be removed? Are there any risks in doing so? Would this help to reduce burden on condo corporations? If so, how?

8. Should the current requirement under the Condo Act to receive the agreement of the requester to electronic communication prior to delivering an electronic copy of the record for examination be removed? Are there any risks in doing so?
9. Are there any other changes under the Condo Act required to facilitate the electronic provision of and access to records?

By Board Resolution #210121R08, MTCC 1170's Directors agreed that condo corporations should be able, without any affirmative resolutions, to accept electronic request for delivery of requested records, and to deliver such records solely in electronic format.

Section 4: General

Context

The Ministry recognizes that the on-going COVID-19 pandemic may present specific challenges for condo corporations to operate as usual, particularly without the appropriate provisions in place under the Condo Act to enable the use of virtual or electronic means or processes.

Consultation Questions

10. Has the COVID-19 pandemic highlighted any other issues with the Condo Act that the Ministry should consider addressing in relation to electronic or telephonic processes under the Act?
11. Should the Ministry consider seeking a further extension of the temporary suspension period for the application of temporary legislative amendments related to electronic/telephonic meetings in the CCA beyond May 31, 2021, rather than making permanent changes to the statute? If so, why and for how long?
12. If you would like to see permanent changes implemented, should the Ministry also consider seeking a further extension of the temporary suspension period for the application of temporary legislative amendments related to electronic/telephonic meetings in the Condo Act beyond May 31, 2021, to ensure the temporary provisions do not end before the permanent changes come into effect? If so, why and for how long?

By Board Resolution #210121R08, MTCC 1170's Directors agreed that the electronic processes in Sections 1 to 3 (*supra*) also address issues encompassed in the AODA, such as persons with compromised immune systems and/or persons who might otherwise be unable to participate, save for electronic mediation.

Privacy Statement

This consultation is being conducted by the Ministry with respect to potential proposed permanent changes or further temporary changes enabling virtual processes related to the Ministry's business law and condominium statutes.

The collection of this information is authorized pursuant to the Ministry's responsibility for these acts and is necessary to consider the proposals. Please note that the Ministry is subject to the Freedom of Information and Protection of Privacy Act (FIPPA) and may disclose the information you or your organization provides in accordance with FIPPA.

Please note that unless agreed otherwise by the Ministry, all submissions received from organizations or individuals affiliated with organizations will be considered public information and may be used and disclosed by the Ministry to help evaluate the proposals and help the Ministry analyze whether permanent changes are needed within the scope of this consultation.

Submissions received from individuals who do not indicate an affiliation with an organization will not be considered public but may be used and disclosed by the Ministry to help evaluate the proposals. Any personal information such as an individual's name and contact details will not be disclosed by the Ministry without the individual's prior consent unless permitted or required by law.

If you or your organization have any questions about the collection of this information, please contact ONcondo@ontario.ca.