



## THE METROPOLE

22 July 2021

### **Minutes of MTCC 1170 Meeting Number 210722R — Held on 22 July 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 1817h.

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

Resolution 210722R01: Adoption of the Agenda

BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 210722R, as presented.

Scott Froebe/James Louttit — Carried

03 Assignment of Duties:

(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #210722R.

04 Review and Adoption of Previous Meetings' Minutes:

Resolution 210722R02: Adoption of Minutes

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 210617R, as presented.

Sheila Sproule/Nives Malara — 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) Re-opening Amenities: Please refer to Section 11(a) of these Minutes.

(ii) Furniture Rebate: Please refer to Section 11(b) of these Minutes.

(iii) Fancoil Remediation: Please refer to Section 11(c) of these Minutes.

(iv) XX06-XX07 Alterations: Please refer to Section 11(d) of these Minutes.

(v) 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 210722R03: 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 July 2021, PropertyWright's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2020 to 30 April 2021, and the Front Desk Security Report for the period 04 June 2021 to 03 July 2021.

Nives Malara/Sheila Sproule — Carried

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

(a) Elevators' Refurbishment: "COVID 211" has told Management that MTCC 1170 must continue with a limitation of two riders per elevator. Therefore, refurbishment, which entails taking a tower elevator out of service, cannot proceed until rescission of the limitation occurs.

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) Re-opening the Amenities:

Resolution 210722R04: Adopting MTCC 1170's Step 3 Re-opening Plan

WHEREAS MTCC 1170 has received Management's Step 3 Re-opening Plan ("Plan");  
THEREFORE,

BE IT RESOLVED that MTCC 1170 adopts the Plan and authorises Management to implement it;  
AND, FURTHER,

BE IT RESOLVED that MTCC 1170 authorises appending the Plan to the Minutes for Meeting #210722R.

Scott Froebe/James Louttit — Carried

(b) Furniture Rebate:

Resolution 210722R05: Receiving a Rebate for Purchases in Resolution 200521R04

WHEREAS MTCC 1170 has received an offer of rebate for the above-noted; THEREFORE,

BE IT RESOLVED that MTCC 1170 authorises Management to accept the rebate and to re-deposit it into the Reserve Fund.

Nives Malara/Sheila Sproule — Carried

(c) Fancoil Preventive Procedure:

Keith Bricknell surrendered the Chair to James Louttit

Resolution 210722R06: Mitigating Condensate Leaks

WHEREAS MTCC 1170 wishes to preclude condensate leaks from fancoil units; THEREFORE,  
BE IT RESOLVED that MTCC 1170 authorises paying Jermark Plumbing \$1,600.00 +HST to snake out the condensate main in the 4<sup>th</sup> floor crawl space, and in 21 other locations, and run water to ensure that the main condensate drain is clear; AND, FURTHER,

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

Scott Froebe/Keith Bricknell — Carried

Keith Bricknell resumed the Chair.

(d) XX06-XX07 Alterations:

Resolution 210722R07: Receiving an "Addition, Alteration and Improvement Agreement"

WHEREAS MTCC 1170 has received its prescribed format of an "Addition, Alteration and Improvement Agreement" (hereinafter, "Agreement") from the Owner of XX06 and XX07 Units (hereinafter, "the Units"); THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 receives the Agreement as information; AND, FURTHER,

BE IT RESOLVED that the Board of Directors of MTCC 1170 agrees, subject to the Agreement's terms, that the Owner may alter the Units in the manner that the Agreement specifies; AND, FURTHER,

BE IT RESOLVED that MTCC 1170's Management may act on its own initiative in enforcing the above-noted Agreement and in saving MTCC 1170 harmless from the Agreement's implementation.

James Louttit/Scott Froebe — Carried

(e) Voting Delegates to the SLNA:

Resolution 210722R08: Amending Resolution 191008R05

BE IT RESOLVED that MTCC 1170 shall delete "...any three members of the Board of Directors and/or any three volunteers that the Board designates..." from the above-noted Resolution; AND.

BE IT RESOLVED that MTCC 1170 shall insert the following...

01 "...any two members of the Board of Directors and one volunteer-Owner that the Board designates; OR,

02 "any three members of the Board of Directors if a volunteer-Owner is unavailable; OR,

03 "on a meeting-by-meeting basis, any volunteer-Owner that a Director invites to substitute for her/him if he/she cannot attend a specific meeting of the St Lawrence Neighbourhood Association."

Sheila Sproule/Nives Malara — Carried

(f) 53-55 Yonge Street:

Resolution 210722R09: Receiving a Corporate Officer's Report as Information

WHEREAS MTCC 1170 has received the President's report on "Condominium Corporations' Involvement in Development Proposals" and the newsletter "Public Consultation – Proposed 53-55 Yonge Street Re-Development"; THEREFORE,

BE IT RESOLVED that MTCC 1170 reaffirms Directors' prior emailed consent for the aforementioned newsletter's distribution on or shortly after 13 July 2021; AND, FURTHER,

BE IT RESOLVED that MTCC 1170 receives both of the above-noted documents as information and authorises both documents as appendices to the Minutes for Meeting #210722R and as examples of MTCC 1170's policies going forward.

James Louttit/Scott Froebe — 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 Date of the Next Meeting(s):

(a) Regular Meeting #210819R: 1800h on Thursday 19 August 2021.

14 Motion for Adjournment

Resolution 210722R10: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 210722R at 1827h on Thursday 22 July 2021.

Scott Froebe/James Louttit — Carried

"Keith Bricknell"

President: Keith Bricknell

"Nives Malara"

for Secretary: Sheila Sproule



## THE METROPOLE

23 July 2021

### Ontario's COVID Step 3 Re-opening for MTCC 1170

Ontario has begun Step 3 of its COVID re-opening process. The Condominium Authority of Ontario (CAO) provides expectations for condominiums' re-opening. In its [current update](#), the CAO cautions condominiums' owners about the re-opening process.

“It is important to remember that Step 3 does not require that your condominium corporation open its recreational amenities and sports and fitness facilities. If your condominium corporation cannot safely open its recreational amenities and sports and fitness facilities or cannot realistically comply with the safety requirements listed below, your condominium community may choose to keep these spaces closed.”

Additionally, the CAO requires screening of residents who wish to use the indoor and/or outdoor amenities:

- ❖ “The condominium corporation must screen all individuals who enter an indoor or outdoor sports and fitness facility, or indoor recreational amenity, prior to any individual entering the space.
- ❖ “The condominium corporation records the name and contact information of everyone who enters the space, maintains these records for a period of at least one month, and only discloses these records to a medical officer of health or an inspector.”

MTCC 1170's screening procedures *may* reflect protocols available at either or both of the following sites:

- ❖ <https://covid-19.ontario.ca/screening/worker/>
- ❖ <https://www.toronto.ca/wp-content/uploads/2020/05/95f0-Survey-Screening-poster-TPH.pdf>

MTCC 1170 encourages everyone to use the relevant live links to peruse [the CAO's Step 3 Update](#).

Subject to the CAO's requirements, and subject (*inter alia*) to MTCC 1170's *Rules* 12.10 and 12.11, MTCC 1170's plan for re-opening amenities follows.

- 01 Outdoor Terraces — Occupancy and Precautions:
  - (a) the ***lesser of*** 100 people ***or*** the number of people that the space can accommodate whilst still maintaining 2-metre distancing;
  - (b) cleaning twice daily; and,
  - (c) pre-screening consistent with Ontario's and/or Toronto's protocols.
- 02 BBQ — Booking and Cleaning
  - (a) book one-hour increments;
  - (b) users to wipe handles before and after use;
  - (c) users to bring own utensils;
  - (d) pre-screening consistent with Ontario's and/or Toronto's protocols; and,
  - (e) cleaning of the facility twice daily.
- 03 5<sup>th</sup> Floor Lounge — Serving Temporarily as the “Cardio” Part of the Exercise Facility
  - (a) two stationary bikes – one at west wall, one at east wall;
  - (b) one treadmill and one elliptical trainer – one on each side of wooden wall;
  - (c) one rowing machine – in an area a minimum 2-meter distance from all other equipment;
  - (d) users must wipe devices' handles, seats, and control panels before and after each use;

- (e) pre-screening consistent with Ontario's and/or Toronto's protocols;
  - (f) users must wear masks at all times;
  - (g) maximum occupancy two people per booking;
  - (h) bookings in one-hour increments; and,
  - (i) cleaning of the facility twice daily.
- 04 Sauna — Booking and Cleaning
- (a) one person/family per use;
  - (b) bookings in one-hour increments;
  - (c) pre-screening consistent with Ontario's and/or Toronto's protocols; and,
  - (d) cleaning of the facility twice daily.
- 05 Swimming Pool — Booking and Cleaning
- (a) one person/family per use;
  - (b) bookings in one-hour increments;
  - (c) pre-screening consistent with Ontario's and/or Toronto's protocols; and,
  - (d) cleaning of the facility twice daily.
- 06 Change-rooms/toilets/urinals/showers/sinks — as accessories to the swimming pool and sauna
- (a) solely for use with sauna and/or pool (so as to control maximum occupancy);
  - (b) can accommodate up to two people or a family-group not to exceed five people; and
  - (c) cleaning of the facilities twice daily.
- 07 Exercise Room — Booking, Equipment, and Cleaning
- (a) available equipment comprises the universal weight machine and free weights;
  - (b) users must wear masks at all times;
  - (c) users must wipe all contact-surfaces before and after each use;
  - (d) pre-screening consistent with Ontario's and/or Toronto's protocols;
  - (e) maximum occupancy of two people per booking;
  - (f) bookings in one-hour increments; and,
  - (g) cleaning of the facility twice daily.
- 08 PH Lounge — Occupancy and Protocols
- (a) *the lesser of* 25 people *or* the number of people that the space can accommodate whilst still maintaining 2-metre distancing;
  - (b) pre-screening consistent with Ontario's and/or Toronto's protocols;
  - (c) users must wear masks at all times; and,
  - (d) cleaning of the facility twice daily.

Thank you for your attention to, and anticipated compliance with, the above-noted re-opening process. If you have any questions herein, please contact the Management Office.

The Board of Directors and Management  
MTCC 1170



## THE METROPOLE

22 July 2021

From: Board President — MTCC 1170

To: Directors and Management — MTCC 1170

Re: Condominium Corporations' Involvement in Development Proposals

The [53-55 Yonge Street proposal](#) raises questions about condominium corporations' and individual owners' appropriate roles as intervenors. Since 1997, our immediate neighbourhood has seen these developments...

- ❖ [8 Colborne Street](#), on the site of the former [Nordheimer Piano Factory](#);
- ❖ [1 King Street West](#), on the site of the former [Dominion Bank Building](#);
- ❖ [The Spire](#), at the corner of Church and Adelaide Streets;
- ❖ Reconfiguration of part of the [King Edward Hotel](#) into [King Edward Private Residences](#); and,
- ❖ [88 Scott Street](#), on the site of the former [Royal & Sun Alliance Insurance Building](#).

The Colborne Street development impacted some rooms in at least one of MTCC 1170's west-side "[risers](#)". Therefore, MTCC 1170 was an intervenor. During that process, I was on (and sometimes "was") the external "6-8 Colborne Street" Committee. **Arguments against the development** and *refutations thereof* follow...

- ❖ **The development will deprive the affected risers of light.** *In 1880, Ontario eliminated the "prescriptive right to light". In 1978, in the "Putnam Case", the Ontario court of appeal ruled that "...at common law, there is no natural right to lateral light..."*
- ❖ **The development will intensify traffic and parking issues in Colborne Street.** *If, indeed, such problems do occur, Parking Enforcement will deal with them — as they do all over Toronto.*

Predictably, the [Toronto and East York Committee of Adjustment](#) (C of A) approved the development. MTCC 1170's sole victory (subsequently "spun" as MTCC 1170's vindictiveness) was the C of A's refusal to reduce the development's parking-space requirement. Considering the history, what are the "take-aways"?

- ❖ Downtown proposals reflect rigorous orchestration and highly professional representation. For example, Colborne Street's representative was well-known to (and highly regarded by) the C of A, the local councillor, *and* city staff. *For intervenors, this represents a major challenge, unlike leafy suburb scenarios...*
- ❖ MTCC 1170's doggedness with 6-8 Colborne Street tended to project an image of vindictiveness. Arguably, this image contributed to several months of perceived "heel-dragging" on the City's part whenever MTCC 1170 complained about parking-related issues. And yes, our complaints eventually began receiving "face-value" treatment. But the whole episode was a lesson about "picking one's battles" carefully...
- ❖ Some of MTCC 1170's Owners were investors in three of the five above-noted development-examples. So, while MTCC 1170's *individual owners* could object, **MTCC 1170, per se**, certainly could not.
- ❖ Sometimes, municipal authorities believe that condo boards' interventions reflect only those board members' views, rather than truly representing a majority (or even a bare plurality) of owners' views. Thus, [electronic expression of individual owners' views](#) is likely more effective. For 88 Scott Street and 53-55 Yonge Street, MTCC 1170 provided the information necessary for owners' input, while not presuming to represent its owners. That is, I respectfully suggest an appropriate level of engagement for MTCC 1170.

Respectfully submitted  
Keith Bricknell — Board President



## THE METROPOLE

13 July 2021

### Public Consultation – Proposed 53-55 Yonge Street Re-Development

As some residents might have heard, a developer is seeking approval to re-purpose an area known municipally as 53-55 Yonge Street. Some of the developer's information and rationale [are available online](#). The developer's zoning application to the City of Toronto [is also available online](#).

If you wish to research the portions of Toronto's zoning regulations applicable to MTCC 1170's part of Downtown Toronto, you may wish to visit the following sites...

- ❖ <https://www.toronto.ca/legdocs/bylaws/2013/law0569.pdf>
- ❖ <https://www.toronto.ca/legdocs/bylaws/2013/law0569-schedule-a.htm>
- ❖ <https://www.toronto.ca/legdocs/bylaws/2013/law0569-schedule-a-zn-index-map.pdf>
- ❖ <https://www.toronto.ca/wp-content/uploads/2017/10/8fdd-City-Planning-Zoning-city-wide-commercial-zone-map.pdf> (MTCC 1170 seems to be in the "Commercial", rather than "Residential" zone)
- ❖ <https://www.toronto.ca/wp-content/uploads/2018/08/966f-city-planning-to-core-opa406-attachment-1-schedule-5-downtown-plan.pdf> (especially paragraph 3.10)

Some legal issues about tall buildings are available at the following sites, for which comments follow...

- ❖ <http://www.aaron.ca/columns/2003-07-19.htm>
- ❖ <https://www.siskinds.com/is-there-a-right-to-light/>

Application Details

53 YONGE ST  
Ward 13: Toronto Centre

Application Detail URL >

Public Consultation v

The formal notice of any public meeting held by the City will be sent to: property owners within 120m (400 feet) of the property; anyone submitting a written request to the City Clerk's Office to be notified; and anyone providing their name and contact information on this Comments sheet.

The personal information on this form is collected under the authority of the *City of Toronto Act, 2006*, the *Planning Act*, and the City of Toronto Municipal Code. The City collects this information to enable it to make an informed decision on the relevant issue(s). Individuals who submit correspondence should be aware that any personal information in their communication will become part of the public record. The City will make it available to the public, unless the individual expressly requests the City to remove the personal information. Questions about the collection of this information may be directed to the Planner listed above.

I don't agree I agree

In 1880, Ontario eliminated the "prescriptive right to light". In 1978's "Putnam Case", the Ontario Court of Appeal ruled that "... there is no natural right to lateral light..."

In subsequent instances, objectors have tried to argue that a proposed building would cause "shadowing". However, some of these instances seem to entail "residential" zones, and/or instances where the proposed new building is significantly taller than any surrounding structures, and/or intrusions into the public realm. Such instances are likely inapplicable to MTCC 1170's part of Downtown

Other instances have reflected interference with solar-electric panels on neighbouring buildings' roofs. Again, how applicable would this be to this part of Downtown?

Full details of the planning and consultation process [are available online](#). If you wish to offer a submission, *solely on your own behalf*, scroll down to the part of the site

shown above, click on "I agree", and provide your input.

The Board of Directors and Management  
MTCC 1170