



THE METROPOLE

18 May 2023

Minutes of MTCC 1170 Meeting Number 230518R — Held on 18 May 2023

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 1840h.

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

Resolution 230518R01: Adoption of the Agenda

BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 230518R, as presented.

Sheila Sproule/Nives Malara — Carried

03 Assignment of Duties:

(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #230518R.

04 Review and Adoption of Previous Meetings' Minutes:

Resolution 230518R02: Adoption of Minutes

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 230420R, 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) Change Order: Please refer to Section 07(a) of these Minutes.

(ii) 69 Yonge: Please refer to Section 11(a) of these Minutes.

(iii) EV-Charging: Please refer to Section 11(b) of these Minutes.

(iv) Noise Complaint: Please refer to Section 11(c) of these Minutes.

(v) Condenser Pump: Please refer to Section 11(d) of these Minutes.

(vi) MUAs' Filtration: Please refer to Section 11(e) of these Minutes.

(vii) 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 230518R03: 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 May 2023, PropertyWright's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2022 to 31 March 2023, and the Front Desk Security Report for the period 04 April 2023 to 03 May 2023.

Nives Malara/Sheila Sproule — Carried

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

(a) Change Order for Resolution #221117R09:

Resolution 230518R04: Change Order for Resolution 221117R09

WHEREAS [B&R Electric](#) has identified and photographically documented deficiencies that could not have been visible when they provided their initial proposal; THEREFORE,

BE IT RESOLVED that MTCC 1170 authorises paying an additional \$5,304.00 (+ HST) for remediating deficiencies cited in [B&R Electric](#)'s Proposal #17106-1; AND, FURTHER,

BE IT RESOLVED that payment for this service shall be from the Reserve Fund.
Scott Froebe/James Louttit — Carried

08 Correspondence Requiring Action and/or Response: Noise complaint, for which please refer to section 11(c) of these Minutes.

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

(a) 69 Yonge: Management reported briefly on discussions with the redeveloper.

(b) EV-Charging:

Resolution 230518R05: Authorising EV-Charging Infrastructure

WHEREAS MTCC 1170 has complied with statutory requirements for providing notice to owners of alterations to the common elements; THEREFORE,

BE IT RESOLVED that MTCC 1170 shall pay [Signature Electric Ltd](#) \$76,860.00 + [ESA](#) + HST to provide infrastructure described in Project #44745 ("project"); AND, FURTHER,

BE IT RESOLVED that payment for the project shall be from the Operating Fund, with subsequent *pro rata* cost-recovery from owners as and when they connect their EVs to the infrastructure.

James Louttit/Scott Froebe — Carried

(c) Noise Complaint:

Resolution 230518R06: Receiving a Corporate Officer's Report

WHEREAS the President of the Board has provided a report and recommendations ("report") regarding the investigation and verification of noise complaints; THEREFORE,

BE IT RESOLVED that MTCC 1170 receives the report as information, authorises its attachment to the Minutes of Meeting #230518R, and authorises Management and Security to use procedures that the report recommends when responding to noise complaints.

Nives Malara/Sheila Sproule — Carried

(d) Condenser Pump: *Keith Bricknell Surrendered the Chair to James Louttit.*

Resolution 230518R07: Repairing Condenser Pump #01

WHEREAS Condenser Pump #01 has a leaky shaft seal and must be removed from the premises for servicing and subsequently reinstalled; THEREFORE,

BE IT RESOLVED that MTCC 1170 shall pay [Ambient Mechanical](#) \$7,482.50 (+HST) to complete remedial work described in their Quote #QUO-22124-X4R9; AND, FURTHER,

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

Scott Froebe/Keith Bricknell — Carried

(e) MUAs' Filtration:

Resolution 230518R08: Authorising Semi-Monthly MUA Filter Replacement

WHEREAS during spring, summer, and early autumn, airborne dust and/or allergens are at their peak; AND,

Whereas MTCC 1170 wishes to safeguard the corridor pressurisation system's air-quality; THEREFORE,

BE IT RESOLVED MTCC 1170 authorises paying an additional \$3,203.60 (+HST) to [Ambient Mechanical](#) to increase the MUAs' filter-replacement from monthly to semi-monthly from 01 June 2023 to 30 September 2023 (inclusive of both dates); AND, FURTHER,

BE IT RESOLVED that payment for the above-noted service shall be from the Operating Fund.
Keith Bricknell/Scott Froebe — Carried

(f) Amending Resolution #030708S07: Edition of *Robert's Rules of Order*

Resolution 230518R09: Amending Resolution 030708S07

WHEREAS *21st Century Roberts Rules of Order — 1995 edition* (hereinafter, "Roberts 1995") is no longer readily available; THEREFORE,

BE IT RESOLVED that MTCC 1170 shall delete Roberts 1995 from Resolution 030708S07 and shall insert [Roberts Rules of Order — Newly Revised — In Brief \(ISBN-13: 978-1541797703\)](#).

Sheila Sproule/Keith Bricknell — Carried

(g) Director's Departure:

Resolution 230518R10: Acknowledging a Director's Contributions

WHEREAS Sheila Sproule has chosen not to seek re-election at MTCC 1170's AGM 2023; THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 wholeheartedly thanks Sheila Sproule for the diligence, skill, insight, incisiveness, and perspicacity that she reliably and unstintingly contributed to MTCC 1170 as a Director and Corporate Officer from the first Board Meeting following AGM 2014 to the conclusion of AGM 2023.

Keith Bricknell/Nives Malara — Carried

Keith Bricknell resumed the Chair.

12 Perusal File of Correspondence Received as Information: Received by e-mail.

13 Date of the Next Meeting(s):

(a) Special Meeting: TBA

(b) Regular Meeting #230622R: 1830h on Thursday 22 June 2023.

14 Motion for Adjournment

Resolution 230518R11: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 230518R at 1857h on Thursday 18 May 2023.

Scott Froebe/James Louttit — Carried

President: Keith Bricknell

Secretary: Sheila Sproule



THE METROPOLE

18 May 2023

To: Directors and Management — MTCC 1170
From: Board President — MTCC 1170.
Re: Noise Complaints

Thank you for requesting this commentary on noise complaints. It’s a difficult topic. First, a condominium corporation must accurately identify [noises’ sources](#). Second, a condominium corporation must quantify decibel levels and duration of noise. To do otherwise would risk having to adjudicate “he-said-she-said” scenarios. With those *caveats* in mind. Let’s consider the two sources of noise-complaints.

Sound Transmission Class (STC)	What can be heard between walls at this level
25	Soft speech can be heard and understood
30	Normal speech can be heard and understood
35	Loud speech can be heard and understood
40	Loud speech can be heard, but not understood
45	The threshold at which privacy begins
50	Loud sounds can be heard, but are very faint
60	At this level, good soundproofing begins. Neighbors generally are not disturbed by very loud speech from inside.

Many complaints reflect airborne noise between “demising” or “partition” walls separating two suites. For such complaints, a condominium corporation has two remedies: verifying and ensuring “sound transmission classes (“STCs”), and enforcement of the building’s rules. In Canada, “50” is the “code” STC for walls separating any two suites. And, as [the adjoining table](#) indicates, “very faint” transmission is permissible. As for partition walls between suites and elevator shafts and/or rubbish chutes, “55” is the applicable STC. But that’s not where problems end.

[The building code is silent regarding structure-borne noises](#), such as. “...as a plate dropped on hardwood floor or furniture dragged across a floor, or where mechanical or electrical equipment such as pumps, air-handling equipment, transformers or elevators impart continuous vibration into the structure...” In such cases, a condominium corporation’s only remedy is enforcement of its own rules. But that, too, is not where it ends. As Section 58(2) of the [Condominium Act](#) says, “...The rules shall be reasonable and consistent with this Act, the declaration and the by-laws...” And oh, by the way, declarations and by-laws also must be “reasonable”. So, in MTCC 1170’s context, how does one define “reasonability”?

Unfortunately, MTCC 1170’s declaration is not necessarily a good starting point. Section 14(d) of MTCC 1170’s declaration says, “No less than 50% of the floor area of each of the residential dwelling units shall be covered with broadloom or rugs at all times.” In 1996, or thereabouts, when the developer and the lawyers drafted MTCC 1170;s declaration, wall-to-wall carpeting was still trendy. But that’s history. Condominiums must accept the reality that hardwood flooring is a “value-added” item. Prohibition thereof, or enforcement of the “50% broadloom” stipulation, would be challenging. How, then, does a condominium ensure that all residents have “quiet enjoyment” of their homes?

Ensuring that a hardwood and/or laminate floor’s underpadding provides sound-attenuation equivalent to “broadloom” would be a starting point. However, that’s not necessarily enough. And that leaves us with insistence on, and enforcement of, “reasonable” standards for noise. But, of course, one person’s definition of “reasonable” can very easily morph into another person’s definition of “draconian”. And then, matters can very easily spiral out of control. Parties can find themselves at an [adjudication session at the Condominium Authority of Ontario](#).

Decibels	Common Examples
20	Ticking watch
30	Leaves rustling
30 to 50	Average room noise
60	Background music
70	Average office
75	Landscaping equipment (from inside a house)
80	Inside an airplane/Electric vacuum
85	City traffic (from inside a car)/Noisy restaurant
90	Hairdryer
95	Food processor/DJd school dance/Crowing rooster
95 to 100	Approaching subway train/Car horn at 16 ft
100	Motorcycle/Automatic hand dryer
105 to 110	Gas-powered leaf blower

For airborne and structurally transmitted noise, what is a reasonable definition of “quiet enjoyment”? [The Hearing Health Foundation](#) provides a starting point.

As for legalities, [Chapter 591 of Toronto’s Municipal Code](#) provides some guidance via paragraph 591-2.1(B). Amplified sound, “...no person shall emit or cause or permit the emission of continuous amplified sound, measured with a sound level meter at a point of reception in an indoor living area...That has a sound level (expressed in terms of Leq for a ten-minute period), exceeding [45 dB\(A\)](#) or [60 dB\(C\)](#) from 11 p.m. to 7 a.m. or [50 dB\(A\)](#) or [65 dB\(C\)](#) from 7am to 11pm...”

Chapter 591 also examines a second variable; namely, offending noises’ duration, “Where the ambient sound level at a point of reception exceeds the maximum sound level permitted under Subsection B(1), that has a sound level (expressed in terms of Leq for a ten-minute period) equal to or exceeding the ambient sound level.”

Notice that Chapter 591 refers to “...a point of reception...”and it differentiates between sporadic and continuous noise. Thus, condominium corporations have reasonable benchmarks for addressing concern about **levels and durations of noise levels**.

Sporadic noise is endemic to urban life. Consider, for example, a disabled person living in a bachelor suite. Daily, that disabled resident readies a hide-a-bed for the night. But inadvertently the resident causes a dull “thud” whilst doing so. Ditto for morning, when folding the hide-a-bed. Should the condominium corporation come down with “fire and sword” on that resident? I hope not — since the sporadic noise is simply comparable to the myriad noises of urban life.

For more persistent noises, the condominium corporation must intervene. The first step is verification and quantification. MTCC 1170 has a decibel meter and a device for recalibrating the meter to ensure accuracy. Co-operation is also necessary — between the complainant and the allegedly offending suite. Two staff-members would also be necessary — communicating via mobile phones. One staff member, with the decibel meter, would be in the complainant’s suite, awaiting each step in the replication process. The other staff member would be in the allegedly offending suite — and would replicate the allegedly offending activities. The staff member with the decibel meter would record [dB\(A\)](#) and [dB\(C\)](#) sounds from the replicated activities. Management would then report the result to the Board for a decision about further action.

Bear in mind that airborne sound transmission between walls (eg, loud music) is relatively easy to identify, measure, and remediate. Structurally transmitted noise can be more challenging; hence, the more complex process.

Respectfully submitted.
Keith Bricknell — Board President

Adopted via Resolution #230518R06.