



THE METROPOLE

25 January 2024

Minutes of MTCC 1170 Meeting Number 240125R — Held on 25 January 2024

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

Regrets: None

01 Call to Order: Keith Bricknell called the meeting to order at 1853h.

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

Resolution 240125R01: Adoption of the Agenda

BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 240125R, as presented.

Marc de Montigny/James Louttit — Carried

03 Assignment of Duties:

(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #240125R.

04 Review and Adoption of Previous Meetings' Minutes:

Resolution 240125R02: Adoption of Minutes

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 231221R, as presented.

Marc de Montigny/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) Fire Alarm Deficiencies: Please refer to Section 11(a) of this Agenda.

(ii) Record Request: Please refer to Section 11(b) of this Agenda.

(iii) Drainpipes: Please refer to Section 11 (c) of this Agenda.

(iv) DHW Boiler: Please refer to Section 11(d) of this Agenda.

(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 240125R03: 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 2024, PropertyWright's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2022 to 30 November 2023, and the Front Desk Security Report for the period 05 December 2023 to 04 January 2024.

Nives Malara/Marc de Montigny — Carried

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

(a) None as of 25 January 2024.

08 Correspondence Requiring Action and/or Response:

(a) In response to concerns from a townhouse and/or townhouses, a committee of the Board will arrange a virtual meeting with that concerned party and/or those concerned parties.

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

(a) Fire Alarm Deficiencies:

Resolution 240125R04: Authorising Fire System Remediation

WHEREAS [Regional Fire and Security Systems](#) (“Regional”) has delivered its Annual Fire Inspection Record (“Record”); THEREFORE,

BE IT RESOLVED that MTCC 1170 received Regional’s Record as information; AND, FURTHER,

BE IT RESOLVED authorises the following payments from the specified accounts, reflecting Regional Fire’s Estimate Numbers:

01 Estimate #5269 — Fire Alarms — \$6,870.40 (Incl HST) — Reserve Fund;

02 Estimate #5268 — Fire Extinguishers — \$474.60 (Incl HST) — Operating Fund; AND,

03 Estimate #5271 — Sprinkler Deficiencies: \$2,457.75 (Incl HST) — Reserve Fund.

Scott Froebe/James Louttit — Carried

(b) Record Request:

Resolution 240125R05: Responding to an Owner’s Request for Records

WHEREAS pursuant, *inter alia*, to Sections 55(3) and 55(3.1) of the *Condominium Act*, an Owner has requested copies of MTCC 1170’s records; THEREFORE;

BE IT RESOLVED that MTCC 1170’s Board of Directors requires Management to provide the aforementioned Owner with the records encompassed in the Owner’s duly-completed “Ministry of Government and Consumer Services Request for Records” form.

Marc de Montigny/Nives Malara — Carried

(c) Drainpipes: MTCC 1170 awaits the contractor’s quote for replacing some drainpipes.

(d) DHW Boiler:

Resolution 240125R06: Amending Resolution 230921R08

WHEREAS Management has advised that Domestic Hot Water Boiler #1 requires a different component than originally predicted; THEREFORE;

BE IT RESOLVED that MTCC 1170 shall employ [Ambient Mechanical](#) to complete work described in the following revised quote:

“02 DHW Boiler #1” — Quote #QUO-24989-F6J2 — \$6,430.10 (+HST); AND, FURTHER,

BE IT RESOLVED that payment for completion of work described in Quotes #QUO-24989-F6J2 shall be from the Reserve Fund.

Scott Froebe/James Louttit — Carried

(e) Receiving Committee Reports:

Resolution 240125R07: Receiving Committee Reports as Information

WHEREAS MTCC 1170 has received the Toronto Fire Department Toy Drive Chairperson's oral report of December 2023's donation of toys and the Staff Fund Chairperson's written report of the December 2023 distribution of gratuities to onsite workers; THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 thanks both Chairpersons for their efforts, receives both Reports as information, and affirms the Staff Fund Chairperson's recommendations for distributions of gratuities described her written Report.

Scott Froebe/Nives Malara — Carried

(f) Receiving a Corporate Officer's Responses:

Resolution 240125R08: Affirming a Corporate Officer's Responses

Whereas the Board President has provided the following responses and/or newsletters:

01 explanation of access to outdoor facilities during rentals of a lounge;

03 explanation of the Ontario Building Code's applicability to MTCC 1170; AND,

03 explanation of safety-concerns and safety-criteria for electric mobility devices' lithium-ion batteries; THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 receives the above-noted as information, approves their distribution to the relevant parties, and authorises their attachment to the Minutes of Meeting #240125R.

Nives Malara /James Louttit — Carried

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 #240125R: 1830h on Thursday 22 February 2024.

14 Motion for Adjournment

Resolution 240125R9: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 240125R at 1912h on Thursday 25 January 2024.

Scott Froebe/James Louttit — Carried

"Keith Bricknell"

"Nives Malara"

President: Keith Bricknell

for Secretary: Marc de Montigny



THE METROPOLE

25 January 2024

To: Directors and Management — MTCC 1170
From: Board President — MTCC 1170
Re: Responding to Marc de Montigny's Emailed Question, "... the Penthouse rentals. Do these bar access to the rooftop for other occupants? If so, how does one manage rentals vs. resident access, e.g during fireworks weekends or celestial events, if lounge is rented, no one else can go to rooftop?"

The default position for MTCC 1170's recreational facilities is that they should be available to all residents (owners and tenants alike - as legislations and our own documents require) all the time, subject only to "hours of operation". Thus, the fees for any and all rentals of so-called "party rooms" should reflect three issues: (a) an amount sufficient for cost-recovery, for cleaning the venue following use; (b) an amount sufficient to be, at very least, the "starting point" as a "caution fee" for any damage that might occur during the rental-period; and, (c) an amount sufficient to discourage overly-frequent rentals that could deprive all residents of free access to the recreational facilities. (Or, putting it another way, one could say that a facility's rental fee could be somewhat of a "nuisance fee".)

As for the contention that rental of the penthouse lounge prevents access to the penthouse terrace, you really do need to keep in mind that the rental of either or both lounges has potential for limiting access to an outdoor recreational facility. Thus, the penthouse terrace is certainly not unique. Indeed, for families with children, the fifth-floor terrace is likely more important - because of the play-area, and the ramp for safely using kiddies' tricycles and similar toys. Herein, I can speak from the experience of watching my grandson (DoB May 2003) playing happily on the fifth-floor terrace with just such toys. To that, I can add winter days when one parent would take their children to either or both lounges simply to give some respite to the other parent. Indeed, I have even seen university students "hitting the books" in either or both lounges because room-mates were hosting a social occasion in a shared unit.

My point here should be simple; namely that any conferring of temporary exclusive use will inevitably deprive other residents of access to the area(s) to which MTCC 1170 has granted that temporary exclusive use. Thus, neither fireworks nor celestial events is "more sacred" than the desire to provide play-areas for young children, nor study-areas for university students (to name only a small sample of residents' preferred uses.) The so-called "bottom line here" is that the temporary granting of exclusive use will always be a benefit to the recipient of that temporary exclusive use privilege and a temporary inconvenience to the building's other residents.

As for fireworks, per se, <https://www.toronto.ca/city-government/public-notices-bylaws/bylaw-enforcement/fireworks/describes> the three days each year when the City of Toronto permits them.

Respectfully submitted
Keith Bricknell



THE METROPOLE

22 January 2024

Thank you for your letter delivered to the Concierge Desk on 19th January 2024. I have added that letter to the Draft Agenda Package for Board Meeting #240125R and have apprised all Directors of the addition thereto.

In the meantime, I can offer a response to your question about the Ontario Building Code's applicability to existing buildings (such as, *inter alia*, MTCC 1170).

If you go to <https://origin-and-cause.com/articles/when-building-code-upgrades-are-mandatory/>, you can read a third-party explanation of the Building Code's applicability:

Buildings must comply with the latest edition of the building code in effect at the time of their construction. Alterations, large renovations, extensions, restorations, additions, and change of use to existing buildings also fall within the scope of the building code with the exception of minor renovations such as kitchen remodelling, replacing flooring and roofing finishes, and painting. The building code is generally not intended to be applied retroactively to enforce new code requirements in existing buildings that are not being altered unless specifically required by other regulations or local bylaws (NBC 2015). However, where a building is undergoing substantial alterations or change of use, upgrades to the building, or at least the altered portion of the building, may be required to comply with the most recent edition of the building code.

The NBC does not contain specific information on how the code should be applied to change of use or to alterations of existing buildings. The Ontario Building Code (OBC) addressed this gap in the NBC by introducing specific provisions applicable to the Change of Use (Part 10) and Renovation (Part 11). Under the OBC, renovations to structures that have been in existence for more than five years fall under the scope of Part 11, which provides "compliance alternatives" that offer some relief from the requirements that are imposed on new construction.

Ontario's entire Building Code is available at <https://www.buildingcode.online/>. Additionally, if you go to <https://www.ontario.ca/laws/regulation/120332>, you will see that Section 1.1.2.7 says, "Except as provided in Section 3.17. of Division B, Section 9.40. of Division B and Part 11 of Division B, if an existing building is extended or is subject to material alteration or repair, this Code applies only to the design and construction of the extensions and those parts of the building that are subject to the material alteration or repair."

My familiarity with this topic reflects my time as chief executive officer of a school district. As enrolments fluctuated, and as mainstreaming of special needs students increased, significant reconfigurations of schools became necessary. Thus, I faced many decisions about two issues: ascertaining which version of a building code applied to each of my buildings, and deciding what constituted a "material alteration or repair".

As for MTCC 1170, I will remind all owners that condominiums' governing boards have an equal duty to all owners, regardless of the location and/or spaciousness of their dwelling units. Condominiums' operating and/or capital budgets are a zero-sum game. That is, funds expended on behalf of one constituency become funds consequently unavailable to all other constituencies in a building — absent an increase in everyone's CE fees. Thus, if any condominium's governing board exceeded applicable building codes' requirements on behalf of one constituency, that governing board would then owe a valid explanation to all of the other constituencies in the building. That, surely, should be the so-called "starting point" for any prudent governing board's decision-making processes.

Thank you for your attention to this response to one of your questions in the letter delivered on 19th January

Keith Bricknell — Board President — MTCC 1170



THE METROPOLE

24 January 2024

Electric Mobility Devices' Lithium-Ion Batteries: Potentially Severe Fire Hazard

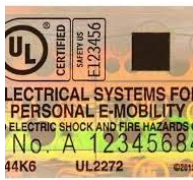


On 02 January 2024, [the CBC reported that an e-bike's lithium-ion battery had spontaneously combusted](#) on a subway car at Sheppard-Yonge.

For your Board and Management, the incident, and the TTC's and the FTD's apparent inaction, raised three concerns — given that many electric mobility devices with lithium-ion batteries could similarly combust.

First, how many of our residents have electric mobility devices in their suites and/or in their storage lockers?

Second, many of the couriers who deliver meals and other merchandise to MTCC 1170 use e-bikes. Those couriers fear theft of their e-bikes while they deliver items to suites. Thus, they usually park their e-bikes in the “glass cage” between the outer and inner King Street doors.



Third, unlike [New York City](#), neither the TTC nor the TFD seem to have educated Torontonians about safety-standards for electronic mobility devices. Yet Canada does, indeed, have such standards; namely, [ANSI/CAN/UL-2272:2019 — Electrical Systems for Personal E-Mobility Devices](#) and [ANSI/CAN/UL 2849:2022A — Electrical Systems for e-Bikes](#).

Compliant electric mobility devices and/or their lithium-ion batteries might display decals similar to the ones at this paragraph's left side. Please verify compliance with UL standards *before* buying e-mobility devices!

In the meantime, your Board and Management face a hard scenario. Section 117(1) of the [Condominium Act](#) says, “No person shall, through an act or omission, cause a condition to exist or an activity to take place in a unit, the common elements or the assets, if any, of the corporation if the condition or the activity, as the case may be, is likely to damage the property or the assets or to cause an injury or an illness to an individual.”

Does Section 117(1) mean that your Board should prohibit couriers from safeguarding their e-bikes in the “glass cage” — while they deliver items to your suite? Any such prohibition would likely mean that the courier would require you to attend at the Front Desk to retrieve your items. Does Section 117(1) also mean prohibition of non-compliant electric mobility devices from MTCC 1170?

The answer to the first of those two questions is probably easier. The City of Toronto knows (or should know) that downtown's condo-dwellers frequently receive deliveries from e-bike couriers. Has the City of Toronto ensured that sturdy bike-racks are available near those condos' doorways? [Our City Councillor, Chris Moise](#), should be ready, willing, and able to answer that question. While you have him on the phone, please to ask why Toronto hasn't emulated New York City's public-education efforts *and* mandated the above-noted safety standards for electric mobility devices.

Thank you for your attention to this newsletter and its hyperlinks. If you have any questions, please contact the Management Office.

Board of Directors — MTCC 1170