



## THE METROPOLE

21 March 2024

### **Minutes of MTCC 1170 Meeting Number 240321R — Held on 21 March 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 1840h.

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

Resolution 240321R01: Adoption of the Agenda

BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 240321R, as presented.

Scott Froebe/James Louttit — Carried

03 Assignment of Duties:

(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #240321R.

04 Review and Adoption of Previous Meetings' Minutes:

Resolution 240321R02: Adoption of Minutes

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 240222R, 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) Reserve Fund Study and Plan: Please refer to Section 11(a) of these Minutes.

(ii) Fiscal 2023's Audit: Please refer to Section 11(b) of these Minutes.

(iii) Authorising AGM 2024: Please refer to Section 11 (c) of these Minutes.

(iv) Authorising Reinvestments: 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 240321R03: 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 March 2024, PropertyWright's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2023 to 31 January 2024, and the Front Desk Security Report for the period 06 February 2024 to 04 March 2024.

Nives Malara/Marc de Montigny — Carried

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

(a) None as of 21 March 2024.

08 Correspondence Requiring Action and/or Response:

(a) None as of 21 March 2024.

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

(a) RFS and Plan:

Resolution 240321R04: Affirming Emailed Adoption of the Reserve Fund Plan

WHEREAS MTCC 1170’s Board of Directors has received its 2024 Class 2 Reserve Fund Study Update from [Building Sciences](#); THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 adopts the Class 2 Reserve Fund Study Update that [Building Sciences](#) has proposed; AND, FURTHER,

BE IT RESOLVED that the Board of Directors of MTCC 1170 approves, as its triennial Reserve Fund Plan, the annual contributions described in the following table, which comprises amounts described in Table 4 of [Building Sciences](#)’ Class 2 Reserve Fund Study.

Fiscal Year	Contribution
01 December 2024 to 30 November 2025	\$878,421.00
01 December 2025 to 30 November 2026	\$1,005,792.00
01 December 2026 to 30 November 2027	\$1,151,632.00
01 December 2027 to 30 November 2028 <sup>1</sup>	\$1,318,619.00
<sup>1</sup> Deemed starting-point for the next triennial RF Plan.	

Nives Malara/Scott Froebe — Carried

(b) Fiscal 2023’s Audited Statements:

Resolution 240321R05: Accepting the Auditor’s Report

WHEREAS the Board of Directors of MTCC 1170 has received MTCC 1170’s audited statements from [Rapkin Wein LLP](#), for the fiscal year beginning 01 December 2022 and ending 30 November 2023; THEREFORE,

BE IT RESOLVED that the Board of Directors of MTCC 1170 receives the above-noted audited statements as information; AND, FURTHER,

BE IT RESOLVED that the Board of Directors of MTCC 1170 agrees that the above-noted audited statements fairly and truly represent MTCC 1170’s financial operations during the fiscal year in question.

Nives Malara/Marc de Montigny — Carried

(c) AGM 2024

Resolution 240321R06: Authorising an AGM and AGM Package

BE IT RESOLVED the Board of Directors of MTCC 1170 agrees to and/or authorises the following:

(a) MTCC 1170’s AGM (hereinafter, “AGM 2024”) shall commence at 7:30pm on Thursday 30<sup>th</sup> May 2024 (with registration beginning one-half hour earlier);

- (b) MTCC 1170 shall employ [CondoVoter](#) to solicit proxies, distribute documents, act as scrutineer, and, by all other means necessary, facilitate AGM 2024 as a “virtual” AGM for \$2,450.00 (+HST);
- (c) AGM 2024’s information package to owners shall include, *inter alia*, the following items:
  - (i) an information-letter, agenda, proxy-form, and instructions, in the same general format that MTCC 1170 used for AGM 2023, but amended, as might be necessary, to reflect the *Condominium Act*’s requirements;
  - (ii) a President’s Report, in the same general format that MTCC 1170 used for AGM 2023; AND,
  - (iii) any other items and/or procedures that the Management Office deems necessary for facilitating the conduct of AGM 2024.

James Louttit/Scott Froebe — Carried

(d) Authorising Reinvestments:

Resolution 240321R07: Authorising Reinvestment of Funds

WHEREAS Management has reported Operating Surplus and Reserve Fund cash balances that are higher than anticipated expenses chargeable against either or both sources of funds; THEREFORE,

BE IT RESOLVED that MTCC 1170 authorises investing funds as follows, *inter alia*, with Sections 115(5) and 115(6) of the [Condominium Act](#) regarding permissible variable-rate investments and mandatory liquidity for condominium corporations.

01 **Operating Surplus:**

- (a) \$100,000 to one-year  $\approx$ 5.10% from AA rated (CIBC); AND,
- (b) \$100,000 to two-year  $\approx$ 4.70% from AA rated (HSBC).

02 **Reserve Fund:**

- (a) \$200,000 to one-year  $\approx$ 5.10% from AA rated (CIBC);
- (b) \$100,000 to two-year  $\approx$ 4.70% from AA rated (HSBC), AND,
- (c) \$100,000 to three-year  $\approx$ 4.50% from AA rated (HSBC).

Nives Malara/Marc de Montigny — Carried

(e) Affirming Responses:

Resolution 240321R08: Affirming a Corporate Officer’s Responses

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

- 01 explanation of MTCC 1170’s ability to prescribe commercial units’ use; AND,
- 03 enquiry about the absence of forewarning of the demonstration on 15<sup>th</sup> March 2024; 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 #240321R.

James Louttit/Scott Froebe — Carried

(f) *Ad Hoc* Committee’s Report: *Keith Bricknell surrendered the Chair to James Louttit.*

Resolution 240321R09: Receiving an *Ad Hoc* Committee’s Report

WHEREAS the “Townhouses’ *Ad Hoc* Committee” has Fulfilled its duties and provided its report and recommendations; THEREFORE,  
BE IT RESOLVED that the Board of Directors of MTCC 1170 receives the above-noted report as information, concurs with the report’s recommendations, and approves the report’s attachment to the Minutes of Meeting #240321R.  
Keith Bricknell/Marc de Montigny — 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 #240425R: 1830h on Thursday 25 April 2024.

14 Motion for Adjournment

Resolution 240321R10: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 240321R at 1900h on Thursday 21 March 2024.

Scott Froebe/James Louttit — Carried

“Keith Bricknell”

“Marc de Montigny”

President: Keith Bricknell

Secretary: Marc de Montigny

Adopted at Meeting #240425R



## THE METROPOLE

06 March 2024

### **MTCC 1170's Management of Commercial Units' Choice of Businesses**

On 01 March 2024, Management emailed a copy of Unit 5D's application to be a cannabis vendor. Management's email included live links to the application's URLs. As for opinion, for or against, Management's PDF's last paragraph evinced appropriate neutrality, "Please note that your Management Office provides this notice as an "information-only" item — to facilitate any input that owners and/or residents might choose to offer."

A few days later, your Board President received an inquiry about MTCC 1170's ability to pass a by-law prohibiting commercial units from becoming cannabis vendors. His reply, edited slightly for length, follows.

First, [refer to] Section 17(a) of MTCC 1170's Declaration...available to everyone at [www.mtcc1170.com](http://www.mtcc1170.com).

"Each commercial unit and any common elements over which the owners of any of the commercial units have exclusive use may be used and occupied for such commercial or retail purpose as may be permitted by the by-laws of the City of Toronto or any other governmental authority having jurisdiction; provided however that no commercial unit may be used as a billiard or pool hall, bowling alley, commercial bath house, video arcade, auctioneer's premises, massage establishment, or undertaker's establishment unless such use is permitted by the board of directors of the Corporation from time to time, which permission may be arbitrarily withheld."

For the proposed cannabis franchise and/or branch dealership, the key language is "...may be used and occupied for such commercial or retail purpose as may be permitted by the by-laws of the City of Toronto or any other governmental authority having jurisdiction...." Since the Province of Ontario permits cannabis outlets' existence, the Province of Ontario [is] the "...governmental authority having jurisdiction...."

As for [using by-laws to countermand declarations, refer to] to <https://www.condoauthorityontario.ca/before-you-buy-or-rent-a-condo/how-condos-work/governing-documents/by-laws/> [There,] you will see that, "...By-laws are required to be reasonable and consistent with the Condominium Act and the corporation's declaration...." A by-law that countermanded, or sought to countermand Section 17(a) of MTCC 1170's Declaration would not be "...consistent with....the corporation's declaration..."..Thus, it would surely fail a...challenge...

But those...legal issues...might seem minor when compared with the historical time-spans necessary for passage of by-laws, ... given...the 50% quorum... [For example, in] March 2007... your Board of Directors [adopted] an Occupancy Standards by-law and sought...owners' [consent] at AGM 2007. But...quorum was unavailable at AGM 2007, and passage did not occur until AGM 2008. As for the Standard Unit By-law, adoption by your Board of Directors occurred in 2017, but owners' quorum was unavailable until an extension of AGM 2019. ...So given the [AGCO's] 15<sup>th</sup> March 2024 deadline [for intervenors'] submissions...a by-law would be problematical even if Section 17(a) of the Declaration wasn't already an insuperable obstacle.

As for amending the Declaration's Section 17(a), go to <https://www.condoauthorityontario.ca/before-you-buy-or-rent-a-condo/how-condos-work/governing-documents/#>: and note the quorum necessary for amending any condominium's declaration, "The declaration can only be amended with the written consent of 80 – 90% of unit owners depending on the type of amendment."

Nonetheless, intervenors still have until 15<sup>th</sup> March 2024 to share their opinions with the AGCO, regardless of MTCC 1170's limitations.

Thank you for your attention to this procedural explanation.

The Board of Directors — MTCC 1170



## THE METROPOLE

21 March 2024

To: Unit Commander — TPS Division #51 (at [51division@torontopolice.on.ca](mailto:51division@torontopolice.on.ca))  
From: Board of Directors — MTCC 1170 (7 King St E)  
Re: Protest at King St E and Yonge on 15<sup>th</sup> March 2024

MTCC 1170 thanks the TPS for its management of the crowd that converged on the King Edward Hotel on 15<sup>th</sup> March 2024. Our Management's preliminary report is that our building suffered no damage. However, our residents are likely to have concerns about lack of advance notice.

The TPS's preparedness suggests significant prior planning. Why did that planning omit timely notifications to condominium buildings such as 7 King St E? Did the omission also encompass other condominiums — such as 80 Wellington St, 88 Scott St, and 8 Colborne St?

That question reflects a bad “vibe” that our Board President received, several years ago, at one of Division 51's Community Police Liaison Committee's meetings. During that meeting, a question arose about the TPS's help with condominium buildings' incidents. A Staff Sergeant loudly belittled that the TPS would not help because “...we're not their garbage collectors...”

Senior officers at the meeting chose not to gainsay the Staff Sergeant's remarks. That omission, and failure to advise about the 15<sup>th</sup> March demonstration, concerns MTCC 1170's Board of Directors. Condos' occupants are not second-class citizens. During Fiscal 2023, for example, MTCC 1170 (7 King St E) paid approximately \$1,000,000.00 in property taxes. Thus, we believe that providing timely notice to us is not “garbage collecting” — to paraphrase the Staff Sergeant's characterisation of such services. Instead, timely notice is simply a duty that any police service would surely owe to its tax-paying home-owners.

Going forward, MTCC 1170 insists on the TPS's timely prior notifications about impending demonstrations in the area bounded by Queen, Front, Bay, and Jarvis Streets. That information is essential to our ability to forewarn our owners and/or residents to take appropriate precautions. You may contact us at [MTCC1170@outlook.com](mailto:MTCC1170@outlook.com) and/or at the telephone numbers on this page's footer.

Thank you for your attention to this memorandum. Also, thank you, in advance, for your anticipated response thereto.

Board of Directors— MTCC 1170

Copied to:  
Chris Moise at [Councillor\\_Moise@toronto.ca](mailto:Councillor_Moise@toronto.ca)  
30 Wellington St at mailing address  
88 Scott Street at mailing address  
8 Colborne Street at mailing address

**MTCC 1170's Board Resolution #240321R08 authorises transmission to recipients.**



## THE METROPOLE

21 March 2024

### **MTCC 1170: *Ad Hoc* Committee's Meeting (without prejudice) with Townhouses' Owners**

**Date, Venue, and Time: 07 March 2024 — Via Zoom — from 1800h to 1900h**

#### ***Ad Hoc* Committee's Membership:**

- James Louttit — Vice-President;
- Scott Froebe — General Manager; and,
- Nives Malara — Treasurer.

**Townhouses' Participants: Four (4) townhouses' owners attended.**

**Facilitator and Chairperson: Jonathan Fine, Legal Counsel for MTCC 1170**

#### **Meeting's Purpose:**

The *ad hoc* committee invited the townhouses' eight (8) owners to meet and share concerns about townhouses' security. The invitation arose from some townhouses' owners' request to discuss perceived vulnerabilities along Victoria Street.

#### **Meeting's Protocol:**

- The *ad hoc* committee shall report townhouses' owners' concerns to Regular Meeting #240321R
- Attendees agreed to no electronic recording of the meeting's proceedings.

#### **Townhouses' Concerns:**

- Townhouses' perimeter; specifically, door locks' and glass panels' adequacy;
- Townhouses' security panels' vulnerability to Building Staff's overrides;
- Townhouses' external lighting's adequacy;
- Motorists' standing in townhouses' doorways whilst accessing the Green P Parking machine;
- Provision of rigorous security during maintenance where Victoria Street's doors remain open; and,
- Support for townhouses' request for the City to widen Victoria Street's sidewalks.

The *ad hoc* committee reminded attendees of steps that MTCC 1170 had already taken and/or authorised. Post-meeting, the *ad hoc* committee sent a summary thereof (enclosed) to all townhouses.

#### **The *Ad Hoc* Committee's Recommendations:**

1. Implement professional advice regarding doors' hardware, and glasswork
2. Seek the SLNA's support for lobbying the City about the Victoria Street sidewalk's width.
3. Implement professional advice regarding Victoria Street's exterior lighting.
4. Resolve owners' instructional and vulnerability concerns about their security panels.

Respectfully submitted  
Townhouses' *Ad Hoc* Committee

Encl/1





## THE METROPOLE

07 March 2024

### MTCC 1170's Perceptions of Townhouses' Safety Issues

In Autumn 2023, an unidentified person damaged a townhouse's Victoria Street door. The incident concerned your Board and Management. The incident also precipitated lengthy interaction among your Board, Management, and one townhouse's owner. That interaction encompassed questions about townhouses' security. On 12 December 2023, all townhouses' owners received a memorandum that included the following promises.

Your Board and Management share your concerns about recent external damage to townhouses' Victoria Street doors. To ensure that your doors, door-hardware, and windows are as secure as reasonably possible, MTCC 1170 will immediately seek a professional opinion. If there are deficiencies, MTCC 1170 will use the following criteria for remediation of those deficiencies.

- 01 Victoria Street Doors' Resistance to Forced Entry: For this criterion, the most recent Ontario Building Code's specifications are available at <https://www.buildingcode.online/1301.html>.
- 02 Victoria Street Windows' Resistance to Forced Entry: For this criterion, the most recent Ontario Building Code's specifications are available at <https://www.buildingcode.online/1302.html>.
- 03 Victoria Street Door's Door-Hardware: For this criterion, the most recent Ontario Building Code's specifications are available at <https://www.buildingcode.online/323.html>.

Regarding MTCC 1170's offer to remediate, please note [that]... As <https://www.ontario.ca/laws/regulation/120332> explains, condominium corporations have no legal obligation to comply with the most recent version of the Ontario Building Code. Rather, they need only comply with the version that was current during construction and/or conversion. Thus, the offer to apply the most recent version of the Ontario Building Code significantly exceeds MTCC 1170's legal obligations.

A townhouse's owner then required proof that, "...condominium corporations have no legal obligation to comply with the most recent version of the Ontario Building Code." On 22 January 2024, your Board responded.

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."

During the several-weeks'-long interactions, a townhouse's owner also suggested replacing the "standard" external-key-key-and-interior-lever deadbolts with "double-keyed" deadbolts. To that suggestion, your Board provided the following response on 21 December 2023.



<https://www.buildingcode.online/323.html> prohibits that arrangement, “An egress door from an individual dwelling unit or from a suite of residential occupancy is permitted to be provided with additional devices that require a releasing operation additional to the main door release hardware, *provided the devices are readily operable from the inside without the use of keys, special devices or specialized knowledge.* [Emphasis added.]

...Also, as part of long-term, pre-planned upgrades, MTCC 1170 will be replacing the smoke/security keypad system and its remaining underlying 1997-era infrastructure. [Note, though, that there has never been, nor will there ever be, either an electrical or a mechanical connection between suites' keypads and suites' deadbolt locks.]

These Board Meeting's Minutes' excerpts describe MTCC 1170's already-authorized security measures.

Resolution 231221R05: In-Suite Security/Smoke Panel Upgrades  
WHEREAS Management and the Superintendent have identified systemic age and technology-related issues with the in-suite security/smoke panels; THEREFORE;  
BE IT RESOLVED that MTCC 1170 shall pay [Regional Fire](#) \$89,265.14 (+ HST), to perform work described in their Estimate #5186 AND, FURTHER,  
BE IT RESOLVED that payment for completion of work described in Estimate #5186 shall be from the Reserve Fund.  
Keith Bricknell/ Scott Froebe — Carried

Resolution 240222R06: Authorising a Security Assessment  
WHEREAS MTCC 1170 wishes to identify security threats for the Victoria Street townhouses' doors and windows; THEREFORE,  
BE IT RESOLVED that MTCC 1170 shall pay [Condor Security](#) \$3,900.00 (+HST) to provide a security-assessment and recommendations for the above-noted locations; AND, FURTHER,  
BE IT RESOLVED that payment for the above-noted assessment and recommendations shall be from the Operating Fund.  
Keith Bricknell/Scott Froebe — Carried

(d) Townhouses' CCTV:  
Resolution 240222R057 Affirming Permission Granted in Resolution #231221R08  
WHEREAS to address current circumstances, and concerns arising therefrom, Directors provided generalised permission for Management to install CCTV camera coverage of the portion of Victoria Street between King and Colborne Streets; AND,  
WHEREAS [Regional Fire and Security Systems](#) (“Regional”) has installed the above-noted CCTV camera coverage; THEREFORE,  
BE IT RESOLVED that MTCC 1170 authorises paying Regional \$20,206.66 (Incl HST) for an installation initially referenced in Resolution #231221R08; AND, FURTHER,  
BE IT RESOLVED that payment for the above-noted installation shall, as previously noted in Resolution #231221R08, be from the Reserve Fund.  
Keith Bricknell/Scott Froebe — Carried

Your Board and Management believe that condominiums' governing boards have an equal duty to all owners, regardless of their percentage-ownership. Condominiums' funds are a zero-sum game. Funds spent on one constituency become funds unavailable to other constituencies — absent an increase in everyone's CE fees.

Governing boards that spent unsubstantiated amounts on any one constituency would owe an explanation to all other constituencies in a building. Section 37(3)(b) of the *Condominium Act of Ontario* neatly defines a “valid explanation”, “A director shall not be found liable for a breach of a duty mentioned in subsection (1) if the breach arises as a result of the director's relying in good faith upon... a report or opinion of a lawyer, public accountant, engineer, appraiser or other person whose profession lends credibility to the report or opinion.”

Thank you for your attention to this summation of your Board's and Management's perception of events that flowed from Autumn 2023's door-damaging incident. Note, though, that quoted items herein are additionally available in Board Meeting Minutes available at [www.mtcc1170.com](http://www.mtcc1170.com).

Board of Directors and Management — MTCC 1170