



## THE METROPOLE

25 April 2024

### **Minutes of MTCC 1170 Meeting Number 240425R — Held on 25 April 2024**

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

Regrets: James Louttit

- 01 Call to Order: Keith Bricknell called the meeting to order at 1850h.
- 02 Waiver of Notice, and/or Adoption of Agenda and Additions:  
Resolution 240425R01: Adoption of the Agenda  
BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 240425R, as presented.  
Scott Froebe/Marc de Montigny — Carried
- 03 Assignment of Duties:  
(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #240425R.
- 04 Review and Adoption of Previous Meetings' Minutes:  
Resolution 240425R02: Adoption of Minutes  
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 240321R, 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) Floor Slab: Please refer to Section 11(a) of these Minutes.  
(ii) Record Request: Please refer to Section 11(b) of these Minutes.  
(iii) 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 240425R03: 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 April 2024, PropertyWright's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2023 to 29 February 2024, and the Front Desk Security Report for the period 05 March 2024 to 05 April 2024.  
Nives Malara/Marc de Montigny — Carried
- 07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes:  
(a) None as of 25 April 2024.
- 08 Correspondence Requiring Action and/or Response:

(a) Request to Appear:

Resolution 240425R04 Receiving a Townhouse Owner's Request to Appear

WHEREAS MTCC 1170's Board of Directors has received a townhouse's owner's request to appear before the Board as a delegation ("request"); AND,

WHEREAS MTCC 1170's Board of Directors awaits a report ("report") necessary for addressing all townhouse owners' previously-discussed concerns, and wishes to ensure that any eventual decisions are consistent with the letter and spirit of Section 37(3)(b) of the *Condominium Act*; THEREFORE,

BE IT RESOLVED that MTCC 1170 exercises discretion in MTCC 1170's Rule 16.02(d) to receive the request as information, and to defer further discussions with all townhouses' owners until the Board has received and considered the report.  
Scott Froebe/Nives Malara — Carried

(b) Authorising Responses:

Resolution 240425R05 Authorising MTCC 1170's Responses

WHEREAS the Board President has provided the following draft responses:

01 explanation for opening the Penthouse Lounge to occasional rentals;  
AND,

03 reiteration of questions about the absence of forewarning of the demonstration on 15<sup>th</sup> March 2024; THEREFORE,

BE IT RESOLVED that the Board of Directors approves above-noted responses, authorises their distribution to the relevant parties, and authorises their attachment to the Minutes of Meeting #240425R.

Nives Malara/Scott Froebe — Carried

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

(a) Floor Slab:

Resolution 240425R06 Receiving a Bid-Analysis and Awarding a Contract

WHEREAS [Building Sciences](#) has provided analysis #01136 ("analysis") of qualified contractors' responses to the RfP for "Compactor and Garbage Rooms and Loading Dock Floor Slab Waterproofing Membrane Replacements"; THEREFORE,

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

BE IT RESOLVED that MTCC 1170 shall pay \$107,768.10 (HST and 10% contingency included) to [Kuch Contracting](#) for completing work that the RfP describes, with payment thereof to be from the Reserve Fund.

Nives Malara/Marc de Montigny — Carried

(b) Record Request:

Resolution 240425R07 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

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 #240523R: 1830h on Thursday 23 May 2024.

14 Motion for Adjournment

Resolution 240425R08: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 240425R at 1905h on Thursday 25 April 2024.

Scott Froebe/Marc de Montigny — Carried

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President: Keith Bricknell

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Secretary: Marc de Montigny

Unofficial — Pending Adoption



## THE METROPOLE

25 April 2024

Dear [REDACTED]

This acknowledges your emailed inquiry (11 April 2024) about rental of the penthouse lounge.

From September 1997 until early 2020, the fifth floor's lounge was the facility that MTCC 1170 rented solely to residents for functions that residents chose not to hold in their suites. MTCC 1170's two other recreational facilities (the exercise room and the penthouse lounge) were unavailable for rent.

At turnover from the developer to MTCC 1170, the exercise room had only one universal gym, one rowing machine, one stationary bicycle, one treadmill, and a few free weights. Thus, the room's probable simultaneous occupancy was four to six residents. Given the room's size and air-handling capacity, such occupancy was probably within ASHRAE's occupancy standards for salubrious indoor air-quality.

Over the years, owners frequently requested more equipment. By 2020, the room comprised its original equipment, additional free weights, a second stationary bicycle, and an elliptical trainer. Thus, its probable simultaneous occupancy rose to six to eight residents. Given any exercise facilities' users' accelerated exhalation-rates, this added "load" probably violated ASHRAE's occupancy-standards for salubrious indoor air quality.

The COVID era (and increasing awareness of respiratory diseases such as seasonal influenzas and RSV) caused MTCC 1170 to relocate all "cardio" equipment to the fifth floor's lounge — a venue with air-handling capacity more likely to fulfil ASHRAE's occupancy-standards for salubrious indoor air quality. Given the fifth floor's lounge's additional space, owners requested additional "cardio" equipment. MTCC 1170 concurred by supplying an additional treadmill. Requests for additional equipment will likely continue; MTCC 1170 will likely accede.

Those ongoing requests for "cardio" equipment, and MTCC 1170's obligation to ensure salubrious indoor air quality in its "common areas", mean that the fifth floor's lounge has ceased availability as a "party room". However, given the fact that MTCC 1170 had provided a "party room" since September 1997, a substitute is necessary. The only available substitute is the penthouse lounge — a facility on a non-residential floor.

As for the recent spate of its rentals, your Board and Management will wish to differentiate whether that spate reflects novelty and/or a pent-up backlog, *versus* an ongoing trend. If the latter, MTCC 1170 would certainly need to develop policies that appropriately balanced residents' right (since 1997) to a rentable function-room against residents' commensurate right of easy access to MTCC 1170's recreational facilities.

If you have further questions, please continue contacting the Management Office.

The Board of Directors  
MTCC 1170

cc: Unit File



## THE METROPOLE

25 April 2024

To: Sergeant Henry Dyck — TPS Division #51 (at [Henry.Dyck@torontopolice.on.ca](mailto:Henry.Dyck@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

Thank you for your response (18 April 2024) to MTCC 1170's request for prior warning of potentially controversial functions at the King Edward Hotel.

Your suggestion that MTCC 1170 should seek prior warnings from the King Edward Hotel is neither satisfactory nor feasible.

- The King Edward Hotel owes no duty of care to MTCC 1170. Therefore, the King Edward Hotel has little or no motivation to provide such services to MTCC 1170.
- If the King Edward Hotel were to begin providing prior warning to MTCC 1170, it would surely worry that two or three instances might comprise a self-imposed duty of care to MTCC 1170. Thus, if the King Edward Hotel inadvertently forgot to warn MTCC 1170 of an impending event, and if that event resulted in harm to MTCC 1170, a lawsuit for negligence, “detrimental reliance”, *etc* might ensue.

Thus, there is little to no likelihood that the King Edward Hotel would or should accede to a request for prior notice of events.

In contrast, the Toronto Police Service does owe a duty of care to warn citizens of impending activities that could cause harm. *Doe versus Metropolitan Toronto Board of Commissioners of Police* confirms that duty. And yes, MTCC 1170 admits that harms arising from *Doe* were much more severe than potential harms from an unruly mob. Nonetheless, the underlying principle is the same; namely, the TPS's duty to provide useful warning of possibly impending harms.

With that point in mind, MTCC 1170 reiterates its request that the TPS find a way of notifying MTCC 1170 (and neighbouring condos, should they wish it) of potentially controversial events at the King Edward Hotel.

Thank you for your attention to this reply. 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 #240425R05 authorises transmission to recipients.**