



## THE METROPOLE

26 September 2024

### **Minutes of MTCC 1170 Meeting Number 240926R — Held on 26 September 2024**

Present: Board — Keith Bricknell, Scott Froebe, Marc de Montigny, 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 1850h.
- 02 Waiver of Notice, and/or Adoption of Agenda and Additions:  
Resolution 240926R01: Adoption of the Agenda  
BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 240926R, as presented.  
James Louttit/Scott Froebe — Carried
- 03 Assignment of Duties:  
(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #240926R.
- 04 Review and Adoption of Previous Meetings' Minutes:  
Resolution 240926R02: Adoption of Minutes  
BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 240822R, 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) Amending A Previous Resolution: Please refer to Section 11(a) of this Agenda.  
(ii) Facilitating Beanfield: Please refer to Section 11(b) of this Agenda.  
(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 240926R03: 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 September 2024, PropertyWright's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2023 to 31 July 2024, and the Front Desk Security Report for the period 05 August 2024 to 03 September 2024.  
Nives Malara/Marc de Montigny — Carried
- 07 Unfinished and/or Tabled Business Arising from Previous Meetings' Minutes: None
- 08 Correspondence Requiring Action and/or Response: None as of 26 September 2024.

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business:

(a) Amending a Previous Resolution:

Resolution 240926R04: Amending Resolution #240719R07

WHEREAS Management has reported that remediation encompassed in [Superior Pool Spa & Leisure](#)'s Quote #00002713 would be insufficient for providing full functionality; THEREFORE,

BE IT RESOLVED that MTCC 1170 rescinds and deletes Section 01 of Resolution #240719R07 and replaces the deleted section as follows:

01 Quote # 00003013 — Replacement of Pool Salt System — \$18,519.97 (Incl HST); AND, FURTHER,

BE IT RESOLVED that payment for work encompassed in the above-noted amendment to Resolution #240719R07 shall be from the Reserve Fund.

James Louttit/Scott Froebe — Carried

(b) Facilitating an ISP's Request (*explanation appended to these Minutes*):

*Keith Bricknell surrendered the Chair to James Louttit*

. Resolution 240926R05: Facilitating MTCC 1170's Access to Beanfield's Services

WHEREAS the CRTC's "[Telecom Decision CRTC 2016-324](#)" mandates "...timely access on reasonable terms and conditions to multi-dwelling units located in Toronto, Ontario..."; AND,

Whereas an additional ISP's availability could provide greater choice for MTCC 1170's Owners and/or Residents; THEREFORE,

BE IT RESOLVED that MTCC 1170 shall enter into a "Network Upgrade Agreement" and a "Marketing Agreement" with [Beanfield](#).

Keith Bricknell/Scott Froebe — 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 #241017R: 1830h on Thursday 17 October 2024.

14 Motion for Adjournment

Resolution 240926R06: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 240926R at 1900h on Thursday 26 September 2024.

Scott Froebe/James Louttit — Carried

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President: Keith Bricknell

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Secretary: Marc de Montigny

In a [recent decision](#), the Canadian Radio-Television and Telecommunications Commission (“**CTRC**”) threatened to cut off all telecommunications services to a condominium building if the condominium corporation did not provide timely access on reasonable terms and conditions to a fourth telecommunications service provider (“**TSP**”).

There were already three TSP’s providing services to TSCC No. 2322 (the “**Corporation**”). Discussions between the Corporation and Beanfield Technologies Inc. (“**Beanfield**”) failed to result in any access rights being granted to Beanfield. The Corporation’s position was that:

- The building’s infrastructure could not accommodate Beanfield’s network, as there wasn’t sufficient capacity in the existing conduits for Beanfield’s fibres;
- Allowing Beanfield to install additional conduits (which Beanfield offered to do at its own expense) would cause unnecessary disruption to residents;
- If access was given to Beanfield to construct additional conduits, the construction would have to be done by contractors approved by the Corporation;
- As there were already three TSP’s in the building there was sufficient competitive choice for residents to select a TSP.

Beanfield brought an application to the CRTC requesting that the CRTC require the Corporation to provide access to Beanfield. Beanfield also requested that access be granted on commercially reasonable terms as set out in either its standard access agreement or in the access agreements which the Corporation had previously entered into with Bell or Rogers.

The CRTC determined that at a minimum Beanfield should be entitled to access from the street to the building’s main terminal room, access to the units upon request for its services, plus access required for the purpose of installing, operating, maintaining and replacing Beanfield’s facilities. However, the CRTC felt that it was not appropriate for the terms of either the Bell or Rogers contract to apply as Beanfield was not entitled to benefit from negotiations in which it did not participate. The CRTC also did not support the Corporation’s position that Beanfield’s installations could only be carried out by contractors approved by the Corporation, on the basis that this was a term that the parties should negotiate between themselves.

Ultimately the CRTC did not order the Corporation to provide access to Beanfield. Instead, the CRTC left it to the parties to finalize negotiations for access, with strong negative ramifications for the Corporation and in particular, the residents, if Beanfield was not granted the access rights as described above:

- If access is not granted to Beanfield within 60 days, then the existing TSP’s would not be permitted to provide services to any new resident of the condominium or to any current resident who was not an existing customer of the applicable TSP.
- If access is not granted to Beanfield within 90 days, then the existing TSP’s would not be able to upgrade or modify the services currently being provided to existing customers.
- If access is not granted within 120 days, then the CRTC would consider either issuing an order requiring that access be granted to Beanfield or alternatively, issue a decision that the existing TSP’s would no longer be permitted to provide any services to the condominium residents.

The CRTC decision was aimed at facilitating competition and maximizing consumer choice, so that residents would be able to select the TSP of their choice regardless of the type of dwelling in which they resided.

This decision by the CRTC puts all condominium corporations on notice that they cannot deny timely access on reasonable terms and conditions to any new TSP.

- <https://www.lashcondolaw.com/crtc-ruling-on-telecom-service-provider-access-to-condo-buildings/>
- <https://crtc.gc.ca/eng/archive/2016/2016-324.htm>