



## THE METROPOLE

23 May 2024

### Minutes of MTCC 1170 Meeting Number 240523R — Held on 23 May 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 1837h.

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

Resolution 240523R01: Adoption of the Agenda

BE IT RESOLVED that the Board of Directors of MTCC 1170 shall adopt the Agenda for Meeting Number 240523R, as presented.

Scott Froebe/James Louttit — Carried

03 Assignment of Duties:

(a) *Pro Tempore* Reassignments: Unnecessary for Meeting #240523R.

04 Review and Adoption of Previous Meetings' Minutes:

Resolution 240523R02: Adoption of Minutes

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adopt the Minutes for Meeting Number 240507R, 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) Late Self-Nomination: Please refer to Section 08(a) of this Agenda.

(ii) 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 240523R03: 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 2024, PropertyWright's rendering of MTCC 1170's unaudited Financial Statements for the period 01 December 2023 to 31 March 2024, and the Front Desk Security Report for the period 05 April 2024 to 04 May 2024.

Nives Malara/Marc de Montigny — Carried

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

(a) None as of 23 May 2024.

08 Correspondence Requiring Action and/or Response:

- (a) Late Self-Nomination and Other Matters: The Board provided a response to an owner's email, directed Management to transmit the response to the owner, and authorised attachment of a redacted version of the response to the draft Minutes of Meeting #240523R.

09 Special Committee Reports: None

10 Other Reports: None

11 New and/or Brought-Forward Business: None

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 #240620R: 1830h on Thursday 20 June 2024.

14 Motion for Adjournment

Resolution 240523R08: Adjournment

BE IT RESOLVED that the Board of Directors of Metropolitan Toronto Condominium Corporation 1170 shall adjourn Regular Meeting Number 240523R at 1842h on Thursday 23 May 2024.

Scott Froebe/Marc de Montigny — Carried

“Keith Bricknell”

“Marc de Montigny”

President: Keith Bricknell

Secretary: Marc de Montigny

Adopted at Meeting #240620R



THE METROPOLE  
**WITHOUT PREJUDICE**

23<sup>rd</sup> May 2024

To: [Redacted]  
From: Board of Directors — MTCC 1170  
Re Email Dated 20<sup>th</sup> May 2024

This acknowledges receipt of the above-noted email. Numbered paragraphs herein somewhat correspond to the numbered paragraphs in your email.

**01 Board Members' Email Addresses:**

- (a) Page 66 of AGM 2023's "Notice of Meeting" (*aka* "Package") shows that the Board President divulged his contact-information. To what avail? In 2024, two owners emailed him — to share concerns and/or seek information. Appendices 05 and 11 of AGM 2024's "President's Report" are expanded versions of his responses.
- (b) The Board President's choices aside, must condominiums' directors provide similar contact-information? Neither the *Condominium Act* nor its *Regulations* compel condominiums' directors to do so. Certainly MTCC 1170 cannot divulge directors' email addresses without those directors' consent.
- (c) MTCC 1170's Rule "16.02 Complaint and Communication Process" already provides a sufficiently robust process for receiving owners' concerns and/or complaints. Also, Rule 16.02 reflects the requirement that directors' and/or corporate officers' actions are lawful only within a board meeting and/or the proceedings thereof (for example, within an *ad hoc* committee that a board creates — such as the *ad hoc* committee that recently met with townhouses' owners). Thus, even if directors' email addresses were available, the Board President's responses to such emails, as shown above, exemplify the outside limits of a director's ability to respond to an owner's concerns without first seeking permission from her/his board.
- (d) In a sense, then, Rule 16.02 demarcates the very necessary boundary between the legislative function (the Board of Directors) and the executive function (the Management Office) while still ensuring that the legislative function retains over-all control of the executive function.

**02 Expiry of Directors' Terms and Methods of Voting:**

- (a) The enclosed extract from AGM 2023's "Package" indicates that MTCC 1170's owners had at least one year's notice of impending term-expiries. Thus, in theory, at least, candidates could have filed their self-nominations for AGM 2024 as early as late May 2023. Except for dates and names, the enclosed extract exemplifies pages that have been appearing in MTCC 1170's AGM "Packages" for many years.
- (b) [Your Paragraph 4e —Part 2] questions the propriety of a "...vote in advance for sitting board members..." In fact, MTCC 1170's voting procedure allows owners to amend the "...vote in advance... as many times as they wish. This is evident in the automatic receipt-email that the provider sends whenever an owner votes, "For communities that permit, you can change your vote by clicking here... This link will remain active until the end of the voting period." MTCC 1170 is one of the "...communities that permit..." owners'

amendment of their previous votes. Thus, the "...vote in advance..." that you erroneously impugn is lawful and perfectly fair.

**03 Number of Incidents Affecting Townhouses:**

The security consultant's report says,

*"Townhouse residents have reported two incidents in 2023 where unknown individuals violently kicked the exterior doors of townhomes possibly in attempt to gain entry, although their motives cannot be known for certain. Both incidents required the replacement of the townhouse door due to damage sustained during the kicking. The incidents took place in the spring and autumn of 2023 and were the catalyst for the exterior townhouse review on Victoria Street."*

Your Board will be asking the security consultant to clarify that statement. Beyond that, however, your Board has already committed MTCC 1170 to ensuring that townhouses' doors, door-hardware, and windows comply with the Ontario Building Code's most recent standards for preventing intrusions. Your Board has also asked Management to get comparative prices and cost-benefit analyses for the security consultant's recommended "plastic film" *and* for laminated glass windows. Does MTCC 1170 have a legal obligation to take these steps? MTCC 1170 has already received assurances that townhouses' doors, door-hardware, and windows already meet or exceed requirements in the version of the Ontario Building Code that is legally applicable to MTCC 1170. Thus, the proposed and/or promised upgrades exceed MTCC 1170's obligations, and the resultant costs could trigger a challenge from MTCC 1170's other owners.

**04 Request to Appear as a Delegation at a Board Meeting:**

- (a) MTCC 1170's Board of Directors has sole, unfettered discretion about granting or denying requests to appear before the Board as a delegation. MTCC 1170's Board of Directors also has sole and unfettered discretion about receiving delegations during a meeting's regular session, or by sitting as a "committee of the whole, or by designating an *ad hoc* committee to undertake the task.
- (b) Further to *ad hoc* committees, three of MTCC 1170's Directors have already given generously of their time and effort to meet with townhouses' owners. Board Minutes and AGM 2024's "Package" memorialise their efforts and MTCC 1170's commitments to townhouses' safety and security.
- (c) Given the above-noted assurances, what useful result would ensue if MTCC 1170's Board were to grant your request to appear as a delegation? Would MTCC 1170's Board be correct in assuming that a major motivation for your request is an incident that occurred in the latter part of 2023? Thus, absent a substantive new issue that has not already gone through the process that Rule 16.02 prescribes, your Board will continue refusing to receive you as a delegation. If that decision continues dissatisfying you, other venues (such as the CAO) are available to you.

Thank you for your attention to this response. If you have further concerns, please first contact the Management Office — as per Rule 16.02.

The Board of Directors — MTCC 1170

Copy to Unit File

(iii) Marc de Montigny, who is not currently on the Board. Marc de Montigny resides at 7 King Street East Toronto ON.

11 To discuss such other business as may be brought before the meeting, although these matters may not be voted upon at this meeting.

12 Termination

**Dated at Toronto, this 10<sup>th</sup> day of May 2023**

**Board of Directors — Metropolitan Toronto Condominium Corporation Number 1170**

**Information Circular 01 — AGM 2023’s Agenda-Items**

This Information Circular explains agenda-related processes at MTCC 1170’s Annual General Meeting — 7:30 pm on 30 May 2023.

1-01 Presentation of Audited Financial Statements — Agenda Item #06

The auditor, Rapkin Wein LLP, will provide a brief presentation of the audited financial statements for the fiscal year ending 30 November 2022. Following his comments, owners will have the opportunity to ask any questions related to the statements.

1-02 Appointment of Auditors — Agenda Item #08

At the Meeting, owners must appoint Auditors to serve until MTCC 1170’s next Annual General Meeting and must authorize the Directors to fix a remuneration of the Auditors so appointed. The Directors recommend appointing Rapkin Wein LLP.

1-03 Election of Directors — Agenda Item #10

At the meeting, **owners of owner-occupied units** will elect one (1) Director for a three-year (3-year) term, as shown below, **and all owners** will elect one (1) Director for a three-year (3-year) term, also as shown below. The current composition of the Board, the Directors’ terms, and their present status appear below.

| Director   | Position            | Elected In | Term Expires | Status                  |
|--|---------------------|------------|--------------|-------------------------|
| Keith Bricknell  | President           | 2020*      | 2023         | Seeking Re-Election     |
| Nives Malara   | Treasurer           | 2021       | 2024         | Remaining on Board      |
| Scott Froebe   | General Manager     | 2021       | 2024         | Remaining on Board      |
| James Louttit  | Vice President      | 2022       | 2025         | Remaining on Board      |
| Sheila Sproule   | Corporate Secretary | 2020*      | 2023         | Not Seeking Re-Election |
| * Elections occurred at AGM 2020, which convened on 18 January 2021. |                     |            |              |                         |

1-04 Nominations

As the previously sent “Preliminary Notice of Meeting” indicated, nominations can occur before an AGM for inclusion in materials. Nominations can also occur during an AGM.

**MTCC 1170s’ Zoom Registration Link for AGM 2023:**

**[https://us06web.zoom.us/webinar/register/WN\\_z7grIFdQLqmLv\\_uR8i9vA](https://us06web.zoom.us/webinar/register/WN_z7grIFdQLqmLv_uR8i9vA)**

**Zoom Dial-In Info — Dial (for higher quality, dial a number based on your current location): Canada: +1 587 328 1099 or +1 647 374 4685 or +1 647 558 0588 or +1 778 907 2071 or +1 204 272 7920 or +1 438 809 7799**

**MTCC 1170’s Webinar ID for AGM 2023: 85369470262**

**Information Circular 02 — AGM 2023’s Voting Procedures**

All Owners

Metropolitan Toronto Condominium Corporation No 1170  
7 King Street East & Victoria Street  
Toronto, ON M5C 3C5

### Re: MTCC No 1170 — Preliminary Notice of Owners' Meeting

Please be advised that the Board of Directors of Metropolitan Toronto Condominium Corporation No 1170 will convene your Annual General Meeting (“AGM 2024”) on Thursday 30<sup>th</sup> of May 2024. Pursuant to Metropolitan Toronto Condominium Corporation N<sup>o</sup> 1170’s By-Law N<sup>o</sup> 13, AGM 2024 will occur virtually via CondoVoter [www.condovoter.com](http://www.condovoter.com). PropertyWright and/or CondoVoter will release Notice of AGM 2024 to all Owners of the Corporation on Tuesday 14<sup>th</sup> of May 2024.

At AGM 2024, two (2) positions are open for election and/or re-election to the Board of Directors. The three-year (3-year) term of office of Nives Malara, holding “Treasurer” director, and the three-year (3-year) term of office of Scott Froebe, holding “General Manager” director position. Both positions will expire naturally at AGM 2024.

Those who are seeking election and/or re-election shall comply with the following conditions.

- 01 Section 45(1) of The Condominium Act, 1998, and Section 12(1) of Ontario Regulation 48/01 under the Condominium Act, 1998, provide that anyone seeking election to the Board of Directors and wishing to have his/her name, address, and election-materials included in the Notice of Meeting must notify the Corporation and provide her/his election materials no later than 12.00pm on Friday 10 May 2024.
- 02 With their notice of candidacy, all candidates shall include disclosure information pursuant, inter alia, to Section 29(1) of the Condominium Act, 1998, and Section 11.10 of Ontario Regulation 48/01. <https://www.lashcondolaw.com/wp-content/uploads/2018/04/Director-Candidate-Disclosure-Form-PDF-2018.pdf> provides one example of a generally acceptable disclosure form template.
- 03 To have their names, addresses, and election-materials included in the Notice of Meeting candidates shall submit any and all materials to the undersigned by one or more of the following methods — no later than 12.00pm on Friday 10 May 2024:
  - (a) by email to [mtcc1170@outlook.com](mailto:mtcc1170@outlook.com); and/or
  - (b) by fax at 416.861.8341; and/or
  - (c) by Canada Post and/or courier at 2 Bloor St East, Suite 3500, Toronto, ON M4W 1A8
  - (d) in person at the site Management Office – 7 King Street East

Please note that choices 03(a), 03(b), 03(c) and/or 03(d) are the sole means by which candidates may submit names, addresses, and election-materials for inclusion in the Notice of Meeting and note that 12.00pm on Friday 10 May 2024 is the deadline for submissions. Note, too, that the above-noted choices and deadline are also applicable to any other materials that Owners might wish to submit pursuant, inter alia, to Section 12.8(1) of Ontario Regulation 48/01-<https://www.ontario.ca/laws/regulation/010048#BK30>

- 04 Section 12.2 (v) of Ontario Regulation 48/01 requires a copy of Subsection 29(1) of the Condominium Act and Section 11.6 of Ontario Regulation 48/01 to appear, as noted below: