UPDATE ON THE DRAINPIPE PROJECT – February 2024

Here's a summary of information about the drainpipe project to date.

A. Background

1. The drain pipe project came about as a result of engineering studies that indicated our sanitary drain pipes would need replacement earlier than originally planned in our reserve fund studies.[1]

2. The first stage of the project is the replacement of pipes in the garage. This was completed in the spring of 2023.

3. The second stage of the project is the repair or replacement of all drain pipes in residential units. Keller Engineering considered two options: (a) the installation of cured in place pipe lining (CIPP) on the vertical drain pipes as a possible cost-saving solution or (b) a complete replacement. The Board accepted Keller's recommendation that the application of the pipe lining approach was only a partial solution that would not address several problems such as aging branch piping and recurring clogs in the stack connections as well as other considerations.[2]

4.While planning for the second stage, the Board also commissioned a study on the condition of the domestic hot and cold water riser pipes which are adjacent to the sanitary drain stack piping. Glencore Engineering performed an ultrasonic thickness testing survey on piping samples at 162 locations. The study indicates significant thinning on many of the elbows, and some straight sections of piping, on both the hot and cold water systems. The level of thinning that was measured would indicate that leaks may occur in some elbows in the next 2-5 years.[3]

At its meeting held on January 17, 2024, the Board decided to include the replacement of the domestic hot and cold water riser piping as part of the sanitary

[1] The Keller Engineering Report dated May 2, 2022 is posted in our website under Drainpipe Replacement Project found in the Dashboard. This report includes as an annex the Ultrasonic Thickness Survey of Drain piping undertaken by Glencor Engineering Ltd in November 2021.

[2] The Keller Engineering Report on the feasibility of Pipe Lining dated December 12, 2022 is posted in our website.

[3] The Keller Engineering Report on Domestic Hot and Cold Water Riser Pipe Condition Assessment dated December 14, 2023 is posted in our website.

drain piping replacement project. This will minimize overall replacement cost and impact on owners' units. This will also ensure that the domestic water riser piping is able to remain in service for the entire life of the new sanitary drain stack piping.

B. Legal opinions

The Board requested our legal counsel for their opinions on certain issues affecting the drainpipe project.

Question 1: Can the Corporation extend the repayment of the anticipated special assessment over a period of time greater than one (1) year, and if so, over what period of time can the Corporation "top up" the reserve fund ?

Answer: the Condominium Act and its regulations require the Reserve Fund to be adequately funded with an amount that is reasonably expected to provide sufficient funds for the major repair of the common elements. A strict reading of the Condominium Act requires full funding within the fiscal year following the fiscal year in which the Reserve Fund Study (RFS) is completed. However, a more flexible reading of the legislation seems to tolerate the extension of the period to "top up" the Reserve Fund over three years to account for the full cycle of the RFS. Stated otherwise, the topping up of your Reserve Fund should be such that it is fully funded by the time the next RFS is conducted.

Question 2: Who between the corporation and the unit owners is responsible for the costs of preparing the units for access to the common elements and the cost of reinstating the units after completion of the common work?

Answer: The Condominium Act and the Corporation's governing documents require the owner of a unit to prepare the unit for access by the Corporation to the common elements and to reinstate it upon completion of the Corporation's work, all at the owner's cost. This obligation falls squarely within the owner's obligation to maintain their unit.

Question 3: If the Corporation is responsible for maintaining common elements, then the corporation should also pay the cost of the removal of items from individual units to grant the corporation access to the drainpipes and must pay the cost of reinstatement to the level of a **"Standard Unit"** because these costs fall within the definition of "repair after damage".

Answer: "Repairs after damage" refers to repairs that are required as a result of an insurable event – for example, a fire, a flood. In this particular project, an owner's requirement to make their unit ready or to remove parts of their unit to grant access to common elements does not constitute "damage" of the kind that triggers the corporation's obligation to " repair after damage". Instead, the work that is

required on the owners' side falls within the definition of maintenance, which falls within the owner's responsibilities. Furthermore, the Corporation cannot take "common funds" to pay for work for which owners are responsible.

Question 4: The Condominium Act allows the Corporation to enter a unit or part of the common elements of which an owner has exclusive use to perform the duties of the corporation.
Answer: If this is indeed the only access available to perform maintenance and/or repairs, then the Corporation certainly has the right to enter units. However, it will not necessarily be resorted to if there are alternative ways of gaining access and/or there are other considerations at play. Ultimately, it is the Board's decision whether going through a unit or not is the best possible access to achieve the Corporation's objectives.

C. Principles governing recommended access

The Board's decision regarding access to units was based, first and foremost, on the principle of keeping costs to the Corporation and, therefore, special assessments to owners, as low as possible. This approach is deemed to be a fair and equitable because the special assessment will be based on the size of individual units.

However, the following considerations were also taken into account:
1. In order to maintain uniformity and consistency and the lowest construction cost, wall openings for stack access will be made from the same side in each floor.

2. Where possible, drywall assemblies in the common corridors will be the preferred access points to minimize cost to the Corporation and disturbance to the unit's occupants.

3. Where access is not possible because of the presence of a shear wall (a structural support wall) the drainpipes will be accessed from inside the unit served by the stack.

4. In the case of risers 3 and 4 where the washroom #2 walls are back to back, access only needs to be made from one side. It was deemed more beneficial to go through the bathrooms in the 04 riser since on the ground floor where there is a split, the drainpipes go through the 04 bedroom closets.

5. The Board considered the possibility of gaining access to drainpipes located in several risers by entering through a closet wall in a neighbouring unit. However,

the difficulty in obtaining agreement from the adjoining units do not augur well for the effective management of the project. Even one unit could veto the process and this could lead to considerable difficulties and time delays. While the Corporation can require access to repair common elements from inside individual units if there is no other alternative, individual owners do have rights to control their units. The Board would not want to require owners to permit work in another unit to be done from their space and expect them to bear the financial cost and the inconvenience of having work done in their unit unless it is absolutely necessary.

6. The recommended access to the 07 kitchens will be done in-unit rather than through the brick wall in the elevator lobby.

SUMMARY OF ACCESS LOCATIONS[4]

Riser #	Washroom 1[5]	Washroom 2	Kitchen
01	Corridor access	Corridor access	Access from den
02	Corridor access	Corridor access	Access from inside the kitchen
03 (Ground Floor)	Access from 04 bedroom closet	Access from inside the washroom	Access from inside the kitchen
04 (Ground Floor)	Access from 04 bedroom closet	Access from inside the washroom	
03 (Floors 2-14	Access from inside the washroom	Access from 04 closet suite	Access from inside the kitchen
04 (Floors 2 to 14)	Access from inside the washroom	Access from 04 closet suite	Access from inside the kitchen
05	Access from inside the washroom	Access from inside the washroom	Access from inside the kitchen

[4] Residential Floors Drain Replacement Access Plan -November 2023 submitted by Keller Engineering is posted in our website.

[5] Refers to the washroom closest to the main entrance of the unit

06 (Floors 2 to 14)	Corridor access	Access from inside the washroom	Corridor access
07	Corridor access	Corridor access	Access from inside the kitchen
07 (Floor 6)	Corridor access	Corridor access	
08	Access from inside the washroom	Access from inside the washroom	Access from inside the kitchen
09	Access from inside the washroom	Access from inside the washroom	Access from kitchen
10	Corridor access	Corridor access	Access from kitchen
11	Access from living room	Access from the kitchen	Access from the kitchen
Laundry room Ground floor	Ceiling and wall access 2024		
Laundry room 02-14	Corridor access		

D. Project Timeline/Schedules

1.Keller Engineering is currently working on the design and specifications of the project and may be ready to tender in February/March 2024. Depending on when the Board could examine tender documents, approve a contractor and the availability of the contractor, actual construction work could start in late spring/early summer, 2024.

2. For **Phase 1** which is projected to start in **2024**, at least **one month notice** will be given to residents. This will give them time to make alternative arrangements, if necessary, when the water is cut off. This is particularly relevant to units with only

one bathroom or those with only one shower/bathtub and it happens to be the washroom being worked on. Since work on Phase 1 will concentrate on bathrooms which can be accessed from the common corridors, unit owners do not need to do any removals before the start of construction.

3. For **Phase 2** which is scheduled to start in **2025** and the succeeding phases**, a three-month notice** will be given to owners. This will give owners the opportunity to firmly book their contractors and clear furniture and fixtures to allow access to the wall.

4. Pipes in bathroom walls are quite spread out and their exact locations will vary from unit to unit. This is the main reason why large openings are required for this project. Each unit will be inspected and the contractor/engineer will provide the unit owner the exact dimension of the wall that will need to be cleared. All removals must be completed **two weeks prior to the start of construction.**

5. Before the start of construction, an in-unit inspection will be conducted to make sure that all units have cleared their walls and access is ready for the contractors to start. The work on a stack **is not going to start** until the contractors know that all of the units on the stack are accessible.

6. Active construction work in individual units may take approximately one to two weeks, but the walls cannot be closed until stacks are pressure tested and inspected and. It is projected that the construction work that is the responsibility of the corporation, including the reinstatement of the drywall, will last **two months.**

PROPOSED SCHEDULE of PHASES

Riser #	Washroom 1	Washroom 2	Kitchen
01	Phase 1 - 2024	Phase 2 -2025	Phase 4 - 2027
02	Phase 1 - 2024	Phase 2 -2025	Phase 4 - 2027
03	Phase 4 - 2027	Phase 3 - 2026	Phase 5 - 2028
04	Phase 4 - 2027	Phase 3 - 2026	Phase 5 - 2028
05	Phase 3 - 2026	Phase 4 - 2027	Phase 5 - 2028
06	Phase 1 - 2024	Phase 3 -2026	Phase 2 - 2025
07	Phase 1 - 2024	Phase 2 -2025	Phase 5 - 2028
08	Phase 4 - 2027	Phase 3 - 2026	Phase 5 - 2028
09	Phase 4 - 2027	Phase 3 - 2026	Phase 5 - 2028

10	Phase 1 - 2024	Phase 2 -2025	Phase 5 - 2028
11	Phase 2 - 2025	Phase 3 -2026	Phase 3 - 2026
Laundry rooms 2-14	Phase 1 - 2024		
Laundry Floor 1	Phase 1 - 2024[6]		

E. Pre-Construction Removals and Restoration

Unit Owners' Responsibilities

1. Unit owners are responsible for providing access to the affected walls. The wall will need to be cleared from ceiling to the floor in the areas indicated on the access plan. Pipes in bathroom walls are quite spread out and their exact locations will vary from unit to unit. This is the main reason why large openings are required for this project.

2. Before construction starts, the contractor/engineer will visit each unit to indicate the exact dimensions on the area of the wall that needs to be cleared for access. All furniture must also be removed within three feet of the work area.

3. Expect the removals to be significant. In general, washrooms will require the majority of the rear wall to be removed. Kitchens will likely require several feet from the corner to beyond the kitchen sink**.**

4.What is required is the removal of all fixtures (tubs, toilets, sinks, cupboards, cabinets), finishes such as backsplashes and counters against those walls and all furniture within three feet of the work area. This must be completed **two weeks prior to the start of construction.**

[6] This laundry room will be out of commission while the stack from the 06 Washroom 1 is being replaced as this stack is shown to offset through the ceiling in that laundry room and down the back wall.

5. Pets should be securely crated or in a locked space during the workday to avoid the risk of a pet wondering in the work area or the danger of allowing a pet to be underfoot. It will also help minimize how much they see or hear.

6. Unit owners are responsible for reinstating all furniture and fixtures in the affected area when the repair is completed.

Corporation's Responsibilities

1. The Corporation is responsible for opening up the access wall, removal of drywall, removal of old stacks and branch piping, removal of hot and cold water pipes, chipping old mortar from around stacks and p-traps. This chipping is likely the most disruptive part of the project.

2. The Corporation is responsible for the installation of new drainpipe stacks. Branch piping will be replaced, (two wall stubs for sink and bathtub; and flanges for the toilet). New copper hot and cold water pipes will be installed as well as fire stopping materials. Stacks and p-traps will be replaced with firestopping materials to seal around openings and between joints in fire-resistance-rated walls.

3. The Corporation is responsible for the re-installation of the drywall finished to a primed surface.

4. Due to the presence of asbestos during the removal process, there will be Type 2 abatement procedures set in place to be done by qualified asbestos abatement contractors.

5. Noise reduction and dust mitigation measures will be implemented with the use of appropriate enclosures and HEPA-filtered vacuum cleaners.

6. Precautions and clean-up will be taken if there is a hazardous or messy work going on.

F. Project Management/Communication

1.This project will be tendered to a general contractor to ensure that there is a project manager overseeing the construction. Keller Engineering will work with the project manager on site.

2. The contractors will arrange schedules and perform work with minimum disturbance to common facilities and services. Owners will be notified in advance of planned interruption to electrical and/or plumbing shutdowns

3.While Keller Engineering will be overseeing this project, all questions, comments, or concerns should be addressed to the **CCC145 Property Manager**.

4. The Property Manager will issue notices and other announcements through email, so make sure that you are registered in the corporation's email list. Announcements and other information may also be posted in the community bulletin board, and the elevator boards. Unit specific notices may also be distributed directly under unit doors.

G. Special Assessments

1. A special assessment for $500,000 for the fiscal year 2022-2023 was levied to cover the cost of the pipe replacement in the garage and other Reserve Fund expenses. The amounts are $3,253 for a 2-bedroom suite, and $3,741 for a 3-bedroom suite.

2. A second special assessment for $1,100,000 will be levied for fiscal year 2023-2024. The amounts are $7,156.60 for a 2-bedroom suite and $8,230.20 for a 3-bedroom suite (except for Unit 111 which is assessed at $8,252.20) and will be due and payable by March 15, 2024.

3.The above amounts were calculated before the Board approved the inclusion of additional expenses related to the replacement of the domestic hot and cold water riser piping as part of the ongoing sanitary drain piping replacement project.

4. The Reserve Fund Study (RFS) is in the process of being updated currently and the draft study is planned to be completed at the same time as the tenders for the drain project. Special assessments for the next fiscal year will depend on the findings of the RFS since the sanitary drainpipe and the hot and cold water piping project is only one of many other projects in the study.

H. Possible Survey on Two Access Issues

1.While the Board remains confident that its decisions regarding access are in the best interests of all owners of CCC145, we nevertheless wish to get an idea of

owners' views and opinions. The Board is therefore considering conducting a survey on two questions to determine the views of all owners.

2. To reiterate, the Board's decision was based, first and foremost, on the principle of minimizing costs to the corporation and, therefore, special assessments to owners, as low as possible. Other principles were in play as described in **section B** above.

3. **Issue: Do you think 07 unit kitchens should be accessed through the brick wall?**

There are a number of factors to consider.

(a) Changing the appearance of the lobby wall, either with non-matching brick colour or with a different covering may be considered a substantial change if the cost of doing so exceeds 10% of the Corporation's operating budget, which seems very likely. This would require 2/3 of all owners to agree.

(b) There is substantial cost associated with replacing the bricks. While no formal estimate has been made of the cost, an informal guesstimate to replace the bricks made by Keller Engineering and DCL (the contractor for our brick veneer project) range from $250,000 to $450,000.

(c) The additional cost to the project would be assessed to all 142 owners in the building.

(d) Instead of replacing the bricks, several alternative coverings have been suggested. These include wall paper that matches the hallways or a wooden wall over drywall, stained to match the darker brick tones and a good match to the dark wooden tables. Cost estimates for these alternative replacements have not been made.

(e) Because the lobby wall is an extension of the exterior wall, further engineering studies need to be undertaken as there may be unknown structural concerns with disturbing the bricks inside the building.

(f) Going through the brick would mean that 12 kitchens in the 07 riser would not incur any costs in removing and replacing their kitchen. They are also

fortunate in that both of the bathrooms in the 07 units are accessible from the common corridor.

4. Issue: The Board believes that accessing pipes from the units that the pipes serve is the most consistent and equitable approach. Should the Board consider modifying the access plan to allow kitchens/bathrooms to be accessed from neighbouring units?

(a) In addition to riser 07, there are 5 risers where alternative access is possible as shown in the table below.

Riser #	Recommended Access	Alternative Access
02	From inside the kitchen	Access through the drywall and block wall openings in the 01 closet
03	From inside the kitchen	Access through the drywall and block wall openings in the 02 closet
04	From inside the kitchen	Access through the drywall and block wall openings in the 05 closet
05	From inside the kitchen	Access through the drywall and block wall openings in the 06 closet
08	From inside the two bathrooms	Access through the drywall and block wall openings in the 07 master bedroom
08	From inside the kitchen	Access through the drywall and block wall openings in the 09 closet

(b) Estimating the cost is difficult but it is expected that project costs would rise between $150,000 and $200,000 for the Corporation. This cost would have to be paid by an additional special assessment to all 142 units.

(c) There is the possibility of setting out a binding contractual arrangement where those units benefitting would pay for the removal and restoration costs of the affected neighbour. This will have to be determined on a unit by unit basis as all closet spaces (or bedrooms) are not created equal in terms of fixtures, finishes or furnishings.

(d) Since wall openings for stack access will be made from the same side in each floor, all units in these risers will have to agree to participate in this arrangement.

(e) All units are separated by block walls and dry walls, which operate both as sound barriers and fire protection. Opening walls between units means breaching fire-rated partition walls . For the period that construction is underway, there is no fire protection between those two units and may require a fire watch in the building (another additional cost). Dismantling these walls would also result in considerably more noise and dust in the building, but especially in the affected areas.

(f) Units separated by shear walls cannot be considered for alternative access.

(g) In at least one riser (08), access to their two bathrooms and kitchen from neighbouring units would mean no construction disturbance from within their units.

(h) In at least one riser (09), the adverse impact of using alternative access would be significantly substantial. Allowing access to their closet to access the kitchens in riser 08 in addition to construction work from within their two bathrooms and kitchen would be quite onerous and oppressively burdensome.

(i) To make the project less complex and therefore less expensive to the corporation, the point of access must be the same throughout a riser.

5. It must be noted that while the information gathered will be useful for on-going planning, the survey results are non-binding and, ultimately, the final decisions regarding access are, under the Condominium Act and related governing documents, solely for the Board to make.

I. Other Questions and Answers[7]

<u>Contractors to be engaged by unit owners</u>

[7] Discussed at the Information Sessions held on October 27, 2022 and November 9, 2023 and at the Annual General Meeting held on November 23, 2023

1.Owners are responsible for arranging a contractor to remove and reinstate all the fixtures, finishes and furniture that will allow access to the affected walls in their units. The Board cannot and will not impose a contractor to do this work.

2. Owners must engage a competent and insured contractor and will have to obtain the necessary permits if required. The Condominium Rules and Guidelines with respect to renovation and restorations will be applied.

3. Some owners may want to do the work themselves. Some owners will want to engage a contractor to do the work. Because of the division of responsibility and costs between the corporation and owners, the Board has to let each owner deal with their own bathrooms and kitchens at their own pace and within their own budget.

4.The Corporation will endeavor to find a pool of qualified contractors, some of whom may have already performed work in the building. Owners can also put forth the names of contractors that have previously worked in their units or recommend other contractors. These information will be disseminated by the Board to all unit owners

5.Some owners may want to work together with the same contactor. Community meetings can be organized to exchange information and ideas as to how this could be accomplished.

6. Arranging a contractor for individual unit owners is not something that the corporation can take on. The Board cannot assume responsibility for cost and other liability issues. The Corporation cannot also become the collection agency for the contractor.

Security/Damage

1.The Corporation's contractor will be both bonded and insured. This protects the Corporation from financial loss if the contractors fail to meet their obligations.

2. If the contractor is working in the corridors, their work should have no effect on interior surface finishes. If they are working within the unit, the majority of fixtures, finishes and furniture **within three feet of the work area** should have been removed for access.

3.With that said, accidents do happen and the contractors are responsible for any damages caused by them. If there is a specific finish you are concerned about, take detailed photos before construction begins to document the pre-existing condition in order to demonstrate that damage has occurred as a result of the construction work. It can help to quickly settle disputes if anything happens. The contractors are likely to do the same.

Piping Materials

1.Due to the height of the building, classified as a high building, there are two material options for drain piping. XFR (CPVC Plastic) and cast iron. XFR will not corrode but it transmits noise of the water running, so cast iron is recommended for replacement of the primary stacks due to sound concerns and fire stopping challenges between floors when using plastic.

2.The drain piping serving the individual fixtures within units can be replaced with a plastic pipe (XFR) for additional cost instead of DWV copper. This type of pipe is not susceptible to corrosion like cast iron. It is expected to have a similar service life of 60-80 years. However, it has not been in use for that long, so its longevity is untested in the long term.

3. Original copper pipes are all code compliant. But when you see black piping, that is not code compliant. If it is grey plastic, you have to look for visual markers. If it says system 15, it is not code compliant.

4. When the contractor finds non-compliant piping (e.g. ABS or system 15), this will be dealt with on a case-by-case basis. The contractors will not be leaving unconnected drains inside the walls and closing them in for the owners to deal with later. If they cannot make a connection due to non-compliant piping in an inaccessible location they will issue a change order to replace the non-compliant piping and this will be charged back to the home owner.

5. If the walls are open, the unit owner may also choose to replace the non compliant piping themselves.

Laundry facilities

Laundry on Floors 2-14 will be replaced at the end of phase 1. This work will leave the building with laundry facilities only on the ground floor. It is estimated that the building will be without laundry facilities for 2 weeks.

Kitchen Waste

Small amounts of kitchen waste should not pose any issue to the washroom stacks. The washroom stacks are typically larger and see significantly more water flow than kitchen stacks which will help to flush any debris.

Planning and Coordination

1.This is a major project that will require some careful planning and coordination. It is bound to be noisy and disruptive to owners and residents. It is unfortunate that some units will be more adversely impacted than others, but the community should try to work together to avoid confusion, mitigate delays in schedules and disruptions in our everyday life.

2.Opening the walls from the common corridors during Phase 1 will give the engineers/contractors specific information on the configuration of all pipes and their location.

3. The removals involved at the start of Phase 2 will provide useful information on how best to approach this task. As in Phase 1, this will also help identify unknown issues, problems or challenges. We hope to learn from these as the project progresses which may lead to re-examining plans and/or strategies.

4. The Resident Building Superintendent will be responsible for organizing schedules such as elevator reservations for contractors, if necessary.

5. The Corporations' Renovation/Restoration Guidelines will apply at all times. Besides temporary loading and unloading of tools and materials, all contractors are to park off-site.

5. Group meetings can be organized by riser or by floor to share ideas and information about the project.

Prepared by the CCC145 Board of Directors
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