



To: Toronto Public Library Board – January 8, 2001

From: City Librarian

Subject: **Dawes Road Neighbourhood Branch Library Capital Project**

Purpose:

To inform the Toronto Public Library Board of the plans to ensure funding for the common area capital improvements at the Dawes Road Neighbourhood Branch Library site are appropriate, and to request Library Board approval to convey this information to the City's Policy and Finance Committee.

Funding Implications and Impact Statement:

There is \$750,000 in approved 2000 capital funding for the Dawes Road Library. There are no additional financial implications.

Recommendations:

It is recommended that the Toronto Public Library Board:

- (1) Approve the plans to ensure funding for the common area capital improvements at the Dawes Road Neighbourhood Branch Library site are appropriate, and
- (2) Forward the information contained in the *Dawes Road Neighbourhood Branch Library Capital Project* report to the City's Policy and Finance Committee, as requested.

Background:

Council approved the 2000 Capital Project for the Dawes Road Library with the following directions:

*The project be approved strictly for critical structural repairs (roof and stairs), and necessary building system upgrades as identified in the Consultant (Norr) report;*

*The project be contingent on the following:*

- a) *The Toronto Public Library report, in consultation with the City Solicitor, on the Toronto Public Library's responsibility for repairs/maintenance*

*and other costs due to Toronto Public Library's 53 percent ownership of common elements of the condominium structure in which the Library is situated;*

- b) The Toronto Public Library securing appropriate co-owners legal agreement for their share of the costs, satisfactory to the City Solicitor;*
- c) The co-owners share of this project be credited as recoveries in the project, and City funding be limited to the net cost after such recoveries.*

Comments:

The Dawes Road Library is a neighbourhood branch within the former East York. It serves a population of approximately 30,000. The community is a mix of single-family dwellings, low and high-rise apartments and condominiums. The large Crescent Town apartment complex is nearby. Residents include many young families and seniors with low to mid income levels. The area is multicultural and serves as home to many new immigrants.

The Library opened in 1975. It is a ground floor unit (6,500 square feet) of a condominium building in which there are eight three-storey residential units above. The Toronto Public Library is 52.96% owner of the common areas of the building known as *York Condominium Corporation #260 (the "Condominium Corporation")* and accordingly contributes 52.96% of the funds to cover common area costs. Two of the three-member Condominium Corporation board of directors are managers at the Library.

The branch has not been refurbished except for minor improvements since it was opened. Major water leakage problems have plagued the building for a number of years. The source of these significant water problems was finally identified and resolved early this year through testing and the investigative work of structural engineers. The Condominium Corporation paid for the consultants and some interim repairs using its reserve funds. A number of significant repairs remain. Funding for the Library's portion of these capital repairs is through the 2000 capital budget.

As directed by Council, Library staff consulted a representative from the City Solicitor's office concerning the co-owners' financial obligations for the capital repairs. Staff was advised that pursuant to the *Condominium Act*, each unit owner is required to contribute to the common expenses, which would include the cost to repair and maintain the common areas of the building, in the proportion specified in the condominium declaration. In this case, the Library is required to contribute 52.96% towards the common expenses and each of the eight unit owners is required to contribute 5.88% towards the common expenses.

If an owner defaults in the owner's obligation to contribute its share of the common expenses to the Condominium Corporation, the Condominium Corporation automatically has a lien for the unpaid amount against the owner's unit. All other reasonable costs incurred by the Condominium Corporation in connection with the collection or attempted collection of the unpaid amount can be included in the lien. The lien may be enforced in the same manner as a

mortgage. This means that a number of remedies are available to the Condominium Corporation, including selling the unit that is subject to the lien to recover the unpaid amount.

The Condominium Corporation has already hired its own legal counsel to assist it in collecting the necessary funds from the co-owners and, where necessary, enforcing the Condominium Corporation's lien rights, to ensure that sufficient funds are available for the capital repair program.

Conclusion:

The critical structural repairs and necessary building system upgrades are proceeding. Library staff has satisfied itself that the means exist to ensure that the co-owners of the Condominium Corporation meet their financial obligations for the capital repair program.

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List of Attachments:

Not applicable.